

THE STATUTES OF THE REPUBLIC OF SINGAPORE

WATER POLLUTION CONTROL AND DRAINAGE ACT

(CHAPTER 348)

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29 of 1975

Amended by
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Water Pollution Control and Drainage Act

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An Act to make provision for effectual drainage of inland areas and for maintaining or restoring the cleanliness of rivers and watercourses and to regulate and control the collection, treatment and disposal of sewage and for matters connected therewith.

[1st September 1975]

PART I

PRELIMINARY

1. This Act may be cited as the Water Pollution Control and Drainage Act. Short title.
2. In this Act, unless the context otherwise requires — Inter-pretation.
“analyst” means an analyst appointed by the Government;

- “building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise;
- “Director” means the Director of Water Pollution Control and Drainage appointed under section 3 and includes a Deputy Director and an Assistant Director of Water Pollution Control and Drainage;
- “drain” includes any watercourse or river;
- “drain-line” means any pipe or sewer which is connected to the sewerage system of any premises;
- “drainage reserve” means the land set aside for drainage works pursuant to development proposals approved by the competent authority;
- “drainage works” includes any engineering works in the improvement, maintenance and construction of any drain, canal, culvert, bridge, railings enclosing a canal or drain, sump, canal or river wall, tide-gate, pumping station used to control the level of water in a drain, weir, gauge, and any other structure built for the purpose of conveying, storing or measuring storm water and flood alleviation;
- “house” includes any dwelling-house, warehouse, office, counting-house, shop, school and any other building in which persons are employed;
- “occupier”, in relation to any premises, means the person in occupation of any premises or having the charge, management or control thereof and, in relation to any part of any premises different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part;
- “owner” means the person for the time being receiving the rent of any premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant and includes the person whose name is entered in the Valuation List authenticated under the provisions of section 15 of the Property Tax Act;
- “premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of

any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

“public drains” means all drains —

- (a) which, by virtue of the Local Government Integration Act, were immediately before the date of commencement of this Act vested in the Government;
- (b) constructed by the Government at its expense or acquired by the Government; and
- (c) with respect to which a declaration of vesting has been made under section 5;

“public officer” includes any officer of any statutory board or body who is authorised in writing in that behalf by the Director to carry out all or any of the powers conferred on the Director by any of the provisions of this Act;

“public sewers and sewerage systems” means all sewers and sewerage systems —

- (a) which, by virtue of the Local Government Integration Act, were immediately before the date of commencement of this Act vested in the Government;
- (b) constructed by the Government at its expense or acquired by the Government; and
- (c) with respect to which a declaration of vesting has been made under section 22;

“sanitary facilities” includes toilets, wash basins, bathrooms, sinks and facilities for washing clothes which connect, directly or otherwise, with a private sewage treatment plant or with a public sewerage system;

“sewage” means any liquid waste and includes water-borne sullage and trade effluent;

“sewerage system” means any sewer, drainline, cesspit, septic tank, treatment plant, privy or any appurtenance thereof;

“toilet” means a facility for urinating and defecating which is water flushed, and which connects, directly or otherwise, with a private sewerage system or with the public sewerage system;

“trade effluent” means any liquid, either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of, or is the waste or refuse of, any trade, business or manufacture or of any building construction.

PART II

ADMINISTRATION

Appointment of Director and Deputy and Assistant Directors.

3.—(1) The Minister may, by notification in the *Gazette*, appoint a Director of Water Pollution Control and Drainage and such number of Deputy and Assistant Directors of Water Pollution Control and Drainage as he may think fit.

(2) The Director shall have the superintendence of all matters relating to this Act subject to the general or special directions of the Minister.

(3) A Deputy or an Assistant Director of Water Pollution Control and Drainage shall have and may exercise all the powers conferred on the Director by this Act, subject to such limitations as the Director may think fit to impose.

PART III

DRAINAGE

Director to construct and maintain drains and other drainage structures.

4.—(1) The Director may cause to be made, constructed and maintained drains and other drainage structures and, if necessary, the Director may, after reasonable notice in writing in that behalf, carry them across, through, along or under any premises or any cellar, basement or vault, doing as little damage as may be and making full compensation for any damage done.

(2) If any dispute arises relating to the amount or apportionment of compensation, it shall be settled in the manner provided in section 42.

Adoption of private drains.

5.—(1) Subject to this section, the Director may at any time declare that any private drain shall, as from such date as may be specified in the declaration, become vested in the Government:

Provided that the Director who proposes to make a declaration under this subsection shall give notice of his proposal to the owner or owners of the drain in question and shall take no further action in the matter until either one month has lapsed without an appeal against his proposal being lodged under subsection (2), or, as the case may be, until an appeal so lodged has been disposed of.

(2) An owner aggrieved by the proposal of the Director to make a declaration under this section may appeal to the Minister within one month after the notice of the proposal is served upon him. On the hearing of an appeal under this subsection the Minister may allow or disallow the proposal of the Director or, as the case may be, make any declaration which the Director might have made and any declaration so made shall have the same effect as if it had been made by the Director under this section.

(3) A declaration under this section may be made with respect to a part only of a drain.

(4) Where any declaration has been made in respect of a private drain, the Director shall maintain the drain and, if he sees fit, enlarge, alter or otherwise improve such drain and may discontinue, close up or destroy such drain as he thinks necessary as if it is a drain constructed by the Director.

6.—(1) No person shall, without the permission of the Director, construct, alter or repair any drain so as to affect the drainage of any area.

Drains not to be constructed without permission.

(2) An application for permission to construct, alter or repair any drain shall be made in such form as the Director may require and shall be accompanied by plans showing details of the design and specifications of the drain when constructed, altered or repaired, as the case may be.

(3) The Director may in granting any permission under this section impose such conditions as he thinks fit.

7.—(1) If any person without the permission of the Director makes or causes to be made any drain or diverts, obstructs, covers, fills up, damages or in any way interferes with any drain so that it is prejudicial to health or a nuisance, the Director may by notice in writing require the

Drains not to be interfered with.

person to demolish, alter, remake, repair, or otherwise deal with such drain as the Director thinks fit within a reasonable time fixed by him.

(2) If any person erects or causes or permits to be erected any house, structure, building or obstruction over, across or adjacent to any drain or drainage reserve, without the permission of the Director, the Director may by notice in writing require that person to demolish or remove the same within the period fixed by him (which shall not be less than 14 days after the date of service of the notice).

(3) If any person fails to comply with any requirement of a notice issued under subsection (1) or (2) the Director may, at the expiration of the period specified in the notice, execute the works specified in the notice and may recover from that person the expenses reasonably incurred in so doing.

Director
may require
works to
be executed
in respect
of premises
not properly
drained.

8.—(1) If it appears to the Director that any premises are not properly drained, he may by notice in writing require the owner or occupier of the premises to remedy the defect within two weeks from the date of service of the notice.

(2) If the notice is not complied with, the Director may carry out the work necessary to remedy the defect and may, subject to subsection (3), recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(3) In any proceedings to recover expenses under this section the court may inquire —

- (a) whether any requirement specified in a notice served under this section was reasonable; and
- (b) whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings,

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

9.—(1) No person shall carry out any earth works or construction works which will adversely affect any drain or drainage system in the vicinity either directly or indirectly without seeking the prior permission of the Director who may impose such conditions as he thinks fit in granting the permission.

Earth works, etc., adversely affecting drainage system.

(2) Where any person contravenes subsection (1), the Director may by notice in writing require that person or the owner or occupier of any premises in respect of which the earth works or construction works are carried out to carry out such drainage works as he may think necessary at their expense.

(3) If the notice is not complied with, the Director may carry out the drainage works described in the notice and may, subject to subsection (4), recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(4) In any proceedings to recover expenses under this section the court may inquire —

- (a) whether any requirement specified in a notice served under this section was reasonable; and
- (b) whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings,

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

10.—(1) The Director may authorise any person to construct any drain through, across or under any private property or to alter, repair or otherwise deal with such drain as the Director thinks fit.

Construction and maintenance of private drains.

(2) Any authority given under subsection (1) may be subject to such conditions as the Director thinks fit and the Director may require a deposit to be furnished for the purposes of ensuring that such person complies with subsection (3).

(3) A person authorised under subsection (1) to construct any drain shall make full compensation to the owner or occupier of the land for any damage caused to the land and any loss suffered by him.

(4) If any dispute arises concerning the amount of compensation payable, the dispute shall be determined in accordance with section 42.

(5) The Director shall, before authorising any person to construct any drain under subsection (1), serve a notice on the owner or occupier of the land stating the nature of the works to be done and that if no objections are received within 21 days of the date of service of the notice the works will be carried out on the date specified in the notice.

(6) A person served with a notice under subsection (5) shall submit his objections, if any, to the Director within the prescribed time and the Director may allow or disallow the objections or allow the objections in part.

(7) A person aggrieved by a decision of the Director may within 21 days appeal to the Minister whose decision shall be final.

Director
may cause an
area to be
provided
with
effectual
drainage.

11.—(1) If it appears to the Director that an area is not provided with effectual drainage, the Director may cause to be executed such drainage works as he considers necessary to provide for the effective drainage of the area and may apportion as he thinks just the costs and expenses of the drainage works among the owners of the premises in that area and recover the sums apportioned from the owners.

(2) If any dispute arises relating to the amount or apportionment of such costs and expenses, it shall be settled in the manner provided in section 42.

Declaration
to vest
drainage
reserves in
Government

12.—(1) Where any premises have been set aside as drainage reserve pursuant to any development proposals approved by the competent authority, the Director may by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds, as the case may be, declare that the drainage reserve shall vest in the Government.

(2) Any plan prepared by the Director under subsection (1) shall comply with the requirements of the Land Titles Act in respect of registered land and of the Registration of Deeds Act in respect of other land and shall show thereon the premises which will vest in the Government.

Cap. 157.
Cap. 269.

(3) Such a declaration shall be published in the *Gazette*.

(4) Where any drainage reserve that has become vested in the Government under this section consists of premises included in separate lots already set aside as part of a drainage reserve, the declaration shall be registered against those lands under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(5) Where any drainage reserve that has become vested in the Government under this section consists of premises included in an existing lot or lots, the premises forming the drainage reserve shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(6) Upon such registration the premises forming the drainage reserve shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act.

Cap. 314.

(7) No compensation shall be payable for any premises vested in the Government pursuant to this section.

(8) When the Director has pursuant to this section registered any instrument, he may take possession of the premises described therein and may proceed to demolish and remove any building or portion of any building forming part thereof.

PART IV

WATER POLLUTION CONTROL

13.—(1) No person shall, without the permission of the Director, construct any works for taking or intercepting water from any place or sea, within the territorial limits of Singapore.

Prohibition
on extraction
of water.

(2) An application for permission to construct any works for taking or intercepting water from any such place or sea shall be made in such form as the Director may require.

(3) In considering an application made under this section the Director may require the applicant to furnish such particulars and plans for the proposed works as he thinks fit.

(4) In granting any permission under this section, the Director may impose such conditions as he thinks fit.

(5) Any person who contravenes subsection (1) 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 3 months.

(6) This section shall not apply to the lands, buildings and installations of the Public Utilities Board.

Conservation, quality and use of inland water. 16/83.

14.—(1) The Minister may make such regulations as he considers necessary or desirable with respect to —

- (a) the conservation, quality and use of inland water; and
- (b) the enhancement and preservation of amenity in connection with inland water.

(2) In this section, “inland water” includes any river, stream, reservoir, lake or pond, whether natural or artificial.

Penalties for discharging toxic substances into inland water. 16/83.

15.—(1) Every person who discharges or causes or permits to be discharged any toxic substance into any inland water so as to be likely to give rise to an environmental hazard shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) for a second or subsequent offence, to imprisonment for a term of not less than one month and not more than one year and in addition to a fine not exceeding \$20,000.

(2) Where a person carrying on any trade or business has been convicted of a third offence under this section for the

discharge of, or for causing or permitting the discharge of, any toxic substance which is produced by any process or work in connection with that trade or business, the Minister may by order direct that person to cease forthwith to carry on that process or work either indefinitely or for any such period as may be specified in the order; and if that person fails to comply with any such order the Director may take such steps or measures as are necessary to ensure that the order is complied with and shall be entitled to recover from that person the costs and expenses incurred by the Director.

(3) In this section —

“inland water” has the same meaning as in section 14;

“toxic substance” means any trade effluent, chemical, oil or any other substance which is noxious, injurious or polluting.

(4) For the purposes of this section —

(a) a person shall be deemed to have discharged a toxic substance into any inland water if he places the substance or causes it to be placed in a position where it is liable to fall or descend or be washed or to percolate or be blown into the water;

(b) the discharge of a toxic substance shall be deemed to give rise to an environmental hazard if the substance has been discharged or placed in such a manner or in such quantity (whether by itself or with any other substance) as to subject persons or animals to a material risk of death, injury or impairment of health or as to threaten to pollute (whether on the surface or underground) any inland water; and

(c) the fact that the toxic substance is placed in containers shall not of itself be taken to exclude any environmental hazard which might be expected to arise if the substance were not in containers.

(5) No prosecution shall be instituted under this section without the written consent of the Public Prosecutor.

[14A

PART V

SEWERAGE

Director may make, construct and maintain sewerage systems.

16.—(1) The Director may cause to be made, constructed and maintained any sewerage system and, if necessary, the Director may, after giving reasonable notice in writing in that behalf, carry it across, through, along or under any premises or any cellar, basement or vault, doing as little damage as may be and making full compensation for any damage done.

(2) If any dispute arises relating to the amount or apportionment of compensation, it shall be settled in the manner provided in section 42. [15]

Director to maintain every public sewerage system.

17.—(1) The Director shall maintain and keep in repair and, as he sees fit, enlarge, alter or otherwise improve every public sewerage system and may discontinue, close up or destroy any such system as he thinks useless or unnecessary:

Provided that the Director shall, before entering any private property for the purpose of carrying out any work under this subsection, give reasonable notice in writing in that behalf and shall do as little damage as may be and shall make full compensation for any damage done.

(2) If by reason thereof or of any such alteration as hereinbefore provided any person is deprived of the lawful use of any sewer the Director shall with due diligence provide some other sewer as effectual as the one of which he is so deprived. [16]

Sewer may be emptied into the sea.

18. The Director may cause any sewer to be emptied into the sea or other fit place, or may cause the sludge from them to be conveyed by a proper channel to the most convenient site for its deposit, and may sell or otherwise dispose of the sludge for any agricultural or other purposes as are deemed most expedient but so that it shall not become a nuisance.

[17]

Premises to be provided with adequate sewerage system.

19.—(1) If it appears to the Director that any premises are not provided with an adequate sewerage system, he may by notice in writing require the owner of the premises to construct or alter such sewerage system as he considers necessary.

(2) The Director may at any time require the owner of any sewerage system to make a sufficient drain-line emptying into any public sewer and to disconnect and demolish at his own expense any sewerage system rendered useless or unnecessary thereby.

(3) The Director may by notice in writing require the owner of any premises to cause all sewage other than trade effluent therefrom to be discharged into such sewerage system as he may direct. [18

20.—(1) The owner of any premises shall treat any trade effluent discharged therefrom in such manner as may be prescribed before the trade effluent is discharged into any sewer or drain. Plant for treatment of trade effluent.

(2) A person using, working or operating any plant for the purpose of treating any trade effluent shall use, work or operate and maintain the plant in such manner as the Director may require. [19

21.—(1) The Director may take over the control, supervision, maintenance and repair of any private sewerage system to such extent as he thinks fit and may charge fees therefor. Director may take over control, etc., of sewerage system.

(2) Any such decision may from time to time be varied or rescinded.

(3) Fees for such control, supervision, maintenance and repair shall be payable by the owner of the sewerage system and may be recovered in the manner provided in section 44. [20

22.—(1) Where any premises have been set aside or are being used for any sewerage system pursuant to any development proposals approved by the competent authority and the owner of the premises has agreed to surrender the premises to the Government, the Director may by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds, as the case may be, declare that the premises shall vest in the Government. Declaration to vest sewerage systems in Government.

(2) Any plan prepared by the Director under subsection (1) shall comply with the requirements of the Land Titles Act in respect of registered land and of the Registration of Deeds Act in respect of other lands and shall show thereon the premises which will vest in the Government. Cap. 157. Cap. 269.

(3) Such declaration shall be published in the *Gazette*.

Cap. 157.
Cap. 269.

(4) Where any premises that have become vested in the Government under this section consist of premises included in separate lots already set aside for a sewerage system, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other lands.

(5) Where any premises that have become vested in the Government under this section consist of premises included in an existing lot or lots, the premises forming the sewerage system shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other lands.

Cap. 314.

(6) Upon such registration the premises including every sewerage system installed therein shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act.

(7) No compensation shall be payable for any premises vested in the Government pursuant to this section. [21

Vesting
of private
sewer.

23.—(1) Subject to this section, the Director may at any time declare that any private sewer shall, as from such date as may be specified in the declaration, become vested in the Government:

Provided that the Director who proposes to make a declaration under this subsection shall give notice of his proposal to the owner or owners of the sewer in question and shall take no further action in the matter until either one month has lapsed without an appeal against his proposal being lodged under subsection (2), or, as the case may be, until an appeal so lodged has been determined.

(2) An owner aggrieved by the proposal of the Director to make a declaration under this section may appeal to the Minister within one month after the notice of the proposal is served upon him. On the hearing of an appeal under this

subsection the Minister may allow or disallow the proposal of the Director or, as the case may be, make any declaration which the Director might have made and any declaration so made shall have the same effect as if it has been made by the Director under this section.

(3) A declaration under this section may be made with respect to a part only of a sewer.

(4) Where any declaration has been made in respect of a private sewer, the Director shall maintain the sewer and, if he sees fit, enlarge, alter or otherwise improve such sewer and may discontinue, close up or destroy such sewer as he thinks necessary as if it is a sewer constructed by the Director. If by reason of the alteration or closing up of any such sewer any person is deprived of the lawful use of the sewer, the Director shall with due diligence provide some other sewer as effectual as the one of which he is so deprived. [22

24.—(1) Every sewerage system shall be altered, repaired and kept in proper order at the cost and expense of the owner of the land and building to which the same belongs or for the use of which it is maintained.

Sewerage systems to be kept in order at cost of owners.

(2) If the owner of any land or building to which any sewerage system belongs neglects after notice in writing for that purpose has been given by the Director to alter, repair or put the sewerage system in good order in the manner required by the Director, and within the time and date specified in the notice, a Magistrate's Court may, on the application of the Director, make a mandatory order requiring him to alter, repair and put the sewerage system in good order as required by the Director.

(3) Where the Director is satisfied that it is necessary immediately to alter, repair or put in good order and condition any sewer, drain, privy, cesspool, septic or other tank, toilet, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, he or any public officer authorised in writing by the Director in that behalf may enter with such assistants and workmen as are necessary, upon any land or building and may do or cause to be done such alterations, repairs, works, acts or things as are necessary for any of those purposes, and the expenses reasonably

and necessarily incurred in so doing may be recovered from the person who is the owner of the land or building when the work is completed, and in default of agreement the amount of such expenses may be determined under section 42 and section 44 shall apply to the amount for which judgment is given:

Provided that no entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without 6 hours' previous notice to the occupier. [23

Prohibition on construction, etc., of sewerage system and sanitary facilities, without Director's permission.

25. No person shall, without the permission of the Director —

- (a) construct any sewerage system or alter or in any way interfere with any sewerage system; or
- (b) construct or alter any sanitary facilities. [24

Director may require the provision, alteration and resiting of sanitary facilities.

26.—(1) If it appears to the Director that any building or part thereof is without adequate sanitary facilities, he may by notice in writing require the owner, occupier or developer thereof —

- (a) to provide, fix or install such sanitary facilities as the Director may consider adequate; or
- (b) to alter, improve, demolish or resite any sanitary facilities thereof in such manner as the Director may require.

(2) All sanitary facilities provided or installed in any building shall be maintained, repaired and renewed to the satisfaction of the Director by the owner, occupier or developer of the premises as the Director may require.

(3) All costs and expenses incurred by an owner, occupier or developer of a building or part thereof pursuant to this section shall be borne by him. [25

Inspection of sewerage systems and sanitary facilities.

27.—(1) The Director or any public officer authorised by him in that behalf may inspect any sewerage system or sanitary facilities and for that purpose may at any time enter upon any premises with such assistants and workmen as are necessary and cause the ground to be opened, doing as little damage as may be.

(2) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without 6 hours' previous notice to the occupier. [26

28.—(1) No person shall erect or cause or permit to be erected any house, structure or building over, across or adjacent to any sewer without the permission of the Director.

No building, etc., to be erected over, across or adjacent to any sewer.

(2) If any person erects or causes or permits to be erected any house, structure or building over, across or adjacent to any sewer without the permission of the Director, the Director may by notice in writing require that person to demolish or remove the same within a reasonable time fixed by him.

(3) If any person fails to comply with any requirement of a notice issued under subsection (2) the Director may, at the expiration of a time specified in the notice which shall not be less than 14 days after the service of the notice, execute the work required by the notice and may recover from that person the expenses reasonably incurred in so doing.

(4) Any person who contravenes subsection (1) or fails to comply with any requirement of a notice issued under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. [27

29.—(1) The owner or occupier of any premises used as a farm shall install, operate and maintain such sanitary facilities and sewerage system as the Director may require.

Farm premises to have such sanitary facilities and sewerage system as Director may require.

(2) The Director may require the owner or occupier of the premises to provide such facilities for the removal, treatment and disposal of waste matter as the Director thinks fit. [28

30.—(1) The Director may at any time apply any system of sewage and trade effluent removal to such premises as he thinks fit and charge such fees as may be prescribed therefor.

A system of removal of sewage and trade effluent may be applied to premises.

(2) Such fees shall be payable by the occupier of the premises so served and by the owner thereof when the

premises are vacant and shall be recoverable in the manner provided in section 44. [29

Discharge
of trade
effluent.

31.—(1) Subject to subsection (4), no trade effluent shall be discharged from any premises into a public sewer without the written consent of the Director.

(2) Subject to subsection (3), any person who causes or suffers any trade effluent to enter or pass into any public sewerage system without the written consent of the Director (whether wilfully or by accident) shall forthwith inform the Director of such occurrence.

(3) The requirements in subsection (2) may be waived by the Director in any case where the amount of trade effluent is in the opinion of the Director not of a substantial nature.

(4) Subsection (1) shall not apply to such trade effluent as may be prescribed which may be discharged into any public sewerage system without seeking the prior written consent of the Director.

(5) If any trade effluent is discharged in contravention of this section or without the consent, if any, as is necessary for the purposes of this Act the occupier of the premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500. [30

Charges to
be levied
on sanitary
appliances,
etc.

32.—(1) The Minister may make regulations to levy such charges as may be prescribed in respect of —

(a) sanitary appliances which are installed in any premises; and

(b) the amount of water used in any premises.

(2) The charges levied under subsection (1) shall be payable by the occupier of the premises and by the owner thereof when the premises are vacant.

(3) The charges shall be payable at such times and in such manner as may be prescribed and shall be recoverable in the manner provided in section 44. [31

PART VI

MISCELLANEOUS PROVISIONS

33.—(1) Whenever any owner or occupier is required under this Act to erect or remove any building or thing or to execute any other work and after due notice fails to erect or remove the building or thing or to execute the work within the prescribed time, the Director may make a complaint and the Magistrate's Court hearing the complaint may make on the owner or occupier a summary order, (referred to in this Act as a mandatory order) requiring the owner or occupier to execute the required work. Mandatory order.

(2) A mandatory order shall require the person to whom it is directed to execute any work which the Court is authorised to require to be executed within a time to be specified in the order and may also require that person to pay to the Director a sum for costs and expenses incurred in obtaining the order.

(3) Any person to whom a mandatory order is addressed who fails to comply with the requirements of the order shall, unless he satisfies the Court that he has used all due diligence to carry out the order, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for every day during the non-compliance with the order, and the Court may direct the Director to enter the premises and execute the work so required to be executed and the expenses thereby incurred by the Director shall be paid by the person in default and, if that person is the owner, section 44 shall apply to those expenses, and in any other case section 42 shall apply thereto. [32

34.—(1) Where a person appeals to the High Court against a mandatory order, no liability to a fine shall arise nor, save as provided in this section, shall any proceedings be taken or work executed under the order until after the determination or abandonment of the appeal. Provision as to appeal against order.

(2) Where a mandatory order is made and a person does not comply with it and appeals against it to the High Court and the appeal is dismissed or is abandoned, the appellant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for every day during the non-compliance with the order, unless he satisfies the Court

before which proceedings are taken for imposing a fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and, where the appeal is heard by the High Court, that Court may, on dismissing the appeal, impose the fine as if the Court were the Court before which the summons was returnable.

(3) Where a mandatory order is made on any person and appealed against and the Court which made the order is of the opinion that the non-execution of the mandatory order will be injurious or dangerous to health and that the immediate execution of the order will not cause any injury which cannot be compensated by damages, that Court may authorise the Director immediately to execute the work.

(4) If the Director has executed the work and the appeal is successful, he shall pay the cost of the work and the damages, if any, sustained by that person by reason of the work, but, if the appeal is dismissed or abandoned, the Director may recover the cost of the work from the person and, if that person is the owner of the premises in respect of which the order is made, section 44 shall apply to any sum recoverable from him hereunder and in any other case section 42 shall apply thereto. [33

Proceedings
where owner
is unknown.

35.—(1) Where the name or address of the owner of any premises with regard to which a Magistrate's Court is empowered to make a mandatory order is unknown and cannot with reasonable diligence be discovered, the Court may issue a summons addressed to the owner of the premises.

(2) The summons may be served in the manner specified in section 57.

(3) If the owner does not appear on the date of the hearing of the summons, the Court may make such an order upon him in his absence as it might have made in his presence except that it shall not inflict any fine upon him.

[34

In case of
urgency
order may
be made
ex parte.

36.—(1) If in any case in which a Magistrate's Court has jurisdiction to make a mandatory order, the Court is of opinion that the matter complained of will be injurious or dangerous to health or safety and the immediate work

sought to be done will not cause any injury which cannot be compensated for by damages, the Court may, by an ex parte order, authorise the Director immediately to execute the work sought to be done.

(2) If the Director executes the work and the application for a mandatory order is subsequently refused, he shall pay the cost of the work and the damages, if any, sustained by any person thereby, but if the mandatory order is subsequently granted the Director may recover the cost of the work as if it had been executed by him in pursuance of the powers conferred by section 34. [35]

37. In cases of emergency, the Director may direct the immediate execution of any work or the doing of any act being any work or act authorised under this Act which is in his opinion necessary for the service or safety of the public. [36]

Director may act in cases of emergency.

38.—(1) Where the Director reports to the Minister that any trade effluent which is being discharged from any premises into the public sewerage system, or any drain, river, lake, pond or reservoir, is dangerous to health or safety or will cause damage to the public sewerage system, the Minister may by order direct the occupier of the premises —

Power to prohibit work and processes in certain circumstances.

- (a) to cease forthwith the discharge of such trade effluent into the public sewerage system or any drain, river, lake, pond or reservoir;
- (b) to take such steps as may be specified in the order to treat the trade effluent which is complained of; and
- (c) to cease forthwith the carrying on of any process or work which produces the trade effluent either indefinitely or until such steps have been taken, as is specified in the order, and to treat such trade effluent before it is discharged into the public sewerage system or any drain, river, lake, pond or reservoir.

(2) The occupier of any premises who fails to comply with an order under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not

exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

(3) Where the occupier of any premises has failed to comply with an order under subsection (1), the Director may at all reasonable times enter upon the premises and take such measures and execute such work as may be necessary to comply with the order.

(4) Any person who is aggrieved by an order made by the Minister under subsection (1) may within 28 days from the date of the order appeal to the High Court which may rescind or vary the order.

(5) Notwithstanding that an appeal has been made under subsection (4), an aggrieved person shall comply with the order pending the outcome of the appeal to the High Court and the Director may exercise the powers conferred under subsection (3). [37]

Power to enter upon lands for the purposes of this Act.

39.—(1) The Director and any person authorised in writing by the Director in that behalf may, for the purposes of this Act, enter at all reasonable hours in the daytime into and upon any building or land for the purpose of making any survey, soil investigation or inspection and executing any work authorised by this Act to be executed by the Director without being liable to any legal proceedings or molestation on account of such entry or of anything done in any part of that building or land in pursuance of this Act.

(2) No person shall, pursuant to this section, enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to the occupier.

(3) For the purposes of this section the Minister may declare that any class of premises is liable to night inspection, and thereupon any public officer, employee, agent or contractor duly authorised in writing in that behalf may, at any time of the day or night and without notice, enter using such force as may be necessary into and search or inspect any premises of the class specified in the declaration.

[38]

40.—(1) The Director and any person authorised by him in that behalf may enter upon any land, adjoining or being within 100 metres of any works by this Act authorised to be executed, for the purpose of depositing upon that land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of those works without making any previous payment, tender or deposit, doing as little damage as may be in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of the land to the owner and the occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage done and making compensation to the owner also for the permanent injury, if any, to the land.

Power to enter on lands adjacent to works.

(2) If any dispute arises relating to the amount or apportionment of such compensation, it shall be settled in the manner provided in section 42.

(3) Before the Director makes any use of any land pursuant to subsection (1), he shall give 7 days' notice of his intention to the owners and the occupiers of the land.

[39

41. Any person who at any time hinders, obstructs or molests the Director or any person authorised by him in that behalf, in the performance and execution of his duty or of anything which he is empowered or required to do under this Act or interferes with any work authorised to be executed under this Act, 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 3 months or to both.

Penalty for obstructing Director in his duty.

[40

42.—(1) Except as herein otherwise provided, in all cases when compensation, damages, fees, costs or expenses are by this Act directed to be paid the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute, or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds \$5,000, by a District Court.

Compensation, damages and costs to be determined by Magistrate's Court.

(2) If the amount of compensation, damages, costs or expenses is not paid by the party liable to pay it within 7 days after demand, that amount may be reported to a Magistrate's Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court.

Cap. 68.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's or District Court under this section, and the provisions of the Criminal Procedure Code shall *mutatis mutandis* apply to all such appeals. [41]

Occupier
may execute
work where
owner
defaults
in execution
of work
required by
this Act.

43. Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by him, an occupier of the premises may, with the approval of the Director, cause the work to be executed and the expense thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to the owner and the occupier may, in the absence of any special agreement to the contrary, retain possession until that expense has been fully reimbursed to him. [42]

Recovery of
costs and
expenses
payable
by owners.

44.—(1) All sums payable by or recoverable from the owner or owners in respect of costs and expenses incurred by the Government in or about the execution of any work which are under this Act recoverable from the owner or owners of any premises shall, subject and without prejudice to any other rights of the Government, be a charge on the premises in respect of which the costs and expenses were incurred.

(2) In addition to any other remedies conferred by this Act any such sum may be recovered in the manner hereinafter provided, and the person or persons liable to pay it shall be the owner or owners at the time when the work was completed.

(3) An occupier who when requested by or on behalf of the Director to state the name of the owner of premises refuses or wilfully omits to disclose or wilfully mis-states the name shall, unless he shows cause to the satisfaction of the Court for his refusal or mis-statement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(4) If any such sum remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons, if more than one, liable to pay it, calling on him to pay that sum together with a fee of such amount as may be prescribed for the cost of the notice, within 15 days of the service of the notice.

(5) If no person liable to pay the sum can be found, such notice shall be deemed to have been duly served by the posting thereof at the office of the Director and by fixing a copy thereof on some conspicuous part of the premises in respect of which the costs and expenses were incurred.

(6) At the expiration of the period of 15 days or such further period as may be allowed by the Director, if any such sum or part thereof remains due and unpaid, it shall be deemed to be arrears and may be recovered as hereinafter provided.

(7) The charge hereinbefore mentioned shall attach, and the powers and remedies hereinbefore conferred shall become exercisable as from the date of completion of the work, and thereafter those powers and remedies may be exercised against the premises or against any movable property or crops for the time being found thereon, notwithstanding any change or changes in the ownership or occupation of the premises subsequent to that date. [43

45.—(1) When the Director has incurred costs and expenses in or about the execution of any work, which are, under this Act, payable by or recoverable from the owner or owners, the Director may either recover those costs and expenses in the manner provided in section 44 or, if he thinks fit, may take an engagement or engagements from the owner or owners for the payment of such instalments as will be sufficient to defray the whole amount of the costs and expenses with interest thereon at a rate not exceeding 6% per annum, within a period not exceeding 10 years.

Recovery of
costs and
expenses by
instalments.

(2) Upon default in payment of any instalment or interest upon the date appointed for payment thereof by any such engagement the whole of the balance then outstanding of that amount, together with any interest in arrear, shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises

since the date of the engagement, may be recovered by the same means and in like manner as provided in section 44.

[44

Proceedings
for recovery
of arrears.

46.—(1) For the recovery of arrears the Director shall have and may exercise, either successively or concurrently, in addition to any other remedies conferred by this Act either or both of the following powers:

(a) the Director may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any person liable to pay the arrears and may also seize any movable property or crops to whomever it belongs which are found on the premises in respect of which the arrears are due and may, after service of the prescribed notice, sell the same by public auction in the prescribed manner;

(b) the Director may, by notice of sale to be served or published in the prescribed manner, declare his intention of selling, at the expiration of 3 months from the date of the notice of sale, the premises in respect of which the arrears are due and, if, at the expiration of that period, the arrears have not been paid or satisfied, the Director may sell by public auction, in lots or otherwise, the whole of the premises or such portion thereof or such interest therein as he considers sufficient for recovery of the arrears and costs.

(2) The Director shall not proceed under subsection (1) (b) to sell the premises in respect of which the arrears are due, or any portion thereof or interest therein, where there is or are upon the premises and liable to be seized and sold under subsection (1) (a) movable property or crops belonging to the owner of a value estimated by the Director to be sufficient to realise the sum required to satisfy the arrears and costs.

(3) Any tenant, sub-tenant or occupier who, in order to avoid the seizure or sale of his property for non-payment of arrears payable by the owner of the premises, pays the arrears and costs may thereafter, in the absence of any written agreement to the contrary, deduct the amount so

paid by him from the rent due or to become due by him to his immediate landlord on account of the premises or such part thereof as is held or occupied by him, and may retain possession until that amount has been fully reimbursed to him whether by deduction from the rent or otherwise.

(4) Any tenant or sub-tenant who has reimbursed, whether by allowing a deduction from his rent or otherwise, any sub-tenant or occupier holding or occupying under him the amount so paid by that sub-tenant or occupier shall have a similar right to deduct the amount from the rent due or to become due to his immediate landlord and to retain possession until similarly reimbursed.

(5) The receipt of any public officer duly authorised in writing by the Director in that behalf for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed an acquittance in full for the like amount of rent.

(6) If any premises in respect of which arrears are due, or any such movable property or crops as are mentioned in subsection (1) or the proceeds of sale thereof are already in the custody of the law under any process of execution whereby the Director is unable to exercise the remedies hereinbefore conferred, the Director may notify the Sheriff or the bailiff of the court concerned of the amount of the arrears, and shall be entitled without obtaining a judgment to be paid that amount out of the proceeds of sale of the premises or property in priority to the judgment debtor and to the judgment creditor and to any other creditor except the Government.

(7) A certificate from the Director shall, unless it is disputed by the judgment debtor, be conclusive evidence of the amount of such arrears, and, in case of dispute, the amount shall be summarily determined by a Magistrate's Court.

(8) Where any premises are sold pursuant to subsection (1) (b), the Director shall have the power to execute the conveyance and the purchaser of the premises shall not be concerned to inquire whether the provisions of this Act relating to the sale and the conveyance have been complied with nor otherwise to inquire into the regularity or validity of the sale and conveyance.

Cap. 157. (9) Subsection (8) shall not affect the application of section 127 of the Land Titles Act in relation to registered land. [45]

Attachment. **47.**—(1) The attachment mentioned in section 46 (1) (a) may be made by a person appointed for the purpose by the Director who shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached.

Cap. 224. (2) Such a person shall be deemed to be a public servant within the meaning of the Penal Code.

(3) That person may break open in the daytime any house or building for the purpose of effecting the attachment. [46]

Application of proceeds. **48.**—(1) The proceeds of a sale under section 46 (1) and (2) shall be applied in the first place in satisfaction of the arrears together with interest thereon at the rate of 6% per annum and costs.

(2) In the event of there being any surplus remaining the Director shall, if satisfied as to the right of any person claiming the surplus, pay the amount thereof to that person or, if not so satisfied, shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

(3) If no title is established to the surplus within a period of 5 years from the date of the sale, it shall be paid into the Consolidated Fund. [47]

Title conferred by purchaser at sale under section 46 (1) (b). **49.**—(1) The purchaser at a sale held under section 46 (1) (b) shall be deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except such as are expressly reserved by the Director at the time of sale.

(2) The Director shall notify by an advertisement in the *Gazette* the result of the sale and the conveyance to the purchaser of the property or right offered for sale. [48]

Costs of proceedings for recovery of arrears. **50.** All costs of any proceedings for the recovery of arrears may be recovered as if they formed part of the arrears. [49]

51. If any person having any interest in any property liable to be sold at any time previous to such sale tenders to the Director the arrears with interest and costs, the Director shall thereupon desist from all further proceedings in respect thereof. [50] Power to stop sale.

52.—(1) If any person whose movable property, crops or land has been attached or advertised for sale disputes the propriety of the attachment or sale, he may apply to the High Court or, where the arrears do not exceed \$5,000, to a District Court for an order to stay the proceedings. Application to Court.

(2) The Court, after hearing the Director and making such further inquiry as is necessary, shall make such order as is just. [51]

53. No application shall be entertained by the Court under section 52 unless the applicant has deposited in Court the amount of the arrears and costs or given security for them to the satisfaction of the Court. [52] Security to be given.

54.—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the Government in or about the execution of any work which are, under this Act, recoverable from the owner or owners thereof shall continue to be liable for the payment of all the costs and expenses payable in respect of the property and for the performance of all other obligations imposed by this Act upon the owner of the property which become payable or are to be performed at any time before such notice of transfer as is required by section 19 of the Property Tax Act has been given. Liability of transferor who has not given notice.

(2) Nothing herein shall affect the liability of the purchaser or transferee to pay such costs and expenses in respect of the property or affect the right of the Director to recover such costs and expenses or to enforce any obligation under this Act. [53] Cap. 254.

55.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of the premises any of the provisions of this Act after notice of his intention to do so has been given by the owner to that occupier, a Magistrate's Court, upon proof thereof and upon application by the owner, may make an order in Proceedings, if any, where occupier opposes the execution of works by owner.

writing, requiring the occupier to permit the owner to execute all such works with respect to the premises as are necessary for carrying into effect the provisions of this Act and may also, if it thinks fit, order the occupier to pay to the owner the costs relating to the application or order.

(2) If after the expiration of 8 days from the date of the order the occupier continues to refuse to permit the owner to execute the works, the occupier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for every day during which he so continues to refuse, and every such owner shall, during the continuance of the refusal, be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing the works. [54

Receipts
and notices
may be
given by
authorised
officer.

56.—(1) All notices, orders, receipts, warrants and other documents of any nature which the Director is empowered to give by this Act or under any regulations made thereunder may be given by any public officer authorised by the Director.

(2) Where any such notice, order, warrant or document requires authentication, the signature or a facsimile thereof of the Director or any public officer authorised by the Director affixed thereto shall be sufficient authentication. [55

Service of
notices.

57.—(1) Every notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

- (a) by delivering it to that person or by delivering it at the last known place of abode of that person to some adult member or employee of his family;
- (b) by leaving it at the usual or last known place of abode or business of that person in a cover addressed to that person; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or business.

(2) A notice, order or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises shall be deemed to

be properly addressed if addressed by the description of the "owner" or "occupier" of the premises without further name or description.

(3) A notice, order, summons or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises. [56

58.—(1) Any person who is aggrieved by any notice or declaration by the Director under this Act may, within 14 days or one month of the date of such notice or declaration, respectively, appeal in writing to the Minister, whereupon the execution of the notice or the doing of the thing required to be done shall be stayed.

Appeal to
Minister
against
notices and
declarations.

(2) The Minister may confirm, vary or rescind the notice or direct that the thing shall be proceeded with, varied or abandoned, as the case may be, or make any order which the Director is competent to make under this Act and the decision of the Minister shall be final. [57

59.—(1) When any notice under this Act or any regulations made thereunder requires any act to be done or work to be executed by the owner or the occupier of any premises and default is made in complying with the requirements of the notice, the person in default shall, where no fine is expressly provided for such default, be liable on conviction to a fine not exceeding \$5,000.

Penalty for
default in
compliance
with notice.

(2) Where any such notice requires any act to be done or work to be executed for which no time is fixed by this Act or any regulations made thereunder, the notice shall fix a reasonable time for compliance with the requirement.

[58

60.—(1) The owner or occupier of any premises shall, if required by the Director or any public officer authorised by him in that behalf, give his name and address and such other proof of identity as the Director or public officer may

Power to
demand
names and
addresses.

require and furnish such other particulars as the Director or public officer may require for the purposes of this Act.

(2) Any person who upon being required by the Director or a public officer to give his name and address or to furnish any particulars under subsection (1) wilfully mis-states his name and address or furnishes false particulars shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [59

Powers
of arrest.

61.—(1) The Director, or any public officer authorised in writing by the Director generally or in any particular case, or any police officer, may arrest any person committing in his view or who he has reason to believe has committed any offence punishable under this Act or any regulations made thereunder —

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address; or
- (c) if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address are correctly ascertained.

(3) No person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained. [60

Saving of
prosecutions
under other
laws.

62. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or any regulations made thereunder or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or any regulations made thereunder:

Provided that no person shall be punished twice for the same offence. [61

Penalties.

63. Any person who contravenes or fails to comply with any of the provisions of this Act or any regulations made thereunder for which no penalty is expressly provided 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 3 months, and in the case of a continuing offence to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

[62]

64.—(1) Where any permit, consent or approval is given by the Director under this Act for the execution of any work, the Director may require a deposit to be furnished by the person applying for the permit, consent or approval to secure the execution of the work.

Furnishing
of deposits.

(2) Where any such work is not executed to the satisfaction of the Director, he may utilise the deposit or any part thereof to make good the defects.

[63]

65. No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act or any regulations made thereunder shall in any way affect the operation of this Act or any such regulations as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under this Act or any such regulations shall be invalid for want of form.

Inaccuracies
in
documents.

[64]

66.—(1) The contents of any document prepared, issued or served under this Act shall until the contrary is proved be presumed to be correct and the production of any book purporting to contain any apportionment made under this Act shall, without any other evidence, be received as *prima facie* proof of the making and validity of the apportionment mentioned therein.

Evidence.

(2) All records, registers and other documents required by this Act or any regulations made thereunder to be kept by the Director or any public officer authorised by him in that behalf shall be deemed to be public documents and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies, or extracts, as the case may be, subscribed by that officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents.

(3) The production by the prosecutor of a certificate of analysis purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein, unless the defendant requires the analyst to be called as a witness, in which case he shall give notice thereof to the prosecutor not less than 3 clear days before the day on which the summons is returnable.

(4) In like manner the production by the defendant of a certificate of analysis purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein, unless the prosecutor requires the analyst to be called as a witness.

(5) A copy of such last-mentioned certificate shall be sent to the prosecutor at least 3 clear days before the day fixed for the hearing of the summons, and, if it is not so sent, the Magistrate's Court may adjourn the hearing on such terms as it thinks proper. [65

Offence
by body
corporate.
16/83.

67. Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly. [65A

Jurisdiction
of Courts.
16/83.

Cap. 68.

68. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this Act and shall, notwithstanding anything to the contrary in the Criminal Procedure Code, have power to impose the full punishment in respect of any offence under this Act. [65B

Exemption.

69. The Director may, either permanently or for such period or periods as he may think fit, exempt any person or premises or any class of person or premises from any of the provisions of this Act. [66

Forms.

70. The Director may design and utilise such forms as he may think fit for any of the purposes of this Act and any

regulations made thereunder, and may require any person to complete any of the forms for any such purpose. [67

71.—(1) The Minister may make regulations for or in respect of every purpose which is considered by him necessary for carrying out the provisions of this Act, for the prescribing of any matter which is authorised or required under this Act to be prescribed, and in particular and without prejudice to the generality of the foregoing for or in respect of all or any of the matters specified in the Schedule. Regulations.

(2) The Minister may from time to time, by notification in the *Gazette*, add to, alter or amend the Schedule.

(3) The Minister may in making any regulations provide that any contravention of or failure to comply with the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both; and in the case of a continuing offence with a fine not exceeding \$100 for every day during which the offence continues after conviction. 16/83.

(4) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [68

72. —(1) In so far as any application or objection made, permit granted, consent, designation, direction or notice issued, given or delivered, prohibition or requirement imposed or attached, or other thing done, under the repealed provisions could have been made, granted, issued, given, delivered, imposed, attached or done under a corresponding provision of this Act, it shall have effect as if made, granted, issued, given, delivered, imposed, attached or done under that corresponding provision. Transitional
and savings
provisions.

(2) In subsection (1), “the repealed provisions” means —

(a) sections 37 to 51 of the Local Government Integration Act; and 1970 Ed.
Cap. 210.

(b) sections 74 and 79 of the Environmental Public Health Act. 1970 Ed.
Cap. 155.

[70

THE SCHEDULE

Section 71 (1).
16/83.

SUBJECT MATTER OF REGULATIONS

1. The construction, maintenance and repair in any building or on any premises of a water supply, sanitary accommodation, sink accommodation, bathing and washing accommodation and refuse bin centres.
2. The construction, maintenance and repair of drain-lines and their connections to sewers, and the construction, maintenance and repair of drainage structures.
3. The construction, maintenance and repair of sewerage systems.
4. The prevention of misuse or contamination of water.
5. The prescribing of fines for late payment of any charges or fees.
6. The prescribing of standards and limits for trade effluents which may be discharged into sewers and drains.
7. The control of discharge of any trade effluent into sewers, drains and sea.
8. The prescribing of fees for the collection and disposal of domestic and farm wastes flushed by water and for the maintenance and operation of sewage purification plants, cess-pits, and other waste water treatment plants.
9. The control, by licensing or otherwise, of the storage, removal and disposal of toxic trade waste and trade effluent.
10. The prescribing of fees for the collection and disposal of any trade effluent.
11. The prescribing of standards and specifications for the construction, maintenance and repair of drainage structures and sewerage works.
12. The prescribing of forms for permits and notices and for other purposes of this Act.
13. The prescribing of fees for permits and the prescribing of fees and charges for any of the purposes of this Act or any regulations made thereunder and the prescribing of any matter which by this Act is required to be or may be prescribed.
14. The prescribing of fees for the collection, treatment or disposal of sludge from any premises.