



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PARKS AND TREES ACT 2005

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Informal Consolidation – version in force from 18/12/2023

Parks and Trees Act 2005

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[1 August 2005]

PART 1

PRELIMINARY

Short title

- 1. This Act is the Parks and Trees Act 2005.

Interpretation

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

“animal” means any mammal (other than man), bird, reptile, amphibian, fish (including shellfish), insect or any other living creature, vertebrate or invertebrate, and includes any egg or young thereof;

“authorised officer” means any person appointed under section 4(3);

“Board” means the National Parks Board established under the National Parks Board Act 1996;

“boat” means any launch, vessel or floating craft used in navigation by water, however propelled or moved;

“bridge” includes any flyover, overpass and viaduct;

“building” has the meaning given by the Building Control Act 1989;

“building works” means any of the following works:

(a) the erection, alteration, restoration, addition or extension of a building or part thereof;

(b) the demolition or dismantling of a building or part thereof with a view to rebuilding;

(c) any site clearance, earth-moving, excavation, tunnelling, boring or laying of foundations;

(d) any site restoration or provision of roadways and other access works; and

(e) any other kind of building operation which forms part of, is preparatory to, is for rendering complete or is otherwise connected with any works mentioned in paragraph (a), (b), (c) or (d);

“Commissioner” means the Commissioner of Parks and Recreation appointed under section 4(1);

“competent authority” means the authority appointed under section 5 of the Planning Act 1998 to be responsible for the operation of Part 3 of that Act;

“cut”, in relation to a tree or plant, means felling or lopping a tree or plant;

“damage”, in relation to a tree or plant, includes —

(a) poisoning the tree or plant through —

(i) applying any herbicide or other plant toxic chemical to it; or

(ii) spilling (including washing off or directing water contaminated by) any oil, petroleum, paint, cement, mortar or the like onto the root zone of the tree or plant;

(b) ringbarking the tree or plant or scarring its bark when operating any machinery, or by affixing any object (such as a sign) to it using nails, staples, wires or other means;

(c) using tree climbing spikes on a healthy tree (except for the purpose of gaining access to an injured person on it) or fastening materials that significantly restrict the normal vascular function of the trunk or branches of the tree or plant; and

(d) causing damage to the tree’s or plant’s root zone by compaction, excavation or asphyxiation (including filling or stockpiling it with materials);

“footway” includes any footpath, verandah-way, open or covered walkway, pedestrian mall, plaza, square, and other related structures and facilities;

“green verge” means the portion along the centre median or side of a public street, or a traffic island within a public street, which is provided for the growing of trees or plants;

“heritage road green buffer” means any area designated by the Minister as such under section 16(1);

“marine park” means any area of the sea or seabed that is set aside for conservation of marine organisms and is designated in Part 3 of the Schedule;

“national park” means any area designated for the time being in Part 1 of the Schedule;

“nature reserve” means any area designated for the time being in Part 2 of the Schedule;

“occupier”, in relation to any premises, means —

- (a) the person in actual occupation of the premises (whether or not the person is also the owner thereof) or, if there is no person in actual occupation, the person entitled to possession of the premises; and
- (b) if there is more than one occupier of the premises — any one of the occupiers;

“organism” means —

- (a) a genetic structure that is capable of replicating itself, whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity; or
- (b) a reproductive cell or developmental stage of an entity mentioned in paragraph (a);

“owner”, in relation to a vehicle, includes —

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who is the hirer or has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered, except where the person has sold or otherwise disposed of the vehicle and has complied with the provisions of the rules applicable to the person in regard to the sale or disposal; and

- (c) in the case of a vehicle in respect of which a general licence is issued under section 28 of the Road Traffic Act 1961, the person to whom the general licence is issued;

“park ranger” means any person appointed under section 4(6);

“planning permission” has the meaning given by the Planning Act 1998;

“plant” means any member of the plantae, protista, monera or fungi kingdom, and includes any angiosperm, gymnosperm, pteridophyte, bryophyte, algae, lichen or fungus;

“planting area” means any planting area mentioned in section 23;

“premises” means —

- (a) any building or land or part thereof; or
- (b) any place (whether enclosed or built on or not) and includes any place situated underground or under water;

“public park” means any State land, any land belonging to the Board or any other land, which is —

- (a) utilised as a public park, marine park, recreation ground, playground, garden, public open space, walk, park connector or green verge; and
- (b) managed or maintained by the Board or by any management body designated under section 6A;

“public street” means any street over which the public has a right of way and which has been vested in the Government under the Street Works Act 1995 or the repealed Local Government Integration Act (Cap. 166, 1985 Revised Edition) or in any other manner;

“qualified person” means a person who is registered as —

- (a) an architect under the Architects Act 1991 and has in force a practising certificate issued under that Act; or

- (b) a professional engineer under the Professional Engineers Act 1991 and has in force a practising certificate issued under that Act;

“repealed Act” means the Parks and Trees Act (Cap. 216, 1996 Revised Edition) repealed by this Act;

“road authority” means the Land Transport Authority of Singapore established under section 3 of the Land Transport Authority of Singapore Act 1995;

“street” means —

- (a) any road, bridge, underpass, tunnel, square, footway or passage, whether a thoroughfare or not, and whether the public has a right of way thereover or not;
- (b) the way over any public bridge; or
- (c) any road, footway or passage, open court or open alley, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not,

and includes all channels, drains, ditches, reserves and verges at the side of any street;

“street works” includes works of levelling, paving, metalling, flagging, kerbing, channelling, draining, lighting, laying of cables and mains and other utility services executed in a street or part thereof and the reinstatement of a street or part thereof;

“tree” includes a single-stemmed palm and any part of a tree or single-stemmed palm (including its seedling, sapling or reshoot);

“tree conservation area” means any land designated by the Minister as such under section 13(1);

“vacant land” means —

- (a) any land upon which no building or other structure exists; or

(b) any land which the Commissioner has reasonable grounds to believe is not occupied by anyone, and includes any land upon which exists any building or other structure which is constructed or used contrary to any written law;

“vehicle” means a vehicle whether mechanically propelled or otherwise.

[9/2017]

Application of Act to Government

3.—(1) This Act binds the Government except that nothing in this Act renders the Government liable to prosecution for an offence.

(2) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason that the person is a contractor engaged to provide services to the Government, or is acting in any other similar capacity for, or on behalf of, the Government.

PART 2

ADMINISTRATION OF ACT

Appointment of Commissioner of Parks and Recreation and other officers

4.—(1) The Board is responsible for the administration of this Act, and to that end, the Board must appoint an officer of the Board to be the Commissioner of Parks and Recreation.

[10/2019]

(2) The Commissioner is, subject to any general or special directions of the Board, responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon the Commissioner by this Act or any other written law.

[10/2019]

(3) The Commissioner may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Commissioner in administering and

carrying out the provisions of this Act or any other written law which confers powers on the Commissioner:

- (a) an employee of the Board;
- (b) an employee of another statutory authority;
- (c) a public officer;
- (d) an auxiliary police officer appointed under the Police Force Act 2004.

[10/2019]

(4) The Commissioner may delegate the exercise of all or any of the powers conferred or duties imposed upon the Commissioner by any provision of this Act or any other written law (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or any other written law to the Commissioner includes a reference to such an authorised officer.

[10/2019]

(5) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Board may specify.

[10/2019]

(6) The Commissioner may appoint any of the following persons to be a park ranger who may exercise the powers conferred on a park ranger under sections 41 and 42 within the national park, nature reserve or public park and in the circumstances specified in the Commissioner's authorisation for the park ranger under subsection (7):

- (a) a public officer;
- (b) an employee of the Board;
- (c) an employee of a management body designated under section 6A;
- (d) a person who holds a security officer's licence under the Private Security Industry Act 2007.

[9/2017]

(7) The Commissioner must issue to each park ranger an authorisation specifying where, or the circumstances in which, the

park ranger may exercise the powers conferred on a park ranger under sections 41 and 42.

[9/2017]

(8) The powers conferred on a park ranger under sections 41 and 42 must be exercised only to the extent of the authorisation under subsection (7).

[9/2017]

(9) The Commissioner may, for any reason that appears to the Commissioner to be sufficient, at any time revoke a person's appointment as an authorised officer or a park ranger.

[9/2017]

(10) A person who is appointed as an authorised officer under subsection (3)(d) or a park ranger under subsection (6) does not, by virtue only of the appointment, become an employee or agent of the Board.

[9/2017; 10/2019]

Officers deemed to be public servants

5. The Commissioner, every authorised officer and park ranger is deemed to be a public servant within the meaning of the Penal Code 1871.

Identification card to be produced

6.—(1) The Commissioner or any authorised officer or park ranger, when exercising any of the powers conferred upon him or her by this Act must, if not in uniform, declare his or her office and, on demand, produce such identification card as may be issued to him or her for the purposes of this Act or any other written law.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by the Commissioner or any authorised officer or park ranger not in uniform, who fails to declare his or her office and refuses to produce his or her identification card on demand being made by that person.

Management body

6A. The Minister may, by notification in the *Gazette*, designate, for the purposes of this Act, any body to be a management body for any

State land, land belonging to the Board or any other land that is managed as a public park on behalf of the Government or the Board, as the case may be.

[9/2017]

PART 3

NATIONAL PARKS AND NATURE RESERVES

Establishment of national parks and nature reserves

7.—(1) The areas designated in Part 1 of the Schedule are set aside as national parks.

(2) The areas designated in Part 2 of the Schedule are set aside as nature reserves.

(3) National parks and nature reserves are set aside for all or any of the following purposes:

- (a) the propagation, protection and conservation of the trees, plants, animals and other organisms of Singapore, whether indigenous or otherwise;
- (b) the study, research and preservation of objects and places of aesthetic, historical or scientific interest;
- (c) the study, research and dissemination of knowledge in botany, horticulture, biotechnology, or natural and local history; and
- (d) recreational and educational use by the public.

Restricted activities in respect of trees, plants, etc., in national parks and nature reserves

8.—(1) A person must not, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval, carry out any of the following activities within any national park or nature reserve:

- (a) cut, collect or displace any tree or plant or any part thereof;
- (b) affix, set up or erect any sign, shrine, altar, religious object, shelter, structure or building;

- (c) clear, break up, dig or cultivate any land;
- (d) use or occupy any building, vehicle, boat or other property of the Board; or
- (e) wilfully drop or deposit any dirt, sand, earth, gravel, clay, loam, manure, refuse, sawdust, shavings, stone, straw or any other matter or thing from outside the national park or nature reserve.

(2) A person must not carry out any activity within any national park or nature reserve which the person knows or ought reasonably to know causes or may cause alteration, damage or destruction to any property, tree or plant within the national park or nature reserve.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(4) Subsections (1) and (2) do not apply to —

- (a) the Commissioner, an authorised officer or a park ranger acting in the performance of his or her duty under this Act;
- (b) any other officer or employee of the Board acting in the performance of his or her duty under this Act or any other written law; and
- (c) any police officer or workman assisting a person mentioned in paragraph (a) or (b) to carry out his or her duty.

Restricted activities in respect of animals, etc., in national parks and nature reserves

9.—(1) A person must not, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval, carry out any of the following activities within any national park or nature reserve:

- (a) capture, displace or feed any animal;

- (b) disturb or take the nest of any animal;
- (c) collect, remove or wilfully displace any other organism;
- (d) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of capturing any animal; or
- (e) carry or have in the person's possession any explosive, net, trap or hunting device.

(2) A person must not carry out any activity within any national park or nature reserve which the person knows or ought reasonably to know causes or may cause injury to, or the death of, any animal or any other organism within the national park or nature reserve.

(3) A person must not, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval —

- (a) bring or release into, or abandon any animal in, or cause any animal to be brought or released into, or abandoned in a nature reserve;
- (b) release or abandon or cause any animal to be released or abandoned into any river, stream, canal or watercourse outside a nature reserve that the person knows, or ought reasonably to know, flows into or through the nature reserve; or
- (c) permit any animal belonging to or under the charge of the person to stray into a nature reserve.

[9/2017]

(4) A person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(5) Subsections (1), (2) and (3) do not apply to —

- (a) the Commissioner, an authorised officer or a park ranger acting in the performance of his or her duty under this Act;

- (b) any other officer or employee of the Board acting in the performance of his or her duty under this Act or any other written law; and
- (c) any police officer or workman assisting a person referred to in paragraph (a) or (b) to carry out his or her duty.

Destruction, damage, etc., of notices, boundary marks, etc.

10.—(1) A person must not wilfully or negligently destroy, damage or deface any object of zoological, botanical, geological, ethnological, scientific or aesthetic interest within any national park or nature reserve.

(2) A person must not —

- (a) destroy, damage, deface, alter or remove any notice or other sign erected by or on behalf of the Board within any national park or nature reserve; or
- (b) knowingly destroy, damage, deface, alter or remove any boundary mark within any national park or nature reserve.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(4) Subsections (1) and (2) do not apply to —

- (a) the Commissioner, an authorised officer or a park ranger acting in the performance of his or her duty under this Act;
- (b) any other officer or employee of the Board acting in the performance of his or her duty under this Act or any other written law; and
- (c) any police officer or workman assisting a person referred to in paragraph (a) or (b) to carry out his or her duty.

Reinstatement notices as regards national parks and nature reserves

11.—(1) Where it appears to the Commissioner that there has been a contravention of any provision of section 8, 9 or 10, the Commissioner may serve a reinstatement notice on a person who is

carrying out or has carried out any activity in contravention of that provision requiring the person on whom it is served to carry out such repairs, work or alteration to any part of the national park or nature reserve as the Commissioner thinks fit to be carried out in order to remedy (wholly or in part) the contravention or to remedy any injury or damage to the national park or nature reserve caused by that contravention.

(2) A reinstatement notice mentioned in subsection (1) may, in particular, require —

- (a) the alteration, demolition or removal of any sign, shrine, altar, religious object, shelter, structure or building;
- (b) the carrying out of any building works or other operations;
- (c) the cessation, either wholly or to the extent specified in the notice, of any activity;
- (d) the removal from the national park or nature reserve of all property, material or animals used in connection with the contravention of section 8, 9 or 10, as the case may be; or
- (e) the restoration of any part of the national park or nature reserve to its former state or, if such restoration is not reasonably practicable or is undesirable, the execution of such works as the Commissioner may specify in the notice to alleviate the effect of the contravention of section 8, 9 or 10, as the case may be.

(3) A reinstatement notice must specify the date on which it is to take effect and the period (which runs from the date the reinstatement notice takes effect) within which any step required by the notice must be taken.

Approval for restricted activities in national parks and nature reserves

12.—(1) An application for approval to carry out or cause the carrying out of any activity referred to in section 8(1) or 9(1) or (3) must be made to the Commissioner in such form and manner as may be prescribed.

(2) The Commissioner may require an applicant to provide the Commissioner with such further information or documents as the Commissioner considers necessary in relation to the application for approval.

(3) The Commissioner may, upon an application by any person for approval to carry out or cause the carrying out of any activity referred to in section 8(1) or 9(1) or (3) —

- (a) refuse to grant approval under this section; or
- (b) grant approval under this section unconditionally or subject to such conditions as the Commissioner thinks fit.

(4) The Commissioner may, at any time, by written notice revoke any approval granted under this section if he or she is satisfied —

- (a) that any information given in the application for the approval or any document submitted to the Commissioner in respect of the application is false in a material particular; or
- (b) that the person has failed to comply with any condition imposed under subsection (3)(b).

PART 4

CONSERVATION OF TREES AND PLANTS

[9/2017]

Division 1 — Tree conservation areas and vacant lands

[9/2017]

Tree conservation areas

13.—(1) If, after consulting the Board, it appears to the Minister expedient in the interests of amenity to make provision for the conservation of trees in any geographical area of Singapore, the Minister may, by order in the *Gazette*, designate any geographical area in Singapore (outside a national park or nature reserve) as a tree conservation area.

(2) A copy of any map of a tree conservation area published in the *Gazette*, being a copy purporting to be certified by the Commissioner as being a true copy of the map so published, is admissible in any legal proceedings and is evidence of the matters contained in the map.

No cutting or damaging of tree having girth of more than one metre

14.—(1) Subject to subsection (6), a person must not, except with the approval of the Commissioner under section 20 and in accordance with the terms and conditions of such approval, cut any tree with a girth exceeding one metre growing on —

- (a) any tree conservation area; or
- (b) any vacant land (whether within or outside a tree conservation area).

(2) A person who contravenes subsection (1) or damages any tree mentioned in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

(3) In determining the amount of fine to be imposed on a person convicted of an offence under subsection (2), 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.

(4) For the purposes of this section, the girth of a tree must be measured in the prescribed manner.

[9/2017]

(5) Where in any proceedings for an offence under this section, a question arises as to whether the girth of a tree exceeds or does not exceed one metre, a certificate purporting to be signed by the Commissioner or an authorised officer certifying the girth of the tree is admissible as prima facie evidence of the matters stated therein and of the signature of the Commissioner or authorised officer, as the case may be.

[9/2017]

(6) No approval mentioned in subsection (1) is required where the condition of the tree constitutes an immediate threat to life or property.

Tree conservation notice

15.—(1) If it appears to the Commissioner necessary to make provision for the maintenance or conservation of any tree with a girth exceeding one metre growing —

- (a) within any tree conservation area; or
- (b) on any vacant land (whether within or outside a tree conservation area),

or a group of such trees, the Commissioner may serve a tree conservation notice with respect to such tree or group of trees addressed to —

- (c) the occupier of the premises or land on which the tree or group of trees is growing; or
- (d) any person carrying out or intending to carry out any building works, whether on the premises or within its vicinity which, in the Commissioner's opinion, causes or is likely to cause damage to the tree or group of trees.

(2) A tree conservation notice under subsection (1) may, in particular, require the occupier or person mentioned in that subsection —

- (a) to cease or refrain from, either wholly or to the extent specified in the tree conservation notice, any activity on the premises concerned;
- (b) to alter, demolish or remove any property or material from the premises concerned, or any sign, structure or building the occupier or person has erected or caused to be erected thereon; or
- (c) to take such other measures as the Commissioner reasonably considers necessary to maintain or conserve the tree or group of trees concerned.

(3) Every tree conservation notice under subsection (1) must specify —

- (a) the tree or group of trees covered by the notice, by reference to the type, species, size, location and such other particulars of the tree or group of trees;
 - (b) the date on which it is to take effect; and
 - (c) the period (which runs from the date the tree conservation notice takes effect) within which any step required by the notice must be taken.
- (4) The Commissioner may, at any time, revoke any tree conservation notice made under this section.

Division 2 — Heritage road green buffers

Heritage road green buffers

16.—(1) If, after consulting the Board, it appears to the Minister expedient to conserve the flora or vegetation in any area of Singapore (not within any national park or nature reserve) as important elements of the surrounding streetscape or landscape, the Minister may, by order in the *Gazette*, designate —

- (a) any green verge (whether within or outside a tree conservation area); or
- (b) any other area located along or on land fronting, adjoining or abutting any street (whether within or outside a tree conservation area),

as a heritage road green buffer.

(2) A copy of any map of a heritage road green buffer published in the *Gazette*, being a copy purporting to be certified by the Commissioner as being a true copy of the map so published, is admissible in any legal proceedings and is evidence of the matters contained in the map.

Maintenance of heritage road green buffers

17.—(1) It is the function and duty of the Board to manage and maintain all heritage road green buffers and carry out all acts necessary thereto.

(2) For the purpose of managing and maintaining heritage road green buffers, the Commissioner or any officer, employee of or other person authorised in writing by the Board has the right, at any reasonable time, to enter upon any heritage road green buffer that is State land and do all things as are reasonably necessary for the management and maintenance of the heritage road green buffer.

(3) Subject to subsection (4), where a heritage road green buffer, or any part of it, lies within any premises other than State land, the Commissioner or any officer, employee of or other person authorised in writing by the Board has the right, at any reasonable time, to enter upon the heritage road green buffer or any part thereof for the purpose of —

- (a) ascertaining whether any of the functions conferred by this section on the Board should or may be exercised, including taking photographs of the premises and any property or material found thereon and such other steps as he or she may consider necessary without involving any search or seizure of any premises, thing or person; and
- (b) taking any action or carrying out any work that is reasonably necessary for the management and maintenance of the heritage road green buffer.

(4) The right to enter upon any premises under subsection (3) may be exercised if, and only if, the Commissioner or any officer, employee of or other person authorised in writing by the Board has given notice of his or her intention to perform the Board's function and discharge its duty under this section to the occupier of the premises or any person having any estate, right, share or interest in the premises.

(5) A notice under subsection (4) must be in writing and is deemed to be given to and received by an occupier if it is affixed to a conspicuous part of the premises to be entered.

No cutting or damaging of tree or plant in heritage road green buffer

18.—(1) Subject to subsection (4), a person must not, except with the approval of the Commissioner granted under section 20 and in

accordance with the terms and conditions of such approval, cut any tree or plant within a heritage road green buffer.

(2) A person who contravenes subsection (1) or damages any tree or plant within a heritage road green buffer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

(3) In determining the amount of fine to be imposed on a person convicted of an offence under subsection (2), 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.

(4) No approval mentioned in subsection (1) is required where —

- (a) the tree or plant is determined by the Commissioner as dying or dead; or
- (b) the condition of the tree or plant constitutes an immediate threat to life or property.

Heritage road green buffers not to be interfered with

19.—(1) Without affecting section 18, a person (other than the road authority) must not, except with the approval of the Commissioner granted under section 20 and in accordance with the terms and conditions of such approval —

- (a) alter, close up or remove any heritage road green buffer;
- (b) erect or place any structure or object in, above, across or under any heritage road green buffer; or
- (c) erect, construct or lay within any heritage road green buffer any fence, retaining wall, foundation, manhole, pipe, cable, mains or any obstruction or structure (whether temporary or permanent).

(2) A person who, without reasonable cause, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(3) The road authority must, before carrying out within a heritage road green buffer any work or activity in the performance of any

function or discharge of any duty conferred on the road authority by or under any written law, consult the Board in respect thereof.

Division 3 — Approvals, reinstatement notices and evidence

Application for approval to cut trees and plants, etc.

20.—(1) An application for an approval to carry out or cause the carrying out of any activity mentioned in section 14(1), 18(1) or 19(1) must be —

- (a) made to the Commissioner in such manner as may be prescribed; and
- (b) accompanied by such non-refundable application fee as may be prescribed.

[9/2017]

(2) An application for an approval to carry out or cause to be carried out any activity referred to in section 14(1) or 18(1) may be made by a person having such estate or interest in the premises on which the tree or plant is growing as would enable the person to cut the tree or plant.

(3) The Commissioner may require an applicant to provide the Commissioner with such further information or documents as the Commissioner considers necessary in relation to the application for approval.

(4) The Commissioner may, upon an application by any person for approval to carry out or cause to be carried out any activity referred to in section 14(1), 18(1) or 19(1) —

- (a) refuse to grant approval under this section; or
- (b) grant approval under this section unconditionally or subject to such conditions as the Commissioner thinks fit.

(5) The Commissioner may, at any time, by written notice revoke any approval granted under this section if he or she is satisfied —

- (a) that any information given in the application for the approval or any document submitted to the Commissioner in respect of the application is false in a material particular; or

(b) that the person has failed to comply with any condition imposed under subsection (4)(b).

(6) In determining whether to grant an approval under this section, the Commissioner may have regard to the following matters:

- (a) the visibility and contribution of the tree or plant in the surrounding landscape or streetscape;
- (b) the type and rarity of the species of tree or plant;
- (c) the number of trees or plants in the vicinity;
- (d) any heritage significance of the tree or plant;
- (e) whether the tree or plant may become dangerous or damage property or utility services;
- (f) soil conservation and erosion issues.

[9/2017]

Reinstatement notices as regards tree conservation areas, vacant lands and heritage road green buffers

21.—(1) Where it appears to the Commissioner that there has been a contravention of section 14(1) or (2), 18(1) or (2) or 19(1), the Commissioner may serve a reinstatement notice on all or any of the following persons:

- (a) any person who appears to the Commissioner to have been responsible for or have participated in anything done in contravention of any of those provisions; or
- (b) any occupier of the premises on which anything is done in contravention of any of those provisions.

[9/2017]

(2) A reinstatement notice under subsection (1) requires the person upon whom it is served to remedy (wholly or in part) the contravention or to remedy any injury or damage to any tree mentioned in section 14(1) or the heritage road green buffer mentioned in section 19(1) arising from that contravention and may, in particular, require that person —

- (a) to cease or refrain from, either wholly or to the extent specified in the notice, any activity on the premises concerned;
- (b) to replant or restore any tree cut or damaged in contravention of section 14(1) or (2), or, if such replanting or restoration is not reasonably practicable or is undesirable, to execute such works as the Commissioner may specify in the notice to alleviate the effect of the contravention, including planting other trees or plants and taking measures for their maintenance;
- (c) to alter, demolish or remove any property or material from the premises concerned, or any structure, object, fence, retaining wall, foundation, manhole, pipe, cable, mains or any obstruction or structure (whether temporary or permanent) that the person has erected or caused to be erected thereon in contravention of section 19(1);
- (d) to restore any part of the heritage road green buffer to its former state or, if such restoration is not reasonably practicable or is undesirable, to execute such works as the Commissioner may specify in the notice to alleviate the effect of the contravention of section 18(1) or (2) or 19(1) (as the case may be) including planting such trees or plants and taking measures for their maintenance; or
- (e) to take such other measures which the Commissioner reasonably considers necessary for the purposes of paragraph (a), (b), (c) or (d).

[9/2017]

(3) A reinstatement notice under this section must specify the date on which it is to take effect and the period (which runs from the date the reinstatement notice takes effect) within which any step required by the notice must be taken.

PART 5

PLANTING AREAS, PUBLIC OPEN SPACES
AND GREEN VERGES*Division 1 — Planting areas and streetscapes***Application**

22. Unless otherwise expressly provided, this Division applies only to premises on which any building works are or are to be carried out —

- (a) the building plans of which require the approval of the Commissioner of Building Control under the Building Control Act 1989; and
- (b) in respect of which planning permission is granted on or after 1 August 2005.

Planting areas

23.—(1) All premises mentioned in section 22 must have a planting area that conforms with the prescribed dimensions or those dimensions as modified under subsection (6).

[9/2017]

(2) Without prejudice to subsection (1), all premises mentioned in section 22, and such other premises as may be prescribed under subsection (3), must be provided with such other planting areas within the premises as the Minister may, by notification in the *Gazette*, prescribe under subsection (3).

(3) The Minister may, for the purpose of enhancing greenery and promoting the use of trees and plants as important elements of streetscapes and landscapes, by notification in the *Gazette*, prescribe different dimensions (including the location and site specifications) of planting areas for different classes or descriptions of premises, whether or not the premises are those mentioned in section 22.

(4) All planting areas must be made up in accordance with the specifications of the Commissioner.

(5) Every notification made under subsection (3) must be presented to Parliament as soon as possible after publication in the *Gazette*.

(6) The Commissioner may, in any particular case, modify or waive, subject to such terms and conditions as the Commissioner may impose, the prescribed dimensions of a planting area.

[9/2017]

Provision of planting areas

24.—(1) A person must not, except with the approval of the Commissioner granted under section 32 in respect of the planting areas to be made up within any premises mentioned in section 22, or within such other premises as may be prescribed under section 23(3), and in accordance with the terms and conditions of such approval, commence or carry out, or permit or authorise the commencement or carrying out of, any building works on those premises.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(3) If any works are carried out in contravention of subsection (1), or no planting area as required by section 23 is provided within any premises, the Commissioner may serve upon —

(a) any person who carried out, or caused or permitted the works to be so carried out; and

(b) the occupier of the premises,

an enforcement notice in writing requiring the person or the occupier (as the case may be) to make up such planting areas within those premises in such manner and according to such specifications and within such time as may be specified in the notice.

Occupier's duty to maintain planting areas

25.—(1) It is the duty of the occupier of the premises within which any planting area has been made up to maintain the planting area, either wholly or to the extent specified by the Commissioner in respect of that planting area, and in accordance with the specifications of the Commissioner.

(2) The Commissioner may, by a maintenance notice, require the occupier of the premises mentioned in subsection (1) to carry out such works to the planting area or any part of it as the Commissioner thinks fit to be carried out for the proper maintenance of the planting area and to take such other measures as may be specified in the notice.

(3) A maintenance notice under this section must specify the date on which it is to take effect and the period (which runs from the date the maintenance notice takes effect) within which any step required by the notice must be taken.

(4) In this section and section 26, “planting area” includes any area that has, before 1 August 2005, been set aside as a green buffer or peripheral planting strip pursuant to any requirement imposed by the competent authority under the Planning Act 1998.

Planting areas not to be interfered with

26.—(1) A person must not, except with the approval of the Commissioner granted under section 32 and in accordance with the terms and conditions of such approval —

- (a) alter, close up or remove any planting area in any premises;
- (b) erect or place any structure or object in, above, across or under any such planting area;
- (c) erect, construct or lay within any planting area in any premises any fence, retaining wall, foundation, manhole, pipe, cable, mains or any obstruction or structure (whether temporary or permanent); or
- (d) carry out any works within a planting area in any premises which deviate from any specifications issued or approved by the Commissioner under section 34.

(2) A person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(3) Where it appears to the Commissioner that there has been a contravention of subsection (1), he or she may serve a reinstatement notice on all or any of the following persons:

- (a) any person who appears to the Commissioner to have been responsible for or have participated in anything done in contravention of subsection (1); or
- (b) any occupier of the premises on which anything is done in contravention of subsection (1),

requiring the person to remedy (wholly or in part) the contravention.

(4) The reinstatement notice under subsection (3) may, in particular, require the person on whom it is served —

- (a) to cease or refrain from, either wholly or to the extent specified in the notice, any activity on the premises concerned;
- (b) to alter, demolish or remove any property or material from the premises concerned, or any structure, object, fence, retaining wall, foundation, manhole, pipe, cable, mains or any obstruction or structure (whether temporary or permanent) that the person has erected or caused to be erected thereon in contravention of subsection (1);
- (c) to restore any part of the planting area to its former state or, if such restoration is not reasonably practicable or is undesirable, to execute such works as the Commissioner may specify in the notice to alleviate the effect of the contravention of subsection (1), including planting such trees or plants and taking measures for their maintenance; or
- (d) to take such other measures which the Commissioner reasonably considers necessary for the purposes of paragraph (a), (b) or (c).

(5) A reinstatement notice under this section must specify the date on which it is to take effect and the period (which runs from the date the reinstatement notice takes effect) within which any step required by the notice must be taken.

Notice to plant or replant trees and plants, etc.

27.—(1) For the purpose of enhancing greenery and promoting the use of trees and plants as important elements of streetscapes and landscapes or otherwise enhancing the amenity of any area located along or on any premises (whether or not mentioned in section 22) fronting, adjoining or abutting any public street, the Commissioner may at any time serve on the occupier of those premises a notice requiring the occupier, within such period as may be specified in the notice, to do all or any of the following within the green margin of those premises:

- (a) to plant or replant any tree or plant of such size and species and at such places and provide for their maintenance and protection in such manner as may be specified;
- (b) to take such measures for the maintenance or conservation of any tree or plant growing on the green margin as may be specified;
- (c) to clear the green margin of weeds or cut the grass; or
- (d) to take such other measures which the Commissioner considers necessary for such purpose.

[9/2017]

(2) A person must not, at any time, cut or damage any tree or plant which has been planted pursuant to a notice under subsection (1).

(3) Subject to subsection (4), any person who, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000.

(4) Nothing in this section renders unlawful the cutting or damaging of any tree or plant by any person where the condition of the tree or plant constitutes an immediate threat to life or property.

(5) In this section, the green margin of any premises means that part of the premises (whether or not part of a planting area) that is fronting, adjoining or abutting the public street, which is of a width of not more than 5 metres measured from —

- (a) the boundary of those premises; or

(b) the boundary of the road reserve line (if any) encroaching upon those premises,
whichever is the narrower.

Division 2 — Open spaces set aside as public parks

Provision of open spaces as public parks

28.—(1) All premises on which any building works mentioned in section 22 are to be carried out must also have such open spaces to be used as public parks (if any) pursuant to any development proposal or plan approved by the competent authority.

(2) It is the duty of the occupier of the premises mentioned in section 22 who carries out or causes to be carried out any building works mentioned in that section to make up every open space mentioned in subsection (1) in accordance with the specifications of the Commissioner.

(3) Where it appears to the Commissioner that there has been a contravention of subsection (2), he or she may serve an enforcement notice on the occupier of the premises on which anything is done in contravention of that subsection.

(4) An enforcement notice under this section must specify the date on which it is to take effect and the period (which runs from the date the enforcement notice takes effect) within which any step required by the notice must be taken.

Vesting of open space set aside as public park in Government

29.—(1) Where any open space has been set aside for use or is being used as a public park pursuant to any development proposal or plan approved by the competent authority, the Commissioner may, by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds (as the case may be), declare that the open space vests in the Government.

(2) Any plan prepared by the Commissioner under subsection (1) must comply with the requirements of the Land Titles Act 1993 in respect of registered land and of the Registration of Deeds Act 1988 in respect of other land and must show thereon the premises which will vest in the Government.

(3) Any declaration referred to in subsection (1) must be published in the *Gazette*.

(4) Where any premises that are to be vested in the Government under this section consist of premises included in separate lots already set aside as a public park, the declaration must be registered against those lots under the provisions of the Land Titles Act 1993 in respect of registered land and under the provisions of the Registration of Deeds Act 1988 in respect of other land.

(5) Where any premises that are to be vested in the Government under this section consist of premises included in an existing lot or lots, those premises forming the public park are to be excised from the existing lot or lots and the declaration must be registered in respect of the excised portions under the provisions of the Land Titles Act 1993 in respect of registered land and under the provisions of the Registration of Deeds Act 1988 in respect of other land.

(6) Upon the registration of a declaration made under subsection (1), the premises forming the public park vest in the Government free from all encumbrances and where the premises are held under a statutory land grant, such vesting is not to be deemed to create a subdivision within the meaning of the State Lands Act 1920.

(7) No compensation is payable for any premises that are vested in the Government under this section.

(8) When any premises are vested in the Government under this section, the Board may take possession of the premises and proceed to demolish and remove any building or portion of any building forming part thereof.

*Division 3 — Green verges***Provision of green verges of public streets**

30.—(1) A person (other than the road authority) must not, except with the approval of the Commissioner granted under section 32 in respect of the green verges to be made up and in accordance with the terms and conditions of such approval, commence or carry out, or permit or authorise the commencement or carrying out of any construction of —

- (a) any new public street; or
- (b) any street which is to be set aside for use as a public street pursuant to any development proposal or plan approved by the competent authority.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(3) Where it appears to the Commissioner that any construction works are carried out in contravention of subsection (1), or no green verges are made up in respect of those construction works, he or she may serve upon —

- (a) any person who appears to the Commissioner to have been responsible for or have participated in anything done in contravention of subsection (1); or
- (b) any occupier of the premises on which anything is done in contravention thereof,

an enforcement notice in writing requiring the person or the occupier to make up such green verges in such manner and according to such specifications and within such time as may be specified in the notice.

(4) The road authority must, before commencing or carrying out, or permitting or authorising the commencement or carrying out of any construction works mentioned in subsection (1) in the performance of any function or discharge of any duty conferred on the road authority by or under any written law, consult the Commissioner in respect thereof.

(5) Nothing in this section requires an application for approval under section 32 in respect of any construction works mentioned in subsection (1) for which the relevant approval has been obtained from the Board before 1 August 2005.

(6) For the purposes of this section, the construction of a new public street is deemed to include —

- (a) the continuation of an existing public street;
- (b) the widening or alteration of any existing public street; and
- (c) the adapting of a public street made for foot traffic only for carriage traffic or vice versa.

Street works affecting green verges

31.—(1) A person (other than the road authority) must not, except with the approval of the Commissioner granted under section 32 in respect of street works carried out under this subsection and in accordance with the terms and conditions of such approval, commence or carry out, or permit or authorise the commencement or carrying out of, any street works on or within the vicinity of —

- (a) any public street; or
- (b) any street which is to be declared a public street under section 26 of the Street Works Act 1995,

which may affect any green verge along that street.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(3) Where it appears to the Commissioner that there has been a contravention of subsection (1), he or she may serve a reinstatement notice on any person who appears to the Commissioner to have been responsible for or have participated in anything done in contravention of that subsection requiring the person to remedy (wholly or in part) the contravention.

(4) The reinstatement notice under subsection (3) may, in particular, require the person on whom it is served —

- (a) to cease or refrain from, either wholly or to the extent specified in the notice, any activity on the premises concerned;
- (b) to alter, demolish or remove any property or material from the green verge concerned, or any structure, object, fence, retaining wall, foundation, manhole, pipe, cable, mains or any obstruction or structure (whether temporary or permanent) that the person has erected or caused to be erected thereon in contravention of subsection (1);
- (c) to restore any part of the green verge to its former state or, if such restoration is not reasonably practicable or is undesirable, to execute such works as the Commissioner may specify in the notice to alleviate the effect of the contravention of subsection (1), including planting such trees or plants and taking measures for their maintenance; or
- (d) to take such other measures which the Commissioner reasonably considers necessary for the purposes of paragraph (a), (b) or (c).

(5) A reinstatement notice under this section must specify the date on which it is to take effect and the period (which runs from the date the reinstatement notice takes effect) within which any step required by the notice must be taken.

(6) The road authority must, before commencing or carrying out, or permitting or authorising the commencement or carrying out of any street works referred to in subsection (1) in the performance of any function or discharge of any duty conferred on the road authority by or under any written law, consult the Commissioner in respect thereof.

(7) Nothing in this section requires an application for approval under section 32 in respect of any street works mentioned in subsection (1) for which the relevant approval has been obtained from the Board before 1 August 2005.

Division 4 — Specifications and approvals

Approvals required

32.—(1) Subject to the provisions of this Act, every application for an approval for the purposes of section 24, 26, 30 or 31 must be —

- (a) made to the Commissioner in such form and manner as the Commissioner may require;
- (b) accompanied by such plans of the works to which the application relates, and such other documents, as the Commissioner may require; and
- (c) accompanied by such non-refundable application fee as may be prescribed.

[9/2017]

(2) The Commissioner may require the plans mentioned in subsection (1)(b) —

- (a) to be made or certified by a qualified person appointed by the person for whom the works are or are to be carried out; and
- (b) to show such details or specifications as the Commissioner may determine.

(3) Upon receipt of an application mentioned in subsection (1) in respect of any works, the Commissioner may, subject to subsection (4) —

- (a) refuse to grant approval; or

(b) grant approval unconditionally or subject to such conditions as the Commissioner thinks fit.

(4) The Commissioner must not grant any approval under section 30(1) unless —

(a) the competent authority has first given written permission under the provisions of the Planning Act 1998 for the use of the land for the construction of a street mentioned in section 30(1); or

(b) the use of the land for the construction of a street mentioned in section 30(1) has been authorised under section 21(6) of the Planning Act 1998.

(5) Where the plans mentioned in subsection (1)(b) are certified by a qualified person, the Commissioner may, on the basis of such certification and without checking those plans, issue an approval in respect of the works, except that nothing prohibits or prevents the Commissioner from carrying out random checks on any of the plans mentioned in subsection (1)(b) before approving the works.

(6) Where an approval has been granted under subsection (3) in respect of plans submitted under subsection (1)(b) and the applicant intends to depart or deviate from the plans approved, the applicant must apply to the Commissioner for his or her approval of the plans showing the proposed departure or deviation, and subsections (2) to (5) apply, with the necessary modifications, to an application for an approval under this subsection.

(7) Any approval granted in respect of any works under this section lapses upon the earlier of the following events:

(a) in a case where a written permission has been granted by the competent authority under the Planning Act 1998 in respect of works, if the written permission lapses pursuant to section 20 of that Act;

(b) if the works are not commenced within the period specified in the approval.

[9/2017]

(8) The Commissioner may, at any time, by written notice revoke any approval granted under subsection (3) if he or she is satisfied —

- (a) that any information given in the application for the approval or any document submitted to the Commissioner in respect of the application is false in a material particular; or
- (b) that the person has failed to comply with any condition imposed by the Commissioner under subsection (3).

Compliance certificates

33.—(1) Where any works in respect of which an approval has been granted under section 32 have been completed, the person to whom the approval was granted must apply for a compliance certificate in such form and manner as the Commissioner may require.

(2) If the Commissioner is satisfied that the works in respect of which an approval has been granted under section 32 have been completed in accordance with the plans for those works mentioned in section 32(1)(b) and any condition imposed by the Commissioner under section 32(3), the Commissioner may grant a compliance certificate unconditionally or subject to such conditions as he or she thinks fit.

(3) Where the Commissioner has revoked any approval under section 32(8), any compliance certificate granted in respect of the works is automatically revoked.

Specifications

34.—(1) The Commissioner may issue or approve and from time to time review and revise specifications for planting areas, green verges and open spaces to be used as public parks.

(2) If any provision in any specifications issued or approved by the Commissioner under subsection (1) is inconsistent with any regulations made under this Act, such provision, to the extent of the inconsistency, either has effect subject to such regulations or, where appropriate, having regard to such regulations, does not have effect.

Duties of qualified person

35.—(1) Every qualified person mentioned in section 32(2)(a) must —

- (a) take all reasonable steps and exercise due diligence in supervising and inspecting the works to ensure that those works are carried out in accordance with this Act and with the plans submitted under section 32 and with all conditions imposed by the Commissioner under that section; and
- (b) notify the Commissioner of any contravention of the provisions of this Act pertaining to the works.

(2) Any qualified person who contravenes any of the requirements of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(3) In any prosecution against a qualified person for an offence under subsection (1)(b), it is a defence for the qualified person to prove to the satisfaction of the court that he or she did not know or could not reasonably have discovered the contravention referred to in the charge.

Liabilities related to plans, certificates and documents

36.—(1) Any person for whom any works are carried out, or any person who in carrying out the works deviates, or permits or authorises any planting area, open space or green verge to deviate, in any material way from any plans approved by the Commissioner under section 32 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(2) Any person who —

- (a) being required by this Act to make or produce to the Commissioner any plan or document;

- (b) for the purpose of obtaining any certificate or approval from the Commissioner under this Act; or
 - (c) for the purpose of establishing any fact relevant to the administration of this Act,
- makes or produces any plan or document which —
- (d) is false in a material particular;
 - (e) has not been made by the person by whom it purports to have been made; or
 - (f) has been in any way altered or tampered with,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000.

PART 6

PREVENTION OF DANGERS

Trees and plants obstructing traffic

37. Where the Commissioner is satisfied that any tree or plant, whether or not dead or dying, on any premises adjoining a street, railway or rapid transit system or any part thereof —

- (a) is likely, by falling or otherwise, to obstruct the traffic on the street, railway or rapid transit system or endanger the lives or property of travellers thereon; or
 - (b) is obstructing or is likely, in any way, to obstruct the view of —
 - (i) any motorist on the street; or
 - (ii) any operator of the railway or rapid transit system,
- the Commissioner may serve an enforcement notice requiring the occupier of the premises to take such measures (including cutting the tree or plant or any part of it) as the Commissioner thinks fit within the time specified in the notice.

Power to enter and inspect premises for dangerous trees

37A.—(1) The Commissioner or an authorised officer may, at any reasonable time, enter any premises to inspect any tree or plant in order to ascertain if the condition of the tree or plant, whether or not dead or dying, constitutes a danger to any person or property.

[9/2017]

(2) Where the Commissioner or authorised officer is satisfied that the condition of any tree or plant on the premises inspected under subsection (1) constitutes a danger to any person or property, the Commissioner or authorised officer may by a maintenance notice require the occupier of the premises —

- (a) to maintain the tree or plant; or
- (b) to take such other measures as may be specified in the notice to abate the danger.

[9/2017]

(3) A maintenance notice issued under subsection (2) must specify the date on which the notice takes effect, and the period (beginning on the date the notice takes effect) within which any step required by the notice must be taken.

[9/2017]

Imminently dangerous trees or plants

38.—(1) Where the Commissioner is satisfied that —

- (a) the condition of any tree or plant, whether or not dead or dying, on any premises constitutes an immediate threat to life or property; or
- (b) it is reasonably necessary to cut or damage a tree or plant, whether or not dead or dying, on any premises to protect human life or property from fire or for extinguishing or restricting the spread of fire,

the Commissioner may take such measures and do such works on those premises or other premises adjacent thereto as may be necessary to cut or damage the tree or plant or any part of it.

(2) All costs and expenses incurred by the Commissioner under subsection (1) constitute a debt due from the occupier of the premises

mentioned in that subsection to the Board, and may be recoverable in the manner provided for in this Act.

PART 7

POWERS OF ENFORCEMENT

Power to require information in respect of contraventions

39.—(1) Where it appears to the Commissioner or any authorised officer that there may have been a contravention of any provision of this Act, he or she may serve an information notice to require any person who appears to the Commissioner or authorised officer to be acquainted with the circumstances of the case to provide him or her, within such time as may be specified in the notice, with information relating to that case in the possession or within the knowledge of that person.

(2) An information notice under subsection (1) must be complied with by giving the required information in writing to the Commissioner or authorised officer, as the case may be.

(3) Any person who fails to comply with any notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and could not with reasonable diligence have ascertained, the information required in the information notice.

(5) If any person —

(a) makes any statement purporting to comply with a requirement of an information notice which the person 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,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Power of entry and to demand particulars of identity

40.—(1) The Commissioner or any authorised officer may, with such assistants and workmen as are necessary, at any reasonable time, enter upon any land for the purpose of —

- (a) ascertaining whether there is, or has been, on or in connection with the premises, a contravention of this Act;
- (b) ascertaining whether circumstances exist that would authorise the Commissioner to take any action or execute any works under this Act; or
- (c) taking any action or carrying out any works, authorised or required by this Act.

(2) The Commissioner or any authorised officer may take or cause to be taken any photograph of the premises and any property or material found thereon and such other steps as he or she may consider necessary without involving any search or seizure of any premises, thing or person.

(3) The occupier of any premises must, if required by the Commissioner or any authorised officer, as the case may be —

- (a) give his or her name and address;
- (b) provide proof of his or her identity; and
- (c) give the name and address of the owner of the premises, if known.

(4) Any person who —

- (a) wilfully obstructs the Commissioner or any authorised officer in the performance of any matter or thing which the Commissioner or authorised officer is authorised to do by this section; or

- (b) upon being required by the Commissioner or any authorised officer to give his or her name and address or to provide any particulars under subsection (3), refuses to do so or wilfully misstates his or her name or address or provides false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Power to demand evidence of identity and power of arrest in certain circumstances

41.—(1) The Commissioner, an authorised officer or a police officer may require any person who has committed, or whom the Commissioner, authorised officer or police officer (as the case may be) reasonably suspects of having committed, an offence under this Act to provide such evidence of the person's identity as may be required by the Commissioner, authorised officer or police officer (as the case may be).

[9/2017]

(2) Any person who —

- (a) refuses to provide the information required of the person under subsection (1); or
- (b) provides, in connection with a requirement under subsection (1), information that is false or misleading in a material particular, knowing or reckless as to whether it is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[9/2017]

(3) The Commissioner, an authorised officer or a police officer may arrest, without warrant, any person who has committed or who is reasonably suspected to have committed an offence under subsection (2).

[9/2017]

(4) A park ranger may exercise the powers under subsections (1) and (3) in respect of any person who has committed or whom the park ranger reasonably suspects of having committed an offence under this Act within the national park, nature reserve or public park specified in the authorisation for the park ranger under section 4(7).

[9/2017]

(5) The Commissioner, authorised officer, police officer or park ranger making an arrest under subsection (3) must not restrain the person arrested more than is necessary to prevent the person's escape.

[9/2017]

(6) A person arrested under this section may be detained until his or her name and address are correctly ascertained except that no person so arrested may be detained longer than is permitted by written law and is necessary for bringing him or her before a court unless the order of a court for his or her detention is obtained.

Power to investigate offences under Act

41A.—(1) For the purpose of investigating any offence under this Act, the Commissioner or an authorised officer may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of the case; and
- (b) by written order require any person within the limits of Singapore, who appears to be acquainted with the facts and circumstances of the case, to attend before the Commissioner or authorised officer.

[9/2017]

(2) The person mentioned in subsection (1)(a) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

[9/2017]

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing;

- (b) be read over to the person;
 - (c) if the person does not understand English, be interpreted in a language that the person understands; and
 - (d) after correction (if necessary), be signed by the person.
- [9/2017]*

(4) If any person fails to attend before the Commissioner or an authorised officer as required by an order under subsection (1)(b), the Commissioner or authorised officer may report such failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.

[9/2017]

Enforcement powers in national parks, nature reserves and public parks

42.—(1) The Commissioner, an authorised officer, a park ranger or a police officer may, without warrant, arrest any person within any national park, nature reserve or public park if that person, in contravention of this Act, fails or refuses to leave the national park, nature reserve or public park (as the case may be), or any part thereof, after being requested by the Commissioner, authorised officer, park ranger or police officer to do so.

(2) If the Commissioner, an authorised officer, a park ranger or a police officer has reason to believe that any offence has been committed under this Act within any national park, nature reserve or public park, he or she may inspect and search any baggage, equipment, package, container, tent, vehicle, boat, craft or place and seize any thing therein which he or she requires as evidence that any such offence has been committed.

(3) The Commissioner, an authorised officer, a park ranger or a police officer may remove from any national park, nature reserve or public park any vehicle, boat or thing brought into or left in the national park, nature reserve or public park or any part thereof in contravention of this Act or which is likely to cause danger or obstruction.

PART 8**OFFENCES, PENALTIES AND PROCEEDINGS****Penalty for obstructing Commissioner, etc.**

43. Any person who —

- (a) hinders or obstructs the Commissioner, an authorised officer or a park ranger in the performance or execution of his or her duty or of any thing which he or she is empowered or required to do under this Act; or
- (b) interferes with any works authorised to be done by the Commissioner or any authorised officer or park ranger 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.

Parking of vehicles on green verges and turfed open spaces prohibited

44.—(1) Any person who, without reasonable excuse, parks a vehicle on any green verge or any turfed open space which is managed or maintained by the Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) In this section, “park” means to bring a vehicle to a stationary position or to cause it to wait for any purpose.

Liability of owner, etc., of vehicle for offence committed

45.—(1) When an offence under this Act is committed in relation to a vehicle, the person who at the time of the commission of the offence is the owner of the vehicle or, in the case of a deregistered vehicle, is the person who immediately prior to the deregistration was registered as the owner of the vehicle in respect of which the offence is committed shall be guilty of the offence in all respects as if the person were the actual offender guilty of the offence unless the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section affects the liability of the actual offender but, where a penalty has been imposed on or recovered from a person in relation to an offence, no further penalty may be imposed on or recovered from any other person in relation thereto.

(3) Despite subsection (1), no owner of a vehicle shall, by virtue of this section, be guilty of an offence if the owner —

- (a) within 14 days after service on the owner of a notice alleging that the owner has been guilty of an offence, provides by a statement in writing to the Commissioner stating truthfully the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence concerned; or
- (b) satisfies the court that the owner did not know and would not with reasonable diligence have ascertained such name and address.

(4) A statement made under subsection (3) if produced in any proceedings against the person named therein in respect of the offence concerned is sufficient evidence that such person was in charge of the vehicle at all relevant times relating to such offence unless evidence to the contrary is adduced.

Default in compliance with notice or condition

46.—(1) Any person who, without reasonable excuse —

- (a) fails to comply with the requirements of any of the following notices served on the person:
 - (i) a tree conservation notice under section 15(1);
 - (ii) a reinstatement notice under section 11(1), 21(1), 26(3) or 31(3);
 - (iii) an enforcement notice under section 24(3), 28(3), 30(3) or 37;
 - (iv) a maintenance notice under section 25(2) or 37A(2);
or
 - (v) a notice to plant or replant under section 27(1); or

- (b) contravenes any condition of approval imposed by the Commissioner under section 12, 20 or 32,

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.

[9/2017]

(2) In any proceedings against a person for an offence under subsection (1), it is a defence for that person charged to prove to the satisfaction of the court that that person has used all due diligence to comply with the notice or condition of approval imposed.

(3) The cost of any measures or works carried out in accordance with any notice mentioned in subsection (1)(a) is to be borne by the person on whom the notice is served.

(4) If any notice or condition of approval mentioned in subsection (1) is not complied with to the satisfaction of the Commissioner, the Commissioner may at any time enter the premises concerned and carry out or cause to be carried out all or any of the steps which are in his or her opinion necessary to secure compliance with the notice or condition of approval (as the case may be), including cutting or removing any tree, or removing, detaining and disposing of any property or materials on the premises.

(5) All costs and expenses reasonably incurred by the Commissioner in exercise of the powers conferred by subsection (4) constitute a debt due from any person in default of the notice or condition of approval mentioned in subsection (1), and may be recoverable in the manner provided for in this Act.

(6) Where —

- (a) any land has 2 or more occupiers; and
- (b) any measures have been taken or works have been executed by the Commissioner under this Act pursuant to any contravention of the notice or condition of approval mentioned in subsection (1),

the occupiers shall be liable jointly for the whole costs and expenses incurred by the Commissioner, and those costs and expenses must be

apportioned in such manner as appears to the Commissioner to be reasonable.

(7) The certificate of the Commissioner stating the amount of the costs and expenses so incurred in exercise of the powers conferred by subsection (4) is conclusive evidence of that amount.

(8) Any person to whom a notice has been issued as an occupier of the premises must, if the person is not the occupier of the premises in respect of which the notice has been issued, within 7 days from the date on which the notice was served on him or her, inform the Commissioner in writing that he or she is not the occupier.

(9) Any person who fails to comply with subsection (8) is, unless he or she proves to the satisfaction of the court before which the question of liability to pay the costs and expenses is determined under section 48, deemed, for the purpose of recovering such costs and expenses, to be the occupier of the premises in respect of which the notice was issued.

(10) Where, in any case referred to in subsection (9), the court is satisfied that the person in default has shown sufficient cause for his or her default in not complying with any notice mentioned in subsection (1), the costs and expenses incurred by the Commissioner in exercise of the powers conferred by subsection (4) may, even though the notice has not been issued to the occupier of the premises, be recoverable by the Board from the occupier in the manner provided for in this Act.

Recovery of costs

47.—(1) Where in any court proceedings against any person for an offence under this Act which relates to any damaged or destroyed property which is —

- (a) owned by the Government or the Board;
- (b) maintained or managed by the Board; or

- (c) under the management or control of the Commissioner under this Act,

the court before which the person is convicted of the offence may, in addition to passing any sentence for that offence, make an order requiring that person to pay to the Government or the Board (as the case may be) a sum of money to be fixed by the court which, in the opinion of the court, represents the value (including any intrinsic value) of the damaged or destroyed property.

(2) The court may, in its discretion, allow time for the payment of the sum of money under subsection (1) and grant extension of the time so allowed, or direct payment of that sum to be made by instalments.

Compensation, damages, fees, costs and expenses to be determined by Magistrate's Court or District Court

48.—(1) Except as otherwise provided, in all cases where compensation, damages, fees, costs or expenses are provided under this Act to be paid, the amount and (if necessary) the apportionment of the amount and any question of liability are, in case of dispute, or failure to pay, to be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court.

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

(3) An appeal lies to the General Division of the High Court from any decision of a Magistrate's Court or a District Court under this section, and the provisions of the Criminal Procedure Code 2010 apply, with the necessary modifications, to all such appeals.

[40/2019]

Offences by bodies corporate, etc.

49.—(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 act or default 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 the member 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 act or default 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 act or default on the part of such an officer or a 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 —

“officer” —

- (a) in relation to a body corporate, means any director, 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; and
- (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 the president, secretary or member of the 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, by regulations made under this section, provide for the application of any provision of this section, with such modifications as 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

50. 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

51.—(1) The Commissioner may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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

(b) \$5,000.

[9/2017]

(2) Despite the payment of the composition amount under subsection (1), any compensation, damages, fees, costs or expenses which are provided to be paid under this Act remain payable.

(3) On payment of the composition amount under subsection (1), no further proceedings are to be taken against that person in respect of the offence.

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

[9/2017]

Prosecutions

52. Proceedings in respect of any offence under this Act may, with the authorisation of the Public Prosecutor, be conducted by any police officer or authorised officer authorised in writing in that behalf by the Commissioner.

[15/2010]

Evidence

53.—(1) Subject to this section, the contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act are, until the contrary is proved, presumed to be correct.

(2) In any proceedings instituted for the carrying out of any works in contravention of the provisions of this Act, the occupier of the premises at the time the works were carried out is presumed, until the contrary is proved, to be the person carrying out the works.

(3) Where any information in respect of any works or any matter relating to or for the purposes of this Act is provided by electronic means, the production of any document under the hand of the officer responsible for providing such information purporting to be a hard copy transcript of all or any such information is, in all courts and in all proceedings, sufficient evidence of the information provided electronically and all courts in all proceedings are to take judicial notice of the signature of the officer.

Presumptions and defences

54.—(1) Where it is proved that a tree or plant was cut or damaged in contravention of section 14(1) or (2), 18(1) or (2) or 27(2), it is presumed, until the contrary is proved —

- (a) that the occupier of the premises on which the tree or plant was growing; or
- (b) where any building works were being carried out in that part of the premises where the tree or plant was growing at or about the time that the tree or plant was cut or damaged, that —
 - (i) the person who was carrying out the works at the time;
 - (ii) the employer of the person mentioned in sub-paragraph (i) at the time of the offence; and
 - (iii) the qualified person or other person who instructed or caused or permitted the person mentioned in sub-paragraph (i) to cut or damage that tree or plant,

had cut or damaged the tree or plant.

(2) In any proceedings for an offence under section 14(2), 18(2) or 27(3) against any person referred to in subsection (1)(b)(ii) or (iii), it is a defence for that person charged to prove to the satisfaction of the court —

- (a) that the offence was committed without his or her consent or connivance; and
- (b) that he or she had exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised having regard to the nature of his or her responsibilities as an employer or a qualified person or such other person and to all the circumstances.

PART 9
GENERAL

Act not to affect liability in tort of occupier

55. Nothing in this Act affects the liability in tort of an occupier for any injury or damage caused to any person or property arising from any tree or plant growing on his or her land.

Appeal to Minister

56.—(1) Any person who is aggrieved by —

- (a) a tree conservation notice under section 15(1);
- (b) a reinstatement notice under section 11(1), 21(1), 26(3) or 31(3);
- (c) an enforcement notice under section 24(3), 28(3), 30(3) or 37;
- (d) a maintenance notice under section 25(2) or 37A(2);
- (e) a notice to plant or replant under section 27(1); or
- (f) a decision of the Commissioner in refusing to grant an approval under section 12, 20 or 32,

may, within 14 days from the date of service of the notice, or the date the person is notified of the Commissioner's decision, appeal to the Minister in the prescribed form and manner.

[9/2017]

(2) Despite any appeal made under subsection (1), the notice or decision appealed against takes effect and must be complied with unless otherwise ordered by the Minister.

(3) The Minister may, after considering the appeal, dismiss or allow the appeal, unconditionally or subject to such conditions as he or she thinks fit, and the notice or decision is confirmed, rescinded or varied in such manner as the Minister may decide.

(4) The Minister may, in considering an appeal under this section, give the appellant an opportunity to make representations in writing.

(5) The decision of the Minister in any appeal under this section is final.

Payment to Board of fees, charges, etc.

57. Except as provided for in section 51(4), all fees, charges and any other moneys collected under this Act must be paid to the Board.
[9/2017]

Exemption

58.—(1) The Minister may, by order in the *Gazette*, with or without conditions, exempt any class or description of person, thing, premises or works from any of the provisions of this Act.

(2) If an exemption is granted under this section with conditions, the exemption operates only if the conditions are complied with.

Service of documents

59.—(1) Any notice or document required or authorised by this Act to be served on any person, and any summons issued by a court against any person in connection with any offence under this Act 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 usual or last known place of residence;
- (b) by leaving it at the person's usual or last known place of residence or business in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at the person's usual or last known place of residence or 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, document or summons 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, document or summons (as the case may be) would in the ordinary course of post be delivered and, in proving service of the notice, document or summons, it is sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

(3) Any notice or document required or authorised by this Act to be served on the owner or occupier of any premises or any summons issued by a court against any such owner or occupier in connection with any offence under this Act 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, document or summons to some conspicuous part of the premises.

(4) Any notice or document required or authorised by this Act to be served on the owner or occupier of any premises or any summons issued by a court against any such owner or occupier in connection with any offence under this Act is deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

(5) Despite subsection (1), a notice required or authorised by this Act to be served on the owner of any vehicle may be served by addressing the notice to the owner of that vehicle without stating the owner's name or address and may also be served personally or by affixing the notice to the vehicle.

Use of electronic service for making applications in connection with building works

59A.—(1) The Commissioner may permit an application to him or her under this Act, for any matter connected with any building works, to be made through the electronic service described in section 42AA of the Building Control Act 1989.

(2) Where a person uses the electronic service mentioned in subsection (1) to make an application to the Commissioner, the Commissioner may serve on the person any acknowledgment,

approval, certificate, direction, notice, permit or other document in connection with the application, by sending it to the person's account with the electronic service.

(3) Service of a document on a person under subsection (2) takes effect at the time when an electronic record of the document reaches the person's account with the electronic service.

(4) This section applies despite anything to the contrary in this Act.

(5) In this section, "electronic record" has the meaning given by section 2(1) of the Electronic Transactions Act 2010.

[Act 23 of 2023 wef 18/12/2023]

Inaccuracies in document

60.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act in any way affects the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act are invalid for want of form.

Protection from liability

61.—(1) No suit or other legal proceedings shall lie personally against the Commissioner, an authorised officer or a park ranger for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) Nothing in this Act makes it obligatory for the Commissioner or any authorised officer —

(a) to inspect any works or the site of any proposed works to ascertain —

(i) whether the provisions of this Act are complied with;
or

(ii) whether any plans or other documents submitted to him or her are accurate;

- (b) to issue any notice under this Act; or
- (c) to take any action or carry out any works authorised under this Act.

Amendment of Schedule

62.—(1) The Minister may, after consulting the Board, by order in the *Gazette*, amend, add to, vary or revoke the whole or any part of the Schedule.

(2) Every order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations

63.—(1) The Board may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act.

(2) Without limiting subsection (1), the Board may, with the approval of the Minister, make regulations for or with respect to all or any of the following matters:

- (a) in relation to the management and control of national parks, nature reserves and public parks —
 - (i) the preservation of order and the prevention of nuisance therein;
 - (ii) prescribing the days and times of admission thereto or to any part thereof;
 - (iii) the conservation and protection of plants, animals and other organisms and property;
 - (iv) the admission of vehicles thereto and the regulation of traffic therein;
 - (v) the prohibition of any particular act therein;
 - (vi) prescribing the fees payable in respect of admission thereto or to any part thereof;
 - (vii) prescribing the fees payable for the use of the premises or the facilities therein;

- (viii) prescribing for the forfeiture, sale or disposal of any vehicle, boat or thing removed under section 42 and the recovery of any expenses connected therewith;
- (b) the applications for approval under this Act, including the manner of such applications and the documents to be submitted;
- (c) the management of heritage road green buffers, including the prohibition and regulation of any particular act within the heritage road green buffers and the conservation and protection of trees and plants growing on heritage road green buffers;
- (d) prescribing that any act or omission in contravention of any regulations shall be an offence and prescribing penalties for such offences, which penalties must not exceed a fine of \$10,000;
- (e) prescribing the manner for measuring the dimensions of a planting area, and regulating and prescribing standards for the planting, aeration and maintenance of trees and plants within any planting areas, green verges and open spaces to be used as public parks;
- (f) the prescribing of fees and charges for the purposes of this Act; and
- (g) any other matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to any provision of this Act.

[9/2017]

Transitional provisions

- 64.—**(1) A person who, immediately before 1 August 2005, is —
- (a) the Commissioner of Parks and Recreation;
 - (b) an officer appointed by the Minister under section 3(2) of the repealed Act; or
 - (c) an officer authorised by the Minister under section 3(5) of the repealed Act,

continues to hold such office as if he or she were appointed under section 4(1) as the Commissioner, as an authorised officer under section 4(3) and as a park ranger under section 4(6) of this Act, respectively.

(2) Any permission, approval, decision, notice, summons, warrant, order or other document prepared, made, granted, issued by the Commissioner of Parks and Recreation under the repealed Act, so far as it is not inconsistent with the provisions of this Act, continues and is deemed to have been prepared, made, granted or issued under the corresponding provisions of this Act and except as otherwise expressly provided in this Act, continues to have effect accordingly.

(3) All acts done by or on behalf of the Commissioner of Parks and Recreation before 1 August 2005 under the repealed Act continue to remain valid and applicable as though done by the Commissioner under this Act, until such time as invalidated, revoked, cancelled or otherwise determined by the Commissioner.

(4) In any written law or document, a reference to the repealed Act is, insofar as it is necessary for preserving its effect, to be construed as a reference to this Act and a reference to the Commissioner of Parks and Recreation is to be construed as a reference to the Commissioner under this Act.

(5) Any subsidiary legislation made under the repealed Act and in force immediately before 1 August 2005, so far as it is not inconsistent with the provisions of this Act, continues in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

References in other written laws

65. Any reference in any written law to the National Parks Act (Cap. 198A, 1991 Revised Edition) is a reference to the National Parks Board Act 1996.

THE SCHEDULE

Sections 2, 7 and 62

AREAS DESIGNATED AS NATIONAL PARKS AND NATURE RESERVES

PART 1

NATIONAL PARKS

1. All those pieces of land situated in T.S. No. 25 known as the Singapore Botanic Gardens, described as follows:

<i>T.S. No.</i>	<i>Lot No.</i>	<i>Area (square metres)</i>
No. 25	01748N	522,892.70
	01643A	34.4
	01644K	305.8
	01640V	4,550.3
Total		527,783.2

The boundaries of these areas are more particularly delineated on Certified Plans Nos. 38578, 38579, 85149 and 38065 filed in the office of the Chief Surveyor.

2. All those pieces of land situated in T.S. No. 20 known as Fort Canning Park, described as follows:

<i>T.S. No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
No. 20	Part of 00501X	166,837.6
	00500N	11,768.4
	00551C	1,000
Total		179,606

The boundaries of these areas are more particularly delineated on Plan No. NP 5.9.1.9 (Fort Canning Park) filed in the Registry of the National Parks Board.

THE SCHEDULE — *continued*

PART 2

NATURE RESERVES

All those pieces of land situated in the Mukims of Sembawang, Mandai, Ulu Kalang, Bukit Timah and Toa Payoh, forming parts of the Public Utilities Board Catchment Area, known as the Central Catchment Nature Reserve, described as follows:

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
No. 13 Sembawang	Part of 04120X	339,879
	Part of 04121L	1,911,045
	Part of 04122C	409
	04123M	31,379
	04513P	52
	04518X	1,951
	04522L	16,587
	04524M	65,406
No. 14 Mandai	Part of 00187M	11,867,890
	Part of 00289C	1,832
	Part of 01253P	193
	Part of 01255A	85
	Part of 01256K	190
	Part of 99741N	25
	Part of 99871P	1,053
No. 15 Ulu Kalang	00028N	14,438
	00030K	22,877
	00031N	7,660
	Part of 00046X	284
	Part of 01370W	747
	01371V	550
	Part of 02505T	6,273,325

THE SCHEDULE — *continued*

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
	Part of 02506A	4,336,843
	99676T	14,679
	Part of 99686M	56,201
No. 16 Bukit Timah	Part of 01224N	387
	Part of 01226L	2,081
	Part of 01231M	1,532
	02041M	1,871,333
	Part of 02044P	12,561
No. 17 Toa Payoh	03797X	231
	03799C	19
	Part of 05941W	3,577,758
Total		30,431,482

The boundaries of these areas are more particularly delineated on Plan No. NP 5.9.1.9 (Central Catchment Nature Reserve) filed in the Registry of the National Parks Board.

2. All those pieces of land situated in Mukim No. 16, Bukit Timah, known as Bukit Timah Nature Reserve, described as follows:

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
No. 16 Bukit Timah	Part of 00087A	43,680
	00354A	7,595
	Part of 00357X	654,750
	01176P	365
	01636T	9,698
	Part of 01637A	244,306
	Part of 01916P	11,347
	Part of 02042W	357,229
	Part of 02044P	24,027

THE SCHEDULE — *continued*

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
	99501L	11,715
	Part of 99509K	137,107
	Part of 99531X	4,840
	Part of 99679X	43,222
	99762V	31
	Part of 99763P	76,530
Total		1,626,442

The boundaries of these areas are more particularly delineated on Plan No. NP 5.9.1.9 (Bukit Timah Nature Reserve) filed in the Registry of the National Parks Board.

3. All those pieces of land (including foreshore) situated in Mukim No. 3, Pasir Panjang, known as Labrador Nature Reserve, described as follows:

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
No. 3 Pasir Panjang	99995P	993
	99992M	1,553
	Part of 01019A	40,316
	Part of 01580X	49,135
	Part of 00492M	7,881
Total		99,878

The boundaries of these areas are more particularly delineated on Plan No. NP 5.9.1.9 (Labrador Nature Reserve) filed in the Registry of the National Parks Board.

4. All those pieces of land (including foreshore) situated in Mukim No. 12, Lim Chu Kang, known as Sungei Buloh Wetland Reserve, described as follows:

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
No. 12 Lim Chu Kang	00990N	117,088
	00020N	32,775

THE SCHEDULE — *continued*

<i>Mukim No.</i>	<i>Lot No.</i>	<i>Estimated Area (square metres)</i>
	01312V	20,049
	01311W	25,798
	01313P	39,865
	01314T	13,967
	01324M	33,646
	01325W	11,158
	01023X	2,818
	Part of 01255P	57,663
	Part of 00989L	156,177
	Part of 01310M	54,933
	Part of 01240V	512,050
	Part of 01590K	235,718
Total		1,313,705

The boundaries of these areas are more particularly delineated on Plan No. NP 5.9.1.9 (Sungei Buloh Wetland Reserve) filed in the Registry of the National Parks Board.

PART 3

MARINE PARK

The waters within the limits bounded by straight lines joining the following geographical positions (position in WGS84) (it is bounded by the coastline whenever the line meets the coastline):

- (a) (1) 1°13.715'N 103°50.373'E on the southern shore of Pulau Tekukor
- (2) 1°13.705'N 103°50.336'E
- (3) 1°13.845'N 103°50.178'E
- (4) 1°14.009'N 103°50.112'E
- (5) 1°14.066'N 103°50.150'E

THE SCHEDULE — *continued*

- (6) 1°13.983'N 103°50.193'E on the northern shore of Pulau Tekukor,
including the seaward side of Pulau Tekukor;
- (b) (1) 1°12.775'N 103°50.220'E
(2) 1°12.714'N 103°50.170'E
(3) 1°12.694'N 103°50.028'E
(4) 1°12.728'N 103°49.959'E
(5) 1°12.937'N 103°49.821'E
(6) 1°13.049'N 103°49.878'E
(7) 1°13.068'N 103°49.919'E
(8) 1°13.040'N 103°50.013'E
(9) 1°12.959'N 103°50.078'E
(10) 1°12.924'N 103°50.164'E
(11) 1°12.881'N 103°50.182'E
(12) 1°12.842'N 103°50.198'E,
to the point of origin at (1), including Pulau Subar Darat and Pulau Subar Laut;
- (c) (1) 1°12.801'N 103°51.099'E on the southern shore of Pulau Sakijang Bendera
(2) 1°12.803'N 103°51.002'E
(3) 1°13.016'N 103°50.845'E
(4) 1°13.141'N 103°50.721'E
(5) 1°13.216'N 103°50.643'E
(6) 1°13.289'N 103°50.582'E
(7) 1°13.381'N 103°50.545'E
(8) 1°13.438'N 103°50.615'E
(9) 1°13.393'N 103°50.653'E on the northern shore of Pulau Sakijang Bendera,
including the seaward side of Pulau Sakijang Bendera.

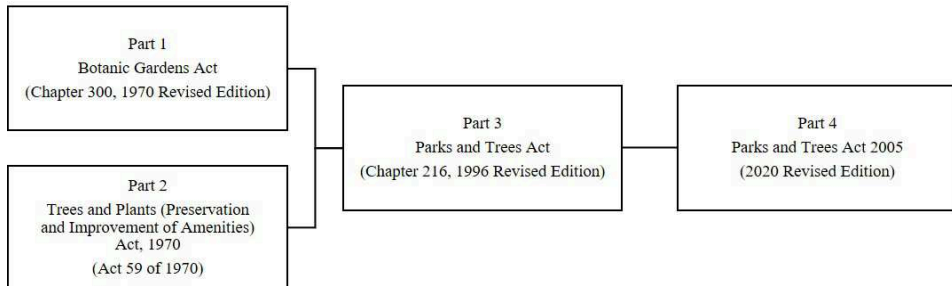
[9/2017]

LEGISLATIVE HISTORY

PARKS AND TREES ACT 2005

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

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 BOTANIC GARDENS ACT (CHAPTER 300, 1970 REVISED EDITION)

1. Ordinance 32 of 1957 — Botanic Gardens Ordinance, 1957

Bill	:	113/1957
First Reading	:	21 August 1957
Second Reading	:	11 September 1957
Notice of Amendments	:	11 September 1957
Third Reading	:	11 September 1957
Commencement	:	15 August 1958

Note: This Ordinance repealed the Raffles Societies Ordinance (Chapter 312, 1955 Revised Edition) so far as it relates to the Botanical Gardens.

2. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance, 1958

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	158/1958
First Reading	:	16 July 1958

Second Reading	:	13 August 1958
Notice of Amendments	:	10 September 1958
Third Reading	:	10 September 1958
Commencement	:	25 September 1958 (section 2 read with the Schedule)

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

Commencement	:	20 November 1959
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4. 1970 Revised Edition — Botanic Gardens Act (Chapter 300)

Operation	:	31 August 1971
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PART 2

TREES AND PLANTS (PRESERVATION AND IMPROVEMENT OF AMENITIES) ACT, 1970
(ACT 59 OF 1970)

5. Act 59 of 1970 — Trees and Plants (Preservation and Improvement of Amenities) Act, 1970

Bill	:	48/1970
First Reading	:	4 November 1970
Second and Third Readings	:	30 December 1970
Commencement	:	12 February 1971

PART 3

PARKS AND TREES ACT
(CHAPTER 216, 1996 REVISED EDITION)

6. Act 14 of 1975 — Parks and Trees Act, 1975

Bill	:	18/1975
First Reading	:	17 March 1975
Second and Third Readings	:	27 March 1975
Commencement	:	15 May 1975

7. Act 27 of 1982 — Parks and Trees (Amendment) Act, 1982

Bill	:	18/1982
First Reading	:	27 July 1982

Second and Third Readings : 31 August 1982
 Commencement : 5 November 1982

8. 1985 Revised Edition — Parks and Trees Act (Chapter 216)

Operation : 30 March 1987

9. Act 12 of 1987 — Parks and Trees (Amendment) Act 1987

Bill : 3/1987
 First Reading : 4 March 1987
 Second and Third Readings : 26 March 1987
 Commencement : 1 May 1987

10. Act 10 of 1990 — National Parks Act 1990

(Amendments made by section 42(2) of the above Act)

Bill : 12/1990
 First Reading : 13 March 1990
 Second and Third Readings : 29 March 1990
 Commencement : 6 June 1990 (section 42(2))

11. 1991 Revised Edition — Parks and Trees Act (Chapter 216)

Operation : 1 March 1991

12. Act 25 of 1994 — Parks and Trees (Amendment) Act 1994

Bill : 32/1994
 First Reading : 31 October 1994
 Second and Third Readings : 5 December 1994
 Commencement : 29 January 1995

13. Act 22 of 1996 — National Parks Act 1996

(Amendments made by section 42 read with the Sixth Schedule to the above Act)

Bill : 13/1996
 First Reading : 2 May 1996
 Second and Third Readings : 21 May 1996
 Commencement : 1 July 1996 (section 42 read with the Sixth Schedule)

14. 1996 Revised Edition — Parks and Trees Act (Chapter 216)

Operation : 27 December 1996

PART 4
PARKS AND TREES ACT 2005
(2020 REVISED EDITION)

15. Act 4 of 2005 — Parks and Trees Act 2005

Bill : 55/2004
First Reading : 19 October 2004
Second and Third Readings : 25 January 2005
Commencement : 1 August 2005

16. 2006 Revised Edition — Parks and Trees Act (Chapter 216)

Operation : 31 July 2006

17. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 70 of the Sixth Schedule to the above Act)

Bill : 11/2010
First Reading : 26 April 2010
Second Reading : 18 May 2010
Third Reading : 19 May 2010
Commencement : 2 January 2011 (section 430 read with item 70 of the Sixth Schedule)

18. Act 9 of 2017 — Parks and Trees (Amendment) Act 2017

Bill : 4/2017
First Reading : 9 January 2017
Second and Third Readings : 7 February 2017
Commencement : 20 November 2017

19. Act 10 of 2019 — National Parks Board (Amendments) Act 2019

(Amendments made by section 14 of the above Act)

Bill : 4/2019
First Reading : 15 January 2019
Second and Third Readings : 12 February 2019

Commencement : 1 April 2019 (section 14)

20. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 109 of the Schedule to the above Act)

Bill : 32/2019
First Reading : 7 October 2019
Second Reading : 5 November 2019
Notice of Amendments : 5 November 2019
Third Reading : 5 November 2019
Commencement : 2 January 2021 (section 28(1) read with item 109 of the Schedule)

21. 2020 Revised Edition — Parks and Trees Act 2005

Operation : 31 December 2021

22. Act 23 of 2023 — Building and Related Works (Miscellaneous Amendments) Act 2023
(Amendments made by the above Act)

Bill : 19/2023
First Reading : 9 May 2023
Second and Third Readings : 4 July 2023
Commencement : 18 December 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
PARKS AND TREES ACT 2005

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2006 Ed.
4—(5)	4—(4A)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
41—(2)	41—(1A)
(3)	(1B)
(4)	(1C)
(5)	(1D)
(6)	(2)
—	42—(2) [<i>Deleted by Act 9 of 2017</i>]
42—(2)	(3)
(3)	(4)
[<i>Omitted as spent</i>]	64—(4)
[<i>Omitted as spent</i>]	(5)
[<i>Omitted as spent</i>]	(6)
64—(4)	(7)
[<i>Omitted as spent</i>]	(8)
[<i>Omitted as spent</i>]	(9)
(5)	(10)