



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SEWERAGE AND DRAINAGE ACT

(CHAPTER 294)

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Sewerage and Drainage Act

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An Act to provide for and regulate the construction, maintenance and improvement of sewerage and land drainage systems, to regulate the discharge of sewage and trade effluent and for matters connected therewith.

[1st April 1999]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Sewerage and Drainage Act.

Interpretation

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

“authorised officer” means any person appointed as an authorised officer under section 3 (2);

“Board” means the Public Utilities Board reconstituted under section 3 of the Public Utilities Act 2001 (Act 8 of 2001);

“building” has the same meaning as in the Building Control Act (Cap. 29);

“competent authority” means an authority appointed under section 5 of the Planning Act (Cap. 232);

“drain” includes any canal, culvert, conduit, river or watercourse;

“drain-line” means any pipe or sewer which is connected to the sewerage system of any premises;

“drainage reserve” means any land set aside for drainage works pursuant to development proposals approved by a competent authority;

“drainage works” includes any engineering works for the construction, alteration and maintenance of any storm water drainage system;

“fittings” means any apparatus or parts used for any sanitary facility or drain-line of any premises;

“industrial water” means any water reclaimed from the sewage treatment works for use in industries that do not require high grade potable water;

“Magistrate’s Court limit” has the same meaning as in the Subordinate Courts Act (Cap. 321);

“occupier”, in relation to any premises, includes any person having the charge, management or control of the premises or any part thereof;

“owner”, in relation to —

(a) any premises, includes the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the premises were let to a tenant, and the person whose name is entered in the Valuation List authenticated under section 15 of the Property Tax Act (Cap. 254); and

(b) the common property of any building erected on land comprised in a strata subdivision plan approved by a competent authority, means the management corporation having control of the building, a managing agent appointed by a management corporation or by the Commissioner of Buildings under the Land Titles (Strata) Act (Cap. 158) or a liquidator appointed under that Act for the management corporation;

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built or not, whether public or private, and whether maintained under statutory authority or not;

“public sewerage system” includes —

(a) sewerage systems which were vested in the Government before 1st April 1999 under the repealed Water

Pollution Control and Drainage Act (Cap. 348, 1985 Ed.) or any other written law;

- (b) sewerage systems with respect to which a declaration of vesting has been made under section 8;
- (c) sewerage systems constructed by the Government or the Board on behalf of the Government on any private property at the expense of the Government or acquired by the Government; and
- (d) sewerage systems constructed on any private property and maintained by the Board;

“public sewers” includes —

- (a) sewers which were vested in the Government before 1st April 1999 under the repealed Water Pollution Control and Drainage Act or any other written law;
- (b) sewers with respect to which a declaration of vesting has been made under section 9;
- (c) sewers constructed by the Government or the Board on behalf of the Government on any private property at the expense of the Government or acquired by the Government; and
- (d) sewers constructed on any private property and maintained by the Board;

“qualified person”, in relation to any sewerage or drainage works, means a qualified person appointed under section 6 (3) or 9 (1) (b) of the Building Control Act (Cap. 29) in respect of works which include the sewerage or drainage works, and whose qualification is appropriate to the nature of those works;

“registered plumber” means a plumber whose name is entered in the register of plumbers maintained under section 36;

“Registrar of Deeds” means the Registrar of Deeds appointed under the Registration of Deeds Act (Cap. 269);

“Registrar of Titles” means the Registrar of Titles appointed under the Land Titles Act (Cap. 157);

“sanitary appliances” includes wash basins, bath tubs, sinks, urinals, toilet bowls and other appliances which connect, directly or otherwise, to a private sewage treatment plant or a public sewerage system;

“sanitary facilities” includes bathrooms, toilets, facilities for washing and sanitary appliances, together with the associated pipe-work, whether above or below the ground, which connect, directly or otherwise, to a private sewage treatment plant or a public sewerage system;

“sewage” includes water-borne domestic waste and trade effluent;

“sewerage system” means a system of sewers, pumping stations, sewage treatment plants and treatment works for the collection, treatment and disposal of sewage and recovery of industrial water and includes any industrial water main and pipe, drain-line, grease trap, cesspit, septic tank, privy and any appurtenance thereof;

“sewerage works” includes engineering works for the construction, alteration and maintenance of any sewerage system;

“storm water” means rainwater and surface water but does not include sewage;

“storm water drainage system” means a system of drains for the conveyance or storage of storm water and includes —

- (a) any weir, grating, float, boom, gauge, tidegate, sump, storage pond, pumping station, maintenance access, and debris interception and removal facility related to such system;
- (b) any structure constructed to convey, store or measure storm water or for flood alleviation; and
- (c) any bridge over or railing for any such drain or any appurtenance thereof;

“temporary building” has the same meaning as in the Building Control Act (Cap. 29);

“Town Council” means any Town Council established under section 4 of the Town Councils Act (Cap. 329A);

“trade effluent” means any liquid, including particles of matter and other substances in suspension in the liquid, which is the outflow from any trade, business or manufacture or of any works of engineering or building construction;

“works” has the same meaning as “building works” in the Building Control Act (Cap. 29) and includes sewerage works, drainage works and the construction and alteration of sanitary facilities.

[8/2001]

PART II

ADMINISTRATION

Administration of Act

3.—(1) The Board shall be responsible for the administration of this Act subject to the general and special directions of the Minister.

[8/2001]

(2) The Board may in writing appoint any public officer or any officer of the Board or of any other statutory authority to be an authorised officer for the purposes of this Act.

[8/2001]

(3) The functions, duties and powers which are imposed or conferred upon the Board under this Act may be performed or exercised by any authorised officer subject to the direction and control of the Board.

[8/2001]

(4) Every authorised officer shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

[8/2001]

PART III

SEWERAGE

Construction and maintenance of public sewerage systems

4.—(1) The Board —

- (a) may cause to be made and constructed any public sewerage system;
- (b) shall maintain and keep in repair every public sewerage system; and
- (c) may enlarge, alter or otherwise improve or discontinue, close up or destroy any public sewerage system which the Board thinks is useless or unnecessary.

[8/2001]

(2) For the purposes of subsection (1), the Board may —

- (a) lay pipes in, under or over any premises, street or building and keep the pipes there;
- (b) tunnel or bore under any premises, street or building;
- (c) carry the sewerage system across, through, along or under any premises or the cellar, basement or vault of any building; and
- (d) carry out any works requisite for, or incidental to, the purposes of subsection (1).

[8/2001]

(3) In the carrying out of any works under this section, the Board shall cause as little damage as possible and shall make full compensation for any damage done.

[8/2001]

(4) If by reason of the alteration or closing up of any public sewerage system any person is deprived of the lawful use of any sewer, the Board shall with due diligence provide some other sewer as effectual as the one so deprived.

[8/2001]

(5) The Board may serve a notice on the owner or supplier of any gas, electricity, water or telecommunication services to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to that owner or is maintained by that owner or supplier and to repair any road surface thereby disturbed if, in the opinion of the Board, such alteration is required for the purposes of subsection (1).

[8/2001]

(6) The Board may give notice to the owner or occupier of any premises requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the land or building if in the opinion of the Board the removal of the object or structure is required for the purposes of subsection (1).

[8/2001]

(7) Any costs and expenses incurred by an owner, supplier or occupier under subsection (5) or (6) shall be borne by the Board.

[5

[8/2001]

Sewers may be emptied into sea

5. The Board may —

- (a) cause any sewer to be emptied into the sea or other fit place;

- (b) cause the sludge from any sewer to be conveyed by a proper channel to the most convenient site for its deposit; and
- (c) sell or otherwise dispose of the sludge for agricultural or any other purpose deemed most expedient so long as it shall not become a nuisance.

[6]

[8/2001]

Premises not provided with adequate sewerage system

6.—(1) If it appears to the Board that any premises are not provided with an adequate sewerage system, the Board may, by notice in writing, require the owner or occupier of the premises to construct such sewerage system, or to make such alteration to the existing sewerage system as it considers necessary.

[8/2001]

(2) The Board may, at any time by notice in writing, require the owner or occupier of any premises served by any sewerage system to make a sufficient drain-line emptying into any public sewer and to disconnect and demolish at his own expense any sewerage system rendered useless or unnecessary thereby.

[8/2001]

(3) The Board may, by notice in writing, require the owner or occupier of any premises to cause all sewage from that premises to be discharged into such sewerage system as it may direct.

[7]

[8/2001]

Board may take over control, etc., of private sewerage systems

7.—(1) The Board may take over the control, supervision, maintenance and repair of any private sewerage system to such extent as the Board thinks fit and may charge fees therefor.

[8/2001]

(2) The Board may, at any time, vary or rescind any decision to control, supervise, maintain and repair a private sewerage system.

[8/2001]

(3) Fees charged by the Board for the control, supervision, maintenance and repair of a private sewerage system under subsection (1) shall be payable by the owner of the sewerage system.

[8]

Vesting of sewerage systems in Government

8.—(1) Where any premises have been set aside or are being used for any sewerage system pursuant to any development proposals

approved by the competent authority and the owner of the premises has agreed to surrender the premises to the Government, the Board may, by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds, as the case may be, declare that the premises shall vest in the Government.

[8/2001]

(2) Any plan prepared by the Board under subsection (1) shall comply with the requirements of the Land Titles Act (Cap. 157) in respect of registered land and of the Registration of Deeds Act (Cap. 269) in respect of other land and shall show thereon the premises which will vest in the Government.

[8/2001]

(3) Any declaration made by the Board under subsection (1) shall be published in the *Gazette*.

[8/2001]

(4) Where any premises that are to be vested in the Government under this section consist of premises included in separate lots already set aside for a sewerage system, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(5) Where any premises that are to be vested in the Government under this section consist of premises included in an existing lot or lots, those premises forming the sewerage system shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(6) Upon the registration of a declaration made under subsection (1), the premises including every sewerage system installed therein shall vest in the Government free from all encumbrances and, where the premises are held under a statutory land grant, such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act (Cap. 314).

(7) No compensation shall be payable for any premises that are vested in the Government under this section.

(8) When any premises are vested in the Government under this section, the Board may take possession of the premises and proceed

to demolish and remove any building or portion of any building forming part thereof.

[9

[8/2001]

Vesting of private sewers in Government

9.—(1) The Board may, at any time, declare that any private sewer shall, as from such date as may be specified in the declaration, vest in the Government.

[8/2001]

(2) Before the Board makes a declaration under subsection (1), it shall give notice in writing of its intention to do so to the owner of the sewer in question.

[8/2001]

(3) Any owner who is aggrieved by a notice issued by the Board under subsection (2) may appeal to the Minister within 28 days from the date of service of the notice.

[8/2001]

(4) Upon the hearing of an appeal under this section, the Minister may allow the appeal and the Board shall not take any further action on the matter.

[8/2001]

(5) Where no appeal has been filed within the time specified in subsection (3) or an appeal has been dismissed by the Minister, the Board may proceed to make the declaration.

[8/2001]

(6) Where a declaration has been made in respect of a private sewer under this section, the Board shall maintain the sewer and, if it sees fit, enlarge, alter or otherwise improve such sewer and may discontinue, close up or destroy such sewer as it thinks necessary as if it is a sewer constructed by the Board.

[8/2001]

(7) If by reason of the alteration, discontinuation, closing up or destruction of any private sewer vested in the Government under this section any person is deprived of the lawful use of the sewer, the Board shall with due diligence provide some other sewer as effectual as the one so deprived.

[8/2001]

(8) The declaration under subsection (1) shall be registered against those lands under the provisions of the Land Titles Act (Cap. 157) in respect of registered land and under the provisions of the Registration of Deeds Act (Cap. 269) in respect of other land.

[10

Sewerage systems to be kept in proper order at cost of owners

10.—(1) Every sewerage system shall be altered, repaired and kept in proper order at the cost and expense of the owner of the premises to which the sewerage system belongs or for the use of which it is maintained.

(2) The Board may, by notice in writing, require the owner of any premises referred to in subsection (1) to alter, repair or put the sewerage system in good order in the manner required by the Board.

[8/2001]

(3) Where the Board is satisfied that it is immediately necessary to alter, repair or put in good order and condition any sewer, drain-line, privy, cesspool, septic or other tank, toilet, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, any authorised officer may enter upon any premises and carry out or cause to be carried out such alterations, repairs, works, acts or things as are necessary for any of those purposes.

[8/2001]

(4) Any expenses reasonably and necessarily incurred in carrying out the works referred to in subsection (3) may be recovered from the owner of the premises when the work is completed.

[11

Sewerage systems, etc., not to be constructed or altered without Board's certificate or approval

11.—(1) Except as otherwise provided in section 37, no person shall construct, alter, discontinue or close up any sewerage system or sanitary facilities without obtaining, in respect of those works, a clearance certificate or the approval of the Board under section 33.

[8/2001]

(2) Where any sewerage system or sanitary facilities are constructed, altered, discontinued or closed up in contravention of subsection (1), the Board may serve upon any person specified in subsection (3) a notice requiring him to demolish or make good the sewerage system or sanitary facilities to its original state and condition within such time as may be specified in the notice.

[8/2001]

(3) The notice referred to in subsection (2) may be served on all or any of the following persons:

- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1);

- (b) the owner or occupier of the premises to which the sewerage system or sanitary facilities referred to in subsection (2) belong or for the use of which they are maintained;
- (c) any person having power to construct, alter or demolish the sewerage system or sanitary facilities referred to in subsection (2).

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[12]

Buildings without adequate sanitary facilities

12.—(1) If it appears to the Board that any building or part thereof is without adequate sanitary facilities, it may by notice in writing require the owner or occupier of the building —

- (a) to provide or install such sanitary facilities as the Board may consider adequate; or
- (b) to alter, improve, demolish or resite any sanitary facilities in such manner as the Board may require,

within such time as may be specified in the notice.

[8/2001]

(2) All sanitary facilities provided or installed in any building shall be maintained, repaired and renewed to the satisfaction of the Board by the owner or occupier of the building.

[8/2001]

(3) All costs and expenses incurred for the provision, installation, alteration, demolition or re-siting of sanitary facilities under this section shall be borne by the owner or occupier of the building or the relevant part of the building.

[13]

Power to inspect sewerage systems and sanitary facilities

13.—(1) Any authorised officer may inspect any sewerage system or sanitary facilities and may, for that purpose, at any time enter upon any premises under section 44 and cause the ground to be opened.

[8/2001]

(2) In carrying out any inspection under this section, the authorised officer shall cause as little damage as possible and shall make full compensation for any damage done.

[14]

[8/2001]

Building, etc., not to be erected over, across or adjacent to any sewer or sewerage system without Board's certificate or approval

14.—(1) Except as otherwise provided in section 37, no person shall erect or cause or permit to be erected any building or structure over, across or adjacent to any sewer or sewerage system without obtaining, in respect of those works, a clearance certificate or the approval of the Board under section 33.

[8/2001]

(2) Where any building or structure has been erected in contravention of subsection (1), the Board may serve upon any person specified in subsection (3) a notice requiring him to demolish the building or structure within such time as may be specified in the notice.

[8/2001]

(3) The notice referred to in subsection (2) may be served on all or any of the following persons:

- (a) the person who does or causes or permits to be done any of the acts referred to in subsection (1);
- (b) the owner or occupier of the building or structure referred to in subsection (2);
- (c) any person having power to demolish the building or structure referred to in subsection (2).

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[15]

Sanitary facilities, sewerage system and sewage and trade effluent removal for farms

15.—(1) The Board may, by notice in writing, direct the owner or occupier of any premises used as a farm —

- (a) to install, operate and maintain such sanitary facilities and sewerage system; and
- (b) to provide and maintain such facilities for the removal, treatment and disposal of waste matter,

as the Board may require.

[8/2001]

(2) The Board may at any time apply such system of sewage and trade effluent removal as it thinks fit to any premises used as a farm.

[16]

[8/2001]

Trade effluent not to be discharged into public sewers without Board's approval

16.—(1) Any person who discharges or causes or permits to be discharged any trade effluent into any public sewer or any drain-line or sewer communicating with a public sewer without the written approval of the Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[8/2001]

(2) Where any trade effluent had been discharged from any premises into any public sewer or any drain-line or sewer communicating with a public sewer, it shall be presumed, until the contrary is proved, that the occupier of the premises has discharged or causes or permits to be discharged the trade effluent in contravention of subsection (1).

(3) The presumption under subsection (2) shall not be rebutted unless the occupier of the premises proves that he had exercised due diligence to prevent the commission of the offence under subsection (1).

(4) Subsection (1) shall not apply to any discharge of trade effluent which may be lawfully made into any public sewer under any regulations made under this Act.

(5) A person shall not be guilty of an offence under this section if he proves that —

- (a) the discharge of trade effluent was made in an emergency to avoid danger to life or property; and
- (b) he informed the Board of the discharge in writing as soon as was reasonably practicable.

[17

[8/2001]

Prohibition on discharge of dangerous trade effluent

17.—(1) Where the Board reports to the Minister that any trade effluent which is being discharged from any premises into the public sewerage system is dangerous to health or safety or will cause damage to the public sewerage system, the Minister may by order direct the occupier of the premises —

- (a) to cease immediately the discharge of such trade effluent into the public sewerage system;
- (b) to take such steps as may be specified in the order to treat the trade effluent which is complained of; and

- (c) to cease immediately the carrying on of any process or work which produces the trade effluent either indefinitely or until such steps as are specified in the order have been taken to treat the trade effluent before it is discharged into the public sewerage system.

[8/2001]

(2) Any person who is aggrieved by an order made by the Minister under subsection (1) may, within 28 days from the date of the order, appeal to the High Court which may rescind or vary the order.

(3) Notwithstanding that an appeal has been made under subsection (2), an aggrieved person shall comply with the order pending the outcome of the appeal to the High Court and the Board may exercise the powers conferred under subsection (5).

[8/2001]

(4) The occupier of any premises who fails to comply with an order under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine of \$1,000 for every day or part thereof during which the offence continues after conviction.

(5) Where the occupier of any premises fails to comply with an order made under subsection (1) within 48 hours of the service of the order, any authorised officer may, at all reasonable times, enter upon the premises and take such measures and execute such work as may be necessary to comply with the order without prejudice to any proceedings that may be taken against the occupier of the premises under subsection (4).

[8/2001]

(6) Any expenses reasonably incurred by the Board under subsection (5) may be recovered from the person in default and section 48 and, if that person is the owner of the premises, section 50 shall apply in respect of those expenses.

[8/2001]

(7) Nothing in this section shall be deemed to prohibit the Board from carrying out any works specified in any such order at the request of a person who has been served with the order upon an undertaking by that person to pay the costs and expenses in executing the works.

[18

[8/2001]

Discharge of sewage, etc.

18.—(1) Any person who, without the written approval of the Board, discharges or causes or permits the discharge of any sewage, waste matter or effluent into any public sewer or any drain-line or sewer communicating with a public sewer —

(a) directly or indirectly, from any conveyance or mobile toilet;
or

(b) by opening a manhole or an inspection chamber or any other means of access to the public sewer,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[8/2001]

(2) Subsection (1) shall not apply to any discharge from a conveyance or mobile toilet which may be lawfully made into any public sewer under any regulations made under this Act.

(3) In this section —

“conveyance” includes any vessel, train, aircraft, vehicle or trailer, and any fixed or floating platform in a marine environment;

“mobile toilet” means a sanitary convenience which is not part of a sewerage system, including a sanitary convenience which is mobile or in a conveyance.

[19]

Restrictions on use of public sewers

19.—(1) No person shall throw, empty or pass, or suffer or permit to be thrown or emptied or passed, into any public sewer, or into any drain-line or sewer communicating with a public sewer —

(a) any matter or other substance likely to injure the sewer or drain-line, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents;
or

(b) any sand, earth, gravel, cement, cement grout, brick, timber, wood or other building materials.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(3) The court may order any person who is convicted of an offence under this section to pay the cost incurred by the Board or the owner or occupier of any premises who has carried out any work to restore the sewerage system to its original condition, or to clear the sewerage system of any obstruction to the free flow of its contents.

[20

[8/2001]

Damage caused to public sewer, etc.

20.—(1) Any person who —

- (a) causes any damage to any public sewer or any sewer or drain-line communicating with a public sewer; or
- (b) does any act which renders any public or private sewer to be dangerous or injurious to health or to cause a nuisance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) The Board may, by notice in writing, require any person who contravenes subsection (1) to carry out any works to restore the sewerage system to its original condition within such time as may be specified in the notice.

[21

[8/2001]

PART IV**DRAINAGE****Board may construct storm water drainage systems**

21.—(1) The Board may cause to be made, constructed and maintained any storm water drainage system or drain.

[8/2001]

(2) For the purposes of subsection (1), the Board may carry the drainage system across, through, along or under any premises or any cellar, basement or vault of any building.

[8/2001]

(3) Any authorised officer may enter any premises under section 44 to execute any work necessary for the purposes of subsection (1).

[8/2001]

(4) In the carrying out of any works under this section, the Board shall cause as little damage as possible and shall make full compensation for any damage done.

[22

[8/2001]

Vesting of private drains in Government

22.—(1) The Board may at any time declare that any private drain shall, as from the date specified in the declaration, vest in the Government.

[8/2001]

(2) Before the Board makes a declaration under subsection (1), it shall give notice of its intention to do so to the owner of the drain in question.

[8/2001]

(3) Any owner who is aggrieved by a notice issued by the Board under subsection (2) may appeal to the Minister within 28 days from the date of service of the notice.

[8/2001]

(4) Upon the hearing of an appeal under this section, the Minister may allow the appeal and the Board shall not take any further action on the matter.

[8/2001]

(5) Where no appeal has been filed within the time specified in subsection (3), or an appeal has been dismissed by the Minister, the Board may proceed to make the declaration.

[8/2001]

(6) Where a declaration has been made in respect of a private drain under this section, the Board —

(a) shall maintain the drain and, if it sees fit, enlarge, alter or otherwise improve such drain; and

(b) may discontinue, close up or destroy such drain as it thinks necessary as if it is a drain constructed by the Board.

[8/2001]

(7) If by reason of the alteration, discontinuation, closing up or destruction of any drain vested in the Government under this section, any person is deprived of the lawful use of the drain, the Board shall with due diligence provide some other drain as effectual as the one so deprived.

[8/2001]

(8) The declaration under subsection (1) shall be registered against those lands under the provisions of the Land Titles Act

(Cap. 157) in respect of registered land and under the provisions of the Registration of Deeds Act (Cap. 269) in respect of other land.

[23

Storm water drainage system not to be constructed or altered without Board's certificate or approval

23.—(1) No person shall construct, alter, discontinue or close up any storm water drainage system or drain without obtaining in respect of those works, a clearance certificate or the approval of the Board under section 33.

[8/2001]

(2) Where any storm water drainage system or drain has been constructed, altered, discontinued or closed up in contravention of subsection (1), the Board may serve upon any person specified in subsection (3) a notice requiring him to demolish or make good the storm water drainage system to its original condition within such time as may be specified in the notice.

[8/2001]

(3) The notice referred to in subsection (2) may be served on all or any of the following persons:

- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1);
- (b) the owner or occupier of the premises to which the storm water drainage system or drain referred to in subsection (2) belongs or for the use of which it is maintained;
- (c) any person having power to construct, alter or demolish the storm water drainage system or drain referred to in subsection (2).

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[24

Drains and drainage reserves not to be interfered with

24.—(1) No person shall —

- (a) erect or place any structure or object in, above or across any drain;
- (b) cause any obstruction to the flow of any storm water drainage system; or

(c) erect, construct or lay within any drainage reserve any fence, retaining wall, foundation, manhole, pipe, cable mains or any obstruction or structure (whether temporary or permanent), without obtaining in respect of those works a clearance certificate or the approval of the Board under section 33.

[8/2001]

(2) If any structure or object is erected or placed or any obstruction is caused in contravention of subsection (1), the Board may serve upon any person specified in subsection (3) a notice requiring him to remove the structure, object or obstruction and make good the drain or drainage reserve to its original state and condition within such time as may be specified in the notice.

[8/2001]

(3) The notice referred to in subsection (2) may be served on all or any of the following persons:

- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1);
- (b) the owner or occupier of the premises where the structure, object or obstruction referred to in subsection (2) are located;
- (c) any other person having power to remove the structure, object or obstruction referred to in subsection (2).

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[25]

Premises without proper drainage

25. If it appears to the Board that any premises are without proper drainage, it may by notice in writing require the owner or occupier of the premises to remedy the defect within such time as may be specified in the notice.

[26]

[8/2001]

Works affecting storm water drainage system

26.—(1) No person shall carry out or cause to be carried out any works which will affect any storm water drainage system, drain or drainage reserve, directly or indirectly, without obtaining in respect of those works a clearance certificate or the approval of the Board under section 33.

[8/2001]

(2) Where any work has been carried out in contravention of subsection (1), the Board may by notice in writing require the person who carried out the works, or the owner or occupier of any premises in respect of which the works were carried out, to carry out such works as the Board thinks necessary within such time as may be specified in the notice.

[8/2001]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[27

Construction and maintenance of private drains

27.—(1) The Board may authorise any person to construct any drain through, across or under any private property or to alter, repair or otherwise deal with such drain as the Board thinks fit.

[8/2001]

(2) Any authorisation given under subsection (1) may be subject to such conditions as the Board thinks fit.

[8/2001]

(3) Before authorising any person to construct any drain under subsection (1), the Board shall serve a notice on the owner and occupier of the premises —

- (a) describing the nature of the works to be carried out; and
- (b) stating that if no objection is received within 28 days from the date of service of the notice, the works will commence on the date specified in the notice.

[8/2001]

(4) A person served with a notice under subsection (3) shall submit his objections, if any, to the Board within the prescribed time and the Board may allow or disallow the objections or allow the objections in part.

[28

[8/2001]

Areas not provided with effectual drainage

28.—(1) If it appears to the Board that any area is not provided with effectual drainage, the Board may cause to be executed such drainage works as it considers necessary to provide for the desired drainage of the area.

[8/2001]

(2) The Board may as it thinks just apportion the costs and expenses of such drainage works among the owners of the premises in such area and recover the sums apportioned from such owners.

[29

[8/2001]

Vesting of drainage reserves in Government

29.—(1) The Board may by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds, as the case may be, declare that a drainage reserve described in the instrument shall vest in the Government.

[8/2001]

(2) Any plan prepared by the Board for the purposes of subsection (1) shall comply with the requirements of the Land Titles Act (Cap. 157) in respect of registered land and of the Registration of Deeds Act (Cap. 269) in respect of other land and shall show thereon the drainage reserve which will vest in the Government.

[8/2001]

(3) Any declaration made by the Board under subsection (1) shall be published in the *Gazette*.

[8/2001]

(4) Where any drainage reserve that is to be vested in the Government under this section consists of premises included in separate lots already set aside as part of the drainage reserve, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(5) Where any drainage reserve that is to be vested in the Government under this section consists of premises included in an existing lot or lots, those premises forming the drainage reserve shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(6) Upon the registration of the declaration made under subsection (1), the premises forming the drainage reserve shall vest in the Government free from all encumbrances.

(7) Where the premises are held under a statutory land grant, such vesting under this section shall not be deemed to create a subdivision within the meaning of the State Lands Act (Cap. 314).

(8) No compensation shall be payable for any premises that are vested in the Government under this section.

(9) When any drainage reserve is vested in the Government under this section, the Board may take possession of the drainage reserve and proceed to demolish and remove any building or portion of any building forming part thereof.

[30

[8/2001]

Damage caused to storm water drainage system, etc.

30.—(1) Any person who causes any damage to any storm water drainage system or drain shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) The Board may, by notice in writing, require any person who contravenes subsection (1) to carry out any works to restore the storm water drainage system or drain to its original condition within such time as may be specified in the notice.

[31

[8/2001]

PART V

PROTECTION OF WATER RESOURCES

Prohibition on extraction of water

31.—(1) No person shall, without the approval of the Board, construct any works for taking or intercepting water from any place or sea, within the territorial limits of Singapore.

[8/2001]

(2) An application for approval to construct any works for taking or intercepting water from any such place or sea shall be made in such form as the Board may require.

[8/2001]

(3) In considering an application made under this section, the Board may require the applicant to furnish such particulars and plans for the proposed works as it thinks fit.

[8/2001]

(4) In granting any approval under this section, the Board may impose such conditions as it thinks fit.

[8/2001]

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months.

(6) This section shall not apply to the lands, buildings and installations of the Board.

[32

[8/2001]

PART VI

REGISTRATION, CODES OF PRACTICE AND CERTIFICATES OR APPROVAL FOR WORKS

Codes of practice and specifications

32.—(1) The Board may issue or approve and from time to time review specifications for sewerage works, sewerage systems, sanitary facilities, sanitary appliances, drains, drainage works and storm water drainage systems, and codes of practice for professionals engaged in the design and construction of the same.

[8/2001]

(2) If any provision in any code of practice or specifications issued or approved by the Board under subsection (1) is inconsistent with any regulation made under this Act, such provision shall, to the extent of the inconsistency —

(a) have effect subject to such regulation; or

(b) where appropriate having regard to such regulation, not have effect.

[8/2001]

(3) The Board may, generally or for such time as the Board may specify, exempt any premises or class of premises from the requirements of any provision in any code of practice or specifications issued or approved by it.

[33

[8/2001]

Certificates or approval required for works

33.—(1) Every application for a clearance certificate or for the approval of the Board for the purposes of section 11, 14, 23, 24 or 26 shall be made in such form and manner as the Board may require.

[8/2001]

(2) There shall be payable for the processing of every application referred to in subsection (1) such fees as may be prescribed.

(3) Every applicant for a clearance certificate or the approval of the Board shall submit plans of the works to which the application relates in such form and manner as the Board may require to such filing authority as the Board may designate.

[8/2001]

(4) The Board may require the plans referred to in subsection (3) —

(a) to be made by a qualified person; and

(b) to show such details or specifications as the Board may determine.

[8/2001]

(5) Upon receipt of an application referred to in subsection (1), the Board may —

(a) where it has determined that a clearance certificate is required in respect of the works to which the application relates, issue or refuse to issue a clearance certificate in respect of those works; or

(b) where it has determined that a clearance certificate is not required in respect of any particular works or class of works, grant or refuse to grant its approval in respect of those works.

[8/2001]

(6) The Board may, before issuing a clearance certificate or granting its approval under subsection (5), give a direction in writing to the applicant to comply, within such time as may be specified in the direction, with such requirements as it may specify for the purposes of this Act.

[8/2001]

(7) In issuing a clearance certificate or granting its approval under subsection (5), the Board may impose such conditions as it thinks fit, including a condition that any sewerage works or works for the construction or alteration of sanitary facilities to which the application relates must be carried out by a registered plumber and that only sanitary appliances, pipes and fittings of a type approved by the Board shall be used.

[8/2001]

(8) Any person for whom any works, in respect of which a clearance certificate has been issued under subsection (5), have been

carried out and completed shall apply in such form and manner as the Board may require for a compliance certificate.

[8/2001]

(9) If after considering the report and certificate submitted under section 35 (1) (e) and (f), the Board is satisfied that the works have been completed in accordance with the plans submitted under subsection (3) and any conditions or requirements imposed by the Board under subsection (7) or (10), it may issue the compliance certificate subject to such conditions as it thinks fit.

[8/2001]

(10) The Board may, before issuing a compliance certificate, give a direction in writing to the applicant to comply, within such time as may be specified in the direction, with such requirements as it may specify for the purposes of this Act.

[34

[8/2001]

Supervision of works by qualified person

34.—(1) No person shall commence or carry out any works for which a clearance certificate is required under this Act except under the supervision of a qualified person.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[35

Duties of qualified person

35.—(1) Every qualified person appointed to supervise any works for the purposes of section 34 shall —

- (a) take all reasonable steps and exercise due diligence in supervising and inspecting the works to ensure that those works are carried out in accordance with this Act and with, the plans submitted under section 33 (3) and with any condition imposed by the Board under that section;
- (b) notify the Board of any contravention of the provisions of this Act pertaining to the works;
- (c) keep and maintain at the premises on which works are carried out such documents, books and records as may be prescribed;

- (d) carry out such inspection of the works as the Board may require;
- (e) submit to the Board at the prescribed times such reports and certificates as may be prescribed; and
- (f) on completion of the inspection referred to in paragraph (d), submit to the Board a certificate containing such particulars as the Board may require.

[8/2001]

(2) Any qualified person who contravenes any of the requirements of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.

(3) In any prosecution against a person for an offence under subsection (1) (b), it shall be a defence for him to prove to the satisfaction of the court that he could not reasonably have discovered the contravention referred to in the charge.

(4) Any qualified person who —

- (a) being required by this Act to make or produce to the Board any plan, declaration, certificate, report, record, notice or other document; or
- (b) for the purpose of obtaining any certificate or approval from the Board under this Act or of establishing any fact relevant to the administration of this Act,

makes or produces any plan, declaration, certificate, report, record, notice or other document which —

- (i) is false in a material particular;
- (ii) has not been made by the person by whom it purports to have been made; or
- (iii) has been in any way altered or tampered with,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

[8/2001]

(5) If any qualified person appointed for the purposes of section 34 becomes unwilling or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties

under the Building Control Act (Cap. 29) or this Act, he shall, within 14 days of his ceasing to carry out his duties, notify the Board of the fact.

[36]

[8/2001]

Register of plumbers

36.—(1) The Board may maintain a register of plumbers who satisfy the Board that they have the necessary qualifications and skills to carry out works for the construction and alteration of sanitary facilities.

[8/2001]

(2) A plumber shall pay such registration and annual fees as may be prescribed for his name to be entered and kept in the register of plumbers.

(3) For the purposes of subsection (1), the Board may conduct such examinations or tests as it thinks fit.

[8/2001]

(4) The Board may suspend or remove from the register of plumbers, the name of a plumber for a breach or contravention of any provision of this Act or any code of practice issued by the Board from time to time.

[8/2001]

(5) Any person who is aggrieved by any decision of the Board under this section may, within 14 days of being notified in writing of the decision, appeal to the Minister whose decision shall be final.

[8/2001]

(6) Any person whose name has been removed from the register of plumbers under subsection (4) shall, if his appeal to the Minister is allowed, have his name reinstated as soon as possible.

[37]

Works to be performed by registered plumber

37.—(1) No person except a registered plumber shall perform any act which may, under this Act or under any condition imposed by the Board in issuing a clearance certificate or approval under section 33, only be performed by a registered plumber.

[8/2001]

(2) Notwithstanding sections 11 and 14, a registered plumber may, subject to subsection (3) —

- (a) repair, alter, replace, remove or add to existing sanitary facilities or sanitary appliances in any existing building, temporary building or construction site; or

(b) divert or demolish any existing sewage treatment plant.

(3) Every registered plumber shall notify the Board in such form and manner and within such time as the Board may require —

(a) before commencing or carrying out any works referred to in subsection (2); and

(b) after the completion of those works.

[8/2001]

(4) Subsection (3) shall not apply if the Board has issued a clearance certificate or granted its approval under section 33 in respect of those works.

[8/2001]

(5) Any person who contravenes subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[38]

PART VII

ENFORCEMENT

Power to demand names and addresses

38.—(1) Any authorised officer may require any owner or occupier of any premises to give his name and address and such other proof of identity as he may require and to furnish such other particulars as the authorised officer may require for the purposes of this Act.

[8/2001]

(2) Any person who, upon being required by any authorised officer to give his name and address or to furnish any particulars under subsection (1), refuses to do so or wilfully mis-states his name and address or furnishes false particulars shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[39]

[8/2001]

Powers of Board to examine and secure attendance

39.—(1) Any authorised officer may —

(a) examine orally any person who is supposed to be acquainted with the facts and circumstances of matters under this Act, and to reduce to writing any statement made by the person so examined; and

(b) require by order in writing the attendance before himself of any person, being within the limits of Singapore, who, from

information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Act and that person shall attend as so required.

[8/2001]

(2) The person mentioned in subsection (1) (a) shall be bound to state truly the facts and circumstances with which he is acquainted concerning matters under this Act, except only that he may decline to make with regard to any fact or circumstance, a statement which would have a tendency to expose him to a criminal charge, penalty or forfeiture.

(3) A statement made under this section by any person shall be read over to him and shall, after correction, if necessary, be signed by him.

(4) If any person fails to attend as required by an order under subsection (1) (b), the Board may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

[40

[8/2001]

Powers of arrest

40.—(1) The Board, an authorised officer or a police officer may arrest any person, whom the Board or officer has reason to believe has committed an offence under this Act, if the name and address of the person are unknown to the Board or officer and —

- (a) the person declines to give his name and address; or
- (b) there is reason to doubt the accuracy of the name and address, if given.

[8/2001]

(2) A person arrested under this section may be detained until his name and address are correctly ascertained.

(3) No person so arrested shall be detained longer than is necessary for bringing him before a court.

[41

Default in compliance with notice

41.—(1) Where a person on whom a notice under section 4 (5) or (6), 6, 10, 11, 12, 14, 15, 20, 23, 24, 25, 26 or 30 is served fails to comply with the notice within the time specified in the notice —

- (a) he shall, unless he satisfies the court that he has used all due diligence to comply with the notice, be guilty of an offence

and shall be liable on conviction to a fine not exceeding \$20,000; and

- (b) any authorised officer may enter the premises under section 44 and execute the works specified in the notice.

[8/2001]

(2) Any expenses reasonably incurred by the Board under subsection (1) (b) may be recovered from the person in default and section 48 and, if that person is the owner of the premises, section 50 shall apply in respect of those expenses.

[8/2001]

(3) Nothing in this section shall be construed as prohibiting the Board from carrying out any works specified in any such notice at the request of a person who has been served with the notice upon an undertaking by that person to pay the costs and expenses in executing the works.

[42

[8/2001]

Appeal against notice

42.—(1) Where a person is aggrieved by a notice referred to in section 41 (1) served on him —

- (a) he may, within 14 days from the date of service of the notice and in the prescribed form and manner, appeal to the Minister; and
- (b) until after the determination or abandonment of the appeal —
- (i) no liability to a fine under section 41 (1) (a) shall arise except as provided for in this section; or
 - (ii) no proceedings shall be taken or work done under the notice.

(2) Where an appeal is brought under this section, the Minister may dismiss or allow the appeal unconditionally or subject to such conditions as he considers fit, and any decision made by the Minister on the appeal shall be final.

(3) Where an appeal has been brought under this section, and the Minister is of the opinion that —

- (a) the non-execution of the notice will be injurious or dangerous to the public health; and

- (b) the immediate execution of the notice will not cause any injury to the person against whom the notice was made which cannot be compensated by damages,

the Minister may authorise the Board immediately to execute the work.

[8/2001]

(4) The Board shall, if it carries out the work and the appeal is successful, pay the costs and expenses of the work and any damages sustained by the appellant by reason of the work.

[8/2001]

(5) The Board may, if it carries out the work and the appeal is dismissed or abandoned, recover the costs and expenses of the work from the appellant and section 48 and, if the appellant is the owner of the premises in respect of which the notice was made, section 50 shall apply to any sum recoverable from him hereunder.

[43]

[8/2001]

Board may act in cases of emergency

43. Where the Board considers it necessary in the case of an emergency, the Board may direct the immediate execution of any work or the doing of any act being any work or act authorised under this Act which is in its opinion necessary for the service and safety of the public.

[44]

[8/2001]

Power of entry

44.—(1) Any authorised officer may, for the purposes of this Act, enter at all reasonable hours in the day time any premises with such assistants and workmen as are necessary for the purpose of making any survey, inspection or soil investigation and executing any work authorised by this Act.

[8/2001]

(2) Unless otherwise provided in this Act, any authorised officer shall, before entering any premises under subsection (1), give reasonable notice in writing to the owner or occupier of the premises of his intention to enter any premises under subsection (1).

[8/2001]

(3) Unless the consent of the occupier has been obtained, no person shall enter any dwelling-house in actual occupation under this section without 6 hours' previous notice to the occupier.

(4) For the purposes of this section, the Minister may declare that any class of premises is liable to night inspection, and thereupon any authorised officer may, with such assistants and workmen as are necessary, at any time of the day or night and without notice, enter using such force as may be necessary and search or inspect any premises of the class specified in the declaration.

[45]

[8/2001]

Power to enter on land adjacent to works

45.—(1) Any authorised officer may, with such assistants and workmen as are necessary, enter upon any land, adjoining or being within 100 metres of any works authorised to be executed by this Act —

- (a) for the purpose of depositing upon that land any soil, gravel, sand, lime, brick, stone or other materials; or
- (b) for any other purposes connected with the formation of those works,

without making any previous payment, tender or deposit and doing as little damage as may be in the exercise of the powers under this subsection.

[8/2001]

(2) The Board shall make compensation —

- (a) to the owner and the occupier for such temporary occupation or temporary damage of the land from time to time and as often as any such temporary occupation is taken or any such temporary damage done; and
- (b) to the owner for the permanent injury, if any, to the land.

[8/2001]

(3) Before the Board makes any use of any land under subsection (1), it shall give 7 days' notice of its intention to the owner and the occupier of the land.

[46]

[8/2001]

Penalty for obstructing Board in its duty

46. Any person who —

- (a) hinders or obstructs the Board or any authorised officer in the performance or execution of its or his duty or of any thing which it or he is empowered or required to do under this Act; or

(b) interferes with any work authorised to be done under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

[47]

[8/2001]

Appeal to Minister against notices, orders, directions, etc.

47.—(1) Any person who is aggrieved by any notice, order, direction, authorisation or declaration by the Board under this Act or, unless otherwise expressly provided, any regulations made thereunder may appeal in writing to the Minister within 14 days from the date of service of the notice, order, direction or authorisation or within 28 days from the date of service of the declaration.

[8/2001]

(2) Upon any appeal under subsection (1), the execution of the notice or the doing of the thing required to be done shall be stayed.

(3) The Minister may confirm, vary or rescind the notice, order, direction, authorisation or declaration or direct that the thing shall be proceeded with, varied or abandoned, as the case may be, or make any order which the Board is competent to make under this Act and the decision of the Minister shall be final.

[8/2001]

(4) This section shall not apply to —

- (a) a notice or declaration under section 9 or 22;
- (b) an authorisation under section 27;
- (c) a decision under section 36; or
- (d) a notice under section 4 (5) or (6), 6, 10, 11, 12, 14, 15, 20, 23, 24, 25, 26 or 30.

[48]

PART VIII

COMPENSATION, DAMAGES, FEES, COSTS AND EXPENSES

Compensation, damages, fees, costs and expenses to be determined by Magistrate's Court or District Court

48.—(1) Except as otherwise provided, in all cases where compensation, damages, fees, costs or expenses are provided under

this Act to be paid, the amount and, if necessary, the apportionment of the amount and any question of liability shall, in case of dispute, or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court.

(2) In any proceeding under subsection (1), the Magistrate's Court or the District Court may —

- (a) inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings;
- (b) make such order concerning the expenses or their apportionment as appears to the Court to be just; and
- (c) where those expenses were incurred under section 41 (1) (b) by the Board in carrying out any works specified in a notice, inquire whether any requirement specified in the notice was reasonable.

[8/2001]

(3) The Magistrate's Court or the District Court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the Court is satisfied that the other person has had due notice of the proceedings and an opportunity of being heard.

(4) If the amount of compensation, damages, fees, costs or expenses is not paid by the party liable to pay it within 7 days after demand, that amount may be reported to a Magistrate's Court or a District Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court or a District Court.

(5) An appeal shall lie to the High Court from any decision of a Magistrate's Court or a District Court under this section, and the provisions of the Criminal Procedure Code (Cap. 68) shall apply, with the necessary modifications, to all such appeals.

[49]

Occupier may execute work where owner defaults in execution of work

49.—(1) Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by him, an occupier of the premises may, with the approval of the Board, cause the work to be executed.

[8/2001]

(2) The expense of the work executed under subsection (1) shall be paid to the occupier by the owner of the premises or the amount may be deducted out of the rent from time to time becoming due from him to the owner, and the occupier may, in the absence of any special agreement to the contrary, retain possession until that expense has been fully reimbursed to him.

[50]

Recovery of costs and expenses payable by owners

50.—(1) All sums payable by or recoverable from the owner of any premises in respect of costs and expenses incurred by the Board in connection with the execution of any work which are under this Act recoverable from an owner of any premises shall, subject and without prejudice to any other rights of the Board, be a first charge on the premises in respect of which the costs and expenses were incurred.

[8/2001]

(2) In addition to any other remedies conferred by this Act, any such sum may be recovered in the manner provided in this section, and the person or persons liable to pay it shall be the owner or owners at the time when the work was completed.

(3) If any such sum remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons, if more than one, liable to pay it, calling on him to pay that sum together with a fee of such amount as may be prescribed for the cost of the notice, within 15 days from the date of service of such notice.

(4) Without prejudice to section 62, if no person liable to pay the sum can be found, such notice shall be deemed to have been duly served by the posting thereof at the office of the Board and by fixing a copy thereof on some conspicuous part of the premises in respect of which the costs and expenses were incurred.

[8/2001]

(5) At the expiration of the period of 15 days or such further period as may be allowed by the Board, if any such sum or part thereof remains due and unpaid, it shall be deemed to be arrears and may be recovered as provided in section 52.

[8/2001]

(6) The charge mentioned in subsection (1) shall attach, and the powers and remedies conferred by subsections (2) to (5) shall become exercisable, as from the date of completion of the work.

(7) Notwithstanding any change in the ownership or occupation of the premises after the completion of the work, the charge and the powers and remedies referred to in subsection (6) may be exercised against the premises or against any movable property or crops for the time being found thereon.

(8) An occupier who, when requested by or on behalf of the Board to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully mis-states the name shall, unless he shows cause to the satisfaction of the court for his refusal or mis-statement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[51

[8/2001]

Recovery of costs and expenses by instalments

51.—(1) When the Board has incurred costs and expenses in or about the execution of any work, which are, under this Act, payable by or recoverable from an owner, the Board may —

- (a) recover those costs and expenses in the manner provided in section 50; or
- (b) if it thinks fit, make an arrangement with the owner for the payment of such instalments as will be sufficient to defray the whole amount of the costs and expenses with interest thereon at the prescribed rate, within a period not exceeding 10 years.

[8/2001]

(2) Upon default in payment of any instalment or interest upon the date appointed for payment thereof by any such arrangement the whole of the balance then outstanding of that amount, together with any interest in arrears, shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises since the date of the arrangement, may be recovered by as provided in section 50.

[52

Proceedings for recovery of arrears

52.—(1) For the recovery of arrears, the Board shall have and may exercise, either successively or concurrently, in addition to any other remedies conferred by this Act, the following powers:

- (a) the Board may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any

person liable to pay the arrears and may also seize any movable property or crops to whomever it belongs which are found on the premises in respect of which the arrears are due and may, after service of the prescribed notice, sell the same by public auction in any prescribed manner;

- (b) the Board may, by notice of sale to be served or published in the prescribed manner, declare its intention to sell, at the expiration of 3 months from the date of the notice of sale, the premises in respect of which the arrears are due and, if, at the expiration of that period, the arrears have not been paid or satisfied, the Board may sell by public auction, in lots or otherwise, the whole of the premises or such portion thereof or such interest therein as it considers sufficient for the recovery of the arrears and costs.

[8/2001]

(2) The Board shall not proceed under subsection (1) (b) to sell the premises in respect of which the arrears are due, or any portion thereof or interest therein, where there is or are upon the premises and liable to be seized and sold under subsection (1) (a) any movable property or crops belonging to the owner of a value estimated by the Board to be sufficient to realise the sum required to satisfy the arrears and costs.

[8/2001]

(3) Any tenant, sub-tenant or occupier who, in order to avoid the seizure or sale of his property for arrears payable by the owner of the premises, pays the arrears and costs may thereafter, in the absence of any written agreement to the contrary, deduct the amount so paid by him from the rent due or to become due by him to his immediate landlord on account of the premises or such part thereof as is held or occupied by him, and may retain possession until that amount has been fully reimbursed to him whether by deduction from the rent or otherwise.

(4) Any tenant or sub-tenant who has reimbursed, whether by allowing a deduction from his rent or otherwise, any sub-tenant or occupier holding or occupying under him the amount so paid by that sub-tenant or occupier shall have a similar right to deduct the amount from the rent due or to become due to his immediate landlord and to retain possession until similarly reimbursed.

(5) The receipt of any authorised officer for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed an

acquittance in full for the like amount of rent.

[8/2001]

(6) If any premises in respect of which arrears are due, or any such movable property or crops as are mentioned in subsection (1) or the proceeds of sale thereof are already in the custody of the law under any process of execution whereby the Board is unable to exercise the remedies conferred by this section, the Board —

(a) may notify the Sheriff or the bailiff of the court concerned of the amount of the arrears; and

(b) shall be entitled without obtaining a judgment to be paid that amount out of the proceeds of sale of the premises or property in priority to the judgment debtor and to the judgment creditor and to any other creditor except the Government.

[8/2001]

(7) A certificate from the Board shall, unless it is disputed by the judgment debtor, be conclusive evidence of the amount of such arrears, and, in case of dispute, the amount shall be summarily determined by a Magistrate's Court.

[8/2001]

(8) Where any premises which is not registered land is sold under subsection (1) (b), the Board shall have the power to execute the conveyance and the purchaser of the premises shall not be concerned to inquire whether the provisions of this Act relating to the sale and the conveyance have been complied with nor otherwise to inquire into the regularity or validity of the sale and conveyance.

[8/2001]

(9) Section 144 of the Land Titles Act (Cap. 157) shall apply, with the necessary modifications, to any premises sold under subsection (1) (b) which is registered land.

[53]

Attachment

53.—(1) The attachment referred to in section 52 (1) (a) may be made by a person appointed for the purpose by the Board who shall give public notice of the attachment in the prescribed manner and shall take an inventory of the property attached.

[8/2001]

(2) A person appointed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

(3) Such a person may break open in the day time any house or building for the purpose of effecting the attachment.

[54]

Application of proceeds of sale

54.—(1) The proceeds of a sale under section 52 (1) and (2) shall be applied in the first place in satisfaction of the arrears together with interest thereon at the prescribed rates and costs.

(2) Where there is any surplus remaining, the Board shall —

(a) if satisfied as to the right of any person claiming the surplus, pay the amount thereof to that person; or

(b) if not so satisfied, shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

[8/2001]

(3) If no title is established to the surplus within a period of 5 years from the date of the sale, it shall be paid into the funds of the Board.

[55]

[8/2001]

Title acquired by purchaser at sale by Board

55.—(1) The purchaser at a sale held under section 52 (1) (b) shall be deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except such as are expressly reserved by the Board at the time of sale.

[8/2001]

(2) The Board shall notify, by an advertisement published in the *Gazette*, the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

[56]

[8/2001]

Costs of proceedings for recovery of arrears

56. All costs of any proceedings for the recovery of arrears may be recovered as if they formed part of the arrears.

[57]

Power to stop sale

57. If any person having any interest in any property liable to be sold at any time previous to such sale tenders to the Board the arrears

with interest and costs, the Board shall thereupon desist from all further proceedings in respect of the sale.

[58]

[8/2001]

Application to court

58.—(1) If any person whose movable property, crop or land has been attached or offered for sale disputes the attachment or sale, he may apply to the High Court or a District Court for an order to stay the proceedings.

(2) The High Court or District Court, after hearing the Board and making such further inquiry as is necessary, shall make such order as is just.

[8/2001]

(3) No application shall be entertained by the High Court or District Court under this section unless the applicant has deposited in Court the amount of the arrears and costs or furnished security for them to the satisfaction of the Court.

[59]

Liability of transferor who has not given notice

59.—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the Board in connection with the execution of any work which are, under this Act, recoverable from the owner or owners thereof shall continue to be liable for the payment of all the costs and expenses payable in respect of the property and for the performance of all other obligations imposed by this Act upon the owner of the property which become payable or are to be performed at any time before such notice of transfer as is required by section 19 of the Property Tax Act (Cap. 254) has been given.

[8/2001]

(2) Nothing in subsection (1) shall affect the liability of the purchaser or transferee to pay such costs and expenses in respect of the property or affect the right of the Board to recover such costs and expenses or to enforce any obligation under this Act.

[60]

[8/2001]

Proceedings where occupier opposes execution of work

60.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of the premises any of the provisions of this Act after notice of his intention to do so has been

given by the owner to that occupier, a Magistrate's Court, upon proof thereof and upon application by the owner, may —

- (a) make an order in writing, requiring the occupier to permit the owner to execute all such works with respect to the premises as are necessary for carrying into effect the provisions of this Act; and
- (b) if it thinks fit, order the occupier to pay to the owner the costs relating to the application or order.

(2) If after the expiration of 8 days from the date of the order the occupier continues to refuse to permit the owner to execute the works, the occupier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 for every day during which he so continues to refuse.

(3) Every such owner shall, during the continuance of such refusal, be discharged from any penalty to which he might otherwise have become liable by reason of his default in executing the works.

[61]

PART IX

MISCELLANEOUS PROVISIONS

Notices, orders and other documents may be given by authorised officer

61. All notices, orders, receipts, warrants and other documents of any nature which the Board is empowered to give by this Act may, subject to the direction of the Board, be given by any authorised officer on behalf of the Board.

[62]

[8/2001]

Service of notices, etc.

62.—(1) Every notice, order or document required or authorised by this Act to be served on any person may be served —

- (a) by delivering it to that person or by delivering it at the last known place of residence of that person to some adult member of his family or his employee;
- (b) by leaving it at the usual or last known place of residence or place of business of that person in an envelope addressed to that person; or

(c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of residence or place of business.

(2) A notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.

(3) A notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises.

(4) A notice, order or document required by or authorised by this Act to be served on any body corporate may be served —

- (a) by delivering it to the secretary or other like officer of the body corporate at its registered office or principal place of business; or
- (b) by sending it by registered post addressed to the body corporate at its registered office or principal place of business.

[63

General penalties

63. Unless a penalty has otherwise been expressly provided, any person who —

- (a) contravenes any of the provisions of this Act; or
- (b) fails to comply with any condition subject to which any clearance certificate is issued or approval is granted by the Board under section 33,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 3 months or to both, and in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.

[64

[8/2001]

Furnishing of deposits

64.—(1) Where any clearance certificate is issued or approval is granted by the Board under section 33 for the execution of any works, the Board may require a deposit to be furnished by the person applying for the certificate or approval to secure the execution of the works.

[8/2001]

(2) Where any such works are not executed to the satisfaction of the Board, it may utilise the deposit or any part thereof to make good the defects.

[65

[8/2001]

Inaccuracies in document

65.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act or any such regulations shall be invalid for want of form.

[66

Evidence of analyst

66.—(1) The Board may appoint persons who in its opinion are qualified to be analysts for the purposes of this Act.

[8/2001]

(2) Subject to subsection (3), a certificate of an analyst appointed under subsection (1) stating that he has analysed or examined a substance and stating the result of his analysis or examination is admissible in evidence in any proceedings for an offence under this Act as prima facie evidence of the facts stated in the certificate and of the correctness of the result of the analysis or examination.

(3) A certificate of an analyst referred to in subsection (2) shall not be received in evidence in pursuance of that subsection unless the person charged has been given a copy of the certificate together with reasonable notice of the intention of the prosecution to produce the certificate as evidence in the proceedings.

(4) Where a certificate of an analyst appointed under subsection (1) is admitted in evidence under subsection (2), the person charged may

require the analyst to be called as a witness for the prosecution and the analyst may be cross-examined as if he had given evidence of the matters stated in the certificate.

(5) For the purposes of this section, a document purporting to be a certificate referred to in subsection (2) on its production by the prosecution shall, unless the contrary is proved, be deemed to be such a certificate.

[67]

Offence by body corporate

67. Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of that body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

[68]

Jurisdiction of court

68. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this Act and shall, notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), have power to impose the full punishment in respect of any offence under this Act.

[69]

Saving of prosecutions under other written laws

69. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act, except that no person shall be punished twice for the same offence.

[70]

Composition of offences

70.—(1) The Board may, in its discretion, compound any offence under this Act as may be prescribed as being an offence which may be

compounded by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$5,000.

[8/2001]

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of that offence except that any compensation, damages, fees, costs or expenses which are provided to be paid under this Act shall remain payable.

(3) Nothing in this section shall prevent the Board from issuing any further notice referred to in section 41 in respect of the same matter to the person who has paid such sum of money.

[71

[8/2001]

Protection from liability

71.—(1) No liability shall lie against the Government, the Board or any authorised officer by reason of the fact that any works are carried out in accordance with the provisions of this Act or that such works or plans of the works are subject to inspection, approval or certification by the Board or any authorised officer.

[8/2001]

(2) Nothing in this Act shall make it obligatory for the Board or any authorised officer to inspect any building or works or the site of any proposed works to ascertain whether the provisions of this Act are complied with or whether any plans, certificates, reports, notices or other documents submitted to the Board are accurate.

[8/2001]

(3) No matter or thing done by any authorised officer shall, if it were done in good faith for the purpose of carrying out the provisions of this Act, subject him personally to any action, liability, claim or demand.

[8/2001]

(4) Where the Board or any authorised officer provides any information to any person in respect of any building or works by electronic or other means, neither the Board nor any authorised officer shall be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or howsoever caused, including any defect or breakdown in the equipment used for providing the information, if such error or omission is made in good faith and in the ordinary course of duties of the Board or authorised officer.

[72

[8/2001]

Fees

72.—(1) The Board may, with the approval of the Minister, prescribe fees and charges for the purposes of this Act including fees for —

- (a) the collection and disposal of sewage, waste matter and effluent;
- (b) the maintenance and operation of any sewerage system; and
- (c) the late payment of fees.

[8/2001]

(2) Unless otherwise provided in this Act, the fees and charges prescribed under subsection (1) in respect of any premises shall be payable by the occupier of the premises and, where the premises are vacant, the owner of the premises.

(3) The calculation of any fees and charges prescribed under subsection (1) (a) and (b) may be based on —

- (a) the number of sanitary appliances which are installed in the premises;
- (b) the amount of water consumed in the premises; or
- (c) any other estimate of the amount of sewage, waste matter and effluent discharged into the sewerage system.

(4) All fees, charges and composition fines collected under this Act shall be paid into the funds of the Board.

[73

[8/2001]

Exemption

73. The Board may, with the approval of the Minister, by notification in the *Gazette*, exempt, either generally or for such time as it may specify, any person, thing, premises or works or any class of person, thing, premises or works from any provision of this Act.

[74

[8/2001]

Regulations

74.—(1) The Board may, with the approval of the Minister, make regulations for or in respect of every purpose which the Board considers necessary or convenient for carrying out the provisions of this Act and, in particular, may —

- (a) prescribe the standards and specifications for private sewers and sewerage systems (including drain-lines and their

connections to public sewers), sanitary facilities and storm water drainage systems;

- (b) regulate the discharge of trade effluent into sewers;
- (c) prohibit the discharge of silt or debris into storm water drainage systems; and
- (d) in relation to registered plumbers prescribe —
 - (i) the class or classes of registered plumbers, the terms and conditions upon, and the circumstances in, which plumbers may be registered;
 - (ii) the qualifications and other requirements for persons who wish to have their names entered in the register of plumbers; and
 - (iii) the duties and responsibilities of registered plumbers.

[8/2001]

(2) Any regulations made under this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[75]

LEGISLATIVE HISTORY
SEWERAGE AND DRAINAGE ACT
(CHAPTER 294)

1. Act 10 of 1999 — Sewerage and Drainage Act 1999

Date of First Reading	:	20.1.99 (Bill No. 3/99 published on 21.1.99)
Date of Second and Third Readings	:	11.2.99
Date of commencement	:	1.4.99

2. Act 8 of 2001 — Public Utilities Act 2001

(Consequential amendments made by)

Date of First Reading	:	22.2.2001 (Bill No. 7/2001 published on 23.2.2001)
Date of Second and Third Readings	:	16.3.2001
Date of commencement	:	1.4.2001

COMPARATIVE TABLE

SEWERAGE AND DRAINAGE ACT (CHAPTER 294)

The following provisions in the 2000 Revised Edition of the Sewerage and Drainage Act have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Sewerage and Drainage Act.

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