



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**PRESERVATION OF MONUMENTS
ACT 2009**

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Preservation of Monuments Act 2009

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An Act to provide for the preservation and protection of national monuments by the National Heritage Board and for matters connected therewith.

[1 July 2009]

PART 1

PRELIMINARY

Short title

1. This Act is the Preservation of Monuments Act 2009.

Interpretation

2. In this Act, unless the context otherwise requires —

“Board” means the National Heritage Board established under the National Heritage Board Act 1993;

“Director” means the Director of National Monuments appointed under section 8;

“enforcement notice” means a notice issued by the Board under section 18;

“information notice” means a notice served by the Director or a Monument Inspector under section 16;

“inland waters” means any river, stream, reservoir, lake or pond (whether natural or artificial) within the limits of the territorial waters of Singapore;

“land” includes any foreshore, site or underground space;

“monument” means the whole or any part of —

(a) any building, structure, erection, statue, sculpture or other work, whether above or below the surface of the land, and any cave or excavation;

(aa) any site;

(b) any site comprising the remains of any such building, structure, erection, statue, sculpture or other work or of any cave or excavation; or

(c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a),

and includes any machinery attached to or forming part of a monument which cannot be detached from the monument without being dismantled;

“Monument Inspector” means any person appointed under section 9 to be a Monument Inspector for the purposes of this Act;

“national monument” means any monument that is subject to a preservation order and includes any land containing or adjacent to such monument that is specified in the preservation order under section 11(3);

“occupier”, in relation to any monument or land, means the person in occupation of, or having the charge, management or control of, the monument or land, whether on the person’s own account or as an agent of another person, but does not include a lodger;

“owner” —

(a) in relation to any monument or land, means the person for the time being receiving the rent of the monument or land whether on the person’s own account or as agent or trustee or as receiver, or who would receive the same if the monument or land were let to a tenant, and the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960 as the owner of the monument or land; and

(b) in relation to the common property of any subdivided building, means the person receiving any rent or charge for the maintenance of that common property;

“preservation notice” means a notice issued by the Board under section 13;

“preservation order” means an order made by the Minister under section 11 placing a monument under the protection of the Board;

“proposed national monument” means a monument covered by a notice under section 11(7)(a) of the Minister’s intention to make a preservation order protecting the monument;

“site” means —

- (a) any open space;
- (b) any inland waters; or
- (c) an area of land (including any building, structure, erection, statue, sculpture or other work, vegetation, inland waters or physiographical formation, or any combination thereof) containing anything that evidences human activity, present or past,

but excludes a site falling within paragraph (b) or (c) of the definition of “monument”;

“statutory authority” means a body established or constituted by or under a public Act to perform or discharge a public function, and includes a Town Council.

[36/2021]

PART 2

FUNCTIONS AND POWERS OF BOARD UNDER THIS ACT

Board to administer Act

3. The Board is responsible for the administration and enforcement of this Act.

Functions of Board under this Act

4. Without affecting section 6 of the National Heritage Board Act 1993, the functions of the Board under this Act are —

- (a) to identify monuments that are of such historic, cultural, traditional, archaeological, architectural, artistic or symbolic significance and national importance as to be worthy of preservation under this Act, and to make recommendations to the Minister for the preservation under this Act of the monuments so identified;

- (b) to undertake, commission, sponsor or facilitate research on monuments which have been identified for preservation or which are being preserved under this Act;
- (c) to determine standards and issue guidelines for the restoration, preservation or maintenance of monuments under this Act and for the proper control, management and use of those monuments;
- (d) to determine the best method for the preservation or maintenance of any national monument, and to cause or facilitate the preservation or maintenance of the national monument in accordance with such method;
- (e) to protect national monuments and proposed national monuments in accordance with this Act;
- (f) to promote and stimulate public interest and support in the preservation or maintenance of monuments, and public knowledge, appreciation and understanding of national monuments;
- (g) to record, preserve and disseminate information relating to national monuments; and
- (h) to advise the Government in respect of matters relating to the preservation or maintenance of monuments.

[36/2021]

Powers of Board under this Act

5. Without affecting section 7 of the National Heritage Board Act 1993, the Board, in discharging its functions under this Act, has and may exercise the following powers:

- (a) advise on, supervise, control and require alterations, repairs, maintenance, renovations or construction of any kind to be made to any national monument or proposed national monument for the purpose of ensuring the better preservation of the national monument or proposed national monument;
- (b) contribute by grant or loan towards the expenses incurred or to be incurred in the restoration, repair, maintenance or

management of a national monument or proposed national monument to ensure its proper preservation;

- (c) publish or sponsor the publication of information and other works relating to monuments which have been identified for preservation or which are being preserved under this Act, or to any other matter concerning the functions of the Board;
- (d) organise any activities and other programmes that the Board thinks necessary or desirable for the discharge of its functions under this Act;
- (e) carry out promotional activities or publicity in any form;
- (f) arrange for or provide professional and technical services in relation to the preservation of monuments, on any terms and conditions that may be approved by the Board;
- (g) charge fees or commissions for any service provided by the Board under this Act;
- (h) generally do all matters and things that may be incidental to or consequential upon the exercise of its powers or the discharge of its functions under this Act.

[36/2021]

Directions by Minister

6.—(1) The Minister may give any directions, not inconsistent with the provisions of this Act, as to the performance of the functions and the exercise of its powers by the Board and the Board must give effect to those directions.

(2) The Board must furnish the Minister with any information or facilities for obtaining information with respect to its functions in any manner and at any time that the Minister may reasonably require.

Appointment of National Monuments Advisory Committee

7. Without affecting section 8 of the National Heritage Board Act 1993, the Board, on any terms that it may determine, may appoint a committee, to be known as the National Monuments Advisory

Committee, to advise the Board in the discharge of its functions under this Act.

PART 3

APPOINTMENT OF DIRECTOR AND OTHER OFFICERS

Appointment of Director of National Monuments

8.—(1) The Board must appoint one of its officers as the Director of National Monuments who is responsible for the performance of the duties and functions assigned to the Director under this Act.

(2) The Board may give any directions, not inconsistent with the provisions of this Act, as to the performance of the Director's duties and functions and the Director must give effect to those directions.

Appointment of Monument Inspectors

9.—(1) The Director may in writing appoint any public officer or any officer or employee of the Board or of any other statutory authority to be a Monument Inspector for the purposes of this Act.

(2) Every Monument Inspector must, when exercising his or her powers and carrying out his or her duties under this Act, comply with any general or special directions that may be given to him or her by the Director or the Board.

(3) Every Monument Inspector when exercising any powers under this Act must, if not in uniform, declare his or her office and must, on demand, produce to any person affected by the exercise of those powers any identification card that the Director may direct to be carried by the Monument Inspector when exercising those powers.

Public servants

10. The Director and all Monument Inspectors are deemed to be public servants for the purposes of the Penal Code 1871.

PART 4

PROVISIONS FOR PRESERVATION OF MONUMENTS

Power of Minister to make preservation orders

11.—(1) Subject to subsection (7), the Minister may, after consulting the Board, make a preservation order to place any monument under the protection of the Board.

(2) A monument which is subject to a preservation order and any land containing or adjacent to the monument that is specified in that preservation order is to be known as a national monument.

[36/2021]

(3) A preservation order must specify the monument protected by it, and extends to —

- (a) all the land containing the monument; and
- (b) any land adjacent to the monument which is in the same ownership as the monument and which the Minister is satisfied should also be protected under this Act in order —
 - (i) to preserve the monument in its setting;
 - (ii) to provide or facilitate access to the monument; or
 - (iii) to provide for the exercise of proper control or management with respect to the monument.

(4) A preservation order must —

- (a) be published in the *Gazette*;
- (b) take effect as from the date specified in the preservation order; and
- (c) remain in force until revoked by the Minister under subsection (6) or until it otherwise ceases to have effect by virtue of section 12.

(5) A copy of the preservation order together with a notice stating the effect of the preservation order must be served upon the owner and the occupier (if the occupier is a different person from the owner) of the monument and the land to which the order extends.

(6) Subject to subsection (7), the Minister may, after consulting the Board, by order in the *Gazette*, amend or revoke a preservation order.

(7) Before the Minister makes, amends or revokes a preservation order, the Board must —

- (a) give written notice of the Minister's intention to do so to the owner and occupier of the monument and any land adjacent to the monument which will be affected by the making, amendment or revocation (as the case may be) of the preservation order;
- (b) in the notice specify a reasonable period within which the owner and occupier may submit to the Board their objections (if any) to the making, amendment or revocation (as the case may be) of the preservation order; and
- (c) consider every objection received under paragraph (b) and make its recommendations to the Minister in relation thereto.

(7A) To avoid doubt, the Minister is not prevented from —

- (a) amending or revoking a preservation order relating to a national monument; or
- (b) making a preservation order in relation to a proposed national monument,

if no objection is submitted to the Board under subsection (7)(b) in relation to that national monument or proposed national monument, as the case may be.

[36/2021]

(8) A preservation order binds all subsequent owners and occupiers of, and persons interested in, the land to which it applies and —

- (a) if it affects registered land, is regarded as if it were a statutory obligation under section 142 of the Land Titles Act 1993; and
- (b) if it affects unregistered land, is regarded as if it were an instrument affecting land under the Registration of Deeds Act 1988.

(9) For the purposes of subsection (8), upon the Minister making a preservation order under subsection (1), the Board must —

- (a) if the preservation order affects registered land, notify the Registrar of Titles of the preservation order in accordance with section 142 of the Land Titles Act 1993 and the Registrar of Titles must then give effect to the preservation order in accordance with that section of the Land Titles Act 1993 as if the preservation order were a statutory obligation; and
- (b) if the preservation order affects unregistered land, present a copy of the preservation order to the Registrar of Deeds in accordance with section 5 of the Registration of Deeds Act 1988 and the Registrar of Deeds must then register the preservation order under that section of the Registration of Deeds Act 1988 as if the preservation order were an instrument affecting land.

(10) Any person who intends to transfer, assign, demise or otherwise deal with any proposed national monument, monument or land affected by a preservation order must give to the Board —

- (a) not less than 2 weeks' notice in writing of the intended transfer, assignment, demise or dealing (as the case may be); and
- (b) written notice of the completion of the transfer, assignment, demise or dealing within 2 weeks of the completion thereof.

[36/2021]

(11) Any person who contravenes subsection (10) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(12) The Board must publish, in such manner as it thinks fit, a list of all national monuments and proposed national monuments.

[36/2021]

Saving for dwelling house

12. Where a preservation order is made in respect of any structure that appears to the Board to be occupied as a dwelling house and that

structure has not been vested in the Board or the Government (as the case may be), then, if the structure is not acquired under the Land Acquisition Act 1966 within the period of one year from the date of the preservation order, the preservation order ceases to have effect in relation to that structure.

Duty to maintain national monument

13.—(1) It is the duty of the owner and the occupier of any national monument to take all reasonable measures to ensure that the national monument is properly maintained at all times in accordance with any guidelines that may be issued by the Board.

(2) The Board may by notice in writing (called a preservation notice) require the owner or occupier of a national monument to carry out, at his or her own expense and within the time specified in the notice, any works for the preservation, maintenance or repair of the national monument that may be specified in the notice.

(3) The owner or occupier of a national monument may, within 14 days of service on him or her of a preservation notice or within such longer period as the Minister may allow, appeal to the Minister against the requirements of the preservation notice and the Minister may —

- (a) dismiss the appeal;
- (b) allow the appeal unconditionally; or
- (c) allow the appeal in whole or in part and subject to such conditions as the Minister considers fit,

and may give any directions that the Minister thinks necessary to give effect to the Minister's decision on the appeal.

(4) The Minister's decision under subsection (3) is final.

(5) Subject to subsection (6), a preservation notice takes effect from the date specified in the preservation notice despite any appeal under subsection (3) that is pending.

(6) If the Minister is satisfied that the execution of the preservation notice may be delayed without resulting in any danger or damage to the national monument, the Minister may, subject to any conditions

that the Minister thinks fit to impose on the appellant, direct that the preservation notice does not take effect until the determination or abandonment of the appeal.

(7) Subject to any direction of the Minister under subsection (6), any person who fails to comply with the requirements of a preservation notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction.

Execution and costs of works required by preservation notice

14. If the requirements of a preservation notice are not complied with to the satisfaction of the Board —

- (a) the Director or a Monument Inspector may, at any reasonable time, enter the national monument to which the preservation notice relates and cause any of the works specified in the preservation notice and any other works which are in the Board's opinion necessary for the preservation of the national monument to be carried out; and
- (b) the expenses reasonably incurred by the Director or Monument Inspector in the exercise of his or her powers under paragraph (a) and any other reasonable expenses that may be incidental thereto are to be recoverable by the Board as a civil debt from the person who is, on the date of the preservation notice, the owner or occupier of the national monument.

Control over work

15.—(1) A person must not, without the prior written permission of the Board, and whether as principal or agent —

- (a) demolish, reconstruct, alter or make additions to a national monument or proposed national monument or any part thereof;
- (b) repair, renovate, repaint or redecorate a national monument or proposed national monument or any part thereof;

- (c) deposit any waste material on or pollute or flood the land or site on which a national monument or proposed national monument stands or any part thereof; or
- (d) do in relation to the national monument or proposed national monument or any part thereof or to the land on which the national monument or proposed national monument is located any other act that may be prescribed as an act to which this section applies.

[36/2021]

(1A) A person must not, without the prior written permission of the Board, and whether as principal or agent —

- (a) clear, dig up, excavate or cultivate any plant or tree on or in a national monument or proposed national monument which is a site;
- (b) extract, mine, quarry or interfere with any earth, stone, clay, gravel, sand, shell, minerals, mineral oil, natural gas, or any thing or group of things that evidence human activity (present or past), found on, in or forming part of a national monument or proposed national monument which is a site;
- (c) destroy the relationship of a building and its environment that is incompatible with the character of the neighbourhood in a national monument or proposed national monument which is a site;
- (d) park or leave any vehicle or vessel on or in a national monument or proposed national monument which is a site;
or
- (e) damage or enclose a national monument or proposed national monument which is a site,

knowing or reckless as to whether it is a national monument or proposed national monument, as the case may be.

[36/2021]

(2) In granting any permission required under subsection (1) or (1A), the Board may impose any conditions that the Board thinks

necessary for the protection of the national monument or proposed national monument, including —

- (a) conditions requiring any works affecting the national monument or proposed national monument to be carried out in accordance with the specifications of the Board; and
- (b) conditions requiring the person to whom the permission is granted to restore the national monument or proposed national monument in accordance with the specifications of the Board in the event that any damage is caused to the national monument or proposed national monument as a result of the works.

[36/2021]

(3) The Board may refuse to grant any permission as required under subsection (1) or (1A) if it is of the opinion that the works proposed to be done in relation —

- (a) to a national monument or any part of a national monument, or to the land or site on which the national monument is located, would affect the character or appearance of the national monument in a manner which is inappropriate or unbecoming a national monument; or
- (b) to a proposed national monument or any part of a proposed national monument, or to the land or site on which the proposed national monument is located, would irreparably alter the historic, cultural, traditional, archaeological, architectural, artistic or symbolic significance attached to it or any other condition of the proposed national monument before a decision whether or not the proposed national monument should be protected by a preservation order.

[36/2021]

(4) Any person who —

- (a) contravenes subsection (1) or (1A); or
- (b) fails to comply with any condition imposed by the Board under subsection (2),

shall be guilty of an offence and shall be liable on conviction —

- (c) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction; or
- (d) in any other case, to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues after conviction.

[36/2021]

(5) Subject to subsection (6), the court before which a person is convicted of an offence under subsection (4) may, in addition to punishing the person in accordance with subsection (4), make an order requiring the person —

- (a) at the person's own expense and within the time that may be specified in the order, to restore the national monument or proposed national monument in accordance with the specifications of the Board; or
- (b) to pay to the Board a sum equivalent to the cost of restoring the national monument or proposed national monument.

[36/2021]

(6) Where the person convicted of an offence under subsection (4) is a body corporate (as defined in section 29(5)), a partnership or an unincorporated association (other than a partnership), the court may make the additional order mentioned in subsection (5) against any person who, by virtue of section 29 is also guilty of that offence as an officer or a partner (as the case may be) of the body corporate, partnership or unincorporated association.

(7) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court is to, in particular, have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

(8) In any proceedings for an offence under subsection (4), it is a defence if the person proves, on a balance of probabilities, that the act done or omitted to be done in relation to a national monument or proposed national monument —

(a) was done or omitted —

(i) urgently or immediately for the safety of persons or property; and

(ii) with all reasonable care to ensure that the act or omission would have no more effect on the character or appearance of the national monument or proposed national monument (as the case may be) than was necessary in the circumstances; or

(b) was done or omitted —

(i) in good faith; and

(ii) for the purpose of complying with or giving effect to any order or requirement of the Government or a statutory authority (other than the Board) given in the performance of any function, the exercise of any power or the discharge of any duty of the Government or statutory authority (as the case may be) under any written law other than this Act.

[36/2021]

(9) Where the court makes an order requiring any person to pay a sum to the Board under subsection (5)(b), the sum, if unpaid, is to be recoverable from that person by the Board as if the sum were a judgment debt due to the Board.

(10) The Director or a Monument Inspector may enter, at any reasonable time, a national monument or proposed national monument or any part thereof in order —

(a) to ascertain whether any works being carried thereon comply with the conditions imposed by the Board under subsection (2); and

(b) to take any action and give any direction that the Director or Monument Inspector considers necessary for the

protection of the national monument or proposed national monument.

[36/2021]

Power to require information about activities affecting national monument or proposed national monument

16.—(1) Where it appears to the Director or a Monument Inspector that there may have been a contravention of section 15(1) or (1A) in respect of any national monument or proposed national monument, the Director or Monument Inspector may serve a notice to that effect (called an information notice) on any person who —

- (a) is the owner or occupier of the national monument or proposed national monument;
- (b) has any other interest in the national monument or proposed national monument;
- (c) is carrying out any operation or activity on the national monument or proposed national monument; or
- (d) is using the national monument or proposed national monument for any purpose,

and may by the information notice require that person to give information as to —

- (e) the operation or activity that has been or is being carried out on the national monument or proposed national monument; or
- (f) the purposes for which the national monument or proposed national monument has been or is being used.

[36/2021]

(2) In particular, the information notice may require the person on whom it is served —

- (a) to state whether or not the national monument or proposed national monument has been or is being used for any of the purposes specified in the notice, or whether or not any operation or activity specified in the notice has been or is being carried out on the national monument or proposed national monument;

- (b) to state when any such use, operation or activity began;
- (c) to give the name and address of any person whom he or she knows has used or is using the national monument or proposed national monument for any purpose, or has carried out or is carrying out any operation or activity on the national monument or proposed national monument;
- (d) to give any information he or she holds as to any written permission of the Board for any work or any reason for the written permission not being required for any work; and
- (e) to state the nature of his or her interest (if any) in the national monument or proposed national monument and the name and address of any other person known to him or her to have an interest in the national monument or proposed national monument.

[36/2021]

(3) Any requirement of an information notice must be complied with by giving the information in writing to the Director or a Monument Inspector or to any officer or employee of the Board that may be specified in the information notice.

(4) The service of an information notice does not affect any other power exercisable by the Board, the Director or a Monument Inspector in respect of any breach of the provisions of this Act.

Non-compliance with information notice

17.—(1) If, at any time after the end of the period of 21 days beginning with the day on which an information notice has been served on any person, such person has not complied with the requirements of the notice, he or she shall be guilty of an offence.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he or she did not know, and could not with reasonable diligence have ascertained, the information required.

(3) A person shall be guilty of an offence if he or she —

- (a) makes any statement purporting to comply with a requirement of an information notice which he or she knows to be false or misleading in a material particular; or

- (b) recklessly makes such a statement which is false or misleading in a material particular.

(4) A person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

Enforcement notice

18. If the Board is satisfied —

- (a) that section 15(1) or (1A) has been or is being contravened in respect of a national monument or proposed national monument; or
- (b) that a national monument or proposed national monument is, due to any operation or activity by any person, at risk of or is actually being destroyed, removed, damaged or altered,

the Board may, by notice in writing (called an enforcement notice), require —

- (c) the owner or occupier of the national monument or proposed national monument;
- (d) the person who committed or is committing the contravention; or
- (e) the person who carried out or is carrying out the operation or activity,

to do all or any of the following within the time specified in the enforcement notice:

- (f) to stop carrying out in relation to the national monument or proposed national monument any operation or activity that may be specified in the enforcement notice;
- (g) to stop using the national monument or proposed national monument for any purpose that may be specified in the enforcement notice;

- (h) to take, at the own expense of the owner, occupier or person given the enforcement notice, any protective, remedial or other measures in relation to the national monument or proposed national monument that may be specified in the enforcement notice.

[36/2021]

Appeal to Minister against enforcement notice

19.—(1) Any person aggrieved by any requirement of an enforcement notice may, within 14 days of service on him or her of the enforcement notice or within any longer period that the Minister may allow, appeal to the Minister against the requirement.

(2) Where an appeal is made under subsection (1), the Minister may —

- (a) dismiss the appeal;
- (b) allow the appeal unconditionally; or
- (c) allow the appeal in whole or in part and subject to such conditions as the Minister considers fit,

and may give any directions that the Minister thinks necessary to give effect to his or her decision on the appeal.

(3) The Minister's decision under subsection (2) is final.

(4) Subject to subsection (5), an enforcement notice takes effect from the date specified in the enforcement notice despite any appeal under subsection (2) that is pending.

(5) If the Minister is satisfied that the execution of the enforcement notice may be delayed without resulting in any danger or damage to the national monument or proposed national monument, the Minister may, subject to any conditions that the Minister thinks fit to impose on the appellant, direct that the enforcement notice does not take effect until the determination or abandonment of the appeal.

[36/2021]

Non-compliance with enforcement notice

20.—(1) Subject to any direction of the Minister under section 19(5), if a person on whom an enforcement notice has been served fails to comply with the notice —

- (a) that person shall be guilty of an offence;
- (b) the Director or a Monument Inspector may enter the national monument or proposed national monument and take such measures as may be necessary to secure the compliance with the enforcement notice; and
- (c) the expenses reasonably incurred by the Director or Monument Inspector in the exercise of his or her powers under paragraph (b) and any other reasonable expenses that may be incidental thereto are to be recoverable by the Board as a civil debt from the person who failed to comply with the enforcement notice.

[36/2021]

(2) A person guilty of an offence under subsection (1)(a) shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues after conviction.

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court is to, in particular, have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

Injunctions

21.—(1) Where the Director or a Monument Inspector considers it necessary or expedient for any actual or apprehended contravention of the provisions of this Act to be restrained by injunction, the Director or Monument Inspector may apply to the General Division of the High Court for an injunction, whether or not the Director or Monument Inspector has exercised or is proposing to exercise any of his or her other powers under this Act.

[40/2019]

(2) Where the Director or a Monument Inspector applies for an injunction under subsection (1), the General Division of the High Court —

- (a) is not bound to require an undertaking in damages from the Director or Monument Inspector; and
- (b) may grant any injunction that the General Division of the High Court thinks appropriate in the circumstances.

[40/2019]

Defacing, damaging or interfering with national monuments or proposed national monuments

22.—(1) Any person who wilfully defaces, damages or otherwise interferes with any national monument or proposed national monument shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

[36/2021]

(2) The court before which a person is convicted of an offence under subsection (1) may —

- (a) make an order requiring the person, at his or her own expense and within the time that may be specified in the order, to restore the national monument or proposed national monument in accordance with the specifications of the Board; or

- (b) order the person to pay to the Board a sum equivalent to the cost of restoring the national monument or proposed national monument.

[36/2021]

(3) Where the court orders any person to pay a sum to the Board under subsection (2)(b), the sum, if unpaid, is to be recoverable from that person by the Board as if the sum were a judgment debt due to the Board.

Interface with other laws and statutory authorities

22A. Nothing in Part 4 applies to prevent or restrict or render unlawful the Government or a statutory authority (other than the Board) doing or omitting to do anything in the performance of any function, the exercise of any power or the discharge of any duty, of the Government or statutory authority, as the case may be —

- (a) under any written law other than this Act; and
- (b) in relation to a national monument or proposed national monument that is, or is on or within —
 - (i) any State land; or
 - (ii) any other land or site vested in or under the care, control or management of the Government or that statutory authority.

[36/2021]

PART 5

TRANSFER OF PROPERTY, ASSETS AND LIABILITIES

Interpretation of this Part

23. In this Part —

“National Heritage Board” means the National Heritage Board established under the National Heritage Board Act 1993;

“Preservation of Monuments Board” means the Preservation of Monuments Board established under the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) in force immediately before 1 July 2009.

Transfer of property, assets and liabilities to National Heritage Board

24.—(1) As from 1 July 2009, all movable and immovable property vested in the Preservation of Monuments Board and all assets, interests, rights, privileges, liabilities and obligations of that Board are transferred to and vest in the National Heritage Board without further assurance, act or deed.

(2) Any immovable property to be transferred to and vested in the National Heritage Board under subsection (1) is held by that Board upon such tenure and subject to any terms and conditions that the President may determine.

(3) Every proceedings by or against the Preservation of Monuments Board which are pending on 1 July 2009 may be continued, completed and enforced by or against the National Heritage Board.

(4) Every agreement relating to any of the transferred properties to which the Preservation of Monuments Board was a party immediately before 1 July 2009, whether or not of such nature that the rights and liabilities thereunder could be assigned, is to have effect as from that date as if —

(a) the National Heritage Board had been a party to such an agreement; and

(b) for any reference to the Preservation of Monuments Board there were substituted in respect of anything to be done on or after 1 July 2009 a reference to the National Heritage Board.

(5) To avoid doubt —

(a) any reference in this Part to property vested in the Preservation of Monuments Board is a reference to such property of that Board whether situated in Singapore or elsewhere; and

(b) any such reference to rights and liabilities of the Preservation of Monuments Board is a reference to such rights to which that Board is entitled or (as the case may be) such liabilities to which that Board is subject, whether

under the laws of Singapore or any country outside Singapore and includes rights and liabilities arising under loans raised by that Board.

Existing contracts

25. All deeds, bonds, agreements, instruments and arrangements subsisting immediately before 1 July 2009 which the Preservation of Monuments Board is a party continue in force on and after that date and are enforceable by or against the National Heritage Board as if the National Heritage Board had been named therein or had been a party thereto instead of the Preservation of Monuments Board.

No breach or default because of transfer

26.—(1) The operation of this Part shall not be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities; or
- (c) as giving rise to any remedy by a party to a legal instrument, or as causing or permitting the termination of any legal instrument, because of a change in the beneficial or legal ownership of any asset or liability.

(2) The operation of section 24 shall not be regarded as an event of default under any contract or other legal instrument.

(3) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the Preservation of Monuments Board is a party or may be bound prohibiting or having the effect of prohibiting the transfer of any property, rights, obligations or liabilities comprised in the undertaking transferred under this Part is deemed by this Act to have been waived by this Act.

PART 6

MISCELLANEOUS

Powers of entry and enforcement

27.—(1) The Director or a Monument Inspector may, at any reasonable time without warrant and without using force, enter upon any land or site for the purpose of —

- (a) inspecting any national monument or proposed national monument thereon;
- (b) investigating into any contravention or suspected contravention of this Act;
- (c) ascertaining whether any of the functions or powers conferred by or under this Act on the Board should or may be exercised; and
- (d) taking any action or carrying out any work authorised or required by or under this Act.

[36/2021]

(1A) The power conferred on the Director or a Monument Inspector under subsection (1)(a), (b) or (c) includes the following powers:

- (a) to examine any thing or observe any activity conducted in or on the land or site in question without involving any search of any premises, thing or person, or any seizure of any thing, in or on that land or site;
- (b) to make a sketch, photograph or still or moving image, or an audio or a video recording, of the land or site in question and any thing in or on that land or site;
- (c) to make measurements of the land in question and any thing in or on that land;
- (d) to take samples of water, soil, vegetation or other similar substances from the land or site in question and any thing in or on that land or site for the purposes of analysis.

[36/2021]

(1B) The Director or a Monument Inspector entering any land or site for any purpose in subsection (1)(a), (b), (c) or (d) may be

accompanied by a number of other persons reasonably necessary for that purpose.

[36/2021]

(2) In addition to the powers conferred on him or her by this Act, the Director or a Monument Inspector may, in relation to any offence under this Act —

- (a) require any person whom the Director or Monument Inspector reasonably believes to have committed that offence to furnish evidence of the person's identity;
- (b) require any person to furnish any information or produce any book, document or copy thereof in the possession of that person, and may, without fee or reward, inspect, copy or make extracts from such book or document; or
- (c) require, by written order, the attendance at such time and place as may be specified in the order of any person within the limits of Singapore who, from any information given or otherwise obtained by the Director or Monument Inspector, appears to be acquainted with the circumstances of the case.

(2A) However, where the Director or a Monument Inspector —

- (a) suspects on reasonable grounds that an offence under section 13(7), 15(4), 20(1)(a) or 22(1) has been or is being committed in relation to any land or site; and
- (b) is unable to enter, or is refused entry to, the land or site under subsection (1),

the Director or Monument Inspector may forcibly enter the land or site without warrant for any purpose in subsection (1)(a), (b), (c) or (d), including by breaking open any outer or inner door or window leading to the land or site and removing by force any obstruction to the entry.

[36/2021]

(2B) If the owner or occupier of the land or site is present when the Director or a Monument Inspector seeks to enter the land or site under subsection (1) or (2A), the Director or Monument Inspector (as the case may be) must, before entering —

- (a) declare his or her office to the owner or occupier; and
- (b) show to the owner or occupier the identification card that the chief executive officer of the Board directs to be carried by the Director or Monument Inspector as proof of identity.

[36/2021]

(2C) If the owner or occupier of the land or site is not present when entry under subsection (1) or (2A) to the land or site is sought, but some other person who appears to be in charge of the land or site is present, then subsections (1) and (2A) respectively, apply to that other person as if he or she were the owner or occupier of the land or site.

[36/2021]

(2D) However, subsections (2B) and (2C) do not apply if the land or site in question is unoccupied at the time of entry.

[36/2021]

(3) Any person who —

- (a) refuses to give access to, or assaults, obstructs, hinders or delays, the Director or a Monument Inspector in the discharge of the Director's or Monument Inspector's duties under this Act;
- (b) wilfully misstates or without lawful excuse refuses to give any information or produce any book, document or copy thereof required of him or her by the Director or a Monument Inspector under subsection (2); or
- (c) fails to comply with a lawful demand of the Director or a Monument Inspector in the discharge of the Director's or Monument Inspector's duties under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Powers of arrest

28.—(1) The Director, a Monument Inspector or a police officer may arrest any person whom he or she has reason to believe to be committing or to have committed an offence punishable under this Act if —

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

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

(3) A person arrested under this section must not be detained longer than is necessary for bringing the person before a court unless the order of a court for his or her continued detention is obtained.

Offences by bodies corporate, etc.

29.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of the officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership within the meaning of section 4(1) of the Limited Liability Partnerships Act 2005;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Jurisdiction of court

30. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

Composition of offences

31.—(1) The Director or any officer of the Board authorised by the Director may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$5,000,

whichever is the lower.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

[36/2021]

General exemption

32. The Board may, with the approval of the Minister, by order in the *Gazette*, either permanently or for such period as the Board may think fit, exempt any monument or person or any class of monuments or persons from all or any of the provisions of this Act.

Authentication of documents

33.—(1) Where any notice, order or other document required or authorised by this Act to be served on any person requires authentication, the signature of the Director, a Monument Inspector or any other duly authorised officer or employee of the Board or an official facsimile of such signature appended to the notice, order or document is sufficient authentication.

(2) In any proceedings under this Act, the contents of any such notice, order or document are presumed to be correct until the contrary is proved.

Service of documents

34.—(1) Any notice, order or document required or authorised by this Act to be served on any person may be served on the person —

- (a) by delivering it to the person or to some adult member or employee of his or her family or household at his or her last known place of residence;
- (b) by leaving it at his or her usual or last known place of residence or place of business in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at his or her usual or last known place of residence or place of business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
 - (i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or
 - (ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order or document sent by registered post to any person in accordance with subsection (1) is deemed to be duly served on the person at the time when the notice, order or document (as the case may be) would in the ordinary course of post be delivered and, in proving service of the notice, order or document, it is sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

(3) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it

can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises.

(4) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises is deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

Regulations

35.—(1) The Board may, with the approval of the Minister, make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without limiting subsection (1), the purposes for which regulations may be made under this section include the following:

- (a) to prohibit or to control and regulate the carrying out of any work on or in relation to a national monument or proposed national monument;
- (b) to prohibit or to control and regulate the use of a national monument or proposed national monument for any particular purpose;
- (c) to prohibit or to control and regulate the doing of any particular act in relation to a national monument or proposed national monument (including the placement or display of signs, banners, posters, buntings, flags or any other advertising material on a national monument or proposed national monument);
- (d) to provide for the preservation and protection of any fitting, fixture, artefact or other movable object that is found in, is attached to or forms part of a national monument or proposed national monument;
- (e) to prescribe additional duties to be imposed on the owner or occupier of a national monument or proposed national monument in relation to the preservation, protection and use of the national monument or proposed national monument.

[36/2021]

(3) Regulations made under this section —

- (a) may provide that any contravention of, or failure or neglect to comply with, any provision of such regulations shall be an offence;
- (b) may prescribe the fine with which the offence shall be punishable, except that no such fine shall exceed for any one offence, the sum of \$5,000 and, in the case of a continuing offence, the sum of \$100 for every day or part of a day during which the offence continues after conviction; and
- (c) may prescribe the offences which may be compounded under section 31.

(4) All regulations made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

Saving and transitional provisions

36.—(1) To avoid doubt —

- (a) every preservation order made under section 8 of the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) is deemed to have been made under section 11 of this Act;
- (b) any permission, approval, decision, notice, order (not being a preservation order) or other document prepared, made, granted, issued and any act or thing done under or pursuant to the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) and valid immediately before 1 July 2009 is deemed to have been prepared, made, granted, issued or done under or pursuant to the corresponding provision of this Act and continues to have effect accordingly;
- (c) any application, request, objection or appeal made to the Preservation of Monuments Board or the Minister under any provision of the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) on which the decision of that Board or the Minister has not been made

immediately before 1 July 2009 is deemed to have been made and is to be dealt with under the corresponding provision of this Act;

- (d) the powers conferred on the National Heritage Board, the Director or a Monument Inspector by this Act may be exercised in respect of any breach, contravention or non-compliance of or under the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) as if it were a breach, contravention or non-compliance of or under the corresponding provision of this Act, except any offence committed under the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) before 1 July 2009 is to be dealt with in accordance with the provisions of that Act as if this Act had not been enacted; and
- (e) any enforcement process or proceedings commenced, pending or existing immediately before 1 July 2009 in connection with any breach, contravention or non-compliance of or under the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) may be continued and disposed of under the provisions of that Act as if this Act had not been enacted.

(2) Insofar as it is necessary for preserving the effect of any written law or document, any reference in the written law or document to the repealed Preservation of Monuments Act (Cap. 239, 1985 Revised Edition) is to, unless the context otherwise requires, be construed as a reference to this Act.

LEGISLATIVE HISTORY
PRESERVATION OF MONUMENTS
ACT 2009

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 16 of 2009 — Preservation of Monuments Act 2000

Date of First Reading	:	23 March 2009 (Bill No. 9/2009)
Date of Second and Third Readings	:	13 April 2009
Date of commencement	:	1 July 2009

Note: The Preservation of Monuments Act 2009 repealed and re-enacted with amendments the Preservation of Monuments Act (Chapter 239, 1985 Revised Edition).

2. 2011 Revised Edition — Preservation of Monuments Act (Chapter 239)

Date of operation	:	31 December 2011
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3. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

Date of First Reading	:	7 October 2019 (Bill No. 32/2019 published on 7 October 2019)
Date of Second and Third Readings	:	5 November 2019
Date of commencement	:	2 January 2021

4. Act 36 of 2021 — Preservation of Monuments (Amendment) Act 2021
(Amendments made by the above Act)

Date of First Reading	:	4 October 2021 (Bill No. 33/2021 published on 4 October 2021)
Second and Third Readings	:	2 November 2021
Date of Commencement	:	30 November 2021

5. 2020 Revised Edition — Preservation of Monuments Act 2009

Operation	:	31 December 2021
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Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number