



THE STATUTES OF THE REPUBLIC OF SINGAPORE

STATE LANDS ENCROACHMENTS ACT

(CHAPTER 315)

(Original Enactment: Ordinance 10 of 1883)

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State Lands Encroachments Act

ARRANGEMENT OF SECTIONS

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An Act to prevent encroachments upon State lands.

[2nd November 1883]

Short title

1. This Act may be cited as the State Lands Encroachments Act.

Information of encroachment

2. A Magistrate's Court, upon the sworn information of the Commissioner of Lands, or of any land revenue or other public

officer, charging any person with being in unlawful occupation of any State land, may issue a summons for the appearance before it of that person.

Removal of unlawful occupants

3.—(1) The Magistrate's Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any person against whom such information has been laid, then in his absence, to hear and determine the information.

(2) In any action commenced under section 2 for the removal of any person in unlawful occupation of State land, the defendant may within such time as may be prescribed by the Rules of the Supreme Court for the time being in force, apply to the High Court for the action to be transferred to the High Court on the ground that the defendant is claiming title to the land.

[23/74]

(3) On the hearing of any such application, the High Court, if it is satisfied that a bona fide claim of title is raised, may make an order for the action to be transferred to the High Court.

[23/74]

Warrant issuable by court for dispossession

4.—(1) The Magistrate's Court on being satisfied of the truth of the information shall issue a warrant addressed to the Commissioner of Police or to any police officer requiring him forthwith to dispossess and remove that person from the land, and on behalf of the State to take possession of the land, together with all crops growing thereon, and all buildings and other immovable property upon and affixed thereto, and all movable property found thereon.

[23/74]

(2) The person to whom the warrant is addressed shall forthwith carry it into execution.

(3) Such warrant shall not issue until a period of 48 hours has elapsed from the time of adjudication.

(4) The Government may forfeit any movable property which has been seized on the land pursuant to the execution of a warrant referred to in subsection (1) if such movable property has been seized after the

expiry of period of 28 days from the date of service of a written notice on the unlawful occupants of the land requiring them to vacate the land and warning them that if any movable property thereon is not so removed within 28 days of the date of service of the notice that property may be seized and forfeited to the Government.

[23/74]

(5) If the summons is dismissed, the Magistrate's Court may order payment by the Government to the party against whom it was issued of such sum as the Court considers to be the amount of costs fairly incurred.

Forms

5. The information, summons and warrant respectively referred to in sections 2 and 4 may be in the forms A, B and C in the Schedule.

Demolition of unlawful buildings

6.—(1) A Magistrate's Court, upon the sworn information of the Commissioner of Lands, or of any land revenue or other public officer, that any building has been erected or constructed upon State land without lawful authority, shall issue a summons calling upon any person interested to show cause why an order should not be made declaring the building to be State property and authorising its demolition by or under the authority of the Commissioner of Lands, or any land revenue or other public officer.

(2) That summons shall forthwith be posted or affixed by a court officer to the building referred to in the summons or as near thereto as may be practicable and no other service of the summons shall be necessary.

(3) If no bona fide application to show cause as aforesaid is made to the Magistrate's Court issuing the summons by any person interested within 3 clear days of the date on which the summons is posted or affixed to the building, then the order shall be made by the Magistrate's Court and may be enforced forthwith.

(4) If an application to show cause as aforesaid and supported by affidavit showing the grounds of the application is made to the Magistrate's Court issuing the summons by a person interested within

the time provided by subsection (3), then the Magistrate's Court on being satisfied that the application is a bona fide one shall give notice of the application to the person swearing the information, shall fix a date for the hearing and determination of the information and shall give due notice thereof to the parties concerned.

(5) On the date so fixed for the hearing and determination of the information, the Magistrate's Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any of the parties, then in his or their absence, to hear and determine the information.

(6) The jurisdiction of that Court shall be taken away by a bona fide claim of title raised by a person interested at the hearing.

(7) In this section, "building" includes any structure whatsoever.

(8) The information and summons referred to in this section may be in the forms D and E in the Schedule.

Penalties for trespassing

7.—(1) Any person who —

- (a) unlawfully enters into possession of any State land, either by residing or by erecting any building or hut thereon or by clearing, enclosing or cultivating any part thereof;
- (b) unlawfully trespasses on State land by depositing, placing or throwing any article or thing whatsoever, or any waste, refuse or other thing, thereon; or
- (c) directly or indirectly abets the commission of such an act or trespass by another person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and a District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this subsection and, notwithstanding anything to the contrary in the Criminal Procedure Code [Cap. 68], shall have the power to impose the full penalty or punishment provided by this subsection.

[23/74]

- (2) Any person who —
- (a) unlawfully enters upon any State land and cuts timber or produce thereon; or
 - (b) directly or indirectly abets the commission of such an act by another person,

shall be liable for a first offence to a fine not exceeding \$200, and, for a second or subsequent offence, to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both, and a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this subsection.

(3) Where an offence under subsection (1) has been committed by a company or an association or body of persons, corporate or unincorporate, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other officer thereof or was purporting to act in such capacity shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

[23/74]

Recovery of expenses

8.—(1) The court before which any person is convicted of an offence under section 7 may order that person to pay, in addition to any fine which has been imposed for the offence, the value of any timber or other Government property cut down, destroyed or injured upon the land during any period of the unlawful occupation thereof by that person, and the expense of any survey which has become necessary for proving such unlawful occupation, or for ascertaining the extent thereof.

(2) For the purpose of ascertaining such value and expense, a certificate in writing under the hand of the Collector of Land Revenue shall be held, until the contrary is proved, to be proof that the sum therein set down is the true amount to be recovered from that person in respect of the value and expense.

(3) Any sum ordered to be paid under this section, whatever may be the amount thereof, may be recovered in the manner provided for the recovery of fines by the Criminal Procedure Code [Cap. 68].

Forfeiture of abandoned land to State

9. Subject to section 10, any land alienated or demised by or on behalf of the State which has been abandoned for 3 years or upwards by the person to whom it was alienated or demised or by any person claiming title through him, shall, notwithstanding that some person may be found in occupation thereof or of any part thereof, be forfeited to the State.

Procedure for resumption

10.—(1) When any land alienated or demised by or on behalf of the Crown or the State appears to the Collector of Land Revenue to have been so abandoned for 3 years or upwards, the Collector may, with the sanction of the Minister, declare by notice in the *Gazette* and by a notice in the English, Malay, Chinese and Tamil languages posted on the land, that, unless within 6 months a claim to the land or to any interest therein, whether by long possession or otherwise, is established to the satisfaction of the Collector, it shall be deemed to have been forfeited to the State.

(2) Unless within the term of 6 months so appointed a claim to the land or any interest therein is established as in the notice provided, the land shall be deemed accordingly to have been forfeited to the State, and any grant or lease affecting the land theretofore executed, and any deed purporting to deal with the same, or any part thereof, shall be void.

(3) Whenever any land is forfeited to the State under this section, a notification to that effect shall be published in the *Gazette* and shall be posted on the land or at the police station nearest thereto.

Limitation

11.—(1) Any land forfeited to the State under section 10 may be dealt with as seems expedient to the President.

(2) Such land shall be appraised without delay by some person or persons appointed for that purpose by the Minister, and the appraised value shall be recorded in the records of the Singapore Land Authority.

[17/2001 wef 01/06/2001]

(3) If, within 6 years from the forfeiture of the land, any person establishes a claim thereto or to any interest therein to the satisfaction of the President, he shall be entitled to receive out of the Consolidated Fund such sum, not exceeding the appraised value of that land so recorded, as the President directs.

State land not to be acquired by adverse possession

12. No State land shall be acquired by possession or unlawful occupation and the provisions of the Limitation Act [Cap. 163] shall not apply to any action brought by the Government for the recovery of State land.

[23/74]

Penalty for depasturing on State land

13. Any person who knowingly and wilfully depastures without authority in that behalf any horse or cattle on any State land, not being a common, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

[23/74]

Penalty for other trespasses on State land

14. Any person who is not authorised in that behalf cuts, digs or takes from any State land any live or dead timber, or other vegetable product, or any beeswax, guano, mineral, gravel, stone, coral, shell, sand, loam, brick-earth or other product, or cuts, removes or sells any timber or produce lying or being on State land or strips or removes bark from any tree in any State land, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[23/74]

15. *[Repealed by Act 15/2010]*

Forest rangers and penghulus

16.—(1) The Minister may appoint a sufficient number of persons to be forest rangers and penghulus, and may define the boundaries within which the forest rangers and penghulus shall exercise the functions herein assigned to them.

(2) Every such forest ranger or penghulu shall, during his continuance in office, do all acts for preventing intrusion, encroachment and trespass on State lands, or for levying or recovering the rent or the licence fee payable in respect thereof, or in respect of the rent of any land held under any grant or lease from the Government, or for taking and recovering possession of any allotment or lands in case of forfeiture, or for such other purpose as the Minister may prescribe.

Forest rangers and penghulus to give information

17.—(1) Any forest ranger or penghulu who wilfully or knowingly refuses or neglects to give every information within his knowledge or power immediately to the Commissioner of Lands, or to the Collector of Land Revenue, of any encroachment made by any person upon any State land, and situated in the district of that forest ranger or penghulu shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(2) Any forest ranger, penghulu or police officer who without lawful excuse neglects or refuses to do and perform any of the duties, matters and things imposed on him by this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Arrest without warrant

18. All forest rangers, penghulus and police officers within their respective jurisdictions are hereby required to arrest without warrant and take before a Magistrate any person whom they find committing any offence punishable under section 13 or 14.

THE SCHEDULE — *continued*

show cause why an order should not be made declaring the building, *viz.*: [description and situation] (to which or by which this summons is posted or affixed) to be State property and authorising its demolition by or under the authority of the Commissioner of Lands, or any Land Revenue or other public officer.

Dated the day of 19 .

Magistrate

This summons was posted or affixed on [or near to] the building referred to herein this day of 19 .

Process Server

In case any person interested fails to appear to answer this summons, upon proof of posting or affixing of the same, the information and complaint will be heard in his absence, and such order made as to the court shall seem fit.

LEGISLATIVE HISTORY
STATE LANDS ENCROACHMENTS ACT
(CHAPTER 315)

This Legislative History is provided for the convenience of users of the State Lands Encroachments Act. It is not part of the Act.

1. Ordinance 10 of 1883 — Crown Lands Encroachments Ordinance 1883

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

Date of commencement : 2 November 1883

2. Ordinance 8 of 1884 — Boundaries and Survey Maps Ordinance 1884

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

Date of commencement : 21 November 1884

3. Ordinance 10 of 1891 — Crown Lands Encroachments (Amendment) Ordinance 1884

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

Date of commencement : 21 November 1891

4. Ordinance 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance 1921

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

Date of commencement : 28 November 1921

5. 1936 Revised Edition — Crown Lands Encroachments Ordinance (Cap. 114)

Date of operation : 1 September 1936

6. Ordinance 41 of 1936 — Statute Laws (Revised Edition) Amendment Ordinance 1936

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

Date of commencement : 8 January 1937

7. Ordinance 28 of 1937 — Crown Lands Encroachments (Amendment) Ordinance 1937

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

Date of commencement : 26 November 1937

8. Ordinance 17 of 1953 — Crown Lands Encroachments (Amendment) Ordinance 1953

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

Date of commencement : 4 June 1953

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

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

Date of commencement : 30 April 1955

10. 1955 Revised Edition — Crown Lands Encroachments Ordinance (Cap. 245)

Date of operation : 1 May 1955

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

Date of commencement : 29 May 1959

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

Date of commencement : 20 November 1959

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

Date of commencement : 20 November 1959

14. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance 1959

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

Date of commencement : 20 November 1959

15. SP 47/1964 — Banking (Clearing House) (Amendment) Regulations 1964

Date of commencement : 1 April 1964

16. 1970 Revised Edition — State Lands Encroachments Act (Cap. 286)

Date of operation : 31 July 1971

17. Act 23 of 1974 — State Lands Encroachments (Amendment) Act 1974

Date of First Reading : 23 October 1974
(Bill No. 30/1974 published on
26 October 1974)

Date of Second and Third Reading : 6 November 1974

Date of commencement : 13 December 1974

18. 1985 Revised Edition — State Lands Encroachments Act (Cap. 315)

Date of operation : 30 March 1987

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

(Consequential amendments made to Act by)

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

Date of Second and Third Readings : 19 April 2001

Date of commencement : 1 June 2001

20. Act 15 of 2010 — Criminal Procedure Code 2010

(Consequential amendments made to Act by)

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011