

THE STATUTES OF THE REPUBLIC OF SINGAPORE

FORESHORES ACT

(CHAPTER 113)

1970 Ed. Cap. 270

Ordinance

8 of 1872

Amended by

1 of 1901

13 of 1902

8 of 1906

32 of 1910

10 of 1912

26 of 1921

9 of 1935

37 of 1952

30 of 1953

62 of 1959

2 of 1964

28 of 1974

S 265/55

S 33/56

S 223/59

S (NS) 178/59

S (NS) 179/59

Sp S47/63

S 17/75

REVISED EDITION 1985

Foreshores Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Restriction on construction of sea and river walls and buildings on banks of any port, river or channel.
4. Authority for Government to construct works and to reclaim foreshore or sea-bed.
5. Declaration regarding reclaimed lands.
6. Except as provided, no action to be brought in respect of any damage.
7. No right to compensation.
8. Validation of former grants.
9. Power to let foreshore and sea-bed in future.
10. Power to grant temporary occupation licences of foreshore and sea-bed.
11. President may farm right of using beaches, etc.
12. Saving as to foreshore rights.

An Act to provide for reclamations and to validate and facilitate leases or grants of foreshores and submerged lands.

[11th October 1872]

1. This Act may be cited as the Foreshores Act. Short title.
2. In this Act — Inter-pretation.
 - “lands” includes messuages, lands, tenements and hereditaments of any tenure;
 - “port” means any port or place declared to be a port under the Port of Singapore Authority Act, and includes all such navigable rivers and channels leading thereto as are declared to be part thereof; Cap. 236.
 - “works” means any of the works and things mentioned in section 4.

Restriction on construction of sea and river walls and buildings on banks of any port, river or channel.
S 17/75.

3.—(1) No person shall erect or build any sea wall or river wall, or construct any revetment along the bank of any port, river or channel, or erect any permanent building or structure within 15 metres of the foreshore or of any such bank, except in accordance with plans and specifications approved by the Director-General of Public Works.

(2) The decision of the Director-General of Public Works as to the plans and specifications with a statement of his requirements shall be delivered within one month from the date of the deposit of the plans and specifications, and if no intimation of disapproval is given by the Director-General of Public Works within that time it shall be assumed that the plans and specifications have been approved.

(3) For the purposes of this Act the Director-General of Public Works or any officer authorised thereto by him in writing may enter upon and inspect any buildings or premises to which the plans and specifications relate.

Penalty.

(4) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000.

(5) Any building or construction built or erected in contravention of this section may be removed by order of the Minister, and the cost of its removal shall be recoverable as a Government debt from the person building or erecting it.

28/74.

(6) This section shall not apply to any property held by the Port of Singapore Authority or any other statutory body as the Minister may, by notification in the *Gazette*, appoint.

Authority for Government to construct works and to reclaim foreshore or sea-bed.
28/74.

4.—(1) The Government may —

- (a) construct quays, wharves, jetties or other public works along or out from the foreshore of Singapore or in the sea-bed adjacent thereto;
- (b) dredge the sea-bed; and
- (c) erect buildings upon any areas of land reclaimed from the sea in accordance with subsection (2).

(2) The Government may, subject to the approval of Parliament, reclaim any part of the foreshore or sea-bed of Singapore:

S 17/75.

Provided that where the part of foreshore or sea-bed to be reclaimed does not exceed 8 hectares or, if the whole of

that part is within port limits, 4 hectares, the approval of Parliament shall not be required and the Minister may authorise such reclamation.

5.—(1) The President may, by proclamation published in the *Gazette*, declare any lands formed by the reclamation of any part of the foreshore of Singapore, or any areas of land reclaimed from the sea to be State land, and thereupon that land shall immediately vest in the State freed and discharged from all public and private rights which may have existed or been claimed over the foreshore or the sea-bed before the same were so reclaimed.

Declaration regarding reclaimed lands.

(2) All land declared to be State land under this section shall be subject to the State Lands Act.

Cap. 314.

6. Except as provided by this Act, no person shall be entitled to claim, and no action or proceeding shall be brought, against the Government to recover any compensation in respect of any lands or of any interest therein which have been injuriously affected by the execution of the works.

Except as provided, no action to be brought in respect of any damage.

7.—(1) There shall, subject to subsection (2), be no right to compensation in respect of any lands or of any interest therein which may be injuriously affected whether on account of loss of sea frontage or for any other reason by the execution of the works.

No right to compensation.

(2) Any person, whose property has been damaged by the execution of the works, may appeal to the Minister, whose decision shall be final.

(3) The Minister may, in his discretion, in the case of an appeal, after inquiry by an officer appointed by him for the purpose —

- (a) authorise the payment of such sum as he may determine; or
- (b) direct the execution by the appropriate authority of such repairs as are necessary in the circumstances.

8. Where any lease or grant was, before 25th January 1901, made by the Governor of any land being part of the foreshore or sea-bed within the territorial waters of

Validation of former grants.

Singapore, and before that date the land had been reclaimed or wharves, docks, landing stages or other works or buildings had been erected thereon, the lease or grant shall be deemed to be a valid conveyance and to have conveyed the foreshore or sea-bed, thereby expressed to be demised or granted, free and discharged from all public rights which had existed or been claimed over that foreshore or sea-bed before the making of the grant or lease.

Power to let foreshore and sea-bed in future.

9.—(1) The President may make such leases of the foreshore and sea-bed in Singapore or in any tidal river or channel therein as are declared by the President not to create a substantial infringement of public rights.

(2) The term for which any such lease is granted shall not exceed 100 years except in special cases.

Preliminary procedure.

(3) Before any such declaration is made by the President the substance of any such lease with a sufficient description of the property intended to be demised shall be published in the *Gazette*, together with a notice requiring all persons having objections to the granting of such a lease to send in their objections in writing to the Minister before the expiration of 3 weeks from the date of the publication in the *Gazette*, and all these objections shall be considered by the President.

Effect of leases under this Act. Covenants and provisos to be contained therein. 28/74.

(4) Every such lease shall specify the purposes for which the land is required and shall be deemed to convey to the lessee the foreshore or sea-bed, expressed to be thereby demised, free and discharged from all public rights and privileges which have existed or may be claimed in or over that foreshore and sea-bed so far as is necessary for carrying out those purposes and shall contain —

(a) a proviso that in the event of the lessees, their executors, administrators and assigns or successors, as the case may be, failing at any time during the continuance of the term of the lease to use the demised land for the purposes so specified, then a Collector of Land Revenue or any officer authorised by him in writing may on behalf of the State re-enter on that land, foreshore or sea-bed, or on any portion thereof in the name of the whole and thereupon the same shall be forfeited to and vest in the State; and

(b) a reservation to the State of all mines and minerals under the demised lands and such covenants as to the working of those mines and minerals as the President in each case approves.

Saving of rights of State.

(5) For the purposes of this section, “minerals” includes corals, stone, clay, sand, gravel, and other natural deposits, brine, petroleum and any other mineral oil or relative hydrocarbon, and natural gas.

28/74.

10.—(1) It shall be lawful to grant licences for the temporary occupation for any period not exceeding one year of the foreshore and sea-bed in Singapore or in any tidal river or channel therein.

Power to grant temporary occupation licences of foreshore and sea-bed.

(2) The power to grant such licences shall be exercisable by the Commissioner of Lands or by a Collector of Land Revenue deputed by him in that behalf, and all such licences shall be in all respects subject, with the necessary verbal variations, to the rules applicable from time to time to licences granted under the provisions of the State Lands Act for the temporary occupation of State land:

Cap. 314.

Provided that no licence granted under this section shall be renewed if it is made to appear to the Minister that the licence creates a substantial infringement of public rights.

11.—(1) The President may rent or farm, either in one or several lots by public sale or by public tender with such limitations and restrictions as to the charges to be made by the renter or farmer, as to the President seems fit, the use of the beaches and banks of the sea.

President may farm right of using beaches, etc.

(2) Rents agreed to be paid under this section shall be recoverable as Government debts.

(3) If the right of using the beaches and banks of the sea is granted by the President to farm either for the whole of Singapore or for particular parts or places in Singapore, the farmer shall be entitled to recover payment from the tenant or person using the rights granted to the farmer in a suit by the farmer against that tenant or person for money payable by the defendant to the farmer for the use of the farmer's rights, describing the extent of the same as agreed on between the parties.

How farmer may recover rents.

(4) No such farmer shall recover a larger sum than that specially agreed on between him and the tenant nor a larger sum than that permitted in the grant by the President to be charged by the farmer.

Saving as to
foreshore
rights.

12. Nothing in this Act shall be deemed to be in derogation of any of the powers or rights of the Government in respect of the foreshore or territorial waters in Singapore, nor shall anything in this Act be deemed to affect any right or claim as between lessees and their sub-lessees or tenants between themselves.