

Supreme Court of Judicature (Amendment No. 2) Bill

Bill No. 33/2018.

Read the first time on 10 September 2018.

A BILL

intituled

An Act to amend the Supreme Court of Judicature Act (Chapter 322 of the 2007 Revised Edition) and to make a related amendment to the State 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 is the Supreme Court of Judicature (Amendment No. 2) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 New section 8A

2. The Supreme Court of Judicature Act (called in this Act the principal Act) is amended by inserting, immediately after section 8, the following section:

10 **“Court may conduct hearing through electronic means of communication**

8A.—(1) Without limiting section 8, the court may conduct the hearing of any matter or proceeding through a live video link, a live television link or any other electronic means of communication.

15 (2) Subsection (1) does not affect the operation of section 62A of the Evidence Act (Cap. 97) and section 281 of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 21

20 3. Section 21(1) of the principal Act is amended by deleting “\$50,000” in paragraph (a) and substituting “\$60,000”.

Amendment of section 30

4. Section 30 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

25 “(2) Despite subsection (1), the Court of Appeal in the exercise of its civil jurisdiction is duly constituted for the purpose of hearing and determining a matter specified in the Sixth Schedule, if it consists of the number of Judges of Appeal specified for that matter in that Schedule.”.

Amendment of section 34

5. Section 34 of the principal Act is amended —

(a) by deleting subsections (1), (2) and (2A) and substituting the following subsections:

“(1) An appeal cannot be brought to the Court of Appeal in any case specified in paragraph 1 of the Fourth Schedule except where provided in that Schedule. 5

(2) An appeal may be brought to the Court of Appeal in any of the following cases only with the leave of the High Court or the Court of Appeal unless otherwise provided in the Fifth Schedule: 10

(a) any case where the amount in dispute, or the value of the subject-matter, at the hearing before the High Court (excluding interest and costs) does not exceed \$250,000 or such other amount as may be specified by an order made under subsection (3); 15

(b) any case specified in paragraph 1 of the Fifth Schedule. 20

(2A) In addition, an appeal may be brought to the Court of Appeal in any case set out in section 73A(9), 73B(5), 73C(6), 73D(6) or 74(2A) only with the leave of the High Court or the Court of Appeal.”; and 25

(b) by deleting subsections (4) to (8) and substituting the following subsection:

“(4) An appeal may be brought to the Court of Appeal in any case specified in paragraph 2 of the Fifth Schedule only with the leave of a Judge of the Family Division of the High Court, or of the Court of Appeal unless otherwise provided in that Schedule.”. 30

Repeal and re-enactment of section 34A

6. Section 34A of the principal Act is repealed and the following section substituted therefor:

5 **“Court of Appeal may decide certain matters without hearing oral arguments**

34A.—(1) The Court of Appeal may, without hearing oral arguments, decide any application to that Court, whether under this Act or any other written law.

10 (2) The Court of Appeal may, with the consent of every party to an appeal from any judgment or order of the Singapore International Commercial Court, decide that appeal without hearing oral arguments.

(3) To avoid doubt, this section does not affect the power of the Court of Appeal to hear oral arguments before deciding —

15 (a) any application mentioned in subsection (1); or

 (b) any appeal mentioned in subsection (2).”.

New section 34B

7. The principal Act is amended by inserting, immediately before section 35, the following section:

20 **“Summary dismissal of certain matters**

34B.—(1) The Court of Appeal may, on its own motion, summarily dismiss any appeal or application, or any part of an appeal or application.

25 (2) The Court of Appeal may exercise its power under subsection (1) only if it is satisfied of either or both of the following matters:

 (a) the Court of Appeal does not have jurisdiction to hear and determine the appeal, application or part of an appeal or application mentioned in subsection (1);

30 (b) there is no merit in the appeal, application or part of an appeal or application mentioned in subsection (1), because every issue in that appeal, application or part

of an appeal or application has already been decided by the Court of Appeal, in an earlier matter in which the appellant or applicant was involved.

(3) The requirement under subsection (2) does not apply to any appeal or application, or any part of an appeal or application, that is prescribed by Rules of Court. 5

(4) Before summarily dismissing any appeal, application or part of an appeal or application under subsection (1), the Court of Appeal must —

(a) give the appellant or applicant a reasonable opportunity to show cause why that appeal, application or part of an appeal or application should not be dismissed; and 10

(b) consider the representations (if any) of the appellant or applicant. 15

(5) The Court of Appeal may exercise its powers under this section without hearing oral arguments.”.

Repeal and re-enactment of section 36

8. Section 36 of the principal Act is repealed and the following section substituted therefor: 20

“Incidental directions and interim orders

36.—(1) In any appeal or application pending before the Court of Appeal (called in this section the pending matter), the Court of Appeal may, on its own motion or on the application of any party, at any time make one or more of the following directions and orders: 25

(a) any direction incidental to the pending matter not involving the decision of the pending matter;

(b) any interim order to prevent prejudice to the claims of the parties pending the determination of the pending matter; 30

(c) any order for security for costs, and for the dismissal of the pending matter for default in furnishing security so ordered.

(2) Despite section 30(1), the Court of Appeal is duly constituted to make any direction or order mentioned in subsection (1) if it consists of —

(a) one Judge of Appeal; or

(b) 2 Judges of Appeal.

(3) The Court of Appeal may discharge or vary any direction or order made under subsection (1) by a Court of Appeal consisting of one Judge of Appeal.

(4) Despite section 30(1), the Court of Appeal is duly constituted to discharge or vary any direction or order mentioned in subsection (3) if it consists of 2 Judges of Appeal.

(5) An application to discharge or vary any direction or order mentioned in subsection (3) may be made only with the leave of a Judge of Appeal.

(6) An order of a Judge of Appeal giving or refusing leave under subsection (5) is final.”.

Amendment of section 37

9. Section 37 of the principal Act is amended —

(a) by deleting the words “on interlocutory applications, or” in subsection (3); and

(b) by deleting subsection (4) and substituting the following subsection:

“(4) Except as provided in subsection (3), such further evidence may be given only on special grounds and with the leave of the Court of Appeal.”.

New sub-heading to Part VII and new sections 73A to 73D

10. Part VII of the principal Act is amended by inserting, immediately after section 73, the following sub-heading and sections:

*“Measures for dealing with
unmeritorious or vexatious proceedings
and vexatious litigants*

Measures for dealing with unmeritorious or vexatious proceedings

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73A.—(1) A court may, in respect of any legal proceedings in the court —

- (a) make a limited civil restraint order in accordance with section 73B;
- (b) make an extended civil restraint order in accordance with section 73C; or
- (c) make a general civil restraint order in accordance with section 73D.

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(2) A court may, if satisfied that a party is conducting any legal proceedings in the court in a vexatious manner, order that those proceedings be stayed on such terms as the court considers appropriate.

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(3) A court may, if satisfied that the filing of further documents by a party in any legal proceedings in the court would be vexatious or for an improper purpose, order that no further documents be filed by that party in relation to those proceedings.

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(4) The High Court may, in respect of any legal proceedings in any subordinate court —

- (a) make a limited civil restraint order in accordance with section 73B;
- (b) make an extended civil restraint order in accordance with section 73C; or
- (c) make a general civil restraint order in accordance with section 73D.

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(5) The High Court may, if satisfied that a party is conducting any legal proceedings in any subordinate court in a vexatious manner, order that those proceedings be stayed on such terms as the High Court considers appropriate.

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(6) The High Court may, if satisfied that the filing of further documents by a party in any legal proceedings in any subordinate court would be vexatious or for an improper purpose, order that no further documents be filed by that party in relation to those proceedings.

(7) A court may, on the court's own motion, or on the application of —

(a) the Attorney-General; or

(b) any party in any legal proceedings in the court,

make an order mentioned in subsection (1)(a), (b) or (c), (2) or (3) against another party in those legal proceedings after giving the other party an opportunity to be heard.

(8) The High Court may, on the application of —

(a) the Attorney-General; or

(b) any party in any legal proceedings in a subordinate court,

make an order mentioned in subsection (4)(a), (b) or (c), (5) or (6) against another party in those legal proceedings after giving the other party an opportunity to be heard.

(9) Subject to section 34(2A), a party against whom the High Court makes an order mentioned in subsection (1)(a), (b) or (c), (2), (3), (4)(a), (b) or (c), (5) or (6) may bring an appeal from the order to the Court of Appeal.

(10) In this section and sections 73B and 73C, “legal proceedings” includes any proceedings, process, action, application or appeal in any civil matter or quasi-criminal matter.

Limited civil restraint orders

73B.—(1) A court may, if satisfied that a party has made 2 or more applications that are totally without merit, make a limited civil restraint order against the party.

(2) Where a court makes a limited civil restraint order, the party against whom the order is made —

(a) is restrained from making any further application in the legal proceedings in respect of which the order is made without the leave of that court; and

(b) may apply to amend, vary or discharge the order, only if the party has the leave of that court to make that application. 5

(3) Where a party, who is subject to a limited civil restraint order, makes an application (other than for the leave of the court under subsection (2)) in the legal proceedings in respect of which the order is made without the leave of the court under subsection (2), that application is to be treated as dismissed — 10

(a) without the court having to make any further order; and

(b) without the need for any other party to be heard on the merits of that application. 15

(4) A limited civil restraint order —

(a) is limited to the particular legal proceedings in respect of which the order is made; and

(b) remains in effect for the duration of the legal proceedings in respect of which the order is made, unless the court orders otherwise. 20

(5) Where a party, who is subject to a limited civil restraint order made by the High Court, applies for the leave of the court under subsection (2), and the High Court refuses such leave, the party may, subject to section 34(2A), bring an appeal from the order refusing such leave to the Court of Appeal. 25

Extended civil restraint orders

73C.—(1) A court may, if satisfied that a party has persistently commenced actions or made applications that are totally without merit, make an extended civil restraint order against the party. 30

(2) Where a court makes an extended civil restraint order, the party against whom the order is made —

5 (a) is restrained from commencing any action or making any application, in any court or subordinate court specified in the order, concerning any matter involving, relating to, touching upon or leading to the legal proceedings in respect of which the order is made, without the leave of the court that made the order; and

10 (b) may apply to amend, vary or discharge the order, only if the party has the leave of the court that made the order to make that application.

15 (3) Where a party, who is subject to an extended civil restraint order, commences an action or makes an application (other than for the leave of the court under subsection (2)), in any court or subordinate court specified in the order, concerning any matter involving, relating to, touching upon or leading to the legal proceedings in respect of which the order is made, without the leave of the court under subsection (2), that action or application is to be treated as struck out or dismissed —

20 (a) without the court having to make any further order; and

(b) without the need for any other party to be heard on the merits of that action or application.

(4) An extended civil restraint order —

25 (a) remains in effect for a period (not exceeding 2 years) that is specified in the order; and

(b) must specify every court or subordinate court in which the party against whom the order is made is restrained from commencing any action or making any application.

30 (5) The court —

(a) may extend the period for which an extended civil restraint order remains in effect, if the court considers it appropriate to do so; but

(b) must not extend that period for more than 2 years on any given occasion.

(6) Where a party, who is subject to an extended civil restraint order made by the High Court, applies for the leave of the court under subsection (2), and the High Court refuses such leave, the party may, subject to section 34(2A), bring an appeal from the order refusing such leave to the Court of Appeal.

General civil restraint orders

73D.—(1) A court may, if satisfied that a party has persisted in commencing actions or making applications that are totally without merit, in circumstances where an extended civil restraint order would not be sufficient or appropriate, make a general civil restraint order against the party.

(2) Where a court makes a general civil restraint order, the party against whom the order is made —

(a) is restrained from commencing any action or making any application, in any court or subordinate court specified in the order, without the leave of the court that made the order; and

(b) may apply to amend, vary or discharge the order, only if the party has the leave of the court that made the order to make that application.

(3) Where a party, who is subject to a general civil restraint order, commences an action or makes an application (other than for the leave of the court under subsection (2)), in any court or subordinate court specified in the order, without the leave of the court under subsection (2), that action or application is to be treated as struck out or dismissed —

(a) without the court having to make any further order; and

(b) without the need for any other party to be heard on the merits of that action or application.

- (4) A general civil restraint order —
- (a) remains in effect for a period (not exceeding 2 years) that is specified in the order; and
 - (b) must specify every court or subordinate court in which the party against whom the order is made is restrained from commencing any action or making any application.
- (5) The court —
- (a) may extend the period for which a general civil restraint order remains in effect, if the court considers it appropriate to do so; but
 - (b) must not extend that period for more than 2 years on any given occasion.
- (6) Where a party, who is subject to a general civil restraint order made by the High Court, applies for the leave of the court under subsection (2), and the High Court refuses such leave, the party may, subject to section 34(2A), bring an appeal from the order refusing such leave to the Court of Appeal.”.

Amendment of section 74

11. Section 74 of the principal Act is amended —

- (a) by inserting, immediately after subsection (2), the following subsection:
 - “(2A) A person against whom the High Court makes an order under subsection (1) may bring an appeal from the order to the Court of Appeal only with the leave of the High Court or the Court of Appeal.”;
- (b) by deleting the words “an order under subsection (1) refusing leave” in subsection (3) and substituting the words “an order refusing leave under subsection (1)”; and
- (c) by inserting, immediately after the words “civil matter” in subsection (5), the words “, quasi-criminal matter”.

Amendment of sub-heading to Part VII

12. Part VII of the principal Act is amended by deleting the word “*officers*” in the sub-heading immediately above section 79 and substituting the word “*persons*”.

Amendment of section 79

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13. Section 79 of the principal Act is amended by deleting the word “*officers*” in the section heading and substituting the word “*persons*”.

Amendment of section 80

14. Section 80 of the principal Act is amended —

- (a) by deleting the words “the mode in which evidence thereof may be given” in subsection (2)(*h*) and substituting the words “the manner in which any factual, expert or opinion evidence may be adduced”; 10
- (b) by deleting the word “; and” at the end of subsection (2)(*p*) and substituting a full-stop; 15
- (c) by deleting paragraph (*q*) of subsection (2); and
- (d) by deleting the words “section 34(1)(*e*)” in subsection (2A)(*i*) and substituting the words “paragraph 1 of the Fourth Schedule”.

Amendment of section 83

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15. Section 83 of the principal Act is amended —

- (a) by deleting the words “Fourth or Fifth” in subsection (1) and substituting the words “Fourth, Fifth or Sixth”; and
- (b) by deleting the words “, Fourth and Fifth” in the section heading and substituting the words “to Sixth”. 25

Amendment of First Schedule

16. The First Schedule to the principal Act is amended by inserting, immediately after paragraph 21, the following paragraph:

“Late filing charge

22. Power, in any case where a person fails to file any document within the period (for the filing of that document) specified in any order or direction of a court, any Rules of Court or any practice directions issued by the Registrar, to require the person to pay a late filing charge, of such amount as may be prescribed in the Rules of Court, for each day, after the expiry of that period, that that document remains unfiled.”

Deletion and substitution of Fourth and Fifth Schedules

17. The Fourth and Fifth Schedules to the principal Act are deleted and the following Schedules substituted therefor:

“FOURTH SCHEDULE

Sections 34(1), 80(2A)(i) and 83

CASES THAT ARE NON-APPEALABLE

1. Subject to paragraph 2, an appeal cannot be brought to the Court of Appeal in any of the following cases:

- (a) where, by any written law for the time being in force, it is expressly declared that the judgment or order of the High Court is final or that no appeal lies from the judgment or order of the High Court;
- (b) where the judgment or order is made by consent of the parties;
- (c) where a Judge makes an order giving unconditional leave to defend any proceedings;
- (d) where a Judge makes an order giving leave to defend any proceedings on condition that the party defending those proceedings pays into court or gives security for the sum claimed, except if the appellant is that party;
- (e) where a Judge makes an order setting aside unconditionally a default judgment, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise);
- (f) where a Judge makes an order setting aside a default judgment on condition that the party against whom the judgment had been entered pays into court or gives security for the sum claimed, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise), except if the appellant is that party;

- (g) where a Judge makes an order refusing to strike out —
 - (i) an action or a matter commenced by a writ of summons or by any other originating process; or
 - (ii) a pleading or a part of a pleading;
- (h) where a Judge makes an order giving or refusing further and better particulars; 5
- (i) where a Judge makes an order giving leave to amend a pleading, except if —
 - (i) the application for such leave is made after the expiry of any relevant period of limitation current at the date of issue of the writ of summons; and 10
 - (ii) the amendment is an amendment to correct the name of a party or to alter the capacity in which a party sues, or the effect of the amendment will be to add or substitute a new cause of action; 15
- (j) where a Judge makes an order refusing security for costs;
- (k) where a Judge makes an order giving or refusing interrogatories.

2. Paragraph 1 does not apply to the following decisions, judgments or orders:

- (a) any decision, judgment or order of the Family Division of the High Court involving the exercise of the appellate civil jurisdiction mentioned in section 23 of the Family Justice Act 2014 (Act 27 of 2014); 20
- (b) any decision, judgment or order of the High Court involving the exercise of the appellate civil jurisdiction of the High Court in any of the following circumstances: 25
 - (i) the hearing of any appeal from a District Court or Magistrate's Court when exercising jurisdiction of a quasi-criminal or civil nature in any family proceedings (not being probate proceedings), being an appeal commenced in the High Court before 1 October 2014; 30
 - (ii) the hearing of any appeal or special case from the Tribunal for the Maintenance of Parents, being an appeal or a special case commenced in the High Court before 1 October 2014;
 - (iii) the hearing of any appeal from any contentious probate proceedings commenced in a District Court, being an appeal commenced in the High Court before 1 January 2015. 35

3. In this Schedule —

“family proceedings” has the meaning given by section 2(1) of the Family Justice Act 2014;

“probate proceedings” has the meaning given by section 47(13) of the Family Justice Act 2014.

FIFTH SCHEDULE

Sections 34(2) and (4) and 83

CASES THAT ARE APPEALABLE ONLY WITH LEAVE

1. Subject to paragraphs 4 and 5, an appeal may be brought to the Court of Appeal only with the leave of the High Court or the Court of Appeal, in any of the following cases:

(a) where by any written law for the time being in force, it is expressly declared that the appeal may be brought only with the leave of the High Court or the Court of Appeal, or that no such appeal is to be brought except with the leave of the High Court or the Court of Appeal;

(b) where the only issue in the appeal relates to costs or fees for hearing dates;

(c) where a Judge in chambers makes a decision in a summary way on an interpleader summons where the facts are not in dispute;

(d) where a Judge makes an order refusing leave to amend a pleading, except if —

(i) the application for such leave is made after the expiry of any relevant period of limitation current at the date of issue of the writ of summons; and

(ii) the amendment is an amendment to correct the name of a party or to alter the capacity in which a party sues, or the effect of the amendment will be to add or substitute a new cause of action;

(e) where a Judge makes an order giving security for costs;

(f) where a Judge makes an order giving or refusing discovery or inspection of documents;

(g) where a Judge makes an order refusing a stay of proceedings;

(h) where a Judge makes an order at the hearing of any interlocutory application other than an application for any of the following matters:

- (i) for summary judgment;
 - (ii) to set aside a default judgment;
 - (iii) to strike out an action or a matter commenced by a writ of summons or by any other originating process, a pleading or a part of a pleading; 5
 - (iv) to dismiss an action or a matter commenced by a writ of summons or by any other originating process;
 - (v) for further and better particulars;
 - (vi) for leave to amend a pleading;
 - (vii) for security for costs; 10
 - (viii) for discovery or inspection of documents;
 - (ix) for interrogatories to be varied or withdrawn, or for leave to serve interrogatories;
 - (x) for a stay of proceedings;
 - (i) where the appeal is from any decision, judgment or order of the High Court involving the exercise of its appellate civil jurisdiction in any of the following circumstances: 15
 - (i) the hearing of any appeal from a District Court or Magistrate's Court when exercising jurisdiction of a quasi-criminal or civil nature in any family proceedings (not being probate proceedings), being an appeal commenced in the High Court before 1 October 2014; 20
 - (ii) the hearing of any appeal or special case from the Tribunal for the Maintenance of Parents, being an appeal or a special case commenced in the High Court before 1 October 2014; 25
 - (iii) the hearing of any appeal from any contentious probate proceedings commenced in a District Court, being an appeal commenced in the High Court before 1 January 2015.
2. An appeal may be brought to the Court of Appeal only with the leave of a Judge of the Family Division of the High Court, or of the Court of Appeal, from any decision, judgment or order of the Family Division of the High Court involving the exercise of the appellate civil jurisdiction mentioned in section 23 of the Family Justice Act 2014 (Act 27 of 2014). 30
3. Section 34(2)(a) does not apply to any of the following cases:
- (a) any case heard and determined by the High Court in the exercise of its original jurisdiction under any written law which requires that 35

case to be heard and determined by the High Court in the exercise of its original jurisdiction;

(b) any case heard and determined by the Family Division of the High Court in the exercise of its original jurisdiction;

5 (c) any family proceedings (not being probate proceedings) commenced in the High Court before 1 October 2014 and heard and determined by the High Court in the exercise of its original jurisdiction;

10 (d) any contentious probate proceedings commenced in the High Court before 1 January 2015 and heard and determined by the High Court in the exercise of its original jurisdiction.

15 4. Section 34(2)(a) and section 34(2)(b) read with paragraph 1(b) to (h) do not apply to any decision, judgment or order of the High Court involving the exercise of its appellate civil jurisdiction in any of the following circumstances:

20 (a) the hearing of any appeal from a District Court or Magistrate’s Court when exercising jurisdiction of a quasi-criminal or civil nature in any family proceedings (not being probate proceedings), being an appeal commenced in the High Court before 1 October 2014;

(b) the hearing of any appeal or special case from the Tribunal for the Maintenance of Parents, being an appeal or a special case commenced in the High Court before 1 October 2014;

25 (c) the hearing of any appeal from any contentious probate proceedings commenced in a District Court, being an appeal commenced in the High Court before 1 January 2015.

30 5. Section 34(2)(a) and section 34(2)(b) read with paragraph 1(b) to (h) do not apply to any decision, judgment or order of the Family Division of the High Court involving the exercise of the appellate civil jurisdiction mentioned in section 23 of the Family Justice Act 2014.

6. In this Schedule —

“family proceedings” has the meaning given by section 2(1) of the Family Justice Act 2014;

35 “probate proceedings” has the meaning given by section 47(13) of the Family Justice Act 2014.”.

New Sixth Schedule

18. The principal Act is amended by inserting, immediately after the Fifth Schedule, the following Schedule:

“SIXTH SCHEDULE

Sections 30(2) and 83

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COMPOSITION OF COURT OF APPEAL WHEN EXERCISING CIVIL JURISDICTION IN CERTAIN MATTERS

1. Despite section 30(1), the Court of Appeal in the exercise of its civil jurisdiction is duly constituted for the purpose of hearing and determining any of the following matters if it consists of one Judge of Appeal: 10

(a) an application —

(i) to record a judgment, or an order, that is made by consent of the parties; or

(ii) to make an order that is incidental to any such judgment or order; 15

(b) an application to adduce further evidence in proceedings before the Court of Appeal;

(c) an application for costs, or any other matter that remains to be dealt with, after an application or appeal to the Court of Appeal is withdrawn. 20

2. Despite section 30(1), the Court of Appeal in the exercise of its civil jurisdiction is duly constituted for the purpose of hearing and determining an application for any direction or order mentioned in section 36(1) if it consists of — 25

(a) one Judge of Appeal; or

(b) 2 Judges of Appeal.

3. Despite section 30(1), the Court of Appeal in the exercise of its civil jurisdiction is duly constituted for the purpose of hearing and determining any of the following matters if it consists of 2 Judges of Appeal: 30

(a) an application to extend the time for filing and serving a notice of appeal;

(b) an application to discharge or vary any direction or order made under section 36(1) by a Court of Appeal consisting of one Judge of Appeal; 35

- (c) an application for leave to appeal to the Court of Appeal, whether under this Act or any other written law, or to extend time for applying for such leave;
- (d) an application to the Court of Appeal for a stay of execution (whether pending or after the appeal) or a stay of proceedings under the decision appealed from;
- (e) an appeal against an interlocutory judgment;
- (f) an appeal against any judgment or order obtained after the hearing of an application for the admission of a person under section 15 of the Legal Profession Act (Cap. 161);
- (g) an appeal against any judgment or order obtained after the hearing of an assessment of damages;
- (h) an appeal against any judgment or order obtained after the hearing of a taking of accounts between parties;
- (i) an appeal against any judgment or order obtained after any proceedings other than the trial or hearing of any action or matter commenced by any originating process.”.

Related amendment to State Courts Act

19. The State Courts Act (Cap. 321) is amended by inserting, immediately after section 7, the following section:

“State Court may conduct hearing through electronic means of communication

8.—(1) Without limiting section 7, a State Court may conduct the hearing of any matter or proceeding through a live video link, a live television link or any other electronic means of communication.

(2) Subsection (1) does not affect the operation of section 62A of the Evidence Act (Cap. 97) and section 281 of the Criminal Procedure Code (Cap. 68).”.

Saving and transitional provisions

20.—(1) Despite section 3, section 21(1)(a) of the principal Act as in force immediately before the date of commencement of section 3 continues to apply to an appeal, from a decision of a District Court or Magistrate’s Court, that is commenced in the High Court before that date. 5

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 10

EXPLANATORY STATEMENT

This Bill seeks to amend the Supreme Court of Judicature Act (Cap. 322) for the following main purposes:

- (a) to enable the Court of Appeal and the High Court to conduct the hearing of any matter or proceeding through a live video link, a live television link or any other electronic means of communication, instead of in a physical courtroom;
- (b) to increase the amount by which the amount in dispute, or the value of the subject-matter, at a hearing before a District Court or Magistrate’s Court (excluding interest and costs) must exceed, before an appeal lies as of right to the High Court from a decision of that District Court or Magistrate’s Court, from \$50,000 to \$60,000;
- (c) to enable the Court of Appeal in the exercise of its civil jurisdiction to be duly constituted by fewer than 3 Judges of Appeal, for the purpose of hearing and determining certain matters specified in a new Sixth Schedule (which may be amended by the Minister, after consulting the Chief Justice, by order in the *Gazette*);
- (d) to provide for the cases in respect of which an appeal cannot be brought to the Court of Appeal, and the exceptions to those cases, to be specified in a new Fourth Schedule (which may be amended by the Minister, after consulting the Chief Justice, by order in the *Gazette*);
- (e) to provide for the cases where an appeal may be brought to the Court of Appeal only with the leave of the High Court or the Court of Appeal to be specified in a new section 34(2)(a) and (2A) and a new Fifth

Schedule (which may be amended by the Minister, after consulting the Chief Justice, by order in the *Gazette*), and for the exceptions to the cases mentioned in the new section 34(2)(a) and the new Fifth Schedule to be specified in the new Fifth Schedule;

- (f) to restate the matters that the Court of Appeal, in the exercise of its civil jurisdiction, may decide without hearing oral arguments;
- (g) to empower the Court of Appeal to summarily dismiss certain matters on its own motion and without hearing oral arguments;
- (h) to restate matters concerning the obtaining of incidental directions and interim orders in any proceeding pending before the Court of Appeal;
- (i) to restate when further evidence may be given in an appeal to the Court of Appeal;
- (j) to provide for measures for dealing with unmeritorious or vexatious proceedings and vexatious litigants, in addition to the existing measures contained in section 74, and to refine those existing measures;
- (k) to expressly empower the making of Rules of Court regulating the manner in which any factual, expert or opinion evidence may be adduced;
- (l) to expressly empower the High Court, in any case where a person fails to file any document within the period (for the filing of that document) specified in an order or direction of the Court of Appeal or the High Court, any Rules of Court or any practice directions issued by the Registrar of the Supreme Court (the Registrar), to require the person to pay a late filing charge, of such amount as may be prescribed in the Rules of Court, for each day, after the expiry of that period, that that document remains unfiled.

The Bill also makes a related amendment to the State Courts Act (Cap. 321).

Clause 1 relates to the short title and commencement.

Clause 2 inserts a new section 8A to enable the Court of Appeal and the High Court to conduct the hearing of any matter or proceeding through a live video link, a live television link or any other electronic means of communication, instead of in a physical courtroom. However, this does not affect the requirements, under section 62A of the Evidence Act (Cap. 97) and section 281 of the Criminal Procedure Code (Cap. 68), for evidence to be given in court proceedings through a live video or live television link.

Clause 3 amends section 21(1)(a) to increase the amount by which the amount in dispute, or the value of the subject-matter, at a hearing before a District Court or Magistrate's Court (excluding interest and costs) must exceed, before an appeal lies

as of right to the High Court from a decision of that District Court or Magistrate's Court, from \$50,000 to \$60,000.

Clause 4 replaces section 30(2), and clause 18 inserts a new Sixth Schedule, to enable the Court of Appeal in the exercise of its civil jurisdiction to be duly constituted by fewer than 3 Judges of Appeal, for the purpose of hearing and determining a matter specified in the new Sixth Schedule.

Clause 5 replaces section 34(1), (2), (2A) and (4) and deletes section 34(5) to (8), and clause 17 replaces the Fourth and Fifth Schedules —

- (a) to provide for the cases in respect of which an appeal cannot be brought to the Court of Appeal, and the exceptions to those cases, to be specified in the new Fourth Schedule;
- (b) to provide for the cases where an appeal may be brought to the Court of Appeal only with the leave of the High Court or the Court of Appeal to be specified in the new section 34(2)(a) and (2A) and the new Fifth Schedule, and for the exceptions to the cases mentioned in the new section 34(2)(a) and the new Fifth Schedule to be specified in the new Fifth Schedule; and
- (c) to provide for the cases where an appeal may be brought to the Court of Appeal only with the leave of a Judge of the Family Division of the High Court, or of the Court of Appeal, to be specified in the new Fifth Schedule, and for the exceptions to those cases to be specified in the new Fifth Schedule.

Section 83 enables the Minister, after consulting the Chief Justice, to amend the new Fourth and Fifth Schedules by order in the *Gazette*.

Clause 6 replaces section 34A to restate the matters that the Court of Appeal, in the exercise of its civil jurisdiction, may decide without hearing oral arguments.

Under the new section 34A(1), the Court of Appeal may, without hearing oral arguments, decide any application to that Court.

Under the new section 34A(2), the Court of Appeal may, with the consent of every party to an appeal from any judgment or order of the Singapore International Commercial Court, decide that appeal without hearing oral arguments.

The new section 34A(3) clarifies that the Court of Appeal retains the power to hear oral arguments before deciding any application mentioned in the new section 34A(1) or any appeal mentioned in the new section 34A(2).

Clause 7 inserts a new section 34B to empower the Court of Appeal to summarily dismiss certain matters on its own motion and without hearing oral arguments.

Generally, the Court of Appeal may summarily dismiss an appeal, an application, or a part of an appeal or application only if the Court of Appeal is satisfied of either or both of the following matters:

- (a) the Court of Appeal does not have jurisdiction to hear and determine that appeal, application or part of an appeal or application;
- (b) there is no merit in that appeal, application or part of an appeal or application (because every issue in that appeal, application or part of an appeal or application has already been decided by the Court of Appeal in an earlier matter in which the appellant or applicant was involved).

However, the requirement for the Court of Appeal to be so satisfied does not apply to certain matters that are prescribed by Rules of Court.

Before summarily dismissing a matter, the Court of Appeal must give the appellant or applicant a reasonable opportunity to show cause why the matter should not be dismissed, and consider the representations (if any) of the appellant or applicant.

Clause 8 replaces section 36 to restate matters concerning the obtaining of incidental directions and interim orders in any proceeding pending before the Court of Appeal.

The new section 36(1) enables the Court of Appeal, on its own motion or on the application of any party, to make one or more of certain directions and orders in any appeal or application pending before the Court of Appeal. Despite section 30(1) (which provides for the jurisdiction of the Court of Appeal to be exercised by 3 or any greater uneven number of Judges of Appeal), the Court of Appeal is duly constituted to make any such direction or order if it consists of one Judge of Appeal or 2 Judges of Appeal.

The Court of Appeal may discharge or vary any direction or order made under the new section 36(1) by a Court of Appeal consisting of one Judge of Appeal. Despite section 30(1), the Court of Appeal is duly constituted to discharge or vary any such direction or order if it consists of 2 Judges of Appeal.

An application to discharge or vary any direction or order made under the new section 36(1) by a Court of Appeal consisting of one Judge of Appeal may be made only with the leave of a Judge of Appeal, and the order of the Judge of Appeal giving or refusing such leave is final.

Clause 9 amends section 37(3) and (4) to restate when further evidence may be given in an appeal to the Court of Appeal. Under the amended section 37(3), such further evidence may be given without leave only as to matters that have occurred after the date of the decision from which the appeal is brought. Under the amended section 37(4), such further evidence may be given only on special grounds and with the leave of the Court of Appeal. These “special grounds” are elaborated on in existing case law.

Clause 10 inserts a new sub-heading to Part VII and new sections 73A to 73D to provide for measures for dealing with unmeritorious or vexatious proceedings and vexatious litigants, in addition to the existing measures contained in section 74.

The new section 73A summarises the new measures for dealing with unmeritorious or vexatious proceedings. These include —

- (a) making a limited civil restraint order in accordance with the new section 73B;
- (b) making an extended civil restraint order in accordance with the new section 73C;
- (c) making a general civil restraint order in accordance with the new section 73D;
- (d) making an order that any legal proceedings conducted in a vexatious manner be stayed on such terms as the court considers appropriate; and
- (e) making an order that no further documents be filed by a party in relation to any legal proceedings, if the court is satisfied that the filing of further documents by that party in those legal proceedings would be vexatious or for an improper purpose.

The new section 73A(1) to (8) clarifies that while the Court of Appeal or the High Court may make such orders in respect of any legal proceedings in that Court, any such orders to be made in respect of any legal proceedings in any subordinate court must be made by the High Court.

Under the new section 73A(9), a party against whom the High Court makes any such order may appeal from that order to the Court of Appeal only with the leave of the High Court or the Court of Appeal.

The new section 73A(10) specifies the types of legal proceedings in respect of which any such order may be made.

The new section 73B specifies the conditions for, and consequences of, the making of a limited civil restraint order. A party against whom such an order is made is restrained from making any further application in the legal proceedings in respect of which that order is made, and cannot apply to amend, vary or discharge that order, without the leave of the court. If the High Court refuses such leave, the party who is subject to the order may appeal against the refusal only with the leave of the High Court or the Court of Appeal.

The new section 73C specifies the conditions for, and consequences of, the making of an extended civil restraint order. A party against whom such an order is made is restrained from commencing any action or making any application, in any court or subordinate court specified in the order, concerning any matter involving, relating to, touching upon or leading to the legal proceedings in respect of which the order is made, without the leave of the court that made the order. The party also

cannot apply to amend, vary or discharge that order, without the leave of the court that made the order. If the High Court refuses such leave, the party who is subject to the order may appeal against the refusal only with the leave of the High Court or the Court of Appeal.

The new section 73D specifies the conditions for, and consequences of, the making of a general civil restraint order. A party against whom such an order is made is restrained from commencing any action or making any application, in any court or subordinate court specified in the order, without the leave of the court that made the order. The party also cannot apply to amend, vary or discharge that order, without the leave of the court that made the order. If the High Court refuses such leave, the party who is subject to the order may appeal against the refusal only with the leave of the High Court or the Court of Appeal.

Clause 11 refines the existing measures in section 74 for dealing with vexatious litigants —

- (a) by inserting a new section 74(2A) to provide that a person against whom the High Court makes an order under section 74(1) may bring an appeal from the order to the Court of Appeal only with the leave of the High Court or the Court of Appeal;
- (b) by amending section 74(3) to clarify that what it prohibits is an appeal from an order refusing leave under section 74(1) for the institution or continuance of legal proceedings; and
- (c) by amending section 74(5) to clarify that the legal proceedings mentioned in section 74 include proceedings in any quasi-criminal matter.

Clauses 12 and 13 make editorial changes to the sub-heading of Part VII immediately above section 79, and the section heading of section 79, as the persons conferred protection from personal liability under section 79(4) are not “officers” mentioned in Part VI.

Clause 14 —

- (a) amends section 80(2)(h) to expressly empower the making of Rules of Court regulating the manner in which any factual, expert or opinion evidence may be adduced;
- (b) deletes section 80(2)(q), which is obsolete; and
- (c) makes an amendment to section 80(2A)(i) that is consequential to the changes made by clauses 5 and 17.

Clause 15 amends section 83 to enable the Minister, after consulting the Chief Justice, to amend the new Sixth Schedule (to be inserted by clause 18) by order in the *Gazette*. This is in addition to the Minister’s existing power under section 83 to amend the Third, Fourth and Fifth Schedules.

Clause 16 inserts a new paragraph 22 into the First Schedule to expressly empower the High Court, in any case where a person fails to file any document within the period (for the filing of that document) specified in an order or direction of the Court of Appeal or the High Court, any Rules of Court or any practice directions issued by the Registrar, to require the person to pay a late filing charge, of such amount as may be prescribed in the Rules of Court, for each day, after the expiry of that period, that that document remains unfiled.

Clause 19 makes an amendment to the State Courts Act that is related to clause 2. The clause inserts a new section 8 into the State Courts Act to enable a State Court to conduct the hearing of any matter or proceeding through a live video link, a live television link or any other electronic means of communication, instead of in a physical courtroom. However, this does not affect the requirements, under section 62A of the Evidence Act and section 281 of the Criminal Procedure Code, for evidence to be given in court proceedings through a live video or live television link.

Clause 20 contains a saving and transitional provision for clause 3, and empowers the Minister to make regulations of a saving and transitional nature for any provision of the Bill.

EXPENDITURE OF PUBLIC MONEY

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