

# **Port of Singapore Authority (Amendment) Bill**

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**Bill No: 28/1975**

*Read the first time: 29th July 1975*

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## **Port of Singapore Authority (Amendment) Bill**

**Bill No. 28/1975**

*Read the first time on 29th July 1975.*

An Act to amend the Port of Singapore Authority Act (Chapter 173 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 Port of Singapore Authority (Amendment) Act, 1975, 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.

### **New Part VA**

**2.** The Port of Singapore Authority Act (hereinafter in this Act referred to as “the principal Act”) is hereby amended by inserting immediately after section 39 thereof the following new Part: —

#### **“PART VA**

#### **HOUSING SCHEME**

### **Interpretation**

**39A.** In this Part, unless the context otherwise requires —

“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 used or intended to be used as a complete and separate unit for the purpose of human habitation;

“lease” includes an agreement for a lease;

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

### **Special provisions relating to the sale by the Authority of a flat, house or building**

**39B.** For the purposes of the registration of an assurance pertaining to a flat, house or building sold by the Authority subject to the provisions of this Part —

- (a) in the case of land registered under the provisions of the Registration of Deeds Act (Cap. 281), the provisions of section 12 of that Act shall not apply; and
- (b) in the case of land registered under the provisions of the Land Titles Act (Cap. 276), where a solicitor is not employed by the party acquiring or divesting title under any instrument relating to the transactions referred to in this section, a certificate of an officer authorised in writing in that behalf by the Authority shall be sufficient for the purposes of section 50 of that Act.

**Conditions relating to sale, lease, mortgage or transfer of or charge on a flat, house or building**

**39C.**—(1) No flat, house or building which has been sold by the Authority subject to the provisions of this Part shall be sold, leased, mortgaged, transferred or charged without the written consent of the Authority.

(2) Where any assurance, mortgage, transfer, charge or lease of any such flat, house or other building (which is executed by or on behalf of the owner thereof without the written consent of the Authority) is registered under the provisions of the Registration of Deeds Act or the Land Titles Act, the Authority may by an instrument lodged with the Registrar of Deeds or the Registrar of Titles, as the case may be, declare such assurance, mortgage, transfer, charge or lease to be void and the Registrar of Deeds or the Registrar of Titles, as the case may be, shall register the instrument without being concerned to inquire into its regularity or validity, and upon registration thereof shall cancel the registration of any such assurance, mortgage, transfer, charge or lease.

(3) Where an assurance or a lease, mortgage or transfer of or a charge on a flat, house or building sold subject to the provisions of this Part is executed without the written consent of the Authority, the person, who is entitled to the title to or the estate or interest in the flat, house or building if the written consent of the Authority had been obtained, 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, lease, mortgage or transfer of or charge on the flat, house or building.

(4) The Authority may, on the discovery of such assurance, lease, mortgage, transfer or charge, serve a written notice upon the person, referred to in subsection (3) of this section, 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 (6) of this section.

(5) Such person may, within fourteen days after the date of the service of the notice, appeal against the lodging of such instrument for the purpose of subsection (6) of this section to the Minister whose decision thereon shall be final.

(6) The Authority may, in any case where an assurance or a lease, mortgage or transfer of or a charge on a flat, house or building, sold subject to the provisions of this Part has been executed without its written consent, and an appeal to the Minister under subsection (5) of this section has been dismissed, lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, for the vesting in the Authority of the title to or the estate or interest in the flat, house or building.

(7) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument, lodged under the provisions of subsection (6) of this section, without being concerned to inquire into its regularity or validity, and upon the registration of such instrument —

- (a) in the case of a flat, house or building registered under the provisions of the Registration of Deeds Act (Cap. 281), the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or building has been vested in the Authority in accordance with the provisions of this section, and upon that entry being made, the title to and the estate or interest in the flat, house or building shall vest in the Authority free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Authority; or
- (b) in the case of a flat, house or building, registered under the provisions of the Land Titles Act (Cap. 276), the Registrar of Titles shall register the instrument on the relevant folio of the land register without the necessity of the production of the duplicate certificate of title and upon registration thereof, the title to and the estate or interest in the flat, house or building shall vest in the Authority free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Authority, and the Registrar of Titles shall cancel the registration of any lease, mortgage or charge thereby overreached.

(8) Any person who acts in contravention of the provisions of subsection (1) or (3) of this section shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

### **Conditions in respect of a flat, house or building**

**39D.**—(1) No lien by deposit of the title deeds, as security for a debt, of any flat, house or building that has been sold subject to the provisions of this Part shall be capable of being created in favour of any person and any caveat in support of any such lien if lodged with the Registrar of Titles or presented for registration with the Registrar of Deeds shall have no legal effect.

(2) No such flat, house or building shall vest in the Official Assignee on the bankruptcy of the owner thereof.

(3) No such flat, house or building shall be attached in execution of a decree of a court.

(4) Every trust or alleged trust, whether the trust is express, implied or constructive, which purports to be created in respect of such flat, house or building by the owner thereof shall be null and void and shall be incapable of being enforced by a court.

### **Transfer of a flat, house or other building on the death of the owner**

**39E.**—(1) The transmission made on the death of the owner, whether testate or intestate, or any transfer by the legal personal representatives of a deceased owner of a flat, house or building that has been sold subject to the provisions of this Part without the written consent of the Authority shall not be presented for registration under the provisions of the Registration of Deeds Act (Cap. 281) or the Land Titles Act (Cap. 276).

(2) Where the Authority refuses to give its written consent, the Authority shall lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, to have the flat, house or building vested in the Authority.

(3) Where no representation has been taken out under a will or on the intestacy of a deceased owner of a flat, house or building within twelve months from the death of the owner, or where representation has been taken out but the legal personal representatives do not apply for the Authority's written consent for the transmission or transfer of the flat, house or building within six months from the date of the representation, the Authority may lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, to have the flat, house or building vested in the Authority.

(4) Where on the death of the owner of a flat, house or building that has been sold subject to the provisions of this Part the lease in favour of the owner has not