

THE STATUTES OF THE REPUBLIC OF SINGAPORE

STATE LANDS ENCROACHMENTS ACT

(CHAPTER 315)

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Amended by

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State Lands Encroachments Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
 2. Information of encroachment.
 3. Removal of unlawful occupants.
 4. Warrant issuable by Court for dispossession.
 5. Forms.
 6. Demolition of unlawful buildings.
 7. Penalties for trespassing.
 8. Recovery of expenses.
 9. Forfeiture of abandoned land to State.
 10. Procedure for resumption.
 11. Limitation.
 12. State land not to be acquired by adverse possession.
 13. Penalty for depasturing on State land.
 14. Penalty for other trespasses on State land.
 15. Encroachment on road may be abated.
 16. Forest rangers and penghulus.
 17. Forest rangers and penghulus to give information.
 18. Arrest without warrant.
 19. Right of proceeding under the law.
 20. Interpretation.
- The Schedule — Forms.

An Act to prevent encroachments upon State lands.

[2nd November 1883]

1. This Act may be cited as the State Lands Encroachments Act. Short title.

2. A Magistrate's Court, upon the sworn information of the Commissioner of Lands, or of any land revenue or other public officer, charging any person with being in unlawful occupation of any State land, may issue a summons for the appearance before it of that person. Information of encroachment.

Removal of
unlawful
occupants.

3.—(1) The Magistrate's Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any person against whom such information has been laid, then in his absence, to hear and determine the information.

23/74.

(2) In any action commenced under section 2 for the removal of any person in unlawful occupation of State land, the defendant may within such time as may be prescribed by the Rules of the Supreme Court for the time being in force, apply to the High Court for the action to be transferred to the High Court on the ground that the defendant is claiming title to the land.

23/74.

(3) On the hearing of any such application, the High Court, if it is satisfied that a bona fide claim of title is raised, may make an order for the action to be transferred to the High Court.

Warrant
issuable by
court for
dispossession.
23/74.

4.—(1) The Magistrate's Court on being satisfied of the truth of the information shall issue a warrant addressed to the Commissioner of Police or to any police officer requiring him forthwith to dispossess and remove that person from the land, and on behalf of the State to take possession of the land, together with all crops growing thereon, and all buildings and other immovable property upon and affixed thereto, and all movable property found thereon.

(2) The person to whom the warrant is addressed shall forthwith carry it into execution.

(3) Such warrant shall not issue until a period of 48 hours has elapsed from the time of adjudication.

23/74.

(4) The Government may forfeit any movable property which has been seized on the land pursuant to the execution of a warrant referred to in subsection (1) if such movable property has been seized after the expiry of a period of 28 days from the date of service of a written notice on the unlawful occupants of the land requiring them to vacate the land and warning them that if any movable property thereon is not so removed within 28 days of the date of service of the notice that property may be seized and forfeited to the Government.

(5) If the summons is dismissed, the Magistrate's Court may order payment by the Government to the party against

whom it was issued of such sum as the Court considers to be the amount of costs fairly incurred.

5. The information, summons and warrant respectively referred to in sections 2 and 4 may be in the forms A, B and C in the Schedule. Forms.

6.—(1) A Magistrate's Court, upon the sworn information of the Commissioner of Lands, or of any land revenue or other public officer, that any building has been erected or constructed upon State land without lawful authority, shall issue a summons calling upon any person interested to show cause why an order should not be made declaring the building to be State property and authorising its demolition by or under the authority of the Commissioner of Lands, or any land revenue or other public officer. Demolition
of unlawful
buildings.

(2) That summons shall forthwith be posted or affixed by a court officer to the building referred to in the summons or as near thereto as may be practicable and no other service of the summons shall be necessary.

(3) If no bona fide application to show cause as aforesaid is made to the Magistrate's Court issuing the summons by any person interested within 3 clear days of the date on which the summons is posted or affixed to the building, then the order shall be made by the Magistrate's Court and may be enforced forthwith.

(4) If an application to show cause as aforesaid and supported by affidavit showing the grounds of the application is made to the Magistrate's Court issuing the summons by a person interested within the time provided by subsection (3), then the Magistrate's Court on being satisfied that the application is a bona fide one shall give notice of the application to the person swearing the information, shall fix a date for the hearing and determination of the information and shall give due notice thereof to the parties concerned.

(5) On the date so fixed for the hearing and determination of the information, the Magistrate's Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any of the parties, then in his or their absence, to hear and determine the information.

(6) The jurisdiction of that Court shall be taken away by a bona fide claim of title raised by a person interested at the hearing.

(7) In this section, “building” includes any structure whatsoever.

(8) The information and summons referred to in this section may be in the forms D and E in the Schedule.

Penalties for
trespassing.
23/74.

7.—(1) Any person who —

- (a) unlawfully enters into possession of any State land, either by residing or by erecting any building or hut thereon or by clearing, enclosing or cultivating any part thereof;
- (b) unlawfully trespasses on State land by depositing, placing or throwing any article or thing whatsoever, or any waste, refuse or other thing, thereon; or
- (c) directly or indirectly abets the commission of such an act or trespass by another person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and a District Court or a Magistrate’s Court shall have jurisdiction to hear and determine all proceedings under this subsection and, notwithstanding anything to the contrary in the Criminal Procedure Code, shall have the power to impose the full penalty or punishment provided by this subsection.

Cap. 68.

(2) Any person who —

- (a) unlawfully enters upon any State land and cuts timber or produce thereon; or
- (b) directly or indirectly abets the commission of such an act by another person,

shall be liable for a first offence to a fine not exceeding \$200, and, for a second or subsequent offence, to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both, and a Magistrate’s Court shall have jurisdiction to hear and determine all proceedings under this subsection.

23/74.

(3) Where an offence under subsection (1) has been committed by a company or an association or body of persons, corporate or unincorporate, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other officer thereof or was purporting to act in such capacity shall also be deemed to be

guilty of such offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

8.—(1) The court before which any person is convicted of an offence under section 7 may order that person to pay, in addition to any fine which has been imposed for the offence, the value of any timber or other Government property cut down, destroyed or injured upon the land during any period of the unlawful occupation thereof by that person, and the expense of any survey which has become necessary for proving such unlawful occupation, or for ascertaining the extent thereof. Recovery of expenses.

(2) For the purpose of ascertaining such value and expense, a certificate in writing under the hand of the Collector of Land Revenue shall be held, until the contrary is proved, to be proof that the sum therein set down is the true amount to be recovered from that person in respect of the value and expense.

(3) Any sum ordered to be paid under this section, whatever may be the amount thereof, may be recovered in the manner provided for the recovery of fines by the Criminal Procedure Code. Cap. 68.

9. Subject to section 10, any land alienated or demised by or on behalf of the State which has been abandoned for 3 years or upwards by the person to whom it was alienated or demised or by any person claiming title through him, shall, notwithstanding that some person may be found in occupation thereof or of any part thereof, be forfeited to the State. Forfeiture of abandoned land to State.

10.—(1) When any land alienated or demised by or on behalf of the Crown or the State appears to the Collector of Land Revenue to have been so abandoned for 3 years or upwards, the Collector may, with the sanction of the Minister, declare by notice in the *Gazette* and by a notice in the English, Malay, Chinese and Tamil languages posted on the land, that, unless within 6 months a claim to the land or to any interest therein, whether by long possession or otherwise, is established to the satisfaction of the Collector, it shall be deemed to have been forfeited to the State. Procedure for resumption.

(2) Unless within the term of 6 months so appointed a claim to the land or any interest therein is established as in the notice provided, the land shall be deemed accordingly to have been forfeited to the State, and any grant or lease affecting the land theretofore executed, and any deed purporting to deal with the same, or any part thereof, shall be void.

(3) Whenever any land is forfeited to the State under this section, a notification to that effect shall be published in the *Gazette* and shall be posted on the land or at the police station nearest thereto.

Limitation.

11.—(1) Any land forfeited to the State under section 10 may be dealt with as seems expedient to the President.

(2) Such land shall be appraised without delay by some person or persons appointed for that purpose by the Minister, and the appraised value shall be recorded in the Land Office.

(3) If, within 6 years from the forfeiture of the land, any person establishes a claim thereto or to any interest therein to the satisfaction of the President, he shall be entitled to receive out of the Consolidated Fund such sum, not exceeding the appraised value of that land so recorded, as the President directs.

State land not to be acquired by adverse possession. Cap. 163. 23/74.

12. No State land shall be acquired by possession or unlawful occupation and the provisions of the Limitation Act shall not apply to any action brought by the Government for the recovery of State land.

Penalty for depasturing on State land. 23/74.

13. Any person who knowingly and wilfully depastures without authority in that behalf any horse or cattle on any State land, not being a common, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

Penalty for other trespasses on State land. 23/74.

14. Any person who is not authorised in that behalf cuts, digs or takes from any State land any live or dead timber, or other vegetable product, or any beeswax, guano, mineral, gravel, stone, coral, shell, sand, loam, brick-earth or other product, or cuts, removes or sells any timber or produce lying or being on State land or strips or removes bark from

any tree in any State land, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

15.—(1) Every encroachment on any public road, street or highway, by building or other erection or by enclosure, planting or otherwise, shall, on information thereof, be immediately abated and removed by order of a Magistrate's Court in the manner provided for the abatement of public nuisances by the Criminal Procedure Code.

Encroach-
ment on
road may
be abated.

Cap. 68.

(2) The party offending may be ordered to pay such damages as the Court shall order, besides the costs of the proceedings.

16.—(1) The Minister may appoint a sufficient number of persons to be forest rangers and penghulus, and may define the boundaries within which the forest rangers and penghulus shall exercise the functions herein assigned to them.

Forest
rangers and
penghulus.

(2) Every such forest ranger or penghulu shall, during his continuance in office, do all acts for preventing intrusion, encroachment and trespass on State lands, or for levying or recovering the rent or the licence fee payable in respect thereof, or in respect of the rent of any land held under any grant or lease from the Government, or for taking and recovering possession of any allotment or lands in case of forfeiture, or for such other purpose as the Minister may prescribe.

17.—(1) Any forest ranger or penghulu who wilfully or knowingly refuses or neglects to give every information within his knowledge or power immediately to the Commissioner of Lands, or to the Collector of Land Revenue, of any encroachment made by any person upon any State land, and situated in the district of that forest ranger or penghulu shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Forest
rangers and
penghulus
to give
information.

(2) Any forest ranger, penghulu or police officer who without lawful excuse neglects or refuses to do and perform any of the duties, matters and things imposed on him by this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Arrest
without
warrant.

18. All forest rangers, penghulus and police officers within their respective jurisdictions are hereby required to arrest without warrant and take before a Magistrate any person whom they find committing any offence punishable under section 13 or 14.

Right of
proceeding
under the
law.

19. Nothing in this Act shall be held to deprive the Government of any right to proceed under the law, or of any remedy against trespassers given by law.

Inter-
pretation.
Cap. 152.

20. In this Act, "State land" includes all land contained or referred to in a notification or declaration made under the provisions of section 3 or 5 of the Land Acquisition Act, and published in the *Gazette* in accordance with those provisions.

Sections
5 and 6 (8).

THE SCHEDULE

FORM A

INFORMATION AND COMPLAINT AGAINST UNLAWFUL OCCUPATION OF STATE LANDS

To Wit.

The information and complaint of A.B. taken this
day of 19 before
the undersigned, a Magistrate, now saith that C.D., of
is in unlawful occupation of certain State lands, to wit

Sworn before me the day and year first above-mentioned, at
Singapore.

FORM B

SUMMONS TO UNLAWFUL OCCUPANT

To Wit.

In the matter of the State Lands Encroachments Act
(Chapter 315).

and between complainant, and

A.B., occupant:

You are hereby summoned to appear at before
on the day of 19 at the hour
of a.m. to answer the complaint of
that you are in unlawful occupation of certain State lands, to wit

Dated the day of 19 .

In case you fail to attend this summons, upon proof of service of the same, the complaint will be heard in your absence, and such order made as to the court shall seem fit.

THE SCHEDULE — *continued*

FORM C

WARRANT TO DISPOSSESS UNLAWFUL OCCUPANT

To Wit.

In the matter of the State Lands Encroachments Act
(Chapter 315).

and between _____ complainant, and
A. B., occupant:

To the Commissioner of Police and all other police officers of
Singapore:

Whereas it has been made to appear to me, and I have adjudged,
that the said A. B. is in unlawful occupation of (*here state description of
land*)

These are, therefore, to require you the said _____ and
others, to deliver peaceable and quiet possession of the said land and
premises to the said complainant, and eject the said A. B. and all other
persons therefrom, for which this shall be a sufficient warrant.

Given under my hand and seal this _____ day of _____ 19____
at _____

FORM D

INFORMATION AND COMPLAINT AS TO AN
UNLAWFUL BUILDING ON STATE LAND

To Wit.

The information and complaint of A. B. taken this
day of _____ 19____ before the undersigned,
a Magistrate, now saith that a certain building, *viz.*:

_____ has been erected or constructed upon
State land at _____ without lawful authority.

Sworn before me the day and year first above-mentioned, at
Singapore.

Magistrate

THE SCHEDULE — *continued*

FORM E

SUMMONS AS TO AN UNLAWFUL BUILDING ON STATE LAND

To Wit.

In the matter of the State Lands Encroachments Act
(Chapter 315).

To All Whom It May Concern

Take Notice that you are entitled to appear at
before _____ at the hour of 10 a.m. on any day
before the expiration of 3 clear days from the date of the posting or
affixing of this Notice as hereinafter mentioned, to apply to show cause
why an order should not be made declaring the building, *viz.*: [*descrip-
tion and situation*] (to which or by which this summons is posted or
affixed) to be State property and authorising its demolition by or under
the authority of the Commissioner of Lands, or any Land Revenue or
other public officer.

Dated the _____ day of _____ 19 ____ .

Magistrate

This summons was posted or affixed on [or near to] the building
referred to herein this _____ day of _____ 19 ____ .

Process Server

In case any person interested fails to appear to answer this
summons, upon proof of posting or affixing of the same, the information
and complaint will be heard in his absence, and such order made as to
the court shall seem fit.