

THE STATUTES OF THE REPUBLIC OF SINGAPORE

JURONG TOWN CORPORATION ACT

(CHAPTER 150)

1970 Ed. Cap. 209
Act
5 of 1968

Amended by
36 of 1970
7 of 1971
35 of 1973
29 of 1974
11 of 1978
31 of 1980
7 of 1983
27 of 1986

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Jurong Town Corporation Act

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An Act to establish the Jurong Town Corporation and for purposes incidental thereto.

[1st June 1968]

PART I

PRELIMINARY

1. This Act may be cited as the Jurong Town Corporation Act. Short title.
2. In this Act, unless the context otherwise requires —
 - “authorised occupier” means a person who is named in an application made to the Corporation as the person who intends to reside in the flat, house or building sold or to be sold by the Corporation under Part IV or any person who is authorised in writing by the Corporation to reside therein; Interpretation.
29/74
11/78
31/80.
 - “Chairman” means the Chairman of the Corporation appointed under section 4;
 - “commercial property” means any flat, house or building or any part thereof which is permitted to be used pursuant to the Planning Act or any other written law for the purpose of carrying on any business or which is lawfully so used; Cap. 232.
 - “common property” means so much of the developed land and all parts of the building as are not comprised in the flats in a building;
 - “Corporation” means the Jurong Town Corporation established under section 3;

- “developed land” means any land of the Corporation upon which a building has been erected;
- “financial year” means a period of 12 months beginning on 1st April in each year and ending on 31st March in the following year;
- “flat” means a horizontal stratum of a building or part thereof, whether the stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of human habitation or business or for any other purpose;
- “lease” includes an agreement for a lease;
- “officer” includes the Chairman, members and employees of the Corporation;
- “owner”, when used in relation to immovable property, includes a person who has purchased a leasehold interest in any property sold by the Corporation and also includes a purchaser under an agreement for lease.

PART II

ESTABLISHMENT, INCORPORATION AND POWERS OF CORPORATION

Establish-
ment of
Jurong Town
Corporation.

3.—(1) There shall be established in accordance with the provisions of this Act a body to be called the Jurong Town Corporation.

(2) The Corporation when established shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold or dispose of property, both movable and immovable, to enter into contracts, to sue and be sued in its corporate name and to perform such other acts as bodies corporate may by law perform.

Chairman of
Corporation.
11/78.

4. The Minister shall appoint a Chairman of the Corporation who shall, subject to the provisions of this Act, hold office for such period and on such terms as the Minister may determine.

Constitution
of
Corporation.

5.—(1) The Corporation shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman to be appointed by the Minister; and

(c) 7 other members to be appointed by the Minister.

(2) The quorum at all meetings of the Corporation shall be 4. 29/74
11/78.

(3) The Chairman or any officer authorised by him to act on his behalf may call a meeting of the Corporation at least once in every month or as often as he thinks fit.

(4) The members of the Corporation, other than the Chairman, shall, unless their appointment is revoked by the Minister under subsection (9) or unless they resign during their period of office, hold office for a period of 3 years or for such shorter period as the Minister may in any case determine.

(5) If for any reason the Chairman is absent or unable to act or the office of Chairman is vacant, the Deputy Chairman or in the absence of both the Chairman and the Deputy Chairman any member of the Corporation duly appointed by the members present at any meeting of the Corporation may exercise all or any of the powers conferred, or perform all or any of the duties imposed, on the Chairman under this Act. 11/78.

(6) The Chairman or the person lawfully acting as chairman at any meeting of the Corporation shall have an original as well as a casting vote.

(7) A member of the Corporation shall not, at any meeting of the Corporation, participate in any discussion relating to, and shall not vote in respect of, any business in which he is interested, and if he does so his vote shall not be counted nor shall he be counted in the quorum present at such meeting.

(8) The members of the Corporation shall be paid out of the funds of the Corporation such salaries, fees or allowances as the President may determine.

(9) The Minister may at any time revoke the appointment of the Chairman, the Deputy Chairman or of any other member of the Corporation.

6.—(1) The Minister may give to the Corporation such directions, not inconsistent with the provisions of this Act, as he considers fit, as to the exercise and performance by the Direction by
Minister.

Corporation of its powers, duties and functions under this Act and the Corporation shall give effect to all such directions.

(2) The Corporation shall furnish the Minister with such information with respect to its property and activities as he may from time to time require.

Appointment
of chief
executive
officer and
other
employees.
27/86.

7.—(1) The Corporation shall, after consultation with the Public Service Commission and with the approval of the Minister, appoint a chief executive officer on such terms and conditions as the Corporation may determine.

(2) The chief executive officer shall —

- (a) be known by such designation as the Corporation may determine;
- (b) be responsible to the Corporation for the proper administration and management of the functions and affairs of the Corporation in accordance with the policy laid down by the Corporation; and
- (c) not be removed from office without the consent of the Minister.

(3) If the chief executive officer is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Corporation to act in the place of the chief executive officer during any such period of absence from duty.

(4) The Corporation may from time to time appoint and employ such other employees and agents as it thinks fit for the effective performance of its functions on such terms and conditions as the Corporation may determine.

Appointment
of com-
mittees and
delegation of
powers.

8.—(1) The Corporation may, in its discretion, appoint from among its own members or other persons who are not members of the Corporation such number of committees as it thinks fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Corporation, would be better regulated and managed by means of those committees.

(2) The Corporation may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or

the Chairman all or any of the powers, functions and duties by this Act vested in the Corporation, except the power to borrow money or to raise loans by the issue of bonds and debentures; and any power, function or duty so delegated may be exercised or performed by that committee or the Chairman in the name and on behalf of the Corporation.

(3) The Corporation may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof all or any of the Corporation's functions and duties by this Act vested in the Corporation, except the power to borrow money or to raise loans; and any power, function or duty so delegated may be exercised or performed by the employee in the name and on behalf of the Corporation. 11/78.

(4) The Corporation may continue to exercise any power conferred upon it, or perform any function or duty under this Act, notwithstanding the delegation of such power, function or duty under this section. [9*

9.—(1) No matter or thing done and no contract of any kind entered into by the Corporation and no matter or thing done by any member of the Corporation or by any employee thereof or any other person whomsoever acting under the direction of the Corporation shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing the provisions of this Act, subject any such member or employee or any person acting under the direction of the Corporation personally to any action, liability, claim or demand whatsoever in respect thereof. Protection from personal liability.

(2) Any expense incurred by the Corporation or any member, employee or other person so acting under the direction of the Corporation shall be borne by and repaid out of the funds of the Corporation. [10

10. The members of the Corporation and the employees thereof, of every description, shall be deemed to be public servants within the meaning of the Penal Code. [11 Members and officers of Corporation deemed to be public servants. Cap. 224.

*Section 8 in the 1970 Edition was repealed by Act 11/78.

PART III

PROVISIONS RELATING TO THE CORPORATION

Provision of
working
capital.

11. For the purpose of enabling the Corporation to carry out its objects and to defray expenditure properly chargeable to capital account, including defraying initial expenses, and for the provision of working capital, the Minister may authorise payment to the Corporation of such sums as he may determine. [12]

Functions
and
powers of
Corporation.
7/71
27/86.

12.—(1) The functions of the Corporation are —

- (a) to develop and manage industrial estates and sites in Singapore or elsewhere; and
- (b) to provide facilities to enhance the operation of industries and social amenities for the advancement and the well-being of persons living and working in such industrial estates and sites.

7/71
29/74
27/86.

(2) The Corporation shall have power for the purpose of the discharge of its functions under subsection (1) —

- (a) to carry on all activities, the carrying on of which appears to the Corporation to be necessary, advantageous or convenient for or in connection with the discharge of its functions;
- (b) to promote the carrying on of any such activities by other bodies or persons;
- (c) to carry on such activities in association with other bodies or persons, including departments or authorities of the Government;
- (d) to purchase, acquire or lease any land required for the purpose of the discharge of its functions under this Act;
- (e) to sell or lease land for the purposes of industrial sites, for the housing of persons living and working in industrial estates and sites, for general economic development or for social amenities;
- (f) to lay out sites for the purposes mentioned in paragraph (e) for sale or lease;
- (g) to provide technical advice and assistance to industrial enterprises and businesses in the industrial estates and to build up a corps of engineering and managerial staff to provide such assistance;

- (h) to prepare and execute proposals, plans and projects for the erection, conversion, improvement and extension of any building for sale, lease, rental or other purpose;
- (i) to provide and maintain housing accommodation including convalescent or holiday houses for employees of the Corporation, to provide and maintain for those employees clubs and playing fields and to provide educational facilities for them; to grant loans to those employees or to act as guarantor for loans taken by them, to enable them to purchase their own houses, furniture, fittings, home appliances and vehicles; and to award scholarships or to give loans to those employees to obtain professional, technical or other training;
- (j) to provide and maintain adequate and efficient port services and facilities in the Jurong Port;
- (k) to sell or lease flats, houses or other living accommodation; and
- (l) to provide loans on mortgage at such interest as may be prescribed to enable persons, other than employees of the Corporation, to purchase any flat, house or building which is used or intended to be used solely for the purpose of human habitation. [13

13.—(1) The Corporation may, from time to time, for the purposes of this Act raise loans — Borrowing powers.

- (a) from the Government;
- (b) with the approval of the Minister and subject to the provisions of any written law, by any of the methods set out in section 14; or
- (c) from such other source as the Minister may direct.

(2) The Corporation shall pay interest on those loans at such rate and at such times, and shall make such provisions for the mode and time or times of repayment of principal as may be approved by the Minister.

(3) The Corporation may, from time to time, borrow by way of temporary loan or overdraft from a bank or otherwise any sum which it may temporarily require —

- (a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of

the period of account in which those expenses are chargeable; or

- (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under subsection (1), expenses intended to be defrayed by any such loan.

(4) Bonds and debentures of the Corporation shall be guaranteed by the Government as to the repayment of principal and the payment of interest at such rate as may be approved by the Minister.

(5) For the purposes of subsection (1), the power to raise loans shall include the power to make any financial agreement whereby credit facilities are granted to the Corporation for the purchase of goods, materials or things. [14

Loan conditions.

14. Where the Corporation is authorised to borrow money, it may, subject to the approval of the Minister, raise the money either by —

- (a) mortgage;
- (b) charge, whether legal or equitable, on any property vested in the Corporation or on any revenue receivable by the Corporation under this Act or any other written law; or
- (c) the creation and issue of debentures, stocks or bonds,

and may, with the like approval, fix such rates of interest and such terms, conditions and periods to secure the repayment of the sums borrowed as it thinks fit. [15

Annual financial statement. 11/78.

15.—(1) The Corporation shall at the end of every financial year transmit to the Minister a statement showing —

- (a) the amount of any loan outstanding at the end of that year; and
- (b) the amount standing to the credit of any sinking fund formed for the purpose of repayment of any loan and the manner in which that amount is for the time being invested.

(2) The annual statement referred to in subsection (1) shall be published in the *Gazette*. [16

16. The Corporation shall in every financial year cause to be prepared in a form to be approved by the Minister a budget to be forwarded to the Minister not later than 15th November containing estimates of income and expenditure of the Jurong Town Corporation for the ensuing year —

Budget.
7/71
11/78.

- (a) on capital account;
- (b) relating to the management and maintenance of industrial sites, housing and ancillary services; and
- (c) relating to the execution of its powers, functions and duties.

[17

17.—(1) The Minister may approve or disallow any item or portion of any item shown in the budget, and shall return the budget as amended by him to the Chairman.

Approval of
budget by
Minister.

(2) The budget as approved by the Minister shall be published in the *Gazette* and the Corporation shall be bound thereby.

[18

18.—(1) The Corporation may at any time cause to be prepared a supplemental budget to provide, subject to section 24 (2) (d), for unforeseen or urgently required expenditure containing —

Supplemental
budgets.
11/78.

- (a) a revised estimate of the income for the current financial year;
- (b) a revised estimate of the expenditure for the current financial year; and
- (c) a statement showing how provision is therein made to meet additional expenditure.

(2) A supplemental budget shall be dealt with in the manner provided in section 17 for the annual budget.[19

19.—(1) The accounts of the Corporation shall be kept by a chief financial officer appointed by and responsible to the Corporation.

Accounts.
29/74.

(2) The chief financial officer shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister.

11/78.

(3) The chief financial officer shall keep proper accounts and records of the Corporation's transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Corporation and over the expenditure incurred by the Corporation. [20

Appointment
and powers
of Corpora-
tion's
auditor.
29/74.

20.—(1) The accounts of the Corporation shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General.

(2) The Corporation's auditor shall be paid out of the funds of the Corporation such remuneration, expenses or fees as the Minister, after consultation with the Corporation, shall direct.

(3) The Corporation's auditor shall be entitled to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Corporation and may make copies of or extracts from any such accounting or other records.

(4) The Corporation's auditor or a person authorised by him may require any person to furnish him with such information which that person possesses or has access to as the auditor or the duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.

(5) An officer of the Corporation who refuses or fails without any reasonable cause to allow the Corporation's auditor or a person authorised by him access to any accounting and other records of the Corporation in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the Corporation's auditor or any person authorised by him in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and in the case of a continuing offence to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction. [21

21.—(1) The chief financial officer of the Corporation shall, not later than 31st July in every year, prepare and submit the financial statements in respect of the preceding financial year to the Corporation's auditor who shall audit and report on them.

Financial statements.
29/74
11/78.

(2) The auditor shall, not later than 30th September next following the end of the year in respect of which he is appointed, send to the Corporation and to the Minister a report of his audit and may also submit such periodical and special reports as may appear necessary to him.

11/78.

(3) The Corporation's auditor shall report —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Corporation; and
- (b) on such other matters arising from the audit as he considers necessary.

(4) The Corporation's auditor shall state in his report whether —

- (a) proper accounting and other records have been kept; and
- (b) the receipt, expenditure and investment of moneys and the acquisition and disposal of assets by the Corporation during the year have been in accordance with the provisions of this Act.[22

22.—(1) A copy of the audited financial statements signed by the Chairman and the chief financial officer, and certified by the Corporation's auditor, together with a copy of any report made by the auditor, shall be submitted to the Minister not later than 31st October in each year.

Presentation of financial statements.
29/74
11/78.

(2) Where the Auditor-General has not been appointed to be the auditor of the Corporation a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time as they are submitted to the Minister.

(3) The Minister shall present a copy of the audited financial statements and the report of the Corporation's auditor to Parliament.

(4) The audited financial statements and the auditor's report referred to in subsection (3) shall be published in the *Gazette*.

Bank account
and account-
ing records.
7/71
11/78.

23.—(1) All moneys paid to the Corporation shall forthwith be paid into such banks as may from time to time be decided by the Corporation.

7/71.

(2) The accounting records of the Corporation shall distinguish between capital and revenue transactions.

(3) Moneys received by way of loans shall be shown separately in the books and accounts and in the balance-sheet of the Corporation. [24

Payments to
be made in
accordance
with budget.
7/71.

24.—(1) No payment shall be made by the Corporation unless the expenditure is covered by an item in a budget and a sufficient balance for the item is available.

(2) Notwithstanding the absence of such provision, the Corporation may pay —

(a) sums deposited by contractors or other persons whenever by the conditions of the deposit any such sum has become repayable;

(b) sums collected and credited to the funds of the Corporation in error;

(c) sums payable by the Corporation under any award of the Collector of Land Revenue or under any of the provisions of this Act or of any other written law relating to the acquisition of land for a public purpose or under any judgment or order of any court; and

(d) any expenditure incurred to secure the proper execution of the functions and duties of the Corporation under this Act which in the opinion of the Corporation cannot be postponed.

(3) Provision shall be made in a supplemental budget for any payment made under subsection (2) (c) or (d). [25

Transfer of
sums from
one item to
another.

25. Notwithstanding any of the provisions of this Act, the Corporation may transfer all or any part of moneys assigned to one item of expenditure to another item under the same head of expenditure in a budget approved by the Minister.

[26

Investment.

26.—(1) Moneys standing to the credit of the Corporation may from time to time be invested in any of the securities in which trust funds may, by section 4 of the Trustees Act, be invested.

Cap. 337.

(2) The Corporation may, with the written approval of the Minister, invest moneys standing to the credit of the Corporation from time to time in shares of any private or public company. [27]

27.—(1) The Corporation may, with the written approval of the Minister, cause to be formed under the provisions of any written law for the time being in force relating to companies an incorporated company or companies limited by shares the majority of which are to be held by the Corporation and having as its or their object, all or any of the functions of the Corporation set out in section 12. Power to form companies. 7/71.

(2) Notwithstanding the provisions of any written law for the time being in force relating to companies, there shall be registered with the memorandum of association of any company formed pursuant to subsection (1) articles of association prescribing regulations for that company.

(3) The articles of association of the company shall contain, inter alia, provisions relating to —

- (a) the capital and share structure of the company;
- (b) the qualification, appointment, remuneration, powers and proceedings of directors;
- (c) dividends and reserve funds; and
- (d) the winding up of the company,

as may be directed by the Minister and shall also provide that such employees of the Corporation as are transferred to the company shall enjoy salaries and conditions of service as near as may be to those on which they were employed by the Corporation.

(4) The Corporation may, with the written approval of the Minister, grant loans to any company in which the Corporation holds any shares. [27A] 27/86.

28. Where any immovable property, not being State land, is needed for the purposes of the Corporation, the Corporation may request and the President may if he thinks fit direct the acquisition of that property; and, in such a case, the property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose, and any declaration required under any such written law that the property is so needed may be made (notwithstanding that compensation is to be Compulsory acquisition of land. 7/83.

paid out of the funds of the Corporation) and the declaration shall have effect as if it were a declaration that such property is needed for a public purpose made in accordance with that written law.

Compulsory acquisition of property before 15th April 1983 not to be called in question.

29*.—(1) No compulsory acquisition of any immovable property before 15th April 1983 shall be called in question in any court on the ground that the acquisition was not in compliance with section 28 as in force before that date.

(2) Any action or proceedings pending after 15th April 1983 in any court in respect of any matter to which subsection (1) applies shall be dismissed on application by any party, and the court may make such order as to costs as it thinks fit.

Annual report. 29/74 11/78.

30.—(1) The Corporation shall, not later than 31st July in each year, unless the Minister otherwise authorises in writing, furnish to the Minister a report of its functions during the preceding year.

(2) The Minister shall cause a copy of every such report to be presented to Parliament. [29

Special provisions relating to the sale of land by Corporation. 31/80. Cap. 269.

31. For the purposes of registration of an assurance relating to the sale by the Corporation of any land, the mortgage of such land in favour of the Corporation or the reconveyance or discharge of such mortgage —

(a) in the case of land registered under the provisions of the Registration of Deeds Act, section 12 of that Act shall not apply; and

(b) in the case of land registered under the provisions of the Land Titles Act where a solicitor is not employed by the Corporation, a certificate of an officer authorised in writing in that behalf by the Corporation shall be sufficient for the purposes of section 50 of that Act. [30

Cap. 157.

Regulations.

32.—(1) The Minister may, after consulting with the Corporation, make such regulations as he may consider necessary or desirable for the proper conduct of the business of the Corporation including, without prejudice to the generality of the foregoing, regulations with regard to any of the following matters:

*Section 3 of the Statutes (Miscellaneous Amendments) Act 1983 (No. 7/83).

- (a) the convening of meetings of the Corporation and the procedure to be followed thereat;
- (b) the provision of a common seal and the custody and use thereof;
- (c) the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Corporation;
- (d) the manner and terms of issue and redemption of bonds and debentures by the Corporation; and
- (e) generally for the exercise of the Corporation's powers under the provisions of this Act.

(2) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [31

33. Any person who obstructs any officer of the Corporation or any person duly authorised by the Corporation in that behalf in the performance of any thing which the Corporation is by this Act required or empowered to do 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 6 months. [33*

Penalties.
11/78.

34. Upon the commencement of this Act such of the lands, buildings and other property, movable and immovable of the Economic Development Board constituted under the provisions of the Economic Development Board Act, including all such assets, powers, rights, interests and privileges as well as such debts, liabilities and obligations in connection therewith or appertaining thereto as may be specified by the Minister by notification in the *Gazette* shall be deemed to have been transferred to and vested in the Corporation without further assurance.

Transfer to Corporation of assets and liabilities of Economic Development Board.
Cap. 85.

35.—(1) The Corporation shall have the exclusive right to the use of the symbol a representation of which is set out in the Schedule.

Symbol of Corporation.
7/71.

(2) Any person who uses a symbol identical with the Corporation's symbol or so nearly resembling the symbol as to be likely to deceive or cause confusion in relation to the identity of the Corporation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

11/78.

PART IV

SALE OF FLATS, HOUSES OR OTHER BUILDINGS

Application
of sections
37 to 54.
29/74.

36. Sections 37 to 54 shall apply only to flats, houses or buildings which are used or intended to be used solely for the purpose of human habitation.

Restrictions
on registra-
tion of assur-
ance, lease,
mortgage,
transfer or
charge.
29/74.

37.—(1) The Registrar of Deeds and the Registrar of Titles shall not register any assurance, lease, mortgage, transfer or charge relating to any flat, house or building which has been bought or sold, leased, mortgaged or disposed of by a person in contravention of section 38 or 40 (1).

31/80.

(2) A certificate of the Corporation that any flat, house or building has been purchased, sold, leased, mortgaged, transferred or charged in accordance with the provisions of this Part shall be conclusive evidence of that fact.

Conditions
relating to
sale, lease,
mortgage or
transfer of or
charge on
flat, house or
building.
29/74
31/80.

38.—(1) No flat, house or building which has been sold by the Corporation under the provisions of this Part shall be sold, leased, mortgaged, transferred or charged without the written consent of the Corporation.

11/78.

(2) Where any assignment, mortgage, transfer, charge or lease of any such flat, house or other building which is executed by or on behalf of the owner thereof without the prior written consent of the Corporation is registered under the provisions of the Registration of Deeds Act or the Land Titles Act, the Corporation may by an instrument lodged with the Registrar of Deeds or the Registrar of Titles, as the case may be, declare such assignment, mortgage, transfer, charge or lease to be void and the Registrar of Deeds or the Registrar of Titles, as the case may be, shall register the instrument without being concerned to inquire into its regularity or validity, and upon registration thereof shall cancel the registration of such assignment, mortgage, transfer, charge or lease.

Cap. 269.

Cap. 157.

(3) Any assignment, mortgage, transfer, charge or lease by an owner of a flat, house or other building sold subject to the provisions of this Part which would not be void but for this section, shall be deemed to be valid for the purposes of any legal proceedings instituted by the Corporation under sections 45, 46 and 51.

39.—(1) Where —

- (a) a flat is sold by the Corporation to any person under the provisions of this Part; or
- (b) any estate or interest in such flat is —
 - (i) subsequently transferred by or to any person with the written consent of the Corporation; or
 - (ii) surrendered to the Corporation,

Special provisions relating to the sale of flat, house or building. 31/80.

and a solicitor is not employed by that person to act for him in the transaction, the Corporation may by its duly authorised officer act for that person.

(2) Where the Corporation acts for such person as is mentioned in subsection (1), then for the purposes of the registration of any instrument relating to the sale of the flat or the transaction in respect of the flat —

- (a) in the case of an instrument which is required to be registered under the Registration of Deeds Act, section 12 of that Act shall not apply if a duly authorised officer of the Corporation certifies that the flat has been sold under the provisions of this Part; and
- (b) in the case of an instrument which is required to be registered under the provisions of the Land Titles Act, a certificate of an officer of the Corporation duly authorised by the Corporation to act for the person mentioned in subsection (1) shall be sufficient for the purposes of section 50 (4) of that Act.

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(3) For the purposes of this section —

“flat” means any flat, house or other building sold by the Corporation under the provisions of this Part;
 “transfer”, with reference to a flat, means the conveyance, sale, purchase, assignment, mortgage, charge or the disposal in any manner of any estate or interest in a flat and includes a discharge of a mortgage, or a reconveyance, or the devolution of the rights of a deceased owner of a flat to another person, and “is transferred” shall be construed accordingly.

(4) Section 30 of the Legal Profession Act shall not apply to any officer of the Corporation acting for any party to the transactions referred to in subsection (1). Cap. 161.

Restrictions
relating to
purchase of
flat, house
or building.
29/74
11/78
31/80.

40.—(1) No person shall be entitled to purchase any flat, house or other building sold subject to the provisions of this Part if that person, his spouse or any authorised occupier —

(a) is the owner of any other flat, house, building or land or has an estate or interest therein; or

(b) has, at any time within 30 months immediately prior to the date of making an application to the Corporation to purchase the flat, house or building or between the date of such application and the date of completion of the purchase of the flat, house or building, sold any flat, house, building or land of which he was the owner, or divested himself of any interest therein.

11/78.

(2) Where a person purchases a flat, house or other building in contravention of subsection (1), he shall not present for registration under the provisions of the Registration of Deeds Act or the Land Titles Act the assurance of the flat, house or other building. The Corporation shall on discovery of such a purchase —

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(a) serve a written notice upon the purchaser of the flat, house or other building of its intention to lodge with the Registrar of Deeds or the Registrar of Titles, as the case may be, an instrument for the vesting in the Corporation of the title to or the estate or interest in that flat, house or other building; or

(b) where no lease has been registered in favour of the purchaser, serve a written notice of the Corporation's intention to terminate the agreement for a lease and to re-enter upon the flat, house or other building or part thereof in the name of the whole and thereupon any interest of the purchaser shall absolutely determine.

11/78.

(3) The purchaser may, within 14 days after the service of the notice given pursuant to subsection (2), appeal to the Minister whose decision shall be final and shall not be questioned in any court.

11/78.

(4) Where an appeal has been made to the Minister pursuant to subsection (3), the Corporation shall not proceed to vest the title to or the estate or interest in the flat, house or other building in itself, or to repossess the flat, house or other building, until the appeal has been disposed of or withdrawn.

(5) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument, lodged under subsection (2), without being concerned to inquire into its regularity or validity, and upon its registration the title to or the estate or interest in the flat, house or building shall vest in the Corporation without further assurance free from all encumbrances (subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Corporation) for such title, estate or interest as the Corporation would have had on the date of the registration of the instrument, if there had been no sale of the flat, house or building. 29/74
11/78.

(6) Upon the registration of such an instrument —

(a) in the case of a flat, house or building registered under the provisions of the Registration of Deeds Act, the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or building has vested in the Corporation in accordance with subsection (5), and upon that entry being made, the flat, house or building shall vest in the Corporation free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Corporation; or Cap. 269.

(b) in the case of a flat, house or building, registered under the provisions of the Land Titles Act, the flat, house or building shall vest in the Corporation free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Corporation, and the Registrar of Titles shall cancel the registration of any lease, mortgage or charge thereby overreached. Cap. 157.

(7) The Corporation may in its discretion forfeit any moneys paid or deposited in respect of the purchase of any flat, house or other building from the Corporation if the Corporation discovers that the person has purchased or seeks to purchase the flat, house or other building in contravention of subsection (1). 11/78.

(8) The Corporation may in its discretion exempt any person or class of persons from all or any of the provisions of this section. 11/78.

31/80.

(9) Notwithstanding subsection (1), the Corporation may sell or lease a flat, house or other building to any person, notwithstanding that the person, his spouse or any authorised occupier has purchased or acquired with the prior written consent of the Corporation, any commercial property not exceeding in value \$250,000 or such higher value as the Minister may allow, and that commercial property is used or intended to be used by any such person for business purposes. [39

Conditions in respect of a flat, house or building.
29/74
31/80.

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41.—(1) No lien by deposit of the title deeds, as security for a debt, of any flat, house or building that has been sold by the Corporation under the provisions of this Part shall be capable of being created in favour of any person and no caveat in support of any such lien by deposit shall be capable of being registered under the provisions of the Registration of Deeds Act or the Land Titles Act.

(2) No such flat, house or building shall vest in the Official Assignee on the bankruptcy of the owner thereof.

(3) No such flat, house or building shall be attached in execution of a decree of a court.

(4) Every trust or alleged trust, whether the trust is express, implied or constructive, which purports to be created in respect of such flat, house or building by the owner thereof shall be null and void and shall be incapable of being enforced by a court. [41*

Transfer of a flat, house or other building on the death of the owner.
11/78.

42.—(1) The transmission on the death of the owner, whether testate or intestate, or any transfer by the personal representatives of a deceased owner, of a flat, house or other building that has been sold subject to the provisions of this Part shall not be registered under the provisions of the Registration of Deeds Act or the Land Titles Act without the written consent of the Corporation:

Provided that where the Corporation refuses to give its consent, the Corporation may lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, to have the flat, house or other building vested in the Corporation.

*Section 40 in the 1970 Edition was repealed by Act 31/80.

(2) Where no representation has been taken out under a will or on the intestacy of a deceased owner of a flat, house or other building within 12 months from the death of the owner, or where representation has been taken out but the personal representatives do not apply for the Corporation's written consent for the transmission or transfer of the flat, house or other building within 6 months from the date of representation, the Corporation may lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, to have the flat, house or other building vested in the Corporation.

(3) Where on the death of the owner of a flat, house or other building that has been sold subject to the provisions of this Part the lease in favour of the owner has not been registered under the provisions of the Registration of Deeds Act or the Land Titles Act, or where no representation has been taken out under a will or on the intestacy of a deceased owner of such flat, house or other building within 12 months from the death of the owner, the Corporation may rescind the agreement for the lease of such flat, house or other building.

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(4) Where the Corporation decides to lodge an instrument under subsection (1) or (2) to have the flat, house or other building vested in itself or to rescind an agreement for a lease under subsection (3), the Corporation shall —

- (a) serve a written notice on the personal representatives of the deceased owner of, and on all persons known or believed to have an interest or estate in, the flat, house or other building; and
- (b) in the case where no representation is taken out, serve a notice on the flat, house or other building and on all persons known or believed to have an interest or estate in the flat, house or other building,

of its intention to lodge with the Registrar of Deeds or the Registrar of Titles, as the case may be, an instrument of vesting under subsection (1) or (2) or of its decision to rescind the agreement for a lease and of the compensation to be paid therefor and the date on which the instrument will be lodged as aforesaid, or the date the rescission is to take effect, not being a date earlier than 28 days after the date of the service of the notice.

(5) The personal representatives and any person who is interested in the estate of the deceased owner may, within 28 days after the day of service of the notice, appeal to the Minister whose decision shall be final and shall not be called in question in any court.

(6) Where an appeal is made to the Minister pursuant to subsection (5), the Corporation shall not proceed to lodge an instrument of vesting under subsection (1) or (2) or rescind the agreement for a lease until the appeal is determined or withdrawn.

(7) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument lodged under subsection (1) or (2) without being concerned to inquire into its regularity or validity and —

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(a) in the case of a flat, house or other building registered under the provisions of the Registration of Deeds Act, the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or other building has been vested in the Corporation and upon that entry being made; and

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(b) in the case of a flat, house or other building registered under the provisions of the Land Titles Act, the Registrar of Titles shall register the instrument on the relevant folio of the land register without the necessity of the production of the duplicate certificate of title and upon registration thereof,

the title to and the estate or interest in the flat, house or other building shall vest in the Corporation free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Corporation, and the Registrar of Deeds or the Registrar of Titles, as the case may be, shall cancel the registration of any mortgage, charge or lease thereby overreached.

31/80.

(8) Where an appeal has been determined by the Minister or on the expiry of a period of 28 days after the service of the notice referred to in subsection (4) and the personal representatives do not consent to receive the compensation, or where representation has not been taken

out under a will or on the intestacy of the deceased owner, or where there are conflicting claims to the compensation to be paid by the Corporation, the Corporation shall apply to the High Court *ex parte* by originating summons, supported by an affidavit, for an order to deposit the amount of the compensation in Court and, notwithstanding anything to the contrary in the Rules of the Supreme Court for the time being in force, the High Court may make such an order. S 274/70.

(9) The compensation to be paid by the Corporation for any flat, house or other building vested in the Corporation under this section shall be determined by the Corporation.

43.—(1) The owners of flats in any building or buildings of the Corporation shall, as soon as possible after they are directed by the Corporation in writing, establish a body corporate under the name of “The Management Corporation for flat numbers . . . of the Jurong Town Corporation building situate in Lot number . . . in Town Sub-Division or Mukim . . .”. Establishment of management corporations. 29/74.

(2) The Corporation shall not, without consulting all the owners of the flats in any building or buildings, issue any direction under subsection (1) to the owners of the flats.

(3) Where a direction of the Corporation under subsection (1) is not carried out, the Corporation may, by notification in the *Gazette*, authorise a company, incorporated under the provisions of any written law for the time being in force relating to companies, to exercise the functions, duties and powers of a management corporation.

(4) The Corporation may, by notification in the *Gazette*, revoke any authorisation granted to a company, under subsection (3), without assigning any reason therefor.

(5) A management corporation, referred to in subsection (1), shall be constituted by order made by the Corporation, which shall be published in the *Gazette*.

(6) Upon the constitution of a management corporation under subsection (5) and so long as one exists in relation to one or more buildings the owners of flats in the building or buildings shall be —

- (a) members of the management corporation; and
- (b) entitled to such voting rights as may be prescribed.

(7) A management corporation, constituted under subsection (5), shall have perpetual succession and may sue and be sued in its name and do all other matters and things incidental or appertaining to a body corporate and not inconsistent with the provisions of this Act.

(8) The management corporation shall establish and maintain a fund for administrative purposes sufficient in the opinion of the management corporation for the control, management and administration of the common property of the building or buildings in relation to which the management corporation exists, for the payment of any rent, rates and premiums of insurance in respect of the common property and the discharge of any other obligations of the management corporation.

(9) For the purposes of establishing and maintaining a fund in accordance with subsection (8), the management corporation may —

- (a) determine from time to time the amounts to be raised for the purposes referred to in subsection (8);
- (b) raise amounts so determined by levying contributions on the owners of flats in the building or buildings referred to in subsection (8) in such proportions as may be prescribed; and
- (c) recover from any of the owners by an action in a court of competent jurisdiction any sum of money expended by the management corporation for rents, rates, premiums, maintenance, conservancy or for repairs to or done by it at its direction to his flat.

(10) Subject to subsection (12), any contribution levied under subsection (9) shall be due and be payable —

- (a) on the passing of a resolution to that effect by the management corporation and in accordance with the terms of that resolution; or
- (b) if the Corporation or a company, as the case may be, is performing the functions of a management corporation and has been vested with its powers, under section 44, on the service of a written notice and in accordance with the terms of that notice,

and may be recovered by the management corporation or the Corporation or company, as the case may be, in an action in a court of competent jurisdiction from the owner of a flat in a building referred to in subsection (8) at the time when the resolution or notice, as the case may be, was passed or served and from the owner of the flat at the time when the action is instituted jointly or severally.

(11) A certificate of the Corporation shall be conclusive evidence of the amount that may be due to the Corporation under subsection (10).

(12) A management corporation shall, on the application of an owner of a flat in a building in relation to which the management corporation exists under the provisions of this Act or a person authorised in writing by him, certify —

- (a) the amount determined as the contribution of the owner;
- (b) the manner in which that contribution is payable;
- (c) the extent to which his contribution has been paid by the owner; and
- (d) the amount of any rates paid by the management corporation and not recovered by it,

and in favour of any person dealing with that owner such a certificate shall be conclusive evidence of the matters certified therein.

(13) A management corporation, constituted under subsection (5), shall not be wound up except by an order made by the Corporation cancelling the order by which it was constituted.

(14) An order made under subsection (13) shall be published in the *Gazette* and shall provide for the winding up of the management corporation and for its dissolution.

44. The functions and duties of a management corporation constituted under section 43 may be performed and its powers shall be vested in and may be exercised by —

- (a) the Corporation —
 - (i) where a management corporation has not been constituted under section 43 (5);
 - or

Corporation or company may exercise the powers of management corporation.
29/74.

- (ii) where a management corporation constituted under section 43 (5), has been wound up by an order made under section 43 (13); or
- (b) a company authorised by the Corporation under section 43 (3).

Determination of the lease of a flat, house or building.
29/74
11/78.

45. The Corporation may, where a flat, house or building has been sold by the Corporation under the provisions of this Act —

- (a) if any rent reserved by the lease or part thereof is unpaid for 3 calendar months after becoming payable and the Corporation has sent a demand in writing by registered post addressed to the owner of the flat, house or building (whether the demand has been received by the owner or not);
- (b) if the owner has committed any breach of a condition against assigning, underletting or parting with possession of the flat, house or other building or any part thereof or has committed any other condition the breach of which is not capable of remedy and the Corporation has sent a notice in writing by registered post addressed to the owner or purchaser at the flat, house or other building (whether the notice has been received or not);
- (c) if any condition (being a condition the breach of which is capable of remedy) on the part of the owner is not performed or observed within two weeks after a notice in writing has been sent by the Corporation to the owner addressed to the owner of the flat, house or other building drawing the attention of the owner to the non-performance or non-observance of the condition (whether the demand has been received by the owner or not);
- (d) if the owner has submitted a false statement in his application form for the purchase of the flat, house or building;
- (e) if the owner has, in the opinion of the Corporation, committed a breach of any of the rules made under section 53 (1) (f); or
- (f) if the owner has, in the opinion of the Corporation, used the flat, house or building otherwise than for a purpose allowed by the lease,

in every such case re-enter upon the flat, house or building or a part thereof in the name of the whole and thereupon the lease shall determine; but such determination shall be without prejudice to any right of action or remedy of the Corporation in respect of any such breach or any other breach of the conditions contained in the lease.

46.—(1) The Corporation may compulsorily acquire any flat, house or other building sold subject to the provisions of this Part, whether before or after 23rd March 1978 —

Corporation may compulsorily acquire property sold subject to this Part.
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- (a) if the owner thereof and his spouse, if any, has in the opinion of the Corporation ceased to occupy the flat, house or other building;
- (b) if the owner thereof, his spouse or any authorised occupier has at any time, whether before or after that date, acquired whether by operation of law or otherwise any title to or an estate or interest in any other flat, house or building or land;
- (c) if the flat, house or other building has in the opinion of the Corporation been used otherwise than for the purpose permitted by the lease;
- (d) if the owner thereof has permitted any person other than an authorised occupier to reside or stay in the flat, house or other building;
- (e) if the owner thereof has failed to perform or observe any condition contained in the lease to be performed or observed on the part of the owner after a notice in writing has been sent by the Corporation drawing his attention to the non-performance or non-observance of the condition in the lease and the Corporation is of the opinion that he is likely to continue to do the same if he should continue to own the flat, house or other building;
- (f) if the owner thereof has made a misleading or false statement in his application to the Corporation for the purchase of the flat, house or other building;
- (g) if the owner thereof has made misrepresentation of a material fact, whether innocently or otherwise, in his application to the Corporation for the purchase of the flat, house or other building;

- (h) if the owner thereof assigns, underlets or parts with the possession of the flat, house or other building or any part thereof without obtaining the prior written consent of the Corporation;
- (i) if, in the opinion of the Corporation, the flat, house or other building is not being occupied by such minimum number of persons as the Corporation may require;
- (j) if the owner thereof has at any time, whether before or after that date, ceased to be a citizen of Singapore; or
- (k) if the rent or any payments or any part thereof due to the Corporation reserved under the lease remains unpaid for 3 calendar months after they are due and payable and the Corporation has sent a notice of demand in writing to the owner thereof.

31/80.

(2) Subsection (1) (b) shall not apply to any owner or his spouse or any authorised occupier who has purchased or acquired, with the prior written consent of the Corporation, any commercial property not exceeding in value \$250,000 or such higher value as the Minister may allow and the commercial property is used or intended to be used by any such person for business purposes.

(3) Where the Corporation intends to exercise its powers of compulsory acquisition conferred by this section, the Corporation shall serve a notice in writing on the owner of the flat, house or other building and all persons known or believed to be interested in claiming all or any part of the compensation to be paid for the flat, house or other building (referred to in this Part as an interested person) stating the Corporation's intention to acquire the premises and the compensation to be paid therefor.

(4) An owner or interested person who objects to a proposed acquisition by the Corporation may, within 28 days after the date of service of a notice referred to in subsection (3), submit in writing to the Corporation precisely the grounds upon which he objects to the acquisition and the compensation offered by the Corporation.

(5) The Corporation shall consider the objection and may either disallow it or allow it either wholly or in part,

and shall serve the owner or interested person by post or otherwise with a written notice of its decision.

(6) Any owner or interested person aggrieved by the decision of the Corporation may, within 28 days after the date of service of such decision, appeal to the Minister in the prescribed manner whose decision shall be final.

(7) This section shall not limit or affect the powers conferred upon the Corporation by any other provision of this Act or under any other written law to exercise its right of forfeiture and right of re-entry for a breach of any of the conditions of a lease.

(8) The compensation to be paid by the Corporation for any flat, house or other building compulsorily acquired by the Corporation under this section shall be determined by the Corporation. [45A

47.—(1) When the Corporation has made a decision pursuant to section 46 to compulsorily acquire a flat, house or other building, the Corporation may —

Vesting of
acquired
property in
Corporation.
11/78.

(a) lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, for the vesting in the Corporation of the title to or the estate or interest in that flat, house or other building —

(i) in the case where no objection has been made pursuant to section 46 (4), on the expiry of a period of 28 days after the date of service of the notice referred to in section 46 (3); and

(ii) in the case where an appeal has been made to the Minister, at any time after the appeal has been determined by the Minister or when the appeal is withdrawn, as the case may be; and

(b) in the case where no lease has been registered in favour of the owner, serve a written notice to terminate the agreement for a lease and to re-possess the flat, house or other building or part thereof in the name of the whole and thereupon any interest of the purchaser shall absolutely determine.

(2) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument lodged under subsection (1) without being concerned to inquire into its regularity or validity and —

Cap. 269. (a) in the case of a flat, house or other building registered under the provisions of the Registration of Deeds Act, the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or other building has been vested in the Corporation and upon that entry being made; or

Cap. 157. (b) in the case of a flat, house or other building registered under the provisions of the Land Titles Act, the Registrar of Titles shall register the instrument on the relevant folio of the land register without the necessity of the production of the duplicate certificate of title and upon registration thereof,

the title to and the estate or interest in the flat, house or other building shall vest in the Corporation free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Corporation, and the Registrar of Deeds or the Registrar of Titles, as the case may be, shall cancel the registration of any mortgage, charge or lease thereby overreached. [45B

Payment of
compensa-
tion.
11/78.

48.—(1) The Corporation shall pay the compensation determined by the Corporation, or varied by the Minister on an appeal, to an owner or to both an owner and an interested person in such proportion as the Corporation may decide or as may be varied by the Minister; and in the case where any party refuses to accept it or where there is a dispute between the parties to the proportion they are entitled to the compensation to be paid, the Corporation shall apply to the High Court *ex parte* by summons supported by an affidavit for an order to deposit the amount of the compensation or any part thereof in Court and notwithstanding anything to the contrary in the Rules of the Supreme Court for the time being in force the High Court may make such an order.

(2) The Corporation may withhold any compensation payable in respect of any flat, house or other building vested in the Corporation under this Act to any person until the

Corporation has taken possession of that flat, house or other building. [45c]

49. Where any flat, house or other building has been vested in the Corporation pursuant to section 40 or 47, the Corporation may proceed to take possession of that flat, house or other building on the expiry of a period of 30 days after the service of a notice on the owner thereof and if any of the officers of the Corporation is opposed or impeded in taking possession under this section of any flat, house or other building, the Corporation may take such measures (including the calling for the assistance of the police) as are necessary to have the occupants evicted from and to enforce the surrender of the flat, house or other building and to remove all things and other movable property found therein. [45d]

Taking possession.
11/78.

50. Any person who makes any statement in his application to the Corporation for the purchase of a flat, house or other building which is false, and which he either knows or believes to be false or does not believe to be true, 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 6 months or to both. [45E]

Giving false information.
11/78.

51.—(1) Any person who being the lessee of a flat, house or other building sold by the Corporation subject to the provisions of this Part assigns, underlets or parts with the possession of the flat, house or other building or any part thereof without obtaining the prior written consent of the Corporation as required by the lease 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 6 months or to both.

Unauthorised subletting.
11/78.

(2) Any person who abets the commission of an offence under this section shall be punished with the punishment provided for the offence. [45F]

52. If any dispute arises or should a ruling be required as to whether any property is a commercial property within the meaning of this Act, a direction by the Minister to the effect that the property is, or is not, a commercial property shall be conclusive evidence for all purposes; every such direction shall be final and shall not be called in question in any court or tribunal. [45G]

Direction of Minister to be conclusive evidence.
31/80.

Power to
make rules.
29/74
11/78
31/80.

53.—(1) The Corporation may, with the approval of the Minister, 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:

- (a) the terms and conditions for the sale of a flat, house or building under the provisions of this Part;
- (b) the persons to whom the flat, house or building may be sold and the persons who are allowed to stay in the flat, house or building, including the qualifications as to income, the minimum number in the family, citizenship and ownership of any other properties by all or any such persons;
- (c) a scheme of savings by a prospective purchaser of the flat, house or building with the Corporation for the first minimum payment therefor;
- (d) the minimum first payment for the purchase of the flat, house or building and the maximum period that may be allowed for the payment of the balance of the purchase price thereof, together with the prescribed interest;
- (e) the functions, duties and powers of a management corporation constituted under section 43;
- (f) regulating the use, management and control of flats, houses or buildings that have been sold under the provisions of this Part, and the common property thereof;
- (g) prescribing the fees to be charged by the Corporation for acting for any person in the sale, purchase, transmission of the interest of a deceased owner, transfer, assignment, mortgage, discharge of a mortgage, reconveyance, or surrender, of a flat sold under the provisions of this Part or for acting for any surviving joint owner of such a flat in his application to register his entitlement consequent upon the death of the other joint owner; and
- (h) prescribing the penalty (such penalty, if unpaid, to constitute a debt due to the Corporation and be recoverable as such) to be paid by the owner of any flat, house or other building sold under the provisions of this Part or by any applicant for such flat, house or other building for non-

observance or non-compliance with any of the restrictions, conditions or requirements of section 40, 45 or 46, where the Corporation does not institute proceedings against him under any of those sections.

(2) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [46]

54. The Minister may, by notification in the *Gazette*, exempt any person or class of persons or any flat, house or building or flats, houses or buildings described therein from any of the provisions of this Part. [47]

Exemption.
29/74.

PART V

LIABILITY OF THE CORPORATION AT JURONG PORT

55. In this Part, unless the context otherwise requires —
- “goods” includes animals, carcasses, baggage and any other movable property of any kind whatsoever;
- “Jurong Port” means any place in the district of Jurong in Singapore which is owned by the Corporation and where facilities are provided by the Corporation for ships to load or unload;
- “owner”, —
- (a) when used in relation to goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, discharge or delivery of such goods; and
- (b) when used in relation to any vessel, includes any part-owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of any such person;
- “transshipment goods” means goods landed from a vessel and placed in the custody of the Corporation for the purpose of shipment on another vessel on a through bill of lading dated at the port of loading of such goods and showing that the destination is via Singapore, with the ultimate port of destination marked on each package or unit containing such goods and declared on a transshipment
- Interpre-
tation.
11/78.

manifest lodged with the Corporation prior to or at the time such goods are placed in its custody;

“vessel” includes any ship or boat or air-cushioned vehicle or floating rig or platform used in any form of operations at sea or any other description of vessel. [48]

Application of this Part. 11/78.

56. The provisions of this Part shall only apply to the Jurong Port and to any place or premises controlled or used by the Corporation for the purpose of providing and maintaining adequate and efficient port services and facilities in the Jurong Port. [49]

Loss or destruction of or damage to goods other than transshipment goods and goods accepted for storage. 11/78.

57. Neither the Corporation nor any person acting for or on behalf of the Corporation shall be liable —

(a) for any loss caused to any person by reason of misdelivery, short delivery or non-delivery of any goods deposited with or placed in the custody or control of the Corporation, other than transshipment goods and goods accepted for storage by the Corporation under section 63; or

(b) for damage to or destruction of such goods as have been duly acknowledged by the Corporation to be in its custody in the sum of more than \$2,000 per package or unit unless the nature and value of the goods contained therein have, prior to delivery to the Corporation, been declared in writing to the Corporation by the person delivering or causing the same to be delivered, and the Corporation shall not in any event be liable therefor where the value of any such goods has been misstated. [50]

Liability for loss under contract. 11/78.

58. Notwithstanding section 57, the Corporation shall, on application made to it by the owner of any vessel, enter into a contract with the owner whereby the Corporation shall accept liability for any loss caused by reason of short delivery by the Corporation of any goods deposited with or placed in the custody or control of the Corporation or any failure by the Corporation to deliver or account for them,

and for the purposes of this section the Corporation may prescribe the terms and conditions of the contract and may, with the approval of the Minister, from time to time prescribe the rates to be levied:

Provided that the Corporation may in its discretion refuse to enter into such contract unless the contract is in respect of all of the goods to be loaded into or discharged from a vessel, as the case may be. [51

59. In respect of any transshipment goods delivered by any person to, or placed by any person in the custody of, the Corporation, the Corporation shall, from the time of acknowledgment of the receipt of such goods and until delivery of the goods alongside the on-carrying vessel for loading, be liable, subject to section 60, for the loss or destruction of, or damage to, the goods: Loss or destruction of, or damage to, transshipment goods deposited with Corporation. 11/78.

Provided that the Corporation shall not be liable for any such loss, destruction or damage in a sum of more than \$2,000 per package or unit unless the nature and value of the goods contained therein have, prior to delivery to the Corporation, been declared in writing to the Corporation by the person delivering or causing them to be delivered, and the Corporation shall not in any event be liable therefor where the value of any such goods has been misstated.

[52

60. Sections 57 and 59 shall not impose on the Corporation or any person duly authorised by it any liability for the loss or destruction of, or damage to, any goods arising from — Force majeure, etc. 11/78.

- (a) fire or flood, unless caused by the actual fault or privity of the Corporation;
- (b) an act of God;
- (c) an act of war or of public enemies;
- (d) seizure under any legal process;
- (e) quarantine restrictions;
- (f) any act, omission or default of the owner or carrier of such goods;
- (g) strikes, lock-outs or stoppages or restraints of labour from whatever cause, whether partial or general;
- (h) riots and civil commotions;
- (i) saving or attempting to save life or property;

- (j) insufficient or improper packing, defective or insufficient marks or leakage from defective drums, containers or packages;
- (k) any inherent liability to wastage in bulk or weight, latent or inherent defect or natural deterioration;
- (l) any deficiency in the contents of unbroken packages; or
- (m) the dangerous nature of those goods. [53]

Cargo subject to general or particular average. 11/78.

61.—(1) The owner or master of any vessel discharging or intending to discharge any cargo which is the subject or likely to be the subject of a declaration of general or particular average into the premises of the Corporation shall inform the Corporation of the existence or likelihood of the declaration and of the particulars of the cargo affected or likely to be affected thereby prior to the commencement of the discharge.

(2) The Corporation shall be exempt from all liability in respect of the discharge, reception, storage or removal of any cargo referred to in subsection (1). [54]

Corporation not responsible for acts of stevedore or workman. 11/78.

62. Any stevedore or workman whilst engaged in performing work in or in respect of any vessel shall, notwithstanding that his wage or remuneration for performing the work is paid by the Corporation, be deemed to be the employee of the owner and master of the vessel and the Corporation shall be exempt from all liability for any loss or damage caused by any act, omission or default of the stevedore or workman. [55]

Saving. 11/78.

63.—(1) Nothing in this Part shall preclude the Corporation from accepting goods for storage as well as liability for any loss, destruction or damage thereto.

(2) Nothing in this Part shall affect any liability that may be imposed on the Corporation by any written law relating to compensation to workmen. [56]

PART VI

MISCELLANEOUS

64. No court shall take cognizance of any offence under this Act or any rules or regulations made thereunder except with the sanction of the Public Prosecutor. [57]

Sanction for
prosecution.
11/78.

65. Proceedings in respect of any offence under this Act or any rules or regulations made thereunder may be conducted by any officer of the Corporation or any other person authorised in writing in that behalf by the Chairman. [58]

Conduct of
prosecution.
11/78.

66. Unless otherwise expressly provided, every notice, order or document required or authorised by this Act or any rules or regulations made thereunder to be served on the owner of a flat, house or building sold under the provisions of this Act shall be deemed to be sufficiently served —

Service of
notices.
11/78
31/80.

- (a) if the notice, order or document is delivered to the owner or is delivered at the flat, house or building to some adult member or servant of his family;
- (b) if it is sent to the owner by registered post at his flat, house or building (whether or not it has been received by him); or
- (c) if it is affixed to some conspicuous part of his flat, house or building. [59]

THE SCHEDULE
SYMBOL OF THE CORPORATION

Section 35.
7/71.

