

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**LAND ACQUISITION ACT**  
**(CHAPTER 152)**

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**Act**

**41 of 1966**

**Amended by**

**23 of 1968**

**66 of 1973**

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# Land Acquisition Act

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An Act to provide for the acquisition of land for public and certain other specified purposes, the assessment of compensation to be made on account of such acquisition and for purposes connected therewith.

[17th June 1967]

## PART I

## PRELIMINARY

1. This Act may be cited as the Land Acquisition Act. Short title.

2.—(1) In this Act, unless the context otherwise requires — Interpretation.  
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“assessor” means a member of the panel of assessors appointed under section 26 (2);

“Board” means an Appeals Board constituted under section 19 (1);

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

“Commissioner” means a Commissioner of Appeals or a Deputy Commissioner of Appeals, appointed under section 19 (2), and includes an acting Commissioner of Appeals or acting Deputy Commissioner of Appeals;

“land” includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

“person interested” includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Act, but does not include a tenant by the month or at will or a statutory tenant under the Control of Rent Act. Cap. 58.

(2) For the purposes of this Act, the following persons shall be deemed persons “entitled to act” as and to the extent hereinafter provided:

- (a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;
- (b) a married woman shall be deemed the person so entitled to act and, whether of full age or not, to the same extent as if she were unmarried and of full age; and
- (c) the guardians of minors and the committees of mentally disordered persons shall be deemed respectively the persons so entitled to act, to the same extent as the minors or mentally disordered persons themselves could have acted if free from disability:

Provided that —

- (i) no person shall be deemed “entitled to act” whose interest in the subject matter is shown to the satisfaction of the Collector, the Board or the Court of Appeal to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector, the Board or the Court of Appeal, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of the Rules of Court for the time being in force shall, *mutatis mutandis*, apply in the case of persons interested appearing before the Collector, the Board or the Court of Appeal by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) no person “entitled to act” shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale.

## PART II

## ACQUISITION

*Preliminary investigation*

3.—(1) Whenever it appears to the President that land in any locality is likely to be needed for any purpose specified in section 5 (1), a notification to that effect shall be published in the *Gazette* and the Collector shall cause public notice of the substance of the notification to be given at convenient places in that locality, and thereupon any officer either generally or specially authorised by the Minister in that behalf and his servants and workmen may —

Power to enter and survey.

- (a) enter upon and survey and take levels of any land in that locality;
- (b) dig or bore into the soil;
- (c) do all other acts necessary to ascertain whether the land is suitable for such purpose;
- (d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed thereon;
- (e) mark those levels, boundaries and line by placing marks and cutting trenches; and
- (f) cut down and clear away any standing crop, fence or jungle, where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked.

(2) No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house unless with the consent of the occupier thereof, without previously giving the occupier at least 7 days' notice in writing of his intention to do so.

(3) A notification made under this section in respect of any land in any locality shall cease to have effect on the expiration of 12 months from the date of its publication but nothing in this subsection shall be construed to preclude a further exercise of the powers conferred upon the President by this section or by section 5 in respect of such land.

66/73.

4.—(1) Where any damage is done in an entry made under section 3 by any act of the officer authorised under that section, compensation shall be paid as soon as

Payment for damage.

conveniently may be after such entry and in case of dispute as to the amount of such compensation, the amount shall be determined by the Collector.

(2) An appeal shall lie from the determination of the Collector under this section to the Minister whose decision shall be final.

*Declaration of intended acquisition*

Notification that land is required for specific purposes.

5.—(1) Whenever any particular land is needed —

- (a) for any public purpose;
- (b) by any person, corporation or statutory board, for any work or an undertaking which, in the opinion of the Minister, is of public benefit or of public utility or in the public interest; or
- (c) for any residential, commercial or industrial purposes,

the President may, by notification published in the *Gazette*, declare the land to be required for the purpose specified in the notification.

(2) Such a notification shall state —

- (a) the town subdivision or mukim in which the land is situated;
- (b) the lot number of the land, its approximate area and all other particulars necessary for identifying it; and
- (c) if a plan has been made of the land, the place and time where and when the plan may be inspected.

(3) The notification shall be conclusive evidence that the land is needed for the purpose specified therein as provided in subsection (1).

Collector to proceed to acquire after notification.

6. Upon the publication of a notification under section 5 (1) declaring that any land is needed for the purpose specified in the notification, the Minister or an officer authorised by the Minister in that behalf shall direct the Collector to take proceedings for the acquisition of the land.

Land to be marked out and measured.

7. The Collector shall thereupon cause the land, unless it has been already marked out under section 3, to be marked out and measured, and a plan to be made thereof, if no plan exists.

8.—(1) The Collector shall then cause notices to be posted at convenient places on or near the land to be taken stating — Notice to persons interested.

- (a) that the Government intends to acquire the land; and
- (b) that claims to compensation for all interests in the land may be made to him.

(2) The Collector shall also serve notice to the same effect on all persons known or believed to be interested in the land, or to be entitled to act for persons so interested, and residing or having agents authorised to receive service on their behalf within Singapore:

Provided that, if any such person resides elsewhere and has no such agent, the notice may be sent to him by registered post if his address can be ascertained after reasonable inquiry.

(3) Every such notice under subsections (1) and (2) —

- (a) shall state the particulars of the land; and
- (b) shall require all persons interested in the land —
  - (i) to appear personally or by any person authorised in writing in that behalf before the Collector at the time and place mentioned in the notice, such time being not earlier than 21 days after the date of the notice; and
  - (ii) to state the nature of their respective interests in the land, the amount and particulars of their claims to compensation for those interests, the basis or mode of valuation by which the amount claimed is arrived at, and their objections, if any, to the measurements made under section 7.

(4) The Collector may, in any case, require any statement under subsection (3) to be made in writing and signed by the party or his agent.

9.—(1) The Collector may also require any such person to deliver to him within a time to be specified, being not less than 15 days, a statement in writing containing, so far as may be practicable, the name of every other person Power to require statements as to names and interests.



possessing any interest in the land or any part thereof as co-owner, mortgagee, lessee, sub-lessee, tenant or otherwise, and of the nature of that interest, and of the rents and profits, if any, received or receivable on account thereof for 3 years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under section 8 or this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code.

Cap. 224.

*Inquiry into measurements, value and claims, and  
award by Collector*

Inquiry and  
award by  
Collector.

**10.**—(1) On the day so fixed, or on any other day to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections, if any, which any person interested has stated, pursuant to a notice given under section 8, to the measurements made under section 7 and into the value of the land and into the respective interests of the persons claiming the compensation, and shall, as soon as possible after the conclusion of the inquiry, make an award under his hand of —

- (a) the area of the land;
- (b) the compensation which in his opinion should be allowed for the land; and
- (c) the apportionment of the compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether or not they have respectively appeared before him.

(2) The Collector may at any time refer to the High Court for its determination any question as to —

- (a) the true construction or validity or effect of any instrument;
- (b) the persons entitled to a right or interest in the land;
- (c) the extent or nature of such a right or interest;
- (d) the apportionment of the compensation or any part thereof for such a right or interest;
- (e) the persons to whom the compensation or any part thereof is payable;

(f) the costs of any inquiry under this Act and the persons by whom the costs shall be borne.

(3) Without prejudice to the powers of the High Court, the costs of any reference under subsection (2) shall be borne by such persons as the High Court may direct or, in the absence of any such direction, by the Collector.

(4) Where the Collector who has proceeded under this section to inquire into the objections of any person interested ceases for any reason to hold office as Collector at any time before the making of an award under this section, any other officer who is a Collector may in his discretion continue the inquiry or hold a fresh inquiry. For the purpose of this subsection, the Collector who continues the inquiry of a Collector who has ceased to hold office may act on the evidence recorded by the latter. 66/73.

(5) Where a Collector who has made an award under this section ceases for any reason to hold office as a Collector before lodging his grounds of award under section 23, any other officer who is a Collector may, if the notice of appeal is lodged under section 23, lodge such grounds of award on behalf of the Collector who has ceased to hold office. 66/73.

**11.—**(1) The Collector's award shall be filed in his office and shall, except as hereinafter provided, be final and conclusive evidence as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the area and value of the land and the apportionment of the compensation among the persons interested. Award of Collector when to be final.

(2) The Collector shall serve a copy of his award on all persons interested provided that their addresses can be ascertained after reasonable inquiry when the award is made.

**12.** Where at any inquiry held under section 10 no objection has been made by any person interested that section 7 has not been properly complied with, the award made in the inquiry shall not be questioned in any appeal before the Board or in any court on the ground — Effect of failure to comply with section 7.

- (a) that section 7 has not been properly complied with;
- (b) that any notice posted or served under section 8 is in any way defective by reason of any failure by the Collector to comply with section 7; or

- (c) that the award does not purport to state the area of the land to which it relates in accordance with section 10 (1) (a).

Adjournment  
of inquiry.

**13.** The Collector may, for any cause he thinks fit, from time to time adjourn the inquiry to a day to be fixed by him.

Power to  
summon and  
enforce  
attendance of  
witnesses and  
production of  
documents.

**14.** For the purpose of inquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and, so far as may be, in the same manner, as is provided in the case of a court under the Rules of Court for the time being in force.

Matters to  
be considered  
and matters  
to be  
disregarded.

**15.** In determining the amount of compensation, the Collector shall take into consideration the matters mentioned in section 33 and shall not take into consideration any of the matters mentioned in section 34.

#### *Taking possession*

Power to take  
possession.

**16.—(1)** When the Collector has made an award under section 10, he may take possession of the land by posting thereupon an appropriate notice.

(2) Upon taking possession of the land under subsection (1), the Collector shall also serve a copy of the notice upon the persons interested in the land.

Power to take  
possession in  
cases of  
urgency.

**17.—(1)** In cases of urgency, whenever the Minister directs him to do so, the Collector, though no such award had been made, may on the expiration of 7 days from the date of the notice under section 8, take possession of any land needed for any of the purposes specified in section 5 (1).

(2) The Minister may, in his discretion, direct the Collector to take immediate possession of any land which is intended to be acquired under the provisions of this Act without the publication of a notification under section 5 (1); but such a notification shall be published not later than 7 days after the Collector has taken possession of the land.

**18.** Immediately on taking possession of any land under section 16 or 17, the Collector shall —

- (a) in the case of land registered under the provisions of the Registration of Deeds Act, give notice to the Registrar of Deeds who shall make an entry in the books of the registry that the land has vested in the State, and upon that entry being made, the land shall vest in the State free from encumbrances; or
- (b) in the case of land registered under the provisions of the Land Titles Act, lodge in accordance with section 126 (2) of that Act, an instrument of acquisition in the prescribed form with the Registrar of Titles who shall, upon a request by the Collector, endorse on the relevant folio of the land register a notification to the effect that the land has become vested in the State as State land free from encumbrances and has ceased to be subject to the provisions of the Land Titles Act, and upon that endorsement being made, the land shall vest in the State free from encumbrances.

Notice to Registrar of Deeds and the lodging of an instrument with Registrar of Titles.  
Cap. 269.

Cap. 157.

### PART III

#### REFERENCE TO AN APPEALS BOARD AND PROCEDURE THEREON

**19.—(1)** For the purpose of hearing appeals in respect of any award made by the Collector under this Act, there shall be constituted one or more Appeals Boards consisting of a Commissioner of Appeals or a Deputy Commissioner of Appeals, either sitting alone or with two assessors in the manner provided by section 26.

Appeals Boards.

(2) The Commissioner and the Deputy Commissioner shall be appointed by the President, and no person shall be eligible to be appointed or to remain a Commissioner or Deputy Commissioner who —

- (a) is a Member of Parliament;
- (b) is an undischarged bankrupt;
- (c) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or

(d) is a person found or declared under any written law to be of unsound mind.

(3) The Commissioner and the Deputy Commissioner shall hold office for a period of two years from the date of their appointments and shall be eligible for reappointment.

Cap. 224.

(4) The Commissioner and the Deputy Commissioner shall be deemed to be public servants within the meaning of the Penal Code, and shall enjoy the same judicial immunity as is enjoyed by a Judge of the Supreme Court.

(5) The President may at any time revoke the appointments of the Commissioner and the Deputy Commissioner.

Salaries, fees and allowances to Commissioner and Deputy Commissioner.

20. There shall be paid to the Commissioner and the Deputy Commissioner such salaries, fees and allowances as the President may determine.

Registrar of Board.

21. The Minister may appoint a Registrar of the Board (referred to in this Part as the Registrar) and such other officers and employees of the Board as may be necessary.

Power to make regulations.

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

- (a) prescribing the manner in which appeals shall be made to the Board;
- (b) prescribing the procedure to be adopted by the Board in hearing appeals and the records to be kept by the Board;
- (c) prescribing the places where and the times at which appeals shall be heard by the Board;
- (d) prescribing the fees to be paid in respect of any appeal under this Part; and
- (e) generally for the better carrying out of the provisions of this Part and in particular providing for matters stated or required by this Part.

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

**23.—**(1) Any person interested, who is aggrieved by an award made under section 10, may appeal to the Board by — Right of appeal.

- (a) lodging with the Registrar, within 14 days of the date of the receipt of the award of the Collector, a written notice of appeal in quintuplicate;
- (b) depositing or authorising the deposit with the Accountant-General within 14 days of the date of the receipt of the award a sum equivalent to one-third the amount of the award or \$5,000, whichever is the less; and
- (c) lodging with the Registrar, within 14 days of the date on which the grounds of award of the Collector have been served upon the appellant, a petition of appeal in quintuplicate containing a statement of the grounds of appeal.

(2) On receipt of a notice of appeal, the Registrar shall forthwith forward one copy thereof to the Collector. The Collector shall thereupon lodge with the Registrar his grounds of award and a copy of those grounds shall be served by the Registrar upon the appellant by delivering or tendering the copy to him or sending it to him by registered post.

(3) The Board may, in its discretion and on such terms as it may see fit, permit any person to proceed with an appeal notwithstanding that the notice of appeal or petition of appeal was not lodged, or the deposit with the Accountant-General was not made or authorised, within the time limited therefor by this section, if it is shown to the satisfaction of the Board that the person was prevented from lodging the notice or petition, or from making or authorising such deposit, in due time owing to absence from Singapore, sickness or other reasonable cause and that there has been no unreasonable delay on the part of that person. 66/73.

(4) Save with the consent of the Board and on such terms as the Board may determine, an appellant may not at the hearing of his appeal rely on any grounds of appeal other than the grounds stated in his petition of appeal.

**24.** An appeal shall, subject to section 23 (3), be deemed to have been withdrawn if —

- (a) the deposit required under section 23 (1) (b) is not deposited or authorised to be deposited, within

Appeal deemed to be withdrawn.

the time specified, with the Accountant-General; or

- (b) the petition of appeal is not lodged within the time prescribed by section 23 (1) (c).

Hearing and disposal of appeals.

**25.**—(1) On receipt of a petition of appeal, the Registrar shall forthwith forward one copy thereof to the Collector and shall, as soon as possible thereafter, fix a time and place for the hearing of the appeal and shall give 14 days' notice thereof both to the appellant and to the Collector.

(2) The appellant and the Collector shall attend, either in person or by an advocate and solicitor, at such times and places as may be fixed for the hearing of the appeal:

Provided that if it is proved to the satisfaction of the Board that, owing to absence from Singapore, sickness or other reasonable cause, any person is prevented from so attending, the Board may postpone the hearing of the appeal for such reasonable time as it thinks necessary.

(3) The onus of proving that the award is inadequate shall be on the appellant.

(4) The Board shall have the following powers:

- (a) to summon to attend at the hearing of an appeal any person who it may consider is able to give evidence respecting the appeal, to examine that person as a witness either on oath or otherwise and to require that person to produce such books, papers or documents as the Board may think necessary for the purposes of the appeal;
- (b) to allow any person so attending any reasonable expenses necessarily incurred by him in so attending; such expenses shall form part of the costs of the appeal and, pending and subject to any order by the Board as to such costs, shall be paid by the appellant or the Collector, as the Board may direct;
- (c) all the powers of the High Court with regard to the enforcement of attendance of witnesses, hearing evidence on oath and punishment for contempt; and
- (d) to admit or reject any evidence adduced, whether oral or documentary and whether admissible or

inadmissible under the provisions of any written law for the time being in force relating to the admissibility of evidence.

(5) Every person examined as a witness by or before the Board, whether on oath or otherwise, shall be legally bound to state the truth and to produce such books, papers or documents as the Board may require.

26.—(1) For the purpose of determining appeals in respect of any award made by the Collector under this Act, in any case where the appeal is against an award of — Panel of assessors.

(a) \$250,000 or more, the Board shall consist of the Commissioner or the Deputy Commissioner sitting with two persons selected by the Commissioner or the Deputy Commissioner, as the case may be, from the panel appointed under subsection (2);

(b) less than \$250,000, the Board shall consist of the Commissioner or the Deputy Commissioner sitting alone or, if he thinks fit, with two persons selected by the Commissioner or the Deputy Commissioner, as the case may be, from the panel appointed under subsection (2).

(2) For the purpose of enabling the Board to be constituted under subsection (1), there shall be a panel of assessors (referred to in this Act as the panel), the members of which shall be appointed by the Minister. The panel shall consist of such number of persons as the Minister may think fit, and the name of every person appointed to the panel shall be published in the *Gazette*.

(3) No person shall be eligible to be appointed or to remain a member of the panel who —

(a) is an undischarged bankrupt;

(b) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or

(c) is a person found or declared under any written law to be of unsound mind.

(4) A person appointed to the panel shall, save where his appointment is revoked by the Minister under subsection (6), be a member of the panel, unless he resigns during the



period of the appointment, for a period of two years or for such shorter period as the Minister may in any case determine, but shall be eligible for reappointment.

(5) Where a person ceases to be a member of the panel the Minister shall, as soon as is reasonably practicable, take steps to fill the vacancy, but the existence of any vacancy in the panel shall not invalidate the acts of the Board.

(6) The Minister may at any time revoke the appointment of a member of the panel.

(7) There shall be paid to the members of the panel such salaries, fees and allowances as the Minister may determine.

Decision  
of Board.

**27.—**(1) Where the Board is constituted otherwise than by the Commissioner alone, the Commissioner shall not be bound by the advice or opinion of the other members of the Board.

(2) A decision of the Board shall be signed by the Commissioner and shall be delivered by him or by the Registrar on the direction of the Commissioner.

(3) The Board may, after hearing an appeal confirm, reduce, increase or annul the award or make such order thereon as to it may seem fit.

Member of  
panel and  
proceedings  
deemed to  
be public  
servant and  
judicial  
proceedings  
respectively.  
Cap. 224.

**28.—**(1) Every member of the panel, when and so long as he is serving on the Board, shall be deemed to be a public servant within the meaning of the Penal Code and shall enjoy the same judicial immunity as is enjoyed by a Judge of the Supreme Court.

(2) All proceedings in appeals to the Board under this Act shall be deemed to be judicial proceedings within the meaning of the Penal Code.

Appeals to  
court.

**29.—**(1) Subject to this section, the decision of the Board shall be final.

(2) In any case in which the award, as determined by the Board (excluding the amount of any costs awarded) exceeds \$5,000, the appellant or the Collector may appeal to the Court of Appeal from the decision of the Board upon any question of law.

(3) The procedure governing such appeals to the Court of Appeal and costs relating to such appeals shall be the same as for appeals to the Court of Appeal from decisions of the High Court.

(4) The Court of Appeal shall hear and determine any such appeal and may confirm, reduce, increase or annul the award determined by the Board and make such further or other order on the appeal, whether as to costs or otherwise, as to the Court may seem fit.

(5) There shall be no further right of appeal from decisions of the Court of Appeal under this section.

**30.—**(1) The Board may at any time and in regard to any appeal, with or without proceeding to the determination of the appeal, state a case on a question of law for the opinion of the Court of Appeal. Case stated for Court of Appeal.

(2) A stated case shall —

(a) set out —

(i) the facts and any finding of fact by the Board;

(ii) the decision, if any, of the Board; and

(iii) the question for the opinion of the Court of Appeal; and

(b) be signed by the Commissioner.

(3) The Registrar shall transmit the case, when it is set out and signed in accordance with subsection (2), to the Court of Appeal, and shall forward a copy thereof to the appellant and to the Collector.

(4) The Court of Appeal may cause a stated case to be sent back for amendment and thereupon the case shall be amended accordingly.

(5) In considering any stated case, the Court of Appeal shall afford opportunity for argument thereon to be put forward by or on behalf of the appellant and the Collector.

(6) The Court of Appeal shall hear and determine any question of law arising on a stated case and may, in accordance with its decision thereon, confirm, reduce, increase or annul any award determined by the Board in the appeal, or may remit the case to the Board with the opinion of the Court of Appeal thereon. Where a case is so remitted by the Court of Appeal, the Board shall be bound by the opinion of the Court of Appeal and shall give effect thereto by its decision in the appeal or, as the case may be, by revising any previous decision made by it in the appeal to the extent, if any, to which its previous decision does not accord with the opinion of the Court of Appeal.

Award to be final and conclusive.

**31.** Except as expressly provided in this Act, where —

- (a) no valid notice of appeal has been lodged within the time limited by this Act against an award;
- (b) an appeal has been deemed to have been withdrawn under section 24; or
- (c) an award has been determined on appeal,

the award as made or agreed under this Act or determined on appeal, as the case may be, shall be final and conclusive for the purposes of this Act.

Costs of an appeal to Board.  
66/73.

**32.—(1)** Where the amount awarded by the Board does not exceed the sum awarded by the Collector, or where an appeal is withdrawn without any agreement being made by the parties thereto as to costs, the costs of an appeal to the Board in either case shall be paid by the appellant.

(2) Subject to subsections (3) and (4), where the amount awarded by the Board exceeds the sum awarded by the Collector, the costs shall be paid by the Collector.

(3) Where the Board is of the opinion that the claim of the appellant was so excessive or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay part of the Collector's costs, the Board may make such order as to costs, as it may think fit.

(4) If the claim of the appellant exceeds the amount awarded by 20% or more, he shall not be entitled to his costs.

(5) Any costs directed by the Board or by this section to be paid shall, unless the Board otherwise directs, be taxable in the High Court. 66/73.

(6) The costs, if any, payable by the appellant or the Collector may be recovered as if they were costs in a suit in the High Court and as if the award of the Board were the decree therein.

**33.—**(1) In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall, subject to subsections (2), (3) and (4), take into consideration the following matters and no others: Matters to be considered in determining compensation. 66/73.

- (a) the market value as at 30th November 1973, or the market value as at the date of the publication of the notification under section 3 (1) if the notification is within 6 months from the date thereof followed by a notification under section 5 in respect of the same land or part thereof, or the market value as at the date of the publication of the notification made under section 5, whichever is the lowest;
- (b) any increase in the value of any other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing that land from his other land;
- (d) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner;

- (e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to that change; and
- (f) if, in consequence of the acquisition, any reissue of title is necessary, the fees or costs relating to survey, issue and registration of title, stamp duty and such other costs or fees which may reasonably be incurred.

(2) In the case of an acquisition for any purpose specified in section 5 (1) of any land devastated or affected directly or indirectly by fire, explosion, thunderbolt, earthquake, storm, tempest, flood or any act of God, or of any land immediately adjoining such devastated or affected land as is required for any such purpose, the Board shall not, in the case of any such acquisition within a period of 6 months of the land being devastated or affected as aforesaid, take into consideration the matters set out in subsection (1) (a) and (e) but shall instead consider the market value of the land immediately before it was devastated or affected as aforesaid having due regard to the fact that at the material time the land could not have been conveyed with vacant possession as it was subject to encumbrances, tenancies or occupation by squatters, but without taking into account the value of any buildings or structures, permanent or otherwise, on the land at the material time.

(3) The amount of compensation to be awarded for any land referred to in subsection (2) shall not exceed —

(a) one-third of the value of such land had it been vacant land not subject to encumbrances, tenancies or occupation by squatters unless the Minister in his discretion, by notification in the *Gazette*, specifies otherwise; or

(b) the market value of the land as at 30th November 1973,

whichever is the lower.

(4) Any acquisition of any land referred to in subsection (2) shall not affect the rights or liabilities of any owner, lessee, tenant or occupier of such buildings or structures in respect of any contract of insurance entered into by such owner, lessee, tenant or occupier.

- (5) For the purposes of subsection (1) (a) —
- (a) if the market value has been increased as a result of any improvement within two years before the notification under section 5 was published, that increase shall be disregarded unless it is proved that the improvement was made by the owner of the land or his predecessors in interest and was made bona fide and not in contemplation of proceedings for the acquisition of the land being taken under this Act;
  - (b) if the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court or is contrary to law or is detrimental to the health of the occupiers of the premises or to public health, the amount of that increase shall not be taken into account;
  - (c) if the value of the land has been increased by reason of development in the neighbourhood by the provision of roads, drains, electricity, water, gas or sewerage or social, educational or recreational facilities within 7 years preceding the date —
    - (i) in a case where the notice, under section 3 (1), is followed within 6 months by a notification under section 5 (1) — of the notice; and
    - (ii) in any other case — of the notification under section 5 (1),the amount of that increase shall not be taken into account;
  - (d) if any land in respect of which a value has been stated by or with the knowledge or consent of the owner thereof in any affidavit, return or other document required to be made or delivered to any public officer under the provisions of any written law and accepted by him at that value for the purposes of assessing the tax or duty payable thereon where the statement was made within two years of the date of the notification under section 5 (1) in respect of the land, the market value of the acquired land at the date of the statement shall be

deemed not to exceed the value therein contained;

- (e) the market value of the acquired land shall be deemed not to exceed the price which a bona fide purchaser might reasonably be expected to pay for the land on the basis of its existing use or in anticipation of the continued use of the land for the purpose designated in the Master Plan, whichever is the lower, after taking into account the zoning and density requirements and any other restrictions imposed under the Planning Act and any restrictive covenants in the title of the acquired land, and no account shall be taken of any potential value of the land for any other more intensive use; and
- (f) where the acquired land is used as a burial ground, the market value of the land shall be computed on the basis that the land is a burial ground and any consideration, in cash or kind, already received by the owner of the acquired land for the allocation of grave plots shall be taken into account, and no account shall be taken of any potential value of the land for any other more intensive use.

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Matters to be disregarded in determining compensation. 66/73.

**34.** In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall not take into consideration —

- (a) the degree of urgency which has led to the acquisition;
- (b) any disinclination of the person interested to part with the land acquired;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) any damage which is likely to be caused to the land acquired after the date of the publication of the notification under section 5 by or in consequence of the use to which it will be put;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

- (f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the notification under section 5, unless the additions or improvements were necessary for the maintenance of any building in a proper state of repair, and were carried out with the approval of the Commissioner of Lands;
- (g) oral or documentary evidence of any conveyance, assignment, transfer or other disposition affecting the acquired land, unless the instrument has been duly stamped and registered in the Registry of Land Titles and Deeds and filed with the Chief Assessor of Property Tax 6 months prior to the date of the publication of the notification under section 5; or
- (h) evidence of sales of comparable properties, unless the Board is satisfied that the sales are made bona fide and not for speculative purposes and the onus of proving that the transactions are made bona fide and not for speculative purposes shall lie with the appellant.

**35.**—(1) Where the applicant has made a claim to compensation pursuant to any notice under section 8, the amount awarded to him shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 10.

Rules as to amount of compensation.

(2) Where the applicant has refused to make such a claim or has omitted without sufficient reason, to be allowed by the Board, to make such a claim, the amount awarded by the Board may be less than and shall in no case exceed the amount awarded by the Collector.

(3) Where the applicant has omitted for a sufficient reason, to be allowed by the Board, to make such a claim, the amount awarded to him by the Board may be less than or may exceed the amount awarded by the Collector.

**36.** If the sum which in the opinion of the Board the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the Board may direct that the Collector shall pay interest on the excess at the rate of 6% per annum from the

Collector may be directed to pay interest on excess compensation.



date on which he took possession of the land to the date of payment of the excess to the court or to the person interested.

Rules of Court applicable.

**37.** Save in so far as they may be inconsistent with anything in this Act, the Rules of Court for the time being in force shall apply to all proceedings before the Court of Appeal under this Act.

#### PART IV

##### APPORTIONMENT OF COMPENSATION

Determination of proportions.

**38.**—(1) When the amount of the compensation has been settled and there is any dispute as to the apportionment thereof, the Commissioner sitting alone shall decide the proportions in which the persons interested are entitled to share in the amount.

(2) An appeal shall lie from that decision to the Court of Appeal whose decision shall be final.

(3) The procedure governing such appeals to the Court of Appeal shall be the same as for appeals to the Court of Appeal from decisions of the High Court in civil matters.

Costs of apportionment to be borne by parties.

**39.** The costs of all proceedings for apportioning the amount of compensation shall be borne by such of the persons interested in the proportions as the Commissioner or the Court of Appeal determines.

#### PART V

##### PAYMENT

Payment of compensation or deposit thereof with court.

**40.**—(1) On making an award under section 10, the Collector shall make a written offer of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by one or more of the contingencies mentioned in subsection (2).

(2) If they do not consent to receive it, or if there is no person competent to alienate the land, or if there is any dispute as to the title to receive the compensation or as to the apportionment of it, or if possession of the land has not been taken by the Collector, the Collector shall apply to the Registrar of the Supreme Court *ex parte* by summons

supported by affidavit for an order to deposit the amount of the compensation in court, and, notwithstanding anything to the contrary in the Rules of Court for the time being in force, the Registrar may make such an order except that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.

(3) Notwithstanding subsection (1), no person who has received the amount otherwise than under protest shall be entitled to appeal to the Board under section 23.

(4) Nothing in this section shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay it to the person lawfully entitled to it.

(5) Notwithstanding anything in this section, the Collector, instead of awarding a money compensation in respect of any land, may enter into any arrangement with a person having a limited interest therein in such a way as may be equitable having regard to the interests of the parties concerned.

**41.** When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of 6% per annum from the time of so taking possession until it has been so paid or deposited.

Payment  
of interest.

## PART VI

### TEMPORARY OCCUPATION OF LAND

**42.—(1)** Whenever it appears to the President that any land is required for temporary occupation and use for a public purpose, he may direct the Collector to procure the occupation and use of that land for such term as may be determined, not exceeding 3 years from the commencement of the occupation.

Temporary  
occupation  
of land.

(2) The Collector shall thereupon give notice in writing to the persons interested in that land of the purpose for which it is needed, and shall for the occupation and use thereof for such term as aforesaid and for the materials, if any, to be taken therefrom pay to them such compensation, either in a gross sum of money or by monthly or other periodical payments, as is agreed upon in writing between him and those persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or the apportionment thereof, the Collector shall refer the difference to the decision of the Board.

Power to enter and take possession.

**43.**—(1) On payment of such compensation or on executing such agreement or on making a reference under section 42, the Collector may enter upon and take possession of the land and use or permit the use thereof in accordance with the terms of the notice under section 42 (2).

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage, if any, done to the land and not provided for by the agreement and shall restore the land to the persons interested therein.

(3) If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of the term, and if the persons interested so require, the President shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

Difference as to condition of land.

**44.** If the Collector and the persons interested differ as to the condition of the land at the expiration of the term or as to the compensation mentioned in section 43 (2) or as to any matter connected with the agreement mentioned in that subsection, the Collector shall refer the difference to the decision of the Board, and on such reference or on a reference under section 42 (3), the Commissioner sitting alone shall decide the difference referred.

## PART VII

### MISCELLANEOUS

Service of notice.

**45.**—(1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 3, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector, the Board, the High Court or the Court of Appeal, as the case may be.

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(2) Whenever practicable, the service of the notice shall be made on the person therein named or on any agent authorised to receive service on that person's behalf.

(3) When that person cannot be found and no agent is authorised to receive on that person's behalf, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the Collector and also on some conspicuous part of the land to be acquired: 66/73.

Provided that, if the Collector, the Board or the court so directs, a notice may be sent by registered letter addressed to the person named therein at his last known residence, address or place of business, and service of it may be proved by the production of the registration receipt.

**46.** Whoever wilfully obstructs any person in doing any of the acts authorised by section 3 or 7, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 3, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding one month or to both. Obstructing survey, etc., filling trenches, destroying landmarks.

**47.** If the Collector is opposed or impeded in taking possession under this Act of any land, he shall apply to the Commissioner of Police who shall enforce the surrender of the land to the Collector. Police to enforce surrender.

**48.—(1)** Except in the case provided for in section 43, the Government shall be at liberty to withdraw from the acquisition of any land or any part thereof of which possession has not been taken. Government not bound to complete acquisition. 66/73.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage, if any, done to the land under section 3 or 7 and not already paid for under section 4, and shall pay that amount to the person injured and shall pay to the persons interested all such costs as have been reasonably incurred by them by reason or in consequence of the proceedings for acquisition, together with compensation for the damage, if any, which they may have sustained by reason or in consequence of those proceedings.

(3) The provisions of Part III shall apply, so far as may be, to the determination of the compensation payable under this section.

(4) When the Government has withdrawn from any acquisition, any costs payable by the Government to any person interested under subsection (2) shall, unless their amount is agreed between the Government and the person interested, be taxed by the Registrar of the Supreme Court in accordance with a procedure to be prescribed by Rules of Court for the time being in force.

Acquisition  
of part of  
house or  
building.

**49.—**(1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building which is reasonably required for the full and unimpaired use of the house, manufactory or other building, if any person interested desires that the whole of the house, manufactory or building be so acquired:

Provided that the person interested may, at any time before the Collector has made an award under section 10, by notice in writing withdraw or modify his expressed desire that the whole of the house, manufactory or building be so acquired.

(2) The question whether a part of any house, manufactory or building is reasonably required for the full and unimpaired use of the house, manufactory or building shall, if the parties cannot agree, be referred by the Collector for the determination of the High Court.

(3) If any question arises as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building which is reasonably required for the full and unimpaired use of the house, manufactory or building within the meaning of this section, the Collector shall refer the determination of that question to the High Court, and shall not take possession of the land until after the question has been determined.

Acquisition  
of whole or  
any addi-  
tional  
portion of  
land where  
compensa-  
tion for  
severance is  
payable.

**50.—**(1) If any claim for compensation is made to a Collector holding an inquiry under section 10 by a person interested or his agent as provided by sections 15 and 33 (1) (c), on account of the severing of the land to be acquired from his other land, or if, notwithstanding that no such claim has been made, a Collector holding such an inquiry has certified under his hand that compensation as

aforesaid is payable upon the acquisition, it shall be lawful for the President at any time before the Collector has made his award, to order the acquisition of the whole or any additional portion of the land of which the land first sought to be acquired forms a part.

(2) No fresh notification or other proceedings under sections 5, 6 and 8 shall be necessary; but the Collector shall without delay furnish a copy of the order of the President to the person interested and shall thereafter proceed to make his award under section 10.

**51.** Where land is acquired for any person, corporation or statutory board, the costs incurred by the Collector in the acquisition shall be defrayed by that person, corporation or statutory board.

Defraying  
of costs.

**52.** Notwithstanding the provisions of any other written law —

Exemption  
from stamp  
duty and  
court fees.

(a) no award, agreement, affidavit or other document made under this Act by the Collector shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the award or agreement; and

(b) no court fees shall be payable by the Collector in respect of any summons, affidavit or other document lodged or extracted by him.

**53.** No suit shall be brought to set aside an award or apportionment under this Act.

Suits to set  
aside awards  
under this  
Act to be  
barred.

**54.—**(1) The Minister may make rules generally for carrying out the provisions of this Act, and without prejudice to that general power, may make rules for the guidance of officers in all matters connected with this Act.

Rules.

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