



THE STATUTES OF THE REPUBLIC OF SINGAPORE

TOWN COUNCILS ACT

(CHAPTER 329A)

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Town Councils Act

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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.

[5th August 1988]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Town Councils Act.

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(8);

“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 39;

“commercial property” means any building or premises vested in or belonging to the Board (or part of such building or premises) which is permitted under the Planning Act (Cap. 232) to be used wholly or partly as —

- (a) a market, food centre, confectionery, bakery, restaurant or bar, or an eating house;
- (b) an office or a place of business and for conducting administrative work;
- (c) a shop or premises for the carrying on of any trade or business where the primary purpose is the sale of goods by retail or the provision of services;

Examples

A furniture shop, department store, supermarket, dispensary, medical clinic, dental clinic, beauty salon, ticket agency, travel agency, laundry shop, dry cleaner’s shop, pet shop, video games arcade, computer gaming centre, billiard saloon, bowling alley, bank or multimedia kiosk, or an automated teller machine.

- (d) a place —
 - (i) for the care or education, or care and education, of children below 7 years of age; or
 - (ii) at which 5 or more school-going children who are 7 years of age or older but below 14 years of age are habitually received for the purposes of care and supervision before or after school hours;
- (e) premises —
 - (i) for the reception, lodging and care of aged or disabled persons or persons suffering or convalescing from any sickness, injury or infirmity; or
 - (ii) for any type of examination of the human body or of any matter derived from the human body

for the purpose of providing information for the diagnosis, prevention or treatment of any disease or for the assessment of the health of any person;

Examples

A hospice, convalescent home or nursing home, or a dialysis centre, cancer screening centre or medical health centre.

- (f) a kindergarten registered under section 23 of the Education Act (Cap. 87) or an institution providing education or instruction;

Examples

A tuition centre, language school, computer school, music school, dance school, speech and drama school, child development centre or play school, or an art school or acting school.

- (g) a sports club, community centre, community club, family service centre or residents' committee centre, or premises for community-based activities, and includes an office of such a club, centre or committee; or

- (h) a police post, fire station or civil defence centre,

but excludes any property specified or described by the Minister, by order in the *Gazette*, as not to be a commercial property for the purposes of this Act;

[Act 17 of 2017 wef 01/05/2017]

“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, for any housing estate mentioned in section 54A(4), in respect of which a handover notice issued under section 54A is in effect, and includes —

- (a) the columns, beams, supports, external walls, roofs and storage spaces, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits;
[47/2004 wef 01/04/2005]
- (b) fire-fighting and protection system;
- (c) the central and appurtenant installations for services such as power, light, 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 signboards;
- (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;

[Act 17 of 2017 wef 01/05/2017]

“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;

“finance manager”, for a Town Council, means an individual (other than a member) who occupies a position in the Town Council and is primarily responsible to the Town Council for —

- (a) the supervision and administration of the accounting systems of the Town Council, including —
 - (i) keeping proper accounts and records of the Town Council’s transactions and affairs;
 - (ii) ensuring that all payments out of the Town Council’s moneys are correctly made and properly authorised; and
 - (iii) ensuring that adequate control is maintained over the receipt, custody, investment, safekeeping and expenditure of moneys and other assets of, or in custody or control of, the Town Council;
- (b) the preparation and revision of estimates of the revenue and expenditure of the Town Council under section 37;
- (c) ensuring that the financial statements of the Town Council comply with this Act; and
- (d) generally all financial matters relating to the Town Council;

[Act 17 of 2017 wef 01/05/2017]

“Financial Rules” means the rules made under section 43;

“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;

“general manager”, for a Town Council, means an individual (other than a member) who occupies a position in the Town Council having the general control and management of the administration of the Town Council, and includes any

individual, by whatever name called, who exercises such general control and management;

[Act 17 of 2017 wef 01/05/2017]

“group representation constituency” means any electoral division declared to be a group representation constituency under the Parliamentary Elections Act (Cap. 218);

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

[Deleted by Act 34 of 2017 wef 01/01/2018]

“inspector” means an inspector of Town Councils appointed under section 43E;

[Act 17 of 2017 wef 01/05/2017]

“key officer”, for a Town Council, means any of the following individuals, whether or not an employee of the Town Council:

- (a) the secretary to the Town Council;
- (b) the general manager of the Town Council, if there is one;
- (c) a finance manager of the Town Council (however designated);
- (d) an individual who is appointed a deputy to any officer in paragraph (a), (b) or (c) (however designated);
- (e) a chairperson of any committee of a Town Council where formed under section 31 for any of the following matters:
 - (i) internal audit;
 - (ii) finance;
 - (iii) procurement of goods or services;
 - (iv) publicity and public relations;
 - (v) estate management;

[Act 17 of 2017 wef 01/05/2017]

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

“managing agent”, for a Town Council, means a person (whether or not the person carries on any other business) who is engaged or appointed, for monetary or other reward, to exercise any power or perform any function or duty of the Town Council under this Act, such as (but not limited to) all of the following:

- (a) managing common property within the Town of the Town Council;
- (b) controlling the use of common property by residents of the housing estates within the Town or other persons;
- (c) maintaining and repairing common property or engaging appropriately qualified tradespersons to do so;
- (d) arranging building inspections and reports;
- (e) keeping and maintaining documents and records relating to any function, duty or power of the Town Council;
- (f) undertaking the financial management of the Town Council’s funds and books of account;
- (g) paying disbursements and expenses incurred in connection with the person’s management of the Town Council;
- (h) arranging for insurance for the Town Council;
- (i) paying accounts in relation to the Town Council, such as accounts for water and electricity charges,

but excludes the following individuals when performing any activity that is a function, duty or power of the Town Council under this Act:

- (i) a member of, the secretary to or other employee of the Town Council;

- (ii) an employee or similar officer of a managing agent of the Town Council;

[Act 17 of 2017 wef 01/05/2017]

“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 of the building or premises which is permitted to be used pursuant to the Planning Act or any other written law wholly for the purpose of human habitation;

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

“single Member constituency” means a constituency that is not a group representation constituency;

[Act 17 of 2017 wef 01/05/2017]

“statutory authority” means a body or an office that is established or constituted by or under a public Act to perform or discharge a public function, but does not include the Board or any Town Council;

[Act 17 of 2017 wef 01/05/2017]

“surplus”, for any fund established under section 33, means an excess of the assets over liabilities of the fund at the end of a financial year;

[Act 17 of 2017 wef 01/05/2017]

“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 a vice-chairman of the Town Council.

[25/90; 37/96]

(2) This Act shall not apply to —

(a) the housing estates governed by the HUDC Housing Estates Act (Cap. 131); and

[Act 34 of 2017 wef 01/01/2018]

(b) *[Deleted by Act 34 of 2017 wef 01/01/2018]*

(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 for a specified period and may contain such incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or proper.

(4) In this Act, a reference to the date on which any election results for a constituency are declared is a reference to the date the results of an election in that constituency are published in the *Gazette* under section 51 of the Parliamentary Elections Act (Cap. 218).

[Act 17 of 2017 wef 01/05/2017]

(5) In this Act, a person is in a position to exercise a significant influence over or with respect to the management or operation of the business of the managing agent or auditor of a Town Council if the person —

(a) holds (whether in the person's own right or on behalf of any other person) the position of director, partner or other executive position (however designated) in the business of the managing agent or auditor;

(b) is entitled to exercise, by voting or otherwise and whether exercisable alone or in association with others, and whether in the person's own right or on behalf of any other person, any power to participate in any directorial, managerial or executive decision in the business of the managing agent or auditor; or

(c) is a substantial shareholder (within the meaning of section 81 of the Companies Act (Cap. 50)) of the managing agent or auditor, which is a company.

[Act 17 of 2017 wef 01/05/2017]

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) a single constituency;

[Act 17 of 2017 wef 01/05/2017]

(b) any 2 or 3 constituencies where the Members of Parliament agree to their constituencies being declared to be a Town.

[Act 17 of 2017 wef 01/05/2017]

(2) An order under subsection (1) that declares a constituency to be, or to be comprised in, a Town —

(a) is not invalidated by reason only of a change in the boundaries of the constituency pursuant to section 8 or 20A(1) of the Parliamentary Elections Act; but

(b) is to continue to be in force until the order is revoked after the first general election after the change in those boundaries.

[Act 17 of 2017 wef 01/05/2017]

(3) In the event of a general election following the dissolution of Parliament, an order under subsection (1) declaring all Towns must be made by the Minister —

(a) on the 14th day after the last date the election results are declared for the respective constituencies; and

(b) with effect from that day.

[Act 17 of 2017 wef 01/05/2017]

(3A) An order under subsection (1) may be amended from time to time, and may contain supplementary provisions (not inconsistent with subsections (4), (5) and (6)) that may be desirable, necessary or expedient in consequence of any change to the boundaries of the area of a Town, such as but not limited to the following:

(a) the dissolution of a Town Council;

- (b) the sale, transfer or disposition of any property or rights and liabilities of a Town Council for the affected area, including property, rights and liabilities that would not otherwise be capable of being transferred;
- (c) the apportionment or adjustment between Town Councils of property, income or expenditure, or rights and liabilities in connection with the affected area;
- (d) the continued operation of the by-laws made by a Town Council for the affected area and for the amendment or revocation by another Town Council of those by-laws, even if the by-laws were not originally made by that other Town Council;
- (e) the imposing of a duty on a Town Council to provide another Town Council with all such documents and information and other assistance as the other Town Council may reasonably require for the purposes of, or in connection with, the assumption of responsibility by that other Town Council for the affected area;
- (f) the change of name of any Town Council;
- (g) specifying for the purposes of subsection (4) the successor Town Council for a dissolved Town Council.

[Act 17 of 2017 wef 01/05/2017]

(4) Where an order under subsection (1) provides for an area comprised within a Town (called in this section Town A) to constitute part of another Town (called in this section Town B) —

- (a) the Town Council for Town A (called in this section the transferring Town Council); or
- (b) if the Town Council for Town A is dissolved, the successor Town Council to that Town Council,

continues to be liable, for a period specified in the order (being not more than 90 days) or a shorter period agreed between the Town Council for Town B (called in this section the receiving Town Council) and the transferring Town Council or successor Town Council for Town A (as the case may be), for the maintenance and management of the common property of the residential and

commercial property in the housing estates of the Board within that area as if the order had not been made.

[Act 17 of 2017 wef 01/05/2017]

(5) Upon the expiry of the period referred to in subsection (4), the receiving Town Council shall be liable for the maintenance and management of that common property.

[18/92; 37/96]

[Act 17 of 2017 wef 01/05/2017]

(6) Nothing in subsection (4) shall authorise the transferring Town Council or successor Town Council for Town A (as the case may be) to draw on —

(a) any surpluses of the Town Council which are required under section 34 to be transferred to its sinking funds; or

(b) any balance of those surpluses,

to maintain and manage the common property of the residential and commercial property in the housing estates of the Board within the relevant area.

[37/96]

[Act 17 of 2017 wef 01/05/2017]

(7) *[Deleted by Act 17 of 2017 wef 01/05/2017]*

(8) 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 Council

4. A Town Council is established by this section for every Town unless the Town Council is dissolved under this Act.

[Act 17 of 2017 wef 01/05/2017]

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 any vice-chairman and any member of the Town Council authorised by resolution of the Town Council generally or specially to act for that purpose.

[25/90]

(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 Town Council

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

- (a) the elected member or members *ex officio*; and
- (b) such other members appointed by the chairman in accordance with subsections (2) and (3).

[Act 17 of 2017 wef 01/05/2017]

(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 any housing estate of the Board within the Town.
[18/92]

(3) At least 6 individuals must be appointed under subsection (1)(b) as appointed members of a Town Council, but the maximum number that may be so appointed is the higher of the following:

- (a) 10 for each Member of Parliament required to be returned at any parliamentary election for each constituency comprised in the Town of that Town Council;
- (b) 30.

[Act 17 of 2017 wef 01/05/2017]

Chairman and vice-chairmen

9.—(1) Subject to subsection (3), a chairman of a Town Council for a Town is —

- (a) if the area of the Town comprises only one single Member constituency, the Member of Parliament for that constituency; and
- (b) if the area of the Town comprises a single group representation constituency, or 2 or 3 constituencies, whoever is chosen by the elected members of the Town Council from among themselves to be the chairman.

[Act 17 of 2017 wef 01/05/2017]

(2) Unless otherwise provided in subsection (4), the chairman of a Town Council for a Town (as determined under subsection (1)) assumes that office as follows:

- (a) for a Town declared after a general election, on the day that the order made under section 3(1) in the circumstances in section 3(3) takes effect;
- (b) for a Town comprising one or more constituencies in which a by-election is held —

- (i) if the Town comprises only one single Member constituency, on the day after the day the candidate is declared returned as the Member of Parliament for that constituency under section 49(7E)(a) or 49A(5) of the Parliamentary Elections Act (Cap. 218), whichever happens; or
 - (ii) if the Town comprises a single group representation constituency, or 2 or 3 constituencies, on the 14th day after the last date the election results are declared for the constituency or constituencies in which the by-election is held;
- (c) for any other case, on the date the Town for the Town Council is declared under section 3.

[Act 17 of 2017 wef 01/05/2017]

(3) If the choice required by subsection (1)(b) is not made by the elected members of a Town Council on or before the applicable date mentioned in subsection (2), the Minister must appoint the chairman for that Town Council from among its elected members.

[Act 17 of 2017 wef 01/05/2017]

(4) The chairman so appointed under subsection (3) assumes office on the day immediately after the applicable date mentioned in subsection (2), and holds office for such term as the Minister may determine.

[Act 17 of 2017 wef 01/05/2017]

(5) The chairman shall appoint from among the members not more than 2 vice-chairmen for such term, not exceeding 2 years, as he may determine.

[25/90]

(6) The chairman or a 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 reappointment.

[25/90]

(7) 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.

(8) Any chairman appointed under subsection (7) 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 any housing estate of the Board within the Town.

[18/92]

(9) The appointment of any chairman under subsection (7) —

(a) terminates upon the assumption of office of the elected member or members of the Town Council for the Town after the general election; or

[Act 17 of 2017 wef 01/05/2017]

(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 (7).

(9A) To avoid doubt, an individual's appointment as an appointed member is not affected by reason only of the revocation —

(a) by the Minister under subsection (9)(b) of the individual's appointment to act as chairman; or

(b) by the chairman under subsection (10) of the individual's appointment to act as vice-chairman.

[Act 17 of 2017 wef 01/05/2017]

(10) The chairman may at any time revoke the appointment of any vice-chairman without assigning any reason.

[25/90]

(11) The chairman and any 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 by rules under section 57 and deliver the declaration to the Minister.

[Act 17 of 2017 wef 01/05/2017]

(12) Any failure to comply with subsection (11) by the chairman or vice-chairman shall not invalidate his term of office.

[25/90]

(13) [*Deleted by Act 17 of 2017 wef 01/05/2017*]

Duties of chairman and vice-chairmen

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, any vice-chairman shall preside at meetings of the Town Council and shall perform such other duties of the chairman as are prescribed in this Act.

[25/90]

(3) If the chairman and vice-chairmen 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.

[25/90]

Chairman to have casting vote

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

Resignation of chairman and vice-chairmen

12.—(1) The chairman shall not resign or vacate his office and any purported resignation or vacation of office in breach of this section shall be deemed to be invalid.

(2) 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.

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

(4) A vice-chairman may resign his office by giving notice in writing under his hand to the chairman.

[25/90]

(5) Where the chairman or a 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 the death or vacation of office and section 9 shall apply, with the necessary modifications, to such appointment.

[25/90; 37/96]

(6) Subsections (1) and (2) shall not apply to any chairman appointed under section 9(7).

PART III

GENERAL PROVISIONS AS TO MEMBERS OF TOWN COUNCIL

Tenure of office of elected members

13.—(1) Subject to this section, a Member of Parliament assumes office as an elected member of a Town Council —

- (a) for a Town declared after a general election, on the day that the order made under section 3(1) in the circumstances in section 3(3) takes effect;
- (b) for a Town comprising any constituency in which a by-election is held, on the day after the day he is declared returned at the by-election as the Member of Parliament for that constituency under section 49(7E)(a) or 49A(5) of the Parliamentary Elections Act (Cap. 218), whichever happens; or
- (c) for a Town in any other case, on the day the Town is declared under section 3.

(2) An elected member of a Town Council vacates office as an elected member of a Town Council only when he ceases to be a Member of Parliament for the constituency comprised within the Town for which the Town Council is established.

(3) Subject to subsection (2), an elected member of a Town Council cannot resign his office as an elected member, and any purported resignation as an elected member of a Town Council is of no effect.

(4) Every elected member of a Town Council who is not a chairman or vice-chairman of the Town Council must, as soon as practicable after assuming office as an elected member, complete a declaration of

acceptance of that office in the form prescribed by rules under section 57 and deliver the declaration to the Minister.

[Act 17 of 2017 wef 01/05/2017]

Tenure of office of appointed members

14.—(1) Subject to subsections (2), (4), (5), (6) and (8), an appointed member shall hold office for a term of 2 years and on such conditions as the chairman may determine and shall be eligible for reappointment.

[Act 17 of 2017 wef 01/05/2017]

(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 under section 9(2) or (4), unless the member earlier resigns or vacates his office in accordance with this Act.

[Act 17 of 2017 wef 01/05/2017]

(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 any housing estate within the Town, ceases to be so resident; or
 - (c) becomes in any manner disqualified for membership of the Town Council.

[18/92]

(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;

(aa) is appointed under section 38(1) as the auditor of the Town Council;

[Act 17 of 2017 wef 01/05/2017]

(ab) is or becomes the managing agent of the Town Council;

[Act 17 of 2017 wef 01/05/2017]

(ac) is in a position to exercise a significant influence over or with respect to the management or operation of the business of the managing agent or appointed auditor of the Town Council;

[Act 17 of 2017 wef 01/05/2017]

(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.

(10) Every appointed member of a Town Council must, as soon as practicable after being so appointed under subsection (1) or (3), complete a declaration of acceptance of that office in the form prescribed by rules under section 57 and deliver the declaration to the Minister.

[Act 17 of 2017 wef 01/05/2017]

Conflict of interest and disclosure by members

15.—(1) As soon as practicable after a member of a Town Council becomes aware of a conflict of interest in a question that has arisen or is about to arise before the Town Council, the member must disclose in writing the fact, nature, character and extent of the personal or financial interest that gives rise to the conflict —

- (a) in the case of the chairman, to the secretary and all other members of the Town Council; or
 - (b) in the case of any other member of the Town Council, to the secretary and —
 - (i) to the chairman;
 - (ii) if the chairman also has a conflict of interest, to a vice-chairman; or
 - (iii) if both the chairman and vice-chairman also have a conflict of interest, to all other members of the Town Council.
- (2) The secretary to a Town Council must ensure that every disclosure under subsection (1) in relation to any question —
- (a) is recorded in a register of interests kept and maintained in the prescribed form; and
 - (b) is brought to the attention of the member presiding at a meeting of the Town Council at which that question arises or is to arise.
- (3) A member of a Town Council —
- (a) may be present at a meeting of the Town Council while a question in which the member has a conflict of interest is under consideration and may be treated as being present at a meeting for the purposes of determining quorum; but
 - (b) must not participate in any decision on the question.
- (4) For the purposes of this section, a member of a Town Council has a conflict of interest in a question arising for decision by the Town Council if the member, or an associate of the member, has a personal or financial interest in how the question is decided.
- (5) However, subsection (4) does not apply merely because of an interest that is —
- (a) an interest in a question about the level of allowances or expenses to be set for members;

- (b) an interest that the member, or an associate of the member, shares in common with the general public or a substantial section of the public;
 - (c) an interest of the member or an associate of the member —
 - (i) in an appointment or a nomination for an appointment to a body with predominantly charitable objects; or
 - (ii) in any payment or reimbursement of membership fees, or expenses related to membership, in a body mentioned in sub-paragraph (i);
 - (d) an interest of the member, or an associate of the member, that is prescribed; or
 - (e) an interest so remote or insignificant that it could not reasonably be regarded as likely to influence a decision.
- (6) In this section and section 15A, a person is an associate of another if —
- (a) they are spouses or siblings or a parent and child or they are in a similar close family relationship;
 - (b) they are in partnership;
 - (c) one is a company and the other is a director or manager of the company;
 - (d) one is a private company within the meaning of the Companies Act (Cap. 50) and the other is a shareholder in the company; or
 - (e) a chain of relationships can be traced between them under one or more of the above paragraphs.
- (7) The secretary to a Town Council who, without reasonable excuse —
- (a) fails to keep and maintain a register of interests in the prescribed form; or
 - (b) fails to comply with subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(8) To avoid doubt, this section is in addition to, and not in derogation of, the operation of any rule of law restricting a member of a Town Council from having any interest in contracts with the Town Council or from holding offices or possessing interests in conflict with his duties as such a member.

[Act 17 of 2017 wef 01/05/2017]

Town Council staff, etc., to disclose conflict of interest

15A.—(1) This section applies —

- (a) to the secretary to a Town Council;
- (b) to an employee, a staff or the managing agent of a Town Council who has been delegated a power, function or duty of the Town Council under this Act; and
- (c) to a member of a committee of a Town Council who has been delegated a power, function or duty of the Town Council under this Act.

(2) As soon as practicable after a person mentioned in subsection (1)(a), (b) or (c) becomes aware of a conflict of interest that has arisen or is about to arise in a matter in which the person is conferred a power, function or duty relating to the Town Council by or under this Act, the person —

- (a) must not exercise or further exercise that power, or perform or further perform that function or duty, without the approval of the Town Council; and
- (b) must disclose the fact, nature, character and extent of the personal or financial interest that gives rise to the conflict as follows:
 - (i) in the case of the secretary to or a member of a committee of a Town Council, or the managing agent of the Town Council, disclose to the chairman of the Town Council in writing as soon as the secretary, member of a committee or managing agent (as the case may be) becomes aware of the conflict of

interest, and to the Town Council not later than at the next meeting of the Town Council;

- (ii) in the case of an employee or a staff of a Town Council, disclose to the secretary to the Town Council in writing as soon as the employee or staff becomes aware of the conflict of interest.

(3) A person mentioned in subsection (1) has a conflict of interest in a matter in which the person is conferred a power, function or duty relating to the Town Council if the person, or an associate of the person, has a personal or financial interest in how the power, function or duty is to be exercised or performed in relation to that matter.

(4) This section is in addition to, and not in derogation of, the operation of any rule of law restricting a person mentioned in subsection (1) from having any interest in contracts with a Town Council or from holding offices or possessing interests in conflict with his powers, functions or duties as such a secretary to, or an employee or a staff or a managing agent of, a Town Council or a member of a committee of a Town Council.

[Act 17 of 2017 wef 01/05/2017]

Allowances, etc., payable to members

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

Validity of acts of members

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.

Notice about members and key officers of Town Council

17A.—(1) Within 30 days after an individual —

(a) assumes any of the following offices in a Town Council:

- (i) the chairman;
- (ii) a vice-chairman;
- (iii) an elected member;
- (iv) an appointed member; or

(b) is appointed as a key officer of a Town Council,

the Town Council must give to the Minister a notice specifying the name and other prescribed particulars of the individual.

(2) Within 30 days after an individual —

(a) ceases to hold any of the following offices in a Town Council, other than because of the operation of section 9(9), 13(2) or 14(2):

- (i) the chairman;
- (ii) a vice-chairman;
- (iii) an elected member;
- (iv) an appointed member; or

(b) ceases to be a key officer of a Town Council,

the Town Council must give to the Minister a notice specifying the name of the individual and other prescribed particulars about the cessation.

(3) Within 30 days after an individual —

(a) assumes any office mentioned in subsection (1)(a); or

(b) is appointed as —

- (i) the secretary to the Town Council;
- (ii) the general manager of the Town Council;
- (iii) a finance manager of a Town Council; or

- (iv) a deputy of any officer in sub-paragraph (i), (ii) or (iii),

the Town Council must exhibit, in accordance with subsection (4), a notice in English specifying the name of the individual.

(4) The notice required by subsection (3) must be —

- (a) affixed to a conspicuous part of such buildings comprised within the Town of the Town Council concerned as will secure adequate publicity for the contents of the notice; and
- (b) published in the *Gazette*, and at an online location accessible to residents of housing estates within that Town.

[Act 17 of 2017 wef 01/05/2017]

PART IV

FUNCTIONS AND POWERS OF TOWN COUNCIL

Functions of Town Council

18.—(1) Subject to sections 21A and 21B, the functions of a Town Council are —

- (a) to control, manage, maintain and improve the common property of the residential and commercial property in the housing estates of the Board within the Town for the benefit of the residents of those housing estates and to keep them in a state of good and serviceable repair and in a proper and clean condition; and

[Act 17 of 2017 wef 01/05/2017]

- (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 this Act.

[Act 17 of 2017 wef 01/05/2017]

[Act 17 of 2017 wef 01/05/2017]

(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 the residential and commercial property in the housing estates of the Board within the Town.

Powers of Town Council

19.—(1) Subject to subsections (1A), (4) and (5) and sections 21A and 21B, a Town Council may —

(a) with the prior written consent of the Board, establish and maintain places and facilities on or make improvements to the common property of the residential and commercial property for the benefit of residents of housing estates of the Board within the Town;

(aa) do, with the approval of the Minister, any of the following in relation to any facility that is erected, installed or planted within the Town but is outside of the common property of the residential and commercial property in the housing estates of the Board within the Town:

(i) erect, install or plant (including landscaping) the facility;

(ii) demolish and relocate the facility;

(iii) repair and maintain the facility,

provided that the owner of the property on which the facility is erected, installed, planted, demolished or relocated consents;

[Act 17 of 2017 wef 01/05/2017]

(b) acquire and hold property of any description if, in the opinion of the Town Council, the 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 Act to perform and, subject to the terms and conditions upon which the property is held, to dispose of the property;

[Act 17 of 2017 wef 01/05/2017]

(c) set such charges as the Town Council from time to time thinks fit for all or any of the following if prescribed by rules under section 57:

(i) for use of any common property within the Town or any part of the common property;

(ii) for use of any improvements made by the Town Council to that common property;

(iii) for such use of any services and facilities provided by the Town Council;

[Act 17 of 2017 wef 01/05/2017]

(d) appoint agents to carry out its functions under this Act;

[Act 17 of 2017 wef 01/05/2017]

(e) accept gifts and donations whether of property or otherwise and whether subject to any special trust or not; and

(f) 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 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 Act.

[25/90; 37/96]

[Act 17 of 2017 wef 01/05/2017]

[Act 17 of 2017 wef 01/05/2017]

(1A) However, nothing in subsection (1) confers any power on a Town Council to wholly remove, demolish or destroy, without the prior consent of the Board, any recreational equipment or other installation or structure that —

(a) is situated on any common property in a housing estate within its Town; and

(b) is not constructed by the Town Council.

[Act 17 of 2017 wef 01/05/2017]

(2) A Town Council may —

(a) manage or maintain —

(i) any parking place, or any market or food centre, of the Board upon terms and conditions agreed between the Town Council and the Board; or

[Act 34 of 2017 wef 01/01/2018]

- (ii) any market or food centre of the Government upon terms and conditions agreed between the Town Council and the Government; or
- (b) carry out such other works on any common property of the housing estates within the Town on behalf of the Board upon terms and conditions agreed between the Town Council and the Board.

[Act 17 of 2017 wef 01/05/2017]

(3) A Town Council may, on the request of any statutory authority or any community-based association, and with the approval of the Minister, carry out any work on behalf of the statutory authority or association on any property within the Town upon such terms and conditions as may be agreed between the Town Council and the statutory authority or association, as the case may be.

[37/96]

[Act 17 of 2017 wef 01/05/2017]

(3A) Nothing in subsection (3) shall authorise a Town Council to enter upon the property of any person within the Town unless the consent of the owner thereof has been first obtained.

[23/2005 wef 15/08/2005]

(4) Except with the prior approval of the Minister, and despite subsection (1)(f), a Town Council for a Town has no power to carry on substantial trading or financial activities other than —

- (a) activities relating to the control, management, maintenance and improvement of the common property of the residential and commercial property in the housing estates of the Board within the Town;
- (b) activities to keep that common property in a state of good and serviceable repair and in a proper and clean condition; or
- (c) activities expressly permitted under any provision of this Act.

[Act 17 of 2017 wef 01/05/2017]

(5) Despite subsection (1)(c), a Town Council is not entitled to demand or take from —

- (a) the Board (or any of its contractors or agents) a charge for carrying out an activity on any part of the common property within the Town for which the Town Council is established, where the activity is carried out in the course of performing the functions or duties of the Board; or
- (b) any other person a charge for a use that is not prescribed by rules under section 57 for the purposes of subsection (1)(c).

[Act 17 of 2017 wef 01/05/2017]

(6) A Town Council that demands or takes a charge in contravention of subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[Act 17 of 2017 wef 01/05/2017]

(7) Upon conviction of a Town Council for an offence under subsection (6) for taking a charge from any person, the Court may, in addition to any penalty that may be imposed under that subsection, order the Town Council to refund to that person the charge taken.

[Act 17 of 2017 wef 01/05/2017]

Secretary and other staff of 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.

(1A) However, an individual is disqualified from being appointed under subsection (1) as, and must stop being, the secretary to a Town Council if the individual —

- (a) is appointed under section 38(1) as the auditor of the Town Council;
- (b) is or becomes the managing agent of the Town Council; or
- (c) is in a position to exercise a significant influence over or with respect to the management or operation of the business of the managing agent of the Town Council.

[Act 17 of 2017 wef 01/05/2017]

(1B) The individual appointed as the secretary to a Town Council must, as soon as practicable after assuming the appointment, complete a declaration of acceptance of that appointment in the form prescribed by rules under section 57 and deliver the declaration to the Minister.

[Act 17 of 2017 wef 01/05/2017]

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

(3) However, an individual is disqualified from being appointed under subsection (2) as, and must cease to be, a relevant key officer of a Town Council if the individual —

- (a) is appointed under section 38(1) as the auditor of the Town Council;
- (b) is or becomes the managing agent of the Town Council; or
- (c) is in a position to exercise a significant influence over or with respect to the management or operation of the business of the managing agent of the Town Council.

[Act 17 of 2017 wef 01/05/2017]

(4) The individual appointed as a relevant key officer of a Town Council must, as soon as practicable after assuming the appointment, complete a declaration of acceptance of that appointment in the form prescribed by rules under section 57 and deliver the declaration to the Minister.

[Act 17 of 2017 wef 01/05/2017]

(5) In this section, “relevant key officer” means an individual occupying a position (however designated) of —

- (a) the general manager of the Town Council;
- (b) a finance manager of the Town Council; or
- (c) a deputy of the general manager or finance manager of the Town Council.

[Act 17 of 2017 wef 01/05/2017]

Duties of 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 the 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 the residential and commercial property;
 - (c) contribute such sum towards the premiums to be paid by the Board for the insurance of the common property of the residential and commercial property against damage by fire as the Minister may, by notice in writing to the Town Council, determine;
 - (d) where necessary, renew or replace any fixtures or fittings comprised in the common property of the residential and commercial property;
 - (e) provide essential maintenance and lift rescue services to the residents of the residential and commercial property;
 - (ea) properly maintain and keep in a good and serviceable repair (including landscaping of) the facilities within the Town that is outside the common property of the residential and commercial property in the housing estates of the Board within the Town, where the facilities are erected, installed or planted by the Town Council with the approval of the Minister and the consent of the owner of the property on which the facilities are erected, installed or planted;
[23/2005 wef 15/08/2005]
 - (f) comply with the provisions of this Act and the rules made thereunder; and
 - (g) 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 the residential and commercial property or ordering repairs or other work to be done in respect of the common property.
[6/99]
- (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.

(3) On an application being made under subsection (2), the High Court may make such order as it thinks proper.

Interaction between Town Council and statutory authorities

21A.—(1) A Town Council must, in the exercise of its powers and the performance of its functions and duties under this Act in relation to the residential property and commercial property in the housing estates of the Board within its Town, work cooperatively and in collaboration with the following for the benefit of the residents of those estates:

- (a) the Board in the discharge of the Board's functions under the Housing and Development Act (Cap. 129);
- (b) any statutory authority or public officer performing functions (but without specific power) under any written law for any of the following purposes:
 - (i) securing public safety and ensuring public order in or around the Town;
 - (ii) preventing disease or injury, or creating and maintaining a healthy environment in or around the Town;
 - (iii) urban development that integrates electronic, information and communication technologies so as to improve quality of life for residents in and around the Town.

(2) Where —

- (a) the Board, or a statutory authority or public officer mentioned in subsection (1)(b), intends to perform within the Town for which a Town Council is established, a function under any written law for any of the purposes mentioned in subsection (1)(a) or (b), as the case may be;

- (b) the Board, or the statutory authority or public officer, has given to the Town Council a notice of its or the officer's intention to perform that function on or in relation to the common property of the residential and commercial property in the housing estates of the Board within the Town; and
- (c) the Town Council has unreasonably delayed, hampered or prevented the performance of that function on or in relation to that common property,

the Board, or the statutory authority or public officer (as the case may be) with the consent of the Board, may give notice to the Town Council concerned requiring the Town Council (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the notice as to facilitate or enable the Board, or the statutory authority or public officer (as the case may be), to so perform that function.

(3) If a notice given to a Town Council under subsection (2) is not complied with, the Board, or the statutory authority or public officer (as the case may be) may —

- (a) carry out, or cause to be carried out all or any of the things as are specified in the notice, and perform its or the officer's function on or in relation to the common property of the residential and commercial property in the housing estates of the Board within the Town; and
- (b) recover all expenses reasonably incurred by the Board, or the statutory authority or public officer (as the case may be) carrying out those things.

(4) Without affecting subsection (3), if a Town Council fails, without reasonable excuse, to comply with the requirements of a notice given to it under subsection (2), that Town Council shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues after conviction.

(5) To avoid doubt, this section is in addition to, and not in derogation of, any other written law that makes it an offence to obstruct or impede a public officer or statutory authority or the Board, or an officer of a statutory authority or the Board, in the performance of its or the officer's public function.

(6) This section does not apply to or in relation to any emergency-related purpose within the meaning of section 21B.

(7) To avoid doubt, this section does not prohibit a Town Council from proposing reasonable terms and conditions for carrying out activities mentioned in section 19(2) or (3).

[Act 17 of 2017 wef 01/05/2017]

Direction to Town Councils for emergency-related measures

21B.—(1) The Minister may, by written direction given to a Town Council —

- (a) require the Town Council to prepare itself to deal with specified kinds of emergency-related purposes; or
- (b) require that —
 - (i) access be given to specified kinds of services by the Town Council for specified kinds of emergency-related purposes; or
 - (ii) priority of access be given to specified kinds of services by the Town Council for specified kinds of emergency-related purposes.

(2) Every direction under subsection (1)(b) must specify the Ministry, department or statutory authority to whom access, or priority of access, must be given.

(3) The manner in which those preparations are to be made or that access, or priority of access, is to be given must be set out in the direction under subsection (1).

(4) The terms and conditions on which the preparations are to be made or that access, or priority of access, is to be given must be set out in the direction under subsection (1).

(5) A Town Council must comply with every direction given to it under subsection (1).

(6) A Town Council that fails to comply with any direction of the Minister given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(7) In this section, “emergency-related purpose” means a purpose related to the management of —

- (a) a public health emergency within the meaning of the Infectious Diseases Act (Cap. 137);
- (b) a civil defence emergency within the meaning of the Civil Defence Act (Cap. 42); or
- (c) any other public emergency (natural or otherwise).

[Act 17 of 2017 wef 01/05/2017]

Power of Town Council to carry out certain works

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

[18/92]

(2) Where a Town Council incurs any expenses or performs any repairs, works or acts that it is required or authorised by this Act or by 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 the Town Council in performing the repairs, works or acts shall be recoverable by the Town Council from that person.

Power of entry

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

(a) under 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 Building Maintenance and Strata Management Act 2004,

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.

[47/2004 wef 01/04/2005]

(1A) A Town Council may, by its employees or agents, also enter at any reasonable time, upon any flat of the Board within the Town for the purpose of determining whether any work is required to be carried out by the Town Council in accordance with this Act.

[23/2005 wef 15/08/2005]

(1B) A person authorised under subsection (1A) to enter upon any premises shall not demand to do so as of right unless prior notice of the intended entry has been given to the occupier of those premises.

[23/2005 wef 15/08/2005]

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

[23/2005 wef 15/08/2005]

By-laws for regulation of housing estates

24.—(1) A Town Council may make by-laws for regulating the control, management, administration, use and enjoyment of the common property of the 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 Act or any other Act.

[37/96]

(2) Without prejudice to the generality of subsection (1), a Town Council may make by-laws for or in respect of all or any of the following matters:

- (a) prescribing the administrative fee to be paid by any person in respect of any services provided by the Town Council or any debt due to the Town Council;
- (b) prohibiting or regulating the parking of vehicles on common property other than parking places;
- (c) prescribing the penalty (such penalty, if unpaid, to constitute a debt due to the Town Council and be recoverable as such) to be paid by the Town Council's licensees or by any owner or tenant of any flat leased from the Board for late payment of any conservancy and service charges or licence fee due to the Town Council;
- (d) requiring deposits to be placed with the Town Council by any owner or tenant of any flat leased from the Board to secure the payment of conservancy and service charges; and
- (e) prescribing the offences which may be compounded.

[25/90; 37/96]

(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 for the purpose in subsection (1); or

[Act 17 of 2017 wef 01/05/2017]

- (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 for the purpose in subsection (1),

[Act 17 of 2017 wef 01/05/2017]

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) Every by-law or amendment of or addition to or revocation of or substitution for any by-law made by a Town Council shall come into

operation upon the date specified therein but shall cease to have effect upon the expiration of a period of one month from the date of its publication in the *Gazette* if prior to the expiration of that period it has been disapproved by the Minister by order published in the *Gazette*.

[37/96]

(5) Any order made by the Minister under subsection (4) shall have effect upon the date specified therein but shall not affect the validity of anything previously done under the disapproved by-law.

[37/96]

(6) Every by-law or amendment of or addition to or revocation of or substitution for any by-law of a Town Council shall, within 15 days of its coming into operation, be displayed in such places within the Town as the Town Council may direct.

[37/96]

(7) 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.

(8) 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.

(9) 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 the by-laws made by a Town Council for the purpose in subsection (1) or makes default in complying with any of those 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 \$5,000.

[37/96]

[Act 17 of 2017 wef 01/05/2017]

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

PART IVA

LIFT UPGRADING WORKS

[23/2005 wef 15/08/2005]

Interpretation of this Part

24A. In this Part, unless the context otherwise requires —

“improvement contribution” means the costs in respect of lift upgrading works recoverable by a Town Council from the owner of a flat or a Town Council under section 24D;

“lift upgrading works” means any building operations, demolition or installation works necessary or ancillary to installing any lift or additional lift in a building or part thereof;

“precinct” means any housing estate of the Board or any part thereof within a Town that is declared by the Minister under section 24B to be a precinct for the purposes of this Part;

“transfer” means a conveyance, sale, purchase, assignment, legal or equitable mortgage, charge, surrender or disposal in any manner of any estate or interest in a flat and includes a discharge of a mortgage, a reconveyance or the devolution of the rights of a deceased owner of a flat to another person;

“voting value” means the prescribed value of the vote of an owner of a flat at any poll under this Part.

[23/2005 wef 15/08/2005]

Declaration of precincts

24B.—(1) The Minister may, after consulting the Board and the Town Council concerned, from time to time by order published in the *Gazette*, declare any housing estate of the Board or any part thereof within that Town Council’s Town to be a precinct for the purposes of the Town Council carrying out any lift upgrading works in buildings within the precinct.

(2) Any order made under subsection (1) shall include a plan with a description of the housing estate and the buildings within the precinct.

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

(4) In this section, any reference to the Minister shall include a reference to a Minister of State for the Ministry of National Development.

[23/2005 wef 15/08/2005]

Lift upgrading works in a precinct

24C.—(1) Where any housing estate of the Board or any part thereof within a Town has been declared a precinct under section 24B, the Town Council for that Town shall, as soon as practicable —

- (a) make arrangements to conduct in the manner prescribed a poll of such owners of the flats within the precinct as may be prescribed with a view to establishing their opinions about the Town Council's proposals to carry out lift upgrading works in buildings within the precinct; and
- (b) do such other things as the Minister may direct.

(2) A poll in connection with any Town Council's proposal to carry out lift upgrading works in any building within a precinct within its Town —

- (a) shall not be conducted except with the prior written approval of the Board; and
- (b) shall be a poll of such owners of such flats within the building as may be prescribed, being flats the occupants of which directly benefit from the lift upgrading works.

(3) A Town Council may carry out lift upgrading works in any building within a precinct within its Town if, and only if —

- (a) it appears from a poll of the prescribed owners of flats referred to in subsection (2)(b) that the total voting value of votes in favour of the Town Council's proposal to carry out lift upgrading works in the building is at least 75% of the total voting value of votes of all such owners; and
- (b) the Minister approves the carrying out of such lift upgrading works.

(4) No poll shall be invalid by reason of any failure to comply with any provision of this Part or any rules made thereunder relating to the conduct of a poll if it appears that the poll was conducted in accordance with the principles laid down in that provision, and that the failure did not affect the result of the poll.

(5) In this section, “owner” includes the Board in respect of any flat which the Board has not sold the leasehold interest therein.

[23/2005 wef 15/08/2005]

Power to carry out lift upgrading works and recover improvement contributions

24D.—(1) As soon as practicable after the Minister has given his approval under section 24C(3)(b), the Town Council concerned shall carry out the lift upgrading works in the precinct in such manner as the Town Council thinks fit.

(2) Where the Town Council has completed any lift upgrading works in a building within a precinct, the Town Council may recover, by way of improvement contributions, the costs incurred by the Town Council in respect of the lift upgrading works from every owner of such flats in the building as are referred to in section 24C(2)(b).

(3) Subject to subsection (4), the amount of improvement contribution payable under subsection (2) by the owner of a flat shall be determined by the Town Council whose decision shall be final.

(4) Any improvement contribution determined by a Town Council under subsection (3) in respect of any lift upgrading works in a precinct shall not be less than the improvement contribution that the Board might have determined under section 65D(2A) of the Housing and Development Act (Cap. 129) if the Board had carried out similar upgrading works in that precinct.

(5) In this section and section 24E, “owner”, in relation to any flat sold by the Board —

- (a) means the person who is the owner of the flat at the time the improvement contribution is determined by the Town Council under subsection (3); and

- (b) includes an equitable owner, a person who has purchased a leasehold interest in the flat and a purchaser under an agreement for a lease.

[23/2005 wef 15/08/2005]

Payment of improvement contribution

24E.—(1) Any owner of a flat liable to pay any improvement contribution under section 24D shall, upon a written demand by the Town Council concerned, pay to the Town Council the improvement contribution not later than one month from the date of the written demand.

(2) Where —

- (a) no representation has been taken out under a will or on the intestacy of a deceased owner of a flat; or
- (b) representation has been taken out but the personal representatives fail to apply for the written consent of the Board for the transmission or transfer of the flat,

the Town Council concerned may, for the purposes of recovering any improvement contribution, require the spouse, if any, of the deceased owner or any beneficiary of his estate who has attained the age of 21 years to pay the improvement contribution as if it is a debt owed by him and recoverable from him as such, and such person may recover from the estate of the deceased owner the sums paid by him to the Town Council.

(3) If any improvement contribution or any part thereof is not paid by the owner of a flat on the date due, the owner of the flat or any other person liable to pay the improvement contribution shall be liable, in addition, to pay to the Town Council concerned interest and a penalty in accordance with the rates prescribed.

(4) Such interest and penalty, if unpaid, shall constitute a debt due to the Town Council concerned and be recoverable as such.

[23/2005 wef 15/08/2005]

Recovery of improvement contribution from sale of flat

24F.—(1) Where any improvement contribution payable by the owner of any flat to a Town Council under section 24D remains

unpaid on the expiry of the period of 3 months after the Town Council has served on the owner of the flat a written demand of such contribution under section 24E(1), the improvement contribution (including any interest and penalty thereon) shall, on the expiry of that period, constitute a charge on the flat in favour of the Town Council.

(2) Where a Town Council has incurred or become liable for any reasonable legal costs and reasonable expenses incurred in connection with the collection or attempted collection of the unpaid improvement contribution (including any interest and penalty thereon) before it exercised its power of sale under subsection (5), such legal costs and expenses shall rank in priority to any other claims as if these costs and expenses were due at the date of the constitution of the charge.

(3) A charge on a flat constituted under subsection (1) shall continue in force until all the improvement contributions (including any interest and penalty thereon), and the necessary or incidental charges (including legal costs) incurred by the Town Council concerned before it exercised its power of sale under subsection (5), as the case may be, secured by the charge have been paid.

(4) Any charge on a flat constituted under subsection (1) shall be subject to —

- (a) all encumbrances registered or notified under the Land Titles Act (Cap. 157) in respect of that flat before the date of the constitution of the charge;
- (b) all moneys due under the lease of the flat to the Board (on its own account or on account of the Central Provident Fund Board), whether before, on or after the date of the constitution of the charge; and
- (c) all moneys due to the Central Provident Fund Board under the charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36), whether before, on or after the date of the constitution of the charge.

(5) Upon the constitution of the charge on a flat under subsection (1), the Town Council concerned 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.

(6) Subject to subsection (7), a Town Council shall not proceed to sell any flat which is subject to a charge constituted under subsection (1) unless —

- (a) notice of the intended sale has been served or published in the prescribed manner;
- (b) at the end of 90 days after the date of such notice of the intended sale, the improvement contribution or any part thereof, and any necessary or incidental charges (including legal costs) incurred by the Town Council concerned before it exercised its power of sale under subsection (5), remain due and unpaid;
- (c) there is no legal action pending in court to restrain the Town Council from proceeding with the sale; and
- (d) the Town Council has obtained prior written approval from the Board as to the eligibility of the person intending to purchase the flat.

(7) A Town Council shall not proceed under subsection (5) to sell any flat in respect of which any improvement contribution (including any interest and penalty thereon) or any part thereof is due if there is upon the flat and liable to be seized and sold by the Town Council, by writ of seizure and sale, any 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 improvement contribution.

(8) For the purpose of estimating the value of any movable property belonging to the owner of a flat under subsection (7), a Town Council may, by its employees or agents, and at any reasonable time after giving notice to any occupier of the flat, enter upon the flat to carry out such valuation.

(9) Where a Town Council has sold any flat under subsection (5), neither the purchaser of the flat nor the Registrar of Titles shall be concerned to inquire into the regularity or validity of the sale or transfer.

(10) For the purpose of registering a transfer of any flat sold under subsection (5), 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.

(11) Where a charge on a flat is constituted under subsection (1), the owner of the flat shall, upon payment of all the improvement contributions (including any interest and penalty thereon) due, and any necessary or incidental charges (including legal costs) incurred by the Town Council concerned before it exercised its power of sale under subsection (5), be entitled to —

- (a) a certificate of discharge executed and acknowledged by the Town Council as to the receipt of such payment; and
- (b) upon the execution of the certificate of discharge or, in the event of the Town Council refusing to execute the certificate of discharge, an order of court declaring that the flat shall be discharged from the charge, and the flat freed from the charge constituted under subsection (1).

[23/2005 wef 15/08/2005]

Application of proceeds of sale of flat

24G. The moneys received by a Town Council in exercise of its power of sale under section 24F(5), after discharging all prior encumbrances, shall be held by it in trust to be applied —

- (a) firstly, in payment of all costs and expenses properly and reasonably incurred by the Town Council as incidental to the sale or any attempted sale, or otherwise;
- (b) secondly, in payment to the Central Provident Fund Board of all moneys secured by its charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36) and are referred to in section 24F(4);
- (c) thirdly, in payment to the Board of such moneys due under the lease of the flat to the Board as are referred to in section 24F(4);
- (d) fourthly, in payment to the Board of all moneys secured by its charge on the flat (if any) under section 65H of the

Housing and Development Act (Cap. 129) for unpaid improvement contribution, and in payment to the Town Council of all moneys secured by its charge on the flat (if any), in the order of their priority;

- (e) fifthly, in discharge, equally and without preference, of —
 - (i) the conservancy and service charges and interest accrued and due to the Town Council at the date of sale; and
 - (ii) any improvement contribution (including any interest and penalty thereon) accrued and due to the Town Council at the date of the sale, whether or not secured by any charge under section 24D;
- (f) sixthly, in discharge of any improvement contribution (including any interest and penalty thereon) accrued and due to the Board at the date of the sale, which is not secured by any charge under section 65D of the Housing and Development Act;
- (g) seventhly, in payment of subsequent mortgages and charges (if any) in the order of their priority; and
- (h) finally, the residue of such moneys 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.

[23/2005 wef 15/08/2005]

Recovery of payments due to Town Council

24H. Any improvement contribution, interest and penalty payable to a Town Council under this Part —

- (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 moneys payable under a contract for the provision of services and the Town Council may lodge a claim for the payment of such improvement

contribution, interest and penalty with a Small Claims Tribunal in accordance with the provisions of that Act.

[23/2005 wef 15/08/2005]

Power of Minister to make rules

24I.—(1) The Minister may make rules for giving effect to the provisions of this Part and for the due administration thereof and, in particular, for or with respect to all or any of the following matters:

- (a) prescribing the manner and procedure for obtaining at a poll, the opinion of owners of flats for lift upgrading works;
- (b) prescribing the voting value of votes by owners of flats, including different voting values in respect of different classes of owners;
- (c) prescribing the manner for recovering the improvement contribution from owners of the flats;
- (d) prescribing the interest and penalty to be paid by any person for the late payment of any improvement contribution;
- (e) prescribing any expenditure limits for lift upgrading works; and
- (f) prescribing anything that may be prescribed.

(2) The Minister may, in making any such rules, provide that —

- (a) any contravention of, or failure or neglect to comply with, any provision of the rules shall be an offence punishable with a fine not exceeding \$5,000; and
- (b) where an offence under the rules committed by a Town Council is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, its chairman or secretary, or any person who was purporting to act in any such capacity, that chairman, secretary or person, as the case may be, as well as the Town Council shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

[23/2005 wef 15/08/2005]

Saving of other rights of Town Council

24J.—(1) Nothing in this Part shall be construed to affect the right of a Town Council to enforce any breach of covenant, condition or undertaking under any licence, lease, tenancy or mortgage or any other agreement in respect of any flat within its Town.

(2) No such right of a Town Council shall be deemed prejudiced by reason only of the Town Council's exercise of any power or performance of any act under this Part.

[23/2005 wef 15/08/2005]

PART V

PROCEEDINGS OF 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 the requisition.

(4) Notice of a meeting shall be given by the secretary to each member of the Town Council at least 2 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 thereof 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 thereof, 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.

(3) 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 Town Council

28.—(1) All questions coming or arising before a meeting of a Town Council or a committee thereof 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 thereof to determine any matter by circulating papers.

(3) 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 Town Council

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

Committees

31.—(1) A Town Council may, by resolution, appoint such number of committees as it thinks fit for purposes which, in the opinion of the Town Council, would be better regulated and managed by means of such committees.

(2) Subject to subsections (3) and (4), a committee appointed by a Town Council under this section may consist of such number of individuals as the Town Council thinks fit, and may include individuals who are not members.

(3) At least one-third of the members of each committee formed under this section must be members of the Town Council, and where a committee is formed under this section by a Town Council for any of the following matters:

- (a) internal audit;
- (b) finance;
- (c) procurement of goods or services;
- (d) publicity and public relations;
- (e) estate management,

the chairperson of each such committee must be a member of the Town Council.

(4) An individual is disqualified from being appointed as a committee member under this section, and must cease to be such a committee member, if the individual —

- (a) is appointed under section 38(1) as the auditor of the Town Council;
- (b) is or becomes the managing agent of the Town Council; or
- (c) is in a position to exercise a significant influence over or with respect to the management or operation of the business of the managing agent of the Town Council.

(5) Every individual who is appointed as a committee member under this section must, as soon as practicable after assuming the appointment, complete a declaration of acceptance of that

appointment in the form prescribed by rules under section 57 and deliver the declaration to the Minister.

(6) Each member of a committee formed under this section has one vote at meetings of the committee.

(7) In addition to his general vote, the chairperson, or member of a committee presiding at a meeting, of the committee has, in the case of an equality of votes, a casting vote.

(8) Subject to this Act and any restriction in a resolution under subsection (1), a committee formed under this section may regulate its own proceedings and business as it thinks fit.

[Act 17 of 2017 wef 01/05/2017]

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 Act (except a restricted power), 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.

[Act 17 of 2017 wef 01/05/2017]

(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 Act (except a restricted power), 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.

[Act 17 of 2017 wef 01/05/2017]

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

[Act 17 of 2017 wef 01/05/2017]

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

(5) In this section, a restricted power is the power of a Town Council under this Act to make by-laws, and the power of delegation conferred by this section.

[Act 17 of 2017 wef 01/05/2017]

PART VI

FINANCIAL PROVISIONS

Constitution of Town Council Fund

33.—(1) For the purposes of improving, managing and maintaining the common property of the residential and commercial property in the housing estates of the Board, a Town Council shall establish and maintain separate funds for improvements to and the management and maintenance of residential property and of 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.

[18/92; 6/99]

(2) All moneys received by a Town Council by virtue of this Act 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, each for residential property and for commercial property in the housing estates of the Board within the Town, to meet the expenditure and liabilities mentioned in subsection (6)(a).

[18/92; 6/99]

[Act 17 of 2017 wef 01/05/2017]

(4A) From 1 April 2017, every Town Council must also establish and maintain, as part of the Town Council Fund, a sinking fund called

a lift replacement fund, each for residential property and for commercial property in the housing estates of the Board within the Town —

(a) to meet the cost of —

(i) any capital expenditure (including works, plant, equipment, appliances and insurance premiums) related to the replacement of lifts in those residential property or commercial property; or

(ii) lift upgrading works under Part IVA in those residential property or commercial property; and

(b) to pay any principal or interest on moneys borrowed or raised by the Town Council for any capital expenditure mentioned in paragraph (a).

[Act 17 of 2017 wef 01/05/2017]

(4B) From 1 April 2017, every Town Council must pay into the lift replacement fund an amount out of moneys in the Town Council's sinking funds established under subsection (4), being not less than an amount prescribed.

[Act 17 of 2017 wef 01/05/2017]

(5) The Minister may, from time to time, prescribe the minimum amount of —

(a) the conservancy and service charges which are paid, or are due and payable, or both, to a Town Council under section 39; and

(b) any grants-in-aid made to a Town Council under section 42, to be paid or credited into the sinking funds and the lift replacement funds established under subsections (4) and (4A), respectively, established for residential property and for commercial property.

[6/99]

[Act 17 of 2017 wef 01/05/2017]

(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 the residential property and 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 and lightning protection system existing for common use or purposes of residents of the residential or commercial property in the housing estates of the Board within the Town;
[Act 17 of 2017 wef 01/05/2017]
 - (iii) major repairs and maintenance of the common property of the residential property and commercial property and boundary walls of the housing estates of the Board within the Town;
[23/2005 wef 15/08/2005]
[Act 17 of 2017 wef 01/05/2017]
 - (iv) improvement contributions due to the Board in respect of general upgrading works carried out under Part IVA of the Housing and Development Act (Cap. 129) on any part of the common property in the housing estates of the Board within the Town;
[Act 17 of 2017 wef 01/05/2017]
 - (v) any other works which may be prescribed from time to time; or
 - (vi) paying at the end of a financial year surpluses to any lift replacement fund as authorised by subsection (9) or by the Financial Rules;
[Act 17 of 2017 wef 01/05/2017]
- (aa) from a lift replacement fund except for the purposes specified in subsection (4A)(a) and (b); or
[Act 17 of 2017 wef 01/05/2017]
- (b) from the Town Council Fund except for the purpose of —
- (i) exercising its powers or carrying out its duties and functions under this Act or any other Act;
[Act 17 of 2017 wef 01/05/2017]

- (ii) paying any fine imposed on the Town Council upon its conviction for any offence; or

[23/2005 wef 15/08/2005]

[Act 17 of 2017 wef 01/05/2017]

- (iii) paying at the end of a financial year surpluses to any sinking fund or lift replacement fund as authorised by subsection (9) or by the Financial Rules.

[Act 17 of 2017 wef 01/05/2017]

(6A) Any Town Council which contravenes subsection (6)(a), (aa) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[23/2005 wef 15/08/2005]

[Act 17 of 2017 wef 01/05/2017]

(6B) *[Deleted by Act 17 of 2017 wef 01/05/2017]*

(7) Despite anything in this section, a Town Council may, with the approval or on the direction of the Minister, disburse moneys from an operating fund of the Town Council —

- (a) to erect, install or plant (including landscaping) any facility;
- (b) to demolish and relocate any facility; or
- (c) to repair and maintain any facility erected, installed or planted,

within the Town but outside of the common property of the residential and commercial property in the housing estates of the Board within the Town, provided that the owner of the property on which the facility is erected, installed or planted consents.

[Act 17 of 2017 wef 01/05/2017]

(8) 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.

(9) If at the end of a financial year of a Town Council, there is a surplus in an operating fund of the Town Council, or a surplus in a sinking fund of the Town Council established under subsection (4), the Town Council may do the following, whichever is applicable:

- (a) transfer the whole or part of the surplus in the operating fund to a sinking fund established under subsection (4) or (4A);
- (b) transfer the whole or part of the surplus in a sinking fund established under subsection (4) to a lift replacement fund established under subsection (4A) to make good any deficit in the lift replacement fund.

[Act 17 of 2017 wef 01/05/2017]

(10) Notwithstanding anything in this section, upon the registration of the strata title plan in respect of any designated land, the Town Council responsible for the common property of the designated land shall as soon as practicable transfer to the management corporation for the designated land moneys standing to the credit of such of the funds (including sinking funds) of the Town Council Fund which relate to the designated land.

[37/96]

(11) Where an order is made under section 3(1) other than in consequence of any general election or by-election 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 the property or part is transferred; and in default of agreement the amount shall be determined by the Minister whose decision shall be final.

[37/96]

[Act 17 of 2017 wef 01/05/2017]

(12) In this section —

“commercial property” means any commercial property which does not form part of any residential property and includes any market and food centre;

“designated land” means any land or housing estate vested in the Board which the Minister, by notification in the *Gazette*,

designates as land to which section 126A of the Land Titles (Strata) Act (Cap. 158) applies;

[37/96; 6/99]

[Act 17 of 2017 wef 01/05/2017]

“operating fund”, for a Town Council, means a fund that is established as part of the Town Council Fund of the Town Council but is not a sinking fund established by the Town Council under subsection (4) or (4A).

[Act 17 of 2017 wef 01/05/2017]

Transfer of surpluses after Parliamentary election

34.—(1) Notwithstanding any other provision of this Act, where —

- (a) a writ of election is issued in respect of any constituency the area of which forms wholly or partly the area of a Town or any constituency part of which forms the area of a Town; and
- (b) there is shown in the audited balance-sheet for the last completed financial year of the Town Council for that Town immediately before the issue of that writ any excess of revenue over expenditure in any fund (other than a sinking fund) established by the Town Council under section 33,

the Town Council shall, as soon as practicable after the relevant date specified in subsection (2), transfer in accordance with this section the excess in every such fund (referred to in this Act as its surpluses) to such sinking fund of that Town Council as may be prescribed.

(2) The relevant date referred to in subsection (1) is —

- (a) the date on which the results of the election in the constituency are published in accordance with the Parliamentary Elections Act (Cap. 218); or
- (b) where a writ of election is issued in respect of more than one such constituency, the latest date among the dates on which the results of the election in each such constituency are published in accordance with that Act.

[37/96]

(3) Where there is an election in any or every whole constituency within a Town without any prior alteration to the boundaries of such constituency, the Town Council for the Town shall, subject to subsection (7), transfer its surpluses in the following manner:

- (a) if the Member or Members elected and the previous Member or Members for the constituency stood in elections for the same political party — 80% of its surpluses relating to such area of the Town comprised in that constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area; or
- (b) if the Member or Members elected and the previous Member or Members for the constituency stood in elections for different political parties — all its surpluses relating to such area of the Town comprised in that constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area.

[37/96]

(4) Where the boundaries of any constituency within a Town are altered under the Parliamentary Elections Act and there is an election in any or every new constituency so formed —

- (a) any order made under section 3 declaring the constituency to be or to form part of the Town, and any order made under section 4 establishing a Town Council for that Town, shall not be invalidated on account of such alteration in the boundaries but shall remain valid and of full force until expressly revoked or amended; and
- (b) except as otherwise provided in subsections (5), (6) and (7), the Town Council shall transfer 80% of its surpluses to the prescribed sinking funds of the Town Council.

[37/96]

(5) Where all or any of the constituencies within a Town have been amalgamated under the Parliamentary Elections Act (Cap. 218) to form a new constituency the total area of which, either alone or together with the other constituencies, remains identical to that of the Town, and there is an election in the new constituency, the Town

Council for that Town shall, subject to subsection (7), transfer its surpluses in the following manner:

- (a) if the Member or Members elected for the new constituency and the previous Members of the amalgamated former constituencies stood in elections for the same political party — 80% of its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area; or
- (b) if the Member or Members elected for the new constituency and the previous Members of the amalgamated former constituencies stood in elections for different political parties — all its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area.

[37/96]

(6) Where all or any of the constituencies within a Town have been subdivided under the Parliamentary Elections Act to form new constituencies the total area of which, whether on their own or together with other constituencies, remains identical to that of the Town, and there is an election in any of the new constituencies, the Town Council shall, subject to subsection (7), transfer its surpluses in the following manner:

- (a) if the Member or Members elected for any such new constituency and the previous Member or Members of the subdivided former constituency stood in elections for the same political party — 80% of its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area; or
- (b) if the Member or Members elected for any such new constituency and the previous Member or Members of the subdivided former constituency stood in elections for different political parties — all its surpluses relating to such area of the Town comprised in that new constituency

shall be transferred to the prescribed sinking funds of the Town Council relating to that area.

[37/96]

(7) Nothing in this section shall require a Town Council for a Town to transfer to any of its sinking funds any part of its surpluses which —

- (a) are fixed assets owned by the Town Council on the day immediately before a writ of election is issued in respect of any constituency within the Town; or
- (b) are necessary to meet any capital commitments made or entered into by that Town Council on or before that same day.

[37/96]

(8) For the purposes of this section —

- (a) an independent candidate shall be regarded as standing in an election for a political party comprising himself; and
- (b) independent candidates standing for election as a group shall be regarded as standing in an election for a political party comprising members of that group.

[37/96]

(9) In this section —

“election” and “group” have the same respective meanings as in the Parliamentary Elections Act (Cap. 218);

“independent candidate” means a person who does not stand in an election for any political party, whether individually or in a group;

“Member” means an elected Member of Parliament;

“previous Member”, in relation to a constituency where an election is held, means the Member elected at an election immediately preceding the first-mentioned election for —

- (a) the constituency;
- (b) any former constituency of which the constituency was part; or

(c) any former constituency forming part of the constituency;

“sinking fund” means a sinking fund established under section 33(4) or a lift replacement fund established under section 33(4A);

[Act 17 of 2017 wef 01/05/2017]

“writ of election” means a writ of election issued under section 24 of the Parliamentary Elections Act (Cap. 218).

[33A
[37/96]

Accounts and records

35.—(1) Every Town Council has a duty to ensure that there are kept in accordance with the Financial Rules —

- (a) proper accounts and records of the transactions and affairs of the Town Council; and
- (b) proper and separate accounts for each of the funds established under section 33(1), (4) and (4A).

(2) A Town Council has a duty to do all things necessary to —

- (a) ensure that all money payable to the Town Council is properly collected;
- (b) ensure that appropriate arrangements are implemented for the security of all money received by the Town Council;
- (c) ensure that all money expended by the Town Council is correctly spent and properly authorised;
- (d) ensure that adequate control is maintained over assets owned by or in the custody or control of the Town Council;
- (e) ensure that all liabilities incurred by the Town Council are properly authorised; and
- (f) ensure that its accounts and records are kept up-to-date and ready for inspection at any time by its auditor, an inspector or any other person authorised by or under this Act or any other written law to inspect those accounts and records.

[Act 17 of 2017 wef 01/05/2017]

Annual accounts

36.—(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.

(3) 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.

[35

Estimates

37.—(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.

(3) Where several matters are dealt with under one heading, each such matter shall be itemised and shown in a separate sub-heading relating to similar items.

(4) 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.

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

- (a) the estimated total cost thereof;
- (b) the date on which the work is expected to be completed; and

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

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

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Audit

38.—(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 Town Council with the approval of the Minister after the Minister has consulted the Auditor-General.

[Act 17 of 2017 wef 01/05/2017]

(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) The following must be given by a Town Council to the Minister within 6 months after the close of the financial year to which the accounts and financial statements relate, or such longer period as the Minister may in any particular case allow:

- (a) a copy of the audited accounts and financial statements of the Town Council, signed by the chairman of and the secretary to the Town Council;
- (b) a copy of the report made by the auditor.

[Act 17 of 2017 wef 01/05/2017]

(12) The Minister must, as soon as practicable, cause a copy of the audited accounts and financial statements and of the auditor's report mentioned in subsection (11) to be presented to Parliament.

[Act 17 of 2017 wef 01/05/2017]

(13) 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 must be forwarded to the Auditor-General at the same time they are submitted to the Minister under subsection (11).

[Act 17 of 2017 wef 01/05/2017]

(13A) Within 30 days after a copy of the audited accounts and financial statements of a Town Council, and a copy of the auditor's report, mentioned in subsection (11) are presented to Parliament, the Town Council must —

- (a) display them for public inspection in such places within the Town as the Town Council may direct; and
- (b) publish them at an online location accessible to residents of the housing estates within the Town.

[Act 17 of 2017 wef 01/05/2017]

(13B) A Town Council which, without reasonable excuse, is persistently in default in relation to the requirement imposed by subsection (11), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[Act 17 of 2017 wef 01/05/2017]

(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.

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Conservancy and service charges

39.—(1) For the purposes of carrying out its duties and functions under this Act 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.

(4) 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.

(5) 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 the month 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 the month 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.

[25/90]

(6) Where any charges and interest thereon levied under this section are not paid within the month 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.

[25/90]

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

(8) The court before which the 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.

(9) Upon the expiry of the period provided under section 53(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.

(10) 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.

(11) A Town Council may under this section levy different rates of charges in respect of flats in any residential or commercial property or of stalls in any market or food centre of the Board in accordance with such criteria as it may determine.

[6/99]

(12) Without prejudice to the generality of subsection (11), a Town Council may differentiate the rates of charges to take into account any grants-in-aid made under section 42 which are expressed to be for the benefit of any class of owners of flats.

[6/99]

(13) 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 demand is delivered to the owner or tenant or is delivered at the flat or stall to some adult member or employee of his family;
- (b) if it is sent to the owner or tenant 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.

(14) In 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, trustee or receiver, or who would receive the rent if the flat were let to a tenant;

- (aa) the personal representative of the estate of an owner or a tenant who is deceased;

[23/2005 wef 15/08/2005]

- (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.

[38]

Power to borrow

40. 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(4A)(a) or (6)(a);

[Act 17 of 2017 wef 01/05/2017]

- (b) the repayment of any loan previously raised for any such purposes; and
- (c) such other purposes as may be prescribed.

[39]

Power of investment

41. A Town Council may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

[45/2004 wef 15/12/2004]

Grants

42. For the purposes of enabling a Town Council to carry out its functions under this Act 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.

[41

Financial Rules

43.—(1) 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 Part 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 accounts, books and other documents required under the provisions of this Act or the rules made thereunder;
[Act 17 of 2017 wef 01/05/2017]
- (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;
[Act 17 of 2017 wef 01/05/2017]
- (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;
[Act 17 of 2017 wef 01/05/2017]
- (g) a requirement that a Town Council must prepare and keep up-to-date a long-term financial plan that relates to a period to be prescribed and containing prescribed information about the Town Council's proposals for the repair, maintenance, management and improvement of common

property within its Town for each financial year of the period to which the plan relates;

[Act 17 of 2017 wef 01/05/2017]

(h) requirements for a Town Council which is or is likely to become insolvent, or which is or is likely to become unable to pay its debts (within the meaning as prescribed) —

(i) to report to the Minister of that fact; and

(ii) to do or not to do any act or thing prescribed (which may include preparing a debt repayment plan and appointing one or more advisers to advise the Town Council on the proper management of its business);

[Act 17 of 2017 wef 01/05/2017]

(i) the circumstances under which a surplus in —

(i) an operating fund established for residential property in the housing estates of the Board within a Town may be transferred to an operating fund established for commercial property in those housing estates, and vice versa;

(ii) a sinking fund established under section 33(4) for residential property in the housing estates of the Board within a Town may be transferred to a sinking fund established under that provision for commercial property in those housing estates, and vice versa; or

(iii) a lift replacement fund established under section 33(4A) for residential property in the housing estates of the Board within a Town may be transferred to a lift replacement fund established under that provision for commercial property in those housing estates, and vice versa; and

[Act 17 of 2017 wef 01/05/2017]

(j) the apportioning of moneys in the Town Council Fund for the purposes of section 34.

[Act 17 of 2017 wef 01/05/2017]

[Act 17 of 2017 wef 01/05/2017]

- (2) In addition, the Financial Rules may —
- (a) provide that any contravention of any provision of the Financial Rules shall be an offence punishable with a fine not exceeding \$5,000; and
 - (b) provide for such saving, transitional and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

[Act 17 of 2017 wef 01/05/2017]

PART VIA

INSPECTION AND OFFICIAL MANAGEMENT OF TOWN COUNCILS

[Act 17 of 2017 wef 01/05/2017]

Compliance reviews

43A.—(1) The Minister may establish a program of compliance reviews for Town Councils, the purpose of which is to ensure that the Town Councils conduct their business in accordance with this Act, the Financial Rules and rules made under section 57.

(2) A compliance review is to be carried out by an inspector, or 2 or more inspectors, assigned to the review by the Minister.

(3) The inspector or inspectors assigned under subsection (2) to carry out a compliance review of a Town Council must report to the Minister and the Town Council on the results of the compliance review.

(4) The results of a compliance review of a Town Council must be given to the Town Council, and may contain recommendations for administrative or regulatory change.

(5) The members, secretary, employees, key officers and committee members of a Town Council, or a managing agent of a Town Council and its employees (as the case may be) must, at the request of an inspector assigned to carry out a compliance review of the Town Council —

- (a) do anything reasonably necessary to facilitate the exercise of powers of the inspector under this section;
 - (b) answer questions relevant to the compliance review asked by the inspector;
 - (c) produce specified records or documentary material relevant to the compliance review;
 - (d) give other assistance the inspector reasonably requires; or
 - (e) do any combination of paragraphs (a) to (d).
- (6) An inspector conducting a compliance review of a Town Council may by notice require any person mentioned in subsection (5) —
- (a) to furnish accounts and statements in writing with respect to any matter in question at the compliance review, being a matter on which that person has or can reasonably obtain information;
 - (b) to return answers in writing to any questions or inquiries addressed to the person on any matter mentioned in paragraph (a);
 - (c) to furnish copies of documents in the person's custody or under the person's control which relate to any matter in question at the compliance review;
 - (d) to attend at a specified time and place and give evidence or produce any such documents; or
 - (e) to verify by statutory declaration any such accounts, documents, statements or answers furnished, returned or given under paragraph (a), (b), (c) or (d), as the case may be.

[Act 17 of 2017 wef 01/05/2017]

Investigations

43B.—(1) The Minister may direct an investigation under this Part into the affairs of a Town Council if —

- (a) there are reasonable grounds to suspect a material irregularity in or affecting the conduct of the Town Council's affairs; or
- (b) any document or information the production of which has been required of a person under section 43A has not been produced in compliance with that requirement, and the inspector concerned has reasonable grounds to believe that the person will not produce the document or information in compliance with that requirement.

(2) An investigation under subsection (1) is to be carried out by an inspector, or 2 or more inspectors, assigned to the investigation by the Minister.

(3) The inspector or inspectors assigned under subsection (2) to carry out an investigation of a Town Council must report to the Minister and the Town Council on the results of the investigation.

[Act 17 of 2017 wef 01/05/2017]

Powers of inspectors in investigations

43C.—(1) For the purposes of an investigation of a Town Council, an inspector assigned to carry out the investigation has right of access at any reasonable time in the day, and after giving 6 hours' prior notice of the exercise of the right to access at any other time, to —

- (a) the premises of the Town Council concerned; and
- (b) the records or other documents of the Town Council, whether or not on the premises of the Town Council concerned.

(2) The members, secretary, employee, officers and committee members of a Town Council, or a managing agent of a Town Council and its employees (as the case may be) must, at the request of an inspector —

- (a) do anything reasonably necessary to facilitate the exercise of powers of the inspector under this section;
- (b) answer questions relevant to the investigation asked by the inspector;

- (c) produce specified records or documents relevant to the investigation;
- (d) give other assistance the inspector reasonably requires; or
- (e) do any combination of paragraphs (a) to (d).

(3) For the purposes of an investigation of a Town Council, an inspector assigned to carry out the investigation may, by notice, require —

- (a) a person to produce, within a reasonable time allowed in the notice, written answers to specified questions or other specified written information, which are within the knowledge of that person or in the person's custody or under the person's control;
- (b) a person within Singapore who appears to be acquainted with the circumstances of the investigation to attend before the inspector at a specified time and place for examination on a subject stated in the notice; or
- (c) a person to produce, within a reasonable time allowed in the notice, specified records or documents or records or documents of a specified kind, which are within the custody or under the control of that person.

(4) The power to require a person to produce any record, document or information under subsection (2) or (3) includes the power —

- (a) to require that person, or any person who is or was an officer or employee of his, to provide an explanation of the record, document or information;
- (b) if the record, document or information is not furnished, to require that person to state, to the best of his knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the inspector in legible form.

(5) A person required by notice under subsection (3) to provide written answers to questions or other written information must, if the

notice requires, verify the answers or information by statutory declaration.

(6) A person who, in response to a notice under subsection (3), attends for examination before an inspector —

(a) must, if the inspector so requires, take an oath or make an affirmation (which may be administered by the inspector) to answer truthfully all questions put to the person by the inspector; and

(b) must answer questions put to the person at the examination.

(7) Any statement made by a person at an examination before an inspector must —

(a) be reduced to writing;

(b) be read over to the person;

(c) if the person does not understand English, be interpreted for the person in a language that the person understands; and

(d) after correction, if necessary, be signed by that person.

(8) If an inspector considers it necessary to do so for the purpose of obtaining evidence of the contravention of any provision of this Act, the inspector may seize any equipment, record, document, information or other thing.

(9) An inspector may, at any time after the expiry of the period specified in the notice mentioned in subsection (3), enter any building or place where the inspector has reason to believe that any record, document or information, in respect of which the inspector has given the notice, may be found, and seize or take extracts or copies of any such record, document or information.

(10) An inspector is entitled without payment to keep any record, document or information, or any copy or extract of it, furnished to the inspector under subsection (2) or (3) or obtained under subsection (8) or (9).

[Act 17 of 2017 wef 01/05/2017]

Remedial action to rectify deficiencies

43D.—(1) This section applies where, from the report of a compliance review under section 43A or an investigation under section 43B or otherwise, the Minister is of the opinion —

- (a) that deficiencies have been identified in the conduct of a Town Council's affairs and that action must be taken to address them; or
- (b) an irregularity has occurred, or is occurring, in the administration of a Town Council's financial affairs.

(2) The Minister may by order (called in this Part a rectification order) given in writing to the Town Council, require the Town Council —

- (a) to take specified remedial action to address the deficiencies within a specified period and to report to the Minister, at the end of the specified period (called the compliance date), on the action taken to give effect to the requirement; or
- (b) to take specified action to correct the irregularity or to guard against the recurrence of irregularities (or both) at the end of the specified period (called the compliance date).

(3) The Minister may, on application by the Town Council concerned, postpone the compliance date from time to time.

(4) If a Town Council fails to comply with a rectification order by the compliance date, the Town Council shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues after conviction.

[Act 17 of 2017 wef 01/05/2017]

Inspectors of Town Councils

43E.—(1) The Minister may appoint as inspectors of Town Councils —

- (a) one or more public officers;
- (b) one or more employees of the Board; or

- (c) one or more other individuals who have the suitable qualifications and experience to properly exercise the powers of inspectors of Town Councils.
- (2) The functions of an inspector of Town Councils are —
- (a) to carry out compliance reviews under this Part; and
- (b) to investigate suspected irregularities in or affecting the conduct of a Town Council's affairs.
- (3) An inspector of Town Councils may be accompanied by one or more police officers, auxiliary police officers and public accountants to assist the inspector in the discharge of the inspector's functions.
- (4) Every inspector acting under section 43A or 43C is deemed to be a public servant for the purposes of the Penal Code (Cap. 224).
- (5) No liability shall be incurred by an inspector as a result of anything done (including any statement made) or omitted to be done with reasonable care and in good faith in the course of or in connection with —
- (a) the exercise or purported exercise of any power under this Part; or
- (b) the performance or purported performance of any function or duty under this Part.

[Act 17 of 2017 wef 01/05/2017]

Offences

43F.—(1) Any person who, without reasonable excuse, fails to do anything required of the person by notice under section 43A(6) or 43C(3) 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 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues after conviction.

- (2) Any person who —
- (a) intentionally alters, suppresses or destroys any document or information which the person has been required by a notice under section 43A(6) or 43C(3) to furnish; or

- (b) in furnishing any document or information required under section 43A(6) or 43C(3), makes any statement which the person knows to be false in a material particular or recklessly makes such a statement,

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 12 months or to both.

(3) If any person fails to comply with a notice under section 43A(6) or 43C(3), the court may, on the application of an inspector, make such order as the court thinks fit to secure compliance with such notice, and any such order may provide that all the costs and expenses of and incidental to the application must be borne by such person or by any officer of a company or other association who is responsible for the failure.

(4) A person is not excused from answering a question or producing evidential material in response to a notice or requirement made by an inspector under this Part on the ground that the answer, or the production of the material, might tend to incriminate the person.

(5) Where a person claims, before answering a question or producing evidential material that the person is required by an inspector under this Part to give, that the answer or the production of evidential material might tend to incriminate the person —

- (a) that answer or evidential material;
- (b) the giving of the answer or production of evidential material; and
- (c) any information, document or thing obtained as a direct or indirect consequence of the giving of the answer or the production of evidential material,

are not admissible in evidence against that person in any civil proceedings or any criminal proceedings other than proceedings for an offence in respect of the falsity of the answer or evidential material produced.

(6) Subsection (5) applies despite any other written law.

[Act 17 of 2017 wef 01/05/2017]

Official management of Town Councils

43G.—(1) If 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 of the Town Council in a state of good and serviceable repair and 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 danger to the health or safety of residents of the housing estates of the Board within the Town of the Town Council, and that the Town Council refuses or is unable to carry out that duty,

and the Minister is of the opinion that it is inappropriate for the Town Council to continue without official management, the Minister may, by notice in the *Gazette*, place the Town Council under official management.

(2) Before placing a Town Council under official management, the Minister must give at least 7 days' notice in writing to the chairman of the Town Council concerned —

- (a) stating that the Minister intends to place the Town Council under official management; and
- (b) specifying the time (not more than 7 days after the date of service of the notice on the Town Council) within which written representations may be made to the Minister by or on behalf of the Town Council with respect to the proposed official management.

(3) When the Minister places a Town Council under official management, all members of the Town Council are suspended from office unless the Minister indicates otherwise, and the Minister must appoint a suitable person to manage the affairs, business and property of the Town Council (called in this Part an official manager).

(4) Any decision of the Minister under subsection (1) is final.

(5) An official manager ceases to manage the affairs, business and property of the Town Council when the Minister is satisfied that the

reasons for the official manager's appointment have ceased to exist or the appointment is earlier revoked by the Minister.

(6) Where by reason of subsection (5), an official manager ceases to manage the affairs, business and property of a Town Council, the Minister must without delay cause to be published a notice to that effect —

- (a) in the *Gazette*; and
- (b) in such other manner as will secure adequate publicity for that ceasing.

[Act 17 of 2017 wef 01/05/2017]

Official manager

43H.—(1) An official manager appointed under section 43G for a Town Council has full power to transact any business of the Town Council and to do anything else the Town Council could have done but for the suspension of its members.

(2) An official manager appointed under section 43G for a Town Council may act in the official manager's own name, or in the name of the Town Council, and despite section 6, may execute a document under the common seal of the Town Council.

(3) The Minister may at any time fix the terms and conditions of the appointment of an official manager, including (whether or not the appointment of the person has terminated) the remuneration to be paid to the official manager.

(4) The remuneration of an official manager appointed under section 43G for a Town Council is payable from the Town Council Fund of the Town Council.

(5) Any decision of the Minister under subsection (3) is final.

(6) No liability shall be incurred by an official manager as a result of anything done (including any statement made) or omitted to be done with reasonable care and in good faith in the course of or in connection with —

- (a) the exercise or purported exercise of any power under this Part; or

- (b) the performance or purported performance of any function or duty under this Part.

[Act 17 of 2017 wef 01/05/2017]

PART VII

MISCELLANEOUS PROVISIONS

Recovery of conservancy and service charges from sale of flat

44.—(1) Where any conservancy and service charges levied in respect of any flat by a Town Council under section 39 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 39(6), the 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 —

- (a) all encumbrances registered or notified under the Land Titles Act (Cap. 157) in respect of that flat before the date of the constitution of the charge;
- (b) all moneys due under the lease of the flat to the Board (on its own account or on account of the Central Provident Fund Board), whether before, on or after the date of the constitution of the charge; and
- (c) all moneys due to the Central Provident Fund Board under the charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36), whether before, on or after the date of the constitution of the charge.

[23/2005 wef 15/08/2005]

(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 under subsection (4), neither the purchaser of the flat nor the Registrar of Titles appointed under the Land Titles Act (Cap. 157) 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 under 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 moneys received by a Town Council in exercise of its power of sale under subsection (4), after discharging all prior encumbrances, shall be held by it in trust to be applied —

- (a) firstly, in payment of all costs and expenses properly and reasonably incurred by the Town Council as incidental to the sale or any attempted sale, or otherwise;
- (b) secondly, in payment to the Central Provident Fund Board of all moneys secured by its charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36) and are referred to in subsection (3);

- (c) thirdly, in payment to the Board of such moneys due under the lease of the flat to the Board as are referred to in subsection (3);
- (d) fourthly, in payment to the Board of all moneys secured by its charge on the flat (if any) under section 65H of the Housing and Development Act (Cap. 129) for unpaid improvement contribution, and in payment to the Town Council of all moneys secured by its charge on the flat (if any), in the order of their priority;
- (e) fifthly, in discharge, equally and without preference, of —
 - (i) the conservancy and service charges and interest accrued and due to the Town Council at the date of sale; and
 - (ii) any improvement contribution (including any interest and penalty thereon) accrued and due to the Town Council at the date of the sale, whether or not secured by any charge under section 24D;
- (f) sixthly, in discharge of any improvement contribution (including any interest and penalty thereon) accrued and due to the Board at the date of the sale, which is not secured by any charge under section 65D of the Housing and Development Act (Cap. 129);
- (g) seventhly, in payment of subsequent mortgages and charges (if any) in the order of their priority; and
- (h) finally, the residue of such moneys 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.

[23/2005 wef 15/08/2005]

(9) Notwithstanding section 80 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 the charges due (including interest

thereon) shall rank in priority to any other claims on the flat as if the charges were due at the date of the constitution of that charge.

[37/96]

(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.

(11) For the purpose of estimating the value of any movable property belonging to the owner of a flat under subsection (5), a Town Council may, by its employees or agents, enter upon the flat to carry out such valuation at any reasonable time after giving notice to any occupier of the flat.

[43

[37/96]

Deduction of arrears of charges from compensation and other moneys payable by Board

45. Where any conservancy and service charges are due and remain unpaid by the owner or tenant of any flat to a Town Council upon the vesting of the flat in the Board under section 52 or 57 of the Housing and Development Act (Cap. 129) or upon the termination of the tenancy or lease of the flat, the Board may, on a request in writing by the Town Council and notwithstanding section 58 of that Act —

- (a) deduct such charges (including any interest and penalty thereon) remaining unpaid from any compensation, cash deposit and any other moneys in respect of the flat payable by the Board to the owner or tenant of the flat; and
- (b) subject to the law relating to bankruptcy and all statutory charges, encumbrances and moneys due and payable to the

Board, pay the amount so deducted to the Town Council as soon as practicable.

[43A
[25/90]

Fines to be paid into Town Council Fund

46. All fines imposed under this Act or any by-law made by a Town Council, less all reasonable legal costs (whenever incurred) for the prosecution thereof, and all moneys collected by it under section 49 shall be paid into the Town Council Fund.

[43B
[25/90]

[23/2005 wef 15/08/2005]

Demand for particulars

47.—(1) A Town Council or any member or employee of a Town Council or any police officer who reasonably believes that any person has committed an offence under this Act or any by-law or rules made thereunder may require the person to furnish evidence of his identity.

(2) The person mentioned in subsection (1) shall thereupon furnish such evidence of his identity as may be required by the police officer, the Town Council or its member or employee.

[25/90]

(3) A Town Council may, subject to such conditions as it thinks fit, delegate to its managing agent or any employee of its managing agent the power under subsection (1).

(4) Any power so delegated may be exercised by the agent or employee referred to in subsection (3), subject to the production of his authority when requested, in the name and on behalf of the Town Council.

[25/90]

(5) Any person who refuses to furnish any information required of him by a Town Council, any member or employee of the Town Council, any police officer or any person to whom the power under subsection (1) has been delegated under subsection (3), or who

wilfully mis-states such information, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[43C
[25/90]

Liability of owners of vehicles for parking offences

48.—(1) When a parking offence is committed within a Town, the person who, at the time of the commission of the offence, is the owner of the vehicle in respect of which the offence is committed shall be guilty of an offence under any by-law made by the Town Council in all respects as if he were the actual offender guilty of the parking offence unless the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

[25/90]

(2) Nothing in this section shall affect the liability of the actual offender except that where a penalty has been imposed on or recovered from a person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

[25/90]

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

- (a) within 7 days after service on him by a Town Council of a notice alleging that he has been guilty of the offence, furnishes by statutory declaration to the Town Council the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence;
- (b) satisfies the Town Council that he did not know and could not with reasonable diligence have ascertained such name and address; or
- (c) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

[25/90]

(4) A statutory declaration made under subsection (3)(a), if produced in any proceedings against the person named therein and in respect of any parking offence, shall be prima facie evidence that

the person was in charge of the vehicle at all relevant times relating to the parking offence.

[25/90]

(5) A statutory declaration which relates to more than one parking offence shall not be regarded as a statutory declaration under, or for the purposes of, subsection (3)(a).

[25/90]

(6) In this section —

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

- (a) any person who has the use of the vehicle under a hire-purchase agreement but excludes the owner under any such agreement;
- (b) the person in whose name the vehicle is registered except where the person has sold or otherwise disposed of the vehicle and has complied with the rules made under the Road Traffic Act (Cap. 276) applicable to him in regard to such sale or disposal; and
- (c) in the case of a vehicle in respect of which a general licence is issued under section 28 of the Road Traffic Act, the person to whom the general licence is issued;

“parking offence” means an offence of parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any by-law made by a Town Council.

[43D

[25/90]

Personal liability of members, etc., for certain offences

48A.—(1) Where a Town Council commits an offence under section 21A(4) or 43D(4), an individual —

- (a) who is the chairman of, or secretary to, a Town Council, or who was purporting to act in any such capacity; and

(b) who —

- (i) consented or connived to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the Town Council; or
- (iii) knew or ought reasonably to have known that the offence by the Town Council (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the Town Council, and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues after conviction.

(2) Where a Town Council commits a relevant offence, an individual —

(a) who is the chairman of, or secretary to, a Town Council, or who was purporting to act in any such capacity; and

(b) who —

- (i) consented or connived to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the Town Council; or
- (iii) knew or ought reasonably to have known that the offence by the Town Council (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the Town Council, and shall be liable on conviction to a fine not exceeding \$5,000.

- (3) In subsection (2), “relevant offence” means an offence —
- (a) under section 19(6), 21B(6), 33(6A) or 38(13B);
 - (b) under the Financial Rules made under section 43; or
 - (c) under any rules made under section 57 about the governance of Town Councils.
- (4) To avoid doubt, subsections (1) and (2) do not affect the liability of a Town Council for an offence mentioned in that subsection, and apply whether or not the Town Council is convicted of the offence.
- (5) To avoid doubt, this section also does not affect the application of —
- (a) Chapters V and VA of the Penal Code (Cap. 224); or
 - (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

[Act 17 of 2017 wef 01/05/2017]

Composition of offences

49.—(1) A Town Council may, in its discretion, compound any offence under any by-law made by it for a purpose mentioned in section 24(1) and which is prescribed in those by-laws as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

[Act 17 of 2017 wef 01/05/2017]

(2) A public officer authorised by the Minister may compound any offence under this Act or rules made under this Act that is prescribed under section 57 as a compoundable offence, by collecting from a Town Council or other person reasonably suspected of having committed the offence a sum not exceeding the lower of the following amounts:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$2,000.

[Act 17 of 2017 wef 01/05/2017]

(3) On payment by a person to a Town Council or public officer, as the case may be, of a sum of money under subsection (1) or (2), no further proceedings shall be taken against that person in respect of the offence.

[Act 17 of 2017 wef 01/05/2017]

50. *[Repealed by Act 17 of 2017 wef 01/05/2017]*

Legal proceedings

51. Any charges, fees or expenses or any penalties for late payment of such charges or fees 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 moneys payable under a contract for the provision of services and the Town Council may lodge a claim for the payment of the charges, fees or expenses or any penalties for late payment of such charges or fees with a Small Claims Tribunal in accordance with the provisions of that Act.

[45

[37/96]

Protection from personal liability

52. 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 Act or any other Act.

[46

Board's obligations under existing leases of flats

53.—(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 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 that 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.

(3) The Board as the lessor of the flats or stalls within the Town referred to in subsection (1) shall be entitled to enforce the performance of the terms, covenants and conditions in the leases as if this Act had not been enacted.

[47]

Board's liability for repairs, etc.

54. 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.

[48]

Handover notices of common property

54A.—(1) This section applies only to and in relation to any part of a housing estate that is not comprised in any flat and that —

- (a) is in a housing estate in respect of which a temporary occupation permit is issued on or after the date of

commencement of section 28 of the Town Councils (Amendment) Act 2017; or

- (b) is excluded (whether before, on or after the date of commencement of section 28 of the Town Councils (Amendment) Act 2017) under the definition of “common property” in section 2(1) from being regarded as common property —
 - (i) for a period;
 - (ii) because of the use or description of the part of the housing estate;
 - (iii) because of the status or description of the owner of the part of the housing estate; or
 - (iv) subject to any other condition (whether a condition precedent or a condition subsequent).

(2) Subject to subsections (4) and (5), the Board may —

- (a) issue a handover notice in respect of any part of a housing estate of the Board that is not comprised in any flat and is within the area of a Town; and
- (b) give that handover notice to the Town Council whose Town area includes that housing estate.

(3) The Town Council to whom a handover notice is given under this section in respect of any part of a housing estate of the Board assumes in relation to that part, with effect from the date specified in the handover notice, the functions of this Act relating to common property within its Town.

(4) A handover notice may be issued only as follows:

- (a) for a part of a housing estate mentioned in subsection (1)(a), after a temporary occupation permit is issued in respect of that part of the housing estate;
- (b) for a part of a housing estate mentioned in subsection (1)(b), after whichever the following first happens:

- (i) when the specified period for the exclusion described in subsection (1)(b)(i) ends;
 - (ii) when there is a change in the use or description of the part of the housing estate as to render the part no longer within any use or description in any exclusion described in subsection (1)(b)(ii);
 - (iii) when there is a change to the status or description of the owner of the part of the housing estate as to render the owner not having any status or meeting any description in any exclusion described in subsection (1)(b)(iii);
 - (iv) when the condition (whether a condition precedent or a condition subsequent) subject to which the exclusion described in subsection (1)(b)(iv) is granted is first breached.
- (5) Every handover notice issued under this section is irrevocable.
- (6) In this section, “temporary occupation permit”, for a building or part of a building in a housing estate, means —
- (a) a temporary occupation permit granted under the Building Control Act (Cap. 29) for the building or part of the building; or
 - (b) a certificate of statutory completion granted under that Act for that building or part of that building where no temporary occupation permit is so granted.

[Act 17 of 2017 wef 01/05/2017]

Relationship between Board and Town Council

55.—(1) To avoid doubt, any function, power, requirement or duty conferred on a Town Council by this Act must be performed or exercised in a way that is consistent with the title and rights of the Board as owner of the common property within the Town for which the Town Council is established.

[Act 17 of 2017 wef 01/05/2017]

(2) Notwithstanding section 53, where a Town Council is dissolved by order under section 3, 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 had not been enacted.

[Act 17 of 2017 wef 01/05/2017]

(3) *[Deleted by Act 17 of 2017 wef 01/05/2017]*

Public servants for purposes of Penal Code

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

[50
[25/90]

Town Council's address for service

56A.—(1) Every Town Council must —

(a) ensure that notice of each of the following is given to the Minister:

- (i) an address for the service of notices or documents;
- (ii) a fax number for the service of notices or documents by fax;
- (iii) an email address for the service of notices or documents by email; and

(b) cause to be constructed and maintained a receptacle suitable for the receipt of mail and other documents with the name of the Town Council clearly shown on the receptacle, at the address in paragraph (a)(i).

(2) A Town Council may from time to time change any address or fax number, as given to the Minister under subsection (1)(a), for the service of notices or documents on the Town Council.

(3) Where a Town Council has, under subsection (2), decided to change the address or fax number for the service of notices or

documents on it, the Town Council must, within 7 days after deciding —

- (a) notify the Minister of the change and the effective date of the change; and
- (b) cause to be published (at the Town Council's cost), before the change takes effect, a notice about the new address or fax number for service of notices or documents on the Town Council and the effective date of the change, in a manner as will secure adequate publicity for the change.

[Act 17 of 2017 wef 01/05/2017]

Service of documents and notices, etc.

56B.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) Subject to subsection (5), a document permitted or required by this Act to be served on a body corporate (including a limited liability partnership but not a Town Council) or an unincorporated association may be served —

- (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
- (d) by sending it by email to the last email address of the body corporate or unincorporated association.

(5) A document permitted or required by this Act to be served on a Town Council may be served —

- (a) by leaving it with the chairman of, or secretary to, the Town Council or in the receptacle provided by the Town Council under section 56A(1)(b);
- (b) by leaving it at, or by sending it by prepaid registered post to, the Town Council at the last address notified to the Minister under section 56A(1) or (3);
- (c) by sending it by fax to the last fax number notified to the Minister under section 56A(1) or (3); or

- (d) by sending it by email to the last email address of the Town Council notified to the Minister under section 56A(1) or (3).
- (6) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
 - (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is addressed; or
 - (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).
- (7) This section does not apply to —
- (a) a document to be served in proceedings in court;
 - (b) a written demand under section 39(6); or
 - (c) a notice of sale under section 24F(6) or 44(4).
- (8) In this section —
- “business address” means —
- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or
 - (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;
- “last email address” means —
- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or
 - (b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

[Act 17 of 2017 wef 01/05/2017]

Rules

57.—(1) 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.

[Act 17 of 2017 wef 01/05/2017]

(2) In particular, the Minister may make rules under subsection (1) —

- (a) prescribing model by-laws for the purpose of the management, administration, control, use or enjoyment of the common property of the residential and commercial property in the housing estates of the Board within a Town, which may include all or any of the following matters:
 - (i) restricting or prohibiting behaviour or activities on any common property;
 - (ii) restricting or prohibiting parking of vehicles on any common property;
 - (iii) other details of any common property of which the use is restricted;
 - (iv) waste disposal;
 - (v) safety or security measures;
 - (vi) conferring power on a Town Council to store or dispose of, or authorise the disposal of, goods left on common property with housing estates within its Town and the passing of title to any goods on such disposal;
- (b) prescribing, for the purposes of section 19(1)(c), the different types of uses of any part of the common property within a Town, or for otherwise enjoying the

benefit of any improvements by, or services and facilities provided by, a Town Council, including for different users or different types of common property, improvements, services or facilities within a Town, or in different parts of a Town;

- (c) about the governance of Town Councils, including requirements for the preparation and submission of documents or information in compliance with such governance requirements or best practices, and the periodic disclosure to the Minister of the level of such compliance by Town Councils;
- (d) prescribing a caretaker policy (and requirements for its adoption by a Town Council) governing the conduct of the Town Council and its officers and employees (including prohibiting the making of major policy decisions) during the caretaker period that —
 - (i) starts on the issue of a writ of election for every constituency comprised in the Town for which the Town Council is established; and
 - (ii) ends on the date that the elected members of a Town Council assume office for that Town Council after that election;
- (e) providing that any contravention of any provision of these rules shall be an offence punishable with a fine not exceeding \$5,000; and
- (f) providing such saving, transitional and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

[Act 17 of 2017 wef 01/05/2017]

(3) All rules made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

[Act 17 of 2017 wef 01/05/2017]

Savings

58.—(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 had 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.

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LEGISLATIVE HISTORY
TOWN COUNCILS ACT
(CHAPTER 329A)

This Legislative History is provided for the convenience of users of the Town Councils Act. It is not part of the Act.

1. Act 12 of 1988 — Town Councils Act 1988

Date of First Reading	:	25 May 1988 (Bill No. 9/88 published on 27 may 1988)
Date of Second and Third Readings	:	28 June 1988
Date of Third Reading	:	29 June 1988
Date of commencement	:	5 August 1988

2. 1989 Revised Edition — Town Councils Act

Date of operation	:	15 March 1989
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3. Act 25 of 1990 — Town Councils (Amendment) Act 1990

Date of First Reading	:	4 October 1990 (Bill No. 24/90 published on 5 October 1990)
Date of Second and Third Readings	:	9 November 1990
Date of commencement	:	7 December 1990

4. Act 18 of 1992 — Town Councils (Amendment) Act 1992

Date of First Reading	:	10 March 1992 (Bill No. 25/92 published on 11 March 1992)
Date of Second and Third Readings	:	20 March 1992
Date of commencement	:	1 April 1992

5. Act 37 of 1996 — Town Councils (Amendment) Act 1996

Date of First Reading	:	27 August 1996 (Bill No. 26/96 published on 28 August 1996)
Date of Second and Third Readings	:	10 October 1996
Date of commencement	:	1 December 1996

6. 1997 Revised Edition — Town Councils Act

Date of operation : 30 May 1997

7. Act 6 of 1999 — Town Councils (Amendment) Act 1999

Date of First Reading : 23 November 1998
(Bill No. 53/98 published on
24 November 1998)

Date of Second and Third Readings : 20 January 1999

Date of commencement : 8 February 1999

8. 2000 Revised Edition — Town Councils Act

Date of operation : 1 July 2000

9. Act 45 of 2004 — Trustees (Amendment) Act 2004

Date of First Reading : 21 September 2004
(Bill No. 43/2004 published on
22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

10. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004

(Consequential amendments made to Act by)

Date of First Reading : 6 February 2004
(Bill No. 6/2004 published on
7 February 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 1 April 2005
(item (15) in the Fifth Schedule)

11. Act 23 of 2005 — Town Councils (Amendment) Act 2005

Date of First Reading : 16 May 2005
(Bill No. 13/2005 published on
17 May 2005)

Date of Second and Third Readings : 18 July 2005

Date of commencement : 15 August 2005

12. Act 17 of 2017 — Town Councils (Amendment) Act 2017

Date of First Reading : 6 February 2017 (Bill No. 9/2017 published on 6 February 2017)

Date of Second and Third Readings : 10 March 2017

Date of commencement : 1 May 2017

13. Act 34 of 2017 — Jurong Town Corporation (Amendment) Act 2017

Date of First Reading : 1 August 2017 (Bill No. 28/2017 published on 1 August 2017)

Date of Second and Third Readings : 11 September 2017

Date of commencement : 1 January 2018

COMPARATIVE TABLE
TOWN COUNCILS ACT
(CHAPTER 329A)

The following provisions in the 1997 Revised Edition of the Town Councils Act have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Town Councils Act.

2000 Ed.	1997 Ed.
3—(4) and (5)	3—(4)
(6)	(5)
(7)	(6)
(8)	(7)
9—(1) and (2)	9—(1)
(3)	(1A)
(4)	(2)
(5)	(3)
(6)	(4)
(7)	(5)
(8)	(6)
(9)	(7)
(10)	(8)
(11) and (12)	(9)
(13)	(10)
12—(1) and (2)	12—(1)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
33—(7)	33—(6A)

2000 Ed.	1997 Ed.
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)
34—(1) and (2)	33A—(1)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
35	34
36—(1)	35—(1)
(2) and (3)	(2)
37—(1)	36—(1)
(2) and (3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
38	37
39—(1), (2) and (3)	38—(1), (2) and (3)
(4)	(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(6A)

2000 Ed.	1997 Ed.
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(10A)
(13)	(11)
(14)	(7)
40	39
41	40
42	41
43	42
44	43
45	43A
46	43B
47—(1) and (2)	43C—(1)
(3) and (4)	(2)
(5)	(3)
48	43D
49	43E
50—(1) and (2)	44—(1) and (2)
(3)	(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
51	45
52	46
53—(1)	47—(1)

2000 Ed.	1997 Ed.
(2) and (3)	(2)
54	48
55	49
56	50
57	51
58	52