

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PLANNING ACT (CHAPTER 232)

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Planning Act

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An Act to provide for the planning and improvement of Singapore.

[1st February 1960]

PART I

PRELIMINARY

Short title.

- 1.*—(1)** This Act may be cited as the Planning Act.
- (2) The Minister may, from time to time by notification in the *Gazette*, exempt any land or lands either generally or for a specified period from the operation of all or any of the provisions of this Act.

Interpretation.

- 2.—(1)** In this Act, unless the context otherwise requires —

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of 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 or foundation connected to the foregoing;

“Certified Interpretation Plan” means a Certified Interpretation Plan prepared and certified by the competent authority under section 8;

“Collector” means any officer appointed by the President to be a Collector of Land Revenue or a Deputy Collector of Land Revenue;

*The former subsection (2) of this section was deleted by Act 9/82.

- “competent authority” means any competent authority appointed under section 3;
- “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 Act or, where applicable, under the Land Titles Act, relating exclusively thereto; Cap. 269.
Cap. 157.
- “land” includes buildings and any estate or interest in or right over land;
- “Master Plan” means the Master Plan including the written statement submitted to and approved by the Governor in Council on 5th August 1958 under the provisions of Part IV of the Singapore Improvement Ordinance, repealed by this Act, and the rules made thereunder and includes all alterations and additions thereto submitted to and approved by the Governor in Council or the Minister under those provisions and rules and the provisions of Part II of this Act and the rules made thereunder; 1955 Ed.
Cap. 259.
- “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 Integration Act; 1936 Ed.
Cap. 133.
Cap. 166.
- “occupier” includes any person in actual occupation of land or premises or any person having the charge, management or control of the land or premises either on his own account or as an agent of another person, but does not include a lodger;
- “owner”, in relation to land or premises, means the person for the time being receiving the rent of the land or premises whether on his own account or as agent or trustee for any other person or as receiver (not being appointed by or on behalf of a mortgagee) or who would receive the rent if the land or premises were let to a tenant and includes a mortgagee in possession;
- “public street” means any street over which the public has a right of way and which is or has been usually repaired or maintained by the Government or which has been conveyed to the Government or

has become vested in the Government under this Act or under any written law relating to local government for the time being in force or in any other manner;

“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 includes also 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 and ditches at the side of any street shall be deemed to be part of that street;

“use” in relation to land does not include the use of land by the carrying out of any building or other operations thereon;

“written statement of the Master Plan” means that part of the Master Plan which includes a summary of the main proposals of the Master Plan with such descriptive matter as the competent authority considers necessary to illustrate the proposals of the Master Plan or as the Minister may from time to time direct for that purpose.

(2) For the purposes of this Act, a person is said to subdivide land if, by any deed or instrument, he conveys, assigns, demises or otherwise disposes of any part of the land in such a manner that the part so disposed of becomes capable of being registered under the Registration of Deeds Act or in the case of registered land being included in a separate folio of the land-register under the Land Titles Act, and “subdivide” and “subdivision” shall be construed accordingly:

Cap. 269.

Cap. 157.

Provided that a lease for a period not exceeding 7 years without the option of renewal or purchase shall not be deemed to be a disposal within the meaning of this definition.

(3) In any other written law and in any other document whatsoever unless the context otherwise requires any reference to the planning functions of the Singapore Improvement Trust shall be construed as a reference to the planning functions of the competent authority.

3. The Minister may, by notification in the *Gazette*, appoint such person or persons as he thinks fit to be the competent authority* or authorities responsible for the operation of this Act either generally or for any particular Part or provision of this Act and may in the notification specify the extent of and manner in which that responsibility is to be exercised.

Competent authority.

4. Upon the commencement of this Act, such part of the undertakings of the Singapore Improvement Trust as the Minister considers necessary for the carrying out of the purposes of this Act shall, on his direction, be transferred to the Government and upon the transfer that part of the undertakings of the Singapore Improvement Trust shall vest in the Government without further assurance.

Transfer to Government of certain undertakings of Trust.

5.—(1) On the commencement of this Act, every officer of the Singapore Improvement Trust who is not deemed to be transferred to the service of the Housing and Development Board under section 40 (1) of the Housing and Development 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 Singapore Improvement Trust.

Transfer of officers.

Cap. 129.

(2) The service under the Singapore Improvement Trust of every person transferred to the service of the Government under subsection (1) shall be deemed to have been service under the Government for the purposes of and subject to the provisions of the Pensions Act.

Cap. 225.

(3) Until other provision is made, 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 subsection (1) who, immediately before the commencement of this Act, was a member of the Municipal Provident Fund, or would have been eligible for membership of the 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 those persons before the commencement of this Act, and every reference to service or employment with the City

S 179/56,
S 201/56.

*The Chief Planner and the Deputy Director-General, Development and Building Control Division of the Public Works Department. See S 97/74 and S 360/81.

Council in those Rules shall be construed as a reference to service or employment with the Government in respect of those persons.

(4) Until other provision is made, 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 shall be construed as provisions requiring the Government to make payments into the Fund in respect of every person referred to in subsection (3) who is or who becomes a member of the Fund.

(5) Persons who have been transferred to the service of the Government under subsection (1) may count their previous service in the Singapore Improvement Trust, and their previous membership of the Municipal Provident Fund and their contributions to the Fund, for the purpose of determining the benefits to which they become entitled under this section.

PART II

THE MASTER PLAN

Revision of
Master Plan.

6.—(1) At least once in every 5 years after the commencement of this Act, the competent authority shall review the Master Plan, and submit to the Minister a report of its review together with proposals for any alteration or addition to the Master Plan which it may consider expedient.

(2) Without prejudice to subsection (1), the competent authority may at any time submit to the Minister proposals for any alteration or addition to the Master Plan relating to any area which it may consider expedient.

(3) An addition to the Master Plan may take the form of proposals for the comprehensive development or redevelopment of any area which in the opinion of the competent authority should be developed or redeveloped as a whole for the purpose of dealing satisfactorily with conditions of bad layout or obsolete development, or for the purpose of providing for the relocation of population or industry, or for any other purpose therein specified.

(4) An alteration or addition to the Master Plan may include such maps and such descriptive matter as may be

necessary to illustrate the proposals with such degree of particularity as may be appropriate.

7. The Minister may make rules to provide for the form, the content and the procedure to be followed in connection with the preparation, submission and approval of additions or alterations to the Master Plan, and such rules may in particular make provision for securing —

Rules relating to additions and alterations to Master Plan.

- (a) that the competent authority shall publish a notice of the submission to the Minister of any proposal for any addition or alteration to the Master Plan, and of the place or places where copies of the Master Plan and of the proposal may be inspected;
- (b) that objections and representations duly made in accordance with the rules shall be considered, and that such public inquiries or other hearings as may be prescribed by the rules shall be held, before the Master Plan is added to or altered by the Minister; and
- (c) that copies of the Master Plan or parts thereof shall be available for free inspection by and for sale at a reasonable cost to the public.

8. For the purpose of giving effect to this Act and of delineating in more detail the Master Plan, the competent authority may prepare and certify any plan on a scale larger than that of the Master Plan in interpretation of the Master Plan, and upon such certification the plan shall be known as a “Certified Interpretation Plan” and a copy thereof shall be forwarded to the Minister.

Certified Interpretation Plans.

PART III

DEVELOPMENT OF LAND

9.*—(1) No person shall, without the written permission of the competent authority, develop any land.

Restriction upon development or subdivision of land.

(2) Notwithstanding the provisions of any other written law, the permission of the competent authority under this section is a condition precedent to the consideration by a licensing authority of any application for the issue of a licence for any purpose involving development of land.

*The former section 9 (6) was deleted by Act 9/82.

- (3) No person shall subdivide any land unless —
- (a) he has obtained the written permission of the competent authority, and a copy of his written permission has been forwarded by the competent authority to the Collector together with a plan of the permitted subdivision on which dimensions of all lots, widths of streets and backlanes and such other particulars as the competent authority may consider necessary are shown; and
 - (b) he has made an application to the Collector and has deposited a sum sufficient to cover the fees for the survey of all lots comprised in the permitted subdivision or of such lots thereof as the Chief Surveyor may consider desirable to be surveyed at the same time:

Provided that the Collector may accept such security in lieu of the deposit for survey fees as he may consider sufficient guarantee for the payment of fees when required.

(4) All applications for permission to develop or subdivide land shall be made to the competent authority in the form and manner prescribed by rules made under section 25.

(5) In considering such applications the competent authority may, subject to the rules made under section 25, grant permission to develop or subdivide the land, as the case may be, either unconditionally or subject to such conditions as he considers fit, or may refuse permission to develop or subdivide the land and in dealing with any such application the competent authority shall act in conformity with the provisions of the Master Plan and any Certified Interpretation Plan in so far as they may be material thereto.

9/82.

(6) Without prejudice to subsection (5), conditions may be imposed on the grant of any permission given thereunder, and those conditions may limit the period for which the permission is granted and may provide —

- (a) for the commencement or completion of any work before the expiration of a specified period;
- (b) for requiring deposits to be placed with such public or statutory authority as the competent

authority may specify to secure the compliance with the requirements of that public or statutory authority;

- (c) for requiring 30% of the floor area of any development to be under the ownership of one person for a period of 10 years from the date of the latest grant of a temporary occupation licence before the grant of the certificate of fitness in respect of the development; and
- (d) for the cancellation of such permission in the event of failure to comply with any condition imposed thereunder.

(7) Every permission granted to carry out any building operations, on an application to develop, pursuant to subsection (4), shall lapse if the development is not completed within two years of the date of the grant of the permission or, in a case where an appeal has been brought against the conditions imposed by the competent authority, within two years of the date of the determination of the appeal:

Provided that the competent authority may, in his discretion, renew the permission for such period as he may consider necessary.

(8) Any person who contravenes subsection (1) or (3), ^{9/82.} shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 and in the case of a continuing offence to a fine not exceeding \$100 for every day after the first day during which the offence continues.

(9) Any person who fails to comply with any condition ^{9/82.} imposed by the competent authority under subsection (5) or (6) or by the Minister under subsection (13) or by the Minister on appeal under section 12 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

(10) Where any person fails to comply with any condition ^{9/82.} imposed by the competent authority or the Minister under this section or section 12 the competent authority may cancel the permission in relation to which the condition that the person failed to comply with was imposed.

(11) The competent authority shall within 3 months of ^{9/82.} the receipt of an application for permission to develop or subdivide any land either grant or refuse the application and

shall, where the application is granted subject to conditions or refused, give his reasons in writing for his decision; except that if as a result of unavoidable circumstances the competent authority is not able to make a decision on an application to develop or subdivide any land, the competent authority may defer the decision on the application for such further period as the competent authority thinks fit.

(12) The Minister may, by notification in the *Gazette*, authorise either generally or in any specified area operations involving the development of land.

9/82.

(13) The Minister may give directions to the competent authority requiring that all or any applications to develop or subdivide any land or any class of applications specified in the direction be referred to him instead of being dealt with by the competent authority and any such application shall be so referred accordingly to the Minister for his decision which shall be final. The decision of the Minister on any such application shall not be challenged or questioned in any court and the Minister may, in giving his decision, impose such conditions as he thinks fit to the granting of permission by the competent authority.

(14) A competent authority intending to develop any land belonging to him may be directed by the Minister to furnish to the Minister particulars relating to the development and the Minister may give such further directions as he considers fit in relation thereto.

(15) The competent authority shall keep a record of all permissions granted or refused by him and by the Minister under this section and a record of all decisions of the Minister made under section 12 (2).

(16) Copies of such records together with such plans as may be relevant thereto shall be made available for inspection to any member of the public on payment of such fees as may be prescribed.

Meaning of
"develop".

10.—(1) In this Part, except where the context otherwise requires, "develop" means to carry out any building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or land:

Provided that the following operations or uses of land shall not be deemed for the purposes of this Part to involve development of land:

- (a) the carrying out of works for the maintenance, improvement or other alteration of a building which do not materially affect the external appearance or the floor area of the building;
- (b) the carrying out by any statutory authority of any works required for the maintenance or improvement of a street being works carried out on land within the boundaries of the street;
- (c) the carrying out by any statutory authority of any works for the purpose of laying, inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
- (d) the carrying out under the authority of any health authority under the Destruction of Disease-Bearing Insects Act of any act authorised under the provisions of that Act; Cap. 79.
- (e) the use of any existing building or land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;
- (f) the use of any land for the purposes of agriculture or forestry (including afforestation), and the use for any of those purposes of any building occupied together with land so used.

(2) For the avoidance of doubt it is hereby declared that for the purposes of this section —

- (a) the use as two or more separate houses of any building previously used as a single house involves a material change in the use of the building and of each part thereof which is so used;
- (b) the use as a dwelling-house of any building not originally constructed for human habitation involves a material change in the use of the building;
- (c) the use for other purposes of a building or part of a building originally constructed as a dwelling-house

involves a material change in the use of the building;

- (d) the demolition of, reconstruction of or addition to a building constitutes development;
- (e) the use for the display of advertisements of any external part of a building which is not normally used for that purpose involves a material change in the use of the building; and
- (f) the deposit of refuse or waste materials on land involves a material change in the use thereof notwithstanding that the land is comprised of a site already used for that purpose, if the superficial area or the height of the deposit is thereby extended:

Provided that nothing in this paragraph shall be deemed to require permission in respect of the deposit of refuse or waste materials on a site already used for that purpose if the height of the deposit does not exceed the level of the land adjoining the site, and the superficial area of the deposit is not thereby extended. [13*

Enforcement
of planning
control.
9/82.

11.—(1) If, in the opinion of the competent authority, any development of land has been carried out in contravention of section 9 or any condition imposed thereunder, the competent authority may, by notice in writing (referred to in this Act as an enforcement notice), require such measures as are directed in the notice to be taken within such time as is stated in the notice.

9/82.

(2) An enforcement notice shall be served on one or more of the following persons:

- (a) the owner of the land;
- (b) the occupier of the land;
- (c) any other person who, in the opinion of the competent authority, was responsible for the contravention of section 9 or any condition imposed thereunder.

(3) An enforcement notice shall take effect subject to subsection (7) at the end of such period, not being less than

*Sections 10 and 11 in the 1970 Edition were repealed by Act 27/74; and section 12 is here omitted as having no further effect.

28 days, after service thereof, as may be specified in the notice:

Provided that, where a person appeals against a direction in an enforcement notice or withdraws such an appeal, the notice shall take effect at the end of 28 days from the determination of the appeal or the withdrawal of the appeal, as the case may be.

(4) Any person aggrieved by any direction given in an enforcement notice may, at any time within the period specified in the notice, appeal to the Minister in the form and manner prescribed by rules made under section 25.

(5) Where an appeal is made under subsection (4), the Minister may dismiss the appeal, allow the appeal unconditionally or allow the appeal subject to such conditions as he considers fit.

(6) The decision of the Minister on an appeal, made under subsection (4), shall be final.

(7) When an appeal is made to the Minister under subsection (4), the enforcement notice shall be of no effect pending the final determination or withdrawal of the appeal.

(8) Any person who fails to comply with any direction in an enforcement notice by the competent authority, under subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

(9) If any person fails to comply with the directions given in an enforcement notice, the competent authority may enter upon the land and take any measures directed by the enforcement notice.

(10) Any expenses incurred by the competent authority, in exercise of the powers conferred by subsection (9), are a first charge on the holding upon or with respect to which they were expended or are payable.

(11) The certificate of the competent authority stating the amount of the expense so incurred shall be conclusive evidence of that amount.

(12) Compliance with an enforcement notice whether in respect of —

- (a) the demolition or alteration of any building or works;
- (b) the discontinuance of any use of land; or
- (c) any other requirements contained in the notice,

shall not discharge the notice.

(13) A person who uses land at any time in contravention of the enforcement notice after the directions in the notice have been complied with shall, notwithstanding compliance with the notice, 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 3 months or to both.

(14) Any person who carries out any development on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the directions in an enforcement 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 3 months or to both. [14

Appeals.

12.—(1) Where an application made under section 9 for permission to develop or subdivide any land is refused or is granted by the competent authority subject to conditions the applicant may, if aggrieved by the decision of the competent authority, appeal to the Minister within 28 days of the date of the notification of the decision in the form and manner prescribed by rules made under section 25.

(2) Where an appeal is brought under this section from a decision of the competent authority, the Minister may dismiss or allow the appeal unconditionally or subject to such conditions as he considers fit.

(3) The decision of the Minister on any appeal referred to him under this section shall be final. [15

Obligation to purchase land in certain cases.

13.—(1) Without prejudice to the operation of any other written law relating to the acquisition of land for a public purpose —

- (a) any person whose land is allocated in the Master Plan for development for a public purpose, other than a green belt, may upon completion of

the development of any contiguous land belonging to him in accordance with the permission granted by the competent authority under section 9 serve on the competent authority a notice (referred to in this Act as a purchase notice) requiring his interest in the land so required for that public purpose to be purchased in accordance with this section; and

- (b) any person may serve a purchase notice on the competent authority if he is refused permission under section 9 to develop land allocated in the Master Plan for a public purpose other than a green belt in an area where permission would otherwise have been granted for such development of land.

(2) The competent authority shall investigate every purchase notice so served and when he is satisfied with the correctness thereof he shall transmit the purchase notice to the Minister together with information as to the specific public purpose relating to the land and information regarding any permission granted to the owner of the land to develop it notwithstanding the allocation of the land for a public purpose.

(3) The Minister may reject a purchase notice where the land in its existing state is capable of a reasonably beneficial use or where the land will not, in the opinion of the Minister, be required for development for a public purpose, other than a green belt, within 5 years from the date of service of the purchase notice.

(4) The Minister may declare that the land referred to in a purchase notice is needed for a public purpose and may order proceedings to be taken for obtaining possession of the land for the competent authority and for determining compensation to be paid to any person or persons interested therein.

(5) Such compensation shall be assessed in the manner and according to the principles laid down in any written law for the time being in force relating to the acquisition of land for a public purpose, but account shall be taken of any such permission for development granted as referred to in subsection (2).

Authority
to enter
upon land.

14.—(1) Any person, duly authorised by the Minister or by the competent authority, may at all reasonable hours in the day time enter into and upon any land for the purpose of carrying out the provisions of this Act.

(2) A person authorised under subsection (1) to enter upon any land shall, if so required by the owner or occupier, produce evidence of his authority before so entering it.

(3) Any person who wilfully obstructs a person at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding 3 months or to both. [17

Proceedings
for recovery
of money
due under
this Act.

15.—(1) For the recovery of any money due under this Act, the competent authority has and may exercise the following powers:

- (a) the competent authority may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any person liable to pay any sum due, and may, after service of the prescribed notice, sell the same by public auction or in such manner as may be prescribed; and
- (b) the competent authority may, by notice of sale to be served or published in the prescribed manner, declare his intention of selling, at the expiration of 3 months from the date of the notice of sale, any land belonging to the person from whom any sum is due and, if at the expiration of that period, that sum has not been paid or satisfied, the competent authority may sell, by public auction or otherwise, the whole of that land or such portion thereof or such interest therein as he considers sufficient for the recovery of that sum and costs:

Provided that the competent authority shall not proceed under paragraph (b) and sell the land of any person from whom any sum is due, or any portion thereof or interest therein, where there is upon the land and liable to be seized and sold under paragraph (a) movable property or crops, belonging to the person from whom any sum is due, of a value estimated by the competent authority to be sufficient to realise the sum required to satisfy the money due and costs.

(2) Any tenant, sub-tenant or occupier who, in order to avoid the seizure or sale of the land for non-payment of any sum due from the owner of the land, pays that sum 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 land or such part thereof as is held or occupied by him, and may retain possession thereof 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 the sub-tenant or occupier has a similar right to retain possession until similarly reimbursed.

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

(4) If any land belonging to a person from whom any sum is due, or any movable property or crops that are mentioned in subsection (1) or the proceeds of sale thereof are already in the custody of the law under any process of execution whereby the competent authority is unable to exercise the powers vested in him by this section, the competent authority may notify the Sheriff or the bailiff of the court concerned of the amount due, and is entitled without obtaining judgment to be paid that amount out of the proceeds of sale of the land, movable property or crops in priority to the judgment debtor and to the judgment creditor and to any other creditor, except the Government. A certificate from the competent authority shall be conclusive evidence of the amount of any sum that may be due. [18

16.—(1) The attachment mentioned in section 15 (1) (a) Attachment. may be made by a person appointed for the purpose by the competent authority and that person shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached.

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

(3) For the purpose of effecting the attachment that person may break into in the day time any house or building. [19]

Application
of proceeds.

17.—(1) The proceeds of a sale under section 15 (1) shall be applied in the first place in satisfaction of the sum due together with interest thereon at the rate of 6% per annum and costs.

(2) In the event of there being any surplus remaining thereafter the competent 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 ultimately succeeds in due course of law in establishing his title thereto.

(3) If no title is established to that surplus within the period of 5 years from the date of the sale, it shall be paid into the Consolidated Fund. [20]

Title
conferred
upon
purchaser at
a sale under
section 15.

18.—(1) The purchaser at a sale, under section 15 (1) (b), shall be deemed to have acquired the right or property 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 competent authority at the time of the sale.

(2) The competent authority shall notify in the *Gazette* the result of the sale and the conveyance to the purchaser of the right or property offered for sale. [21]

Costs of
proceedings
for recovery
of sum due.

19. All costs and expenses incurred in the recovery of any sum due may be recovered as if they formed part of the sum due. [22]

Power to
stop sale.

20. If any person, having any interest in any land liable to be sold at any time before the sale, tenders to the competent authority the sum due with interest and costs, the competent authority shall thereupon desist from all further proceedings in respect thereof. [23]

Application
to court.

21.—(1) If any person whose movable property, crops or land has been attached or offered for sale disputes the

propriety of the attachment or sale, he may apply to the High Court, or, when the sum due does not exceed \$1,000, to a District Court for an order to stay the proceedings.

(2) The court, after hearing the competent authority and after making such further inquiry as is necessary, shall make such order as it thinks fit. [24

22. No application shall be entertained by the court under section 21 unless the applicant has deposited in court the amount of the sum due and costs or given security for that sum to the satisfaction of the court. [25

Security to be given.

23.—(1) Every person who sells or transfers any land with respect to which any sum is due continues to be liable for the payment of all sums due in respect of that land which become payable at any time before the sale or transfer of the land. [26

Liability for payment of any sum due by transferor.

(2) Nothing herein shall affect the liability of the purchaser or transferee to pay any sum due in respect of that property or affect the right of the competent authority to recover that sum under this Act. [26

24.—(1) No determination of a development charge by the competent authority or any other sum due under this Act and no seizure or sale shall be impeached or affected by reason of any mistake in —

Determination of development charge, etc., not to be impeached for want of form.

(a) the name of any person liable to pay the development charge or other sum due;

(b) the description of any land with respect to which the development charge or other sum is payable; or

(c) the amount of the development charge or other sum or the mode of seizure and sale,

provided that the provisions of this Act and any rules made thereunder are in substance complied with.

(2) No proceedings under this Act for the recovery of any money shall be quashed or set aside in any court for want of form or procedure. [27

Rules.

25.—(1) The Minister may make rules generally to give effect to the provisions of this Act and for prescribing anything that is to be prescribed.

9/82.

(2) Without prejudice to the generality of subsection (1) the Minister may by such rules provide for —

- (a) the development of land;
- (b) the control of density of buildings on land;
- (c) the regulation of the height, design, appearance and siting of buildings;
- (d) the control of means of access to land or buildings;
- (e) the protection of ancient monuments and land and buildings of historic or architectural interest;
- (f) the form and manner in which applications for permission to develop or subdivide any land shall be made;
- (g) the manner in which the competent authority shall deal with applications for permission to develop or subdivide any land;
- (h) the payment of a deposit by any person applying for permission to develop or subdivide any land and the circumstances under which such deposit may be forfeited by the competent authority; and
- (i) the manner in which appeals may be made and determined under sections 11 and 12 and the information to be supplied by the competent authority in connection therewith.

(3) All rules made under section 7 and this section 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 rules are so presented annulling the rules or any part thereof as from a specified date, the rules 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 rules.

PART IV

DEVELOPMENT CHARGE

26.*—(1) There shall be paid to the competent authority a charge (referred to in this Act as a development charge) for written permission, including amendments to the written permission, granted under section 9 (1) which permits development —

Levy of development charge. S 5/74, 30/75, 9/82.

- (a) in excess of —
 - (i) the average residential density prescribed in the Town Map or the Central Area Map of the Master Plan; or
 - (ii) the average density of 125 persons per hectare in the Island Map of the Master Plan;
- (b) on an alteration to the Master Plan under section 6 (2) after 1st January 1964;
- (c) of such nature involving any material change in the use of any building or land as may be prescribed;
- (d) as a result of any alteration or addition to the Master Plan under section 6 (1) after 24th April 1982;
- (e) on a modification of the written permission in respect of the development; or
- (f) which is not in conformity with the Master Plan as in force when the written permission is granted:

Provided that a development charge for amendments to a written permission shall not be payable with respect to the dwelling units, plot or floor area for which the development charge has already been paid.

(2) The development charge may, in the discretion of the competent authority, be levied on —

- (a) the owner of the land with respect to which written permission is granted; or
- (b) the person making the application for the grant of written permission.

(3) Notwithstanding section 9 (11) the competent authority shall not grant written permission until the

*Subsection (2) of this section in the 1970 Edition was deleted by Act 9/82.

development charge, if any, has been determined, under section 28 (2), and has been paid or secured to his satisfaction.

(4) The Master Plan for the purposes of this Part means the Master Plan submitted to and approved by the Governor in Council on 5th August 1958, including the written statement of the Master Plan, together with all alterations, additions and amendments made to that Plan and statement before 1st January 1964. [29

Development charge payable. 31/79.

27.—(1) Any development charge payable in respect of any land under section 26 (1) shall be —

(a) at such rate as may be prescribed under section 30 (1); or

(b) equal to a prescribed percentage of any appreciation in the value of the land arising from any grant of permission to develop the land under section 9 (1),

whichever is the greater.

(2) No development charge shall be payable under section 26 (1) if there is no appreciation in the value of the land arising from the grant of the permission to develop the land.

(3) For the purposes of this section, the Chief Valuer or such other person as the Minister may appoint shall determine the amount of appreciation, if any, in the value of the land. [29A

Determination of development charge. 9/82.

28.*—(1) The competent authority shall, by an order, determine whether a development charge is payable in respect of any development and, if payable, the amount thereof.

(2) The competent authority shall serve a copy of the order on the person liable for the payment of the development charge.

9/82.

(3) The development charge, determined under subsection (1), may in the discretion of the competent authority be paid by such number of instalments as he may permit, together with interest at such rate per annum as may be prescribed by the Minister by notification in the *Gazette*.

*Subsection (1) of this section was deleted by Act 9/82.

(4) Any person who is dissatisfied with the order of the competent authority, made under subsection (1), may within 30 days of the service of the order appeal to the Minister whose decision shall be final. 31/79.

(5) No person may appeal against any determination of a development charge under subsection (4) unless he has paid the prescribed fee for the appeal. 31/79.

(6) A person who has made an appeal to the Minister under subsection (4) may proceed with the development without waiting for the outcome of his appeal upon payment of the development charge determined by the competent authority under subsection (1), but such payment shall be without prejudice to his appeal. [30] 31/79.

29. If any development is commenced or carried out without payment of the development charge, the development charge shall be, subject to the rights of the Government, a first charge on the land of any person from whom any money is due under the provisions of this Act. [31] Development charge to be a first charge on land.

30.—(1) The Minister may make rules for giving effect to this Part and, without prejudice to the generality of the foregoing, for or with respect to all or any of the following matters: Power to make rules relating to development charge. 9/82.

- (a) the different rates of development charge;
- (b) exemption of a particular, or a class of, development from liability to pay the development charge;
- (c) the procedure for an application for the determination of any development charge; and
- (d) the refund, wholly or in part, of the development charge paid by any person.

(2) All rules made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [32]

31. The competent authority shall pay all moneys collected under this Part into the Consolidated Fund. [33] Charges collected to be paid into Consolidated Fund.

Notices,
etc., may be
signed by
authorised
officer.
9/82.

32. Any notice, warrant or order issued or to be given by the competent authority under this Act may be signed by any officer of his department authorised by him to act on his behalf. [33A]

Service of
notices.
9/82.

33.—(1) Subject to subsection (2), any notice or other document required or authorised to be served or given under this Act may be served or given —

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given;
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address;
- (c) by sending it by registered post addressed to that person at his usual or last known place of abode, or, in the case where an address for service has been given by that person, at that address; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary of the company or body at its registered or principal office, or by sending it by registered post addressed to the company or body at that office.

(2) Where the notice or other document is required to be served on or given to a person being the occupier of premises comprised in any land, that notice or other document shall be taken to be duly served on or given to that person if it is addressed to that person and is affixed conspicuously to some part of the premises or to some object on the land. [33B]