

THE STATUTES OF THE REPUBLIC OF SINGAPORE

SUBORDINATE COURTS ACT
(CHAPTER 321)

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Act
19 of 1970

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34 of 1973
6 of 1976
27 of 1984
3 of 1986

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CHAPTER 321

Subordinate Courts Act

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An Act relating to the constitution, jurisdiction and powers of the subordinate courts and the administration of justice therein.

[1st January 1971]

PART I

PRELIMINARY

1. This Act may be cited as the Subordinate Courts Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 - “action” means a civil proceeding commenced by summons or in such other manner as may be prescribed by Rules of Court; 34/73.
 - “commissioner for oaths” means a commissioner for oaths appointed under section 68 of the Supreme Court of Judicature Act; Cap. 322.
 - “judicial officer” means a District Judge, Magistrate, Coroner or registrar;
 - “prescribed” means prescribed by Rules of Court;
 - “Public Prosecutor” includes a Deputy Public Prosecutor;
 - “registrar” means the registrar of the subordinate courts and includes a deputy registrar;
 - “Rules of Court” means Rules of Court made under this Act and includes forms;
 - “seal” includes stamp.

PART II

CONSTITUTION

- 3.—(1) There shall be within Singapore the following subordinate courts with such jurisdiction as is conferred by this Act or any other written law: Subordinate courts. 27/84.
 - (a) District Courts;
 - (b) Magistrates’ Courts;
 - (c) Juvenile Courts;
 - (d) Coroners’ Courts;
 - (e) Small Claims Tribunals.

Cap. 308. (2) The Small Claims Tribunals shall have such jurisdiction as is conferred by the Small Claims Tribunals Act or any other written law.

(3) Except as provided in the Small Claims Tribunals Act, no provision of this Act or any rules made thereunder shall apply to a Small Claims Tribunal.

Court houses.

4. The President may constitute under appropriate names so many subordinate courts as he shall think fit, and shall appoint some place or places as the court house or court houses of each such court.

Seals of courts.

5. The subordinate courts shall have and use as occasion may require a seal or seals of such nature as the Chief Justice may, by notification in the *Gazette*, prescribe*.

Process of courts.

6. All writs, summonses, warrants, orders, notices and other mandatory processes issued by the subordinate courts shall be signed by a judicial officer and shall bear the seal of the court issuing the same.

Sittings in camera, etc.

7.—(1) The place in which any subordinate court is held, shall be deemed an open and public court to which the public generally may have access:

Provided that the court shall have power to hear any proceedings or any part thereof in camera if the court is satisfied that it is expedient in the interests of justice, public security or propriety, or for other sufficient reason to do so.

(2) A subordinate court may at any time order that no person shall publish the name, address or photograph of any witness in any proceedings or any part thereof or any evidence or any other thing likely to lead to the identification of any such witness; and any person who acts in contravention of any such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

Contempt.

8.—(1) Where any contempt is committed in the face of a subordinate court, the court may, at any time before rising on the same day, take cognizance of the offence, record the facts constituting the offence and the statement, if any,

* See G.N. No. S 230/75.

made by the offender and sentence the offender to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both:

Provided that the court may, in its discretion, discharge the offender or remit the punishment on his making an apology to the satisfaction of the court.

(2) In any case where the contempt is punishable as an offence under section 175, 178, 179, 180 or 228 of the Penal Code, the court may in lieu of taking cognizance of the offence authorise a prosecution. Cap. 224.

PART III

APPOINTMENTS, POWERS AND DUTIES

9.—(1) A District Court shall be presided over by a District Judge appointed by the President on the recommendation of the Chief Justice. Appoint-
ments and
qualifications
of District
Judges.

(2) For the purposes of the administration of this Act, the President may, on the recommendation of the Chief Justice, appoint a Senior District Judge who shall have seniority over all other District Judges.

(3) No person shall be appointed to be or to act as a District Judge unless he has been for not less than 5 years a qualified person as defined in section 2 of the Legal Profession Act. Cap. 161.

(4) Any person appointed to be or to act as a District Judge shall, although the period of his appointment has expired or his appointment has been revoked, sit as a District Judge for the purpose of giving judgment or otherwise in relation to any case heard by him.

(5) Every person appointed to be or to act as a District Judge shall be ex officio a Magistrate.

10.—(1) The President may, on the recommendation of the Chief Justice, appoint any fit and proper person to be a Magistrate or a Coroner. Appoint-
ments and
qualifications
of Magis-
trates and
Coroners.

(2) No person shall be appointed to be or to act as a Magistrate or a Coroner unless he has been for not less than one year a qualified person as defined in section 2 of the Legal Profession Act.

Justices of the Peace.

11.—(1) The President may, by warrant under his hand, appoint fit and proper persons to be Justices of the Peace.

(2) Justices of the Peace shall have and may exercise such powers and perform such duties of a Magistrate as may be conferred on them by any written law.

Appointments and qualifications of registrar and deputy registrars of subordinate courts. Cap. 161.

12.—(1) There shall be appointed by the Chief Justice a registrar and so many deputy registrars as may be necessary for the subordinate courts.

(2) No person shall be appointed to be or to act as registrar unless he is a qualified person as defined in section 2 of the Legal Profession Act:

Provided that the Chief Justice may, in his discretion, appoint any person who is not a qualified person under that Act.

(3) The registrar and the deputy registrars shall be ex officio commissioners for oaths.

Powers and duties of deputy registrars.

13. Subject to Rules of Court, all the powers and duties conferred and imposed on the registrar may be exercised by a deputy registrar.

Subordinate court officers.

14. There shall be attached to the subordinate courts such commissioners for oaths, interpreters, clerks, bailiffs, process servers and other officers as, from time to time, may appear to the Chief Justice to be necessary for the administration of justice and the due execution of all powers and duties which are vested in the subordinate courts.

Powers and duties of certain subordinate court officers.

15. The bailiffs and process servers shall execute all writs, summonses, warrants, orders, notices and other mandatory processes of the subordinate courts given to them, and shall make a return of the same together with the manner of the execution thereof to the court from which the process issued, and shall arrest and receive all such persons and property as are committed to the custody of the subordinate courts.

Special powers of bailiffs.

16. The bailiffs in executing any writ of seizure and sale or any other writ of execution or of distress may effect an entry into any building, and for that purpose, if necessary, may break open any outer or inner door or window of the

building or any receptacle therein, using such force as is reasonably necessary to effect an entry.

17.—(1) All judicial officers and such other officers of the subordinate courts as may be required by the Chief Justice shall, before exercising the functions of their respective offices, take and subscribe the appropriate oath of office and allegiance set out in the Schedule.

Oaths of judicial officers and certain other officers.

(2) The oath referred to in subsection (1) may be taken and subscribed before the Senior District Judge or a Judge of the Supreme Court.

(3) Where the oath is taken before the Senior District Judge he shall enter in the record of his court that the oath was duly administered and taken before him, and shall transmit a certified copy of the entry to the Registrar of the Supreme Court.

18. All appointments and revocations made under this Part shall be published in the *Gazette*.

Appointments and revocations to be gazetted.

PART IV

JURISDICTION

Civil Jurisdiction of District Courts

19.—(1) A District Court exercising civil jurisdiction shall be a court of record.

General civil jurisdiction.

(2) Subject to the provisions of this Act and any other written law which relate to the limitation of the civil jurisdiction of a District Court, a District Court shall have jurisdiction to try all civil proceedings where —

- (a) the cause of action arose in Singapore;
- (b) the defendant or one of several defendants resides or has his place of business or has property in Singapore; or
- (c) the facts on which the proceedings are based exist or are alleged to have occurred in Singapore.

20.—(1) A District Court shall have jurisdiction to try any action founded on contract or tort where the debt, demand or damage claimed does not exceed \$50,000, whether on balance of account or otherwise.

Jurisdiction in actions of contract and tort.
6/76
3/86.

(2) A District Court shall have jurisdiction to try any action where the debt or demand claimed consists of a balance not exceeding \$50,000 after a set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, being a set-off admitted by the plaintiff in the particulars of his claim or demand.

Jurisdiction
in actions for
recovery of
money under
any written
law.
6/76
3/86.

21.—(1) A District Court shall have jurisdiction to try any action for the recovery of any penalty, expenses, contribution or other like demand which is recoverable under any written law, if —

(a) it is not expressly provided by that or any other written law that the demand shall be recoverable only in some other court; and

(b) the amount claimed in the action does not exceed \$50,000.

(2) For the purposes of this section, “penalty” shall not include a fine to which any person is liable on conviction.

Abandon-
ment of part
of claim to
give District
Court juris-
diction.
6/76
3/86.

22.—(1) Where a plaintiff has a cause of action for more than \$50,000 in which, if it were not for more than \$50,000, a District Court would have jurisdiction, the plaintiff may abandon the excess, and thereupon a District Court shall have jurisdiction to try the action, so, however, that the plaintiff shall not recover in the action an amount exceeding \$50,000.

(2) Where a District Court has jurisdiction to try an action by virtue of this section, the judgment of the court in the action shall be in full discharge of all demands in respect of the cause of action.

Jurisdiction
by agreement
in certain
actions.
6/76
3/86.

23. Where the parties to an action agree, by a memorandum signed by them or their respective solicitors, a District Court shall have jurisdiction to try any action founded on contract or tort notwithstanding that the debt, demand or damage claimed exceeds \$50,000.

Transfer of
counterclaim
from District
Court to
High Court.

24.—(1) Where, in an action founded on contract or tort in a District Court, any counterclaim or set-off and counterclaim of any defendant involves a matter beyond the jurisdiction of the court, any party to the action may apply to the High Court, within such time as may be prescribed by

the Rules of the Supreme Court*, for an order that the whole proceedings, or the proceedings on the counterclaim or set-off and counterclaim, be transferred to the High Court.

(2) On any such application the High Court may, as it thinks fit, order either —

- (a) that the whole proceedings be transferred to the High Court;
- (b) that the whole proceedings be tried in a District Court; or
- (c) that the proceedings on the counterclaim or set-off and counterclaim be transferred to the High Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set-off (if any) be tried in a District Court:

Provided that, where an order is made under paragraph (c), and judgment on the claim is given for the plaintiff, execution thereon shall, unless the High Court at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(3) Where no application is made under subsection (1) or where on such an application it is ordered that the whole proceedings be tried in the District Court, the District Court shall have jurisdiction to try the proceedings, notwithstanding any other provisions of this Act.

25. Subject to section 26, a District Court shall have jurisdiction to try any action for the recovery of immovable property, with or without a claim for rent or mesne profits, where the annual value of the property within the meaning of section 2 of the Property Tax Act does not exceed \$50,000 or the rent payable by the tenant does not exceed the sum of \$48,000 a year or \$4,000 a month.

Jurisdiction in actions for recovery of immovable property. Cap. 254. 6/76 3/86.

26. Where, in an action in a District Court, the title to any immovable property is in dispute, the District Court shall have jurisdiction to try the action if all the parties to the action agree, by a memorandum signed by them or their respective solicitors; but, if any party does not agree, the party not agreeing shall apply to the High Court to transfer the action to the High Court.

Jurisdiction where title in question.

* See G.N. No. S 274/70.

Transfer of actions for recovery of immovable property from District Court to High Court.

27.—(1) Where an action for the recovery of immovable property is commenced in a District Court, the defendant may, within such time as may be prescribed by the Rules of the Supreme Court*, apply to the High Court for the action to be transferred to the High Court on the ground that there is a dispute as to the title of the immovable property.

(2) On the hearing of any such application, the High Court, if satisfied that the title of the immovable property would be affected, may order that the action be transferred to the High Court.

(3) Where no application is made under subsection (1) or where such an application is made but no order is made for the transfer of the action, a District Court shall have jurisdiction to try the action notwithstanding any other provisions of this Act.

Jurisdiction to grant probates.
6/76
3/86.

28. A District Court shall have jurisdiction to grant probate or letters of administration in respect of the estate and effects within Singapore of any deceased person, where the estate and effects in respect of which the grant is applied for, exclusive of what the deceased was possessed of or entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due or owing from the deceased, do not exceed in value \$250,000; and may alter, revoke or annul the same.

Administration actions.
6/76
3/86.

29. A District Court shall have jurisdiction to try all actions in respect of the administration of the estate and effects within Singapore of a deceased person, and to enforce the due distribution thereof, where the estate and effects, exclusive of what the deceased was possessed of or entitled to as a trustee and not beneficially, as appearing by the affidavit filed with the Commissioner of Estate Duties, but without deducting anything on account of the debts due or owing from the deceased, do not exceed in value \$250,000.

Jurisdiction to issue distress.
Cap. 84.
6/76
3/86.

30. A District Court shall have jurisdiction to issue writs of distress for rent under the Distress Act in all cases where the amount of rent to be distrained does not exceed \$50,000.

* See G.N. No. S 274/70.

31.—(1) A District Court shall have jurisdiction to grant relief by way of interpleader —

Jurisdiction to grant relief by interpleader.
6/76
3/86.

(a) where a bailiff of a District Court is charged with the execution of any writ or order of the Court and claim is made to any money or other movable property taken or intended to be taken in execution of the writ or order, or to the proceeds or value of any such property, by any person other than the person against whom the writ or order was issued or made; and

(b) where the person seeking relief is under liability for any debt, money, or other movable property of which the amount or value does not exceed \$50,000 and for or in respect of which he has been or expects to be sued by two or more parties making adverse claims thereto.

(2) If it appears to the High Court that any proceedings in the High Court by way of interpleader, in which the amount in dispute or value of the subject-matter does not exceed \$50,000, may be more conveniently tried in a District Court, the High Court may at any time order that the proceedings be transferred to a District Court.

6/76
3/86.

32. A District Court, as regards any action within its jurisdiction, shall in any proceedings before it —

Ancillary jurisdiction.

(a) grant such relief, redress or remedy or combination of remedies, either absolute or conditional; and

(b) give such and the like effect to every ground of defence or counterclaim equitable or legal (subject to section 24),

as ought to be granted or given in the like action by the High Court and in as full and ample a manner.

33. A District Judge shall have jurisdiction in any civil proceedings pending in a District Court to make any order or to exercise on an ex parte application 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 Supreme Court in chambers.

Ancillary powers of District Judge in District Court.

Jurisdiction
of registrar.

34. Any jurisdiction and powers conferred on a District Court by this Act or any other written law relating to civil proceedings may be exercised to the extent authorised by this Act or any other written law or Rules of Court, by the registrar.

Division of
causes of
action.

35. A cause of action shall not be divided for the purpose of bringing two or more actions.

Service out-
side jurisdic-
tion.

36. A District Court may, in any case in which it has jurisdiction, allow service outside jurisdiction.

Examination
of witnesses
abroad in
District
Court cases.

37.—(1) The High Court shall, on application made in the manner prescribed by the Rules of the Supreme Court*, have the same power to issue a request or order to examine witnesses abroad for the purpose of civil proceedings in a District Court as it has for the purpose of an action or matter in the High Court.

(2) Where such an application is made, the High Court may, if it thinks fit, order the proceedings to be transferred to the High Court.

General
power to
transfer from
High Court
to District
Court.

38. In any action commenced by way of writ of summons in the High Court in the exercise of its original civil jurisdiction, any party may for any sufficient reason at any time apply to the High Court for an order that the proceedings be transferred to a District Court, and the High Court may thereupon, if it thinks fit, order that the proceedings be transferred accordingly notwithstanding any other provisions of this Act.

General
power to
transfer from
District
Court to
High Court.

39. Where it is made to appear to the High Court, on the application of a party to any civil proceeding pending in a District Court that the proceeding by reason of its involving some important question of law, or being a test case, or for any other sufficient reason, is one which should be tried in the High Court, it may order the record to be transferred to the High Court.

Costs of
action com-
menced in
High Court
which could
have been
commenced
in a District
Court.
6/76
3/86.

40.—(1) Where an action is commenced in the High Court which could have been commenced in a District Court, then, subject to subsections (3) and (4), the plaintiff —

(a) if he recovers a sum not exceeding \$50,000, shall not be entitled to any more costs of the action than those to which he would have been entitled

* See G.N. No. S 274/70.

if the action had been brought in a District Court; and

- (b) if he recovers a sum not exceeding \$1,000, shall not be entitled to any costs of the action,

so, however, that this section shall not affect any question as to costs if it appears to the High Court that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in an action commenced in a District Court.

(2) For the purposes of subsection (1) (a) and (b), a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in a District Court.

(3) Where a plaintiff is entitled to costs on the subordinate courts scale only, the Registrar of the Supreme Court shall have the same power of allowing any items of costs as a District Judge would have had if the action had been brought in a District Court.

(4) In any action, the High Court, if satisfied —

- (a) that there was sufficient reason for bringing the action in the High Court; or
 (b) that the defendant or one of the defendants objected to the transfer of the action to a District Court,

may make an order allowing the costs or any part of the costs thereof on the High Court scale or on the subordinate courts scale as it may direct.

(5) This section shall not apply in the case of any proceedings by the Government.

41. Where an action, counterclaim or matter is ordered to be transferred —

- (a) from the High Court to a District Court; or
 (b) from a District Court to the High Court,

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which

Costs in cases transferred from one court to another.

ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales on which the costs of the several parts of the proceedings are to be paid:

Provided that, as regards so much of the proceedings in any action transferred from the High Court to a District Court as takes place in the High Court before the transfer —

- (i) the costs thereof shall be subject to section 40; and
- (ii) the powers of the High Court under section 40 (4) to make an order allowing costs on the High Court scale or on the subordinate courts scale, shall, subject to any order of the High Court, be exercisable by the District Court.

Finality of judgments and orders of District Court.

42. Every judgment and order of a District Court exercising civil jurisdiction shall, except as provided by this Act, any other written law or Rules of Court, be final and conclusive between the parties.

Satisfaction of judgments and orders for payment of money.

43.—(1) Where a judgment is given or an order is made by a District Court under which any sum of money is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the Court may, as it thinks fit, order the money to be paid either —

- (a) in one sum, whether forthwith or within such period as the Court may fix; or
- (b) by such instalments payable at such times as the Court may fix.

(2) If at any time it appears to the satisfaction of a District Court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment thereof, the Court may, in its discretion, suspend or stay any judgment or order given or made in the proceedings for such time and on such terms as the Court

thinks fit, and so from time to time until it appears that the cause of inability has ceased.

(3) Where an order for payment by instalments is made, the payment shall be made into court and no execution shall issue, except with the leave of the Court.

44. Subject to section 43 (3) and the Rules of Court, a judgment or order of a District Court may be enforced in any of the following modes:

Enforcement
of judgments
of District
Courts.

- (a) if the judgment or order is for the recovery of money by, or the payment of money to, any person or into court — by a District Court writ of seizure and sale or by an order of committal;
- (b) if the judgment or order is for the delivery of possession of immovable property — by writ of possession or by an order of committal; if the judgment is also for the recovery of money on account of rent or mesne profits or damages or costs such writ may include a direction to levy the said money and interest thereon by seizure and sale of the property of the person against whom the writ is to be enforced;
- (c) if the judgment or order is for the recovery of any property other than immovable property or money — by writ of delivery or by an order of committal; if the judgment or order is also for the recovery of damages or costs the writ of delivery may include a direction to levy the said damages and costs and interest thereon by seizure and sale of the property of the party against whom the judgment is to be enforced; and, at the option of the person entitled to enforce the judgment or order, it may further include a direction that if the property to be delivered under the judgment or order cannot be found, the assessed value thereof shall be levied by seizure and sale of the property of the person against whom the writ is to be enforced;
- (d) if the judgment or order is for the doing by any person of any act other than the payment of money, or the abstaining from doing any act — by an order of committal.

Property exempted from seizure under District Court writ of execution.

45. A bailiff executing any writ or order of execution issued by a District Court may seize all movable property of any person named therein other than —

- (a) the wearing apparel and bedding of that person or his family, and the tools and implements of his trade when the value of such apparel, bedding, tools and implements does not exceed \$500;
- (b) his wages or salary;
- (c) any pension, gratuity or allowance granted to him by the Government; and
- (d) his share in a partnership, as to which the judgment creditor is entitled to proceed to obtain a charge under any written law relating to partnership.

District Court may forward judgment to High Court for execution.

46. A District Court may, whether any writ of execution has been issued from the District Court or not, on the application of any person who has obtained a judgment or order in the District Court, forward the judgment or order to the High Court, with a request for execution and the High Court may, if it thinks fit, thereupon execute such judgment or order as if it had been made by the High Court and in any of the ways in which a judgment or order of the High Court can be enforced and against any property which may be seized under a writ of execution issued by the High Court.

General provision relating to civil appeals. Cap. 322.

47. Subject to the provisions of the Supreme Court of Judicature Act relating to civil appeals from the subordinate courts to the High Court, the Rules of Court shall regulate and prescribe the procedure on appeals from a District Court exercising civil jurisdiction to the High Court.

Agreement not to appeal.

48. No appeal shall lie from any judgment or order of a District Court exercising civil jurisdiction if, before the judgment or order is given or made, the parties agree in writing signed by them or their solicitors that it shall be final.

Appeal not to operate as stay of execution.

49. An appeal from a District Court exercising civil jurisdiction shall not operate as a stay of execution or of proceedings under the judgment or order appealed from, unless the Court or the High Court so orders, and no intermediate act or proceeding shall be invalidated except so far as the High Court may direct.

Criminal Jurisdiction of District Courts

50. A District Court exercising criminal jurisdiction shall have the jurisdiction and powers conferred on it by the Criminal Procedure Code and any other written law.

Jurisdiction of District Courts exercising criminal jurisdiction.
Cap. 68.

Jurisdiction of Magistrates' Courts

51. A Magistrate's Court shall have the jurisdiction and powers conferred on it by the Criminal Procedure Code and any other written law.

Criminal jurisdiction of Magistrates' Courts.

52.—(1) Subject to Rules of Court, a Magistrate's Court shall have the jurisdiction and powers conferred on a District Court by sections 20, 21, 31, 32, 33 and 43 in any proceedings where the amount claimed or the value of the subject-matter in dispute does not exceed \$10,000.

Civil jurisdiction of Magistrates' Courts.
6/76
3/86.

(2) In exercising its jurisdiction under subsection (1), a Magistrate's Court shall be subject to the same limitations and provisions as are applicable to a District Court under this Act.

53. A Magistrate's Court may, either of its own motion or on the application of a party to an action, transfer the action to a District Court on the ground that some important question of law or fact is likely to arise.

Transfer from Magistrates' Courts to District Courts.

54. Every judgment or order of a Magistrate's Court in the exercise of its civil jurisdiction shall have the same effect (for purposes of appeal or otherwise) and shall be enforced in the same manner as if it were given or made by a District Court.

Judgments and orders of Magistrates' Courts.

Jurisdiction of Juvenile Courts

55. A Juvenile Court shall have the jurisdiction and powers conferred on it by the Children and Young Persons Act.

Jurisdiction of Juvenile Courts.
Cap. 38.

Jurisdiction of Coroners' Courts

56. A Coroner's Court shall have and may exercise the jurisdiction and powers and perform the duties conferred on a Coroner by the Criminal Procedure Code.

Jurisdiction of Coroners' Courts.

PART V
ADMINISTRATION

Sittings of subordinate courts.

57. Every subordinate court shall be open on every day of the year except Sundays and public holidays, and shall sit at such times as the Chief Justice shall from time to time appoint.

Nature of business at any sitting.

58. At any sitting of a District Court or a Magistrate's Court both civil and criminal proceedings may be tried.

Distribution of business.

59. The distribution of business in the subordinate courts shall be made in accordance with such directions, which may be of a general or a particular nature, as may be given, with the concurrence of the Chief Justice, by the Senior District Judge.

Office of a court.

60.—(1) There shall be attached to each subordinate court or a number of subordinate courts an office, under whatever name, for the purpose of carrying out the work or business in such court or courts.

(2) Subject to such directions as may be given by the Chief Justice from time to time, the Senior District Judge shall be responsible for the apportionment of the work among the several officers in any such office.

Vacations for District and Magistrates' Courts.

61. The Chief Justice may authorise vacations for District Courts and Magistrates' Courts in the exercise of their civil jurisdiction not exceeding 15 days in any calendar year.

List of touts.

62.—(1) The Senior District Judge may frame and publish a list of persons proved to his satisfaction, by evidence of general repute or otherwise, to act as touts or unauthorised advisers to suitors or other persons, and may alter and amend the list.

(2) The Senior District Judge may, by general or special order, exclude from the precincts of the subordinate courts any person whose name is included in the list, except when such person is a party to or a witness in any proceedings in a subordinate court, when he shall be allowed to remain for such time as is necessary.

(3) No person's name shall be included in the list until he has been heard or had an opportunity of being heard against such inclusion.

(4) An appeal shall lie to a Judge of the Supreme Court in chambers from an order made by the Senior District Judge to include a person's name in the list.

(5) The decision of the Judge of the Supreme Court shall be final.

(6) A copy of the list shall be kept hung up in the office or offices of the subordinate courts and shall be published in the *Gazette*.

(7) A person whose name appears in the list of touts under section 73 of the Supreme Court of Judicature Act shall be deemed to be included in the list under this section, and vice versa. Cap. 322.

63.—(1) A subordinate court may order any document produced before it in any proceedings to be impounded. Impounding documents.

(2) The document which has been impounded shall not be delivered out of the custody of the court or inspected except on an order signed by a judicial officer.

(3) The court that impounded the document may direct the document to be sent to the Attorney-General, the Commissioner of Stamps or any other officer of the Government.

64. A judicial officer shall not be capable of accepting or taking any other office of emolument, nor of carrying on any business whatsoever either directly or indirectly, nor shall he accept any fees of office, perquisites, emoluments or advantages whatsoever, other than and except his salary and allowances: Disqualification of judicial officers.

Provided that, with the approval of the Chief Justice, a judicial officer may be appointed to any commission of inquiry or other 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 may receive an allowance or other honorarium.

65. No judicial officer shall, except with the approval of the Chief Justice and with the consent of the parties, investigate, try or commit for trial any proceedings to which he is a party or in which he is personally interested. Judicial officers not to act where interested.

Officers of court not to bid at sales under any written law.

66. No officer of the subordinate courts having any duty to perform in connection with the sale of any property under any written law shall directly or indirectly purchase or bid for the property.

Misconduct of officers.

67.—(1) Without prejudice to any written law and rules governing the conduct and discipline of public officers, if any officer of a subordinate court is charged —

(a) with extortion or misconduct while acting under colour of the process of the court; or

(b) with not duly paying or accounting for any money levied by him under the authority of this Act or the Rules of Court,

it shall be lawful for a District Judge nominated by the Senior District Judge to inquire into the matter in a summary manner.

(2) For the purpose of any such inquiry, the District Judge may summon and enforce the attendance of all necessary parties in the like manner as the attendance of witnesses in any case may be enforced.

(3) On any such inquiry the District Judge may make such order as he thinks just for the repayment of the money extorted or the due payment of the money levied, and for the payment of damages and costs, and also, if he thinks fit, may impose such fine upon the officer, not exceeding \$100 for each offence, as appears to him to be adequate.

(4) If it is found by a District Judge that any officer, while employed in carrying out his duties under this Act or the Rules of Court or in exercising any of the powers thereof, has wilfully and corruptly exacted or accepted any fee or reward whatsoever, other than such fees as are for the time being allowed under this Act or the Rules of Court, that officer shall, in addition to being liable for damages under subsection (3), be incapable of being an officer of the subordinate courts.

(5) An appeal shall lie to the Chief Justice from an order made by the District Judge under this section.

(6) The decision of the Chief Justice shall be final.

Protection of judicial and other officers.

68.—(1) A judicial officer shall not be liable to be sued for any act done by him in the discharge of his judicial duty whether or not within the limits of his jurisdiction, provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of.

(2) No officer of a subordinate court charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the subordinate courts shall be liable to be sued for the execution of or attempting to execute such writ, summons, warrant, order, notice or other mandatory process, or in respect of any damage caused to any property in effecting or attempting to effect execution, unless he knowingly acted in excess of the authority conferred upon him by such writ, summons, warrant, order, notice or other mandatory process of the court in question, and he shall not be deemed to have acted knowingly in excess of his authority merely by reason of the existence of a dispute as to the ownership of any property seized under any writ or order of execution.

69.—(1) The Rules Committee appointed under sub-section (4) may make Rules of Court regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the District Courts and Magistrates' Courts in the exercise of their civil jurisdiction and any matters incidental to or relating to any such procedure or practice. Rules of Court.

(2) The power to make Rules of Court shall extend to all matters of procedure or practice, or matters relating to or concerning the effect or operation in law of any procedure or practice or the enforcement of judgments or orders, in any case within the cognizance of the District Courts and Magistrates' Courts in the exercise of the civil jurisdiction as to which Rules of the Supreme Court* have been or might lawfully be made for cases within the cognizance of the High Court.

(3) Without prejudice to the generality of subsections (1) and (2), the power to make Rules of Court shall extend to —

- (a) prescribing the office or offices where process may be issued and business other than the hearing of proceedings transacted;
- (b) prescribing the circumstances and procedure by which proceedings may be transferred from one court to another;
- (c) prescribing what part of the business which may be transacted and of the jurisdiction and powers

* See G.N. No. S 274/70.

which may be exercised by a District Judge or Magistrate in court or in chambers may be transacted or exercised by the registrar (including provisions for and concerning appeals from decisions of the registrar);

- (d) directing interest to be paid on debts, including judgment debts, or on sums found due in an administration action, provided that in no case shall any rate of interest exceed 8% per annum unless it has been otherwise agreed between parties;
- (e) regulating the issue of judgment debtor summonses for the discovery of a judgment debtor's property or means and the procedure and practice relating thereto and the making of orders against judgment debtors for the payment, by instalments or otherwise, of sums due under judgments and orders and the enforcement thereof by committal;
- (f) requiring any party at whose instance —
 - (i) any writ of execution;
 - (ii) any order of arrest or committal;
 - (iii) any order of attachment of property; or
 - (iv) any order to bring up a prisoner as a witness,is issued, to deposit from time to time a sum of money to provide for the expenses of executing the writ or order and of bringing the person to be arrested or the person ordered to be committed before the court or to prison and of his subsistence while in the custody of the bailiff or in prison and of keeping possession of the property attached;
- (g) prescribing the manner in which money in a court is to be dealt with and in particular —
 - (i) prescribing that money in court may be kept at a bank, to be approved by the Accountant-General, in the official name of the registrar;
 - (ii) regulating the manner in which the court's bank account shall be operated;

(iii) requiring the registrar to pay from time to time to the Accountant-General or into the court's bank account all moneys not required for meeting current demands and to pay to the Accountant-General all sums which have been in the court's bank account for such period as may be prescribed; and

(h) prescribing the books, registers and accounts required to be kept by the registrar and bailiffs.

(4) The Rules Committee shall consist of the Senior District Judge, a District Judge, and two practising advocates and solicitors to be appointed by the Chief Justice for such period as he may specify in writing.

(5) At any meeting of the Rules Committee 3 members shall form a quorum.

(6) Any Rules of Court made under this section shall be certified under the hands of the members of the Rules Committee, and submitted to the Chief Justice, who may allow or disallow or alter them.

(7) All Rules of Court made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

THE SCHEDULE

FORMS OF OATHS AND AFFIRMATIONS

Section 17
(1).

1. *Oaths of Office and Allegiance of a Judicial Officer*

I, _____, having been appointed to the office of _____ do solemnly swear (or affirm) that I will faithfully discharge my judicial duties and I will do right to all manner of people after the laws and usages of the Republic of Singapore without fear or favour, affection or illwill to the best of my ability, and I will be faithful and bear true allegiance to the Republic of Singapore.

Taken and subscribed before me at
this _____ day of _____ 19 ____ .

Officer Administering the Oath

2. *Oath of Office of an Interpreter*

I, _____, having been appointed an interpreter of the _____ Court do solemnly swear (or affirm) that I will faithfully interpret, translate and transcribe from the _____ language into the English language and from the English language into the _____ language to the best of my knowledge, skill and ability and without fear or favour, affection or illwill.

Taken and subscribed before me at
this _____ day of _____ 19 ____ .

Officer Administering the Oath

3. *Oath of Office of Other Officer of a Court*

I, _____, having been appointed to the office of _____ in the _____ Court do solemnly and sincerely affirm that I will not use or exercise my office corruptly during the time that I remain therein, neither will I take or accept by any means whatsoever any fee or reward from any person or persons, but will truly and faithfully and with convenient speed execute the duties assigned to me and will make true and faithful returns as to the manner and time of the execution of all writs, summonses, warrants, orders, notices and other mandatory processes given to me.

Taken and subscribed before me at
this _____ day of _____ 19 ____ .

Officer Administering the Oath