

THE STATUTES OF THE REPUBLIC OF SINGAPORE

STATE LANDS ACT

(CHAPTER 314)

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Amended by

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12 of 1903

6 of 1907

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State Lands Act

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An Act to regulate the alienation and occupation of State lands.

[1st March 1886]

PART I

STATUTORY GRANTS AND LEASES

Short title.

1. This Act may be cited as the State Lands Act.

Interpretation.

2. In this Act, "grant" means a grant in perpetuity and "grantee" means the owner of a grant in perpetuity.

Power to make rules for the disposal of available lands.

3.—(1) The President may make rules for the disposal or temporary occupation of State lands.

(2) Such rules may provide among other matters for the following:

- (a) the mode in which applications for land shall be made and the terms and conditions on which grants, leases or other dispositions shall be issued;
- (b) the total or partial exemption, either absolutely or subject to conditions, of land from rent for a term of years, or for any life or lives, or during the maintenance of any institution;
- (c) the time and place at which, and person to whom, rent shall be paid.

Form of grant.
35/80.

4.—(1) Every grant or lease of State land issued under this Part shall be in the prescribed form and shall be signed by the Collector of Land Revenue.

Reservation in favour of State of rights in respect of mineral oil in grants and leases made by State.

(2) In every such grant and in every lease made by the Crown or the State after 3rd May 1907 there shall be implied, in the absence of an express provision to the contrary, a condition with respect to the land comprised in the grant or lease to the effect that there is reserved to the State or its grantees the right to enter upon the land and to search for and take any mineral oil which may be found therein or thereon upon paying to the grantee or lessee of the land such compensation for any damage occasioned thereby as may be assessed by the Collector of Land Revenue.

Difference as to compensation to be settled by arbitration.

(3) If any person so entitled to compensation is dissatisfied with the compensation as assessed by the Collector of Land Revenue the difference between them shall be referred to arbitration, and the sending in by that person of a claim to compensation after the Collector of Land

Revenue has made an offer of compensation in writing shall be treated as a submission to arbitration under the Arbitration Act, and the reference shall be to two arbitrators having power to appoint an umpire under the provisions of that Act.

Cap. 10.

(4) In every grant or lease made by the Crown or the State after 1st December 1915 there shall be implied, in the absence of an express provision to the contrary, by virtue of this Act in respect of the land comprised in the grant or lease the condition that should any claim be made to the Collector of Land Revenue by the owner or occupier of any land adjacent to the land comprised in the grant or lease for a right of way from his lands over the land comprised in the grant or lease to facilitate his access to the nearest public road, then the Collector of Land Revenue may mark out for the purpose a road or way over the land comprised in the grant or lease, and in that case the owner or occupier of those adjacent lands making the claim is entitled to pass and repass with or without horses, buffaloes, bullocks and carts or wagons over the road so marked out, making full compensation for damage done to growing crops and permanent improvements, and the expense of making and maintaining any road or way used for the purpose shall be borne by the owner or occupier of the lands using it, and any dispute relating thereto shall be settled by the Collector of Land Revenue whose decision shall be final.

Implied condition as to claims of right of way.

(5) Every grant of land issued under subsection (1) before 1st March 1961 shall be deemed to confer an estate in perpetuity on the grantee.

Presumption as to grant of estate in perpetuity.

5.—(1) Where a grant or lease has been issued under this Act, or a certificate has been issued by the Collector of Land Revenue under section 8, 12 or 13 of the Land Titles Act, to a person who, unknown to the Collector of Land Revenue, was not alive at the date of the issue of the grant or lease or Collector's certificate and pursuant to the issue of such grant, lease or certificate the Registrar of Titles has issued a certificate of title to the deceased person —

Death of grantee or lessee.
Cap. 157.
35/80.

(a) an application may be made by the personal representative of the deceased person to the Registrar of Titles to have the certificate of title duly amended and endorsed with the name of the personal representative as the registered

proprietor of the land comprised therein in place of the deceased person; and

- (b) the Registrar of Titles, if he is satisfied that the personal representative has obtained a grant of probate of the will or letters of administration of the estate of the deceased person or has been vested with authority to act as such personal representative, as the case may be, shall make the appropriate amendment and endorsement on the certificate of title, and the State grant or lease affected, and thereupon section 106 of the Land Titles Act shall apply *mutatis mutandis*.

Cap. 157.

(2) For the purposes of this section, “personal representative” includes —

- (a) an executor, whether original or by representation;
 (b) an administrator; or
 (c) a trustee,

for the time being of the estate of a deceased person.

[4A

Implied
 covenants in
 statutory
 grant.

6.—(1) In every grant issued under this Part there shall be implied, in the absence of an express provision to the contrary, the following covenants by the grantee with the Government:

- (a) that the grantee, his executors, administrators and assigns will pay at the time and place prescribed in relation to the land described in the grant, the rent, if any, mentioned therein payable in respect thereof by reason of the periodical revisions hereinafter mentioned;
- (b) that the grantee, his executors, administrators and assigns will maintain in substantial repair all landmarks by which the boundaries of the land are defined;
- (c) that the grantee, his executors, administrators and assigns will not use any portion of the land for the burial of a human body without the written permission of the Minister;
- (d) that the grantee, his executors, administrators and assigns will not assign or demise the land in parcels or otherwise than the entirety thereof

except in the case of a lease for a term not exceeding 7 years.

(2) The burden of the said covenants shall run with the land comprised in the grant.

(3) If the grantee assigns the land comprised in a grant issued under this Part, and the assignment is duly registered in accordance with the law for the time being in force relating to registration, the personal liability of the grantee in respect of future rent which becomes due under the grant after the date of such registration shall cease as from that date. [5

7.—(1) Every grant or lease under this Part is also subject, in the absence of an express provision to the contrary, to the following agreements and conditions in respect of the land comprised therein: Implied conditions in grants and leases.

- (a) that there is reserved to the State a royalty of 10% of the gross produce of all mines and minerals other than laterite found in or upon the land;
- (b) that earth, clay, gravel, sand and stone and other materials which may at any time be required for the roads, public buildings or other public purposes of Singapore may be taken and removed by or on behalf of the State from the land, not being the site of a messuage or dwelling-house, or of any building attached or adjoining thereto, and not being the curtilage, garden or orchard thereof or the close in which the same is built or pleasure grounds adjoining and belonging thereto, without compensation except for actual damage done to growing crops, roads, paths, fruit trees or buildings;
- (c) that the officers of the Government and their workmen shall at all times have free access to the land for the purpose of making drains and sewers, and laying down water-pipes, electric and telegraph wires, and other underground communications, and using, repairing and maintaining the same;
- (d) that the Collector of Land Revenue and his officers shall at all times have free access to the land;
- (e) that in case of breach of or default in observance of any of the covenants implied as mentioned in section 6 other than those for the payment of

rent and the maintenance of landmarks, the Collector of Land Revenue or any officer authorised by him in writing, may, on behalf of the State, re-enter on the land, or on any portion thereof in the name of the whole, and thereupon the same shall be forfeited to and vest in the Government.

(2) Every grant or lease under this Part issued after 1st January 1936 is also subject, in the absence of an express provision to the contrary, to the following agreements and conditions in respect of the land comprised therein:

- (a) that the grantee or lessee, his executors, administrators and assigns, will not at any time, without the written consent of the President and subject to such conditions as to the President may seem fit, open, work or dig for any oil, mines, minerals, quarries, laterite, clay, gravel or sand (except materials for the making of or repairing new or existing roads on the land) but will to the utmost of his power keep the oil, mines, minerals, quarries, laterite, clay, gravel or sand pits or deposits unopened and unworked;
- (b) that in case of breach of or default in observance of the agreement referred to in paragraph (a) or of any such conditions as are referred to therein the same powers of re-entry and forfeiture apply thereto as are by subsection (1) (e) applied to the breaches and defaults therein mentioned. [6

Assignee bound by covenants in State grants or leases, etc. 35/80.

8.—(1) An assignee of, or any person who becomes a proprietor of, any land in Singapore shall be bound by such exceptions, reservations or covenants (restrictive or otherwise) contained in the Crown grant or lease, or State grant or lease irrespective of whether he has notice (actual or constructive) of such exceptions, reservations or covenants.

35/80.

(2) This section shall apply to all grants and leases issued before, on or after 15th January 1981. [6A

Rent reserved.

9.—(1) The sum, if any, reserved to the Crown or the State as rent in a grant issued under this Part shall be payable by the grantee, his executors, administrators or

assigns annually from the date of the grant up to 31st December 1914, the rent for each year being payable on 1st January in that year, and thereafter until the revision next hereinafter mentioned.

(2) As soon as may be after 1st January 1915 and thereafter as soon as may be at the end of every 30 years the Minister may revise the rent so reserved and fix the sum which shall be payable for the then current term of 30 years, or the remainder thereof, but so that the rent payable in any such term of 30 years shall not exceed by more than 50% the rent which was payable in the immediately preceding term.

Periodical
revision of
rate of rent.

(3) In making such revision no improvements made by the landholder or his predecessors in title shall be taken into account.

(4) In making such revision it shall not be necessary to consider each grant separately, but the Minister may fix certain areas, and make a general revision in respect of all lands situated within those areas respectively.

(5) The Minister may make rules for the purpose of carrying out the provisions of this section.

(6) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new rules. [7

10.—(1) Any land granted or leased by or on behalf of the Crown or the State or the late East India Company free of rent, or at merely nominal rent, as a building site for a religious edifice, or otherwise for religious or charitable purposes, shall be forfeited to and vest in the Government if at any time the land or the building thereon is applied without the written consent of the President to other purposes than those, if any, specified in the grant or lease.

Land granted
for religious
purposes,
when
resumable.

(2) This section shall apply to all grants and leases whenever made. [8

Agreements
licensing
occupation in
anticipation
of survey.

11.—(1) No grant or lease shall be issued under this Part for any State land unless the land has been surveyed and demarcated to the satisfaction of the Collector of Land Revenue.

(2) If for any sufficient reason it is found to be impracticable to cause an immediate survey to be made of land with respect to which a grant or lease is applied for, the Collector of Land Revenue may enter into an agreement with the applicant for a grant or lease.

35/80.

(3) Such an agreement shall be in the prescribed form and the number, date and all other essential particulars thereof shall be entered in a register to be kept in the Land Office for that purpose.

(4) With respect to all land occupied under any such agreement the payment of the rent reserved thereby may be demanded and enforced in like manner as if a grant or lease had been issued. [9

Agreement
to be called in
where title
issued after
survey.

12.—(1) At any time after the survey of any land occupied by virtue of an agreement entered into under section 11 the Collector of Land Revenue may by a notice in writing duly served as prescribed require the person in occupation of the land by virtue of the agreement to deliver up the agreement to him to be cancelled.

35/80.

(2) In exchange therefor when so delivered up a grant or lease shall be issued in accordance with the terms of the agreement. [10

Surrender of
title.
35/80.

13.—(1) If the owner of the land comprised in any Crown grant or lease, or State grant or lease, is desirous of surrendering his title to the land in exchange for one or more new titles for development, subdivision or other purposes, he may apply to the President to accept the surrender of his existing title to the land and, in lieu thereof, to regrant one or more titles for the whole of the land or in parcels, subject to any terms and conditions which may be imposed by the President for accepting the surrender.

(2) When the President is satisfied with the title of the applicant and the applicant has agreed to accept all the

terms and conditions imposed by the President under subsection (1), the President shall accept a surrender of the grant or lease and shall issue in lieu thereof to the applicant one or more new grants or leases for the land or in parcels.

(3) The applicant shall pay all costs and expenses of, or consequent on, his application. [11

PART II

GRANTS IN FEE SIMPLE

14.—(1) Grants in fee simple shall not be issued otherwise than in accordance with this Part, except as provided in section 13. Grants in fee simple. 35/80.

(2) Every grant in fee simple issued under this Part shall be in the prescribed form and shall be signed by the Collector of Land Revenue. [12

15. The President may where former grants are surrendered make grants, or amended grants, in fee simple in the following cases: Corrected and amended grants.

(a) when any lands have been held in fee simple under a grant which is found to be defective in the description of the lands intended to be thereby granted owing to incorrect survey or otherwise, and that grant has been surrendered by the holder thereof to the intent that he may receive in lieu thereof a new grant correctly describing the lands and hereditaments intended to be conveyed by the surrendered grant;

(b) when in consequence of any dispute regarding the boundaries of any land comprised in a grant in fee simple, or for any like cause it has been agreed between the owner of the land and the President that the owner shall surrender the grant to the intent that he may receive an amended grant in lieu thereof. [13

16. When for the convenience of the Government the owner of any land held under a grant in fee simple surrenders the grant to the intent that he may receive a grant in lieu thereof, the President shall issue a grant in lieu thereof in fee simple for land either in the same place or elsewhere, or for land partly in the same place and partly elsewhere: Surrender and regrant.

Provided that the land to be held under the new grant is approximately equal in value to the land held under the grant to be surrendered. [14

Housing and Development Board's interest in land. 35/80.

17. Where land held under a grant in fee simple has been or is acquired by the Government for the purposes of the Housing and Development Board at the cost of the Board's funds or of any funds exclusively allocated for those purposes, and has been or thereby becomes vested in the State, the President may at the request of the Chairman of the Board issue to the Board a grant or grants of that land or any part thereof in fee simple. [17*

Grants in fee simple of unrequired road reserve or strip of State land.

18. Where State land constituting the whole or part of a State reserve for road, or other strip of State land, is situated adjoining land held, or to be held, by any person under a grant in fee simple, and that State land is no longer required, or not required by the State as such a reserve, or otherwise, the President may issue to that person a grant of that State land or any part thereof in fee simple.

PART III

GENERAL

Power to make rules. 35/80.

19.—(1) The Minister may make rules for carrying out the purposes of this Act and, in particular, the Minister may make rules for all or any of the following matters:

- (a) the fees to be collected by the Collector of Land Revenue; and
- (b) the form of grants, leases, grants in fee simple, and other instruments for the purposes of this Act.

(2) All rules made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of

* The former sections 15 and 16 of this Act were repealed by Act 35/80.

anything previously done thereunder or to the making of new rules.

20.—(1) Every owner or occupier of land abutting on State land shall define and keep defined the boundary between the land so owned or occupied by him and the adjoining State land by some wall, bank, ditch, fence, posts, marked trees, stones, road or path, or other sufficient means so as to show the boundary in its whole extent.

Erection and
repair of
boundary-
marks.

(2) In default of his so doing the Collector of Land Revenue may call upon the owner or occupier by a notice in writing duly served as prescribed to define or renew the whole or any part of the boundary in the manner aforesaid.

(3) If the defining or renewal of the boundary is not commenced within 30 days from the date of the service of the notice and diligently proceeded with, the Collector of Land Revenue may cause the boundary to be defined or renewed and recover twice the amount of the cost necessarily incurred therein in the same way as an arrear of rent due to the State in respect of the land. [21*

* The former sections 20 and 22 of, and Schedules A and B to, this Act were repealed by Act 35/80.