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The following Act was passed by Parliament on 29th June 1988 and assented to by the President on 20th July 1988:—

TOWN COUNCILS ACT 1988

(No. 12 of 1988)

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REPUBLIC OF SINGAPORE

No. 12 of 1988.

I assent.



WEE KIM WEE
President.
20th July 1988.

An Act to provide for the incorporation of Town Councils to control, manage, maintain and improve the common property of housing estates of the Housing and Development Board, their constitution, functions and for matters incidental thereto.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Town Councils Act 1988 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“appointed member”, in relation to a Town Council, means a person who has been appointed to be a member of the Town Council under section 8 or 9(6);

“Board” means the Housing and Development Board established under the Housing and Development Act (Cap. 129);

“Chairman”, in relation to a Town Council, means the Chairman of the Town Council and includes an acting Chairman of the Town Council;

“charges” means the conservancy and service charges levied by a Town Council under section 38;

“commercial property” means any building or premises vested in or belonging to the Board or any part thereof which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law for the purpose of carrying on any business or which is lawfully so used, and includes any market or food centre of the Board but does not include such property as may be prescribed;

“common property”, in relation to any residential or commercial property in a housing estate of the Board, means so much of the land and all parts of any building of the Board as are not being comprised in the flats in the building and includes —

- (a) the columns, beams, supports, external walls and windows, roofs and storage spaces, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits;

- (b) fire-fighting and protection system;
- (c) the central and appurtenant installations for services such as power, light, gas, sanitation and water;
- (d) the escalators, lifts, water-tanks, pumps, motors, fans, compressors, ducts and all other apparatus and installations existing for common use;
- (e) the common facilities in the housing estate built for the use or enjoyment of the residents;
- (f) all recreational or community facilities, and gardens;
- (g) all directional signs and sign boards;
- (h) the land appurtenant to the building and all other parts of the land intended for the use or enjoyment of the residents; and
- (i) such other property as may be prescribed, but does not include —
 - (i) bus terminals and interchanges;
 - (ii) drains, sewers and lightings maintained by the Government;
 - (iii) swimming pools and other sports complexes;
 - (iv) public roads and parking places; and
 - (v) such other property as may be prescribed;

“constituency” means an electoral division under the Parliamentary Elections Act (Cap. 218) and includes a group representation constituency;

“elected member”, in relation to a Town Council, means a Member of Parliament for any constituency comprised within the Town for which the Town Council is established;

“Financial Rules” means the rules made under section 42;

“flat” means a horizontal stratum of any building or part thereof, whether the stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or

intended to be used as a complete and separate unit for the purpose of human habitation or business;

“group representation constituency” means any electoral division declared to be a group representation constituency under the Parliamentary Elections Act;

“housing estate” means any housing estate built on any land vested in or held in trust for the Board;

“industrial property” means any building or premises vested in or belonging to the Board or any part thereof which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law for any industrial purposes;

“lease” includes an agreement for a lease or tenancy and “leased” shall be construed accordingly;

“member” means an elected member or an appointed member;

“owner”, in relation to any property sold by the Board, includes a person who has purchased a leasehold interest in the property and a purchaser under an agreement for a lease;

“residential property” means any building or other premises vested in or belonging to the Board or any part thereof which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law wholly or partly for the purpose of human habitation;

“Secretary” means any person appointed by a Town Council under section 20 to be the Secretary of the Town Council;

“Town” means any area declared to be a Town under section 3;

“Town Council”, in relation to a Town, means the Town Council established under section 4 for that Town;

“Town Council Fund” means the Town Council Fund constituted under section 33;

“Vice-Chairman”, in relation to a Town Council, means the Vice-Chairman of the Town Council.

(2) This Act shall not apply to —

- (a) the housing estates governed by the HUDC Housing Estates Act (Cap. 131);
- (b) any industrial property of the Board; and
- (c) such other property of the Board as the Minister may by order specify.

(3) Any order made under subsection (2)(c) may provide for this Act not to apply either indefinitely or a specified period and may contain such incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or proper.

Declaration of Towns

3.—(1) For the purposes of constituting a Town Council to control, manage, maintain and improve the common property of residential and commercial property in the housing estates of the Board in any area, the Minister may, from time to time, by order published in the *Gazette*, declare to be a Town by such name as the Minister may designate in the order an area comprising —

- (a) any constituency; or
- (b) any two or 3 constituencies where the Members of Parliament have agreed to their constituencies being declared to be a Town.

(2) The Minister may by order published in the *Gazette* revoke or amend any order made under subsection (1).

(3) No order shall be made under subsection (2) unless the proposed order has been notified in the *Gazette*.

(4) The Minister may, in any order made under subsection (2), make such incidental, consequential, or supplementary provisions as may be necessary or expedient.

(5) For the purposes of this Act, where any part of the common property of any residential or commercial property is situated partly in the Town of one Town Council and partly in the Town of another, the Town Councils may agree that such part shall be treated as situated in such one of the Towns as is specified in the agreement; and in default

of agreement the situation of such part shall be determined by the Minister whose decision shall be final.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF TOWN COUNCILS

Establishment of Town Councils

4. On such date as the Minister may from time to time by order published in the *Gazette* specify in respect of any Town, there shall be established for that Town a body to be known as a Town Council.

Incorporation

5. A Town Council shall be a body corporate with perpetual succession by the name “The Town Council” with the addition of the name of the particular Town and may sue and be sued in the corporate name of that Town Council.

Common seal

6.—(1) A Town Council shall have a common seal, and the fixing of the seal shall —

- (a) be authorised or ratified by resolution of the Town Council;
and
- (b) be authenticated by the signatures of the Chairman or Vice-Chairman and any member of the Town Council authorised by resolution of the Town Council generally or specially to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of a Town Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Certain contracts and instruments not required to be under seal

7. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under

seal may be entered into or executed on behalf of a Town Council by any person generally or specially authorised by the Town Council for that purpose.

Composition of a Town Council

8.—(1) A Town Council shall consist of —

- (a) the elected member or members *ex officio*; and
- (b) not less than 6 nor more than 30 other members appointed by the Chairman in accordance with subsection (2).

(2) The Chairman shall, within 30 days of assuming his office, appoint the members under subsection (1)(b) on the nomination of the elected members, each of whom (including the Chairman) may nominate such number of members as they may agree or, if they fail to agree, an equal number of members, of whom not less than two-thirds shall be residents of the Town.

Chairman and Vice-Chairman

9.—(1) A Chairman of a Town Council shall be appointed by the elected members from among their number within 7 days after any general election or by-election in any constituency comprised within the Town under the Parliamentary Elections Act (Cap. 218) for such term as the elected members may determine except that the first Chairman of a Town Council shall be so appointed within 7 days after the establishment of the Town Council; and where the elected members fail to appoint a Chairman, the Minister shall appoint any elected member to be the Chairman for such term as he may determine.

(2) Where the area of a Town comprises only one constituency (other than a group representation constituency), the Member of Parliament for that constituency shall be the Chairman during his tenure of office as a Member of Parliament for that constituency.

(3) The Chairman shall appoint any member to be the Vice-Chairman for such term, not exceeding two years, as he may determine.

(4) The Chairman or Vice-Chairman, if he is an elected member, shall hold office as Chairman or Vice-Chairman, as the case may be, only so long as he is an elected member and shall be eligible for re-appointment.

(5) Where all the elected members of a Town Council have vacated their seats in Parliament by reason of a dissolution of Parliament or otherwise, the appointed members shall, with the approval of the Minister, forthwith appoint one of their number to act as Chairman for such term as they may determine; and where such members fail to do so, the Minister shall appoint any appointed member to act as Chairman for such term as the Minister may determine.

(6) Any Chairman appointed under subsection (5) may, with the approval of the Minister, appoint not less than 6 nor more than 30 members, of whom not less than two-thirds shall be residents of the Town.

(7) The appointment of any Chairman under subsection (5) —

- (a) shall terminate upon the assumption of office of the elected member or members; and
- (b) may be revoked by the Minister if he is satisfied that it is desirable in the public interest to do so and thereupon another Chairman shall be appointed in the same manner prescribed in subsection (5).

(8) The Chairman may at any time revoke the appointment of the Vice-Chairman without assigning any reason.

(9) The Chairman and Vice-Chairman of a Town Council shall as soon as practicable after their assumption of office complete a declaration of acceptance of such office in the form prescribed in the Schedule and deliver the same to the Minister, except that any failure to comply with this subsection by the Chairman or Vice-Chairman shall not invalidate his term of office.

(10) A Town Council shall as soon as practicable publish in the *Gazette* the names of the Chairman, Vice-Chairman and other members of the Town Council.

Duties of Chairman and Vice-Chairman

10.—(1) The Chairman shall preside at meetings of the Town Council and shall perform such other duties as are prescribed in this Act.

(2) In the absence of the Chairman, or if at any time the office of the Chairman is vacant, the Vice-Chairman shall preside and shall perform such other duties of the Chairman as are prescribed in this Act.

(3) If both the Chairman and the Vice-Chairman are absent from a meeting of the Town Council, the members present shall elect from among themselves a temporary Chairman to preside at that meeting.

Chairman to have casting vote

11. At any meeting of a Town Council, the Chairman or other person presiding shall have an original vote and also, if the votes are equal, a casting vote.

Resignation of Chairman and Vice-Chairman

12.—(1) The Chairman shall not resign or vacate his office and any purported resignation or vacation of office in breach of this subsection shall be deemed to be invalid, provided that where a Town Council has more than one elected member, the Chairman may resign his office if another elected member is appointed in his place by the elected members.

(2) Subject to subsection (1), the Chairman may resign his office by giving notice in writing under his hand to the Minister.

(3) The Vice-Chairman may resign his office by giving notice in writing under his hand to the Chairman.

(4) Where the Chairman or the Vice-Chairman dies or the office of Chairman or Vice-Chairman is otherwise vacated, another Chairman or Vice-Chairman, as the case may be, shall be appointed within 7 days after such death or vacation of office in the same manner prescribed in section 9.

(5) Subsection (1) shall not apply to any Chairman appointed under section 9(5).

PART III
GENERAL PROVISIONS AS TO MEMBERS OF A TOWN
COUNCIL

Tenure of office of elected members

13.—(1) Every elected member of a Town Council shall assume his office upon his election as a Member of Parliament and shall vacate his office if he ceases to be a Member of Parliament for the constituency comprised within the Town for which the Town Council is established.

(2) Subject to subsection (1), every elected member of a Town Council shall hold office for the duration of the Parliament in which he is elected and shall not resign or vacate his office as a member and any purported resignation or vacation of office in breach of this subsection shall be deemed to be invalid.

Tenure of office of appointed members

14.—(1) Subject to subsection (2), an appointed member shall hold office for a term of two years and on such conditions as the Chairman may determine and shall be eligible for re-appointment.

(2) Every appointed member of a Town Council shall cease to be a member upon the assumption of office of the Chairman of the Town Council after any general election or by-election in any constituency comprised within the Town under the Parliamentary Elections Act (Cap. 218), unless the member earlier resigns or vacates his office in accordance with this Act.

(3) The Chairman may appoint any person to be a temporary appointed member of a Town Council during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any appointed member.

(4) The Chairman may, at any time, revoke the appointment of any appointed member without assigning any reason.

(5) Any appointed member may resign from his appointment at any time by giving notice in writing to the Chairman.

(6) The office of an appointed member shall be vacated if he —

- (a) has been absent, without leave of the Chairman, from 3 consecutive meetings of the Town Council;
- (b) where he was a resident of the Town at the time of his appointment, ceases to be a resident of the Town; or
- (c) becomes in any manner disqualified for membership of the Town Council.

(7) If an appointed member resigns, dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Chairman may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(8) No person shall be appointed or shall continue to hold office as an appointed member of a Town Council if he —

- (a) is not a citizen of Singapore;
- (b) is an undischarged bankrupt or has made any arrangement with his creditors; or
- (c) has been sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000 and has not received a free pardon.

(9) The disqualification of a person under subsection (8)(c) may be removed by the President and shall, if not so removed, cease at the end of 5 years beginning from the date on which the person was released from custody or the date on which the fine was imposed on the person.

Disclosure of interest by members

15.—(1) A member of a Town Council who is in any way, directly or indirectly, interested in a transaction or project of the Town Council shall disclose the nature of his interest at a meeting of the Town Council; and the disclosure shall be recorded in the minutes of the Town Council and the member shall not take part in any deliberation of the Town Council with respect to that transaction or project.

(2) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding

that under subsection (1) he cannot vote or has withdrawn from the meeting.

Allowances, etc., payable to members

16.—(1) Subject to subsection (2), the Chairman, Vice-Chairman and other members of a Town Council may be paid, out of the Town Council Fund, such allowances as may be prescribed.

(2) Any full-time Chairman, Vice-Chairman and other members of a Town Council may be paid, out of the Town Council Fund, such salaries as may be prescribed.

Savings

17. The acts and proceedings of any member of a Town Council acting as such shall, notwithstanding his want of qualification or disqualification, be as valid and effectual as if he had been qualified.

PART IV

FUNCTIONS AND POWERS OF A TOWN COUNCIL

Functions of a Town Council

18.—(1) The functions of a Town Council are —

- (a) to control, manage, maintain and improve the common property of residential and commercial property in the housing estates of the Board within the Town and to keep them in a state of good and serviceable repair and in a proper and clean condition; and
- (b) to exercise such powers and perform such duties as may from time to time be conferred or imposed on the Town Council by or under any written law.

(2) Without prejudice to the generality of subsection (1), the functions of a Town Council shall include the conservancy and landscaping of the common property of residential and commercial property in the housing estates of the Board within the Town.

Powers of a Town Council

19.—(1) A Town Council may —

- (a) establish and maintain places and facilities within the Town for recreation, relaxation, the performance of sports of any kind and the conduct of literary, artistic, musical, educational or cultural activities of any kind for the benefit of residents of housing estates of the Board within the Town;
- (b) acquire and hold property of any description if, in the opinion of the Town Council, such property is necessary for the accommodation of the Town Council or for the performance of any purpose which the Town Council is required or is permitted by this or any other Act to perform and, subject to the terms and conditions upon which such property is held, to dispose of the same;
- (c) make such charges for the use of any facility or service provided, or for any improvements to the common property made, by the Town Council as it considers necessary;
- (d) with the prior written consent of the Board, instal, provide and maintain additional facilities or make improvements to the common property of the residential and commercial property for the benefit of the residents of housing estates of the Board within the Town;
- (e) appoint agents to carry out its functions under this or any other Act;
- (f) accept gifts and donations whether of property or otherwise and whether subject to any special trust or not; and
- (g) do all such other acts as are reasonably necessary for the exercise or performance of all or any of the powers or duties of the Town Council under this or any other Act and for the enforcement of its by-laws and perform any other function which is incidental or conducive to the attainment or furtherance of the purposes of the Town Council in accordance with the provisions of this or any other Act.

(2) A Town Council may manage or maintain any parking place and industrial property of the Board or any market and food centre of the Government within the Town upon such terms and conditions as may be agreed between the Town Council and the Board or the Government, as the case may be.

Secretary and other staff of a Town Council

20.—(1) A Town Council shall appoint a person, including any appointed member, to be the Secretary to the Town Council on such terms and conditions as the Town Council may determine who shall be responsible to the Town Council for the proper administration and management of the functions and affairs of the Town Council in accordance with this Act.

(2) A Town Council may appoint such other staff on such terms and conditions as it may determine to assist the Secretary.

Duties of a Town Council

21.—(1) A Town Council shall, for the purposes of the residential and commercial property in the housing estates of the Board within the Town —

- (a) control, manage and administer the common property of such residential and commercial property for the benefit of the residents of those estates;
- (b) properly maintain and keep in a state of good and serviceable repair the common property of such residential and commercial property;
- (c) where necessary, renew or replace any fixtures or fittings comprised in the common property of such residential and commercial property;
- (d) provide essential maintenance and lift rescue services to the residents of such residential and commercial property;
- (e) comply with the provisions of this Act and the rules made thereunder; and
- (f) comply with any notice or order served on it by any competent, public or statutory authority requiring the

abatement of any nuisance on the common property of such residential and commercial property or ordering repairs or other work to be done in respect of such common property.

(2) Where a requirement or duty is imposed on a Town Council by this section, the Board or any person for whose benefit, or for the benefit of whose flat that requirement or duty is imposed on the Town Council, may apply to the High Court for an order compelling the Town Council to carry out the requirement or perform the duty, as the case may be, and, on such an application being made, the High Court may make such order as it thinks proper.

Power of a Town Council to carry out certain works

22.—(1) Where any defect occurs in any pipes, wires, cables, ducts or other apparatus within a flat in any residential or commercial property of the Board within the Town which are used for or in connection with the carrying, conveying or supplying to such property of water, sewerage, drainage, gas, electricity, garbage, artificially cooled air or television services, the Town Council may carry out such work as is necessary to rectify the defect.

(2) Where a Town Council incurs any expenses or performs any repairs, works or acts that it is required or authorised by or under this Act or by or under any other written law to perform (whether or not the expenses were incurred or the repairs, works or acts were performed consequent upon the service on it by any Government or statutory authority of any notice or order) and the expenses or the repairs, works or acts were rendered necessary by reason of any wilful or negligent act or omission on the part of, or breach of any provision of the by-laws of the Town Council by, any person or his tenant, licensee or invitee, the amount of those expenses expended by it in performing the repairs, works or acts shall be recoverable by it from that person.

Power of entry

23.—(1) For the purpose of carrying out any work —

- (a) pursuant to section 21 or 22; or
- (b) required to be carried out by a notice served on it by any public authority or statutory board or by an order of the

Commissioner of Buildings under the Buildings and Common Property (Maintenance and Management) Act (Cap. 30),

a Town Council may, by its employees or agents, enter upon any flat of the Board or any part of the housing estates within the Town for the purpose of carrying out the work, in the case of an emergency, at any time, or, in any other case, at any reasonable time after giving notice to any occupier of that flat or part of those housing estates.

(2) A person who obstructs or hinders a Town Council in the exercise of its power under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

By-laws for regulation of housing estates

24.—(1) A Town Council may, with the approval of the Minister, make by-laws for regulating the control, management, administration, use and enjoyment of the common property of residential and commercial property in the housing estates of the Board within the Town and generally for the purposes of exercising its powers and carrying out its duties and functions under this or any other Act.

(2) Every owner or tenant of a flat leased from the Board within a Town shall be bound by by-laws for the time being in force made by the Town Council.

(3) A Town Council, owner or tenant of a flat leased from the Board within the Town, shall be entitled to apply to the court —

- (a) for an order to enforce the performance of or restrain the breach of any by-law made by that Town Council; or
- (b) to recover damages for any loss or injury to any person or property arising out of the breach of any by-law made by that Town Council,

by or from any person bound to comply therewith or the Town Council, as the case may be, and the court may make such order against any such person or the Town Council as the court thinks fit.

(4) When any by-law is made, amended or revoked by a Town Council every such by-law, amendment or revocation shall, within one month after it is made, be published in the *Gazette* and be

displayed in such places within the Town as the Town Council may direct.

(5) No by-law made by a Town Council shall be inconsistent with any rule made under the Housing and Development Act (Cap. 129) which is applicable to the Town and any such by-law which is so inconsistent shall, to the extent of the inconsistency, be void.

(6) The by-laws of a Town Council in force on the date of publication shall be published annually in book form and copies thereof shall be made available for purchase at a reasonable price by members of the public.

(7) Any person who commits a breach of any of the by-laws made by a Town Council or makes default in complying with any of such by-laws, and every person who is knowingly a party to the breach or default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(8) For the purposes of this section, “flat” includes any stall in any market or food centre of the Board.

PART V

PROCEEDINGS OF A TOWN COUNCIL

Standing orders

25. A Town Council may make standing orders for regulating its procedure and, in particular, the standing orders may make such provision for the preservation of order at meetings as the Town Council may consider necessary.

Meetings

26.—(1) A Town Council shall meet at such times as may be laid down in its standing orders and may adjourn from time to time.

(2) The Chairman may at any time summon a meeting of the Town Council.

(3) The Chairman shall, on a requisition signed by not less than two-thirds of the members of the Town Council to that effect, summon a

meeting of the Town Council within 7 days of receiving such requisition.

(4) Notice of a meeting shall be given by the Secretary to each member of the Town Council at least two clear days before the day of each meeting, except in the case of an emergency meeting when as long a notice as possible shall be given.

(5) Accidental omission to give a notice to any member of the Town Council under subsection (4) shall not affect the validity of a meeting.

Minutes

27.—(1) Minutes of the proceedings of a Town Council and a committee shall be kept and authenticated in accordance with standing orders.

(2) Until the contrary is proved, a meeting of a Town Council or a committee, in respect of the proceedings whereof a minute has been kept and authenticated in accordance with its standing orders, shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Acts of a Town Council

28.—(1) All questions coming or arising before a meeting of a Town Council or a committee shall be decided by a majority of the members present and voting thereon.

(2) Nothing in subsection (1) shall limit the discretion of a Town Council or any committee to determine any matter by circulating papers, and any papers so circulated may assume the agreement of the Town Council or the committee to any matter unless a member notifies his disagreement within such time as may be specified in such papers.

Quorum

29.—(1) At any meeting of a Town Council one-third of the number of members shall constitute a quorum.

(2) The quorum for any committee of a Town Council shall be laid down in the standing orders of the Town Council.

Validity of acts of a Town Council

30. The proceedings of a Town Council or a committee thereof shall not be invalidated by any vacancy among their number or by any defect in the appointment or qualification of any member thereof.

Appointment of committees

31.—(1) A Town Council may appoint committees which may include persons who are not members of the Town Council for purposes which, in the opinion of the Town Council, would be better regulated and managed by means of such committees.

(2) At least one-half of the members of each committee shall be members of the Town Council, one of whom shall be elected as chairman of the committee and as such shall have an original vote and, in the case of an equality of votes, a casting vote.

Delegation of powers

32.—(1) A Town Council may, subject to such conditions or restrictions as it thinks fit, delegate to any member of the Town Council, or to any committee of the Town Council or to any member thereof, all or any of the powers, functions and duties by this or any other Act vested in the Town Council, and any power, function or duty so delegated may be exercised or performed by such member or committee in the name and on behalf of the Town Council.

(2) A Town Council may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof or any agent all or any of the powers, functions and duties by this or any other Act vested in the Town Council, and any power, function or duty so delegated may be exercised or performed by such employee or agent in the name and on behalf of the Town Council.

(3) A Town Council may continue to exercise any power conferred upon it, or perform any function or duty under this or any other Act, notwithstanding the delegation of such power, function or duty under this section.

(4) Any delegation of power, function or duty under this section by a Town Council shall not be inconsistent with the Financial Rules.

PART VI

FINANCIAL PROVISIONS

Constitution of Town Council Fund

33.—(1) For the purposes of managing and maintaining the common property of residential and commercial property in the housing estates of the Board, a Town Council shall establish and maintain separate funds for the management and maintenance of residential property, market and food centres and of other commercial property; and such funds shall together constitute the Town Council Fund and shall, with all property which is or may become vested in the Town Council, be under the direction and control of the Town Council subject to the provisions of this Act.

(2) All moneys received by a Town Council by virtue of this or any other Act shall be paid into the Town Council Fund and all liabilities falling to be discharged by a Town Council shall be discharged out of that Fund.

(3) All moneys of the Town Council Fund that are not immediately required shall be paid into the appropriate fund established under subsection (1) to which the moneys relate and be applicable only to meet such expenses and liabilities as are properly attributable to that Fund.

(4) A Town Council shall establish and maintain, as part of the Town Council Fund, separate sinking funds for the management and maintenance of residential property, market and food centres and of other commercial property.

(5) The Minister may from time to time prescribe the minimum amount of the conservancy and service charges paid, and of any grants-in-aid made, to a Town Council under sections 38 and 41 to be paid into the sinking funds established for residential property, market and food centres and for other commercial property.

(6) A Town Council shall not disburse any moneys —

(a) from any sinking fund otherwise than for the purposes of meeting expenses or liabilities properly attributable to that sinking fund in respect of —

(i) cyclical major repainting of any part of the common property of residential property, market and food centres and other commercial property in the housing estates of the Board within the Town;

(ii) renewal or replacement of any roofing system, water tanks, pumps and water supply system, electrical supply system, lightning protection system, central television antenna system and lifts existing for common use or purposes of residents of residential or commercial property in the housing estates of the Board within the Town;

(iii) major repairs and maintenance of the common property of residential property, market and food centres and other commercial property and boundary walls of the housing estates of the Board within the Town; or

(iv) any other works which may be prescribed from time to time; or

(b) from the Town Council Fund otherwise than for the purpose of exercising its powers or carrying out its duties and functions under this or any other Act.

(7) All payments to and out of the Town Council Fund shall be made to and by the Secretary who shall be responsible therefor to the Town Council.

(8) Notwithstanding this section, if at the end of any financial year of a Town Council there is shown a surplus of revenue over expenditure of any fund established by the Town Council under subsection (1), the Town Council may transfer from that fund an amount not exceeding the surplus to any other fund established by the Town Council under subsection (1) which is in deficit to make good the deficit in that fund.

(9) Where an order is made under section 3(2) or where the area of a Town is altered under the Parliamentary Elections Act (Cap. 218), and any residential or commercial property or any part of the common property thereof is transferred from the Town of one Town Council to the Town of another, the Town Councils may agree on the amount of the sinking fund relating to such property or such part to be transferred and paid to the Town Council to which such property or part is transferred; and in default of agreement such amount shall be determined by the Minister whose decision shall be final.

(10) For the purposes of this section, “other commercial property” means any commercial property which does not form part of any residential property.

Accounts

34. A Town Council shall —

- (a) keep proper accounts and records of its transactions and affairs;
- (b) keep proper and separate accounts for the funds established under section 33(1) and (4); and
- (c) do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in custody of, the Town Council and over the expenditure incurred by the Town Council.

Annual accounts

35.—(1) A Town Council shall, within 3 months after the close of each financial year, prepare and submit financial statements in such form as the Auditor-General may direct in respect of that year to the auditor.

(2) The financial year of a Town Council shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of a Town Council shall begin on the date of its establishment and shall end on 31st March of the succeeding year.

Estimates

36.—(1) Not later than one month before the end of each financial year, a Town Council shall prepare, and display for public inspection in such places within the Town as it may direct, estimates of its revenue and expenditure for the next financial year together with a list of works which the Town Council proposes to undertake during the next financial year.

(2) The estimates shall set out, under separate headings, the sources of revenue and the distribution of expenditure; and where several matters are dealt with under one heading each such matter shall be itemised and be shown in a separate sub-heading relating to similar items.

(3) The estimates may provide for —

(a) expenditure of such sums as may be necessary to defray the cost of official ceremonies of the Town Council; and

(b) payment of allowances and salaries to members of the Town Council.

(4) The list of works shall show in respect of each work —

(a) the estimated total cost thereof;

(b) the date on which such work is expected to be completed; and

(c) the amount to be expended thereon during the next financial year.

(5) A Town Council may from time to time revise the estimates and list of works prepared by it under subsection (1).

Audit

37.—(1) The accounts of a Town Council shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The remuneration of the auditor shall be paid out of the Town Council Fund.

(4) The auditor shall, as soon as practicable after the accounts have been submitted for audit by a Town Council, send a report of his audit to the Town Council.

(5) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Town Council;

(b) whether proper accounting and other records have been kept, including records of all assets of the Town Council whether purchased, donated or otherwise;

(c) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Town Council during the financial year have been in accordance with this Act; and

(d) such other matters arising from the audit as he considers should be reported.

(6) The auditor may at any other time submit such periodical and special reports to the Minister and the Town Council upon any matter arising out of the performance of his audit as may appear to him to be necessary.

(7) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of a Town Council.

(8) The auditor or a person authorised by him may make copies of or extracts from any such accounting and other records.

(9) The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(10) Any person who fails without any reasonable cause to comply with any requirement of the auditor under subsection (9) shall be

guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(11) As soon as the accounts of a Town Council and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister and displayed for public inspection in such places within the Town as the Town Council may direct.

(12) Where the Auditor-General is not the auditor of a Town Council, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Town Council.

(13) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report of a Town Council to be presented to Parliament.

(14) A Town Council shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Town Council during that financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

Conservancy and service charges

38.—(1) For the purposes of carrying out its duties and functions under this or any other Act, a Town Council may in each month levy conservancy and service charges at such rates as it may determine in accordance with its by-laws in respect of every flat in any residential or commercial property and every stall in any market or food centre of the Board within the Town.

(2) Charges levied by a Town Council under subsection (1) shall be payable, subject to this section, by the owner or tenant of every such flat or stall, as the case may be.

(3) In respect of any charges levied under subsection (1) and the interest thereon, the owner of a flat shall be liable, jointly and severally with any person who was liable to pay the charges and interest when the charges become due and payable, to pay the charges

and interest to the Town Council except that a person who has ceased to be the owner of the flat shall only be liable to pay the charges which were unpaid at the time he ceased to be the owner and the interest accruing on the unpaid charges until such time as they are paid.

(4) Any charges levied under subsection (1) —

- (a) shall become due and payable to a Town Council in accordance with the by-laws of the Town Council; and
- (b) if not paid within 30 days when the charges become due and payable to a Town Council, shall bear interest at such rate as the Town Council thinks fit and such interest shall accrue from the expiry of 30 days after the date when the charges become due and payable unless the Town Council determines either generally or in a particular case that any unpaid charges shall bear no interest, and any interest so paid shall form part of the fund to which the charges belong.

(5) Where any charges and interest thereon levied under this section are not paid within 30 days when they become due and payable, a Town Council may serve a written demand on an owner or a tenant of the flat or stall in respect of which the charges are levied.

(6) Any owner or tenant of a flat or stall who fails to pay any charges or interest due and owing to a Town Council within 14 days from the date of service on him of the written demand referred to in subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and the court before which such conviction is had may, in addition to such fine, order the owner or tenant to pay to the Town Council the amount of any charges together with any interest due thereon or any interest certified by the Town Council to be due from the owner or tenant at the date of his conviction and such amount may be recovered according to the law for the time being in force for the recovery of fines.

(7) For the purposes of this section, “owner”, in relation to a flat or stall, includes —

- (a) the person for the time being receiving the rent of the flat, whether as agent or trustee or as receiver, or who would receive the same if the flat were let to a tenant;

- (b) the Board in respect of any flat in any residential or commercial property or any stall in any market or food centre of the Board which is not leased out by the Board at the time the charges are levied; and
- (c) the person whose name is included in the Valuation List referred to in the Property Tax Act (Cap. 254) as the owner of the flat for the purposes of that Act.

(8) Upon the expiry of the period provided under section 47(1) after the establishment of a Town Council for the Town and so long as a Town Council is established for the Town, any term in any lease made by the Board relating to the payment of conservancy and service charges by any owner or tenant of a flat in any residential or commercial property or by any tenant of a stall in any market or food centre of the Board within the Town shall have no effect and such charges shall thereupon be payable to the Town Council in accordance with this section.

(9) Without limiting any particular power of a Town Council, any charges levied by the Town Council under this section may be —

- (a) varied by the Town Council from time to time; or
- (b) remitted or refunded in whole or in part.

(10) A Town Council may under this section levy different rates of charges in respect of different types of flats in any residential or commercial property and of stalls in any market or food centre of the Board and in respect of different uses of such flats and stalls.

(11) Any written demand required by this section to be served on the owner or tenant of a flat or stall shall be deemed to be sufficiently served —

- (a) if the same is delivered to such person or is delivered at the flat or stall to some adult member or servant of his family;
- (b) if it is sent to such person by registered post to his flat or his usual or last known place of abode or business; or
- (c) if it is affixed to some conspicuous part of his flat.

Power to borrow

39. A Town Council may raise any loan, chargeable upon and payable out of the revenues and assets of the Town Council, of such sums of money as may be required for —

- (a) the purposes of meeting expenses or liabilities in respect of any works specified in section 33(6)(a);
- (b) the repayment of any loan previously raised for any such purposes; and
- (c) such other purposes as may be prescribed.

Investment of surplus funds

40. All funds of a Town Council that are not immediately required may be invested in such securities as trustees may by any written law be authorised to invest.

Grants

41. For the purposes of enabling a Town Council to carry out its functions under this or any other Act, the Minister may from time to time make grants-in-aid to the Town Council of such sums of money and subject to such conditions as the Minister may determine out of moneys to be provided by Parliament.

Financial Rules

42. The Minister may make rules to be called Financial Rules, not inconsistent with the provisions of this Act, for carrying out the provisions of this or any other Act by a Town Council and, in particular, such rules may provide for —

- (a) the collection, receipt, custody, issue, expenditure, due accounting for, care and management of all moneys of a Town Council and the guidance of all persons concerned therein;
- (b) the more effectual record, examination, inspection and check of all receipts and expenditure and the keeping of all necessary books and accounts;

- (c) the forms for all books and documents whatever required under the provisions of this Act or the rules made thereunder;
- (d) the purchase, safe custody, issue, sale or other disposal or writing-off of stores and other property of a Town Council, and the proper accounting for, and stocktaking of, such stores and property;
- (e) the preparation of estimates of revenue and expenditure; and
- (f) the making of advances to officers of a Town Council and other persons and the rates and limits of such advances and the rates of interest thereon.

PART VII

MISCELLANEOUS PROVISIONS

Recovery of conservancy and service charges from sale of flat

43.—(1) Where any conservancy and service charges levied in respect of any flat by a Town Council under section 38 remain unpaid on the expiry of the period of 90 days after the Town Council has served on the owner of the flat a written demand for such charges under section 38(5), such charges, together with any interest accrued thereon shall constitute a charge on the flat on the expiry of that period in favour of the Town Council.

(2) Upon the constitution of the charge on a flat under subsection (1), the Town Council shall have the power of sale and all other powers relating or incidental thereto to sell and effectually transfer the title to the flat to any purchaser as if the Town Council is a registered mortgagee notwithstanding that the charge is not registered under the Land Titles Act (Cap. 157).

(3) Any charge on a flat constituted under subsection (1) shall be subject to all encumbrances registered or notified prior to the date of the constitution of the charge and to all moneys due to the Board before and after the date of the constitution of the charge, either on its own account or on account of the Central Provident Fund Board, under the lease of the flat.

(4) Subject to subsection (5), a Town Council may, with the prior written approval of the Board, by notice of sale to be served or published in the prescribed manner, declare its intention of selling, on the expiry of the period of 90 days from the date of the notice of sale, any flat which is subject to a charge constituted under subsection (1), and, if, on the expiry of that period, any conservancy and service charges (including any interest thereon) or any part thereof have not been paid or satisfied, the Town Council may sell that flat.

(5) A Town Council shall not proceed under subsection (4) to sell any flat in respect of which any conservancy and service charges or any part thereof are due if there is or are upon the flat and liable to be seized and sold by the Town Council by writ of seizure and sale movable property belonging to the owner of the flat of a value estimated by the Town Council to be sufficient to realise the sum required to satisfy such unpaid charges and costs.

(6) Where a Town Council has sold any flat pursuant to subsection (4), neither the purchaser of the flat nor the Registrar of Titles appointed under the Land Titles Act shall be concerned to inquire into the regularity or validity of the sale or transfer.

(7) For the purpose of registration of a transfer of any flat sold pursuant to subsection (4), the Registrar of Titles may dispense with the production of the duplicate lease of the flat or the duplicate subsidiary certificate of title in respect of the flat, as the case may be.

(8) The money received by a Town Council which has exercised its power of sale pursuant to subsection (4), after discharge of the prior encumbrances and the payment of moneys due to the Board specified in subsection (3), shall be held by it in trust to be applied, firstly, in payment of all costs and expenses properly incurred by it as incident to the sale or any attempted sale, or otherwise; secondly, in discharge of the conservancy and service charges and interest accrued and due to the Town Council at the date of the sale; thirdly, in payment of subsequent mortgages and charges (if any) in the order of their priority; and the residue of the money so received shall be paid to the person who appears from the land-register kept under the Land Titles Act (Cap. 157) to be entitled to the flat sold or to be authorised to give receipts for the proceeds of the sale thereof.

(9) Notwithstanding section 74 of the Land Titles Act, where further conservancy and service charges and interest thereon are due to a Town Council when a charge on a flat constituted under subsection (1) is subsisting, the amount of such charges due (including interest thereon) shall rank in priority to any other claims on the flat as if such charges were due at the date of the constitution of that charge.

(10) Any charge on a flat constituted under subsection (1) shall —

- (a) continue in force until all the conservancy and service charges (including any interest thereon) secured by the charge have been paid; and
- (b) upon payment of the conservancy and service charges (including any interest thereon) and any necessary incidental expenses to the Town Council before it has exercised its powers of sale under subsection (4), be discharged and the owner of the flat shall be entitled to a certificate of discharge executed and acknowledged by the Town Council as to the receipt of such payment.

Minister may appoint any person to exercise or perform certain powers, etc

44.—(1) Where the Minister is satisfied —

- (a) that a Town Council has failed to keep or maintain any part of the common property of any residential or commercial property in the housing estates of the Board within the Town in a state of good and serviceable repair or in a proper and clean condition; or
- (b) that any duty of a Town Council must be carried out urgently in order to remove any imminent danger to the health or safety of residents of the housing estates of the Board within the Town,

the Minister may —

- (i) in relation to paragraph (a), by order published in the *Gazette*, appoint any person to perform such powers, duties and functions of the Town Council and for such period as may be specified in the order; and

(ii) in relation to paragraph (b), appoint any person to carry out the duty of the Town Council so as to remove the danger.

(2) The Minister shall not make an order under subsection (1)(i) unless he has given not less than 21 days notice in writing to the Chairman of his intention to appoint a person to exercise all or such of the powers, duties and functions of the Town Council as may be specified by the Minister in the notice and the Chairman may make representations to the Minister within 21 days after the date of the service of the notice.

(3) Where the Minister has made an order under subsection (1)(i), no person other than the person appointed by the Minister may, while he holds office as such, exercise or perform any power, authority, duty or function which the person is authorised to exercise or perform by that order and any such power, function or duty may be exercised or performed by that person in the name and on behalf of the Town Council.

(4) The costs and expenses incurred by any person appointed by the Minister under this section shall be paid out of the Town Council Fund by way of a levy under section 38.

(5) Any person appointed under subsection (1) shall be entitled to the payment by the Town Council of such fee as the Minister may determine for performing any service under this section.

(6) If there is for any reason no legally constituted Town Council for a Town, the Minister may by order published in the *Gazette* authorise any person to act in place of the Town Council for that Town pending the appointment of members of the Town Council under section 8, and any order made under this subsection may contain such incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or proper.

Legal proceedings

45. Any charges, fees or expenses payable to a Town Council under this Act —

(a) may be recovered by the Town Council by an action for a debt in any court of competent authority; and

- (b) shall for the purposes of the Small Claims Tribunals Act (Cap. 308) be deemed to be money payable under a contract for the provision of services and the Town Council may lodge a claim for the payment of such charges, fees or expenses with a Small Claims Tribunal in accordance with the provisions of that Act.

Protection from personal liability

46. No suit or other legal proceedings shall lie personally against any member, officer or employee of a Town Council or other person acting under the direction of a Town Council for anything which is in good faith done or intended to be done in the execution or purported execution of this or any other Act.

Board's obligations under existing leases of flats

47.—(1) On the expiry of the period of 180 days, or such shorter period as the Minister may determine, after the establishment of a Town Council for the Town and so long as a Town Council is established for the Town, the Board as the lessor of the flats in the residential and commercial property and of the stalls in the market and food centres within the Town shall, notwithstanding the Housing and Development Act (Cap. 129) and the terms, covenants and conditions contained in the leases of those flats or stalls to the contrary, cease to be liable for the maintenance and management of the common property of the residential and commercial property in the housing estates in which those flats or stalls are situated, including the provision of cleaning services and the maintenance of mechanical equipment and installations in the Town, and thereupon the Town Council shall be liable for the maintenance and management of such common property.

(2) Upon the establishment of a Town Council for the Town and so long as a Town Council is established for the Town, except as otherwise provided in this Act, the terms, covenants and conditions in the leases of the flats and stalls referred to in subsection (1) shall continue in force and the Board as the lessor of such flats or stalls within the Town shall be entitled to enforce the performance of the

terms, covenants and conditions in the leases as if this Act has not been enacted.

Board's liability for repairs, etc

48. The Board shall not be liable in respect of any action, claim or proceedings arising out of any —

- (a) repairs, maintenance, improvements or other works carried out by a Town Council or its agents to the common property of the residential and commercial property in the housing estates within the Town; or
- (b) charges paid to a Town Council by any person under this Act to meet the costs of such repairs, maintenance, improvements or other works.

Dissolution of a Town Council

49.—(1) Where at any time any elected member of the Town Council for any Town declared under section 3(1)(b) has requested for his constituency to be declared to be part of another Town or to be a Town by itself or where there is for any reason no legally constituted Town Council for a Town, the Minister may, if he considers it necessary, by order published in the *Gazette* dissolve the Town Council.

(2) Notwithstanding section 47, where a Town Council is dissolved under subsection (1), the Board shall, upon the dissolution of that Town Council and pending the establishment of another Town Council for the Town, be responsible and liable, as the owner of the housing estates within the Town, for the maintenance and management of such housing estates and shall be entitled to enforce the performance of the terms, covenants and conditions in the leases relating to such housing estates as if this Act has not been enacted.

(3) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provisions relating to the dissolution of the Town Council as may be necessary or expedient, including provisions for or with respect to the following matters:

- (a) the sale or disposition of any property of the Town Council;

- (b) the discharge of the liabilities of the Town Council;
- (c) the distribution of the assets of the Town Council;
- (d) the appointment and powers of any person to carry out the winding up of the affairs of the Town Council; and
- (e) any matter in respect of which it is, in the opinion of the Minister, just and equitable in the circumstances of the case to make provision in the order.

Public servants for purposes of Penal Code

50. All members, officers and employees of a Town Council shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Savings

51.—(1) Nothing in this Act shall be construed to affect any obligation or liability accrued or incurred under a lease for a flat in any residential or commercial property or for a stall in any market or food centre of the Board within a Town at any time prior to the establishment of the Town Council.

(2) Any cause of action which has arisen between any such owner or tenant and the Board prior to the establishment of the Town Council may be continued and enforced as if this Act has not been enacted.

(3) Nothing in this Act shall affect any rights or remedies that the Board or an owner or tenant of a flat in any residential or commercial property may have in relation to the flat or the common property, or any function of the Board, apart from this Act.

(4) Any contract made by the Board before the date of commencement of this Act and subsisting on that date which relates to the maintenance of the common property of any residential or commercial property of the Board shall be deemed to contain a provision conferring upon the Board the right to assign, without the consent of the other party to the contract, the contract or the benefits, rights, duties and obligations under the contract or any part thereof to any Town Council; and any assignment made pursuant

to this subsection shall be exempt from any duties under the Stamp Duties Act (Cap. 312).

Rules

52. The Minister may make such rules as he considers necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof and to prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

THE SCHEDULE

Section 9(9).

FORM A

THE TOWN COUNCILS ACT 1988

(ACT 12 OF 1988)

DECLARATION OF ACCEPTANCE OF OFFICE

To the Minister.

I,

.....

of

.....

**(a)* having been appointed under section*9 (1)/9 (5) of the Town Councils Act to the toffice of Chairman;

**(b)* who by virtue of section 9(2) of the Town Councils Act is Chairman,

of the Town Council for the Town of

..... hereby declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of 19

Signature

This declaration was made and subscribed before me a *Justicd of the Peace/Magistrate/Commissioner for Oaths.

Signature

Note: *Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM B

THE TOWN COUNCILS ACT 1988

(ACT 12 OF 1988)

DECLARATION OF ACCEPTANCE OF OFFICE

To the Minister.

I,

..... of
.....

having been appointed under section 9(3) of the Town Councils Act to the office of Vice-Chairman of the Town Council for the Town of hereby declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of 19

Signature

This declaration was made and subscribed before me a *Justicd of the Peace/Magistrate/Commissioner for Oaths.

Signature

Note: *Delete whichever is inapplicable.
