

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MASS RAPID TRANSIT CORPORATION ACT
(CHAPTER 172)**

**Act
13 of 1983**

Amended by
2 of 1986
7 of 1986

REVISED EDITION 1985

Mass Rapid Transit Corporation Act

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An Act to establish a corporation for the construction and operation of a mass rapid transit system in Singapore, to assume the functions, assets and liabilities of the Provisional Mass Rapid Transit Authority and to make provision for purposes connected therewith.

[14th October 1983]

PART I

PRELIMINARY

1. This Act may be cited as the Mass Rapid Transit Corporation Act. Short title.

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

“Chairman” means the Chairman of the Corporation;

“claim” means a claim for compensation under section 36;

“claimant” means a person who has made a claim for compensation;

“Compensation Board” means the Railway Compensation Board established under section 41;

“Competent Authority” means the competent authority appointed under section 3 of the Planning Act; Cap. 232.

“Corporation” means the Mass Rapid Transit Corporation established under section 3;

“Deputy Chairman” means the Deputy Chairman of the Corporation;

“land” includes and may, where the context so requires, have any one or more of the following meanings separately:

(a) land of any tenure and so much of the airspace above the surface as may be reasonably used or enjoyed by any owner thereof, and all substances under the surface, whether or not held apart from the surface;

(b) the whole or part of any building or other erection or fixture on land;

(c) where an undivided share of a leasehold interest in land has appurtenant to it rights to the exclusive use and occupation of a building or part thereof on such land, such share in the land and all rights appurtenant thereto;

(d) any other estate, right, share or interest in land;

“Mass Rapid Transit System” means the rail-based transport system or any part thereof intended to be set up to meet the transport requirements of the public;

“member” means a member of the Corporation and includes the Chairman and the Deputy Chairman;

“mortgage” means a mortgage or charge registered under the Land Titles Act or the Registration of Deeds Act;

“President” means the President of the Railway Compensation Board appointed under section 41;

“Provisional Authority” means the Provisional Mass Rapid Transit Authority established under section 3 of the Provisional Mass Rapid Transit Authority Act 1980, repealed by this Act;

“railway” means the railway, tunnels, viaducts, bridges, crossings, stabling yards, depots, stations and other infrastructures intended to be constructed for the Mass Rapid Transit System and any extensions thereto;

“railway area” means the land delineated as such in plans and maps prepared pursuant to section 26 (1) or (3);

“Registrar of Deeds” means the Registrar of Deeds appointed under the Registration of Deeds Act;

“Registrar of Titles” means the Registrar of Titles appointed under the Land Titles Act.

(2) In this Act, references to constructing the Mass Rapid Transit System shall be construed as references to undertaking every stage of the process beginning with its design and ending when it is brought into operation.

Cap. 157.

Cap. 269.

18/80.

PART II

INCORPORATION, FUNCTIONS AND POWERS

3. There is hereby established a body to be known as the Mass Rapid Transit Corporation which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

Establishment and incorporation of Mass Rapid Transit Corporation.

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as bodies corporate may lawfully do and suffer.

4. The functions of the Corporation are —

Functions of Corporation.

- (a) to construct the Mass Rapid Transit System and to operate it having regard to the reasonable requirements of the public transport system of Singapore; and
- (b) to engage in such other activities, and to perform such functions, as the Minister may, after consultation with the Corporation, permit or assign to it by order published in *Gazette*.

5.—(1) The Corporation shall have the power to do anything for the purpose of discharging its functions under this Act or which is incidental or conducive to the discharge of those functions.

Powers of Corporation.

(2) Without prejudice to the generality of subsection (1), the Corporation may for the purpose referred to in that subsection —

- (a) acquire, hold and dispose of all kinds of property movable and immovable and in any manner which it thinks fit;
- (b) improve, develop or alter any property held by it;
- (c) enter into, assign or accept the assignment of, and vary or rescind any contract or obligation;
- (d) carry on any business either alone or in partnership with any other person or persons;
- (e) borrow or raise or secure the repayment of money in such manner as the Corporation may think fit;

- (f) employ an agent to do anything which the Corporation may do; and
- (g) determine the fares payable by persons travelling on the Mass Rapid Transit System.

(3) The Corporation shall seek the approval of the Minister prior to implementing or changing the fares for the Mass Rapid Transit System.

(4) Any land held by the Corporation may be improved, developed and altered by it in such manner and to such extent as the law would allow if the land were held by a natural person in the same interest and the Corporation shall not be required to show that such improvement, development or alteration is itself undertaken for the discharge of its functions under this Act.

Directions
by Minister.

6.—(1) The Minister may from time to time give to the Corporation in writing such general or special directions as he thinks fit as to the performance of the functions and the exercise of the powers of the Corporation.

(2) The Corporation shall, in the exercise of its functions and powers, give effect to any directions given to it under subsection (1).

Members of
Corporation.

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

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) such number of members as the Minister may determine.

(2) The Chairman, Deputy Chairman and members shall be appointed by the Minister and shall hold office for such terms as the Minister may specify in their appointments, being not longer than 3 years.

(3) The Chairman, Deputy Chairman and members may be reappointed on completion of their terms of office.

(4) Any member may at any time by notice in writing to the Minister resign his office.

(5) The Minister may at any time revoke the appointment of any member without assigning any reason therefor.

(6) The Corporation shall pay to the Chairman, Deputy Chairman and members such salaries, fees and allowances as the Minister may from time to time determine.

8.—(1) At all meetings of the Corporation 3 members shall form a quorum. Proceedings of Corporation.

(2) The Chairman shall preside at all meetings of the Corporation at which he is present and in his absence the Deputy Chairman or, if the Deputy Chairman is also absent, such member as the members present may elect shall preside.

(3) Meetings of the Corporation shall be held at such times and places as the Corporation may think fit.

(4) All questions arising at any meeting shall be decided by a majority of the votes of the members present and voting.

(5) At any meeting of the Corporation the Chairman, Deputy Chairman or member presiding shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Corporation shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act the Corporation may regulate its own proceedings.

9. A member of the Corporation who is in any way directly or indirectly interested in a transaction or project of the Corporation shall disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the meeting and the member shall not take part in any deliberation of the Corporation with respect to that transaction or project. Disclosure of interest by members.

10.—(1) The Corporation may, from time to time, in respect of a specified matter or class of matters, by writing delegate any of its powers to a member, officer, committee or agent of the Corporation. Delegation of powers.

(2) Every member, officer, committee or agent purporting to act pursuant to a delegation under subsection (1), shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under subsection (1) shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Corporation.

Committees.

11.—(1) The Corporation may from time to time appoint or alter the composition of committees, consisting of one or more persons (whether members of the Corporation or not), and define and vary the terms of reference of those committees.

(2) Subject to this Act and any rules made thereunder and to the control of the Corporation, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

Appointment of staff.

12.—(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 be known by such designation as the Corporation may determine and shall —

- (a) be responsible to the Corporation for the discharge of its functions and the proper administration and management of its affairs in accordance with the policy laid down by the Corporation; and
- (b) not be removed from office without the consent of the Minister.

(3) The Corporation may appoint such other employees as it thinks fit and determine all matters relating to their remuneration and terms and conditions of appointment or employment.

(4) The Corporation may engage the services of technical and professional advisers in such manner and on such terms and conditions as it thinks fit.

(5) The Corporation may make rules, not inconsistent with this Act, regulating the work and conduct of its employees.

Pension schemes, provident fund, etc.

13.—(1) The Corporation may, with the approval of the Minister, make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Corporation as it may determine, or to their legal personal representatives or dependants, on the death or retirement of such employees from the service of the Corporation, or on their otherwise leaving the service of the Corporation.

(2) The following provisions shall apply to any scheme established under subsection (1):

- (a) no assurance on the life of a contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to a person who had been employed by the Corporation shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, other than a debt due to the Corporation or to the Government;
- (b) no donation by the Corporation or contribution by its employees made under any such scheme and no interest thereon shall be assignable or transferable or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, other than a debt due to the Corporation or to the Government;
- (c) no such donation, contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Official Assignee on the bankruptcy of such contributor, but, if such a contributor is adjudicated a bankrupt or is declared insolvent by judgment of the court, such donation, contribution or interest shall not form part of the property of that contributor;
- (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall not form part of his after-acquired property;
- (e) subject to the provisions of any such scheme, all moneys paid or payable under any such scheme on the death of a contributor shall be subject to a trust in favour of the persons entitled thereto under a nomination in such form as may be prescribed in such scheme, or in the absence of any such nomination the persons entitled thereto under the will or intestacy of such

Cap. 96.

deceased contributor and shall not form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purpose of the Estate Duty Act;

- (f) a contributor may, by a memorandum under his hand, appoint a trustee or trustees of the moneys payable on his death out of any such scheme and may make provision for the appointment of a new trustee or trustees of such moneys and for the investment thereof; such memorandum shall be in the form prescribed in such scheme and shall be deposited with the Corporation;
- (g) if, at the time of death of a contributor or at any time afterwards, there is no trustee of such moneys or it is expedient to appoint a new trustee or trustees, then and in any such case a trustee or trustees or a new trustee or trustees may be appointed by the High Court; and
- (h) the receipt of a person duly nominated by a deceased contributor or a trustee or trustees duly appointed or, in default of any such nomination or appointment and of written notice thereof to the Corporation, the receipt of the legal personal representative of a deceased contributor shall be a discharge to the Corporation for any moneys payable on his death out of any such scheme.

(3) Where any person in the service of the Corporation, who does not come within the scope and effect of any pension or other schemes established under this section, retires or dies in the service of the Corporation or is discharged from such service, the Corporation may grant to him or to such other person or persons wholly or partly dependent on him, as the Corporation may think fit, such allowance or gratuity as the Corporation may determine.

(4) The Corporation may, in exercise of its powers under section 5, provide living accommodation for the occupation and use of employees and advisers of the Corporation at such rent and on such terms and conditions as it may determine.

14.—(1) The Corporation may make and execute all such documents as may be expedient for or conducive to the attainment of its purposes or of any purpose reasonably incidental to or consequential upon those purposes. Documents of Corporation.

(2) Subject to this Act, a document to be made by the Corporation shall be deemed to be duly executed —

(a) if sealed with the seal of the Corporation in the presence of two members or of a member and the chief executive officer; or

(b) if signed on behalf of the Corporation by a member or an employee of the Corporation authorised by the Corporation to do so.

(3) Any document purporting to be executed in accordance with subsection (2) shall, unless the contrary is proved, be deemed to have been duly executed.

(4) Subject to this Act, a document executed by the Corporation in accordance with subsection (2) (b) shall not be ineffectual in law by reason only of the fact that, apart from this subsection, it would be required by law to be executed under seal.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to any document and shall presume that it was duly affixed.

15. No suit or other legal proceedings shall lie personally against any member, officer or employee of the Corporation or other person acting under the direction of the Corporation for anything which is in good faith done or intended to be done in the execution or purported execution of this Act. Protection from personal liability. 7/86.

[14A

16. The members and employees of the Corporation of every description shall be deemed to be public servants within the meaning of the Penal Code. Members and employees of Corporation deemed to be public servants. Cap. 224.

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PART III

FINANCIAL PROVISIONS

17. The financial year of the Corporation shall begin on 1st April of each year and end on 31st March of the succeeding year. Financial year of Corporation.

[16

Funds for
construction
of Mass
Rapid Transit
System.

18.—(1) For the purpose of enabling the Corporation to carry out its function of constructing and equipping the Mass Rapid Transit System, the Minister for Finance shall, from time to time, provide funds, subject to such conditions as he may impose, to the Corporation out of moneys provided by Parliament.

7/86.

(2) The Corporation may, from time to time and with the approval of the Minister for Finance, borrow or otherwise raise money in any currency in Singapore or elsewhere for the purpose referred to in subsection (1) and on such terms and conditions as it thinks fit.

(3) The repayment of money borrowed or raised by the Corporation for the purpose referred to in subsection (1), and interest, premium and other charges thereon and costs and fees incurred for the purpose of borrowing or raising such money shall be met out of funds provided to the Corporation by the Minister for Finance.

(4) Nothing in this section shall be construed to restrict the power of the Corporation to borrow or raise or secure the repayment of money for purposes other than the purpose referred to in subsection (1). [17

Operating
expenses.

19.—(1) It shall be the duty of the Corporation to ensure as far as possible that, taking one year with another, its revenue is at least sufficient to meet its operating expenses.

(2) In this section, “operating expenses” shall not include —

(a) interest, fees and other charges in respect of loans incurred under section 18 (2); and

(b) operating expenses associated directly with the construction and equipping of the Mass Rapid Transit System,

the payment of which shall be met from funds provided by the Minister for Finance to the Corporation pursuant to section 18 (1). [18

Reserve
funds.

20.—(1) Any excess of revenue over operating expenses in any financial year may be applied by the Corporation to the creation of a general reserve and such other reserves as the Corporation may determine.

(2) The Corporation may expend the sums credited to reserves created under subsection (1) in any way it thinks fit and consistent with this Act. [19

21. Moneys of the Corporation may be invested in such forms of investment as trustees are authorised by law to invest. Investment.
[20]

22.—(1) The Corporation shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its funds are correctly made and properly authorised and that adequate control is maintained over the assets of the Corporation, or while in the custody of the Corporation and over the expenditure incurred by the Corporation. Accounts.

(2) The Corporation shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor who shall audit and report on them. [21]

23.—(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. Audit of
accounts.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act. Cap. 50

(3) The auditor shall be paid out of the funds of the Corporation.

(4) The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Corporation.

(5) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Corporation;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Corporation whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Corporation during the financial year were in accordance with the provisions of this Act; and

(d) such other matters arising from the audit as he considers should be reported.

(6) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Corporation and shall also submit such periodical and special reports to the Minister and to the Corporation as may appear to him to be necessary or as the Minister or the Corporation may require. [22

Presentation of financial statements and auditor's report to Parliament.

24.—(1) The Corporation shall, as soon as the accounts of the Corporation and the financial statements have been audited in accordance with the provisions of this Act, submit to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

(3) Where the accounts of the Corporation are not audited by the Auditor-General, the auditor shall forward a copy of the audited financial statements and the report made by him to the Auditor-General at the same time when they are submitted to the Corporation. [23

Annual report.

25. The Corporation shall, as soon as practicable after the end of each financial year, submit to the Minister a report on the activities of the Corporation during that financial year and the Minister shall cause a copy of every such report to be presented to Parliament. [23A

PART IV

FURTHER POWERS OF CORPORATION FOR THE PURPOSES OF THE CONSTRUCTION OF MASS RAPID TRANSIT SYSTEM

Preparation and promulgation of plans and maps.

26.—(1) The Corporation shall, with the approval of the Competent Authority, cause plans and maps to be prepared in such detail and with such markings and endorsements thereon as are sufficient to delineate the railway area, being that area within which land may be acquired or rights in, under or over land may be exercised by the Corporation pursuant to this Act for the purposes of and incidental to the railway.

(2) A copy of every plan and map prepared for the purposes of subsection (1) and signed by an authorised officer of the Corporation shall be —

- (a) deposited with the Competent Authority; and
- (b) available for inspection by the public free of charge at the office of the Corporation, during the hours when that office is normally open to the public.

(3) Any plan or map prepared for the purposes of subsection (1) and any marking or endorsement on any such plan or map may be amended and any plan or map may be replaced by a substitute plan or map but the Corporation shall as soon as possible cause to be likewise amended, or replaced with the substitute plan or map, every copy referred to in subsection (2) and certify the amendment or substitution in such manner as the Corporation thinks sufficient.

(4) The Corporation shall, within 21 days of the deposit of a copy of a plan or map with the Competent Authority or of any amendment to such copy or the deposit of a substitute plan or map, cause a notice of such deposit or amendment to be published in the *Gazette* containing —

- (a) a general description of the plan or map or of the nature and extent of the amendment or substitution; and
- (b) particulars of the places and times at which a copy of the plan or map, or details of the amendment or a copy of the substitute plan or map may be inspected by the public in conformity with subsection (2).

(5) No person shall have a right of objection to the delineation of land in any plan or map prepared for the purposes of subsection (1) or to any amendment thereto or substitute plan or map prepared under subsection (3) and the fact that land is therein delineated as being within the railway area shall for all purposes be conclusive evidence that it may be required to be acquired or that rights in, under or over it may need to be exercised by the Corporation for the purposes of and incidental to the railway. [24

27. Where any land within the railway area, not being State land, is needed for the purposes of the Corporation, the Corporation may request and the President of Singapore

Compulsory
acquisition
of land.

may, if he thinks fit, direct the acquisition of that land and in that case the land 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 law that the land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Corporation, and the declaration shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law.

[25]

Power to enter State land to lay railway.

28. For the purpose of constructing and maintaining the railway, the Corporation or any person authorised by the Corporation may, at any reasonable time, enter upon any State land within or adjoining the railway area and may, subject to the approval of the Collector of Land Revenue, lay and construct the railway in, under or over the State land and do all things as are reasonably necessary for the laying, construction and maintenance of the railway.

[26]

Power to enter private land to lay railway.

29.—(1) The Corporation or any person authorised by the Corporation shall have the right to enter upon and take possession of any land or part thereof not being State land within or adjoining the railway area not being land belonging to or acquired by the Corporation and lay and construct the railway in, under or over the land and do all things as are reasonably necessary for the purpose of laying and constructing the railway.

(2) The Corporation or a person authorised by the Corporation shall not exercise the right conferred by subsection (1) unless the Corporation has given not less than two months' notice of its intention to exercise the right conferred upon that subsection to the occupier of the land and every person having any estate, right, share or interest in the land.

(3) Notice under subsection (2) may be given to and shall be deemed to have been received by an occupier if a written notice is affixed to a conspicuous part of the land to be entered.

(4) A notice referred to in subsection (2) shall —

- (a) give a brief description of the works which the Corporation proposes to carry out on the land;
- (b) state the estimated period, if any, during which the Corporation intends to occupy or take possession of the land;

- (c) describe the area or extent of the land needed for the carrying out of the works referred to in paragraph (a); and
- (d) state that any person entitled to payment of any compensation under this Act may serve a written claim on the Corporation.

(5) The ownership of anything shall not be altered by reason only that it is placed in, under, over or affixed to any land in exercise of a right conferred upon the Corporation by this section.

(6) In this section, a reference to entry on land includes the digging or boring of a tunnel under the land and the erection of any structure over or under the land. [27

30. The owner of any land who has been served with a notice under section 29 may, if he so desires, require the Corporation to purchase his estate, right, share or interest in the portion of the land affected by the proposed laying and construction of the railway or the whole of his land and the Corporation shall thereupon request the President of Singapore to direct the acquisition of that land and in that case that 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 law that the land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Corporation, and the declaration shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law. [28

Obligation of Corporation to purchase land.

31. Where in respect of any land notice has been published in the *Gazette* in accordance with section 5 of the Land Acquisition Act but the land has not vested in the State or notice has been given by the Corporation under section 29 (2) of its intention to lay and construct any railway on, over or under any land, the Corporation, or any person acting under its authority, may after giving at least 14 days' notice in writing to the owner or occupier enter upon that land and any adjoining land within the railway area at all reasonable times for the purpose of —

Power of entry. Cap. 152.

- (a) surveying and taking levels of such first-mentioned land;
- (b) setting out the line of any works;

- (c) digging or boring into the soil for the purpose of determining whether the soil is suitable for laying the railway on, over or under the land; or
- (d) inspecting any apparatus or structure referred to in section 34. [29

Power to enter land for inspection and survey, etc.

32.—(1) The Corporation, or any person acting under the authority of the Corporation, may enter any land or building situate wholly or partly within the railway area or wholly or partly within 150 metres thereof in order to carry out —

- (a) any inspection or survey which is reasonably necessary to ascertain the condition of such land or building prior to or during the construction of the railway and to carry out all reasonably necessary work of a preventive or remedial nature; and
- (b) any inspection or maintenance of the railway which has been laid by the Corporation on, under or over the land or building and to carry out any work and do all things necessary for the purpose of maintaining the railway causing as little damage as possible and paying compensation to any person affected for any damage that may be caused.

(2) No person shall, for the purposes of subsection (1), enter any land or building which is occupied without giving to the owner and the occupier at least 7 days' notice of his intention to do so unless —

- (a) the Corporation is of the opinion that an emergency exists which necessitates immediate entry; or
 - (b) the entry is required only for the purpose of an inspection or survey.
- (3) A notice of entry referred to in subsection (2) —
- (a) shall describe the purpose of the entry and the nature of any work to be carried out; and
 - (b) shall be deemed to be given to and received by an owner or occupier if a written notice is affixed to a conspicuous part of the land or building to be entered.

(4) In subsection (1), “work of a preventive or remedial nature” means the underpinning or strengthening of any

land or building and other work thereon intended to render it reasonably safe or to repair or detect damage caused in the course of the construction or operation of the railway.

(5) The decision of the Corporation that any work is of a preventive or remedial nature or that such work or any inspection or survey is reasonably necessary shall be final.

(6) The Corporation, or any person acting under the authority of the Corporation, may as the occasion requires enter and reinspect and resurvey any land or building in respect of which any of the powers contained in subsection (1) have been exercised and may in relation to that land or building exercise such powers as often as the occasion may require.

(7) Any person authorised under this section to enter upon any land or building shall, if so required by the owner or occupier, produce evidence of his authority before so entering it.

(8) Any person who unlawfully obstructs an agent or employee of the Corporation at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [30

33.—(1) The Corporation may serve notice on the owner or supplier of any gas, electricity, water, telecommunication, sewerage or drainage services to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to or is maintained by that owner or supplier and to repair any street surface thereby disturbed if in the opinion of the Corporation such alteration is required for the purposes of the construction, operation, maintenance or improvement of the railway.

(2) A notice under subsection (1) shall —

- (a) specify the apparatus or structure to which the notice applies and set out the Corporation's requirements as to the alteration of its course or position and the repair of any street surface;
- (b) stipulate the period within which such work shall be carried out;
- (c) be served upon the owner or supplier at least one month before the commencement of that period; and

- (d) state that any person entitled to compensation under this Act may serve a written claim upon the Corporation. [31

Removal of
projections or
obstructions.

34.—(1) The Corporation may give notice to the owner of any land or building in the railway area requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the land or building if in the opinion of the Corporation the removal of the object or structure is required for the purposes of the construction of the railway.

(2) A notice under subsection (1) may be given to the owner of any land or building and shall be deemed to have been received by him if it is affixed to some conspicuous part of the land or building to or from which the object or structure is erected or attached or projects from.

(3) A notice under subsection (1) shall —

- (a) describe the object or structure to be removed;
- (b) stipulate the period within which the work of removal shall be carried out;
- (c) be given to the owner of the land or building not later than 28 days before the commencement of that period; and
- (d) state that any person entitled to compensation under this Act may serve a written claim upon the Corporation.

(4) If the owner of the land or building does not comply with a notice given to him under subsection (1), any person authorised in that behalf by the Corporation may enter the land or building, together with such other persons as he thinks necessary, and remove the object or structure described in the notice or cause it to be removed by those other persons. [32

PART V

RIGHTS TO COMPENSATION, CLAIMS PROCEDURE AND ASSESSMENT OF COMPENSATION

No remedy
except under
this Act.

35. No action, claim or proceedings shall lie or be brought against the Corporation or any other person —

- (a) to restrain the doing of anything which is authorised by or under this Act or to compel the doing

of anything which may be omitted to be done thereunder; or

- (b) to recover damages, compensation or costs for —
- (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights; or
 - (iv) effecting or complying with any requirement or condition imposed by the Corporation,

which is authorised by or under this Act or arises from any act or omission so authorised, except in pursuance of one of the rights to compensation provided for in section 36. [33

36.—(1) The rights to compensation referred to in section 35 are the rights to claim from the Corporation for the items of loss, damage or cost set out in the first column of Part I of the Schedule a sum assessed on the basis specified opposite thereto in the second column thereof and with regard to the provisions of Part II of the Schedule, subject to — Compensation.

- (a) the claim being served on the Corporation within the appropriate period specified in the fourth column of Part I of the Schedule; and
- (b) the other provisions of this Act.

(2) Every person who is described in the third column of Part I of the Schedule shall have the right to claim compensation for the item of loss, damage or cost set out opposite thereto in the first column to the extent of the loss, damage or cost suffered or incurred by him as assessed pursuant to this Act. [34

37.—(1) Subject to this section, if a claim for an item of loss, damage or cost is not served on the Corporation before the expiration of the period specified in the fourth column of Part I of the Schedule in respect of that item, the right to claim compensation therefor shall be barred. Claims out of time.

(2) The period referred to in subsection (1) may, upon application made to the Compensation Board either before

or after the expiry of that period, be extended in accordance with this section.

(3) Notice of an application under subsection (2) shall be given to the Corporation by the applicant.

(4) The Compensation Board may extend the period within which a claim must be served upon the Corporation if it considers that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than the relevant provision in the fourth column of Part I of the Schedule) or by any other reasonable cause or that the Corporation is not materially prejudiced in the conduct of its case or otherwise by the delay.

(5) An extension may be granted by the Compensation Board under subsection (4), with or without conditions, for such period as it thinks fit but not in any case exceeding 6 years from the time when the right to compensation first arose. [35

Claims
procedure.

38.—(1) Any person who claims to be entitled to compensation under this Act shall serve upon the Corporation a written claim setting out such of the following particulars as are applicable to his claim:

- (a) the name of the claimant and his address for service of notices;
- (b) a full description of the land to which the claim relates including any covenants, easements or restrictions affecting the same;
- (c) the nature of the claimant's interest in the land including in the case of a sub-lessee or sub-tenant his landlord's name and address and details of the sub-lease or tenancy;
- (d) details of any mortgage, including the principal still owing and the name and address of the mortgagee;
- (e) if the claimant has sublet the land or any part thereof, the name and address of each tenant and details of his lease or tenancy;
- (f) particulars of the claim showing —
 - (i) under which item the claim is made; and
 - (ii) how the amount claimed under any item is calculated.

(2) The Corporation shall in writing acknowledge receipt and the date of receipt of every claim served on it under subsection (1).

(3) If a claimant amends his claim before proceedings are commenced with the Compensation Board and the Corporation considers the amendment to be substantial, the Corporation may, within 14 days of the receipt of the amended claim, notify the claimant that it elects to treat the claim, for the purposes of this section, as if it were a new claim served under subsection (1) on the date on which the amendment was received by the Corporation, and this section shall apply accordingly.

(4) The Corporation may by notice in writing to the claimant request him to furnish further particulars of and in support of his claim or any item thereof and if any such particulars are not furnished to the Corporation within a period of 28 days from the date of the notice, or within such further period as the Corporation may in writing allow, the claim or the item thereof concerning which the particulars are requested shall be deemed to be rejected and subsection (5) shall not apply thereto.

(5) The Corporation shall within 3 months of the service of a claim on it, or if it has requested further particulars under subsection (4) within 3 months of the day on which they are furnished in accordance with that subsection, notify the claimant in writing that it —

- (a) admits the entire claim;
- (b) rejects the entire claim; or
- (c) admits a specified part or parts and rejects the remainder,

and in every case shall briefly state its reasons for rejection so that the claimant is adequately informed of those reasons.

(6) Where the Corporation has rejected a claim or any part thereof under subsection (5) or where a claim or any part thereof is deemed to have been rejected under subsection (4), the Corporation may —

- (a) by notice in writing offer to the claimant such sum (including costs) as the Corporation is willing to pay in full and final settlement of the claim or any part thereof, as the case may be; or

- (b) commence proceedings with the Compensation Board to have the claim or any part thereof heard and determined by it in accordance with this Act.

(7) The Corporation may commence proceedings with the Compensation Board to have the claim or any part thereof heard and determined in accordance with this Act where any offer under subsection (6) (a) is refused by the claimant.

(8) If at the expiration of 4 months from the receipt of a claim by the Corporation it has not been settled by agreement, either the claimant or the Corporation may commence proceedings with the Compensation Board to have the claim, or so much thereof as is still then in dispute, heard and determined by it in accordance with this Act.

(9) In any case where the claimant has failed to supply further particulars required by the Corporation in accordance with subsection (4), the Compensation Board may on the hearing of the claim consider the merits of the Corporation's request for further particulars, and the claimant's failure to supply them and may, if it thinks fit —

- (a) order the claimant to furnish some or all of such particulars;
- (b) adjourn the hearing until the order is complied with and the particulars are considered by the Corporation; and
- (c) make such further order as it thinks fit as to the costs of either party occasioned by the Corporation's request for and the claimant's failure to supply the further particulars. [36]

Claims by
minor, etc.

39. A claim may be brought on behalf of a minor by his guardian or guardians, or any of them, and on behalf of a mentally disordered person by the person empowered by law to administer his assets. [37]

Settlement
after
reference
to Com-
pensation
Board.

40.—(1) At any time after proceedings have been commenced with the Compensation Board but before compensation is finally assessed, the Corporation may make an offer in writing of the kind described in section 38 (6) (a) or the claimant may by notice to the Corporation offer a sum (inclusive or exclusive of costs) which he is willing to accept

in full and final settlement of his claim or any rejected part thereof.

(2) Where an offer made by the Corporation pursuant to section 38 (6) (a) or by the Corporation or the claimant pursuant to subsection (1) is not accepted by the other party, no part of the contents thereof which relates to any part of a claim before the Compensation Board shall be disclosed to the Compensation Board until the amount of compensation for that part is assessed by it but a copy of the offer enclosed in a sealed envelope may be lodged with the President and opened by him after the Compensation Board has made its assessment.

(3) Where the Corporation has made any offer pursuant to section 38 (6) (a) which is refused by the claimant or either party has made any offer pursuant to subsection (1) which is refused by the other and the compensation including costs, if any, assessed by the Compensation Board does not exceed the amount of compensation including costs, if any, comprised in the offer, the Compensation Board shall, unless for special reasons it thinks it proper not to do so, order the party who refused the offer to bear his own costs and to pay the costs of the other party in so far as the costs of either party are incurred after the making of the offer. [38

PART VI

ASSESSMENT AND AWARD OF COMPENSATION

41.—(1) For the purposes of this Act, there shall be established a Railway Compensation Board consisting of a President and such number of members, not being less than two, as the Minister may think fit.

Establishment of Railway Compensation Board.

(2) The President and every member of the Compensation Board shall be appointed by the Minister and upon appointment the name of the President and every member of the Compensation Board shall be published in the *Gazette*.

(3) The President shall possess the qualifications required for a District Judge under section 9 (3) of the Subordinate Courts Act, and shall preside at all sessions of the Compensation Board.

Cap. 321.

(4) Three members of the Compensation Board of whom the President shall be one shall form a quorum, and the opinion of the majority of the Compensation Board present shall be decisive upon any matter, except that in case of an equality the President shall give a casting opinion.

(5) Every member of the Compensation Board shall, except where his appointment is revoked by the Minister under subsection (6) or he resigns during the period of his appointment, hold office for a period of 3 years or for such shorter period as the Minister may, in any case, determine but shall be eligible for reappointment.

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

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

(8) Every member of the Compensation Board when and so long as he is serving on the Compensation Board shall be deemed to be a public servant within the meaning of the Penal Code and the proceedings of the Compensation Board shall be deemed to be judicial proceedings.

Cap. 224.

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

(10) Any interested party may be represented before the Compensation Board —

(a) by an advocate and solicitor of the Supreme Court;

Cap. 160.

(b) subject to the provisions of the Legal Aid and Advice Act, by the Director of Legal Aid or any of his officers; or

(c) in any particular case in which the Compensation Board may at the request of that party and for good reason permit, by an agent acting without fee, gain, reward or any expectation thereof, as that party may appoint.

(11) Every summons and notice issued under the hand of the President shall be deemed to be issued by the Compensation Board.

(12) The Minister may appoint a secretary of the Compensation Board and such other officers and employees of the Compensation Board as may be necessary. [39]

42.—(1) The Compensation Board shall have jurisdiction to hear and determine in accordance with this Act —

Compensation Board to hear and determine claims.

(a) all claims for compensation which the Corporation or the claimant may refer to it under section 38 (6); and

(b) applications provided for by section 37 (2).

(2) The Compensation Board shall also have jurisdiction to award compensation or any part thereof to a claimant if at the time of the award it has no notice or intimation of any dispute as to his entitlement but the making of any such award shall not affect the entitlement to receive compensation under this Act of any other person who may thereafter be held by a court of competent jurisdiction to have a better title to the compensation or any other part thereof other than the person to whom it was awarded. [40]

43. The Compensation Board shall have powers to examine any witness on oath, to summon any person to appear before it and to require any interested party or witness to produce any relevant document which the Board may require. [41]

Power of Compensation Board to examine witness on oath, etc.

44.—(1) An award of compensation of the Compensation Board may be reviewed, varied or set aside by the Compensation Board in any of the following circumstances:

Review of awards of Compensation Board.

(a) where an award of compensation was made in consequence of any fraud, misrepresentation or mistake;

(b) where fresh evidence of a material nature which could not by the exercise of reasonable diligence have been produced when an award of compensation was made is available;

(c) where an award of compensation was made in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part;

(d) where in the opinion of the Compensation Board some substantial wrong or miscarriage of justice is occasioned by an award of compensation.

(2) No award shall be reviewed, varied or set aside by the Compensation Board under subsection (1) unless any party aggrieved by the award applies to the Compensation Board not later than two years from the date of the award. [42

Power of Compensation Board to state special case for decision of High Court.

45.—(1) The Compensation Board may, at any stage of an application or proceeding before it, reserve for the consideration of the High Court any question of law arising in the application or proceeding in the form of a special case which shall —

- (a) be drawn up by the President and shall set out shortly the facts on which the law is to be applied and the question or questions of law to be determined;
- (b) be sent by the President to the Registrar of the Supreme Court; and
- (c) be set down for argument in such manner as the High Court directs.

(2) The High Court shall hear and determine the question or questions of law arising on the special case and shall thereupon remit the matter to the President with the opinion of the Court thereon and that opinion shall be binding on the Compensation Board.

(3) The costs of the proceeding in the High Court shall be in the discretion of the Court and may be dealt with by the order of the Court, except that no member of the Compensation Board shall be personally liable to any costs in respect thereof.

(4) Nothing in this section shall be construed to prevent the Compensation Board from determining any question of law arising in the application or proceeding before it. [43

High Court may call for proceedings of Compensation Board.

46.—(1) The High Court, either on its own motion or on the application within 14 days of any party aggrieved by a decision of the Compensation Board on the ground that it is wrong in law, may call for the proceedings and the grounds of the award and give such order thereon, either by directing a fresh hearing or otherwise, as seems necessary to secure that substantial justice is done.

(2) The powers of review conferred upon the High Court in this section shall not extend to a decision of the Compensation Board as to the quantum of compensation awarded or apportioned under section 42.

(3) There shall be no further right of appeal from the decision of the High Court under this section and under section 45. [44]

PART VII

MISCELLANEOUS

47. Without prejudice to any other provisions of this Act, any notice or other document required or authorised to be given to or served on any person for the purposes of this Act or any proceedings thereunder before the Compensation Board may be personally given to or served on that person or may be sent to him by registered post. [45]

Service of documents.

48. Where it is stated by the Corporation in a notice under section 29, 31, 32, 33 or 34 that the entry or the work therein described or required to be carried out is, in the opinion of the Corporation, necessary or required for the construction, operation, maintenance or improvement of the railway, then such statement shall be accepted by all courts, tribunals and persons as conclusive evidence of the truth of the fact so stated. [46]

Certain statements to be conclusive.

49.—(1) The Corporation may, with the approval of the Minister, make rules for or in respect of every purpose which is considered by the Corporation necessary or expedient for carrying out the provisions of this Act. [47]

Rules.

(2) Without prejudice to the generality of subsection (1), the Corporation may make rules for all or any of the following purposes:

- (a) controlling and regulating —
 - (i) the maintenance and operation of the railway by the Corporation;
 - (ii) the work and conduct of employees of the Corporation;
 - (iii) the use of the railway by members of the public and their conduct while on the Corporation's premises;
 - (iv) advertising on the Corporation's premises;
 - (v) the custody and disposal of property found on the Corporation's premises;
- (b) providing for the safety of persons using or engaged in work on the railway;

- (c) protecting the property of the Corporation or the railway area; and
- (d) generally for effectively carrying out the provisions of this Act. [47]

Transfer of assets and liabilities.

50.—(1) All property of whatever kind and whether movable or immovable vested in or belonging to the Provisional Authority immediately before the date of commencement of this Act shall as from that date be transferred to and vest in the same interest in the Corporation without any further assurance and the Corporation shall have all powers necessary to take possession of, recover and obtain the benefit of such property.

(2) All obligations and liabilities of the Provisional Authority subsisting immediately before the date of commencement of this Act shall as from that date be the obligations and liabilities of the Corporation and the Corporation shall have all necessary powers to discharge those obligations and liabilities. [49]

Other transitional provisions.

51.—(1) Without limiting the generality of section 50, every agreement, whether in writing or not, to which the Provisional Authority was a party immediately before the date of commencement of this Act and whether or not of such a nature that the rights and liabilities thereunder could be assigned shall have effect as from that date as if —

- (a) the Corporation had been a party to such agreement; and
- (b) for any reference, however worded and whether express or implied, to the Provisional Authority there were substituted in respect of anything to be done or omitted on or after the date of commencement of this Act a reference to the Corporation.

(2) Subsection (1) (b) shall also apply to any document, not being an agreement, having therein references to the Provisional Authority.

(3) The appointment of any employee of the Provisional Authority subsisting immediately before the date of commencement of this Act shall be deemed to be made by the Corporation under this Act, and for the purpose of determining the right to pension, gratuity or other benefits of that

employee on the cessation of his service, there shall be no break in the continuity thereof by reason only of the repeal of the Provisional Mass Rapid Transit Authority Act 1980. 18/80.

(4) Where anything has been commenced by or under the authority of the Provisional Authority before the date of commencement of this Act such thing may be carried on and completed by or under the authority of the Corporation.

(5) Any proceedings or cause of action pending or existing before the date of commencement of this Act by or against the Provisional Authority may be continued and be enforced by or against the Corporation. [50

52. Nothing in the Railways Act shall apply to this Act. [51 Non-application of Railways Act. Cap. 263. 2/86.

THE SCHEDULE

Sections 36 and 37.

PART I

<i>Losses for which compensation may be claimed.</i>	<i>Basis on which compensation is to be assessed.</i>	<i>Persons who may claim compensation for their respective losses.</i>	<i>Period within which the claim must be served on the Corporation.</i>
1. The loss due to displacement resulting from the exercise of the Corporation's right under section 29 of this Act.	A displacement payment.	Any person owning a compensatable interest in the land on the date on which the notice is issued under section 29 (2) of this Act.	Before the expiration of two years from the date on which the notice is issued under section 29 (2) of this Act.
2. (a) Structural damage to any building resulting from the construction or operation of the railway.	(a) The amount which is, or might be, fairly and reasonably incurred in repairing the damage.	(a) Any person owning a compensatable interest in the damaged building.	(a) Before the expiration of 6 years from the date of the opening for public traffic of that portion of the railway from which the damage is alleged to have resulted.

THE SCHEDULE — *continued*

<i>Losses for which compensation may be claimed.</i>	<i>Basis on which compensation is to be assessed.</i>	<i>Persons who may claim compensation for their respective losses.</i>	<i>Period within which the claim must be served on the Corporation.</i>
(b) The loss due to displacement resulting from structural damage mentioned in item (a) above.	(b) A displacement payment.	(b) Same as in item (a) above.	(b) Same as in item (a) above.
3. Damage to any land or building resulting from the exercise of any power contained in section 32 of this Act.	The amount which is, or might be, fairly and reasonably incurred in repairing the damage.	Any person owning a compensatable interest in the land or damaged building.	Before the expiration of one year from the date of completion of the work carried out under section 33 of this Act from which the damage or loss is alleged to have resulted.
4. The cost of altering the course or position of any apparatus and of repairing any street surface pursuant to a notice served by the Corporation under section 33 of this Act.	The cost which is fairly and reasonably incurred in effecting such alteration and repair.	The person on whom the notice under section 33 of this Act is served.	Before the expiration of one year from the completion of the alteration and repair.
5. (a) The cost of the removal of any object or structure which was erected and maintained without the contravention of any written law.	(a) The cost incurred in moving the object or structure and making good that part of the land or building from which it is removed.	(a) Any person who incurs the cost.	(a) Before the expiration of one year from the date of removal.
(b) The cost of reinstating an object or structure described in item (a) above or of replacing the same with a similar object or structure.	(b) The cost incurred in so doing.	(b) Any person who incurs the cost.	(b) Before the expiration of one year from the date of reinstatement or replacement.

THE SCHEDULE — *continued*

<i>Losses for which compensation may be claimed.</i>	<i>Basis on which compensation is to be assessed.</i>	<i>Persons who may claim compensation for their respective losses.</i>	<i>Period within which the claim must be served on the Corporation.</i>
<p>(c) The loss sustained by the removal of an object or structure which was erected and maintained without the contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Corporation under item (b) above.</p>	<p>(c) The amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.</p>	<p>(c) Any person owning a share or interest in the object or structure on the date on which it is removed under section 34 (4) of this Act.</p>	<p>(c) Before the expiration of one year from the date of removal.</p>

PART II

1. The provisions in this Part shall, where applicable, have effect for the purpose of assessing compensation under Part I. General effect of this Part.

2. In Part I — Definitions applicable to Part I.
 - “compensatable interest” means the estate or interest of —
 - (a) a person having an unexpired term in land (including any further term which could be obtained as of right) of not less than one month or a tenancy or sub-tenancy terminable (where by virtue of any written law or otherwise) by either party by not less than one month’s notice;
 - (b) a mortgagee in possession;
 - (c) the holder of a valid and subsisting option to purchase an interest referred to in paragraph (a) or (d); or
 - (d) a purchaser under an agreement for sale and purchase to whom the benefit of an interest referred to in paragraph (a) or (c) has already passed;
 - “displacement” means the displacement of a person from land, whether such displacement is temporary or permanent;
 - “displacement payment” means a sum equal to the financial loss naturally and reasonably resulting from the displacement of a person from the land.

THE SCHEDULE — *continued*

No account of certain financial loss or increase or decrease in value attributable to the railway.

3. In the assessment of compensation no account shall be taken of —

- (a) the financial loss resulting from the interruption of or interference with any trade or business carried on any land; and
- (b) any increase or decrease in the value of land to which the compensation relates which is attributable to —
 - (i) the delineation thereof under section 26 of this Act as part of the railway area; or
 - (ii) the construction or operation of the railway.

Refusal or reduction where Building Control Act contravened. Cap. 29.

4. Compensation may be refused or reduced in respect of any building or part thereof which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act being a contravention within the meaning of that Act.

Compensation where damage results only partly from the railway.

5. The compensation assessed under item 2 or 3 of Part I shall be reduced to such extent as the Compensation Board thinks just and equitable having regard to the share in the responsibility for the loss or damage not attributable to and connected with the railway.

No compensation under item 5 (c) of Part I for loss of advertising.

6. Where a sign advertising any business, product, service or activity is removed under section 34 (4) of this Act, nothing in item 5 (c) of Part I shall be construed as conferring upon any person a right to compensation for the loss of any benefit which might have accrued to him from the advertising of that business, product, service or activity if the sign had not been removed.

Claim by a mortgagee in possession.

7. Where under this Act a claim for compensation may be made by a mortgagee in possession and compensation received by a mortgagee in possession shall be applied by him as if it were proceeds of sale of the mortgage security.

Compensation payable to person within or outside railway area.

8. The compensation referred to in item 2 or 3 of Part I may be paid to any person owning a compensatable interest in land situate within or outside the railway area.