

Housing and Development (Amendment) Bill

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Bill No: 11/1975

Read the first time: 26th February 1975

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Expenditure of Public Money

Housing and Development (Amendment) Bill

Bill No. 11/1975

Read the first time on 26th February 1975.

An Act to amend the Housing and Development Act (Chapter 271 of the 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. This Act may be cited as the Housing and Development (Amendment) Act, 1975 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Subsection (1) of section 2 of the Housing and Development Act (hereinafter in this Act referred to as “the principal Act”) is hereby amended —

(a) by inserting immediately before the definition of “Board” appearing therein the following new definition: —

“ “authorised occupier” means a person who is named in an application made to the Board as the person who intends to reside in the flat, house or other living accommodation sold or to be sold by the Board under Part IV of this Act or any person who is authorised in writing by the Board to reside therein;”;

- (b) by inserting immediately after the definition of “flat” appearing therein the following new definition: —

“ “lease” includes an agreement for a lease;”; and

- (c) by inserting immediately after the definition of “Municipal Provident Fund” appearing therein the following new definition: —

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

Amendment of section 4

3. Section 4 of the principal Act is hereby amended by deleting subsections (2) and (3) thereof and substituting therefor the following: —

“(2) Except as provided in subsection (3) of this section, all deeds, documents and other instruments requiring the seal of the Board shall be sealed with the seal of the Board in the presence of the Chairman, or the Deputy Chairman, or a member of the Board, and an officer of the Board authorised by the Board in that behalf, who shall sign every such deed, document or other instrument to which the seal is affixed, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that it is the lawful seal of the Board.

(3) All deeds, documents and other instruments which relate to the sale, lease, assignment, mortgage or assurance whatsoever of any premises sold under the provisions of this Act may be sealed with the seal of the Board in the presence of any officer of the Board duly authorised by the Board to act in that behalf who shall sign every such deed, document or other instrument to which the seal is affixed, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that it is the lawful seal of the Board.

(4) No officer of the Board shall be authorised for the purposes of subsection (3) of this section unless he is a qualified person within the meaning of section 2 of the Legal Profession Act (Cap. 217).

(5) The provisions of section 12 of the Registration of Deeds Act (Cap. 281) shall not apply to any instrument purporting to have been executed under the provisions of subsection (2) or (3) of this section.”.

New section 27A

4. The principal Act is hereby amended by inserting immediately after section 27 thereof the following new section: —

“Appointment of committees and delegation of powers

27A.—(1) The Board may, in its discretion, appoint from among its own members or other persons who are not members such number of committees consisting of members or other persons, or members and other persons, for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees.

(2) The Board may, subject to such conditions or restrictions as it may impose, delegate to any such committee or the Chairman or the Chief Executive Officer one or more of the functions, duties and powers by this Act vested in the Board, except the power to borrow money; and any function, duty or power so delegated may be exercised or performed by such committee or the Chairman or the Chief Executive Officer, as the case may be, in the name and on behalf of the Board.

(3) The Board may, subject to such conditions or restrictions as it may impose, delegate to an employee thereof one or more of the Board’s functions, duties and powers by this Act vested in the Board, except the power to borrow money or to raise or grant loans or advances to or subscribe to stocks, shares, bonds or debentures of a company or corporation, and a function, duty or power so delegated may be exercised or performed by such employee in the name and on behalf of the Board.

(4) The Board may exercise any power conferred or perform any function or duty imposed upon it under this Act, notwithstanding the delegation of such function, duty or power under the provisions of this section.”.

Amendment of section 41

5. Section 41 of the principal Act is hereby amended —

(a) by deleting subsections (1), (2) and (3) thereof and substituting therefor the following: —

“(1) No person shall be entitled to purchase any flat, house or other living accommodation sold subject to the provisions of this Part if such person, his spouse or any authorised occupier —

(a) is the owner of any other flat, house, building or land or has an estate or interest therein; or

(b) has, at any time within thirty months immediately prior to the date of making an application to the Board to purchase the same, sold any flat, house, building or land of which he was the owner, or divested himself of any interest therein.

(2) Where a person purchases a flat, house or other living accommodation in contravention of the provisions of subsection (1) of this section, he shall not present for registration under the provisions of the Registration of Deeds Act (Cap. 281) or the Land Titles Act (Cap. 276) the assurance of the flat, house or other living accommodation. The Board shall on discovery of such a purchase —

- (a) serve a written notice upon the purchaser of the flat, house or other living accommodation of its intention to lodge with the Registrar of Deeds or the Registrar of Titles, as the case may be, an instrument under the provisions of subsection (3) of this section for the vesting in the Board of the title to or the estate or interest in that flat, house or other living accommodation; or
- (b) where no lease has been registered in favour of the purchaser, serve a written notice of the Board's intention to terminate the agreement for a lease and to re-enter upon the flat, house or other living accommodation or part thereof in the name of the whole and thereupon any interest of the purchaser shall absolutely determine.

The purchaser may within fourteen days after the service of the notice appeal to the Minister whose decision thereon shall be final and shall not be called into question in any court.

(3) Where an appeal has been made to the Minister pursuant to subsection (2) of this section, the Board shall not proceed to vest the title to or the estate or interest in the flat, house or other living accommodation in itself, or to re-possess the flat, house or other living accommodation, until the appeal has been disposed of.”; and

- (b) by deleting subsection (6) thereof and substituting therefor the following: —

“(6) The Board may in its discretion forfeit any monies paid or deposited in respect of the purchase of any flat, house or other living accommodation from the Board if the Board discovers that the person who has purchased or seeks to purchase the flat, house or other living accommodation in contravention of the provisions of subsection (1) of this section.

(7) The Board may in its discretion exempt any person or class of