

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**AIR NAVIGATION ACT
(CHAPTER 6)**

1970 Ed. Cap. 87

Act

11 of 1966

Amended by

12 of 1971

32 of 1986

REVISED EDITION 1985

CHAPTER 6

Air Navigation Act

1985 Ed.

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

CONTROL AND REGULATION OF AVIATION

3. Power to give effect to Chicago Convention and regulate air navigation.
4. Nuisance caused by aircraft on aerodromes.
5. Exemption of aircraft and parts thereof from seizure on patent claims.
6. Special powers in case of emergency.
7. Prohibited carriage and prohibited photography over protected areas.
8. Establishment of aerodromes by Minister.
9. Trespass, nuisance, and responsibility for damage.
10. Penalty for dangerous flying.
11. Wreck and salvage.
12. Power to provide for investigation of accidents.
13. Detention of aircraft.
14. Provisions as to orders.
15. Information as to air transport undertakings and use of customs aerodromes.
16. Licensing of air transport and commercial flying.
17. Trespassing at licensed aerodromes.

PART III

CONTROL OF OBSTRUCTIONS IN VICINITY OF AERODROMES

18. Indication of presence of obstructions near aerodromes.
19. Savings.
20. Power to declare an area a controlled area.
21. Power to prohibit or regulate erection of structures and planting trees in controlled area.
22. Notice to remove or alter structure, trees and other vegetation in controlled area.
23. Power of entry on land.

Section

- 24. Damage caused by reduction or removal of structure or valuable tree or plant.
- 25. Damage caused by entry on land under section 23.
- 26. Compensation for loss of value of land.
- 27. Procedure for settling claims for compensation under section 24, 25 or 26.
- 28. Certain offences and penalty.
- 28A. Compounding of offences.
- 29. Power to make regulations.

PART IV

RESTRICTION ON CLAIMS FOR DAMAGES AND
COMPENSATION

- 30. Restriction on claims for damages and compensation.

PART V

TRANSITIONAL

- 31. Saving provisions.

An Act to provide for the control and regulation of aviation.

[13th May 1966]

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Air Navigation Act.

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

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

Cap. 41. “Authority” means the Civil Aviation Authority of Singapore established under section 3 of the Civil Aviation Authority of Singapore Act;

“Chicago Convention” means the Convention on International Civil Aviation signed by the Government of the United Kingdom at Chicago on 7th December 1944;

“controlled area” means any area declared to be a controlled area under section 20;

“damage or loss” includes, in relation to a person, loss of life and personal injury;

- “erection of a structure” includes an addition or alteration to an existing structure;
- “goods” and “articles” include mails and animals;
- “Government aerodrome” means an aerodrome under the control of the Government and a naval, military or air force aerodrome;
- “land” includes land covered with water and any right in or over land;
- “Singapore aircraft” means aircraft registered in Singapore;
- “structure” includes any house, warehouse, office, shop, school and any other building whether permanent or temporary and whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gatepost, pillar, paling, frame, hoarding, bridge, cable, wire or any other artificial obstruction raised above ground level.

(2) Any reference in this Act to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

PART II

CONTROL AND REGULATION OF AVIATION

3.—(1) The Minister may, by order, make such provision as appears to him to be requisite or expedient —

- (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or

(b) generally for regulating air navigation.

(2) Without prejudice to the generality of the powers conferred by subsection (1) and without prejudice to any of the provisions of this Act, the Minister may, by order, make provision —

- (a) as to the registration of aircraft in Singapore;
- (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the order are in force with respect to them and

Power to give effect to Chicago Convention and regulate air navigation.

except upon compliance with such conditions as to maintenance or repair as may be specified in the order;

- (c) for the licensing, inspection and regulation of aerodromes for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;
- (d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the order except in accordance with provisions in that behalf contained in the order, and for the licensing of those employed at aerodromes licensed under the order in the inspection or supervision of aircraft;
- (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Singapore may fly, and as to the conditions under which aircraft may fly from one part of Singapore to another;
- (f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes and for prohibiting the carriage by air of goods of such classes as may be specified in the order;
- (g) for minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
- (h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular,

for the detention of aircraft for any of the purposes specified in this paragraph;

- (i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (j) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (k) for regulating the use of the civil air ensign and any other ensign established by the Minister for purposes connected with air navigation;
- (l) for prohibiting aircraft from flying over such areas in Singapore as may be specified in the order;
- (m) for applying, adapting or modifying the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to the Minister to be requisite or expedient for the protection of the revenue, the importation of goods into Singapore without payment of duty;
- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
- (o) for regulating the charges that may be made for the use of aerodromes licensed under the order and at Government aerodromes and for services provided at such aerodromes;
- (p) for prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by the order and in respect of any other matters in respect of which it appears to

the Minister to be expedient for the purpose of the order to charge fees;

(q) for exempting any aircraft or persons or classes of aircraft or persons from all or any of the provisions of the order.

(3) An order made under this section may make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in Singapore operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.

(4) An order made under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine of \$5,000 and imprisonment for a term of one year, and, in the case of any provision having effect by virtue of subsection (2) (l), may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the order.

(5) An order made under this section may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the order and may authorise the Authority to make regulations for carrying out the purposes of the order in respect of such matters as may be specified in the order.

Nuisance caused by aircraft on aerodromes.

4.—(1) An order made under section 3 may provide for regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes and may provide that subsection (2) shall apply to any aerodrome as respects which provision as to noise and vibration caused by aircraft is so made.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of an order under section 3, so long as the provisions of that order are duly complied with.

5.—(1) Any lawful entry into Singapore or any lawful transit across Singapore, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in Singapore, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

Exemption of aircraft and parts thereof from seizure on patent claims.

(2) The importation into, and storage in, Singapore of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Singapore on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Singapore or are exported from Singapore for sale or distribution.

(3) This section applies to an aircraft, other than an aircraft used in military, customs or police service, registered in any country or territory in the case of which there is for the time being in force an order made by the Minister, with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory, and to such other aircraft as the President may, by order, specify.

6.—(1) In time of war, whether actual or imminent, or when a Proclamation of Emergency under the Constitution is in force, the Minister may, by order, regulate or prohibit, either absolutely or subject to such conditions as may be contained in the order, and notwithstanding the provisions of this Part or any subsidiary legislation made under this Part, the navigation of all or any descriptions of aircraft over Singapore or any portion thereof; and may, by order, provide for taking possession of and using for the purposes

Special powers in case of emergency.

of the Singapore Armed Forces or of any visiting force lawfully present in Singapore any aerodrome or any aircraft in Singapore or any machinery, plant, material or things found in or on the aerodrome or aircraft, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school, or landing ground, of any class or description thereof.

(2) An order made under this section may make, for the purpose of the order, such provisions as an order under section 3 may make for the purpose of securing compliance with the provisions thereof having effect by virtue of section 3 (2) (l).

(3) Any person who suffers direct injury or loss, owing to the operation of an order of the Minister under this section, shall be entitled to receive compensation from the Government from such public funds as may lawfully be applied for the purpose, the amount thereof to be fixed, in default of agreement, by a single arbitrator to be agreed upon or failing agreement to be appointed by the Chief Justice:

Provided that no compensation shall be payable by reason of the operation of a general order under this section prohibiting flying in Singapore or any part thereof.

Prohibited carriage and prohibited photography over protected areas.

7.—(1) The President may by order published in the *Gazette* declare any area to be a protected area within the meaning of this section.

(2) An aircraft flying over any protected area shall not carry —

(a) arms or explosives (other than such arms and ammunition therefor as may be permitted by rules made under the Arms and Explosives Act, and in respect of which all conditions prescribed in such rules are observed), or munitions of war (including gas in any form suitable for warlike purposes), save for the purposes of the provisions of any order made under section 3 relating to signals; or

(b) photographic apparatus, unless packed in such a manner that it cannot be used in the aircraft, and sealed by the person in charge of the aircraft before the aircraft flies over that protected area:

Provided that this paragraph shall not apply to photographic apparatus allowed to be used by a person in accordance with the terms of a permit issued to him under subsection (3).

(3) (a) No person shall take from an aircraft any photograph of a protected area except in accordance with the terms and conditions in such permit as the Authority may see fit to issue to him.

(b) It may be a term or condition of such permit that any photograph taken under the permit must immediately be submitted for examination to such authority as is specified in the permit.

(c) A person who observes all the terms and conditions of a permit shall not be guilty of an offence under section 3 of the Official Secrets Act in respect of a photograph taken in accordance with the terms and conditions of the permit.

Cap. 213.

(4) It shall be the duty of the person in charge of the aircraft to ensure that any photographic apparatus carried in the aircraft is not used while the aircraft is flying over any protected area, and that the seals with which the apparatus is sealed are not broken within any protected area without the sanction of the Director-General of Customs and Excise or his agent.

(5) The Director-General of Customs and Excise or his agent may seize and develop, without paying compensation, any photographic films or plates carried in the aircraft, which he may reasonably suspect of having been used in contravention of any provision of this Act or of the Official Secrets Act.

8.—(1) The Minister shall have power to establish and maintain aerodromes (including power to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes) and to acquire land for that purpose, by agreement or in accordance with the provisions of any written law in force relating to the acquisition of land for public purposes.

Establishment of aerodromes by Minister.

(2) The purposes for which the Minister may acquire land under this section shall include the purpose of securing that the land adjacent to the site of an aerodrome, which the Minister has established or is about to establish, shall not be used in such manner as to cause interference with, or

danger or damage to, aircraft at, or approaching or leaving the aerodrome.

Trespass,
nuisance and
responsibility
for damage.

9.—(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of the flight, so long as the provisions of this Part and any subsidiary legislation made under this Part are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of the damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

Provided that where material damage or loss is caused as aforesaid in circumstances in which —

- (a) damages are recoverable from the owner in respect of the damage or loss by virtue only of this section; and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of that damage or loss,

the owner shall be entitled to be indemnified by that other person against any claim in respect of that damage or loss.

(2) Where any aircraft has been bona fide demised, let, or hired out for a period exceeding 14 days to any other person by the owner thereof and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

Penalty for
dangerous
flying.

10.—(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or

property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

For the purposes of this section, "owner" in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(2) This section shall be in addition to and not in derogation of any provisions made by the Minister under the powers conferred by section 3.

11.—(1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel. Wreck and salvage.

(2) Subsection (1) shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of Singapore.

(3) The Minister may, by regulations, direct that any provisions of any written law for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the regulations, apply in relation to aircraft as those provisions apply in relation to vessels.

(4) For the purposes of this section, any provisions of any written law which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

Power to provide for investigation of accidents.

12.—(1) The Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and occurring in or over Singapore or to Singapore aircraft occurring elsewhere and likely in the absence of such provision to remain uninvestigated.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may contain provisions —

- (a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified;
- (b) applying, with or without modification, for the purpose of investigations held with respect to any such accident any of the provisions of any written law in force in Singapore relating to the investigation of deaths or accidents;
- (c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft;
- (d) authorising or requiring the cancellation, suspension, endorsement, or surrender of any licence or certificate granted under this Part or any subsidiary legislation made under this Part, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed, or surrendered, and for the production of any such licence for the purpose of being so dealt with.

(3) Nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to merchant shipping.

(4) If any person contravenes or fails to comply with any regulations made under this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both.

13. Any order or regulations made under this Part in relation to aircraft may provide for the detention of aircraft to secure compliance with the order or regulations, as the case may be, or with any provisions of this Part in connection with which the order or regulations is or are made, and may make such further provision as appears to the Minister to be necessary or expedient for securing the detention.

Detention of aircraft.

14.—(1) Notwithstanding that an order made under section 3 or any regulations made under such order has effect only as part of the law of Singapore, no provision contained in the order or regulations shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to Singapore aircraft, wherever they may be, or prohibits, requires or regulates —

Provisions as to orders.

- (a) the doing of anything by persons in, or any of the personnel of, Singapore aircraft, wherever they may be; or
- (b) the doing of anything in relation to Singapore aircraft by other persons being citizens of Singapore or citizens of any Commonwealth country, wherever they may be.

(2) For the purposes of this section the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft, and all other members of the crew of the aircraft. [15*

15.—(1) The Minister may make regulations —

(a) requiring any person —

- (i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or
- (ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the regulations such information relating to the use of aircraft for the purpose of his business

Information as to air transport undertakings and use of customs aerodromes.

*Section 14 in the 1970 Edition was repealed by Act 12 of 1971.

and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom, as may be prescribed by the regulations;

- (b) requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the licence to comply with such of the provisions of the regulations as relate to him;
- (c) prescribing the times at which, and the form and manner in which, any information required under the regulations is to be furnished:

Provided that a person carrying on such a business as is mentioned in paragraph (a) (i) shall not be required to furnish information relating to the use of aircraft on journeys wholly outside Singapore, or relating to persons exclusively employed outside Singapore, unless the person carrying on the business is either a citizen of Singapore or of a Commonwealth country or a body corporate incorporated under the law of Singapore.

(2) Regulations made under this section may provide for imposing on any person who contravenes or fails to comply with any provision of the regulations such penalties (not exceeding a fine of \$500 and a further fine of \$100 for every day during which the contravention or non-compliance continues after conviction) as may be specified in the regulations.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations made under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such regulations, and if any person discloses any such information in contravention of this subsection, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

(4) Nothing in subsection (3) shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or of regulations made under this section, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including arbitrations), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

(5) In this section, “customs aerodrome” means an aerodrome for the time being appointed as a place of landing and departure of aircraft for the purposes of any written law relating to customs. [16

16.—(1) The Minister may make regulations —

(a) to secure that aircraft shall not be used in Singapore by any person —

Licensing of
air transport
and commer-
cial flying.

(i) for flying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or

(ii) for such flying undertaken for the purpose of any trade or business as may be so specified,

except under the authority of, and in accordance with, a licence granted to that person by the licensing authority specified in the regulations;

(b) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence;

(c) as to appeals from the licensing authority by persons interested in the grant, refusal,

revocation or suspension of any licence under the regulations;

- (d) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;
- (e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in the regulations;
- (f) prescribing the fees to be paid in respect of the grant of any licence under the regulations,

and such regulations may make different provision as respects different classes of aircraft and different classes of licences.

(2) Regulations made under this section may, for the purpose of securing compliance with those regulations, provide for the imposition of the following penalties:

- (a) in the case of a first offence under the regulations, a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both; and
- (b) in the case of a second or subsequent offence under the regulations, a fine not exceeding \$50,000 or imprisonment for a term not exceeding 2 years or both.

[17

Trespassing
at licensed
aerodromes.

17. If any person trespasses on any land forming part of an aerodrome licensed in pursuance of an order made under section 3, or of a Government aerodrome, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500:

Provided that no person shall be liable to any penalty under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted, so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

[18

PART III

CONTROL OF OBSTRUCTIONS IN VICINITY OF AERODROMES

18.—(1) If the Minister is satisfied, with respect to any structure in the vicinity of an aerodrome to which this section applies, that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to the aircraft warning of the presence of that structure, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions —

Indication of presence of obstructions near aerodromes.

- (a) to execute, install, maintain, operate, and, as occasion requires, repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order; and
- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any structure if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the structure.

(2) The Minister shall, before making any such order, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to this section, be made with such modifications (if any) of the original draft as the Minister thinks proper.

(3) Every such order as aforesaid shall provide —

- (a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the

order, unless, at least 14 days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order;

- (b) that if, within 14 days after service of such notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Minister; and
- (c) for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any damage or loss which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Chief Justice.

(4) For the purposes of this section, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any structure to which the order relates as is attributable to the operation of the order shall be deemed to be loss or damage suffered in consequence of the order.

(5) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and, subject to subsection (7), so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully

interfere with any works or things which to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the order.

(6) If any person contravenes any of the provisions of subsection (5), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(7) Nothing in this section shall operate, in relation to any structure, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the structure if —

- (a) notice of the doing of that work is given as soon as possible to the proprietor of the aerodrome; and
- (b) the giving of warning of the presence of the structure in the manner provided by any order made under this section in force in relation thereto is not interrupted.

(8) In this section —

- (a) “aerodrome to which this section applies” means any premises which, by virtue of an order made under section 3, are for the time being licensed as an aerodrome for public use or any Government aerodrome; and
- (b) “proprietor of the aerodrome”, in relation to any premises used or appropriated for use as an aerodrome, means the person carrying on or entitled to carry on the business of an aerodrome in those premises, or, in the case of a Government aerodrome, the officer in charge of such aerodrome. [19

19.—(1) Subject to subsection (2), this Part shall not apply to aircraft belonging to or exclusively employed in the service of the Government or of the Singapore Armed Forces or of any visiting force lawfully present in Singapore.

Savings.

(2) The Minister may, by order, apply to any aircraft referred to in subsection (1), with or without modification, any of the provisions of this Part or of any subsidiary legislation made under this Part.

(3) Nothing in this Part, or in any subsidiary legislation made under this Part, shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority. [20]

Power to declare an area a controlled area.

20. Whenever it appears to the Minister that it is or is likely to become necessary for the safety of air navigation in the vicinity of an aerodrome or for securing the efficient operation of any aid to air navigation, whether situated at or in the vicinity of an aerodrome or elsewhere that any area should be cleared or kept clear of obstructions, he may declare the area to be a controlled area for the purposes of this Part and shall define the boundaries of that area.

[21]

Power to prohibit or regulate erection of structures and planting trees in controlled area.

21. The Minister may, by order, prohibit absolutely or conditionally or regulate the erection of any structure above a height specified in the order, or the planting of any tree or other high growing vegetation, within a controlled area or any part of that area. [22]

Notice to remove or alter structure, trees and other vegetation in controlled area.

22.—(1) The Minister, or any officer authorised by the Minister in that behalf, may, by notice in writing, require the owner or occupier of any land subject to any order made under section 21, within such time (not being less than one month from the date of the service of such notice upon the person concerned) as may be fixed by the notice —

- (a) to remove or reduce in height any structure on the land, which is above the height specified in the order, whether the structure was erected before or after the making of the order, or any tree or other high growing vegetation, either planted in contravention of the order, or likely, in the opinion of the Minister or the officer to cause an obstruction to aircraft or to hinder the efficient operation of any aid to air navigation;
- (b) to take such steps in regard to, or to effect such alterations to, any structure, tree or other vegetation on any land within a controlled area, or any part of the area, as may be necessary to comply with any conditions imposed by any order made under section 21 applicable to the structure, tree or vegetation or in the case of any structure erected or tree or vegetation existing

before the making of the order, which would have been applicable to the structure, tree or other vegetation if it had been erected or planted after the making of the order.

(2) If default shall be made in complying with the provisions of the notice within the time fixed by the notice, any officer authorised by the Minister either generally or specially in that behalf may enter upon the land and cause such action to be taken as is required by the notice and may recover the cost of and all expenses incurred in doing any necessary work from the person in default. [23

23. Any officer authorised in that behalf by the Minister and any person employed in that behalf under the supervision of that officer may enter upon, survey and take levels of any controlled area and may do all other acts necessary for the survey and for the purpose of marking out the boundaries of the area or any part thereof: Power of entry on land.

Provided that no such officer or person shall enter into any building or enclosed garden or compound attached to any building without the consent of the occupier unless he shall have previously given the occupier at least 3 clear days' notice in writing of his intention to do so. [24

24. When any structure or valuable tree or plant is reduced in height or removed or any expense is reasonably incurred in compliance with any order or the conditions of any order, the owner or occupier of the land shall, unless the structure was erected or the tree or plant was planted in contravention of any order or of the conditions imposed thereby, receive compensation to the extent to which he has suffered damage by reason of such reduction or removal or has incurred such expense. [25 Damage caused by reduction or removal of structure or valuable tree or plant.

25. Where any damage is done to property in the exercise or purported exercise of any power conferred by section 23, the owner or occupier shall receive compensation to the extent to which he has suffered damage thereby. [26 Damage caused by entry on land under section 23.

26. Where any land in a controlled area is affected by any order made under section 21 prohibiting or regulating the erection of any structure or the planting of any tree or vegetation, the owner or occupier thereof shall be entitled to compensation to the extent (if any) that the value of his Compensation for loss of value of land.

land or his interest in the land is shown to have been, by reason of the provisions of the order, depreciated in relation to the current ordinary market value of neighbouring land not included in that order. [27]

Procedure for settling claims for compensation under section 24, 25 or 26.

27. Where any person is entitled to any compensation by virtue of section 24, 25 or 26, the amount of the compensation shall be determined by agreement or, in default of agreement, by a single arbitrator appointed by the Chief Justice. [28]

Certain offences and penalty.

28.—(1) Any person who does any act in contravention of, or fails without reasonable excuse to comply with the terms of, any order or notice made or issued under section 21 or 22 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person who wilfully obstructs any person in the exercise of any of the powers conferred by this Part or by any subsidiary legislation made under this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [29]

Compound- ing of offences. 32/86.

28A.—(1) The Minister or any officer authorised in that behalf by the Minister may, in his discretion, compound any offence under this Act or any subsidiary legislation made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$200.

(2) The Minister may make rules to prescribe the offences which may be compounded. [29A]

Power to make regulations.

29. The Minister may make regulations generally for carrying into effect the provisions of this Part. [30]

PART IV

RESTRICTION ON CLAIMS FOR DAMAGES AND COMPENSATION

Restriction on claims for damages and compensation.

30. No damages or compensation in respect of any subsidiary legislation made under this Act, or of any act done under this Act or such subsidiary legislation, shall be recoverable —

(a) save under and in accordance with the relevant provisions of this Act and of any subsidiary legislation made thereunder; and

- (b) unless the claim is made within 3 months of the happening of the event which gave rise to the claim or within such further time as the Minister may, in any case or class of case, allow. [31

PART V

TRANSITIONAL

31.—(1) All subsidiary legislation that was in force immediately before the commencement of this Act, shall continue in force until revoked or replaced by subsidiary legislation made under those provisions, or otherwise terminated, and shall be deemed to have been made thereunder. Saving provisions.

(2) Any instrument that was in force immediately before the commencement of this Act shall continue in force until superseded, revoked or otherwise terminated and shall be deemed to have been issued, served or granted under this Act, and this Act and any subsidiary legislation made hereunder shall apply to, or in relation to, the instrument accordingly:

Provided that no such instrument that is expressed to continue in force for a definite period shall continue in force after the expiration of that period unless it is renewed in accordance with this Act and any subsidiary legislation made hereunder.

(3) In this section “instrument” means any instruction or other requirement, any notice and any certificate, licence, validation or other authority. [32