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TOWN COUNCILS ACT (CHAPTER 329A)

TOWN COUNCILS (DECLARATION) ORDER 2020

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In exercise of the powers conferred by section 3 of the Town Councils Act, the Minister for National Development makes the following Order:

Citation and commencement

1. This Order is the Town Councils (Declaration) Order 2020 and comes into operation on 30 July 2020.

Definitions

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

“asset”, in relation to a transferor Town Council, means property of any kind (whether tangible or intangible, whether arising

from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor Town Council and includes, without limitation, any —

- (a) legal or equitable interest in real or personal property;
- (b) chose in action;
- (c) money or securities;
- (d) plant and equipment;
- (e) intellectual property;
- (f) infrastructure;
- (g) records; and
- (h) right, power, privilege or immunity;

“constituency” means an electoral division specified in the Parliamentary Elections (Electoral Divisions — Names and Boundaries) Notification 2020 (G.N. No. S 158/2020);

“existing by-law” means any by-law made by a Town Council for a former Town as in force on 29 July 2020;

“former Town” means a Town declared under the Town Councils (Declaration of Towns) Order 2015 (G.N. No. S 577/2015);

“liability”, in relation to a transferor Town Council, means any liability, duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly or jointly and severally with any other person) of the transferor Town Council;

“records”, in relation to a transferor Town Council, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of that transferor Town Council;

“transferor Town Council” and “transferee Town Council” have the respective meanings given by paragraph 5;

“transferred area” means an area within a former Town that, by reason of paragraph 3, becomes comprised in a constituency that forms, or forms part of, another Town declared under that paragraph.

(2) Where a transferor Town Council and transferee Town Council agree under section 3(4) of the Act to a shorter period than paragraph 6 for the maintenance and management of the common property of the residential and commercial property in the housing estates of the Board within any transferred area described in the third column of the Second Schedule opposite the transferee Town Council —

- (a) a reference in this Order to 27 October 2020 must be read as a reference to the last day of the shorter period agreed on with respect to the transferred area; and
- (b) a reference in this Order to 28 October 2020 must be read as a reference to the next day following the end of the shorter period agreed on with respect to the transferred area.

Towns

3. Each area comprising the constituency or constituencies set out in the first column of the First Schedule is declared to be a Town to be known by the name set out opposite that area in the second column of that Schedule.

Continuation or reconstitution of Town Councils

4.—(1) The following Town Councils established by section 4 of the Act for the following Towns are a continuation of the Town Council for a former Town of the same name:

- (a) the Town Council for Aljunied-Hougang;
- (b) the Town Council for Holland-Bukit Panjang;
- (c) the Town Council for Jurong-Clementi;
- (d) the Town Council for Tanjong Pagar.

(2) The following Town Councils established by section 4 of the Act for the following Towns are a continuation of a Town Council for a former Town of the same name, subject to the provisions on reconstitution in paragraphs 6, 7, 8 and 9 and the Third Schedule:

- (a) the Town Council for Ang Mo Kio;
- (b) the Town Council for Bishan-Toa Payoh;
- (c) the Town Council for Chua Chu Kang;
- (d) the Town Council for Jalan Besar;
- (e) the Town Council for Marine Parade;
- (f) the Town Council for Marsiling-Yew Tee;
- (g) the Town Council for Nee Soon;
- (h) the Town Council for Pasir Ris-Punggol;
- (i) the Town Council for Sembawang;
- (j) the Town Council for Tampines;
- (k) the Town Council for West Coast.

(3) The Town Council established by section 4 of the Act for the Town of East Coast is a continuation of the Town Council of the former Town of East Coast-Fengshan.

Transferor and transferee Town Councils

5. A reconstituted Town Council in the first column of the Second Schedule is each a transferor Town Council in relation to the Town Council specified opposite (called a transferee Town Council each) with respect to any transferred area described in the third column of the Second Schedule opposite the transferee Town Council.

Continued management and maintenance of transferred areas

6. For the purposes of section 3(4) of the Act, a transferor Town Council continues to be liable until the end of 27 October 2020 for the maintenance and management of the common property of the residential and commercial property in the housing estates of the Board within any transferred area comprised in a constituency that forms, or forms part of, the Town of a transferee Town Council.

Transfer of assets and liabilities

7.—(1) On 28 October 2020 —

- (a) all assets of the transferor Town Council on 27 October 2020 that relate to a transferred area described in the third column of the Second Schedule opposite a transferee Town Council; and
- (b) all liabilities of a transferor Town Council on 27 October 2020 that relate to a transferred area described in the third column of the Second Schedule opposite a transferee Town Council,

are transferred from the transferor Town Council to the transferee Town Council concerned.

(2) When any assets or liabilities are transferred under sub-paragraph (1), the following provisions have effect:

- (a) the assets of the transferor Town Council that are the subject of the transfer vest in the transferee Town Council by virtue of that sub-paragraph and without the need for any further conveyance, transfer, assignment or assurance;
- (b) the liabilities of the transferor Town Council that are the subject of the transfer become by virtue of that sub-paragraph the liabilities of the transferee Town Council;
- (c) all legal or other proceedings relating to those assets or liabilities that are started before 28 October 2020 by or against the transferor Town Council and pending immediately before that date are taken to be proceedings pending by or against the transferee Town Council;
- (d) any legal or other proceedings relating to those assets or liabilities which could have been started immediately before 28 October 2020 by or against the transferor Town Council may be started by or against the transferee Town Council;

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- (e) a judgment or an order of a court or other tribunal obtained before 28 October 2020 by or against the transferor Town Council relating to those assets or liabilities may be enforced by or against the transferee Town Council;
 - (f) any document relating to legal or other proceedings relating to those assets or liabilities that has been served on or by a transferor Town Council before 28 October 2020 is taken, where appropriate, to have been served on or by the transferee Town Council;
 - (g) any act, matter or thing done or omitted to be done before 28 October 2020 in relation to those assets or liabilities by, to or in respect of the transferor Town Council is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee Town Council;
 - (h) a reference in any written law, in any instrument made under any Act, in any contract, agreement, arrangement or undertaking, or in any document of any kind to the transferor Town Council, to the extent to which the reference relates to those assets or liabilities, is taken to be, or includes, a reference to the transferee Town Council.
- (3) In particular —
- (a) all security deposits deposited with the transferor Town Council in relation to any assets or liabilities transferred under sub-paragraph (1) and not forfeited before 28 October 2020; and
 - (b) the benefits of all indemnities, guarantees or warranties given to the transferor Town Council in relation to any assets or liabilities transferred under sub-paragraph (1) and not discharged before 28 October 2020,
- are, without further assurance, transferred and deemed deposited with or given to the transferee Town Council.

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- (4) The operation of this paragraph does not —
- (a) constitute a breach of, or default under, any law or otherwise a civil wrong or criminal wrong;
 - (b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way);
 - (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of any information;
 - (d) terminate an agreement or fulfil any condition that allows a person to terminate any agreement or obligation, or gives rise to any right or remedy in respect of any agreement or obligation;
 - (e) frustrate any contract or cause any contract or instrument to be void or otherwise unenforceable;
 - (f) release any surety, other obligor or other obligee wholly or in part from any obligation; or
 - (g) constitute an event of breach of, or default under, any contract or other instrument.
- (5) No attornment to the transferee Town Council by a lessee from a transferor Town Council is required for the purpose of this paragraph.

Transfer of records

8. From 28 October 2020, every record, or part of any record, of the transferor Town Council that relates to any assets or liabilities transferred to the transferee Town Council under paragraph 7 becomes the record of the transferee Town Council.

Other incidental, consequential and supplementary provisions

9. The incidental, consequential and supplementary provisions contained in the Third Schedule have effect in respect of the Town Councils specified in that Schedule.

Confirmation of transfers

10.—(1) If any dispute arises —

- (a) as to whether an asset or a liability or a record is transferred under paragraph 7 or 8; or
- (b) as to whether any, or any part of any, contract or document that relates to an asset or a liability or a record, is transferred under paragraph 7 or 8,

the Minister may determine the matter and is to provide the concerned parties with written notice of that determination.

(2) The determination of the Minister under sub-paragraph (1) is final and binding on the transferor Town Council and the transferee Town Council concerned.

Revocation

11. The Town Councils (Declaration of Towns) Order 2015 and the Town Councils (Dissolution of Various Town Councils) Order 2015 (G.N. No. S 576/2015) are revoked.

FIRST SCHEDULE

Paragraph 3

TOWNS

<i>First column</i>	<i>Second column</i>
<i>Constituency or constituencies</i>	<i>Town</i>
1. Aljunied Hougang	Aljunied-Hougang
2. Ang Mo Kio Kebun Baru Yio Chu Kang	Ang Mo Kio
3. Bishan-Toa Payoh Marymount	Bishan-Toa Payoh
4. Chua Chu Kang Hong Kah North	Chua Chu Kang

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Constituency or constituencies</i>	<i>Town</i>
5. East Coast	East Coast
6. Holland-Bukit Timah Bukit Panjang	Holland-Bukit Panjang
7. Jalan Besar Potong Pasir	Jalan Besar
8. Jurong Bukit Batok Yuhua	Jurong-Clementi
9. Marine Parade MacPherson Mountbatten	Marine Parade
10. Marsiling-Yew Tee	Marsiling-Yew Tee
11. Nee Soon	Nee Soon
12. Pasir Ris-Punggol Punggol West	Pasir Ris-Punggol
13. Sembawang	Sembawang
14. Sengkang	Sengkang
15. Tampines	Tampines
16. Tanjong Pagar Radin Mas	Tanjong Pagar
17. West Coast Pioneer	West Coast

SECOND SCHEDULE

Paragraphs 2(2), 5 and 7(1)

**TRANSFEROR AND TRANSFEREE TOWN COUNCILS
AND TRANSFERRED AREAS**

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Transferor Town Council</i>	<i>Transferee Town Council</i>	<i>Transferred areas</i>
1. Town Council of Ang Mo Kio	Town Council of Sengkang	The area of the former Town of Ang Mo Kio comprised in the constituency of Sengkang.
2. Town Council of Bishan-Toa Payoh	Town Council of Jalan Besar	The area of the former Town of Bishan-Toa Payoh comprised in the constituency of Jalan Besar.
3. Town Council of Chua Chu Kang	Town Council of West Coast	The area of the former Town of Chua Chu Kang comprised in the constituency of West Coast.
4. Town Council of Jalan Besar	Town Council of Bishan-Toa Payoh	The area of the former Town of Jalan Besar comprised in the constituency of Bishan-Toa Payoh.
5. Town Council of Marine Parade	Town Council of Jalan Besar	The area of the former Town of Marine Parade comprised in the constituency of Potong Pasir.
6. Town Council of Nee Soon	Town Council of Ang Mo Kio	The area of the former Town of Nee Soon comprised in the constituency of Kebun Baru.

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Transferor Town Council</i>	<i>Transferee Town Council</i>	<i>Transferred areas</i>
7. Town Council of Pasir Ris-Punggol	Town Council of Sengkang	The area of the former Town of Pasir Ris-Punggol comprised in the constituency of Sengkang.
	Town Council of Tampines	The area of the former Town of Pasir Ris-Punggol comprised in the constituency of Tampines.
8. Town Council of Sembawang	Town Council of Marsiling-Yew Tee	The area of the former Town of Sembawang comprised in the constituency of Marsiling-Yew Tee.
	Town Council of Nee Soon	The area of the former Town of Sembawang comprised in the constituency of Nee Soon.

THIRD SCHEDULE

Paragraphs 4(2) and 9

OTHER INCIDENTAL, CONSEQUENTIAL AND
SUPPLEMENTARY PROVISIONS

PART 1

TOWN COUNCIL OF EAST COAST

1.—(1) As from 30 July 2020, the Town Council for the former Town of East Coast-Fengshan is known as the Town Council for the Town of East Coast.

(2) Any reference in any written law or document to the Town Council for the Town of East Coast-Fengshan is a reference to the Town Council for the Town of East Coast.

2.—(1) The change in corporate name of the Town Council under paragraph 1 does not operate —

THIRD SCHEDULE — *continued*

- (a) to create a new legal entity;
- (b) to prejudice or affect the identity of the Town Council or its continuity as a Town Council;
- (c) to affect the property of, or the exercise of any right or the enforcement of any obligation by or against, the Town Council; or
- (d) to render defective any legal proceedings by or against the Town Council.

(2) Any legal proceedings that might have been continued or commenced by or against the Town Council in its former corporate name of the Town Council for the Town of East Coast-Fengshan may be continued or commenced by or against the Town Council in its new corporate name of the Town Council for the Town of East Coast.

PART 2

TOWN COUNCIL OF SENGKANG

1. The existing by-laws made by the Town Council for the Town of Ang Mo Kio continue to apply, with the necessary modifications, to the transferred area that was within the former Town of Ang Mo Kio and by reason of paragraph 3 of this Order, is comprised in the constituency of Sengkang, until —

- (a) the end of 31 March 2021; or
- (b) such time as by-laws are made under the Act by the Town Council for the Town of Sengkang,

whichever first occurs.

2. The existing by-laws made by the Town Council for the Town of Pasir Ris-Punggol continue to apply, with the necessary modifications, to the transferred area that was within the former Town of Pasir Ris-Punggol and by reason of paragraph 3 of this Order, is comprised in the constituency of Sengkang, until —

- (a) the end of 31 March 2021; or
- (b) such time as by-laws are made under the Act by the Town Council for the Town of Sengkang,

whichever first occurs.

THIRD SCHEDULE — *continued*

PART 3

OTHER TRANSFEREE TOWN COUNCILS

1. Subject to Part 2, any existing by-law made by a transferor Town Council and that is a conservancy by-law continues to apply, with the necessary modifications, to the transferred area comprised in a constituency that forms, or forms part of, the Town of a transferee Town Council until —

- (a) the end of 31 March 2021; or
- (b) such time as conservancy by-laws are made under the Act on or after 30 July 2020 by the transferee Town Council for the transferred area or the Town,

whichever first occurs.

2. In this Part, “conservancy by-law” means a by-law relating to —

- (a) conservancy and service charges; or
- (b) penalties and administrative fees for the late payment of conservancy and service charges.

Made on 29 July 2020.

OW FOONG PHENG
Permanent Secretary,
Ministry of National Development,
Singapore.

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