

Subordinate Courts (Amendment) Bill

Bill No. 26/2010.

Read the first time on 15th September 2010.

A BILL

i n t i t u l e d

An Act to amend the Subordinate Courts Act (Chapter 321 of the 2007 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Subordinate Courts (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 19

2. Section 19 of the Subordinate Courts Act (referred to in this Act as the principal Act) is amended by deleting subsections (2), (3) and (4) and substituting the following subsections:

10 “(2) Subject to subsections (3) and (4), a District Court shall have all the jurisdiction of the High Court to hear and try any action in personam where —

(a) the defendant is served with a writ of summons or any other originating process —

15 (i) in Singapore in the manner prescribed by Rules of Court; or

(ii) outside Singapore in the circumstances authorised by and in the manner prescribed by Rules of Court; or

(b) the defendant submits to the jurisdiction of a District Court.

20 (3) Subject to section 28A of the Supreme Court of Judicature Act (Cap. 322) and any order under subsection (1) thereof, a District Court’s jurisdiction under subsection (2) shall not include —

(a) any supervisory jurisdiction or revisionary jurisdiction;

25 (b) any jurisdiction relating to the judicial review of any act done or decision made by any person or authority, including the issue of any of the following prerogative orders:

(i) a Mandatory Order;

(ii) a Prohibiting Order;

(iii) a Quashing Order;

(iv) an Order for Review of Detention;

30 (c) any jurisdiction vested exclusively in the High Court, in any other subordinate court, or in any judicial, quasi-judicial or administrative tribunal, by written law; and

(d) any jurisdiction expressly excluded by written law.

(4) Subject to sections 22 and 23, a District Court's jurisdiction under subsection (2) shall not include jurisdiction to hear and try any action where —

- 5 (a) the amount claimed in the action exceeds the District Court limit; or
- (b) any remedy or relief sought in the action is in respect of a subject-matter the value of which exceeds the District Court limit.”.

10 **Repeal of sections 20 and 21**

3. Sections 20 and 21 of the principal Act are repealed.

Amendment of section 22

4. Section 22 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

15 “(1) Where the amount claimed in an action exceeds the District Court limit, or any remedy or relief sought in an action is in respect of a subject-matter the value of which exceeds the District Court limit, and a District Court would have jurisdiction under section 19(2) to hear and try the action if the amount or value, as the case may be,
20 did not exceed the District Court limit, the plaintiff may abandon the excess amount or that remedy or relief, as the case may be, and thereupon a District Court shall have jurisdiction under section 19(2) to hear and try the action, provided that the plaintiff —

- 25 (a) shall not recover in the action an amount exceeding the District Court limit; and
- (b) shall not obtain in the action any remedy or relief in respect of a subject-matter the value of which exceeds the District Court limit.”.

Repeal and re-enactment of section 23

30 5. Section 23 of the principal Act is repealed and the following section substituted therefor:

“Jurisdiction by agreement in certain actions

23. Where the parties to an action agree, by a memorandum signed by them or their respective solicitors, a District Court shall have jurisdiction under section 19(2) to hear and try the action notwithstanding that —

- (a) the amount claimed in the action exceeds the District Court limit; or
- (b) any remedy or relief sought in the action is in respect of a subject-matter the value of which exceeds the District Court limit.”.

Amendment of section 25

6. Section 25 of the principal Act is amended by deleting the words “A District Court shall have jurisdiction” and substituting the words “Without prejudice to the generality of section 19, a District Court shall have jurisdiction under section 19(2)”.

Amendment of section 26

7. Section 26 of the principal Act is amended by deleting the words “A District Court shall have all the jurisdiction of the High Court” and substituting the words “Without prejudice to the generality of section 19, a District Court shall have jurisdiction under section 19(2)”.

Amendment of section 29

8. Section 29(1) of the principal Act is amended by deleting the words “A District Court shall have jurisdiction” and substituting the words “Without prejudice to the generality of section 19, a District Court shall have jurisdiction under section 19(2)”.

Amendment of section 31

9. Section 31(2) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (a); and
- (b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(c) to order medical examination of a person who is a party to any proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.”.

5 **Amendment of section 32**

10. Section 32 of the principal Act is amended by deleting the words “shall have jurisdiction” and substituting the words “shall have power”.

Amendment of section 39

10 **11.** Section 39(1) of the principal Act is amended by deleting the words “founded on contract or tort or any written law to recover a sum of money”.

Amendment of section 50

12. Section 50 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

15 “(1) Subject to subsection (2), a District Court exercising criminal jurisdiction shall have —

(a) the jurisdiction and powers conferred on it by the Criminal Procedure Code (Cap. 68) and any other written law; and

20 (b) without prejudice to the generality of paragraph (a), the power to order medical examination of a person who is an accused in any criminal proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.”.

Amendment of section 51

25 **13.** Section 51 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Subject to subsection (2), a Magistrate’s Court exercising criminal jurisdiction shall have —

30 (a) the jurisdiction and powers conferred on it by the Criminal Procedure Code (Cap. 68) and any other written law; and

(b) without prejudice to the generality of paragraph (a), the power to order medical examination of a person who is an

accused in any criminal proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.”.

Amendment of section 52

5 **14.** Section 52 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“**(1)** Subject to subsection (1A), a Magistrate’s Court shall have all the jurisdiction of the High Court to hear and try any action in personam where —

(a) the defendant is served with a writ of summons or any other originating process —

(i) in Singapore in the manner prescribed by Rules of Court; or

(ii) outside Singapore in the circumstances authorised by and in the manner prescribed by Rules of Court; or

(b) the defendant submits to the jurisdiction of a Magistrate’s Court.

(1A) The jurisdiction of a Magistrate’s Court under subsection (1) shall not include jurisdiction to hear and try any action where —

(a) there is no claim for any sum of money;

(b) the amount claimed in the action exceeds the Magistrate’s Court limit; or

(c) any remedy or relief sought in the action, in addition or as an alternative to the amount claimed in the action, is in respect of a subject-matter the value of which exceeds the Magistrate’s Court limit.

(1B) A Magistrate’s Court shall have, in any proceedings within its jurisdiction under subsection (1) —

- (a) the power —
- (i) to grant such relief, redress or remedy or combination of remedies, either absolute or conditional; and
 - (ii) to give such and the like effect to every ground of defence or counterclaim equitable or legal, as ought to be granted or given in the like action by the High Court and in as full and ample a manner;
- (b) without prejudice to the generality of paragraph (a), the power —
- (i) to grant an injunction;
 - (ii) to make binding declarations of rights; and
 - (iii) to order medical examination of a person who is a party to any proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings;
- (c) the power to make any order or to exercise any authority or jurisdiction which, if it related to a proceeding pending in the High Court, might be made or exercised by a Judge of the High Court in chambers; and
- (d) the powers conferred on a District Court by —
- (i) section 43; and
 - (ii) section 12 of the Civil Law Act (Cap. 43).”; and
- (b) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “or powers under subsection (1B)”.

Repeal and re-enactment of section 64

15. Section 64 of the principal Act is repealed and the following section substituted therefor:

“Disqualification of judicial officers

64.—(1) Except with the approval of the Chief Justice, a judicial officer —

(a) shall not be capable of —

(i) accepting or taking any other office of emolument; or

(ii) carrying on any business either directly or indirectly;
and

5 (b) shall not accept any fees of office, perquisites, emoluments
or advantages, other than his salary and allowances.

(2) Without prejudice to the generality of subsection (1), a judicial
officer may, with the approval of the Chief Justice —

10 (a) be appointed to any commission of inquiry, committee of
inquiry or other judicial, quasi-judicial or administrative
tribunal, or hold any office in any institution or society for
charitable purposes or for the advancement or
encouragement of art, science, education or other
knowledge; and

15 (b) receive an allowance or other honorarium in respect of that
appointment or office.”.

Amendment of section 68

16. Section 68 of the principal Act is amended by inserting, immediately
after subsection (3), the following subsection:

20 “(4) No judicial officer, officer of a subordinate court or court-
appointed mediator shall be liable to be sued for an act done by him
for the purposes of any mediation or other alternative dispute
resolution process conducted by him in a subordinate court, if the
act —

25 (a) was done in good faith; and

(b) did not involve any fraud or wilful misconduct on his part.”.

Transitional and savings provisions

30 **17.**—(1) Sections 2 and 3 shall not apply to any civil cause or matter in
a District Court in respect of which a writ of summons or any other
originating process is filed before the date of commencement of this Act,
and sections 19, 20 and 21 of the principal Act in force immediately
before that date shall apply to any such civil cause or matter as if sections
2 and 3 had not been enacted.

(2) Section 14(a), only in so far as it relates to the deletion and substitution of subsection (1) and the insertion of subsection (1A) of section 52 of the principal Act, shall not apply to any civil cause or matter in a Magistrate's Court in respect of which a writ of summons or any other originating process is filed before the date of commencement of this Act, and section 52(1) of the principal Act in force immediately before that date, only in so far as it provides that a Magistrate's Court shall have the jurisdiction conferred on a District Court by sections 20(1)(a) and (2) and 21 of the principal Act in force immediately before that date in any proceedings where the amount claimed or the value of the subject-matter in dispute does not exceed the Magistrate's Court limit, shall apply to any such civil cause or matter as if section 14(a) had not been enacted.

EXPLANATORY STATEMENT

This Bill seeks to amend the Subordinate Courts Act (Cap. 321) for the following main purposes:

- (a) to reform the law relating to the jurisdiction and powers of the District Court and the Magistrate's Court;
- (b) to enable the Chief Justice to give approval for a judicial officer to do certain things which the judicial officer would otherwise be disqualified from doing; and
- (c) to provide for a judicial officer, an officer of a subordinate court or a court-appointed mediator to be protected from being sued for an act done by him for the purposes of any mediation or other alternative dispute resolution process conducted by him in a subordinate court, in certain circumstances.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 19 to confer on a District Court all the jurisdiction of the High Court to hear and try any action in personam where the defendant is served with a writ of summons or any other originating process in the manner prescribed by Rules of Court, or the defendant submits to the jurisdiction of a District Court. However, generally, such jurisdiction does not include —

- (a) any supervisory jurisdiction or revisionary jurisdiction;
- (b) any jurisdiction relating to the judicial review of any act done or decision made by any person or authority;
- (c) any jurisdiction vested exclusively in the High Court, in any other subordinate court, or in any judicial, quasi-judicial or administrative tribunal, by written law;

- (d) any jurisdiction expressly excluded by written law; and
- (e) jurisdiction to hear and try any action where the amount claimed in the action exceeds the District Court limit, or any remedy or relief sought in the action is in respect of a subject-matter the value of which exceeds the District Court limit.

Clause 3 repeals sections 20 and 21, which, as a consequence of the amendment of section 19 (by clause 2), are no longer required.

Clause 4 deletes and substitutes section 22(1) to make changes that are consequential to the amendment of section 19 (by clause 2) and the repeal of sections 20 and 21 (by clause 3).

Clause 5 repeals and re-enacts section 23 to make changes that are consequential to the amendment of section 19 (by clause 2) and the repeal of sections 20 and 21 (by clause 3).

Clauses 6, 7 and 8 make amendments to sections 25, 26 and 29(1), respectively, that are consequential to the amendment of section 19 (by clause 2).

Clause 9 amends section 31(2) to confer on a District Court exercising civil jurisdiction the power to order medical examination of a person who is a party to any proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.

Clause 10 makes a technical amendment to section 32.

Clause 11 makes an amendment to section 39(1) that is consequential to the amendment of section 19 (by clause 2) and the repeal of sections 20 and 21 (by clause 3).

Clause 12 deletes and substitutes subsection (1) of section 50 to confer on a District Court exercising criminal jurisdiction the power to order medical examination of a person who is an accused in any criminal proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.

Clause 13 deletes and substitutes subsection (1) of section 51 to confer on a Magistrate's Court exercising criminal jurisdiction the power to order medical examination of a person who is an accused in any criminal proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.

Clause 14 amends section 52 to confer on a Magistrate's Court all the jurisdiction of the High Court to hear and try any action in personam where the defendant is served with a writ of summons or any other originating process in the manner prescribed by Rules of Court, or the defendant submits to the jurisdiction of a Magistrate's Court. However, generally, such jurisdiction does not include jurisdiction to hear and try any action where —

- (a) there is no claim for any sum of money;
- (b) the amount claimed in the action exceeds the Magistrate's Court limit; or

- (c) any remedy or relief sought in the action, in addition or as an alternative to the amount claimed in the action, is in respect of a subject-matter the value of which exceeds the Magistrate's Court limit.

Clause 14 also amends section 52 to confer certain powers on a Magistrate's Court exercising civil jurisdiction, including the power to order medical examination of a person who is a party to any proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.

Clause 15 repeals and re-enacts section 64 to enable the Chief Justice to give approval for a judicial officer —

- (a) to accept or take any other office of emolument or carry on any business;
- (b) to accept any fees of office, perquisites, emoluments or advantages, other than his salary and allowances; and
- (c) in particular —
 - (i) to be appointed to any commission of inquiry, committee of inquiry or other judicial, quasi-judicial or administrative tribunal, or hold any office in any institution or society for charitable purposes or for the advancement or encouragement of art, science, education or other knowledge; and
 - (ii) to receive an allowance or other honorarium in respect of that appointment or office.

Clause 16 amends section 68 by inserting a new subsection (4) to provide for a judicial officer, an officer of a subordinate court or a court-appointed mediator to be protected from being sued for an act done by him for the purposes of any mediation or other alternative dispute resolution process conducted by him in a subordinate court, if the act —

- (a) was done in good faith; and
- (b) did not involve any fraud or wilful misconduct on his part.

Clause 17 relates to transitional and savings provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
