

Land Acquisition (Amendment) Bill

Table of Contents

Bill No: 57/1973

Read the first time: 30th November 1973

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 Amendment of section 3

4 Amendment of section 10

5 Amendment of section 23

6 Amendment of section 32

7 Repeal and re-enactment of section 33

8 Amendment of section 34

9 Amendment of section 45

10 Amendment of section 48

11 Transitional provisions

Explanatory Statement

Expenditure of Public Money

Land Acquisition (Amendment) Bill

Bill No. 57/1973

Read the first time on 30th November 1973.

An Act to amend the Land Acquisition Act (Chapter 272 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.—(1) This Act may be cited as the Land Acquisition (Amendment) Act, 1973 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

Amendment of section 2

2. Subsection (1) of section 2 of the Land Acquisition Act (hereinafter in this Act referred to as “the principal Act”) is hereby amended by deleting the definition of “person interested” appearing therein and substituting therefor the following: —

““person interested” includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Act, but does not include a tenant by the month or at will or a statutory tenant under the Control of Rent Act (Cap. 266).”.

Amendment of section 3

3. Section 3 of the principal Act is hereby amended by inserting immediately after subsection (2) thereof the following new subsection: —

“(3) A notification made under this section in respect of any land in any locality shall cease to have effect on the expiration of a period of twelve months from the date of its publication but nothing in this subsection shall be construed to preclude a further exercise of the powers conferred upon the President by this section or by section 5 of this Act in respect of such land.”.

Amendment of section 10

4. Section 10 of the principal Act is hereby amended by inserting immediately after

subsection (3) thereof the following new subsections: —

“(4) Where the Collector who has proceeded under this section to inquire into the objections of any person interested ceases for any reason to hold office as Collector at any time before the making of an award under this section, any other officer who is a Collector may in his discretion continue the inquiry or hold a fresh inquiry. For the purpose of this subsection, the Collector who continues the inquiry of a Collector who has ceased to hold office may act on the evidence recorded by the latter.

(5) Where a Collector who has made an award under the provisions of this section ceases for any reason to hold office as a Collector before lodging his grounds of award under the provisions of section 23 of this Act, any other officer who is a Collector may, if the notice of appeal is lodged under section 23 of this Act, lodge such grounds of award on behalf of the Collector who has ceased to hold office.”.

Amendment of section 23

5. Subsection (3) of section 23 of the principal Act is hereby amended —

- (a) by inserting immediately after the word “lodged” appearing in the fourth line thereof the expression “, or the deposit with the Accountant-General was not made or authorised,”; and
- (b) by inserting immediately after the word “petition” appearing in the seventh line thereof the expression “, or from making or authorising such deposit,”.

Amendment of section 32

6. Section 32 of the principal Act is hereby amended —

- (a) by deleting subsection (1) thereof and substituting therefor the following: —

“(1) Where the amount awarded by the Board does not exceed the sum awarded by the Collector, or where an appeal is withdrawn without any agreement being made by the parties thereto as to costs, the costs of an appeal to the Board in either case shall be paid by the appellant.”;

- (b) by inserting immediately after subsection (4) thereof the following new subsection: —

“(5) Any costs directed by the Board or by this section to be paid shall, unless the Board otherwise directs, be taxable in the High Court.”; and

- (c) by renumbering subsection (5) thereof as subsection (6).

Repeal and re-enactment of section 33

7. Section 33 of the principal Act is hereby repealed and the following substituted therefor: —

“Matters to be considered in determining compensation

33.—(1) In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall, subject to the provisions of subsections (2), (3) and (4) of this section, take into consideration the following matters and no others, namely: —

- (a) the market value as at the 30th day of November 1973, or the market value as at the date of the publication of the notification under subsection (1) of section 3 of this Act if the notification is within six months from the date thereof followed by a declaration under section 5 of this Act in respect of the same land or part thereof, or the market value as at the date of the publication of the declaration made under section 5 of this Act, whichever is the lowest;
- (b) any increase in the value of any other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the Collector’s taking possession of the land by reason of severing that land from his other land;
- (d) the damage, if any, sustained by the person interested at the time of the Collector’s taking possession of the land 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, he 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 re-issue 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.

(2) In the case of an acquisition for any purpose specified in subsection (1) of section 5 of this Act of any land devastated or affected directly or indirectly by fire, explosion, thunderbolt, earthquake, storm, tempest, flood or any act of God,

or of any land immediately adjoining such devastated or affected land as is required for any such purpose, the Board shall not, in the case of any such acquisition within a period of six months of the land being devastated or affected as aforesaid, take into consideration the matters set out in paragraphs (a) and (e) of subsection (1) of this section but shall instead consider the market value of the land immediately before it was devastated or affected as aforesaid having due regard to the fact that at the material time the land could not have been conveyed with vacant possession as it was subject to encumbrances, tenancies, or occupation by squatters, but without taking into account the value of any buildings or structures, permanent or otherwise, on the land at the material time.

(3) The amount of compensation to be awarded for any land referred to in subsection (2) of this section shall not exceed —

(a) one-third of the value of such land had it been vacant land not subject to encumbrances, tenancies or occupation by squatters unless the Minister in his discretion, by notification in the *Gazette*, specifies otherwise; or

(b) the market value of the land as at the 30th day of November 1973, whichever is the lower.

(4) Any acquisition of any land referred to in subsection (2) of this section shall not affect the rights or liabilities or any owner, lessee, tenant or occupier of such buildings or structures in respect of any contract of insurance entered into by such owner, lessee, tenant or occupier.

(5) For the purposes of paragraph (a) of subsection (1) of this section —

(a) if the market value has been increased as a result of any improvement within two years before the declaration under the provisions of section 5 of this Act was published, that increase shall be disregarded unless it is proved that the improvement was made by the owner of the land or his predecessors in interest and was made bona fide and not in contemplation of proceedings for the acquisition of the land being taken under this Act;

(b) if the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court or is contrary to law or is detrimental to the health of the inmates of the premises or to public health, the amount of that increase shall not be taken into account;

(c) if the value of the land has been increased by reason of development