



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 13th March 2015 and assented to by the President on 21st April 2015:—

### REPUBLIC OF SINGAPORE

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**No. 11 of 2015.**

I assent.

TONY TAN KENG YAM,

*President.*

*21st April 2015.*



An Act to amend the State Lands Act (Chapter 314 of the 1996 Revised Edition) to clarify the ownership of the subsoil below the surface of any land, to make related amendments to the Boundaries and Survey Maps Act (Chapter 25 of the 2006 Revised Edition) and the State Lands Encroachments Act (Chapter 315 of the 1985 Revised Edition), and to make consequential amendments to certain other written laws.

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 State Lands (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of section 2**

2. Section 2 of the State Lands Act (referred to in this Act as the principal Act) is amended by deleting the full-stop at the end of the definition of “grantee” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““Singapore Height Datum” has the same meaning as in the Boundaries and Survey Maps Act (Cap. 25);

“State title” means any grant, any grant in fee simple or estate in perpetuity, or any State lease (of whatever tenure) whenever issued or granted by or on behalf of the Crown, the State or the East India Company;

“subterranean space” means the subsoil below the surface of the earth.”.

### **Amendment of section 3A**

3. Section 3A of the principal Act is amended by deleting the words “all substances thereunder” in paragraph (a) and substituting the words “so much of the subterranean space below”.

### **New sections 3B and 3C**

4. The principal Act is amended by inserting, immediately after section 3A, the following sections:

#### **“What is subterranean space reasonably necessary for use and enjoyment of surface earth**

**3B.**—(1) To avoid doubt, it is declared that for all purposes, any land includes only so much of the subterranean space as is

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reasonably necessary for the use and enjoyment of the land, being —

- (a) such depth of subterranean space as is specified in the State title for that land; or
- (b) if no such depth is specified, subterranean space to -30.000 metres from the Singapore Height Datum.

(2) To avoid doubt, nothing in this section derogates from —

- (a) any reservation, by or under this Act or other written law, in favour of the State —
  - (i) to all mines and minerals, mineral oil, natural gas, stone, clay, sand, gravel, and other natural deposits; or
  - (ii) to enter upon any land and to search for and take any minerals, mineral oil, natural gas, stone, clay, sand, gravel, and other natural deposits which may be found in or below the land;
- (b) any condition implied (by or under this Act or other written law) in any State title for any land with respect to opening of or working any mines or quarries, or digging for minerals, mineral oil, natural gas, stone, laterite, clay, sand, gravel, and other natural deposits; or
- (c) any rule of law or written law relating to ownership of any column of space above any defined parcel of the surface of the earth.

(3) Any reference in any written law other than this Act to so much of the subterranean space below any land as is reasonably necessary for the use and enjoyment of the land is a reference to —

- (a) such depth of subterranean space as is specified in the State title for that land; or
- (b) if no such depth is specified, subterranean space to -30.000 metres from the Singapore Height Datum.

**Easement of subjacent support**

**3C.**—(1) To avoid doubt, it is further declared that for all purposes, there is implied —

- (a) as belonging to each parcel of land, an easement for the subjacent support by any other parcel of land capable of affording such subjacent support; and
- (b) as affecting each parcel of land, an easement for the subjacent support of any other parcel of land that is capable of being so supported.

(2) Subject to subsections (3) and (7), the easement implied under subsection (1) also entitles the grantee or lessee of the parcel of land that is the dominant tenement —

- (a) to erect or install within subterranean space any structure necessary for the support of the parcel of land, including underpinning or strengthening any building on that parcel of land;
- (b) to maintain, replace, renew or restore any such structure erected or installed for the support of that parcel of land; and
- (c) to have, upon giving reasonable notice, such access to the servient tenement (through agents and employees) as is reasonably required for erecting or installing any structure referred to in paragraph (a), or for maintaining, replacing, renewing or restoring any such structure.

(3) The person entitled to the benefit of the easement implied under subsection (1) —

- (a) cannot exercise any rights under the easement in a way that unreasonably prevents another person from enjoying the use and occupation of the other person's land; and
- (b) must, when exercising any rights under the easement, take reasonable steps to minimise damage to land or