

Town Councils (Declaration) Order 2020

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TOWN COUNCILS ACT
(CHAPTER 329A)

TOWN COUNCILS
(DECLARATION) ORDER 2020

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;
- (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