



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 5th August 2014 and assented to by the President on 10th September 2014:—

### REPUBLIC OF SINGAPORE

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**No. 26 of 2014.**

I assent.

TONY TAN KENG YAM,

*President.*

*10th September 2014.*



An Act to amend the Land Acquisition Act (Chapter 152 of the 1985 Revised Edition) in relation to the application of the betterment levy, operational improvements, and non-lot acquisitions in strata developments and to make related amendments to the Building Maintenance and Strata Management Act (Chapter 30C of the 2008 Revised Edition).

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

**Short title and commencement**

1.—(1) This Act may be cited as the Land Acquisition (Amendment) Act 2014 and shall, with the exception of section 12, come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Section 12 is deemed to have come into operation on 7th July 2014.

**Amendment of section 2**

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

(a) by inserting, immediately after the definition of “Commissioner” in subsection (1), the following definitions:

““common property” and “lot” have the same respective meanings as in the Land Titles (Strata) Act (Cap. 158);”;

(b) by inserting, immediately after the word “includes” in the definition of “land” in subsection (1), the words “any foreshore, and”;

(c) by inserting, immediately after the definition of “land” in subsection (1), the following definitions:

““management corporation”, in relation to any land comprised in a strata title plan, means the management corporation constituted in respect of that strata title plan under the Land Titles (Strata) Act;

“non-lot acquisition” means an acquisition under this Act of any common property (and no other land) comprised in a strata title plan;”;

(d) by deleting the full-stop at the end of the definition of “person interested” in subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

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““strata title plan” and “subsidiary proprietor” have the same respective meanings as in the Land Titles (Strata) Act.”;

(e) by deleting the word “and” at the end of subsection (2)(a);

(f) by inserting, immediately after paragraph (a) of subsection (2), the following paragraph:

“(b) the management corporation for a strata title plan shall be deemed the person entitled to act for, and the person authorised to receive service within Singapore on behalf of, every subsidiary proprietor of every lot comprised in the strata title plan with reference only to any non-lot acquisition relating to that strata title plan; and”;

(g) by inserting, immediately after subsection (2), the following subsection:

“(3) Notwithstanding subsection (2)(iv) and sections 34 and 35 of the Building Maintenance and Strata Management Act (Cap. 30C), a management corporation for a strata title plan is deemed for the purposes of this Act, competent to receive the compensation money payable under this Act for any non-lot acquisition relating to that strata title plan.”.

### **Amendment of section 8**

**3.** Section 8 of the principal Act is amended —

(a) by deleting the words “or by any person authorised in writing in that behalf” in subsection (3)(b)(i) and substituting the words “, or by the person entitled to act for the person interested or any other person authorised in writing in that behalf,”; and

(b) by inserting, immediately after subsection (4), the following subsection:

“(5) In a non-lot acquisition relating to a strata title plan, only the management corporation constituted for that strata title plan, and no other person, is entitled to make a claim for compensation pursuant to a notice published under subsection (1) or served under subsection (2) in relation to the non-lot acquisition, and it shall be lawful for the Collector to reject any claim for compensation as a result of that non-lot acquisition made by —

- (a) any subsidiary proprietor constituting the management corporation; or
- (b) any mortgagee, chargee or other person with an estate and interest in any lot comprised in the strata title plan.”.

#### **Amendment of section 9**

4. Section 9(1) of the principal Act is amended by inserting, immediately after the words “the date of the statement”, the words “and, where any claim to compensation is made by a management corporation, the resolution required under section 85A(2) of the Building Maintenance and Strata Management Act to authorise the management corporation to make that claim and any special resolution referred to in section 85A(4) of that Act”.

#### **Amendment of section 10**

5. Section 10 of the principal Act is amended by inserting, immediately after subsection (1), the following subsections:

“(1A) Despite subsection (1)(c), the compensation awarded for a non-lot acquisition relating to any strata title plan under this Act shall not be apportioned among the subsidiary proprietors constituting the management corporation for that strata title plan but must be awarded to the management corporation unless subsection (1B) applies.

(1B) Where the subsidiary proprietors constituting the management corporation for a strata title plan so agree by a special resolution referred to in section 85A(4) of the Building

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Maintenance and Strata Management Act, the compensation awarded under subsection (1) for a non-lot acquisition relating to that strata title plan shall be apportioned —

- (a) among the persons who, on the date the Collector takes possession under section 16 of the land acquired, are subsidiary proprietors constituting the management corporation; and
- (b) in shares proportional to the share values of those persons' respective lots.”.

#### **Amendment of section 14**

6. The principal Act is amended by renumbering section 14 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The Collector shall, in particular, have power to compel the production of any resolution by the subsidiary proprietors constituting the management corporation for a strata title plan where that is relevant to the making of any award of compensation for the acquisition under this Act of any property comprised in the strata title plan.”.

#### **Repeal and re-enactment of section 16**

7. Section 16 of the principal Act is repealed and the following section substituted therefor:

##### **“Power to take possession**

**16.** When a Collector has made an award under section 10, the Collector may take possession of the land by serving, in accordance with section 45, a copy of an appropriate notice of taking possession on every person interested in the land or any person known or believed to be entitled to act for a person so interested.”.

**Amendment of section 23**

8. Section 23 of the principal Act is amended —

- (a) by deleting the words “within 14 days of” in subsection (1)(a), (b) and (c) and substituting in each case the words “within 28 days after”; and
- (b) by inserting, immediately after subsection (1), the following subsection:

“(1A) Notwithstanding anything in this section, in a non-lot acquisition relating to a strata title plan, only the management corporation constituted for the strata title plan is entitled to lodge with the Registrar a notice of appeal or petition of appeal in accordance with subsection (1) in respect of that non-lot acquisition, and there shall be no such appeal by —

- (a) any of the subsidiary proprietors constituting the management corporation for the strata title plan; and
- (b) any mortgagee, chargee or other person with an estate and interest in any lot comprised in the strata title plan.”

**Amendment of section 24**

9. Section 24 of the principal Act is amended by inserting, immediately after the words “is not lodged” in paragraph (b), the words “, by the person permitted by section 23 to do so,”.

**Amendment of section 29**

10. Section 29 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) Notwithstanding subsection (2), in a non-lot acquisition relating to a strata title plan, only the management corporation constituted for the strata title plan is entitled to make an appeal to the Court of Appeal under subsection (2) in respect of that non-lot acquisition, and there shall be no such appeal by —

- (a) any of the subsidiary proprietors constituting the management corporation for the strata title plan; and
- (b) any mortgagee, chargee or other person with an estate and interest in any lot comprised in the strata title plan.”.

### **Amendment of section 32**

#### **11. Section 32 of the principal Act is amended —**

- (a) by inserting, immediately after subsection (3), the following subsections:

“(3A) In relation to any proceedings before it, the Board may order a vexatious third party —

- (a) to personally pay the whole or part of the costs of the proceedings; or
- (b) if any party is the client of the vexatious third party, to repay to his client costs which the client has been ordered to pay to any other party to the proceedings.

(3B) No order under subsection (3A) shall be made against any person unless that person has been given a reasonable opportunity to appear before the Board and show cause why the order should not be made.

(3C) In subsection (3A), “vexatious third party”, in relation to any proceedings before the Board, means a person —

- (a) who is not a party to the proceedings; and
- (b) who the Board considers to be responsible for anything done or not done by or on behalf of any party that unnecessarily or unreasonably protracts, or adds to the costs or complexity of, those proceedings or puts any party to unnecessary expense in relation to those proceedings.”; and

- (b) by deleting the words “or the Collector” in subsection (6) and substituting the words “, the Collector or person who is not a party”.

### **Amendment of section 33**

**12.** Section 33 of the principal Act is amended —

- (a) by inserting, immediately after the words “any increase in the value of any other land” in subsection (1)(b), the words “(such as contiguous or adjacent land)”; and
- (b) by inserting, immediately after subsection (1), the following subsection:

“(2) If the value of any other land of the person interested likely to accrue from the use to which the land acquired will be put is increased, the increase is to be set-off only against the amount of compensation that would otherwise be payable under subsection (1)(c) or (d) or both, where applicable.”.

### **Amendment of section 40**

**13.** Section 40 of the principal Act is amended —

- (a) by inserting, immediately after the words “subsection (2)” in subsection (1), the words “or subsection (1A) applies”; and
- (b) by inserting, immediately after subsection (1), the following subsection:

“(1A) If —

- (a) an award is made under section 10 with respect to a non-lot acquisition relating to a strata title plan; and
- (b) within 28 days after that award is made, the subsidiary proprietors constituting the management corporation for the strata title plan serve on the Collector a copy of a special resolution referred to in

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section 85A(4) of the Building Maintenance and Strata Management Act with respect to that non-lot acquisition,

the Collector need not make a written offer of the compensation awarded in accordance with subsection (1) but must instead —

- (i) inform the management corporation for the strata title plan that the compensation awarded is to be paid to the persons in section 10(1B)(a); and
- (ii) pay that compensation according to section 10(1B) unless prevented by one or more of the contingencies mentioned in subsection (2).”.

#### **Amendment of section 49**

**14.** Section 49 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) A management corporation for a strata title plan may express any desire under subsection (1) for the whole of the land comprised in the strata title plan to be acquired under this Act, but only if the subsidiary proprietors constituting the management corporation for the strata title plan so agree to the acquisition of the whole of the land by a resolution by consensus referred to in section 85A(5) of the Building Maintenance and Strata Management Act.”.

#### **Savings and transitional provisions**

**15.—**(1) Subject to subsection (2), this Act shall not apply to or in relation to any land the date of acquisition of which is before the appointed date; and that land shall be dealt with in accordance with the principal Act as if this Act had not been enacted.

(2) Section 12 shall not apply to or in relation to any land the date of acquisition of which is before 7th July 2014; and that land shall be dealt with in accordance with the principal Act as if this Act had not been enacted.

(3) For a period of 2 years after the date of commencement of any provision of 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.

(4) In this section —

“appointed date” means the date of commencement of this Act except section 12;

“date of acquisition”, in relation to 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.

(5) Nothing in this section shall prejudice section 16 of the Interpretation Act (Cap. 1).

### **Related amendments to Building Maintenance and Strata Management Act**

**16.**—(1) The provisions of the Building Maintenance and Strata Management Act (Cap. 30C) are amended in the manner set out in the Schedule.

(2) This section and the Schedule shall not apply to or in relation to any land which is the subject of a notification under section 5(1) of the principal Act declaring that the land is needed for a purpose specified in the declaration, the publication in the *Gazette* of which is before the date of commencement of this section; and that land shall be dealt with in accordance with the Building Maintenance and Strata Management Act as if this Act had not been enacted.

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## THE SCHEDULE

Section 16

### RELATED AMENDMENTS TO BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT

#### **Amendment of section 2**

1. Section 2(1) of the Building Maintenance and Strata Management Act (referred to in this Schedule as BMSMA) is amended by inserting, immediately after the definition of “mediation”, the following definitions:

““non-lot acquisition” means any acquisition under the Land Acquisition Act (Cap. 152) of any common property (and no other land) comprised in a strata title plan;

“non-lot acquisition related expenses”, in relation to any management corporation for a strata title plan, means —

(a) any legal costs, valuation and other professional fees reasonably incurred by the management corporation in relation to the preparation and filing of a claim for compensation under the Land Acquisition Act, or any appeal under that Act, in respect of any non-lot acquisition affecting the strata title plan; and

(b) any other financial costs reasonably incurred by the management corporation in convening and conducting meetings for or in connection with the preparation and filing of a claim for compensation under the Land Acquisition Act, or any appeal under that Act, in respect of any non-lot acquisition relating to its strata title plan;”.

#### **Amendment of section 38**

2. Section 38(2) of the BMSMA is amended by inserting, immediately after paragraph (b), the following paragraph:

“(ba) all moneys received by it from the Collector of Land Revenue as an award of compensation under the Land Acquisition Act for any non-lot acquisition relating to its strata title plan;”.

#### **Amendment of section 39**

3. Section 39(2) of the BMSMA is amended —

(a) by deleting the word “and” at the end of paragraph (d); and

(b) by inserting, immediately after paragraph (d), the following paragraph:

THE SCHEDULE — *continued*

“(da) any non-lot acquisition related expenses of the management corporation; and”.

**Amendment of section 47**

4. Section 47(1) of the BMSMA is amended —

- (a) by deleting the word “and” at the end of paragraph (b)(vi);
- (b) by deleting sub-paragraph (vii) of paragraph (b) and substituting the following sub-paragraphs:

“(vii) any notice under section 3, 8 or 16 of the Land Acquisition Act, or any copy of an award under section 10 of that Act, received by the management corporation for any non-lot acquisition relating to the strata title plan for which the management corporation is constituted; and

(viii) any other record or document in the custody or under the control of the management corporation.”;

- (c) by deleting the word “and” at the end of paragraph (c)(v); and
- (d) by deleting the full-stop at the end of sub-paragraph (vi) of paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(vii) whether the management corporation has received any notice under section 3, 8 or 16 of the Land Acquisition Act, or any copy of an award under section 10 of that Act, for any non-lot acquisition relating to the strata title plan for which the management corporation is constituted.”.

**New section 47A**

5. The BMSMA is amended by inserting, immediately after section 47, the following section:

**“Display of award of compensation for acquisition, etc.**

**47A.—**(1) If the management corporation is required by its by-laws to maintain a notice board, its council must —

THE SCHEDULE — *continued*

(a) within 7 days after the management corporation receives any notice under section 3, 8, 16 or any other provision under the Land Acquisition Act, or any award under section 10 of that Act, for any non-lot acquisition relating to the strata title plan for which the management corporation is constituted, cause a copy of every such notice or award to be displayed on the notice board; and

(b) for not less than 14 days keep displayed on that notice board the copy of that notice or award.

(2) If there is no notice board, the council concerned must give, within the period delimited by paragraph (a) of subsection (1), each subsidiary proprietor who then constitutes the management corporation a copy of the notice or award referred to in that paragraph.”

**New section 85A**

6. The BMSMA is amended by inserting, immediately after section 85, the following section:

**“Limited right to representation by management corporation in non-lot acquisition**

**85A.**—(1) Notwithstanding anything in section 85, the management corporation for a strata title plan —

(a) may start any proceedings before the Appeals Board under the Land Acquisition Act for any non-lot acquisition relating to the strata title plan and represent every subsidiary proprietor of every lot comprised in the strata title plan in those proceedings; and

(b) may lodge any appeal to the Court of Appeal from the decision of the Appeals Board under the Land Acquisition Act for any non-lot acquisition relating to the strata title plan and represent every subsidiary proprietor of every lot comprised in the strata title plan in that appeal,

if, and only if, the proceedings and appeal, respectively, are each authorised by an ordinary resolution of the subsidiary proprietors constituting the management corporation.

(2) Unless authorised by ordinary resolution, a management corporation for a strata title plan shall not make a claim for compensation under the Land Acquisition Act for any non-lot acquisition relating to its strata title plan.

THE SCHEDULE — *continued*

(3) Unless otherwise agreed by special resolution under subsection (4), the amount of compensation awarded under the Land Acquisition Act for any non-lot acquisition relating to a strata title plan shall be paid into the management fund of the management corporation for that strata title plan.

(4) The subsidiary proprietors constituting the management corporation for a strata title plan may, by special resolution, agree that the compensation for any non-lot acquisition relating to the strata title plan be distributed among themselves; in which event that compensation must be distributed among the subsidiary proprietors in shares proportionate to their respective share values of their lots as on the date possession is taken under section 16 of the Land Acquisition Act of the land acquired under the non-lot acquisition.

(5) Unless authorised by a resolution by consensus, a management corporation for a strata title plan shall not express any desire under section 49(1) of the Land Acquisition Act for the whole of the land comprised in its strata title plan to be acquired under that Act.”

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