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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 13th March 2015 and assented to by the President on 21st April 2015:—

REPUBLIC OF SINGAPORE

No. 12 of 2015.

I assent.

TONY TAN KENG YAM,
President.
21st April 2015.

(LS)

An Act to amend the Land Acquisition Act (Chapter 152 of the 1985 Revised Edition) to facilitate compulsory acquisition of stratum of airspace above or subterranean space below the surface of land, and to make related amendments to certain other written laws for that purpose.

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

Short title and commencement

1. This Act may be cited as the Land Acquisition (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the Land Acquisition Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the words “includes any” in the definition of “land”, the words “airspace, subterranean space,”;

(b) by inserting, immediately after the definition of “person interested”, the following definitions:

““remaining surface land” means any land (and airspace) above which only the airspace, or any land (and subsoil) below which only the subterranean space, is or has been acquired under this Act;

“severed land”, for an owner of land, means any land remaining after any other part of the owner’s land is severed because of an acquisition under this Act;

“State title” means any grant, any grant in fee simple or estate in perpetuity, or any State lease (of whatever tenure) whenever issued or granted by or on behalf of the Crown, the State or the East India Company;”; and

(c) by deleting the full-stop at the end of the definitions of “strata title plan” and “subsidiary proprietor” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““subterranean space” means the subsoil below the surface of the earth;

“temporarily occupied land” means any land temporary possession of which is or has been taken in accordance with a direction under section 42.”.

Amendment of section 5

3. Section 5 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) Without prejudice to the generality of subsection (1), the President may under that subsection declare that only so much of airspace above the surface of any land, or only so much of subterranean space below the surface of any land, is needed for any purpose specified in that subsection, instead of the whole of the land.”.

Amendment of section 33

4. Section 33 of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) However, where only airspace above the surface of any land, or only subterranean space below the surface of any land, is acquired, then despite subsection (1), the Board must take into consideration the following matters, and no others, in determining the compensation to be awarded for the airspace or subterranean space acquired:

(a) the market value of the airspace or subterranean space acquired —

(i) as at the date of the publication of the notification under section 3(1) if the notification is, within 6 months from the date of its publication, followed by a declaration made under section 5 in respect of the same airspace or subterranean space (as the case may be) or part thereof; or

- (ii) as at the date of the publication of the declaration made under section 5, in any other case;
 - (b) any increase in the value of any other land (such as contiguous, adjacent or surface land, as the case may be) of the person interested likely to accrue from the use to which the airspace or subterranean space acquired will be put;
 - (c) the damage, if any, sustained by the person interested at the time of the Collector's taking of possession of the land by reason of severing that airspace or subterranean space from his other land (such as contiguous, adjacent or surface land, as the case may be);
 - (d) the damage, if any, sustained by the person interested at the time of the Collector's taking of possession of the airspace or subterranean space (as the case may be) by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner;
 - (e) if, in consequence of the acquisition, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to that change;
 - (f) if, in consequence of the acquisition, any reissue of title is necessary, the fees or costs relating to survey, issue and registration of title, stamp duty and such other costs or fees which may reasonably be incurred.”;
- (b) by inserting, immediately after the words “subsection (1)(c) or (d) or both,” in subsection (2), the words “or subsection (1A)(c) or (d) or both,”; and
- (c) by inserting, immediately after the words “subsection (1)(a)” in subsection (5), the words “or (1A)(a)”.

Repeal and re-enactment of Part VI

5. Part VI of the principal Act is repealed and the following Part substituted therefor:

“PART VI

TEMPORARY OCCUPATION AND USE OF LAND

Temporary occupation of land for public purpose

42.—(1) Where it appears to the President that any land that is not State land is required for temporary occupation and use for a public purpose, the President may direct the Collector to procure the temporary occupation and use of that land, for such term or terms as may be determined, ordinarily not exceeding a total of 3 continuous years from the start of the occupation.

(2) Upon the direction of the President under subsection (1) to procure the temporary occupation and use of any land that is not State land, the Collector or any person authorised by the Collector shall have the right to enter upon and take temporary possession of that land in accordance with the terms of that direction.

(3) However, the Collector or a person authorised by the Collector is not to exercise any right conferred by subsection (2) in respect of any land unless the Collector has given at least one month’s notice of the Collector’s intention to exercise that right to the persons interested in the land, and to every occupier of that land.

(4) A notice referred to in subsection (3) must —

- (a) state the estimated period, if any, during which the Collector intends to temporarily occupy or take possession of the land;
- (b) give a brief description of the works, if any, which are to be carried out in or on that land;
- (c) describe the area or extent of the land needed for the carrying out of the works referred to in paragraph (b); and

(d) state that any person interested in the land may serve on the Collector a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested.

(5) To avoid doubt, a notice under subsection (3) is to be given for each term determined under subsection (1) that land is to be entered upon and taken temporary possession of in accordance with a direction under subsection (1).

(6) The ownership of anything is not altered by reason only that it is placed in, under, over or affixed to any land in exercise of a right conferred upon the Collector by this section.

(7) Unless section 49A(1) applies, the Collector must return all temporarily occupied land to the persons interested no later than —

(a) on the expiry of the term determined under subsection (1) for the temporary occupation and use of that land; or

(b) if more than one term has been so determined under subsection (1) for the temporary occupation and use of that land, on the expiry of the last term so determined.

(8) In this section, a reference to entry on land includes —

(a) digging or boring of a tunnel under the land and erecting any building, object or structure over or under the land;

(b) removing any building, or any object or structure or vegetation from the land;

(c) constructing on the land temporary works, such as the provision of means of access; and

(d) underpinning or strengthening a building.

Compensation for temporary occupation of land

43.—(1) Subject to sections 44 and 44A, every person interested in temporarily occupied land is entitled to claim compensation for the items of loss, damage or cost set out in the

first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is to be assessed by the Collector —

- (a) on the basis of the matters specified opposite in the second column of the Schedule; and
- (b) by not taking into consideration any of the matters specified in subsection (3).

(3) No account shall be taken of the following in the assessment of any claim for compensation by any person interested in temporarily occupied land:

- (a) the financial loss resulting from the interruption of or interference with any trade or business carried on any land;
- (b) any increase or decrease in the value of the land to which the compensation relates which is attributable to the purpose for which the land is occupied and used;
- (c) any building, object or structure within the land which was erected and maintained in contravention of any written law in force on the date of the notice under section 42(3) relating to that land;
- (d) any building or part of a building within the land which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.

(4) Upon receiving a claim for compensation from any person interested in temporarily occupied land, the Collector is to inquire into that claim and shall, as soon as is possible —

- (a) make an award of compensation for such loss, damage or cost arising from the exercise of the powers under section 42 as is determined in accordance with this section; and

(b) give written notice to the person interested of that award of compensation.

(5) To avoid doubt, nothing in this section prevents the Collector from restoring the temporarily occupied land to the reasonable satisfaction of the persons interested in the land before returning the land to the persons interested, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Schedule.

Time for, and manner of, claiming for compensation

44.—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is not served on the Collector before the expiry of the period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule must be served upon the Collector is as follows:

- (a) for a claim for loss due to displacement of any person in lawful occupation of the land on the date of a notice under section 42(3) to enter upon and take temporary possession of that land — 2 years starting from the date of the last such notice given to the person for that purpose;
- (b) for a claim for structural damage to any building resulting from the temporary occupation and use of the land under section 42 — 6 years starting from the date that land is returned or the date the applicable period referred to in section 42(7) expires, if earlier;
- (c) for a claim for other damage to any land — 6 years starting from the date that land is returned or the date the

applicable period referred to in section 42(7) expires, if earlier;

- (d) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

(4) The Board may extend any period specified in subsection (3) within which a claim must be served upon the Collector if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

- (a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or
- (b) that the Collector is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

Disqualification as to certain compensation

44A. If an owner of any temporarily occupied land gives to the Collector any notice under section 49(1) in relation to that land within the claim period as defined in section 49A(9) for temporarily occupied land, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the last notice under section 42(3), and no other item in the Schedule.

Appeal against award of compensation

44B.—(1) Any person interested who is aggrieved by an award of compensation made under section 43(4)(a) (in this section called the appellant) may appeal to the Board —

- (a) by lodging with the Registrar of the Board, within 28 days after receiving the notice of the award referred to in section 43(4)(b), a written notice of appeal in duplicate;
 - (b) by depositing or authorising the Collector to deposit with the Accountant-General within 28 days after receiving the notice of the award referred to in section 43(4)(b), the lower of the following sums if the requirement for a deposit is not waived by the Collector:
 - (i) a sum equal to one-third of the amount of the award;
 - (ii) \$5,000; and
 - (c) by lodging with the Registrar of the Board, within 28 days after receiving from the Collector the grounds of the award referred to in subsection (2), a petition of appeal in duplicate containing a statement of the grounds of appeal.
- (2) After a notice of appeal under subsection (1) is lodged, the following steps must be taken:
- (a) first, the Registrar of the Board must forthwith forward a copy of the notice of appeal to the Collector;
 - (b) secondly, the Collector must lodge with the Registrar of the Board the Collector's grounds of award;
 - (c) thirdly, the Registrar of the Board must —
 - (i) deliver or tender a copy of those grounds of award to the appellant; or
 - (ii) send by registered post a copy of those grounds of award to the appellant.
- (3) The decision of the Board on appeal is final.
- (4) In determining the amount of compensation for an item of loss, damage or cost set out in the first column of the Schedule, the Board —

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- (a) must assess compensation on the basis of the matters specified opposite in the second column of the Schedule; and
 - (b) must not take into consideration any of the matters specified in section 43(3).

(5) Sections 23(3) and (4), 24, 25, 26, 27, 31 and 32 apply (so far as relevant) to an appeal under this section with such prescribed exceptions, modifications and adaptations as the differences between an appeal under this section and an appeal under section 23 require.

Bar to other proceedings

44C. Except as provided by or under this Part, no action, claim or other proceeding shall lie against the Collector or any person authorised under section 42(3) —

- (a) to restrain the doing of anything which is authorised by or under section 42 or to compel the doing of anything which may be omitted to be done under section 42; or
- (b) to recover damages, compensation or costs for —
 - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights; or
 - (iv) effecting or complying with any requirement or condition imposed by the Collector,

which is authorised by or under section 42 or arises from any act or omission so authorised.”.

Amendment of section 48

6. Section 48(1) of the principal Act is amended by deleting the words “section 43” and substituting the words “sections 49 and 49A”.

Repeal and re-enactment of section 49 and new section 49A

7. Section 49 of the principal Act is repealed and the following sections substituted therefor:

“Owners who suffer substantial impairment in rights in land may require their land to be acquired

49.—(1) The owner of any temporarily occupied land, any remaining surface land or any severed land may, by notice in writing given to the Collector, request the Government to acquire under this Act —

- (a) the temporarily occupied land, the remaining surface land or the severed land (as the case may be); and
- (b) any other land of the owner related to the temporarily occupied land or the remaining surface land in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of —

- (i) the temporary possession in accordance with a direction under section 42 of the temporarily occupied land;
- (ii) the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (iii) the severance arising from the acquisition under this Act of any other part of the owner’s land.

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Collector.

(4) For the purposes of this section and section 49A —

- (a) land is related to any temporarily occupied land if that land is the remainder of a parcel of land part of which is the temporarily occupied land; and

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- (b) land is related to any remaining surface land if that land —
- (i) is the remainder of a parcel of land part of which is the remaining surface land; and
 - (ii) is above or below the airspace or subterranean space acquired and the remaining surface land.
- (5) In this section and section 49A —

“owner”, in relation to any land, means —

- (a) a person who has the fee simple estate in the land;
- (b) a person who is the grantee or lessee under a State title for the land;
- (c) a person who has become entitled to exercise a power of sale of the land; or
- (d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being separately held by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

Owner-initiated acquisition

49A.—(1) Upon receiving a notice under section 49(1) in relation to any temporarily occupied land, any remaining surface land or any severed land (as the case may be), and any other land related to the temporarily occupied land or the remaining surface land, the Collector is to assess whether the owner of those lands suffers or does not suffer substantial impairment of his rights in those lands because of —

- (a) the temporary possession in accordance with a direction under section 42 of the temporarily occupied land;
- (b) the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (c) the severance arising from the acquisition under this Act of any other part of the owner's land.

(2) The President is to proceed under this Act to acquire the land that is the subject of a notice under section 49(1) as if the land was needed for a public purpose, if the Collector assesses that the owner of the land giving notice suffers substantial impairment of his rights in the land because of any of the circumstances described in subsection (1)(a), (b) or (c).

(3) If there is more than one owner of the land concerned giving notice, it is sufficient if the Collector assesses that any one of those owners suffers substantial impairment of his rights in the land because of any of the circumstances described in subsection (1)(a), (b) or (c).

(4) A fresh notification or other proceedings under section 5, 6 or 8, as the case may be, shall be necessary for the acquisition of the land that is the subject of a notice under section 49(1) and in respect of which subsection (5) does not apply.

(5) However, the President is not to proceed under this section to acquire any land that is the subject of a notice under section 49(1) if —

- (a) the notice is not given to the Collector within the claim period applicable to that land; or
- (b) the notice is given to the Collector —
 - (i) for a notice that concerns remaining surface land, after the Collector has made an award under section 10 for the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or

- (ii) for a notice that concerns severed land, after the Collector has made an award under section 10 for the acquisition under this Act of the other part of the owner's land so severed.

(6) An owner of any land that is the subject of a notice under section 49(1), may within the prescribed time appeal to the High Court against the Collector's assessment under subsection (2) or (3) as to —

- (a) whether any person giving the notice under section 49(1) in relation to any land is an owner of the land; or
- (b) whether the owner of the land suffers or does not suffer substantial impairment of his rights in the land because of any of the circumstances described in subsection (1).

(7) To avoid doubt, the Collector is not prevented from taking possession of the land under this Act by reason only that an appeal to the High Court under subsection (6) in relation to the land is not determined.

(8) For the purposes of this section, an owner of land suffers substantial impairment of his rights in the land if, and only if, the owner of the land or, if the owner is not in occupation of the land, any lawful occupier of the land —

- (a) is unable, for a period of one year or longer, to use the land, and any land related thereto, according to —
 - (i) the zoning and density requirements and other restrictions imposed by or under the Planning Act (Cap. 232); and
 - (ii) any other restrictive covenants in the State title for the land and the land related thereto (if any); and

- (b) is displaced from the land and any land related thereto for a period of one year or longer,

solely by reason of any of the circumstances described in subsection (1)(a), (b) or (c).

(9) In this section —

“claim period” means —

- (a) for any temporarily occupied land and land related to that temporarily occupied land — one year starting from either of the following dates:
 - (i) the date of the last notice under section 42(3) relating to the temporarily occupied land;
 - (ii) the date of the expiry of the last term of temporary occupation determined under section 42(1) for the temporary occupation and use of the temporarily occupied land, or the date the land is returned to the owner if earlier;
- (b) for any land above which only the airspace, or any land below which only the subterranean space, is or has been acquired under section 5 (called the remaining surface land) and land related to that remaining surface land — one year starting from the date of acquisition for that airspace or subterranean space, as the case may be; and
- (c) for any land remaining after any other part of the owner’s land is severed because of an acquisition under this Act — one year starting from the date of acquisition for that other land so acquired;

“date of acquisition”, for any land, airspace or subterranean space acquired under this Act, means the date of the publication of the notification under section 5(1) declaring that land, airspace or subterranean space is needed for the purpose specified in that declaration;

“displace”, in relation to a person in occupation of any land, means being compelled to relocate the person’s principal place of residence or business on that land as a result of —

- (a) the taking of temporary possession of that land;
- (b) the acquisition under this Act of airspace above, or subterranean space below, that land; or
- (c) any severance;

“severance” means severing of land acquired under this Act from other land;

“temporary possession”, in relation to land, means temporary possession of the land taken in accordance with a direction under section 42.”.

Amendment of section 50

8. Section 50(2) of the principal Act is amended by inserting, immediately after the words “section 10”, the words “as if the whole or any additional portion of the land specified in the order of the President were the subject of the initial notification under section 5”.

New Schedule

9. The principal Act is amended by inserting, immediately after section 54, the following Schedule:

“THE SCHEDULE

Sections 43, 44, 44A and 44B

COMPENSATION FOR TEMPORARY OCCUPATION OF LAND

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the land on the date of the notice under section 42(3).	<ul style="list-style-type: none"> (a) The financial loss naturally and reasonably resulting from the displacement of the person from the land. (b) All reasonable expenses incurred by such a person in removing from the land from which the person is displaced, including (but not limited to)

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
2. Any structural damage to any building within the land resulting from the exercise of the right of entry and occupation and use thereafter of the land under section 42.	<p>the reasonable cost of renovating alternative premises to be occupied during the displacement.</p> <p>(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.</p> <p>(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.</p> <p>(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.</p> <p>(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the land under section 42.</p>
3. Any other damage to the land or a building resulting from the exercise of the right of	(a) The financial loss naturally and reasonably resulting from the displacement because of

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
entry and occupation and use thereafter of the land under section 42.	the damage to the land or building.
4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 42.	<p>(b) All reasonable expenses incurred in removing from the land or building.</p> <p>(c) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.</p> <p>(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the land under section 42.</p> <p>(a) The cost of removing the object or structure, being the cost incurred in moving the object or structure and making good that part of the land from which it is removed.</p> <p>(b) The cost of reinstating the object or structure or of replacing the same with a similar object or structure.</p> <p>(c) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Collector, being an amount which might fairly and reasonably be</p>

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
	estimated as the cost of reinstating or replacing the object or structure.”.

Related amendments to Land Transport Authority of Singapore Act

10.—(1) The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended by inserting, immediately after section 22, the following section:

“Disqualification as to certain compensation

22A.—(1) If an owner of any land temporary possession of which is or has been taken in the exercise of any power in section 5 of the Rapid Transit Systems Act (Cap. 263A) gives to the Authority any notice under section 7(1) of the Rapid Transit Systems Act in relation to that land within the claim period referred to in section 7A(2)(d) of that Act, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the notice under section 5 of the Rapid Transit Systems Act, and no other item in the Fourth Schedule.

(2) If an owner of any land temporary possession of which is or has been taken in the exercise of any power in section 9 of the Street Works Act (Cap. 320A) gives to the Authority any notice under section 11(1) of the Street Works Act in relation to that land within the claim period referred to in section 11A(2)(d) of that Act, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the notice under section 9 of the Street Works Act, and no other item in the Fourth Schedule.”.

(2) Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended by deleting item 1 and substituting the following item:

<p>“1.(a) The loss due to displacement resulting from the exercise of the Authority’s right under section 5 of the Rapid Transit Systems Act (Cap. 263A) or section 9 of the Street Works Act (Cap. 320A).</p>	<p>(a)(i) A displacement payment.</p> <p>(ii) All reasonable expenses incurred in removing from the land or building, including but not limited to the reasonable cost of renovating alternative premises for occupation during the period of displacement.</p>	<p>(a) Any person owning a compensatable interest in the land on the date on which the notice is issued under section 5(2) of the Rapid Transit Systems Act or section 9(2) of the Street Works Act, as the case may be.</p>	<p>(a) Before the expiration of 2 years from the date on which the notice is issued under section 5(2) of the Rapid Transit Systems Act or section 9(2) of the Street Works Act, as the case may be.</p>
<p>(b) Any other damage to the land or a building resulting from the exercise of any power in section 5 of the Rapid Transit Systems Act or section 9 of the Street Works Act.</p>	<p>(b)(i) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.</p> <p>(ii) The share in the responsibility for the loss or damage attributable to or connected with any power in section 5 of the Rapid Transit Systems Act or section 9 of the Street Works Act.</p>	<p>Same as in item (a) above.</p>	<p>(b) Before the expiration of 6 years starting from the date on which the railway to which the notice under section 5 of the Rapid Transit Systems Act relates is opened or re-opened for use by the public, or the street, road structure or road related facility to which the notice under section 9(2) of the Street Works Act relates is opened or re-opened for use by the public.”.</p>

(3) Item 2 of Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended by deleting paragraph (b) in the second column and substituting the following paragraphs:

- “(b)(i) A displacement payment.
- (ii) All reasonable expenses incurred in removing from the land or building including but not limited to the reasonable cost of renovating alternative premises for occupation during the period of displacement.”.

(4) Item 3 of Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended by deleting the words “section 10 of the Rapid Transit Systems Act or section 29 of the Street Works Act” in the fourth column and substituting the words “section 9 of the Rapid Transit Systems Act or section 12 of the Street Works Act”.

Related amendments to Public Utilities Act

11.—(1) Section 24A of the Public Utilities Act (Cap. 261, 2002 Ed.) is amended —

- (a) by deleting subsection (2);
- (b) by deleting the words “subsection (2)” in subsection (3) and substituting the words “Part IIIA”;
- (c) by deleting subsection (4) and substituting the following subsections:

“(4) However, the Board is not to enter any premises for the purposes specified in subsection (1) unless the Board has given at least 14 days’ written notice of intention to enter to every owner and occupier of the premises.

(4A) A notice referred to in subsection (4) must —

- (a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the premises;

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- (b) give a brief description of the works, if any, which are to be carried out in or on the premises;
 - (c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and
 - (d) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.”; and

(d) by deleting subsections (5) to (8).

(2) Section 32 of the Public Utilities Act is amended by deleting subsections (2) and (3) and substituting the following subsections:

“(2) However, the Board is not to enter any premises for the purposes specified in subsection (1) unless the Board has given at least 7 days’ written notice of its intention to enter to every owner and occupier of the premises.

(3) A notice referred to in subsection (2) must —

- (a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the premises;
- (b) give a brief description of the works, if any, which are to be carried out in or on the premises;
- (c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and
- (d) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.”.

(3) The Public Utilities Act is amended by inserting, immediately after section 40, the following Part:

“PART IIIA

COMPENSATION FOR TEMPORARY OCCUPATION OF
PREMISES AND OWNER-INITIATED ACQUISITION

Compensation for temporary occupation of premises

40A.—(1) Subject to sections 40B and 40C, every owner and occupier of premises of which temporary possession is taken under section 24A or 32 is entitled to claim compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier, as the case may be.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule is to be assessed by the Board —

- (a) on the basis of the matters specified opposite in the second column of the Fourth Schedule; and
- (b) by not taking into consideration any of the matters specified in subsection (3).

(3) No account shall be taken of the following in the assessment of any claim for compensation by any owner or occupier of premises of which temporary possession is taken under section 24A or 32:

- (a) the financial loss resulting from the interruption of or interference with any trade or business carried on any premises;
- (b) any increase or decrease in the value of the premises to which the compensation relates which is attributable to the purpose for which the premises is occupied and used;
- (c) any building, object or structure within those premises which was erected and maintained in the contravention of any written law in force on the date of the notice under section 24A(4) or 32(2), as the case may be, relating to those premises;

- (d) any building or part of a building within those premises which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.

(4) Upon receiving a claim for compensation from any owner or occupier of premises of which temporary possession is taken under section 24A or 32, the Board is to inquire into that claim and shall, as soon as is possible, pay to the owner or occupier, as the case may be, compensation for such loss, damage or cost arising from the exercise of the powers under that section as is determined in accordance with this section.

(5) To avoid doubt, nothing in this section prevents the Board from restoring premises of which temporary possession is taken under section 24A or 32 to the reasonable satisfaction of the owner or occupier of the premises before returning those premises to the owner or occupier, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Fourth Schedule.

Time for, and manner of, claiming for compensation

40B.—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule is not served on the Board before the expiry of the relevant period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule must be served upon the Board is as follows:

- (a) for a claim for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 24A(4) or 32(2) — 2 years starting from the date of that notice;

- (b) for a claim for structural damage to any building resulting from the occupation and use of the premises under section 24A(4) or 32(2) — 6 years starting from the date those premises are returned;
- (c) for a claim for other damage to any premises — 6 years starting from the date those premises are returned;
- (d) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

(4) The Board may extend the period referred to in subsection (3) within which a claim must be served upon it if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

- (a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or
- (b) that the Board is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

Disqualification as to certain compensation

40C. If an owner of any premises of which temporary possession is or has been taken in accordance with section 24A or 32 gives to the Board any notice under section 40E(1) in relation to those premises within the claim period referred to in section 40F(2)(d), the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 24A(4) or 32(2) (as the case may be), and no other item in the Fourth Schedule.

Bar to other proceedings

40D. Except as provided in this Part, no action, claim or other proceeding shall lie against the Board, or any employee, agent or contractor of the Board —

- (a) to restrain the doing of anything which is authorised by or under section 24A or 32, or to compel the doing of anything which may be omitted to be done under section 24A or 32; or
- (b) to recover damages, compensation or costs for —
 - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights; or
 - (iv) effecting or complying with any requirement or condition imposed by the Board or its employee, agent or contractor,

which is authorised by or under section 24A or 32 or arises from any act or omission so authorised.

Owners who suffer substantial impairment in rights in premises may require their premises to be acquired

40E.—(1) The owner of any premises of which temporary possession is or has been taken in accordance with section 24A or 32 may, by notice in writing given to the Board, request the Government to acquire under the Land Acquisition Act (Cap. 152) —

- (a) the premises; and
- (b) any other premises of the owner related to the premises in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the premises in paragraphs (a) and (b) because of the taking of that temporary possession.

(2) If there is more than one owner of the premises concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Board.

(4) For the purposes of this section and section 40F, premises (called *A* premises) are related to other premises temporary possession of which is or has been taken in accordance with section 24A or 32 (in this section and section 40F called temporarily occupied premises) if the *A* premises are the remainder of a parcel of land part of which is the temporarily occupied premises.

(5) In this section and section 40F —

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

- (a) a person who has the fee simple estate in the premises;
- (b) a person who is the grantee or lessee under a State title for the premises;
- (c) a person who has become entitled to exercise a power of sale of the premises; or
- (d) a person in occupation of the premises under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being separately held by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

Owner-initiated acquisition

40F.—(1) Upon the Board receiving a notice under section 40E(1) in relation to any temporarily occupied premises and any other premises related to the temporarily occupied premises, the President is to proceed under the Land Acquisition Act to acquire those premises as if those premises were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any premises that are the subject of a notice under section 40E with the following exceptions, modifications and adaptations:

- (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the premises that are the subject of a notice under section 40E;
- (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any premises temporary possession of which is or has been taken in accordance with section 24A or 32;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of premises referred to in section 40E;
- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
 - (i) the date of the notice under section 24A(4) or 32(2) (as the case may be) relating to those premises;

- (ii) the date of the expiry of the term of temporary possession in a notice under section 24A(4) or 32(2) (as the case may be) for the temporary occupation and use of those premises, or the date the premises are returned to the owner if earlier;
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.”.

(4) The Public Utilities Act is amended by inserting, immediately after the Third Schedule, the following Schedule:

“FOURTH SCHEDULE

Sections 40A, 40B and 40C

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the premises on the date of the notice under section 24A(4) or 32(2), as the case may be.	<p>(a) The financial loss naturally and reasonably resulting from the displacement of the person from the premises.</p> <p>(b) All reasonable expenses incurred by such a person in removing from the premises from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.</p>
2. Any structural damage to any building resulting from the exercise of the right of entry and occupation and use of the premises under section 24A or 32, as the case may be.	<p>(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.</p> <p>(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost</p>

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
	of renovating alternative premises to be occupied during the displacement.
	(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.
	(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 24A or 32, as the case may be.
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use of the premises under section 24A or 32, as the case may be.	(a) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.
	(b) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 24A or 32, as the case may be.
4. The removal of any object or structure within the land as a	(a) The cost of reinstating the object or structure or of

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
result of the exercise of the right of entry and occupation of the land under section 24A or 32, as the case may be.	replacing the same with a similar object or structure. (b) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Board, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.”.

Related amendments to Rapid Transit Systems Act

12.—(1) Section 5 of the Rapid Transit Systems Act (Cap. 263A, 2004 Ed.) is amended —

(a) by deleting the words “the occupier of the land and every person having any estate, right, share or interest in the land” in subsection (2) and substituting the words “every owner and occupier of the land”; and

(b) by deleting subsection (3).

(2) Section 7 of the Rapid Transit Systems Act is repealed and the following sections substituted therefor:

“Owners who suffer substantial impairment in rights in land may require their land to be acquired

7.—(1) The owner of any land temporary possession of which is or has been taken in accordance with section 5 may, by notice in writing given to the Authority, request the Government to acquire under the Land Acquisition Act (Cap. 152) —

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- (a) the land; and
 - (b) any other land of the owner related to the land in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of the taking of that temporary possession.

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Authority.

(4) For the purposes of this section and section 7A, land (called *A* land) is related to other land temporary possession of which is or has been taken in accordance with section 5 (in this section and section 7A called temporarily occupied land) if the *A* land is the remainder of a parcel of land part of which is the temporarily occupied land.

(5) In this section and section 7A —

“owner”, in relation to any land, means —

- (a) a person who has the fee simple estate in the land;
- (b) a person who is the grantee or lessee under a State title for the land;
- (c) a person who has become entitled to exercise a power of sale of the land; or
- (d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being separately held by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b),

includes the area comprised in those lands or lots, as the case may be.

Owner-initiated acquisition

7A.—(1) Upon the Authority receiving a notice under section 7(1) in relation to any temporarily occupied land, and any other land related to the temporarily occupied land, the President is to proceed under the Land Acquisition Act to acquire that land as if those lands were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any land that is the subject of a notice under section 7(1) with the following exceptions, modifications and adaptations:

- (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the land that is the subject of a notice under section 7(1);
- (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any land temporary possession of which is or has been taken in accordance with section 5;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of land referred to in section 7;
- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
 - (i) the date of the notice under section 5 relating to that land;

- (ii) the date of the expiry of the term of temporary possession in a notice under section 5 for the temporary occupation of the land, or the date the land is returned to the owner if earlier;
 - (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.
- (3) All compensation for the acquisition under the Land Acquisition Act of any land that is the subject of a notice under section 7 is to be paid out of the funds of the Authority.”.

Related amendments to Sewerage and Drainage Act

13.—(1) Section 4 of the Sewerage and Drainage Act (Cap. 294, 2001 Ed.) is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) An authorised officer may enter any premises for the purposes of subsection (1) only after notice in accordance with section 44.”.

(2) Section 21 of the Sewerage and Drainage Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) An authorised officer may enter any premises to execute any work necessary for the purposes of subsection (1) only after notice in accordance with section 44.”.

(3) Section 44 of the Sewerage and Drainage Act is amended —

- (a) by deleting the words “give reasonable notice in writing to the owner or occupier of the premises of his intention to enter any premises under subsection (1)” in subsection (2) and substituting the words “give at least 14 days’ written notice of intention to enter to every owner or occupier of the premises”; and
- (b) by inserting, immediately after subsection (2), the following subsection:

- “(2A) A notice referred to in subsection (2) must —
- (a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the premises;
 - (b) give a brief description of the works, if any, which are to be carried out in or on the premises;
 - (c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and
 - (d) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.”.

(4) Section 45 of the Sewerage and Drainage Act is amended by deleting subsections (2) and (3) and substituting the following subsections:

“(2) However, an authorised officer is not to enter any land for the purposes specified in subsection (1) unless the Board has given at least 7 days’ written notice of intention to enter to every owner and occupier of the land.

- (3) A notice referred to in subsection (2) must —
- (a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the land;
 - (b) give a brief description of the works (if any) which are to be carried out in or on the land;
 - (c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and
 - (d) state that the owner or occupier of the land may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule

to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the land.”.

(5) Section 47(4) of the Sewerage and Drainage Act is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) a notice under section 4, 6, 10, 11, 12, 14, 15, 20, 21, 23, 24, 25, 26, 30, 44 or 45.”.

(6) The Sewerage and Drainage Act is amended by inserting, immediately after section 47, the following Part:

“PART VIIA

COMPENSATION FOR TEMPORARY OCCUPATION OF
PREMISES AND OWNER-INITIATED ACQUISITION

Compensation for temporary occupation of premises

47A.—(1) Subject to sections 47B and 47C, every owner and occupier of premises of which temporary possession is taken under section 4, 21, 44 or 45 is entitled to claim compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier, as the case may be.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is to be assessed by the Board —

(a) on the basis of the matters specified opposite in the second column of the Schedule; and

(b) by not taking into consideration any of the matters specified in subsection (3).

(3) No account shall be taken of the following in the assessment of any claim for compensation by any owner or occupier of premises of which temporary possession is taken under section 4, 21, 44 or 45:

(a) the financial loss resulting from the interruption of or interference with any trade or business carried on any premises;

- (b) any increase or decrease in the value of the premises to which the compensation relates which is attributable to the purpose for which the premises is occupied and used;
- (c) any building, object or structure within those premises which was erected and maintained in the contravention of any written law in force on the date of the notice under section 44(2) or 45(2), as the case may be, relating to those premises;
- (d) any building or part of a building within those premises which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.

(4) Upon receiving a claim for compensation from any owner or occupier of premises of which temporary possession is taken under section 4, 21, 44 or 45, the Board is to inquire into that claim and shall, as soon as is possible, pay to the owner or occupier, as the case may be, compensation for such loss, damage or cost arising from the exercise of the powers under that section as is determined in accordance with this section.

(5) To avoid doubt, nothing in this section prevents the Board from restoring premises of which temporary possession is taken under section 4, 21, 44 or 45 to the reasonable satisfaction of the owner or occupier of the premises before returning those premises to the owner or occupier, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Schedule.

Time for, and manner of, claiming for compensation

47B.—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is not served on the Board before the expiry of the relevant period specified in subsection (3) for that item, the right

to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule must be served upon the Board is as follows:

- (a) for a claim for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 44(2) or 45(2) — 2 years starting from the date of that notice;
- (b) for a claim for structural damage to any building resulting from the occupation and use of the premises under section 4, 21, 44 or 45 — 6 years starting from the date those premises are returned;
- (c) for a claim for other damage to any premises — 6 years starting from the date those premises are returned;
- (d) for a claim for removal of any object or structure which was erected and maintained without the contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

(4) The Board may extend the period referred to in subsection (3) within which a claim must be served upon it if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

- (a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or
- (b) that the Board is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

Disqualification as to certain compensation

47C. If an owner of premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45 gives to the Board any notice under section 47E(1) in relation to those premises within the claim period referred to in section 47F(2)(d), the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 44(2) or 45(2), as the case may be, and no other item in the Schedule.

Bar to other proceedings

47D. Except as provided in this Part, no action, claim or other proceeding shall lie against the Board, or any authorised officer —

- (a) to restrain the doing of anything which is authorised by or under section 4, 21, 44 or 45, or to compel the doing of anything which may be omitted to be done under section 4, 21, 44 or 45; or
- (b) to recover damages, compensation or costs for —
 - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights; or
 - (iv) effecting or complying with any requirement or condition imposed by the Board or authorised officer,

which is authorised by or under section 4, 21, 44 or 45 or arises from any act or omission so authorised.

Owners who suffer substantial impairment in rights in land may require their premises to be acquired

47E.—(1) The owner of any premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or

45 may, by notice in writing given to the Board, request the Government to acquire under the Land Acquisition Act (Cap. 152) —

(a) the premises; and

(b) any other premises (if any) of the owner related to the premises in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the premises in paragraphs (a) and (b) because of the taking of that temporary possession.

(2) If there is more than one owner of the premises concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Board.

(4) For the purposes of this section and section 47F, premises (called *A* premises) are related to other premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45 (in this section and section 47F called temporarily occupied premises) if the *A* premises are the remainder of a parcel of land part of which is the temporarily occupied premises.

(5) In this section and section 47F —

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

(a) a person who has the fee simple estate in the premises;

(b) a person who is the grantee or lessee under a State title for the premises;

(c) a person who has become entitled to exercise a power of sale of the premises; or

(d) a person in occupation of the premises under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being separately held by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

Owner-initiated acquisition

47F.—(1) Upon the Board receiving a notice under section 47E in relation to any temporarily occupied premises, and any other premises related to the temporarily occupied premises, the President is to proceed under the Land Acquisition Act to acquire those premises as if those premises were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any premises that are the subject of a notice under section 47E with the following exceptions, modifications and adaptations:

- (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the premises that are the subject of a notice under section 47E;
- (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of premises referred to in section 47E;

- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
- (i) the date of the notice under section 44(2) or 45(2) (as the case may be) relating to those premises;
 - (ii) the date of the expiry of the term of temporary possession in a notice under section 44(2) or 45(2) (as the case may be) for the temporary occupation and use of those premises, or the date the premises are returned to the owner if earlier;
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.”.

(7) The Sewerage and Drainage Act is amended by inserting, immediately after section 74, the following Schedule:

“THE SCHEDULE

Sections 47A, 47B and 47C

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the premises on the date of the notice under section 44(2) or 45(2), as the case may be.	<ul style="list-style-type: none"> (a) The financial loss naturally and reasonably resulting from the displacement of the person from the premises. (b) All reasonable expenses incurred by such a person in removing from the premises from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
2. Any structural damage to any building resulting from the exercise of the right of entry and occupation and use of the premises under section 4, 21, 44 or 45, as the case may be.	<p>premises to be occupied during the displacement.</p> <p>(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.</p> <p>(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.</p> <p>(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.</p> <p>(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use of the premises under section 4, 21, 44 or 45, as the case may be.</p>
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use	(a) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
of the premises under section 4, 21, 44 or 45, as the case may be.	(b) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 4, 21, 44 or 45, as the case may be.
4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 4, 21, 44 or 45, as the case may be.	(a) The cost of reinstating the object or structure or of replacing the same with a similar object or structure. (b) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Board, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.”

Related amendments to Street Works Act

14.—(1) Section 9 of the Street Works Act (Cap. 320A, 1996 Ed.) is amended —

- (a) by deleting the words “the occupier of the land and to every person having any estate, right, share or interest in the land” in subsection (2) and substituting the words “every owner and occupier of the land”;
- (b) by deleting subsection (3); and

(c) by inserting, immediately after subsection (5), the following subsection:

“(5A) Any person who refuses to give access to, or obstructs, hinders or delays, an agent or employee of the Authority at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.”.

(2) Section 11 of the Street Works Act is repealed and the following sections substituted therefor:

“Owners who suffer substantial impairment in rights in land may require their land to be acquired

11.—(1) The owner of any land temporary possession of which is or has been taken in accordance with section 9 may, by notice in writing given to the Authority, request the Government to acquire under the Land Acquisition Act (Cap. 152) —

(a) the land; and

(b) any other land (if any) of the owner related to the land in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of the taking of that temporary possession.

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Authority.

(4) For the purposes of this section and section 11A, land (called *A* land) is related to other land temporary possession of which is or has been taken in accordance with section 9 (in this section and section 11A called temporarily occupied land) if the *A* land is the remainder of a parcel of land part of which is the temporarily occupied land.

(5) In this section and section 11A —

“owner”, in relation to any land, means —

- (a) a person who has the fee simple estate in the land;
- (b) a person who is the grantee or lessee under a State title for the land;
- (c) a person who has become entitled to exercise a power of sale of the land; or
- (d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being held separately by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

Owner-initiated acquisition

11A.—(1) Upon the Authority receiving a notice under section 11(1) in relation to any temporarily occupied land, and any other land related to the temporarily occupied land, the President is to proceed under the Land Acquisition Act to acquire that land as if those lands were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any land that is the subject of a notice under section 11(1) with the following exceptions, modifications and adaptations:

- (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land

Acquisition Act shall be read as a reference to the land that is the subject of a notice under section 11(1);

- (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any land temporary possession of which is or has been taken in accordance with section 9;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of land referred to in section 11;
- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
 - (i) the date of the notice under section 9 relating to that land;
 - (ii) the date of the expiry of the term of temporary possession in a notice under section 9 for the temporary occupation and use of the land, or the date the land is returned to the owner if earlier;
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.

(3) All compensation for the acquisition under the Land Acquisition Act of any land that is the subject of a notice under section 11(1) is to be paid out of the funds of the Authority.”.

Savings and transitional provisions

15.—(1) Sections 5 and 9 apply only to, and in relation to, any land for which a notice of intention to take temporary possession thereof is given on or after the respective dates of commencement of those sections; and the principal Act is to continue to apply to any land for

which such a notice is given before that date as if those sections had not been enacted.

(2) Section 7 applies only to, and in relation to —

- (a) any land the date of acquisition of which is on or after the date of commencement of that section; and
- (b) any land for which a notice of intention to take temporary possession is given on or after the date of commencement of that section,

and the principal Act is to continue to apply to any land the date of acquisition of which is, or for which such a notice is given, before that date as if that section had not been enacted.

(3) Section 10 does not apply to and in relation to —

- (a) any land temporary possession of which is or has been taken in accordance with section 5 of the Rapid Transit Systems Act (Cap. 263A) before the date of commencement of that section; or
- (b) any land temporary possession of which is or has been taken in accordance with section 9 of the Street Works Act (Cap. 320A) before the date of commencement of that section,

and the provisions of the Land Transport Authority of Singapore Act (Cap. 158A) are to continue to apply to any land referred to in paragraph (a) or (b) as if this Act had not been enacted.

(4) Section 11(1)(c) and (d) does not apply to any notice under section 24A(4) of the Public Utilities Act (Cap. 261) given before the date of commencement of section 11(1)(c) and (d).

(5) Section 11(3) does not apply to and in relation to any premises temporary possession of which is or had been taken before the date of commencement of that provision in accordance with section 24A or 32 of the Public Utilities Act; and the provisions of that Act are to continue to apply to those premises as if this Act had not been enacted.

(6) Section 12(2) does not apply to and in relation to any land temporary possession of which is or has been taken in accordance with section 5 of the Rapid Transit Systems Act before the date of

commencement of that provision; and the provisions of the Rapid Transit Systems Act are to continue to apply to that land as if this Act had not been enacted.

(7) Section 13(5) does not apply to any notice under section 21 or 44 of the Sewerage and Drainage Act (Cap. 294) given before the date of commencement of section 13(5).

(8) Section 13(6) does not apply to or in relation to any premises temporary possession of which is or had been taken before the date of commencement of that section in accordance with section 4, 21, 44 or 45 of the Sewerage and Drainage Act; and the provisions of that Act are to continue to apply to those premises as if this Act had not been enacted.

(9) Section 14(2) does not apply to and in relation to any land temporary possession of which is or has been taken in accordance with section 9 of the Street Works Act before the date of commencement of that provision; and the provisions of the Street Works Act are to continue to apply to that land as if this Act had not been enacted.

(10) For a period of 2 years after the date of commencement of any provision in this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(11) Except as expressly provided in this section, this section applies without prejudice to section 16 of the Interpretation Act (Cap. 1).

(12) In this section, the date of acquisition of any land means the date of the publication of the notification under section 5(1) of the principal Act declaring that the land is needed for a purpose specified in the declaration.
