



THE STATUTES OF THE REPUBLIC OF SINGAPORE

LAND ACQUISITION ACT

(CHAPTER 152)

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Land Acquisition Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

ACQUISITION

Preliminary investigation

3. Power to enter and survey
4. Payment for damage

Declaration of intended acquisition

5. Notification that land is required for specific purposes
6. Collector to proceed to acquire after notification
7. Plan of land to be acquired
8. Notice to persons interested
9. Power to require statements as to names and interests

Inquiry into measurements, value and claims, and award by Collector

10. Inquiry and award by Collector
11. Award of Collector when to be final
12. Effect of failure to comply with section 7
13. Adjournment of inquiry
14. Power to summon and enforce attendance of witnesses and production of documents
15. Matters to be considered and matters to be disregarded

Taking possession

16. Power to take possession

Section

17. Power to take possession in cases of urgency
18. Notice to Registrar of Deeds and the lodging of an instrument with Registrar of Titles

PART III

REFERENCE TO AN APPEALS BOARD AND PROCEDURE THEREON

19. Appeals Boards
20. Salaries, fees and allowances to Commissioner and Deputy Commissioner
21. Registrar of Board
22. Power to make regulations
23. Right of appeal
24. Appeal deemed to be withdrawn
25. Hearing and disposal of appeals
26. Panel of assessors
27. Decision of Board
28. Member of panel and proceedings deemed to be public servant and judicial proceedings respectively
29. Appeals to court
30. Case stated for Court of Appeal
31. Award to be final and conclusive
32. Costs of an appeal to Board
33. Matters to be considered in determining compensation
34. Matters to be disregarded in determining compensation
35. Rules as to amount of compensation
36. Collector may be directed to pay interest on excess compensation
37. Rules of Court applicable

PART IV

APPORTIONMENT OF COMPENSATION

38. Determination of proportions
39. Costs of apportionment to be borne by parties

PART V

PAYMENT

40. Payment of compensation or deposit thereof with court
41. Payment of interest

PART VI

TEMPORARY OCCUPATION AND USE OF LAND

Section

- 42. Temporary occupation of land for public purpose
- 43. Compensation for temporary occupation of land
- 44. Time for, and manner of, claiming for compensation
- 44A. Disqualification as to certain compensation
- 44B. Appeal against award of compensation
- 44C. Bar to other proceedings

PART VII

MISCELLANEOUS

- 45. Service of documents
- 46. Penalty for obstructing survey, etc., or destroying landmarks
- 47. Police to enforce surrender
- 48. Government not bound to complete acquisition
- 49. Owners who suffer substantial impairment in rights in land may require their land to be acquired
- 49A. Owner-initiated acquisition
- 50. Acquisition of whole or any additional portion of land where compensation for severance is payable
- 51. Defraying of costs
- 52. [*Repealed*]
- 53. Suits to set aside awards under this Act to be barred
- 54. Rules
The Schedule

An Act to provide for the acquisition of land for public and certain other specified purposes, the assessment of compensation to be made on account of such acquisition and for purposes connected therewith.

[17th June 1967]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Land Acquisition Act.

Interpretation

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

“assessor” means a member of the panel of assessors appointed under section 26(2);

“Board” means an Appeals Board constituted under section 19(1);

“Collector” has the same meaning as in the Land Revenue Collection Act (Cap. 155);

[17/2001 wef 01/06/2001]

“Commissioner” means a Commissioner of Appeals or a Deputy Commissioner of Appeals, appointed under section 19(2), and includes an acting Commissioner of Appeals or acting Deputy Commissioner of Appeals;

“common property” and “lot” have the same respective meanings as in the Land Titles (Strata) Act (Cap. 158);

[Act 26 of 2014 wef 29/09/2014]

“land” includes any airspace, subterranean space, foreshore, and benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

[Act 26 of 2014 wef 29/09/2014]

[Act 12 of 2015 wef 08/05/2015]

“management corporation”, in relation to any land comprised in a strata title plan, means the management corporation constituted in respect of that strata title plan under the Land Titles (Strata) Act;

[Act 26 of 2014 wef 29/09/2014]

“non-lot acquisition” means an acquisition under this Act of any common property (and no other land) comprised in a strata title plan;

[Act 26 of 2014 wef 29/09/2014]

“person interested” includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Act, but does not include a tenant by the month or at will;

[19/2007 wef 07/05/2007]

“remaining surface land” means any land (and airspace) above which only the airspace, or any land (and subsoil) below which only the subterranean space, is or has been acquired under this Act;

[Act 12 of 2015 wef 08/05/2015]

“severed land”, for an owner of land, means any land remaining after any other part of the owner’s land is severed because of an acquisition under this Act;

[Act 12 of 2015 wef 08/05/2015]

“State title” means any grant, any grant in fee simple or estate in perpetuity, or any State lease (of whatever tenure) whenever issued or granted by or on behalf of the Crown, the State or the East India Company;

[Act 12 of 2015 wef 08/05/2015]

“strata title plan” and “subsidiary proprietor” have the same respective meanings as in the Land Titles (Strata) Act;

[Act 26 of 2014 wef 29/09/2014]

[66/73]

[Act 12 of 2015 wef 08/05/2015]

“subterranean space” means the subsoil below the surface of the earth;

[Act 12 of 2015 wef 08/05/2015]

“temporarily occupied land” means any land temporary possession of which is or has been taken in accordance with a direction under section 42.

[Act 12 of 2015 wef 08/05/2015]

(2) For the purposes of this Act, the following persons shall be deemed persons “entitled to act” as and to the extent hereinafter provided:

(a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

[19/2007 wef 07/05/2007]

(b) the management corporation for a strata title plan shall be deemed the person entitled to act for, and the person authorised to receive service within Singapore on behalf of, every subsidiary proprietor of every lot comprised in the strata title plan with reference only to any non-lot acquisition relating to that strata title plan;

[Act 26 of 2014 wef 29/09/2014]

[Act 16 of 2016 wef 10/06/2016]

(c) the guardian of a minor is deemed the person entitled to act, to the same extent as the minor could have acted if free from disability;

[Act 16 of 2016 wef 10/06/2016]

(d) where an individual lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A), each of the following persons is deemed a person entitled to act, to the same extent as that individual could have acted if free from disability:

(A) a donee of a lasting power of attorney which is granted by that individual under the Mental Capacity Act, and under which that individual confers on the donee authority to make decisions in relation to that individual for the purposes of this Act;

- (B) a deputy who is appointed or deemed to be appointed for that individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to that individual for the purposes of this Act:

[Act 16 of 2016 wef 10/06/2016]

Provided that —

- (i) no person shall be deemed “entitled to act” whose interest in the subject matter is shown to the satisfaction of the Collector, the Board or the Court of Appeal to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector, the Board or the Court of Appeal, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of the Rules of Court for the time being in force shall, *mutatis mutandis*, apply in the case of persons interested appearing before the Collector, the Board or the Court of Appeal by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) no person “entitled to act” shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale.

(3) Notwithstanding subsection (2)(iv) and sections 34 and 35 of the Building Maintenance and Strata Management Act (Cap. 30C), a management corporation for a strata title plan is deemed for the purposes of this Act, competent to receive the compensation money payable under this Act for any non-lot acquisition relating to that strata title plan.

[Act 26 of 2014 wef 29/09/2014]

PART II
ACQUISITION

Preliminary investigation

Power to enter and survey

3.—(1) Whenever it appears to the President that land in any locality is likely to be needed for any purpose specified in section 5(1), a notification to that effect shall be published in the *Gazette* and the Collector shall cause public notice of the substance of the notification to be given at convenient places in that locality, and thereupon any officer either generally or specially authorised by the Minister in that behalf and any person authorised in writing by that officer may —

- (a) enter upon and survey and take levels of any land in that locality;
- (b) dig or bore into the soil;
- (c) do all other acts necessary to ascertain whether the land is suitable for such purpose;
- (d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed thereon;
- (e) mark those levels, boundaries and line by placing marks and cutting trenches; and
- (f) cut down and clear away any standing crop, fence or jungle, where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked.

[19/2007 wef 07/05/2007]

(2) No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house unless with the consent of the occupier thereof, without previously giving the occupier at least 7 days' notice in writing of his intention to do so.

(3) A notification made under this section in respect of any land in any locality shall cease to have effect on the expiration of 12 months from the date of its publication but nothing in this subsection shall be

construed to preclude a further exercise of the powers conferred upon the President by this section or by section 5 in respect of such land.
[66/73]

Payment for damage

4.—(1) Where any damage is done in an entry made under section 3 by any act of the officer authorised under that section or person authorised in writing by that officer, compensation shall be paid as soon as conveniently may be after such entry and in case of dispute as to the amount of such compensation, the amount shall be determined by the Collector.

[19/2007 wef 07/05/2007]

(2) An appeal shall lie from the determination of the Collector under this section to the Minister whose decision shall be final.

Declaration of intended acquisition

Notification that land is required for specific purposes

5.—(1) Whenever any particular land is needed —

- (a) for any public purpose;
- (b) by any person, corporation or statutory board, for any work or an undertaking which, in the opinion of the Minister, is of public benefit or of public utility or in the public interest;
or
- (c) for any residential, commercial or industrial purposes,

the President may, by notification published in the *Gazette*, declare the land to be required for the purpose specified in the notification.

(1A) Without prejudice to the generality of subsection (1), the President may under that subsection declare that only so much of airspace above the surface of any land, or only so much of subterranean space below the surface of any land, is needed for any purpose specified in that subsection, instead of the whole of the land.

[Act 12 of 2015 wef 08/05/2015]

(2) Such a notification shall state —

- (a) the town subdivision or mukim in which the land is situated;
- (b) the lot number of the land, its approximate area and all other particulars necessary for identifying it; and
- (c) if a plan has been made of the land, the place and time where and when the plan may be inspected.

(3) The notification shall be conclusive evidence that the land is needed for the purpose specified therein as provided in subsection (1).

Collector to proceed to acquire after notification

6. Upon the publication of a notification under section 5(1) declaring that any land is needed for the purpose specified in the notification, the Minister or an officer authorised by the Minister in that behalf shall direct the Collector to take proceedings for the acquisition of the land.

Plan of land to be acquired

7.—(1) Where less than the whole of any land in which a person is interested is to be acquired, and there is no plan sufficient to identify the part of the land to be acquired from the records of the Registry of Deeds or the Land Titles Registry of the Singapore Land Authority, the Collector shall, so far as is practicable, prepare a plan that is sufficient to identify the part of the land to be acquired from the records of the Registry of Deeds or the Land Titles Registry, as the case may be.

(2) Subsection (1) shall not apply if the part of the land to be acquired has already been marked out under section 3.

[19/2007 wef 07/05/2007]

Notice to persons interested

8.—(1) The Collector shall then cause a notice to be published in at least 4 daily local newspapers circulating in Singapore, one each in each of the 4 official languages, stating —

- (a) that the Government intends to acquire the land; and
- (b) that claims to compensation for all interests in the land may be made to him.

[Act 2 of 2012 wef 01/03/2012]

- (2) The Collector shall also serve notice to the same effect on —
 - (a) every person known or believed to be interested in the land and who —
 - (i) is resident within Singapore; or
 - (ii) is resident outside Singapore at an address that is ascertainable after reasonable inquiry; or
 - (b) any person known or believed to be entitled to act for a person so interested and who —
 - (i) resides, or is authorised to receive service on behalf of the person so interested, within Singapore; or
 - (ii) resides, or is authorised to receive service on behalf of the person so interested, outside Singapore at an address that is ascertainable after reasonable inquiry.

[19/2007 wef 07/05/2007]

(3) Every notice published under subsection (1) or served under subsection (2) —

- (a) shall state the particulars of the land; and
- (b) shall require all persons interested in the land —
 - (i) to appear personally, or by the person entitled to act for the person interested or any other person authorised in writing in that behalf, before the Collector at the time and place mentioned in the notice, such time being not earlier than 21 days after the date of the notice; and
 - (ii) to state the nature of their respective interests in the land, the amount and particulars of their claims to compensation for those interests, the basis or mode of valuation by which the amount claimed is arrived

[Act 26 of 2014 wef 29/09/2014]

at, and their objections, if any, to the measurements in any plan prepared under section 7.

[19/2007 wef 07/05/2007]

[Act 2 of 2012 wef 01/03/2012]

(4) The Collector may, in any case, require any statement under subsection (3) to be made in writing and signed by the party or his agent.

(5) In a non-lot acquisition relating to a strata title plan, only the management corporation constituted for that strata title plan, and no other person, is entitled to make a claim for compensation pursuant to a notice published under subsection (1) or served under subsection (2) in relation to the non-lot acquisition, and it shall be lawful for the Collector to reject any claim for compensation as a result of that non-lot acquisition made by —

- (a) any subsidiary proprietor constituting the management corporation; or
- (b) any mortgagee, chargee or other person with an estate and interest in any lot comprised in the strata title plan.

[Act 26 of 2014 wef 29/09/2014]

Power to require statements as to names and interests

9.—(1) The Collector may also require any such person to deliver to him within a time to be specified, being not less than 15 days, a statement in writing containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-owner, mortgagee, lessee, sub-lessee, tenant or otherwise, and of the nature of that interest, and of the rents and profits, if any, received or receivable on account thereof for 3 years next preceding the date of the statement and, where any claim to compensation is made by a management corporation, the resolution required under section 85A(2) of the Building Maintenance and Strata Management Act to authorise the management corporation to make that claim and any special resolution referred to in section 85A(4) of that Act.

[Act 26 of 2014 wef 29/09/2014]

(2) Every person required to make or deliver a statement under section 8 or this section shall be deemed to be legally bound to do so

within the meaning of sections 175 and 176 of the Penal Code [Cap. 224].

Inquiry into measurements, value and claims, and award by Collector

Inquiry and award by Collector

10.—(1) On the day so fixed, or on any other day to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections, if any, which any person interested has stated, pursuant to a notice published under section 8(1) or served under section 8(2), to any plan prepared under section 7 (if any) and into the value of the land and into the respective interests of the persons claiming the compensation, and shall, as soon as possible after the conclusion of the inquiry, make an award under his hand of —

- (a) the area of the land;
- (b) the compensation which in his opinion should be allowed for the land; and
- (c) the apportionment of the compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether or not they have respectively appeared before him.

[19/2007 wef 07/05/2007]

[Act 2 of 2012 wef 01/03/2012]

(1A) Despite subsection (1)(c), the compensation awarded for a non-lot acquisition relating to any strata title plan under this Act shall not be apportioned among the subsidiary proprietors constituting the management corporation for that strata title plan but must be awarded to the management corporation unless subsection (1B) applies.

[Act 26 of 2014 wef 29/09/2014]

(1B) Where the subsidiary proprietors constituting the management corporation for a strata title plan so agree by a special resolution referred to in section 85A(4) of the Building Maintenance and Strata Management Act, the compensation awarded under subsection (1) for a non-lot acquisition relating to that strata title plan shall be apportioned —

- (a) among the persons who, on the date the Collector takes possession under section 16 of the land acquired, are subsidiary proprietors constituting the management corporation; and
- (b) in shares proportional to the share values of those persons' respective lots.

[Act 26 of 2014 wef 29/09/2014]

(2) The Collector may at any time refer to the High Court for its determination any question as to —

- (a) the true construction or validity or effect of any instrument;
- (b) the persons entitled to a right or interest in the land;
- (c) the extent or nature of such a right or interest;
- (d) the apportionment of the compensation or any part thereof for such a right or interest;
- (e) the persons to whom the compensation or any part thereof is payable;
- (f) the costs of any inquiry under this Act and the persons by whom the costs shall be borne.

(3) Without prejudice to the powers of the High Court, the costs of any reference under subsection (2) shall be borne by such persons as the High Court may direct or, in the absence of any such direction, by the Collector.

(4) Where the Collector who has proceeded under this section to inquire into the objections of any person interested ceases for any reason to hold office as Collector at any time before the making of an award under this section, any other officer who is a Collector may in his discretion continue the inquiry or hold a fresh inquiry. For the purpose of this subsection, the Collector who continues the inquiry of a Collector who has ceased to hold office may act on the evidence recorded by the latter.

[66/73]

(5) Where a Collector who has made an award under this section ceases for any reason to hold office as a Collector before lodging his grounds of award under section 23, any other officer who is a

Collector may, if the notice of appeal is lodged under section 23, lodge such grounds of award on behalf of the Collector who has ceased to hold office.

[66/73]

Award of Collector when to be final

11.—(1) The Collector's award shall be filed in his office and shall, except as hereinafter provided, be final and conclusive evidence as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the area and value of the land and the apportionment of the compensation among the persons interested.

(2) The Collector shall serve a copy of his award on all persons interested provided that their addresses can be ascertained after reasonable inquiry when the award is made.

Effect of failure to comply with section 7

12. Where at any inquiry held under section 10 no objection has been made by any person interested that section 7 has not been properly complied with, the award made in the inquiry shall not be questioned in any appeal before the Board or in any court on the ground —

- (a) that section 7 has not been properly complied with;
- (b) that any notice published under section 8(1) or served under section 8(2) is in any way defective by reason of any failure by the Collector to comply with section 7; or
[Act 2 of 2012 wef 01/03/2012]
- (c) that the award does not purport to state the area of the land to which it relates in accordance with section 10(1)(a).

Adjournment of inquiry

13. The Collector may, for any cause he thinks fit, from time to time adjourn the inquiry to a day to be fixed by him.

Power to summon and enforce attendance of witnesses and production of documents

14.—(1) For the purpose of inquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and, so far as may be, in the same manner, as is provided in the case of a court under the Rules of Court for the time being in force.

[Act 26 of 2014 wef 29/09/2014]

(2) The Collector shall, in particular, have power to compel the production of any resolution by the subsidiary proprietors constituting the management corporation for a strata title plan where that is relevant to the making of any award of compensation for the acquisition under this Act of any property comprised in the strata title plan.

[Act 26 of 2014 wef 29/09/2014]

Matters to be considered and matters to be disregarded

15. In determining the amount of compensation, the Collector shall take into consideration the matters mentioned in section 33 and shall not take into consideration any of the matters mentioned in section 34.

Taking possession

Power to take possession

16. When a Collector has made an award under section 10, the Collector may take possession of the land by serving, in accordance with section 45, a copy of an appropriate notice of taking possession on every person interested in the land or any person known or believed to be entitled to act for a person so interested.

[Act 26 of 2014 wef 29/09/2014]

Power to take possession in cases of urgency

17.—(1) In cases of urgency, whenever the Minister directs him to do so, the Collector, though no such award had been made, may on the expiration of 7 days from the later of the date of the notice published under section 8(1) or the date of the notice served under

section 8(2), take possession of any land needed for any of the purposes specified in section 5(1).

[Act 2 of 2012 wef 01/03/2012]

(2) The Minister may, in his discretion, direct the Collector to take immediate possession of any land which is intended to be acquired under the provisions of this Act without the publication of a notification under section 5(1); but such a notification shall be published not later than 7 days after the Collector has taken possession of the land.

Notice to Registrar of Deeds and the lodging of an instrument with Registrar of Titles

18. Immediately on taking possession of any land under section 16 or 17, the Collector shall —

- (a) in the case of land registered under the provisions of the Registration of Deeds Act [Cap. 269], give notice to the Registrar of Deeds who shall make an entry in the books of the registry that the land has vested in the State, and upon that entry being made, the land shall vest in the State free from encumbrances; or
- (b) in the case of land registered under the provisions of the Land Titles Act [Cap. 157], lodge in accordance with section 143(2) of that Act, an instrument of acquisition with the Registrar of Titles who shall, upon a request by the Collector, endorse on the relevant folio of the land register a notification to the effect that the land has become vested in the State as State land free from encumbrances and has ceased to be subject to the provisions of the Land Titles Act, and upon that endorsement being made, the land shall vest in the State free from encumbrances.

[19/2007 wef 07/05/2007]

PART III

REFERENCE TO AN APPEALS BOARD AND PROCEDURE
THEREON**Appeals Boards**

19.—(1) For the purpose of hearing appeals in respect of any award made by the Collector under this Act, there shall be constituted one or more Appeals Boards consisting of a Commissioner of Appeals or a Deputy Commissioner of Appeals, either sitting alone or with two assessors in the manner provided by section 26.

(2) The Commissioner and the Deputy Commissioner shall be appointed by the President, and no person shall be eligible to be appointed or to remain a Commissioner or Deputy Commissioner who —

- (a) is a Member of Parliament;
- (b) is an undischarged bankrupt;
- (c) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or
- (d) is mentally disordered and incapable of managing himself or his affairs.

[Act 21 of 2008 wef 01/03/2010]

(3) The Commissioner and the Deputy Commissioner shall hold office for a period of two years from the date of their appointments and shall be eligible for reappointment.

(4) The Commissioner and the Deputy Commissioner shall be deemed to be public servants within the meaning of the Penal Code [Cap. 224], and shall enjoy the same judicial immunity as is enjoyed by a Judge of the Supreme Court.

(5) The President may at any time revoke the appointments of the Commissioner and the Deputy Commissioner.

Salaries, fees and allowances to Commissioner and Deputy Commissioner

20. There shall be paid to the Commissioner and the Deputy Commissioner such salaries, fees and allowances as the President may determine.

Registrar of Board

21. The Minister may appoint a Registrar of the Board (referred to in this Part as the Registrar) and such other officers and employees of the Board as may be necessary.

Power to make regulations

22.—(1) The Minister may make regulations —

- (a) prescribing the manner in which appeals shall be made to the Board;
- (b) prescribing the procedure to be adopted by the Board in hearing appeals and the records to be kept by the Board;
- (c) prescribing the places where and the times at which appeals shall be heard by the Board;
- (d) prescribing the fees to be paid in respect of any appeal under this Part; and
- (e) generally for the better carrying out of the provisions of this Part and in particular providing for matters stated or required by this Part.

(2) All regulations made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

Right of appeal

23.—(1) Any person interested, who is aggrieved by an award made under section 10, may appeal to the Board by —

- (a) lodging with the Registrar, within 28 days after the date of the receipt of the award of the Collector, a written notice of appeal in duplicate;

[19/2007 wef 07/05/2007]

[Act 26 of 2014 wef 29/09/2014]

- (b) depositing or authorising the Collector to deposit with the Accountant-General within 28 days after the date of the receipt of the award a sum equivalent to one-third the amount of the award or \$5,000, whichever is the less, unless a written waiver from the Collector has been obtained; and

[9/2003 wef 16/05/2003]

[19/2007 wef 07/05/2007]

[Act 26 of 2014 wef 29/09/2014]

- (c) lodging with the Registrar, within 28 days after the date on which the grounds of award of the Collector have been served upon the appellant, a petition of appeal in duplicate containing a statement of the grounds of appeal.

[19/2007 wef 07/05/2007]

[Act 26 of 2014 wef 29/09/2014]

(1A) Notwithstanding anything in this section, in a non-lot acquisition relating to a strata title plan, only the management corporation constituted for the strata title plan is entitled to lodge with the Registrar a notice of appeal or petition of appeal in accordance with subsection (1) in respect of that non-lot acquisition, and there shall be no such appeal by —

- (a) any of the subsidiary proprietors constituting the management corporation for the strata title plan; and
- (b) any mortgagee, chargee or other person with an estate and interest in any lot comprised in the strata title plan.

[Act 26 of 2014 wef 29/09/2014]

(2) On receipt of a notice of appeal, the Registrar shall forthwith forward one copy thereof to the Collector. The Collector shall thereupon lodge with the Registrar his grounds of award and a copy of those grounds shall be served by the Registrar upon the appellant by delivering or tendering the copy to him or sending it to him by registered post.

(3) The Board may, in its discretion and on such terms as it may see fit, permit any person to proceed with an appeal notwithstanding that the notice of appeal or petition of appeal was not lodged, or the deposit with the Accountant-General, if not waived by the Collector, was not made or authorised, within the time limited therefor by this section, if it is shown to the satisfaction of the Board that the person was prevented from lodging the notice or petition, or from making or authorising such deposit, in due time owing to absence from Singapore, sickness or other reasonable cause and that there has been no unreasonable delay on the part of that person.

[66/73]

[19/2007 wef 07/05/2007]

(4) Save with the consent of the Board and on such terms as the Board may determine, an appellant may not at the hearing of his appeal rely on any grounds of appeal other than the grounds stated in his petition of appeal.

Appeal deemed to be withdrawn

24. An appeal shall, subject to section 23(3), be deemed to have been withdrawn if —

- (a) the deposit required under section 23(1)(b) is not deposited or authorised to be deposited, within the time specified, with the Accountant-General; or
- (b) the petition of appeal is not lodged, by the person permitted by section 23 to do so, within the time prescribed by section 23(1)(c).

[Act 26 of 2014 wef 29/09/2014]

Hearing and disposal of appeals

25.—(1) On receipt of a petition of appeal, the Registrar shall forthwith forward one copy thereof to the Collector and shall, as soon as possible thereafter, fix a time and place for the hearing of the appeal and shall give 14 days' notice thereof both to the appellant and to the Collector.

(2) The appellant and the Collector shall attend, either in person or by an advocate and solicitor, at such times and places as may be fixed for the hearing of the appeal:

Provided that if it is proved to the satisfaction of the Board that, owing to absence from Singapore, sickness or other reasonable cause, any person is prevented from so attending, the Board may postpone the hearing of the appeal for such reasonable time as it thinks necessary.

(3) The onus of proving that the award is inadequate shall be on the appellant.

(4) The Board shall have the following powers:

- (a) to summon to attend at the hearing of an appeal any person who it may consider is able to give evidence respecting the appeal, to examine that person as a witness either on oath or otherwise and to require that person to produce such books, papers or documents as the Board may think necessary for the purposes of the appeal;
- (b) to allow any person so attending any reasonable expenses necessarily incurred by him in so attending; such expenses shall form part of the costs of the appeal and, pending and subject to any order by the Board as to such costs, shall be paid by the appellant or the Collector, as the Board may direct;
- (c) all the powers of the High Court with regard to the enforcement of attendance of witnesses, hearing evidence on oath and punishment for contempt; and
- (d) to admit or reject any evidence adduced, whether oral or documentary and whether admissible or inadmissible under the provisions of any written law for the time being in force relating to the admissibility of evidence.

(5) Every person examined as a witness by or before the Board, whether on oath or otherwise, shall be legally bound to state the truth and to produce such books, papers or documents as the Board may require.

Panel of assessors

26.—(1) For the purpose of determining appeals in respect of any award made by the Collector under this Act, in any case where the appeal is against an award of —

- (a) \$250,000 or more, the Board shall consist of the Commissioner or the Deputy Commissioner sitting with two persons selected by the Commissioner or the Deputy Commissioner, as the case may be, from the panel appointed under subsection (2);
- (b) less than \$250,000, the Board shall consist of the Commissioner or the Deputy Commissioner sitting alone or, if he thinks fit, with two persons selected by the Commissioner or the Deputy Commissioner, as the case may be, from the panel appointed under subsection (2).

(2) For the purpose of enabling the Board to be constituted under subsection (1), there shall be a panel of assessors (referred to in this Act as the panel), the members of which shall be appointed by the Minister. The panel shall consist of such number of persons as the Minister may think fit, and the name of every person appointed to the panel shall be published in the *Gazette*.

(3) No person shall be eligible to be appointed or to remain a member of the panel who —

- (a) is an undischarged bankrupt;
- (b) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or
- (c) is mentally disordered and incapable of managing himself or his affair.

[Act 21 of 2008 wef 01/03/2010]

(4) A person appointed to the panel shall, save where his appointment is revoked by the Minister under subsection (6), be a member of the panel, unless he resigns during the period of the appointment, for a period of two years or for such shorter period as the Minister may in any case determine, but shall be eligible for reappointment.

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

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

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

Decision of Board

27.—(1) Where the Board is constituted otherwise than by the Commissioner alone, the Commissioner shall not be bound by the advice or opinion of the other members of the Board.

(2) A decision of the Board shall be signed by the Commissioner and shall be delivered by him or by the Registrar on the direction of the Commissioner.

(3) The Board may, after hearing an appeal confirm, reduce, increase or annul the award or make such order thereon as to it may seem fit.

Member of panel and proceedings deemed to be public servant and judicial proceedings respectively

28.—(1) Every member of the panel, when and so long as he is serving on the Board, shall be deemed to be a public servant within the meaning of the Penal Code [Cap. 224] and shall enjoy the same judicial immunity as is enjoyed by a Judge of the Supreme Court.

(2) All proceedings in appeals to the Board under this Act shall be deemed to be judicial proceedings within the meaning of the Penal Code.

Appeals to court

29.—(1) Subject to this section, the decision of the Board shall be final.

(2) In any case in which the award, as determined by the Board (excluding the amount of any costs awarded) exceeds \$5,000, the

appellant or the Collector may appeal to the Court of Appeal from the decision of the Board upon any question of law.

(2A) Notwithstanding subsection (2), in a non-lot acquisition relating to a strata title plan, only the management corporation constituted for the strata title plan is entitled to make an appeal to the Court of Appeal under subsection (2) in respect of that non-lot acquisition, and there shall be no such appeal by —

- (a) any of the subsidiary proprietors constituting the management corporation for the strata title plan; and
- (b) any mortgagee, chargee or other person with an estate and interest in any lot comprised in the strata title plan.

[Act 26 of 2014 wef 29/09/2014]

(3) The procedure governing such appeals to the Court of Appeal and costs relating to such appeals shall be the same as for appeals to the Court of Appeal from decisions of the High Court.

(4) The Court of Appeal shall hear and determine any such appeal and may confirm, reduce, increase or annul the award determined by the Board and make such further or other order on the appeal, whether as to costs or otherwise, as to the Court may seem fit.

(5) There shall be no further right of appeal from decisions of the Court of Appeal under this section.

Case stated for Court of Appeal

30.—(1) The Board may at any time and in regard to any appeal, with or without proceeding to the determination of the appeal, state a case on a question of law for the opinion of the Court of Appeal.

(2) A stated case shall —

- (a) set out —
 - (i) the facts and any finding of fact by the Board;
 - (ii) the decision, if any, of the Board; and
 - (iii) the question for the opinion of the Court of Appeal;and
- (b) be signed by the Commissioner.

(3) The Registrar shall transmit the case, when it is set out and signed in accordance with subsection (2), to the Court of Appeal, and shall forward a copy thereof to the appellant and to the Collector.

(4) The Court of Appeal may cause a stated case to be sent back for amendment and thereupon the case shall be amended accordingly.

(5) In considering any stated case, the Court of Appeal shall afford opportunity for argument thereon to be put forward by or on behalf of the appellant and the Collector.

(6) The Court of Appeal shall hear and determine any question of law arising on a stated case and may, in accordance with its decision thereon, confirm, reduce, increase or annul any award determined by the Board in the appeal, or may remit the case to the Board with the opinion of the Court of Appeal thereon. Where a case is so remitted by the Court of Appeal, the Board shall be bound by the opinion of the Court of Appeal and shall give effect thereto by its decision in the appeal or, as the case may be, by revising any previous decision made by it in the appeal to the extent, if any, to which its previous decision does not accord with the opinion of the Court of Appeal.

Award to be final and conclusive

31. Except as expressly provided in this Act, where —

- (a) no valid notice of appeal has been lodged within the time limited by this Act against an award;
- (b) an appeal has been deemed to have been withdrawn under section 24; or
- (c) an award has been determined on appeal,

the award as made or agreed under this Act or determined on appeal, as the case may be, shall be final and conclusive for the purposes of this Act.

Costs of an appeal to Board

32.—(1) Where the amount awarded by the Board does not exceed the sum awarded by the Collector, or where an appeal is withdrawn without any agreement being made by the parties thereto as to costs,

the costs of an appeal to the Board in either case shall be paid by the appellant.

[66/73]

(2) Subject to subsections (3) and (4), where the amount awarded by the Board exceeds the sum awarded by the Collector, the costs shall be paid by the Collector.

(3) Where the Board is of the opinion that the claim of the appellant was so excessive or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay part of the Collector's costs, the Board may make such order as to costs, as it may think fit.

(3A) In relation to any proceedings before it, the Board may order a vexatious third party —

- (a) to personally pay the whole or part of the costs of the proceedings; or
- (b) if any party is the client of the vexatious third party, to repay to his client costs which the client has been ordered to pay to any other party to the proceedings.

[Act 26 of 2014 wef 29/09/2014]

(3B) No order under subsection (3A) shall be made against any person unless that person has been given a reasonable opportunity to appear before the Board and show cause why the order should not be made.

[Act 26 of 2014 wef 29/09/2014]

(3C) In subsection (3A), “vexatious third party”, in relation to any proceedings before the Board, means a person —

- (a) who is not a party to the proceedings; and
- (b) who the Board considers to be responsible for anything done or not done by or on behalf of any party that unnecessarily or unreasonably protracts, or adds to the costs or complexity of, those proceedings or puts any party to unnecessary expense in relation to those proceedings.

[Act 26 of 2014 wef 29/09/2014]

(4) If the claim of the appellant exceeds the amount awarded by 20% or more, he shall not be entitled to his costs.

(5) Any costs directed by the Board or by this section to be paid shall, unless the Board otherwise directs, be taxable in the High Court.

[66/73]

(6) The costs, if any, payable by the appellant, the Collector or person who is not a party may be recovered as if they were costs in a suit in the High Court and as if the award of the Board were the decree therein.

[Act 26 of 2014 wef 29/09/2014]

Matters to be considered in determining compensation

33.—(1) In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall take into consideration the following matters and no others:

- (a) where the date of acquisition of the land is on or after 12th February 2007, the market value of the acquired land —
 - (i) as at the date of the publication of the notification under section 3(1) if the notification is, within 6 months from the date of its publication, followed by a declaration made under section 5 in respect of the same land or part thereof; or
 - (ii) as at the date of the publication of the declaration made under section 5, in any other case;
- [19/2007 wef 07/05/2007]
- (b) any increase in the value of any other land (such as contiguous or adjacent land) of the person interested likely to accrue from the use to which the land acquired will be put;
- [Act 26 of 2014 wef 07/07/2014]
- (c) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing that land from his other land;
 - (d) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other

property, whether movable or immovable, in any other manner;

- (e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to that change; and
- (f) if, in consequence of the acquisition, any reissue of title is necessary, the fees or costs relating to survey, issue and registration of title, stamp duty and such other costs or fees which may reasonably be incurred.

[66/73]

[19/2007 wef 07/05/2007]

(1A) However, where only airspace above the surface of any land, or only subterranean space below the surface of any land, is acquired, then despite subsection (1), the Board must take into consideration the following matters, and no others, in determining the compensation to be awarded for the airspace or subterranean space acquired:

- (a) the market value of the airspace or subterranean space acquired —
 - (i) as at the date of the publication of the notification under section 3(1) if the notification is, within 6 months from the date of its publication, followed by a declaration made under section 5 in respect of the same airspace or subterranean space (as the case may be) or part thereof; or
 - (ii) as at the date of the publication of the declaration made under section 5, in any other case;
- (b) any increase in the value of any other land (such as contiguous, adjacent or surface land, as the case may be) of the person interested likely to accrue from the use to which the airspace or subterranean space acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the Collector's taking of possession of the land by reason of severing that airspace or subterranean space from

his other land (such as contiguous, adjacent or surface land, as the case may be);

- (d) the damage, if any, sustained by the person interested at the time of the Collector's taking of possession of the airspace or subterranean space (as the case may be) by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner;
- (e) if, in consequence of the acquisition, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to that change;
- (f) if, in consequence of the acquisition, any reissue of title is necessary, the fees or costs relating to survey, issue and registration of title, stamp duty and such other costs or fees which may reasonably be incurred.

[Act 12 of 2015 wef 08/05/2015]

(2) If the value of any other land of the person interested likely to accrue from the use to which the land acquired will be put is increased, the increase is to be set-off only against the amount of compensation that would otherwise be payable under subsection (1)(c) or (d) or both, or subsection (1A)(c) or (d) or both, where applicable.

[Act 26 of 2014 wef 07/07/2014]

[Act 12 of 2015 wef 08/05/2015]

(3) *[Deleted by Act 19/2007 wef 07/05/2007]*

(4) *[Deleted by Act 19/2007 wef 07/05/2007]*

(5) For the purposes of subsection (1)(a) or (1A)(a) —

(a) *[Deleted by Act 19/2007 wef 07/05/2007]*

(b) if the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court or is contrary to law or is detrimental to the health of the occupiers of the premises or to public health, the amount of that increase shall not be taken into account;

(c) *[Deleted by Act 19/2007 wef 07/05/2007]*

- (d) if any land in respect of which a value has been stated by or with the knowledge or consent of the owner thereof in any affidavit, return or other document required to be made or delivered to any public officer under the provisions of any written law and accepted by him at that value for the purposes of assessing the tax or duty payable thereon where the statement was made within two years of the date of the notification under section 5(1) in respect of the land, the market value of the acquired land at the date of the statement shall be deemed not to exceed the value therein contained;
- (e) the market value of the acquired land shall be deemed not to exceed the price which a bona fide purchaser might reasonably be willing to pay, after taking into account the zoning and density requirements and any other restrictions imposed by or under the Planning Act (Cap. 232) as at the date of acquisition and any restrictive covenants in the title of the acquired land, and no account shall be taken of any potential value of the land for any other use more intensive than that permitted by or under the Planning Act as at the date of acquisition.

[19/2007 wef 07/05/2007]

(f) [*Deleted by Act 19/2007 wef 07/05/2007*]

[3/1998 wef 01/04/1998]

(6) For the purposes of this section, the date of acquisition of any land shall be the date of the publication of the notification under section 5(1) declaring that that land is needed for the purpose specified in the declaration.

[Act 2/88 wef 12/02/1988]

Matters to be disregarded in determining compensation

34. In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall not take into consideration —

- (a) the degree of urgency which has led to the acquisition;
- (b) any disinclination of the person interested to part with the land acquired;

- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) any damage which is likely to be caused to the land acquired after the date of the publication of the notification under section 5 by or in consequence of the use to which it will be put;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;
- (f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the notification under section 5, unless the additions or improvements were necessary for the maintenance of any building in a proper state of repair, and were carried out with the approval of the Commissioner of Lands;
- (g) oral or documentary evidence of any conveyance, assignment, transfer or other disposition affecting the acquired land, unless the instrument has been duly stamped and registered in the Registry of Land Titles and Deeds and filed with the Chief Assessor of Property Tax 6 months prior to the date of the publication of the notification under section 5; or
- (h) evidence of sales of comparable properties, unless the Board is satisfied that the sales are made bona fide and not for speculative purposes and the onus of proving that the transactions are made bona fide and not for speculative purposes shall lie with the appellant.

[66/73]

Rules as to amount of compensation

35.—(1) Where the applicant has made a claim to compensation pursuant to any notice published under section 8(1) or served under section 8(2), the amount awarded to him shall not exceed the amount

so claimed or be less than the amount awarded by the Collector under section 10.

[Act 2 of 2012 wef 01/03/2012]

(2) Where the applicant has refused to make such a claim or has omitted without sufficient reason, to be allowed by the Board, to make such a claim, the amount awarded by the Board may be less than and shall in no case exceed the amount awarded by the Collector.

(3) Where the applicant has omitted for a sufficient reason, to be allowed by the Board, to make such a claim, the amount awarded to him by the Board may be less than or may exceed the amount awarded by the Collector.

Collector may be directed to pay interest on excess compensation

36. If the sum which in the opinion of the Board the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the Board may direct that the Collector shall pay interest on the excess at the rate of 6% per annum from the date on which he took possession of the land to the date of payment of the excess to the court or to the person interested.

Rules of Court applicable

37. Save in so far as they may be inconsistent with anything in this Act, the Rules of Court for the time being in force shall apply to all proceedings before the Court of Appeal under this Act.

PART IV

APPORTIONMENT OF COMPENSATION

Determination of proportions

38.—(1) When the amount of the compensation has been settled and there is any dispute as to the apportionment thereof, the Commissioner sitting alone shall decide the proportions in which the persons interested are entitled to share in the amount.

(2) An appeal shall lie from that decision to the Court of Appeal whose decision shall be final.

(3) The procedure governing such appeals to the Court of Appeal shall be the same as for appeals to the Court of Appeal from decisions of the High Court in civil matters.

Costs of apportionment to be borne by parties

39. The costs of all proceedings for apportioning the amount of compensation shall be borne by such of the persons interested in the proportions as the Commissioner or the Court of Appeal determines.

PART V

PAYMENT

Payment of compensation or deposit thereof with court

40.—(1) On making an award under section 10, the Collector shall make a written offer of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by one or more of the contingencies mentioned in subsection (2) or subsection (1A) applies.

[Act 26 of 2014 wef 29/09/2014]

(1A) If —

- (a) an award is made under section 10 with respect to a non-lot acquisition relating to a strata title plan; and
- (b) within 28 days after that award is made, the subsidiary proprietors constituting the management corporation for the strata title plan serve on the Collector a copy of a special resolution referred to in section 85A(4) of the Building Maintenance and Strata Management Act with respect to that non-lot acquisition,

the Collector need not make a written offer of the compensation awarded in accordance with subsection (1) but must instead —

- (i) inform the management corporation for the strata title plan that the compensation awarded is to be paid to the persons in section 10(1B)(a); and

- (ii) pay that compensation according to section 10(1B) unless prevented by one or more of the contingencies mentioned in subsection (2).

[Act 26 of 2014 wef 29/09/2014]

(2) If they do not consent to receive it, or if there is no person competent to alienate the land, or if there is any dispute as to the title to receive the compensation or as to the apportionment of it, or if possession of the land has not been taken by the Collector, the Collector shall apply to the Registrar of the Supreme Court ex parte for an order to deposit the amount of the compensation in court, and, notwithstanding anything to the contrary in the Rules of Court for the time being in force, the Registrar may make such an order except that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.

[42/2005 wef 01/01/2006]

(3) Notwithstanding subsection (1), no person who has received the amount otherwise than under protest shall be entitled to appeal to the Board under section 23.

(4) Nothing in this section shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay it to the person lawfully entitled to it.

(5) Notwithstanding anything in this section, the Collector, instead of awarding a money compensation in respect of any land, may enter into any arrangement with a person having a limited interest therein in such a way as may be equitable having regard to the interests of the parties concerned.

Payment of interest

41. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of 6% per annum from the time of so taking possession until it has been so paid or deposited.

PART VI

TEMPORARY OCCUPATION AND USE OF LAND

[Act 12 of 2015 wef 08/05/2015]

Temporary occupation of land for public purpose

42.—(1) Where it appears to the President that any land that is not State land is required for temporary occupation and use for a public purpose, the President may direct the Collector to procure the temporary occupation and use of that land, for such term or terms as may be determined, ordinarily not exceeding a total of 3 continuous years from the start of the occupation.

(2) Upon the direction of the President under subsection (1) to procure the temporary occupation and use of any land that is not State land, the Collector or any person authorised by the Collector shall have the right to enter upon and take temporary possession of that land in accordance with the terms of that direction.

(3) However, the Collector or a person authorised by the Collector is not to exercise any right conferred by subsection (2) in respect of any land unless the Collector has given at least one month's notice of the Collector's intention to exercise that right to the persons interested in the land, and to every occupier of that land.

(4) A notice referred to in subsection (3) must —

- (a) state the estimated period, if any, during which the Collector intends to temporarily occupy or take possession of the land;
- (b) give a brief description of the works, if any, which are to be carried out in or on that land;
- (c) describe the area or extent of the land needed for the carrying out of the works referred to in paragraph (b); and
- (d) state that any person interested in the land may serve on the Collector a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested.

(5) To avoid doubt, a notice under subsection (3) is to be given for each term determined under subsection (1) that land is to be entered upon and taken temporary possession of in accordance with a direction under subsection (1).

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

(7) Unless section 49A(1) applies, the Collector must return all temporarily occupied land to the persons interested no later than —

- (a) on the expiry of the term determined under subsection (1) for the temporary occupation and use of that land; or
- (b) if more than one term has been so determined under subsection (1) for the temporary occupation and use of that land, on the expiry of the last term so determined.

(8) In this section, a reference to entry on land includes —

- (a) digging or boring of a tunnel under the land and erecting any building, object or structure over or under the land;
- (b) removing any building, or any object or structure or vegetation from the land;
- (c) constructing on the land temporary works, such as the provision of means of access; and
- (d) underpinning or strengthening a building.

[Act 12 of 2015 wef 08/05/2015]

Compensation for temporary occupation of land

43.—(1) Subject to sections 44 and 44A, every person interested in temporarily occupied land is entitled to claim compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is to be assessed by the Collector —

- (a) on the basis of the matters specified opposite in the second column of the Schedule; and
 - (b) by not taking into consideration any of the matters specified in subsection (3).
- (3) No account shall be taken of the following in the assessment of any claim for compensation by any person interested in temporarily occupied land:
- (a) the financial loss resulting from the interruption of or interference with any trade or business carried on any land;
 - (b) any increase or decrease in the value of the land to which the compensation relates which is attributable to the purpose for which the land is occupied and used;
 - (c) any building, object or structure within the land which was erected and maintained in contravention of any written law in force on the date of the notice under section 42(3) relating to that land;
 - (d) any building or part of a building within the land which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.
- (4) Upon receiving a claim for compensation from any person interested in temporarily occupied land, the Collector is to inquire into that claim and shall, as soon as is possible —
- (a) make an award of compensation for such loss, damage or cost arising from the exercise of the powers under section 42 as is determined in accordance with this section; and
 - (b) give written notice to the person interested of that award of compensation.
- (5) To avoid doubt, nothing in this section prevents the Collector from restoring the temporarily occupied land to the reasonable satisfaction of the persons interested in the land before returning the

land to the persons interested, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Schedule.

[Act 12 of 2015 wef 08/05/2015]

Time for, and manner of, claiming for compensation

44.—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is not served on the Collector before the expiry of the period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule must be served upon the Collector is as follows:

- (a) for a claim for loss due to displacement of any person in lawful occupation of the land on the date of a notice under section 42(3) to enter upon and take temporary possession of that land — 2 years starting from the date of the last such notice given to the person for that purpose;
- (b) for a claim for structural damage to any building resulting from the temporary occupation and use of the land under section 42 — 6 years starting from the date that land is returned or the date the applicable period referred to in section 42(7) expires, if earlier;
- (c) for a claim for other damage to any land — 6 years starting from the date that land is returned or the date the applicable period referred to in section 42(7) expires, if earlier;
- (d) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

(4) The Board may extend any period specified in subsection (3) within which a claim must be served upon the Collector if an

application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

- (a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or
- (b) that the Collector is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

[Act 12 of 2015 wef 08/05/2015]

Disqualification as to certain compensation

44A. If an owner of any temporarily occupied land gives to the Collector any notice under section 49(1) in relation to that land within the claim period as defined in section 49A(9) for temporarily occupied land, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the last notice under section 42(3), and no other item in the Schedule.

[Act 12 of 2015 wef 08/05/2015]

Appeal against award of compensation

44B.—(1) Any person interested who is aggrieved by an award of compensation made under section 43(4)(a) (in this section called the appellant) may appeal to the Board —

- (a) by lodging with the Registrar of the Board, within 28 days after receiving the notice of the award referred to in section 43(4)(b), a written notice of appeal in duplicate;
- (b) by depositing or authorising the Collector to deposit with the Accountant-General within 28 days after receiving the notice of the award referred to in section 43(4)(b), the lower of the following sums if the requirement for a deposit is not waived by the Collector:
 - (i) a sum equal to one-third of the amount of the award;

(ii) \$5,000; and

(c) by lodging with the Registrar of the Board, within 28 days after receiving from the Collector the grounds of the award referred to in subsection (2), a petition of appeal in duplicate containing a statement of the grounds of appeal.

(2) After a notice of appeal under subsection (1) is lodged, the following steps must be taken:

(a) first, the Registrar of the Board must forthwith forward a copy of the notice of appeal to the Collector;

(b) secondly, the Collector must lodge with the Registrar of the Board the Collector's grounds of award;

(c) thirdly, the Registrar of the Board must —

(i) deliver or tender a copy of those grounds of award to the appellant; or

(ii) send by registered post a copy of those grounds of award to the appellant.

(3) The decision of the Board on appeal is final.

(4) In determining the amount of compensation for an item of loss, damage or cost set out in the first column of the Schedule, the Board —

(a) must assess compensation on the basis of the matters specified opposite in the second column of the Schedule; and

(b) must not take into consideration any of the matters specified in section 43(3).

(5) Sections 23(3) and (4), 24, 25, 26, 27, 31 and 32 apply (so far as relevant) to an appeal under this section with such prescribed exceptions, modifications and adaptations as the differences between an appeal under this section and an appeal under section 23 require.

[Act 12 of 2015 wef 08/05/2015]

Bar to other proceedings

44C. Except as provided by or under this Part, no action, claim or other proceeding shall lie against the Collector or any person authorised under section 42(3) —

- (a) to restrain the doing of anything which is authorised by or under section 42 or to compel the doing of anything which may be omitted to be done under section 42; or
- (b) to recover damages, compensation or costs for —
 - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights; or
 - (iv) effecting or complying with any requirement or condition imposed by the Collector,

which is authorised by or under section 42 or arises from any act or omission so authorised.

[Act 12 of 2015 wef 08/05/2015]

PART VII**MISCELLANEOUS****Service of documents**

45.—(1) A notice or other document required or authorised by this Act to be served on any person may be served —

- (a) in the case of an individual —
 - (i) by delivering it to the individual personally;
 - (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
 - (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid

- registered post to, the usual or last known address of the place of business of the individual;
- (iv) by sending it by facsimile transmission to the usual or last known address of the place of residence or business of the individual; or
 - (v) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership; or
 - (ii) by leaving it at, or by sending it by pre-paid registered post or facsimile transmission to, the principal or last known place of business of the partnership in Singapore;
- (c) in the case of a body corporate that is a management corporation or subsidiary management corporation for a strata title plan —
- (i) by delivering it to the chairman, secretary or other member of the council of the management corporation or the executive committee of the subsidiary management corporation, as the case may be; or
 - (ii) by leaving it at, or by sending it by pre-paid registered post or facsimile transmission to, the address of the management corporation or subsidiary management corporation, as recorded on the folio of the land-register comprising the strata title plan; or
- (d) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof; or

- (ii) by leaving it at, or by sending it by pre-paid registered post or facsimile transmission to, the registered office or principal office of the limited liability partnership or body corporate in Singapore.

(2) If the Collector is unable after due inquiry to ascertain the whereabouts of any person on whom a notice or other document is required by this Act to serve, the notice or document may be given or served —

- (a) by placing it on a board or other structure in a conspicuous place on the land to which the notice relates and by fixing a copy of the same notice or document in a conspicuous place in the office of the Collector; or
- (b) by publishing a copy of it in one or more daily local newspapers circulating in Singapore.

(3) Where any notice or other document is —

- (a) sent by a facsimile transmission in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed when there is an acknowledgment by electronic or other means to the effect that the notice or document has been received at the place of residence or business or registered office or principal office, as the case may be;
- (b) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, unless it is returned undelivered; or
- (c) served by publishing a copy of it in one or more daily local newspapers circulating in Singapore, it shall be deemed to have been duly served on the person to whom it is addressed on the day of the last publication.

(4) This section shall not apply to notices and documents required to be served in proceedings in court.

[19/2007 wef 07/05/2007]

Penalty for obstructing survey, etc., or destroying landmarks

46.—(1) Any person who —

- (a) obstructs any officer, or any duly authorised person, in the performance of any thing which the officer or person is by section 3 or 7 required or empowered to do; or
- (b) wilfully, without reasonable excuse, fills up, removes, damages, destroys, displaces, obliterates or defaces any trench or mark made under section 3,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month or to both.

(2) A court that finds a person guilty of an offence under subsection (1)(b) may, in addition to any penalty it imposes, order the person to pay compensation, totalling not more than 3 times the cost of replacing and repairing the trench or mark and of making any survey rendered necessary by the act for which the person was convicted.

(3) The amount mentioned in subsection (1) shall be levied in the manner provided by the Criminal Procedure Code (Cap. 68) for the collection of fines.

[19/2007 wef 07/05/2007]

Police to enforce surrender

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall apply to the Commissioner of Police who shall enforce the surrender of the land to the Collector.

Government not bound to complete acquisition

48.—(1) Except in the case provided for in sections 49 and 49A, the Government shall be at liberty to withdraw from the acquisition of any land or any part thereof of which possession has not been taken.

[66/73]

[Act 12 of 2015 wef 08/05/2015]

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of

compensation due for the damage, if any, done to the land under section 3 or 7 and not already paid for under section 4, and shall pay that amount to the person injured and shall pay to the persons interested all such costs as have been reasonably incurred by them by reason or in consequence of the proceedings for acquisition, together with compensation for the damage, if any, which they may have sustained by reason or in consequence of those proceedings.

(3) The provisions of Part III shall apply, so far as may be, to the determination of the compensation payable under this section.

(4) When the Government has withdrawn from any acquisition, any costs payable by the Government to any person interested under subsection (2) shall, unless their amount is agreed between the Government and the person interested, be taxed by the Registrar of the Supreme Court in accordance with a procedure to be prescribed by Rules of Court for the time being in force.

Owners who suffer substantial impairment in rights in land may require their land to be acquired

49.—(1) The owner of any temporarily occupied land, any remaining surface land or any severed land may, by notice in writing given to the Collector, request the Government to acquire under this Act —

- (a) the temporarily occupied land, the remaining surface land or the severed land (as the case may be); and
- (b) any other land of the owner related to the temporarily occupied land or the remaining surface land in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of —

- (i) the temporary possession in accordance with a direction under section 42 of the temporarily occupied land;
- (ii) the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (iii) the severance arising from the acquisition under this Act of any other part of the owner's land.

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Collector.

(4) For the purposes of this section and section 49A —

(a) land is related to any temporarily occupied land if that land is the remainder of a parcel of land part of which is the temporarily occupied land; and

(b) land is related to any remaining surface land if that land —

(i) is the remainder of a parcel of land part of which is the remaining surface land; and

(ii) is above or below the airspace or subterranean space acquired and the remaining surface land.

(5) In this section and section 49A —

“owner”, in relation to any land, means —

(a) a person who has the fee simple estate in the land;

(b) a person who is the grantee or lessee under a State title for the land;

(c) a person who has become entitled to exercise a power of sale of the land; or

(d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

(a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or

(b) is a lot in a lawful division of land and capable of being separately held by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

[Act 12 of 2015 wef 08/05/2015]

Owner-initiated acquisition

49A.—(1) Upon receiving a notice under section 49(1) in relation to any temporarily occupied land, any remaining surface land or any severed land (as the case may be), and any other land related to the temporarily occupied land or the remaining surface land, the Collector is to assess whether the owner of those lands suffers or does not suffer substantial impairment of his rights in those lands because of —

- (a) the temporary possession in accordance with a direction under section 42 of the temporarily occupied land;
- (b) the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (c) the severance arising from the acquisition under this Act of any other part of the owner's land.

(2) The President is to proceed under this Act to acquire the land that is the subject of a notice under section 49(1) as if the land was needed for a public purpose, if the Collector assesses that the owner of the land giving notice suffers substantial impairment of his rights in the land because of any of the circumstances described in subsection (1)(a), (b) or (c).

(3) If there is more than one owner of the land concerned giving notice, it is sufficient if the Collector assesses that any one of those owners suffers substantial impairment of his rights in the land because of any of the circumstances described in subsection (1)(a), (b) or (c).

(4) A fresh notification or other proceedings under section 5, 6 or 8, as the case may be, shall be necessary for the acquisition of the land that is the subject of a notice under section 49(1) and in respect of which subsection (5) does not apply.

(5) However, the President is not to proceed under this section to acquire any land that is the subject of a notice under section 49(1) if —

- (a) the notice is not given to the Collector within the claim period applicable to that land; or

(b) the notice is given to the Collector —

- (i) for a notice that concerns remaining surface land, after the Collector has made an award under section 10 for the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (ii) for a notice that concerns severed land, after the Collector has made an award under section 10 for the acquisition under this Act of the other part of the owner's land so severed.

(6) An owner of any land that is the subject of a notice under section 49(1), may within the prescribed time appeal to the High Court against the Collector's assessment under subsection (2) or (3) as to —

- (a) whether any person giving the notice under section 49(1) in relation to any land is an owner of the land; or
- (b) whether the owner of the land suffers or does not suffer substantial impairment of his rights in the land because of any of the circumstances described in subsection (1).

(7) To avoid doubt, the Collector is not prevented from taking possession of the land under this Act by reason only that an appeal to the High Court under subsection (6) in relation to the land is not determined.

(8) For the purposes of this section, an owner of land suffers substantial impairment of his rights in the land if, and only if, the owner of the land or, if the owner is not in occupation of the land, any lawful occupier of the land —

- (a) is unable, for a period of one year or longer, to use the land, and any land related thereto, according to —
 - (i) the zoning and density requirements and other restrictions imposed by or under the Planning Act (Cap. 232); and
 - (ii) any other restrictive covenants in the State title for the land and the land related thereto (if any); and

(b) is displaced from the land and any land related thereto for a period of one year or longer,

solely by reason of any of the circumstances described in subsection (1)(a), (b) or (c).

(9) In this section —

“claim period” means —

- (a) for any temporarily occupied land and land related to that temporarily occupied land — one year starting from either of the following dates:
 - (i) the date of the last notice under section 42(3) relating to the temporarily occupied land;
 - (ii) the date of the expiry of the last term of temporary occupation determined under section 42(1) for the temporary occupation and use of the temporarily occupied land, or the date the land is returned to the owner if earlier;
- (b) for any land above which only the airspace, or any land below which only the subterranean space, is or has been acquired under section 5 (called the remaining surface land) and land related to that remaining surface land — one year starting from the date of acquisition for that airspace or subterranean space, as the case may be; and
- (c) for any land remaining after any other part of the owner’s land is severed because of an acquisition under this Act — one year starting from the date of acquisition for that other land so acquired;

“date of acquisition”, for any land, airspace or subterranean space acquired under this Act, means the date of the publication of the notification under section 5(1) declaring that land, airspace or subterranean space is needed for the purpose specified in that declaration;

“displace”, in relation to a person in occupation of any land, means being compelled to relocate the person’s principal place of residence or business on that land as a result of —

- (a) the taking of temporary possession of that land;
- (b) the acquisition under this Act of airspace above, or subterranean space below, that land; or
- (c) any severance;

“severance” means severing of land acquired under this Act from other land;

“temporary possession”, in relation to land, means temporary possession of the land taken in accordance with a direction under section 42.

[Act 12 of 2015 wef 08/05/2015]

Acquisition of whole or any additional portion of land where compensation for severance is payable

50.—(1) If any claim for compensation is made to a Collector holding an inquiry under section 10 by a person interested or his agent as provided by sections 15 and 33(1)(c), on account of the severing of the land to be acquired from his other land, or if, notwithstanding that no such claim has been made, a Collector holding such an inquiry has certified under his hand that compensation as aforesaid is payable upon the acquisition, it shall be lawful for the President at any time before the Collector has made his award, to order the acquisition of the whole or any additional portion of the land of which the land first sought to be acquired forms a part.

(2) No fresh notification or other proceedings under sections 5, 6 and 8 shall be necessary; but the Collector shall without delay furnish a copy of the order of the President to the person interested and shall thereafter proceed to make his award under section 10 as if the whole or any additional portion of the land specified in the order of the President were the subject of the initial notification under section 5.

[Act 12 of 2015 wef 08/05/2015]

Defraying of costs

51. Where land is acquired for any person, corporation or statutory board, the costs incurred by the Collector in the acquisition shall be defrayed by that person, corporation or statutory board.

52. [*Repealed by Act 38/2002 wef 01/01/2003*]

Suits to set aside awards under this Act to be barred

53. No suit shall be brought to set aside an award or apportionment under this Act.

Rules

54.—(1) The Minister may make rules generally for carrying out the provisions of this Act, and without prejudice to that general power, may make rules for the guidance of officers in all matters connected with this Act.

(2) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

[55

THE SCHEDULE

Sections 43, 44, 44A and 44B

COMPENSATION FOR TEMPORARY OCCUPATION OF LAND

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the land on the date of the notice under section 42(3).	<p>(a) The financial loss naturally and reasonably resulting from the displacement of the person from the land.</p> <p>(b) All reasonable expenses incurred by such a person in removing from the land from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative premises to</p>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
	be occupied during the displacement.
2. Any structural damage to any building within the land resulting from the exercise of the right of entry and occupation and use thereafter of the land under section 42.	<p>(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.</p> <p>(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.</p> <p>(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.</p> <p>(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the land under section 42.</p>
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use thereafter of the land under section 42.	<p>(a) The financial loss naturally and reasonably resulting from the displacement because of the damage to the land or building.</p> <p>(b) All reasonable expenses incurred in removing from the land or building.</p>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 42.	<p>(c) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.</p> <p>(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the land under section 42.</p> <p>(a) The cost of removing the object or structure, being the cost incurred in moving the object or structure and making good that part of the land from which it is removed.</p> <p>(b) The cost of reinstating the object or structure or of replacing the same with a similar object or structure.</p> <p>(c) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Collector, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.</p>

[Act 12 of 2015 wef 08/05/2015]

LEGISLATIVE HISTORY
LAND ACQUISITION ACT
(CHAPTER 152)

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

1. Act 41 of 1966 — Land Acquisition Act 1966

Date of First Reading : 21 April 1966
Date of Second Reading : 22 June 1966
Date of commencement : 17 June 1967

2. Act 23 of 1968 — Land Acquisition (Amendment) Act 1968

Date of First Reading : 10 July 1968
Date of Second and Third Readings : 1 August 1968
Date of commencement : 15 August 1968

3. 1970 Revised Edition — Land Acquisition Act (Cap. 272)

Date of operation : 31 August 1971

4. Act 66 of 1973 — Land Acquisition Act (Amendment) Act 1973

Date of First Reading : 30 November 1973
(Bill No. 57/1973 published on
3 December 1973)
Date of Second and Third Readings : 18 December 1973
Date of commencement : 8 February 1974

5. 1984 Reprint — Land Acquisition Act (Cap. 272)

Date of operation : 1 December 1984

6. 1985 Revised Edition — Land Acquisition Act (Cap. 152)

Date of operation : 30 March 1987

7. Act 2 of 1988 — Land Acquisition (Amendment) Act 1988

Date of First Reading : 30 November 1987
(Bill No. 25/1987 published on
2 December 1987)
Date of Second and Third Readings : 12 January 1988
Date of commencement : 12 February 1988

8. Act 9 of 1993 — Land Acquisition (Amendment) Act 1993

Date of First Reading : 18 January 1993
(Bill No. 2/1993 published on
19 January 1993)

Date of Second and Third Readings : 26 February 1993

Date of commencement : 16 April 1993

9. Act 38 of 1995 — Land Acquisition (Amendment) Act 1995

Date of First Reading : 27 September 1995
(Bill No. 30/1995 published on
28 September 1995)

Date of Second and Third Readings : 1 November 1995

Date of commencement : 1 December 1995

10. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997

Date of First Reading : 11 July 1997
(Bill No. 6/1997 published on
12 July 1997)

Date of Second and Third Readings : 25 August 1997

Dates of commencement : 1 October 1997 (item (16) of the
Second Schedule)

11. Act 3 of 1998 — Planning Act 1998

(Consequential amendments made to Act by)

Date of First Reading : 19 November 1997
(Bill No. 18/1997 published on
20 November 1998)

Date of Second and Third Readings : 14 January 1998

Date of commencement : 1 April 1998 (item (4) of the
Second Schedule)

12. Act 17 of 2001 — Singapore Land Authority Act 2001

(Consequential amendments made to Act by)

Date of First Reading : 5 March 2001
(Bill No. 17/2001 published on
7 March 2001)

Date of Second and Third Readings : 19 April 2001

Date of commencement : 1 June 2001 (item (17) of the
Fourth Schedule)

- 13. Act 38 of 2002 — Stamp Duties (Amendment) Act 2002**
(Consequential amendments made to Act by)
- Date of First Reading : 31 October 2002
(Bill No. 40/2002 published on
1 November 2002)
- Date of Second and Third Readings : 25 November 2002
- Date of commencement : 1 January 2003 (item (3) of the
Schedule)
- 14. Act 9 of 2003 — Statutes (Miscellaneous Amendments) Act 2003**
- Date of First Reading : 20 March 2003
(Bill No. 7/2003 published on
21 March 2003)
- Date of Second and Third Readings : 24 April 2003
- Date of commencement : 16 May 2003 (section 8)
- 15. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**
- Date of First Reading : 17 October 2005
(Bill No. 30/2005 published on
18 October 2005)
- Date of Second and Third Readings : 21 November 2005
- Dates of commencement : 1 January 2006 (item (18) of the
First Schedule)
- 16. Act 19 of 2007 — Land Acquisition (Amendment) Act 2007**
- Date of First Reading : 12 February 2007
(Bill No. 5/2007 published on
13 February 2007)
- Date of Second and Third Readings : 11 April 2007
- Date of commencement : 7 May 2007
- 17. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**
(Consequential and related amendments made to Act by)
- Date of First Reading : 21 July 2008
(Bill No. 11/2008 published on
21 July 2008)
- Date of Second and Third Readings : 16 September 2008
- Date of commencement : 1 March 2010 (item 1(23) of the
Second Schedule)

18. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading	: 21 November 2011 (Bill No. 22/2011 published on 21 November 2011)
Date of Second and Third Readings	: 18 January 2012
Date of commencement	: 1 March 2012 (section 23)

19. Act 26 of 2014 — Land Acquisition (Amendment) Act 2014

Date of First Reading	: 7 July 2014 (Bill No. 20/2014 published on 7 July 2014)
Date of Second and Third Readings	: 5 August 2014
Date of commencement	: 7 July 2014 (section 12)

20. Act 26 of 2014 — Land Acquisition (Amendment) Act 2014

Date of First Reading	: 7 July 2014 (Bill No. 20/2014 published on 7 July 2014)
Date of Second and Third Readings	: 5 August 2014
Date of commencement	: 29 September 2014 (sections 2 to 11, 13 to 16, and the Schedule)

21. Act 12 of 2015 — Land Acquisition (Amendment) Act 2015

Date of First Reading	: 12 February 2015 (Bill No. 7/2015 published on 12 February 2015)
Date of Second and Third Readings	: 13 March 2015
Date of commencement	: 8 May 2015

22. 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