



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SINGAPORE RAILWAY TRANSFER ORDINANCE

(CHAPTER 380)

(Original Enactment: Ordinance 22 of 1918)

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Singapore Railway Transfer Ordinance

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An Ordinance to vest in the Chief Secretary, Federation of Malaya, the Railway known as the Singapore Railway and to provide for the passage of railway traffic over the Johore Straits. This private Ordinance is reproduced in the form it appears in the 1955 Revised Edition.

[25th October 1918]

Whereas an agreement has been concluded between the Government of the Colony and the Government of the Federated Malay States for the transfer to the Government of the Federated Malay States of the railway known as the Singapore Railway, whereof the terminal stations are situated at Pasir Panjang and at Woodlands respectively:

Note:

And Whereas the Government of the Federated Malay States through the Crown Agents for the Colonies has by way of consideration for such transfer placed to the credit of the Government of the Colony securities valued at \$1,864,571.43 and paid to the credit of the Government of the Colony a sum equal to \$2,271,428.57, making in all a payment by the Government of the Federated Malay States to the Government of the Colony of \$4,136,000 in respect of the transfer of the said railway:

And Whereas it is expedient and the Government of the Federated Malay States is desirous that the said railway should be vested in the Chief Secretary to Government, Federated Malay States, as incorporated by the Chief Secretary to Government, Federated Malay States Ordinance [Cap. 74 (1936 Edition)]*.

It is hereby enacted by the Governor of the Straits Settlements with the advice and consent of the Legislative Council thereof as follows:

Short title

1. This Ordinance may be cited as the Singapore Railway Transfer Ordinance.

Vesting of the Singapore Railway in the Chief Secretary, Federation of Malaya

2. The railway known as the Singapore Railway whereof the terminal stations are situated at Pasir Panjang and at Woodlands, respectively, together with —

- (a) all lands delineated and coloured pink on a plan deposited in the Colonial Secretary's office dated the eighteenth day of March, 1913, and signed by R. H. Young, Chief Surveyor, and described thereon as "Singapore Railway Lands";
- (b) all lines of rail, bridges, sidings, fencing, retaining walls, stations, offices, residences, quarters, coolie-lines, warehouses, stores, engine sheds, carriage sheds, workshops, plant, machinery, telegraph and telephone

*Repealed and replaced by the Federal Lands Commissioner Ordinance 1957 (No. 44/57) of Malaysia. See also the Federal Lands Commissioner, Malaysia (Incorporation) Act (Cap. 361).

lines, wharves, landing-stages, and other buildings and works constructed or used for the purposes of or in connection with the said Singapore Railway;

(c) all ships, wagon-ferry-boats and other boats and craft, engines, passenger coaches, wagons and other rolling stock which were on the 31st day of December, 1912, the property of the Colony and used or maintained for the purposes of or in connection with the said Singapore Railway; and

(d) the cable across the Johore Straits which was laid for railway purposes exclusively,

are hereby vested, free from encumbrances, in the Chief Secretary, Federation of Malaya, absolutely.

Provision of additional lands for railway purposes

3.—(1) If and so often as the Government of the Federation of Malaya require additional Crown land in the Colony of Singapore for the improvement or widening of the said Singapore Railway or for the due maintenance thereof or as sites for new sidings, stations, offices, quarters, coolie-lines, warehouses or other works or for the improvement or extension of existing sidings, stations, offices, quarters, coolie-lines, warehouses or works or otherwise in connection with the maintenance or improvement of the said Singapore Railway and such requirement is approved either in whole or in part by the Yang di-Pertuan Negara*, such land shall be surveyed and demarcated to the satisfaction of the Collector of Land Revenue, Singapore.

(2) The Registrar of Deeds shall, on receipt of an order in that behalf under the hand of the Minister, make an entry in the books of the registry that such land has vested in the Chief Secretary, Federation of Malaya.

(3) Upon the making of any such entry as in this section is mentioned the land to which such entry relates shall vest free from encumbrances in the Chief Secretary, Federation of Malaya, absolutely.

*President *see* section 2(2)(h) of the Interpretation Act (Cap. 1).

(4) No payment, other than for the cost of survey and demarcation, shall be required to be made by or on behalf of the Government of the Federation of Malaya to the Government of the Colony in respect of any such land as is in this section referred to.

Resumption of lands vested under sections 2 and 3 not used for railway purposes

4.—(1) If any land —

- (a) which has become vested in the Chief Secretary, Federation of Malaya, pursuant to section 2; or
- (b) which has become vested in the Chief Secretary, Federation of Malaya, pursuant to section 3, is not used and will not be required to be used or ceases to be used by the Government of the Federation of Malaya for the purposes of the said Singapore Railway, such land may, if the Yang di-Pertuan Negara* so directs, be resumed on six months' notice under the hand of the Minister being given to the Chief Secretary, Federation of Malaya, of the desire of the Yang di-Pertuan Negara* to resume such land.

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(2) On the expiration of the term of such notice the Yang di-Pertuan Negara* may authorize the Collector of Land Revenue to enter and take possession of such land on behalf of the Crown.

(3) When any land mentioned in subsection (1)(a) is resumed —

- (a) such sum shall be paid from the Consolidated Fund to the Government of the Federation of Malaya as was paid by the Government of the Federated Malay States to the Government of the Colony of the Straits Settlements for the purchase of the land so resumed together with such sum as represents the value, at the date of resumption, of all buildings erected by or on behalf of the Government of the Federated Malay States or the Federation of Malaya upon such land;

[S 223/59]

*President *see* section 2(2)(h) of the Interpretation Act (Cap. 1).

(b) nothing shall be paid to the Government of the Federation of Malaya for such land, if the Government of the Federated Malay States, in pursuance of the agreement for the transfer of the railway, paid nothing to the Government of the Colony of the Straits Settlements for such land: Provided, however, that there shall be paid to the Government of the Federation of Malaya such sum as represents the value, at the date of resumption, of all buildings erected by or on behalf of such Government or the Government of the Federated Malay States upon such land.

(4) When any land mentioned in subsection (1)(b) is resumed, nothing shall be paid to the Government of the Federation of Malaya for such land: Provided, however, that there shall be paid to such Government such sum as represents the value, at the date of resumption, of all buildings erected by or on behalf of such Government or the Government of the Federated Malay States upon such land.

(5) If the Government of the Colony and the Government of the Federation of Malaya do not agree as to the value of any such buildings as aforesaid, the valuation thereof shall be referred to the decision of a person, to be selected by the Yang di-Pertuan Negara*, who shall be a Member or Associate Member of the Institution of Civil Engineers, or a Fellow or Associate of the Royal Institution of British Architects.

(6) The decision of such person on a matter referred to him under this section shall be final and binding on both parties.

Resumption of other lands not used for railway purposes

5.—(1) If any land, not being land vested in the Chief Secretary, Federation of Malaya, pursuant to section 2 or 3, which has been acquired by the Government of the Federation of Malaya for the purposes of the said Singapore Railway, is not used and will not be required to be used or ceases to be used for the purposes of the said railway, such land together with any buildings thereon may be

*President *see* section 2(2)(h) of the Interpretation Act (Cap. 1).

purchased by the Yang di-Pertuan Negara* on six months' notice under the hand of the Minister being given to the Chief Secretary, Federation of Malaya, of the desire of the Yang di-Pertuan Negara* to purchase such land and buildings.

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(2) On the expiration of the term of such notice the Minister may authorize the Collector of Land Revenue to enter and take possession of such land and buildings on behalf of the Crown.

(3) If the Government of the Colony and the Government of the Federation of Malaya do not agree as to the price of such land together with the buildings thereon, the price thereof shall be ascertained by a person to be selected by the Yang di-Pertuan Negara*, who shall be a Member or Associate Member of the Institution of Civil Engineers, or a Fellow or Associate of the Royal Institution of British Architects.

(4) The decision of such person on a matter referred to him under this section shall be final and binding on both parties.

Construction of causeway or embankment over Johore Straits

6. The Government of the Federated Malay States may, with the approval of the Legislative Council —

- (a) construct or authorize to be constructed over or in and across the Straits, which divide the territory of the Colony from the territory of the State of Johore, a causeway or embankment, in accordance with a plan to be approved by the Legislative Council, suitable for the passage of railway traffic;
- (b) construct or authorize to be constructed on such causeway or embankment, as the case may be, a railway by way of extension of the said Singapore Railway and such roadways and footways as to the Government of the Colony seem expedient; and

*President *see* section 2(2)(h) of the Interpretation Act (Cap. 1).

*President *see* section 2(2)(h) of the Interpretation Act (Cap. 1).

- (c) carry on or authorize to be carried on railway and other traffic upon and over the said causeway or embankment.

Authority for necessary operations

7. For the purposes of preliminary examination of the bed of the said Straits with a view to determining the nature of the work to be constructed in pursuance of section 6 and the site and the mode of construction thereof and for the purpose of any operations incidental to the construction thereof or to the due protection, maintenance and use thereof during construction or after completion, the Government of the Federated Malay States or any person authorized by it in that behalf may take borings and construct piers and abutments and carry on and construct all other necessary operations and works, notwithstanding that obstruction is thereby caused to the passage of ships, boats or other craft through or upon the said Straits.

No action to be brought for obstruction of the Straits

8. Except as in section 9 provided, no person shall claim, and no action or proceeding shall be brought against the Government of the Federation of Malaya to recover, any compensation in respect of any lands or of any interest therein which have been injuriously affected by anything done in pursuance of this Ordinance or in respect of any obstruction to the flow of water or to the passage of ships or boats or other craft through or upon the said Straits or any alteration in the tides in the said Straits where such obstruction or alteration is due to anything done in pursuance of this Ordinance.

Compensation for damage

9. There shall be a right of compensation in respect of any lands or of any interest therein which has been injuriously affected by anything done in pursuance of this Ordinance, if the damage, in respect of which the compensation is claimed, is —

- (a) damage caused by reason of what has been authorized by this Ordinance; and
- (b) damage arising from the execution of the works authorized by this Ordinance and not by their subsequent use; and

- (c) damage arising from that which would, if done without the authority of this Ordinance, have given rise to a cause of action; and

where the compensation is claimed in respect of any interference with a public or private right, is —

- (d) damage arising from a physical interference with a right, public or private, which the owner or occupier of property may by law make use of in connection with such property, and which gives an additional market value to such property apart from the uses to which any particular owner or occupier might put it.

Private Ordinance for certain purposes

10. For the purposes of the Registration of Deeds Ordinance [1955 Ed., Cap. 255] this Ordinance shall be deemed to be a private Ordinance.

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LEGISLATIVE HISTORY
SINGAPORE RAILWAY TRANSFER ORDINANCE
(CHAPTER 380)

This Legislative History is provided for the convenience of users of the Singapore Railway Transfer Ordinance. It is not part of this Ordinance.

1. Ordinance 22 of 1918 — Singapore Railway Transfer Ordinance 1918

Date of commencement : 25 October 1918

2. 1955 Revised Edition — Singapore Railway Transfer Ordinance (Cap. 320)

Date of operation : 1 May 1955

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

Date of commencement : 29 May 1959

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

Date of commencement : 11 September 1959

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

Date of commencement : 20 November 1959

6. G. N. No. S (NS) 177/1959 — The Singapore Constitution (Modification of Laws) (No. 3) Order 1959

Date of commencement : 20 November 1959

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

Date of commencement : 20 November 1959

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

Date of commencement : 20 November 1959

9. 1985 Revised Edition — Singapore Railway Transfer Ordinance

Date of operation : 30 March 1987