

## CHAPTER 315

# Preservation of Monuments Act

Act 45 of 1970.

### ARRANGEMENT OF SECTIONS

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An Act to establish a board to preserve for the benefit of the nation, monuments of historic, traditional, archaeological, architectural or artistic interest.

[29th January 1971]

1. This Act may be cited as the Preservation of Monuments Act. Short title.

2.—(1) In this Act, unless the context otherwise requires — Interpretation.  
“Board” means the Preservation of Monuments Board constituted by section 3 of this Act;

“Chairman” means the Chairman of the Preservation of Monuments Board;

“Fund” means the Preservation of Monuments Fund established by section 14 of this Act;

“monument” includes —

(a) any building, structure, erection or other work whether above or below the surface of the land, any memorial, place of interment or excavation and any part or remains of a monument; and

(b) any land comprising or adjacent to a monument which in the opinion of the Board is reasonably required for the purpose of maintaining the monument or the amenities thereof or for providing or facilitating access thereto or for the exercise of proper control or management with respect thereto

which is considered by the Board to be worthy of preservation by reason of its historic, traditional, archaeological, architectural or artistic interest.

(2) (a) The following persons shall be deemed to be the owners of monuments for the purpose of this Act, that is to say, any person entitled —

(i) to an estate in fee simple in land;

(ii) to an estate in land in perpetuity; or

(iii) to a lease of land for a term of years of not less than twenty-one years.

(b) The expression “land” means land which is the site of a monument, whether the land is or is not subject to encumbrances.

Establishment and incorporation of the Preservation of Monuments Board.

3.—(1) There shall be constituted in Singapore a body corporate to be known as the “Preservation of Monuments Board” for the preservation of monuments.

(2) The Board shall have a common seal and that seal may from time to time be broken, changed, altered and made anew as the Board deems fit.

(3) The Board may enter into contracts, may sue and be sued in its corporate name and may acquire, purchase, lease, take, hold and enjoy movable and immovable property of every description, and may sell, exchange, convey, assign, surrender and yield up, mortgage, demise, reassign, transfer

or otherwise dispose of or deal with any movable and immovable property vested in it upon such terms as it deems fit.

(4) All deeds, documents or other instruments requiring the seal of the Board shall be sealed with the common seal of the Board in the presence of the Chairman or Deputy Chairman and one other member of the Board who shall sign every such deed, document or other instrument to which the common seal is affixed and their signing shall be sufficient evidence that the seal was duly and properly affixed and that it is the lawful seal of the Board.

(5) The Board shall be exempt from the payment of stamp duty under any written law in force requiring payment of such duty.

(6) The Board shall be deemed to be an institution of a public character within the meaning of paragraph (c) of subsection (2) of section 37 of the Income Tax Act.

Cap. 141.

(7) The income of the Board shall be exempt from tax.

(8) The provisions of the Estate Duty Act shall not apply to any monument that is the subject of a preservation order made under section 8 of this Act.

Cap. 137.

(9) Any monument shall be wholly or partially exempt, at the discretion of the Comptroller of Property Tax, from payment of any property tax imposed under the provisions of the Property Tax Act.

Cap. 144.

(10) The Board shall, subject to any directions from the Minister, regulate its own procedure and make rules for this purpose.

4.—(1) The Board shall consist of a Chairman and not less than ten and not more than seventeen other members to be appointed by the Minister.

Members of the Board.

(2) The Chairman and members of the Board shall hold office for such period as the Minister shall decide but shall not in any case hold office for a period exceeding two years.

(3) The Chairman and members of the Board shall be eligible for reappointment.

(4) The members of the Board shall elect one of their members to be Deputy Chairman who may assume the functions of the Chairman in the event of the absence of the latter.

Objects of the Board.

5. The objects of the Board shall be —

- (a) to preserve monuments of historic, traditional, archaeological, architectural or artistic interest;
- (b) to protect and augment the amenities of such monuments;
- (c) to stimulate public interest and support in the preservation of such monuments; and
- (d) to take appropriate measures to preserve all records, documents and data relating to such monuments.

Powers of the Board.

6.—(1) The Board shall have power to do all lawful acts necessary in order to further its objects and, without prejudice to the generality of the foregoing, may —

- (a) make periodic inspections of monuments, advise on, supervise, control and effect alterations, repairs, renovations or construction of any kind thereto whether by the Board itself or by the owner or occupier thereof, to ensure the better preservation thereof;
- (b) receive donations, grants, gifts of movable or immovable property from any source and raise funds by all lawful means;
- (c) contribute by grant or loan towards the expenses incurred or to be incurred in the repair and maintenance of a monument to ensure its proper preservation;
- (d) acquire compulsorily or by agreement, whether by purchase, lease or otherwise any land, site or monument appearing to the Board to be of outstanding historic, traditional, archaeological, architectural or artistic interest;
- (e) dispose of any lands, sites and monuments acquired by the Board as and when it deems fit to do so;
- (f) appoint committees consisting of persons who may or may not be members of the Board and delegate to such committees such of its powers and functions as the Board may determine; and
- (g) regulate and control public access to monuments and charge fees for such access.

(2) The Board may appoint such officers and servants as may be necessary to assist it in carrying out its functions and all officers and servants of the Board so appointed shall be under the administrative control of the Board and shall be appointed on such terms and conditions as the Board may determine.

(3) All members, officers and servants of the Board shall be deemed to be public servants within the meaning of the Penal Code.

Cap. 103.

(4) The Board may delegate to any of its members, officers or servants such of its powers and functions as it may deem fit.

7.—(1) Any person specifically authorised in writing by the Board after giving not less than fourteen days' notice in writing to the occupier of his intention so to do and on production of his authority if so required by or on behalf of the occupier, may enter for the purposes of investigation at all reasonable times upon any land which the Board may have reason to believe contains any monument and may make excavations on the land for the purpose of examination.

Power to enter upon lands.

Provided that —

- (a) no person shall under any power conferred by this subsection enter any dwelling-house or any building, park, garden, pleasure ground or other land used for the amenity or convenience of a dwelling-house except with the consent of the occupier; and
- (b) no excavation shall be made under the power conferred by this subsection except with the consent of every person whose consent to the making of the excavation would, apart from this subsection, be required.

(2) If any person wilfully obstructs or hinders any person in the exercise of the powers conferred by subsection (1) of this section, he shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding two hundred dollars.

8.—(1) The Minister may, from time to time, on the advice of the Board, by notification in the *Gazette*, make an order (to be called a "preservation order") placing any monument under the protection of the Board and that preservation order shall take effect and come into operation on the date of that notification and shall remain in force until revoked by the Minister or until it otherwise ceases to have effect.

Power of Minister to make preservation orders.

(2) A copy of the preservation order together with a notice stating the effect thereof shall be served upon the owner or occupier of the monument.



(3) Any person who objects to the making of a preservation order may submit his objections in writing to the Minister within three months of its publication and call upon the Minister to revoke the order.

(4) The Minister may revoke the order or may refuse to revoke the order and any such refusal shall be final.

(5) The Board shall maintain a register of all monuments that are subject to a preservation order made under this Act.

Effect of  
preservation order.

9.—(1) Where a preservation order is in force, the monument to which the order relates shall not without the written consent of the Board (which consent shall not be unreasonably withheld) be demolished, removed, altered or renovated or have any addition made except in case of urgent and immediate necessity for the safety of persons or property.

(2) A preservation order shall bind all subsequent owners and occupiers of the land which is the site of the monument and shall operate as if it were a charge on land, whether that land is registered or unregistered land. The preservation order shall —

(a) if it affects registered land, be regarded as a statutory obligation under paragraph (c) of subsection (1) of section 34 of the Land Titles Act; and

(b) if it affects unregistered land, be regarded as if it were a charge under the Registration of Deeds Act and, upon registration of a memorandum of the charge, created by the preservation order, the charge shall, notwithstanding the provisions of that Act, have priority over all other instruments (including charges and other encumbrances) affecting that land.

Cap. 276.

Cap. 281.

(3) Any person who attempts to transfer, assign, demise or otherwise deal with any monument or who demolishes, removes, alters, renovates or adds to the monument without the consent of the Board shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding one thousand dollars.

Saving for  
dwelling-house

Cap. 272.

10. Where a preservation order is made in respect of any structure that appears to the Board to be occupied as a dwelling-house and that structure has not been vested in the Board or the Government, as the case may be, then, if the structure is not acquired pursuant to the provisions of the Land Acquisition Act within the period of one year from the date of the preservation order, the preservation order shall cease to have effect in relation to that structure.

11.—(1) The Board may, if it thinks fit, at the request of the owner of a monument, undertake or contribute towards the cost of preserving, maintaining or managing the monument or to the making of additions thereto.

Maintenance of monuments.

(2) Any maintenance of or additions made to a monument pursuant to this section shall be subject to the approval of the Board and the competent authority under the Planning Act, and upon such conditions as the authority may impose.

Cap. 279.

(3) For the purposes of maintaining a monument the Board shall have the right of access by itself or its employees for the purpose of inspecting it and doing all acts and things necessary for its maintenance.

(4) All expenses incurred by the Board in maintaining monuments shall be defrayed out of moneys provided by the Fund.

(5) The expression "maintenance" includes the fencing and repairing of a monument and the doing of any act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury; and the expression "maintain" shall be construed accordingly.

12.—(1) Where the Board is desirous of acquiring, for the purposes of this Act, any land, site or monument — the subject of a preservation order made under section 8 of this Act — which cannot be acquired by agreement, the Board may request and the President may, if he thinks fit, direct the acquisition of that land, site or monument in accordance with the provisions of the Land Acquisition Act and declare under section 5 thereof that the said land, site or monument is required by the Board for a work or an undertaking which is of public interest.

Compulsory acquisition.

Cap. 272.

(2) Where the premises are acquired pursuant to a direction of the President under this section the value of the premises shall be deemed to be the market value of such premises at the date of the making of the preservation order.

13.—(1) The Board shall keep proper accounts and other records of its activities and proceedings and shall prepare in respect of each year ending on the 31st day of March a statement of accounts.

Annual accounts and auditors' report.

(2) The accounts of the Board shall be audited by qualified auditors appointed annually by the Board.

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(3) As soon as the accounts of the Board have been audited, the Board shall send a copy of the statement of accounts to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Board.

(4) The Minister shall present a copy of every such statement of accounts and auditors' report to Parliament.

Fund. **14.—**(1) There shall be established and maintained by the Board a fund to be called the "Preservation of Monuments Fund" into which all moneys of the Board shall be paid.

(2) The Minister may from time to time make grants to the Fund of such sums as he may determine out of moneys to be provided by Parliament.

Cap. 40. (3) All moneys in the Fund shall be deposited in a bank by the Board, or the Board may from time to time invest such moneys in any of the securities in which trust funds may by section 4 of the Trustees Act be invested.

(4) All cheques drawn upon the bank account of the Board shall be signed by any two of the following persons:—

- (a) the Chairman;
- (b) the Deputy Chairman;
- (c) such other member of the Board as may be nominated by the Board for this purpose.

(5) The Board shall have full power to manage and to expend the moneys received by the Board for the purposes set out in this Act.

Rules. **15.—**(1) The Board may, with the approval of the Minister, make such rules for the carrying out of the purposes of this Act as it deems necessary.

(2) Such rules—

- (a) may prescribe that any act or omission in contravention of the provisions of any rule shall be an offence; and
- (b) may provide for the imposition of penalties for such offences, which penalties shall not exceed a fine of one thousand dollars.

Exemptions. **16.** The Minister may on the advice of the Board by order published in the *Gazette* exempt any monument from all or any of the provisions of this Act or the rules made thereunder.



17. Any person who wilfully defaces, damages or otherwise interferes with any monument shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months or both such fine and imprisonment. Penalties.

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