

**Civil Defence Shelter Act  
(CHAPTER 42A)**

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# **THE SCHEDULE Public Shelters Deemed to be Provided under This Act**

## **Legislative History**

### **CIVIL DEFENCE SHELTER ACT**

#### **(CHAPTER 42A)**

(Original Enactment: 12 of 1997)

REVISED EDITION 1998

(30th May 1998)

An Act relating to the provision of civil defence shelters for use during a state of emergency and for matters connected therewith.

[1st May 1998]

#### **PART I**

#### **PRELIMINARY**

#### **Short title**

1.—(1) This Act may be cited as the Civil Defence Shelter Act.

(2) Parts IV and V shall not come into operation except at the time and for the duration and in the manner provided in subsections (3) and (4).

(3) Whenever it appears to the Minister that —

(a) a Proclamation of Emergency by the President under Article 150 of the Constitution or a declaration of a state of civil defence emergency by the Minister under Part XII of the Civil Defence Act (Cap. 42) is imminent; and

(b) it is necessary or expedient to do so for the securing of public safety,

the Minister may by order direct that all or any of the provisions of Parts IV and V shall come into operation and the provisions of those Parts specified in the order shall come

into operation and remain in operation for such period as may be specified in the order.

(4) An order made under subsection (3) shall not be in force for a period exceeding 7 days from the commencement of the order unless it has been made with the approval of the President.

## Interpretation

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

“authorised person” means any person authorised by the Commissioner in writing in accordance with this Act to carry out any duty or exercise any power under this Act or the regulations;

“building” means any permanent building or tenement and includes —

- (a) any structure or erection of whatever kind or nature; and
- (b) any building to be erected within a stratum shown or specified in any strata subdivision plan submitted for approval under the Land Titles (Strata) Act (Cap. 158);

“Commissioner” means the Commissioner of Civil Defence appointed under section 6 of the Civil Defence Act (Cap. 42);

“competent authority” means the competent authority appointed under section 5 of the Planning Act 1998 (Act 3 of 1998);

“flat” means a horizontal stratum of a building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is wholly and principally constructed, adapted or intended to be used as a complete and separate unit for private dwelling, but does not include any part of any building which is constructed, adapted or intended to be used as a hotel, hostel, dormitory or nursing home or for such other purposes as may be prescribed;

“Force” has the same meaning as in the Civil Defence Act;

“house” means a building or any part thereof which is wholly and principally constructed, adapted or intended to be used for private dwelling, but does not include a flat or any building or part thereof which is constructed, adapted or intended to be used as a hotel, hostel, dormitory or nursing home or for such other purposes as may be prescribed;

“household shelter” means a shelter in a house or flat for the use, primarily, of the occupants of that house or flat and of persons ordinarily frequenting that house

or flat, during a state of emergency;

“improvised shelter” means any building or part thereof which has been designated by the Commissioner under section 7 as a shelter for the use of any person needing to take refuge therein during a state of emergency;

“new building” means a building —

- (a) which is constructed on vacant land or in place of a building which has been demolished; and
- (b) the plans in respect of which are submitted to or lodged with the competent authority under the Planning Act 1998 (Act 3 of 1998) on or after 1st May 1998;

“new flat” means a flat comprised in a new building;

“new house” means a house —

- (a) which is constructed on vacant land or in place of a building which has been demolished; and
- (b) the plans in respect of which are submitted to or lodged with the competent authority under the Planning Act 1998 (Act 3 of 1998) on or after 1st May 1998;

“non-residential building” means a building which is wholly or principally constructed, adapted or intended to be used for any purpose other than for private dwelling;

“occupier” —

- (a) in relation to any building, means the person in occupation of such building or having the charge, management or control thereof; and
- (b) in relation to any part of any building different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part,

whether on his own account or as agent of another person;

“owner” —

- (a) in relation to any building or part thereof, includes any mortgagee in possession and any person for the time being receiving the rent of the building or part thereof whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the building or part thereof were let to a tenant, and any person whose name is