

Subordinate Courts (Amendment) Bill

Bill No. 26/2013.

Read the first time on 11th November 2013.

A BILL

intituled

An Act to amend the Subordinate Courts Act (Chapter 321 of the 2007 Revised Edition) and to make consequential or related amendments to certain other written laws.

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 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Subordinate Courts Act (referred to in this Act as the principal Act) is amended by deleting the words “subordinate courts” and substituting the words “State Courts”.

Amendment of section 1

10 3. Section 1 of the principal Act is amended by deleting the words “Subordinate Courts Act” and substituting the words “State Courts Act”.

Amendment of section 3

4. Section 3 of the principal Act is amended —

15 (a) by inserting, immediately after the words “subordinate courts” in subsection (1), the words “called the State Courts”; and

(b) by deleting the section heading and substituting the following section heading:

20 “State Courts”.

New section 8A

5. The principal Act is amended by inserting, immediately before section 9 under Part III, the following section:

“Appointment of Presiding Judge of State Courts

25 **8A.**—(1) For the purposes of the administration of this Act, the President may, on the recommendation of the Chief Justice, appoint a Judge or Judicial Commissioner of the Supreme Court to be the Presiding Judge of the State Courts for such period as the Chief Justice may recommend.

(2) Notwithstanding any other written law, the Presiding Judge of the State Courts may sit in any State Court and act as a judge (however described) thereof, in which case he shall have all the jurisdiction, power and privileges of such a judge.

(3) A Judge or Judicial Commissioner of the Supreme Court may, during the period of his appointment as the Presiding Judge of the State Courts, continue to sit in the High Court or the Court of Appeal in accordance with the Supreme Court of Judicature Act (Cap. 322). 5

(4) Any person appointed to be the Presiding Judge of the State Courts shall, although the period of his appointment as such has expired or his appointment as such has been revoked, in relation to any case heard by him as a judge (however described) of a State Court, continue to sit as such a judge for the purpose of giving judgment or otherwise.”. 10 15

Amendment of section 9

6. Section 9 of the principal Act is amended —

(a) by deleting the word “A” in subsection (1) and substituting the words “Subject to section 8A, a”;

(b) by deleting subsection (2); 20

(c) by deleting the words “5 years” in subsection (3) and substituting the words “7 years”; and

(d) by inserting, immediately after subsection (3), the following subsection:

“(3A) Notwithstanding subsection (3), a person may be appointed to be or to act as a District Judge if — 25

(a) he has been for not less than 5 years a qualified person as defined in section 2 of the Legal Profession Act; and

(b) the Chief Justice, after having regard to the qualifications and experience of the person, is of the opinion that the person is suitable to be appointed as a District Judge.”. 30

Amendment of section 10

7. Section 10 of the principal Act is amended —

(a) by deleting the words “one year” in subsection (2) and substituting the words “3 years”; and

5 (b) by inserting, immediately after subsection (2), the following subsection:

“(3) Notwithstanding subsection (2), a person may be appointed to be or to act as a Magistrate if —

10 (a) he has been for not less than one year a qualified person as defined in section 2 of the Legal Profession Act; and

15 (b) the Chief Justice, after having regard to the qualifications and experience of the person, is of the opinion that the person is suitable to be appointed as a Magistrate.”.

Amendment of section 17

8. Section 17 of the principal Act is amended —

(a) by deleting the words “subordinate courts” in subsection (1) and substituting the words “State Courts”;

20 (b) by deleting the words “Chief District Judge” in subsections (2) and (3) and substituting in each case the words “Presiding Judge of the State Courts”; and

(c) by deleting the words “his court” in subsection (3)(a) and substituting the words “the State Courts”.

Miscellaneous amendments

9. The principal Act is amended —

(a) by deleting the words “subordinate courts” wherever they appear in the following provisions and substituting in each case the words “State Courts”:

30 Sections 2 (definition of “registrar”), 4, 5, 6, 6A (section heading), 8(1), 12(1) and section heading, 14, 15(a) and (c),

39(3) and (4), 47, 54B (section heading), 54C (Explanation and section heading), 54E(2)(b) and (c) and (4) and section heading, 54G(2)(b), 57(1) and section heading, 59, 60(1), 62(2) and (6), 66, 67(4) and 68(2);

(b) by deleting the words “such court” in section 4 and substituting the words “such Court”;

(c) by deleting the words “subordinate court” wherever they appear in the following provisions and substituting in each case the words “State Court”:

Sections 6A(1) and (3), 7(1), (2), (2A) and (3), 15 (section heading), 15A(2), 19(3)(c), 39(1), (2), (3), (4)(b) and (6) and section heading, 54B(1), 54C(1) and (3), 54E(1) and (4), 54G(1)(a), (b) and (c) and (2), 60(1), 62(2), 63(1), 67(1), 68(2), (3) and (4) and 69(3)(g)(i), (ii) and (iii);

(d) by deleting the words “Chief District Judge” in the following provisions and substituting in each case the words “Presiding Judge of the State Courts”:

Sections 6A(2)(a), 15A(1), 57(2)(a) and (3), 59, 60(2), 62(1), (2) and (4), 67(1) and 70(2);

(e) by deleting the section heading of section 14 and substituting the following section heading:

“State Court officers”;

(f) by deleting the words “such court or courts” in section 60(1) and substituting the words “such Court or Courts”; and

(g) by deleting the words “a court” in the section heading of section 60 and substituting the words “State Court”.

Construction of references to subordinate courts or Chief District Judge, etc.

10.—(1) Where, in any subsidiary legislation or any contract, deed or other document, reference is made to a subordinate court, such reference shall, unless the context otherwise requires, be read as a reference to a State Court.

(2) Where, in any subsidiary legislation or any contract, deed or other document, reference is made to the Chief District Judge, such reference shall, unless the context otherwise requires, be read as a reference to the Presiding Judge of the State Courts.

5 (3) Where in any subsidiary legislation or any contract, deed or other document, reference is made to the Senior District Judge, such reference shall, unless the context otherwise requires, be read as a reference to the Presiding Judge of the State Courts.

Consequential or related amendments to other written laws

10 **11.—**(1) Section 151A(2) of the Copyright Act (Cap. 63, 2006 Ed.) is amended —

(a) by deleting the words “Subordinate Courts Act” and substituting the words “State Courts Act”; and

15 (b) by inserting, immediately after the words “(Cap. 321)”, the words “or is a District Judge appointed under section 9(1) of that Act”.

(2) The Coroners Act (Cap. 63A, 2012 Ed.) is amended —

20 (a) by deleting the words “Subordinate Courts Act” in section 3(2) and (5) and substituting in each case the words “State Courts Act”;

(b) by deleting the words “Chief District Judge” in section 3(5) and substituting the words “Presiding Judge of the State Courts”; and

25 (c) by inserting, immediately after the words “Subordinate Courts Act (Cap. 321)” in section 50(1), the words “in force immediately before 2nd January 2011”.

(3) Section 26(3) of the Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

30 (a) by deleting the words “Subordinate Courts” and substituting the words “State Courts”; and

(b) by inserting, immediately after the word “Act”, the words “or be a District Judge appointed under section 9(1) of that Act”.

(4) Section 13(3) of the Maintenance of Parents Act (Cap. 167B, 1996 Ed.) is amended —

(a) by deleting the words “Subordinate Courts” and substituting the words “State Courts”; and

(b) by inserting, immediately after the word “Act”, the words “or be a District Judge appointed under section 9(1) of that Act”. 5

(5) Section 101(2) of the Police Force Act (Cap. 235, 2006 Ed.) is amended —

(a) by deleting the words “Subordinate Courts Act” and substituting the words “State Courts Act”; and 10

(b) by inserting, immediately after the words “(Cap. 321)”, the words “or is a District Judge appointed under section 9(1) of that Act”.

(6) Section 30(2) of the Requisition of Resources Act (Cap. 273, 1985 Ed.) is amended — 15

(a) by deleting the words “Subordinate Courts” and substituting the words “State Courts”; and

(b) by inserting, immediately after the word “Act”, the words “or is a District Judge appointed under section 9(1) of that Act”.

(7) The Supreme Court of Judicature Act (Cap. 322, 2007 Ed.) is amended — 20

(a) by deleting the words “Subordinate Courts Act” in the definition of “subordinate court” in section 2 and substituting the words “State Courts Act”;

(b) by inserting, immediately after subsection (4) of section 10, the following subsection: 25

“(5) No Judge shall sit in the High Court on the hearing of, or determine any application in proceedings incidental or preliminary to —

(a) an appeal from a judgment or an order made by him as the Presiding Judge of the State Courts; 30

(b) an appeal against a conviction before him or a sentence passed by him as the Presiding Judge of the State Courts;

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(c) the consideration of any case stated by him under section 395 of the Criminal Procedure Code (Cap. 68) as the Presiding Judge of the State Courts;

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(d) any application made under section 400 of the Criminal Procedure Code in relation to any judgment or order made, or sentence passed, by him as the Presiding Judge of the State Courts; or

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(e) any proceedings relating to any judgment, order or direction made by him as the Presiding Judge of the State Courts.”; and

(c) by deleting paragraphs (c) and (d) of section 80(3) and substituting the following paragraphs:

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“(c) not more than 5 Judges of the Supreme Court (excluding the Presiding Judge of the State Courts) to be appointed by the Chief Justice for such period as he may specify in writing;

(d) the Presiding Judge of the State Courts;”.

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(8) Section 26(2) of the Workplace Safety and Health Act (Cap. 354A, 2009 Ed.) is amended by deleting the words “Chief District Judge” in paragraph (a) and substituting the words “Presiding Judge of the State Courts”.

(9) The provisions of the Acts specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

THE SCHEDULE

Section 11(9)

CONSEQUENTIAL OR RELATED AMENDMENTS
TO OTHER WRITTEN LAWS*First column**Second column*

- | | |
|---|--|
| <p>1. Interpretation Act
(Chapter 1, 2002 Ed.)</p> <p>Section 2</p> | <p>Delete subsection (4).</p> |
| <p>2. Business Trusts Act
(Chapter 31A, 2005 Ed.)</p> <p>Section 42(5)</p> | <p>Delete the words “subordinate courts” and substitute the words “State Courts”.</p> |
| <p>3. Civil Law Act
(Chapter 43, 1999 Ed.)</p> <p>Section 29</p> | <p>(i) Delete the words “subordinate courts” and substitute the words “State Courts”.</p> <p>(ii) Delete the words “subordinate courts” in the section heading and substitute the words “State Courts”.</p> |
| <p>4. Community Mediation
Centres Act
(Chapter 49A, 1998 Ed.)</p> <p>(a) Section 15(3)</p> <p>(b) Section 18(3)</p> | <p>Delete the words “Subordinate Courts Act” and substitute the words “State Courts Act”.</p> <p>(i) Delete the words “subordinate courts” in paragraph (b) of the definition of “registrar” and substitute the words “State Courts”.</p> <p>(ii) Delete the words “subordinate court” in paragraph (b) of the definition of “registrar” and substitute the words “State Court”.</p> |

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<p>5. Companies Act (Chapter 50, 2006 Ed.)</p> <p>Section 216A(6)</p>	<p>Delete the words “subordinate courts” and substitute the words “State Courts”.</p>
<p>6. Consumer Protection (Fair Trading) Act (Chapter 52A, 2009 Ed.)</p> <p>Sections 2(1) (definition of “Small Claims Tribunal”) and 7(3)</p>	<p>Delete the words “Subordinate Courts Act” and substitute in each case the words “State Courts Act”.</p>
<p>7. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A, 2000 Ed.)</p> <p>Section 2(1)</p>	<p>Delete the words “Subordinate Courts” in paragraph (b) of the definition of “Registrar” and substitute the words “State Courts”.</p>
<p>8. Criminal Procedure Code (Chapter 68, 2012 Ed.)</p> <p>(a) Section 2(1)</p>	<p>(i) Delete the definition of “Registrar of the Subordinate Courts” and substitute the following definition:</p> <p style="padding-left: 40px;">“ “Registrar of the State Courts” includes a Deputy Registrar of the State Courts;”.</p> <p>(ii) Delete the words “Registrar of the Subordinate Courts” in the definition of “ “signed” or</p>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
	“signature” ” and substitute the words “Registrar of the State Courts”.
	(iii) Insert, immediately after the definition of “ “signed” or “signature” ”, the following definition: <p style="margin-left: 40px;">“ “State Court” means any court constituted under the State Courts Act (Cap. 321) for the administration of criminal justice;”.</p>
	(iv) Delete the definition of “Subordinate Court”.
(b) Part II	Delete the words “SUBORDINATE COURTS” in the Part heading and substitute the words “STATE COURTS”.
(c) Sections 9 (section heading), 224(5), 226(2)(a) and (3), 232(3), 239(2), 282(3), 355(2), 374(5), 377(2), (5), (6A) and (7), 378(1), (4) and (7), 381(2), 399(2)(b), 400 (section heading) and 404(1), (3) and (5)	Delete the words “Subordinate Courts” wherever they appear and substitute in each case the words “State Courts”.
(d) Sections 11(8), 97(1), 239(1)(a) and (i), 382, 395(15)(a), 396(1), 399(2)(b), 400(1) and 402	Delete the words “Subordinate Court” wherever they appear and substitute in each case the words “State Court”.
(e) Part IX	Delete the words “SUBORDINATE COURTS” in the Part heading and substitute the words “STATE COURTS”.

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| <p>(f) Part XX, Division 3</p> | <p>Delete the words “<i>Subordinate Courts</i>” in the Division heading and substitute the words “<i>State Courts</i>”.</p> |
| <p>9. Debtors Act
(Chapter 73, 1985 Ed.)</p> | |
| <p>Section 24(11)</p> | <p>(i) Delete the words “Subordinate Courts Rules” and substitute the words “Rules of Court”.</p> <p>(ii) Delete the words “Registrar of the Subordinate Courts” and substitute the words “Registrar of the State Courts”.</p> <p>(iii) Delete the marginal note to subsection (11) and insert the following subsection heading:</p> <p style="text-align: center;">“Powers of Registrar of State Courts”.</p> |
| <p>10. Evidence Act
(Chapter 97, 1997 Ed.)</p> | |
| <p>(a) Section 45A(4)</p> | <p>Delete the words “Subordinate Courts” and substitute the words “State Courts”.</p> |
| <p>(b) Section 45A(8)</p> | <p>Delete the words “Subordinate Courts Act” and substitute the words “State Courts Act”.</p> |
| <p>11. Exchange Control Act
(Chapter 99, 2000 Ed.)</p> | |
| <p>Paragraph 3 of the Fourth Schedule</p> | <p>Delete sub-paragraph (3).</p> |

THE SCHEDULE — *continued**First column**Second column*

12. Goods and Services Tax Act
(Chapter 117A, 2005 Ed.)
- Section 52(6) Delete the words “Subordinate Courts”
and substitute the words “State Courts”.
13. Government Proceedings
Act
(Chapter 121, 1985 Ed.)
- (a) Section 2(2) Delete the definition of “subordinate
court” and substitute the following
definition:
“ “State Court” means a District Court
and any Magistrate Court.”.
- (b) Part III Delete the sub-heading “*Subordinate
Courts*” immediately above section 17
and substitute the following sub-heading:
“*State Courts*”.
- (c) Section 17
- (i) Delete the words “subordinate
court” wherever they appear in
subsections (1) and (2) and
substitute in each case the words
“State Court”.
- (ii) Delete the marginal note and insert
the following section heading:
“**Civil proceedings in State
Court**”.
- (d) Sections 25(1), 26,
33(4), 34(1)(a) and
35(2) Delete the words “subordinate court”
wherever they appear and substitute in
each case the words “State Court”.
- (e) Section 33(4) Delete the words “subordinate courts”
and substitute the words “State Courts”.

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
14. Guardianship of Infants Act (Chapter 122, 1985 Ed.)	
Section 21	Delete the words “Subordinate Courts Rules*” and substitute the words “Rules of Court”.
15. Inheritance (Family Provision) Act (Chapter 138, 1985 Ed.)	
Section 2	Delete the words “Subordinate Courts” in the definition of “Registrar” and substitute the words “State Courts”.
16. Legal Profession Act (Chapter 161, 2009 Ed.)	
(a) Sections 32(3)(b) and 116(1) (definition of “Registrar”)	Delete the words “Subordinate Courts” wherever they appear and substitute in each case the words “State Courts”.
(b) Sections 78(1)(e) and 120(4)	Delete the words “Subordinate Courts Act” and substitute in each case the words “State Courts Act”.
17. Mutual Assistance in Criminal Matters Act (Chapter 190A, 2001 Ed.)	
Section 2(1)	Delete the words “Subordinate Courts” in paragraph (a) of the definition of “process” and substitute the words “State Courts”.

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
18. Probate and Administration Act (Chapter 251, 2005 Ed.) Section 35(4)	 Delete the words “Subordinate Courts Act” and substitute the words “State Courts Act”.
19. Property Tax Act (Chapter 254, 2005 Ed.) Section 33(2)	 Delete the words “Subordinate Courts” and substitute the words “State Courts”.
20. Public Trustee Act (Chapter 260, 1985 Ed.) Section 5(6)	 Delete the words “Rules of the Supreme Court* or under Order 72 of the Subordinate Courts Rules†” and substitute the words “Rules of Court”.
21. Sewerage and Drainage Act (Chapter 294, 2001 Ed.) Section 2	 Delete the words “Subordinate Courts Act” in the definition of “Magistrate’s Court limit” and substitute the words “State Courts Act”.
22. Small Claims Tribunals Act (Chapter 308, 1998 Ed.)	
(a) Sections 2 (definition of “tribunal”), 3 and 44(1)	Delete the words “Subordinate Courts Act” and substitute in each case the words “State Courts Act”.
(b) Section 5(2)(b)	Delete the words “subordinate courts” and substitute the words “State Courts”.

THE SCHEDULE — *continued**First column**Second column*

23. State Lands Encroachments

Act

(Chapter 315, 1985 Ed.)

Section 3(2)

Delete the words “Rules of the Supreme Court” and substitute the words “Rules of Court”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Subordinate Courts Act (Cap. 321) and to make consequential or related amendments to certain other written laws.

Clause 1 relates to the short title and commencement.

Clauses 2 and 4 amend the long title and section 3, respectively, to provide for the renaming of the subordinate courts constituted under the Act as the State Courts.

Clauses 3, 8(a) and 9(a), (b), (c), (e), (f) and (g) make amendments to the Act that are consequential to the renaming of the subordinate courts constituted under the Act as the State Courts.

Clause 5 inserts a new section 8A —

- (a) to provide for the appointment of a Judge or Judicial Commissioner of the Supreme Court as the Presiding Judge of the State Courts; and
- (b) to provide for the powers and jurisdiction of the Presiding Judge of the State Courts.

Clauses 6(a), 8(b) and (c) and 9(d) make amendments to the Act that are consequential or related to the replacement of the office of the Chief District Judge with the office of the Presiding Judge of the State Courts.

Clause 6(b) deletes section 9(2) to abolish the office of the Chief District Judge following the creation of the office of the Presiding Judge of the State Courts.

Clause 6(c) amends section 9(3) to require a District Judge to be a qualified person under the Legal Profession Act (Cap. 161) for not less than 7 years, which is an increase from the present 5 years.

Clause 6(*d*) inserts a new subsection (3A) into section 9 to enable, notwithstanding the amended section 9(3), a person to be appointed as a District Judge if —

- (*a*) he is a qualified person under the Legal Profession Act for not less than 5 years; and
- (*b*) the Chief Justice, after having regard to the qualifications and experience of the person, is of the opinion that the person is suitable to be appointed as a District Judge.

Clause 7(*a*) amends section 10(2) to require a Magistrate to be a qualified person under the Legal Profession Act for not less than 3 years, which is an increase from the present one year.

Clause 7(*b*) inserts a new subsection (3) into section 10 to enable, notwithstanding the amended section 10(2), a person to be appointed as a Magistrate if —

- (*a*) he is a qualified person under the Legal Profession Act for not less than one year; and
- (*b*) the Chief Justice, after having regard to the qualifications and experience of the person, is of the opinion that the person is suitable to be appointed as a Magistrate.

Clause 10 provides for —

- (*a*) references to a subordinate court in any subsidiary legislation or any contract, deed or other document to be read as references to a State Court, unless the context otherwise requires; and
- (*b*) references to the Chief District Judge or the Senior District Judge in any subsidiary legislation or any contract, deed or other document to be read as references to the Presiding Judge of the State Courts, unless the context otherwise requires.

Clause 11(1)(*a*), (2)(*a*), (3)(*a*), (4)(*a*), (5)(*a*), (6)(*a*) and (7)(*a*) make amendments to certain written laws that are consequential to the renaming of the subordinate courts constituted under the Act as the State Courts.

Clause 11(1)(*b*), (3)(*b*), (4)(*b*), (5)(*b*) and (6)(*b*) make amendments to certain written laws to enable a District Judge appointed under section 9(1) of the Act to hold certain statutory appointments, even if he is a qualified person under the Legal Profession Act for less than 7 years.

Clause 11(2)(*b*), (7)(*c*) and (8) make amendments to certain written laws that are consequential or related to the replacement of the office of the Chief District Judge with the office of the Presiding Judge of the State Courts.

Clause 11(7)(b) inserts a new subsection (5) into section 10 of the Supreme Court of Judicature Act (Cap. 322) to provide for a Judge to be disqualified from dealing with certain matters connected with matters which he had previously dealt with as the Presiding Judge of the State Courts.

Clause 11(9) and the Schedule make amendments to certain written laws —

- (a) that are consequential to the renaming of the Subordinate Courts constituted under the Act as the State Courts; and
- (b) to delete obsolete references to the Rules of the Supreme Court, the Supreme Court Rules, the Rules of the Subordinate Courts or the Subordinate Courts Rules and, where appropriate, replace such references with references to the Rules of Court.

EXPENDITURE OF PUBLIC MONEY

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