



THE STATUTES OF THE REPUBLIC OF SINGAPORE

FORESHORES ACT

(CHAPTER 113)

(Original Enactment: Consolidated Ordinance VIII of 1872, Ordinance I of 1901 and Ordinance X of 1912)

REVISED EDITION 1985

(30th March 1987)

Prepared and Published by

**THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)**

Informal Consolidation – version in force from 10/6/2016 to 31/12/2021

Foreshores Act

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An Act to provide for reclamations and to validate and facilitate leases or grants of foreshores and submerged lands.

[28th November 1921]

Short title

1. This Act may be cited as the Foreshores Act.

Interpretation

2. In this Act —

“lands” includes messuages, lands, tenements and hereditaments of any tenure;

“port” means any port or place declared to be a port under the Maritime and Port Authority of Singapore Act 1996, and

includes all such navigable rivers and channels leading thereto as are declared to be part thereof;

[7/1996 wef 02/02/1996]

“works” means any of the works and things mentioned in section 4.

3. *[Repealed by Act 16 of 2016 wef 10/06/2016]*

Authority for Government to construct works and to reclaim foreshore or sea-bed

4.—(1) The Government may —

- (a) construct quays, wharves, jetties or other public works along or out from the foreshore of Singapore or in the sea-bed adjacent thereto;
- (b) dredge the sea-bed; and
- (c) erect buildings upon any areas of land reclaimed from the sea in accordance with subsection (2).

[28/74]

(2) The Government may, subject to the approval of Parliament, reclaim any part of the foreshore or sea-bed of Singapore:

Provided that where the part of foreshore or sea-bed to be reclaimed does not exceed 8 hectares or, if the whole of that part is within port limits, 4 hectares, the approval of Parliament shall not be required and the Minister may authorise such reclamation.

[S17/75]

Declaration regarding reclaimed lands

5.—(1) The President may, by proclamation published in the *Gazette*, declare any lands formed by the reclamation of any part of the foreshore of Singapore, or any areas of land reclaimed from the sea to be State land, and thereupon that land shall immediately vest in the State freed and discharged from all public and private rights which may have existed or been claimed over the foreshore or the sea-bed before the same were so reclaimed.

(2) All land declared to be State land under this section shall be subject to the State Lands Act [Cap. 314].

Except as provided, no action to be brought in respect of any damage

6. Except as provided by this Act, no person shall be entitled to claim, and no action or proceeding shall be brought, against the Government to recover any compensation in respect of any lands or of any interest therein which have been injuriously affected by the execution of the works.

No right to compensation

7.—(1) There shall, subject to subsection (2), be no right to compensation in respect of any lands or of any interest therein which may be injuriously affected whether on account of loss of sea frontage or for any other reason by the execution of the works.

(2) Any person, whose property has been damaged by the execution of the works, may appeal to the Minister, whose decision shall be final.

(3) The Minister may, in his discretion, in the case of an appeal, after inquiry by an officer appointed by him for the purpose —

- (a) authorise the payment of such sum as he may determine; or
- (b) direct the execution by the appropriate authority of such repairs as are necessary in the circumstances.

Validation of former grants

8. Where any lease or grant was, before 25th January 1901, made by the Governor of any land being part of the foreshore or sea-bed within the territorial waters of Singapore, and before that date the land had been reclaimed or wharves, docks, landing stages or other works or buildings had been erected thereon, the lease or grant shall be deemed to be a valid conveyance and to have conveyed the foreshore or sea-bed, thereby expressed to be demised or granted, free and discharged from all public rights which had existed or been claimed over that foreshore or sea-bed before the making of the grant or lease.

Power to let foreshore and sea-bed in future

9.—(1) The President may make such leases of the foreshore and sea-bed in Singapore or in any tidal river or channel therein as are declared by the President not to create a substantial infringement of public rights.

(2) The term for which any such lease is granted shall not exceed 100 years except in special cases.

Preliminary procedure

(3) Before any such declaration is made by the President the substance of any such lease with a sufficient description of the property intended to be demised shall be published in the *Gazette*, together with a notice requiring all persons having objections to the granting of such a lease to send in their objections in writing to the Minister before the expiration of 3 weeks from the date of the publication in the *Gazette*, and all these objections shall be considered by the President.

Effect of leases under this Act. Covenants and provisos to be contained therein

(4) Every such lease shall specify the purposes for which the land is required and shall be deemed to convey to the lessee the foreshore or sea-bed, expressed to be thereby demised, free and discharged from all public rights and privileges which have existed or may be claimed in or over that foreshore and sea-bed so far as is necessary for carrying out those purposes and shall contain —

- (a) a proviso that in the event of the lessees, their executors, administrators and assigns or successors, as the case may be, failing at any time during the continuance of the term of the lease to use the demised land for the purposes so specified, then a Collector of Land Revenue or any officer authorised by him in writing may on behalf of the State re-enter on that land, foreshore or sea-bed, or on any portion thereof in the name of the whole and thereupon the same shall be forfeited to and vest in the State; and

Saving of rights of State

- (b) a reservation to the State of all mines and minerals under the demised lands and such covenants as to the working of those mines and minerals as the President in each case approves.

[28/74]

(5) For the purposes of this section, “minerals” includes corals, stone, clay, sand, gravel, and other natural deposits, brine, petroleum and any other mineral oil or relative hydrocarbon, and natural gas.

[28/74]

Power to grant temporary occupation licences of foreshore and sea-bed

10.—(1) It shall be lawful to grant licences for the temporary occupation for any period not exceeding one year of the foreshore and sea-bed in Singapore or in any tidal river or channel therein.

(2) The power to grant such licences shall be exercisable by the Commissioner of Lands or by a Collector of Land Revenue deputed by him in that behalf, and all such licences shall be in all respects subject, with the necessary verbal variations, to the rules applicable from time to time to licences granted under the provisions of the State Lands Act [Cap. 314] for the temporary occupation of State land:

Provided that no licence granted under this section shall be renewed if it is made to appear to the Minister that the licence creates a substantial infringement of public rights.

President may farm right of using beaches, etc.

11.—(1) The President may rent or farm, either in one or several lots by public sale or by public tender with such limitations and restrictions as to the charges to be made by the renter or farmer, as to the President seems fit, the use of the beaches and banks of the sea.

(2) Rents agreed to be paid under this section shall be recoverable as Government debts.

How farmer may recover rents

(3) If the right of using the beaches and banks of the sea is granted by the President to farm either for the whole of Singapore or for particular parts or places in Singapore, the farmer shall be entitled to recover payment from the tenant or person using the rights granted to the farmer in a suit by the farmer against that tenant or person for money payable by the defendant to the farmer for the use of the farmer's rights, describing the extent of the same as agreed on between the parties.

(4) No such farmer shall recover a larger sum than that specially agreed on between him and the tenant nor a larger sum than that permitted in the grant by the President to be charged by the farmer.

Saving as to foreshore rights

12. Nothing in this Act shall be deemed to be in derogation of any of the powers or rights of the Government in respect of the foreshore or territorial waters in Singapore, nor shall anything in this Act be deemed to affect any right or claim as between lessees and their sub-lessees or tenants between themselves.

LEGISLATIVE HISTORY

FORESHORES ACT

(CHAPTER 113)

This Legislative History is provided for the convenience of users of the Foreshores Act. It is not part of the Act.

1. Ordinance 8 of 1872 — Foreshores Ordinance 1872

Date of First, Second and Third Readings : Date not available.

Date of commencement : 11 October 1872

2. Ordinance 1 of 1901 — The Foreshores and Sea Bed Ordinance 1900

Date of First, Second and Third Readings : Date not available.

Date of commencement : 25 January 1901

3. Ordinance 13 of 1902 — The Foreshores and Sea Bed Ordinance 1900 Amendment Ordinance 1902

Date of First, Second and Third Readings : Date not available.

Date of commencement : 13 June 1902

4. Ordinance 8 of 1906 — Harbour Ordinance Amendment 1906

Date of First, Second and Third Readings : Date not available.

Date of commencement : 16 March 1906

5. Ordinance 32 of 1910 — The Merchant Shipping Ordinance 1910

Date of First, Second and Third Readings : Date not available.

Date of commencement : 23 December 1910

6. Ordinance 10 of 1912 — Harbour Works and Foreshores Reclamation Ordinance 1912

Date of First, Second and Third Readings : Date not available.

Date of commencement : 1 September 1913

7. Act 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance, 1921

Date of First, Second and Third Readings : Date not available.

Date of commencement : 28 November 1921

8. Ordinance 9 of 1935 — Foreshores (Amendment) Ordinance 1935

Date of First, Second and Third Readings : Date not available.

Date of commencement : 17 May 1935

9. 1936 Revised Edition — Foreshores Ordinance (Cap. 122)

Date of operation : 1 September 1936

10. Ordinance 30 of 1953 — Local Forces (Civil Liability) Ordinance 1953

Date of First, Second and Third Readings : Date not available.

Date of commencement : 3 November 1953

11. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance 1952

Date of First, Second and Third Readings : Date not available.

Date of commencement : 30 April 1955

12. G. N. No. S 265/1955 — Singapore Colony Order in Council 1955

Date of commencement : 17 September 1955

13. G. N. No. S 33/1956 — Singapore Colony Order in Council 1955 (Consequential Provisions) (Miscellaneous) Order 1956

Date of commencement : 4 February 1956

14. 1955 Revised Edition — Foreshores Ordinance (Cap. 246)

Date of operation : 1 July 1956

15. Ordinance 62 of 1959 — State Advocate-General (Transfer of Powers) Ordinance 1959

Date of First, Second and Third Readings : Date not available.

Date of commencement : 11 September 1959

16. G. N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order 1959

Date of commencement : 29 May 1959

17. G. N. No. S (NS) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order 1959

Date of commencement : 20 November 1959

18. G. N. No. S (NS) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order 1959

Date of commencement : 20 November 1959

19. G. N. No. Sp S 47/1963 — State Laws (Modification) (No. 3) Order 1963

Date of commencement : 16 September 1963

20. Ordinance 2 of 1964 — Foreshores (Amendment) Ordinance 1964

Date of First, Second and Third Readings : Date not available.

Date of commencement : 19 June 1964

21. 1970 Revised Edition — Foreshores Act (Cap. 270)

Date of operation : 31 August 1971

22. Act 28 of 1974 — Foreshores (Amendment) Act 1974

Date of First Reading : 28 August 1974
(Bill No. 18/1974 published on 2 September 1974)

Date of Second and Third Readings : 23 October 1974

Date of commencement : 21 December 1974

23. G. N. No. S 17/1975 — Metrication Order 1975

Date of commencement : 31 January 1975

24. 1985 Revised Edition — Foreshores Act

Date of operation : 30 March 1987

25. Act 7 of 1996 — Maritime and Port Authority of Singapore Act 1996
(Consequential amendments made to Act by)

Date of First Reading : 5 December 1995
(Bill No. 46/1995 published on 6 December 1995)

Date of Second and Third Readings : 18 January 1996

Date of commencement : 2 February 1996

26. Act 6 of 1997 — Port of Singapore Authority (Dissolution) Act 1997
(Consequential amendments made to Act by)

Date of First Reading : 11 July 1997
(Bill No. 5/1997 published on
19 September 1997)

Date of Second and Third Readings : 25 August 1997

Date of commencement : 1 October 1997

27. Act 4 of 1999 — Building and Construction Authority Act 1999
(Consequential amendments made to Act by)

Date of First Reading : 23 November 1998
(Bill No. 51/1998 published on
24 November 1998)

Date of Second and Third Readings : 20 January 1999

Date of commencement : 1 April 1999

28. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016

Date of First Reading : 14 April 2016 (Bill No. 15/2016
published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 10 June 2016