

**LAND ACQUISITION ACT
(CHAPTER 152, SECTION 22(1))**

LAND ACQUISITION (APPEALS BOARD) REGULATIONS

Citation

1. These Regulations may be cited as the Land Acquisition (Appeals Board) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

"Appellant" includes "person interested" and a person "entitled to act" whose meanings are as assigned to them under section 2 of the Act;

"Registrar" means the Registrar of the Board appointed under section 21 of the Act.

Notice of appeal

3. A notice of appeal lodged under section 23 (1) (a) of the Act shall be substantially in such form as the Board may prescribe but shall include the following particulars:

- (a) The name and address of the appellant;
- (b) A description of the land which is the subject-matter of the appeal;
- (c) The nature of the interest which the appellant has in the land;
- (d) The date, reference number and short particulars of the Collector's award;
- (e) The names and addresses of advocates and solicitors, if any; and
- (f) The address for service within Singapore.

Entry of appeal

4. Upon receipt of a notice of appeal, the Registrar shall enter the appeal in the Register of Appeals and shall inform the appellant and the Collector of the serial number of the appeal entered in the Register, which shall thereafter constitute the title of the appeal.

Petition of appeal

5. A petition of appeal lodged under section 23(1) (c) of the Act shall be substantially in the form as the Board may prescribe but shall include the following particulars:

- (a) The name and address of the appellant;
- (b) The date of service of the notice of appeal;

- (c) The serial number of the appeal;
- (d) The claim, if any, made pursuant to any notice under section 8 of the Act;
- (e) The grounds of appeal; and
- (f) The amount of deposit made under section 23(1) (b) of the Act and the date and number of the receipt therefore issued by the Accountant-General.

Power to require further particulars

6. —(1) The Board may, at any time after receiving a petition of appeal, require an appellant to furnish a statement setting out further and better particulars of the grounds of appeal on which he intends to rely and any facts or contentions relevant thereto.

(2) The appellant shall within such time as may be prescribed by the Board, not being less than 14 days after the date of the requirement, send the statement to the Registrar in duplicate.

(3) Upon receipt of the statement, the Registrar shall forthwith forward one copy to the Collector.

Dismissal or variation of petition of appeal on application by Collector

7. —(1) Upon receipt of a petition of appeal under section 25(1) of the Act, the Collector shall, if it appears to him that the grounds of appeal have been made contrary to the provisions of the Act, make within 14 days an application to the Board under regulation 8 for the petition of appeal to be dismissed or varied.

(2) Thereupon, the Board shall, subject to the provisions of the Act, make such order as may be just:

Provided that such order shall not, subject to the provisions of the Act, give the appellant a right to raise the grounds of appeal other than those already stated in his petition of appeal.

Interlocutory applications

8. —(1) Any application of an interlocutory nature in connection with any proceedings shall be made to the Board.

(2) The application shall be made in writing and shall state the title of the proceedings and the grounds upon which the application is made.

(3) If the application is made with the consent of any other party, it shall be accompanied by a notice of consent signed by or on behalf of such other party.

(4) If the application is not made with the consent of any other party, then, before it is made, a copy thereof shall be served upon such other party and the application shall state that this has been done.

(5) Any party who objects to the application may, within 14 days after receiving a copy thereof, send a written notice of objection to the Registrar and to the applicant, and before making any order on the application the Board shall consider any objection which it may have received and, if so required by any party, shall give all parties an opportunity of appearing before the Board.

(6) In dealing with any application under this regulation, the Board shall have regard to the convenience of the parties and the desirability of limiting so far as practicable the costs of the proceedings and shall communicate its decision in writing to each party thereto.

Proceedings to be consolidated

9. The Board may in its discretion order the consolidation of petitions of appeal by any party to the proceedings upon application in accordance with regulation 8.

Sitting of Board

10. —(1) The Board shall sit in the courtroom of the Board or at such other place as the Commissioner may from time to time determine.

(2) An application for a change of date of hearing may be made by any party to the appeal at least 5 days before the date fixed for hearing of the appeal in accordance with regulation 8.

(3) The Board may, for the convenience of witnesses or other sufficient reason, adjourn or fix a special time for the hearing of an appeal or any proceedings therein, having due regard to the precedence of other appeals.

Procedure at hearing

11. —(1) Subject to the provisions of the Act and these Regulations, the procedure at the hearing of any proceedings shall be such as the Board may determine.

(2) At the hearing the appellant shall begin and, if he fails to make out a prima facie case that the Collector's award is inadequate, the Board may dismiss the appeal without calling the Collector and may make such order as to costs as may be just.

(3) The Board shall take note of all evidence and exhibits put in evidence at the hearing.

Default of appearance

12. Subject to section 25 of the Act, when an appeal is called for hearing and the Collector or the appellant does not appear, the Board may if it thinks fit, allow or dismiss the appeal, as the case may be, and make such order as to costs as may be just:

Provided that a decision made under this regulation may be set aside and the appeal reinstated by the Board, if the Collector or the appellant makes an application within 7 days of the decision and proves to the satisfaction of the Board that he had sufficient reasons for his absence.

Selection of assessors

13. —(1) Where the Board is to sit with two assessors as prescribed by section 26 (1) of the Act, the Commissioner shall make his selection from among the panel of assessors appointed under section 26 (2) of the Act in writing at least 14 days before the date fixed for the hearing of an appeal.

(2) The Registrar shall furnish to the assessors selected for the appeal such information in respect of the appeal as is available.

(3) Any party to the proceedings may within 7 days after receipt of the notice of hearing object to either or both of the selected assessors and may make an application in accordance with regulation 8 for the selection of another assessor or other assessors in substitution for such selected assessor or assessors.

(4) The Commissioner may allow the application if in his opinion sufficient grounds for objection to such selected assessor or assessors have been shown.

Inspection of land

14. —(1) The Board may, if it considers fit, enter on and inspect the land which is the subject-matter of the proceedings before the Board and, so far as may be practicable, any comparable land to which the attention of the Board may be directed.

(2) The Board shall give notice of its intention to inspect any land and the Collector and the appellant and witnesses shall be entitled to attend the inspection.

Disclosure of documents

15. The Board may require any party to any proceedings before it to furnish to the Registrar within such time as may be prescribed any document or other information which it is within the power of that party to furnish and shall afford to all other parties to the proceedings an opportunity to inspect the document and to take copies thereof:

Provided that nothing in this regulation shall be deemed to require the furnishing of any information which it would be contrary to the public interest to disclose.

Failure to supply documents

16. If it appears to the Board that any party to any proceedings before it has failed to furnish a copy of any document required under these Regulations within such period as may be prescribed, the Board may direct that a copy of the document shall be furnished and that the further hearing of the proceedings be adjourned, and may in any such case require the party at fault to pay any costs occasioned thereby.

Administration of oaths

17. The Registrar shall have power to administer oaths and take affirmations for the purpose of proceedings before the Board.

Decision of Board

18. —(1) Every decision or order of the Board shall be given in writing, together with a brief statement of the Board's reasons for its decision or order, either immediately on conclusion of the hearing or on some subsequent date of which due notice to the appellant and the Collector shall be given.

(2) The original copy of the Board's decision or order shall be filed.

(3) The Registrar shall send certified copies of the decision or order to the Collector and the appellant.

Withdrawal of appeal

19. An appeal may be withdrawn by sending to the Registrar a written notice of withdrawal signed by the appellant or his advocate and solicitor, if any.

Extension of time

20. Subject to the provisions of the Act, the time appointed by or under these Regulations for doing any act or taking any steps in connection with any proceedings before the Board may be extended, on an application to the Board in accordance with regulation 8 upon such terms as the Board may require.

Service of notices

21. —(1) Any notice or other document required or authorised to be served on any person for the purposes of these Regulations shall be deemed to have been duly served if sent by post to that person at his ordinary address or to his address for service specified in any notice given under these Regulations.

(2) Any application or communication to be made to the Board in respect of any case shall be addressed to the Registrar.

Change of address

22. Any party to any proceedings before the Board may at any time by notice in writing to the Registrar and to all other parties to those proceedings change his address for service under these Regulations.

Substituted service

23. If any person to whom any notice or other document is required to be sent for the purposes of these Regulations cannot be found, or has died and has no personal representative, or is out of Singapore, or if for any other reason service upon that person cannot be readily effected in accordance with these Regulations, the Board may dispense with service upon that person or may make an order for substituted service upon such other person in such form as the Board may think fit.

Records and books of Board

24. The Board shall keep the following records containing the particulars as prescribed respectively:

- (a) A Register of Appeals containing —
 - (i) The serial number of every appeal;
 - (ii) The date of receipt of notice of appeal;
 - (iii) The name of the appellant;
 - (iv) The names of advocates and solicitors, if any;
 - (v) The address for service within Singapore;
 - (vi) The date of receipt of petition of appeal; and
 - (vii) The date and substance of the order or decision of the Board;
- (b) A Register containing the original of every decision or order of the Board; and
- (c) Such other books or records as the Board may from time to time think necessary.