

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**SUPREME COURT OF JUDICATURE ACT**

**(CHAPTER 322)**

**1970 Ed. Cap. 15**

**Act**

**24 of 1969**

Amended by

58 of 1973

10 of 1978

4 of 1986

**REVISED EDITION 1985**

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1986

# Supreme Court of Judicature Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
2. Interpretation.

### PART II

#### THE SUPREME COURT

3. Supreme Court.
4. Constitution of Supreme Court.
5. Acting appointment.
6. Seal.

#### *Powers and Jurisdiction of the Supreme Court*

7. Divisions and jurisdiction of Supreme Court.
8. Contempt.
9. Sittings in camera.

### PART III

#### THE HIGH COURT

#### *General*

10. Proceedings in High Court to be disposed of by single Judge.
11. Sittings of High Court and distribution of business.
12. Vacations.
13. Writs of execution.
14. For execution of a deed or indorsement of a negotiable instrument.

#### *Original Jurisdiction*

15. Criminal jurisdiction.
16. Civil jurisdiction — general.
17. Civil jurisdiction — specific.
18. Powers of High Court.

*Appellate Jurisdiction of the High Court*

## Section

19. Appellate criminal jurisdiction.
20. Appellate civil jurisdiction.
21. Appeals from District and Magistrates' Courts.
22. Powers of rehearing.

*Revision*

23. Revision of criminal proceedings of subordinate courts.
24. Power of High Court to call for records of civil proceedings in subordinate courts.
25. Powers of High Court on revision of civil proceedings.
26. No revision at instance of party who could have appealed.
27. General supervisory and revisionary jurisdiction of High Court.
28. Discretion of High Court as to hearing parties.

## PART IV

## THE COURT OF APPEAL

29. Jurisdiction to hear and determine civil appeals.
30. Composition of Court of Appeal.
31. Appeals how decided.
32. Sittings of Court of Appeal.
33. Continuation of civil appeal notwithstanding absence of a Judge.
34. Non-appealable matters.
35. Applications.
36. Incidental directions and interim orders.
37. Hearing of appeals.
38. Costs of appeal.
39. New trial.
40. Immaterial errors.
41. Appeal not to operate as stay of execution.

## PART V

## THE COURT OF CRIMINAL APPEAL

42. Interpretation.
43. Constitution of Court of Criminal Appeal.
44. Jurisdiction to hear and determine criminal appeals.
45. Notice of appeal.
46. Record of proceedings.
47. Petition of appeal.
48. Procedure where appellant is in prison.
49. Transmission of papers to respondent.
50. Appeals out of time and formal defects.
51. Appeal not to operate as stay of execution.
52. Summary rejection of appeal.
53. Notice and time of hearing.
54. Powers of Court of Criminal Appeal.
55. Additional evidence.
56. Judgment.

## Section

- 57. Judgment to be certified to trial Court.
- 58. Public Prosecutor's signature.
- 59. Point reserved in trial for Court of Criminal Appeal.
- 60. Reference to Court of Criminal Appeal on appeal from subordinate court.

## PART VI

## OFFICERS AND OFFICES

*Registrar*

- 61. Appointment of Registrar, Deputy Registrar and Assistant Registrars.
- 62. Powers and duties of Registrar, Deputy Registrar and Assistant Registrars.

*Sheriff*

- 63. Sheriff, Deputy Sheriff and Assistant Sheriffs of Supreme Court.
- 64. Powers and duties of Sheriff.
- 65. Sheriff not to act when an interested party.

*Accountant*

- 66. Accountant — his duties.

*Subordinate officers*

- 67. Subordinate officers of Supreme Court.
- 68. Commissioners for oaths.
- 69. Oaths of officers.
- 70. Apportionment of work.

*Offices*

- 71. Registry of Supreme Court.
- 72. Registry to be open throughout the year.

## PART VII

## MISCELLANEOUS PROVISIONS

*List of Touts*

- 73. List of touts.
- 74. Vexatious litigants.

*Disabilities of Registrar and other officers*

- 75. Disqualification of Registrar.
- 76. Registrar not to act where interested.
- 77. Officers of Supreme Court not to bid at sales under any written law.
- 78. Misconduct of officers.

*Protection of Registrar and other officers*

- 79. Protection of Registrar and other officers.

*Rules of Court*

Section

80. Rules of Court.

*Council of Judges*

81. Council of Judges to consider operation of this Act, etc.

## PART VIII

## SAVINGS

82. Former procedure and practice to continue.

83. Existing officers.

84. Written law relating to former courts to be read as applying to courts under this Act.

The Schedule — Oaths of office.

An Act relating to the constitution and powers of the superior courts of judicature.

[9th January 1970]

## PART I

## PRELIMINARY

Short title.

**1.** This Act may be cited as the Supreme Court of Judicature Act.

Inter-  
pretation.  
58/73.

**2.** In this Act, unless there is something repugnant in the subject matter or context —

“court” means a court established by this Act;

“formerly” means immediately before the commencement of this Act;

“Judge” means a Judge of the Supreme Court and includes the Chief Justice;

“Public Prosecutor” includes a Deputy Public Prosecutor;

“Registrar” means the Registrar of the Supreme Court and includes the Deputy Registrar and the Assistant Registrars;

“Rules of Court” means Rules of Court made under this Act and includes forms;

“seal” includes stamp;

“subordinate court” means a court constituted under the Subordinate Courts Act and any other court,

Cap. 321.

tribunal or judicial or quasi-judicial body from the decisions of which under any written law there is a right of appeal to the Supreme Court.

## PART II

### THE SUPREME COURT

3. There shall be a Supreme Court in Singapore with such jurisdiction as is conferred by this Act. Supreme Court.

4.—(1) The Supreme Court shall consist of the Chief Justice and the Judges of the Supreme Court. Constitution of Supreme Court.

(2) The Chief Justice shall be the President of the Supreme Court.

(3) The Judges of the Supreme Court shall rank, and those in office at the commencement of this Act shall continue to rank, among themselves according to the priority of their respective appointments as such Judges.

(4) The Supreme Court shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any Judge thereof or the absence of any Judge.

5.—(1) Whenever during any period, owing to illness or absence from Singapore or any other cause, the Chief Justice is unable to exercise the powers or perform the duties of his office such powers shall be had and may be exercised and such duties shall be performed by the Judge having precedence next after the Chief Justice who is present in Singapore and able to act during that period. Acting appointment.

(2) For the purposes of this section temporary absence in any part of Malaysia shall not be deemed to be absence from Singapore.

6. The Supreme Court shall have and use as occasion may require a seal of such nature and pattern as the Chief Justice may, by notification in the *Gazette*, prescribe. Seal.

#### *Powers and Jurisdiction of the Supreme Court*

7. The Supreme Court shall be a court of record and shall consist of — Divisions and jurisdiction of Supreme Court.

(a) the High Court, which shall exercise original and appellate criminal and civil jurisdiction;

(b) the Court of Appeal, which shall exercise appellate civil jurisdiction; and

(c) the Court of Criminal Appeal, which shall exercise appellate criminal jurisdiction.

Contempt.

**8.—(1)** The High Court, the Court of Appeal and the Court of Criminal Appeal shall have power to punish for contempt of court.

(2) Wilful disposal by a garnishee, otherwise than in accordance with law or by leave of the court, of any property attached in his hands or under his control by a notice of court, shall be deemed to be contempt.

(3) Wilful disobedience by a corporation to any order punishable by attachment may be punished by attachment of the directors or other officers of the corporation who are responsible for, or are knowingly a party to, such wilful disobedience.

Sittings in camera.

**9.—(1)** The place in which any court is held for the purpose of trying any cause or matter, civil or criminal, 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 matter or proceedings or any part thereof in camera if the court is satisfied that it is expedient in the interests of justice, public safety, public security or propriety, or for other sufficient reason to do so.

(2) A court may at any time order that no person shall publish the name, address or photograph of any witness in any matter or proceeding or any part thereof tried or held or to be tried or held before it, 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 3 years or to both.

### PART III

#### THE HIGH COURT

##### *General*

Proceedings in High Court to be disposed of by single Judge.

**10.—(1)** Every proceeding in the High Court and all business arising thereout shall, except as otherwise provided by any written law for the time being in force, be heard and disposed of before a single Judge.

(2) A Judge may, subject to Rules of Court, exercise in court or in chambers all or any part of the jurisdiction vested in the High Court, in all such causes and matters and in all such proceedings in any causes or matters as might formerly have been heard in court or in chambers respectively by a single Judge, or as may be directed or authorised to be so heard by Rules of Court for the time being in force.

11.—(1) The High Court shall sit at such times and at such places as the Chief Justice shall from time to time appoint.

Sittings of High Court and distribution of business.

(2) The distribution of business among the several Judges shall be made in accordance with such directions, which may be of a general or a particular nature, as may be given by the Chief Justice.

12. The Chief Justice may make such regulations as he thinks fit as to vacations of the Supreme Court not exceeding two months in any calendar year.

Vacations.

13. A judgment of the High Court for the payment of money to any person or into court, may be enforced by a writ, to be called a writ of seizure and sale, under which all the property, movable or immovable, of whatever description, of a judgment debtor may be seized, except —

Writs of execution.

- (a) the wearing apparel and bedding of the judgment debtor 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) tools of artisans, and, where the judgment debtor is an agriculturist, his implements of husbandry and such animals and seed-grain or produce as may in the opinion of the court be necessary to enable him to earn his livelihood as such;
- (c) the wages or salary of the judgment debtor;
- (d) any pension, gratuity or allowance granted by the Government; and
- (e) the share of the judgment debtor in a partnership, as to which the judgment creditor is entitled to proceed to obtain a charge under any provision of any written law relating to partnership.



For execution of a deed or indorsement of a negotiable instrument.

**14.**—(1) If a judgment or order is for the execution of a deed, or signing of a document, or for the indorsement of a negotiable instrument, and the party ordered to execute, sign or indorse such instrument is absent, or neglects or refuses to do so, any party interested in having the same executed, signed, or indorsed, may prepare a deed, or document, or indorsement of the instrument in accordance with the terms of the judgment or order, and tender the same to the court for execution upon the proper stamp, if any is required by law, and the signature thereof by the Registrar, by order of the court, shall have the same effect as the execution, signing or indorsement thereof by the party ordered to execute.

(2) Nothing herein shall be held to abridge the powers of the court to proceed by attachment against any person neglecting or refusing to execute, sign or indorse any such instrument.

#### *Original Jurisdiction*

Criminal jurisdiction. 10/78.

**15.**—(1) The High Court shall have jurisdiction to try all offences committed —

- (a) within Singapore;
- (b) on the high seas on board any ship or aircraft registered in Singapore;
- (c) by any person who is a citizen of Singapore on the high seas or on any aircraft;
- (d) by any person on the high seas where the offence is piracy by the law of nations; and
- (e) by any person within or outside Singapore where the offence is punishable under and by virtue of the provisions of the Hijacking and Protection of Aircraft Act.

Cap. 124.

(2) The High Court may pass any sentence allowed by law.

Civil jurisdiction — general.

**16.**—(1) The High 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;

- (c) the facts on which the proceedings are based exist or are alleged to have occurred in Singapore; or
- (d) any land the ownership of which is disputed is situated within Singapore:

Provided that the High Court shall have no jurisdiction to try any civil proceeding which comes within the jurisdiction of the Syariah Court constituted under the Administration of Muslim Law Act. Cap. 3.

(2) The High Court shall also have jurisdiction to try any civil proceedings where all the parties consent in writing to have the proceedings tried in Singapore.

(3) Without prejudice to the generality of subsection (1), the High Court shall have such jurisdiction as is vested in it by any written law which is in force in Singapore.

**17.** Subject to and without prejudice to the generality of section 16, the civil jurisdiction of the High Court shall include — Civil jurisdiction  
— specific.

- (a) jurisdiction under any written law relating to divorce and matrimonial causes;
- (b) jurisdiction under any written law relating to matters of admiralty;
- (c) jurisdiction under any written law relating to bankruptcy or to companies;
- (d) jurisdiction to appoint and control guardians of infants and generally over the persons and property of infants;
- (e) jurisdiction to appoint and control guardians and keepers of the persons and estates of idiots, mentally disordered persons and persons of unsound mind; and
- (f) jurisdiction to grant probates of wills and testaments, letters of administration of the estates of deceased persons and to alter or revoke such grants.

**18.—(1)** The High Court shall have all such powers as are vested in it by any written law for the time being in force in Singapore. Powers of  
High Court.

(2) Without prejudice to the generality of subsection (1) the High Court shall have and shall exercise the following powers:

Prerogative writs.

(a) power to issue to any person or authority directions, orders or writs, including writs of the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any others, for the enforcement of any of the rights conferred by any written law or for any purpose;

Distress for rent.

(b) power to issue and enforce writs or warrants of distress for arrears of rent;

Partition of land.

(c) power to direct a sale instead of partition in any action for partition of land; and in any cause or matter relating to land, where it appears necessary or expedient, to order the land or any part of it to be sold, and to give all necessary and consequential directions;

Sale of land.

(d) power to order land to be charged or mortgaged, as the case may be, in any case in which there is jurisdiction to order a sale;

Interpleader.

(e) power to grant relief by way of interpleader —

(i) where the person seeking relief is under liability for any debt, money, or goods or chattels, for or in respect of which he has been or expects to be, sued by two or more parties making adverse claims thereon; and

(ii) where a Sheriff, bailiff or other officer of court is charged with the execution of process of court, and claim is made to any money or goods or chattels taken or intended to be taken in execution under any process, or to the proceeds or value of any such goods or chattels by any person other than the person against whom the process is issued,

and to order the sale of any property subject to interpleader proceedings;

Preservation of property.

(f) power to provide for the interim preservation of property the subject-matter of any cause or matter by sale or by injunction or the appoint-

ment of a receiver or the registration of a caveat or a *lis pendens* or in any other manner whatsoever;

- (g) power to direct interest to be paid on debts, Interest.  
including judgment debts, or on sums found due on taking accounts between parties, or on sums found due and unpaid by receivers or other persons liable to account to the court;
- (h) power to enlarge or abridge the time prescribed by Time.  
any written law for doing any act or taking any proceeding, although application therefor is not made until after the expiration of the time prescribed:  
 Provided that this provision shall be without prejudice to the provisions of any written law relating to limitation;
- (i) power to enforce a judgment of the court in any Other execution.  
manner which may be prescribed by any written law or by Rules of Court made under this Act;
- (j) power to dismiss or stay proceedings where the Res judicata.  
matter in question is *res judicata* between the parties, or where by reason of multiplicity of proceedings in any court or courts the proceedings ought not to be continued;
- (k) power to transfer any proceedings to any other Transfer of proceedings.  
court or to or from any subordinate court, and in the case of transfer to or from a subordinate court to give any directions as to the further conduct thereof:  
 Provided that this power shall be exercised in such manner as may be prescribed by any Rules of Court;
- (l) power to allow a defence of set-off; Set-off.
- (m) power to order discovery of facts or documents by Discovery and interrogatories.  
any party or person in such manner as may be prescribed by the Rules of Court;
- (n) power to award costs. Costs.

(3) The powers referred to in subsection (2) shall be exercised in accordance with any written law or Rules of Court relating to them.

*Appellate Jurisdiction of the High Court*

Appellate  
criminal  
jurisdiction.

**19.** The appellate criminal jurisdiction of the High Court shall consist of —

- (a) the hearing of appeals from District Courts or Magistrates' Courts before one or more Judges according to the provisions of the law for the time being in force relating to criminal procedure; and
- (b) the hearing of points of law reserved by special cases submitted by a District Court or Magistrate's Court before one or more Judges according to the provisions of the law for the time being in force relating to criminal procedure.

Appellate  
civil  
jurisdiction.

**20.** The appellate civil jurisdiction of the High Court shall consist of —

- (a) the hearing of appeals from District Courts;
- (b) the hearing of appeals from District and Magistrates' Courts when exercising jurisdiction of a quasi-criminal or civil nature; and
- (c) the hearing of appeals from other tribunals as may from time to time be prescribed by any written law.

Appeals from  
District and  
Magistrates'  
Courts.  
4/86.

**21.**—(1) Subject to the provisions of this or any other written law, an appeal shall lie to the High Court from a decision of a District Court or Magistrate's Court in any suit or action for the recovery of immovable property or in any civil cause or matter where the amount in dispute or the value of the subject matter exceeds \$2,000 or with the leave of the High Court if under that amount.

(2) Such appeals may be heard before one Judge provided that the Judge, if he thinks fit, may reserve any appeal for the decision of a court consisting of 3 Judges, and in such case the appeal shall be decided in accordance with the opinion of the majority of the Judges composing the High Court.

Powers of  
rehearing.

**22.** All appeals to the High Court in the exercise of its appellate civil jurisdiction shall be by way of rehearing, and the High Court shall have the like powers and jurisdiction

on the hearing of such appeals as the Court of Appeal has on the hearing of appeals from the High Court.

### *Revision*

**23.** The High Court may exercise powers of revision in respect of criminal proceedings and matters in subordinate courts in accordance with the provisions of any written law for the time being in force relating to criminal procedure.

Revision of criminal proceedings of subordinate courts.

**24.** The High Court may call for and examine the record of any civil proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any decision recorded or passed, and as to the regularity of any proceedings of any such subordinate court.

Power of High Court to call for records of civil proceedings in subordinate courts.

**25.** In the case of any civil proceedings in a subordinate court the record of which has been called for, or which otherwise comes to its knowledge, the High Court may give such orders thereon, either by directing a new trial or otherwise, as seem necessary to secure that substantial justice is done.

Powers of High Court on revision of civil proceedings.

**26.** Where an appeal lies from any decision in any civil matter, and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of a party who could have appealed.

No revision at instance of party who could have appealed.

**27.—(1)** In addition to the powers conferred on the High Court by this Act or any other written law, the High Court shall have general supervisory and revisionary jurisdiction over all subordinate courts, and may in particular, but without prejudice to the generality of the foregoing provision, if it appears desirable in the interests of justice, either of its own motion or at the instance of any party or person interested, at any stage in any matter or proceeding, whether civil or criminal, in any subordinate court, call for the record thereof, and may remove the matter or proceeding into the High Court or may give to the subordinate court such directions as to the further conduct of the matter or proceeding as justice may require.

General supervisory and revisionary jurisdiction of High Court.

**(2)** Upon the High Court calling for any record as aforesaid all proceedings in the subordinate court in the matter or proceeding in question shall be stayed pending further order of the High Court.

Discretion of High Court as to hearing parties.

**28.** Subject to the provisions of any written law for the time being in force, no party shall have any right to be heard before the High Court when exercising its powers of revision and supervision:

Provided that no final order shall be made to the prejudice of any person unless that person has had an opportunity of being so heard.

#### PART IV

#### THE COURT OF APPEAL

Jurisdiction to hear and determine civil appeals.

**29.** The Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of the High Court in any civil matter, whether made in the exercise of its original or of its appellate jurisdiction, subject nevertheless to the provisions of this Act or any other written law regulating the terms and conditions upon which such appeals may be brought.

Composition of Court of Appeal.

**30.—(1)** The jurisdiction mentioned in section 29 shall be exercised by 3 or any greater uneven number of Judges, who shall not include the Judge from whose decision the appeal is brought.

(2) The Chief Justice shall be the President of the Court of Appeal, and in his absence the senior member of the Court shall preside.

Appeals how decided.

**31.** Appeals shall be decided in accordance with the opinion of the majority of the Judges composing the Court of Appeal.

Sittings of Court of Appeal.

**32.—(1)** The Court of Appeal shall sit on such dates and at such places as the Chief Justice may from time to time appoint.

(2) The Chief Justice may cancel or postpone any sitting of the Court of Appeal which has been appointed under subsection (1).

Continuation of civil appeal notwithstanding absence of a Judge.

**33.—(1)** If, in the course of any appeal, or, in the case of a reserved judgment in any such appeal, at any time before delivery of the judgment, any Judge of the Court hearing the appeal is unable, through illness or any other cause, to attend the proceedings or otherwise exercise his functions as

a Judge of such Court, the hearing of the appeal shall, if the parties consent, continue as before, and judgment or reserved judgment, as the case may be, shall be given by the remaining Judges of such Court, not being less than two, and that Court shall, for the purposes of that appeal, be deemed to be duly constituted notwithstanding the absence or inability to act of such Judge as aforesaid.

(2) In any such case as is referred to in subsection (1), the appeal shall be decided in accordance with the opinion of the majority of the remaining Judges of such Court, and, if there is no such majority, the decision appealed against shall stand.

(3) If the parties do not consent as aforesaid the appeal shall be reheard.

**34.—**(1) No appeal shall be brought to the Court of Appeal in any of the following cases:

Non-  
appealable  
matters.  
4/86.

- (a) where the amount or value of the subject-matter at the trial is less than \$2,000, except with the leave of the Court of Appeal or a Judge of the Supreme Court;
- (b) where a Judge makes an order giving unconditional leave to defend an action;
- (c) where the judgment or order is made by consent of parties;
- (d) where the judgment or order relates to costs only, which by law are left to the discretion of the court, except with the leave of the Court of Appeal or a Judge of the Supreme Court;
- (e) where, by any written law for the time being in force, the judgment or order of the High Court is expressly declared to be final.

(2) No appeal shall lie from an interlocutory order made by a Judge in chambers unless the Judge has certified, after application, within 4 days after the making of the order by any party for further argument in court, that he requires no further argument, or unless leave is obtained from the Court of Appeal or from the Judge who heard the application.

(3) No appeal shall lie from a decision of a Judge in chambers in a summary way on an interpleader summons, where the facts are not in dispute, except by leave of the



Court of Appeal or a Judge of the Supreme Court, but an appeal shall lie from a judgment given in court on the trial of an interpleader issue.

Applications.

**35.** Wherever application may be made either to the High Court or to the Court of Appeal, it shall be made in the first instance to the High Court.

Incidental directions and interim orders.

**36.—(1)** In any proceeding pending before the Court of Appeal any direction incidental thereto not involving the decision of the appeal, any interim order to prevent prejudice to the claims of parties pending the appeal, and any order for security for costs and for the dismissal of an appeal for default in furnishing security so ordered, may at any time be made by a Judge.

(2) Every application under subsection (1) shall be deemed to be a proceeding in the Court of Appeal.

(3) Every order so made may be discharged or varied by the Court of Appeal.

Hearing of appeals.

**37.—(1)** Appeals to the Court of Appeal shall be by way of rehearing, and in relation to such appeals the Court of Appeal shall have all the powers and duties, as to amendment or otherwise, of the High Court, together with full discretionary power to receive further evidence by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner.

(2) Such further evidence may be given without leave on interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought.

(3) Upon appeals from a judgment, after trial or hearing of any cause or matter upon the merits, such further evidence, except as to matters subsequent as aforesaid, shall be admitted on special grounds only, and not without leave of the Court of Appeal.

(4) The Court of Appeal may draw inferences of facts, and give any judgment, and make any order which ought to have been given or made, and make such further or other orders as the case requires.

(5) The powers aforesaid may be exercised notwithstanding that the notice of appeal relates only to part of the decision, and such powers may also be exercised in favour of all or any of the respondents or parties, although the respondents or parties have not appealed from or complained of the decision.

**38.** The Court of Appeal may make such order as to the whole or any part of the costs of appeal or in the court below as is just. Costs of appeal.

**39.—**(1) Except as is hereinafter provided the Court of Appeal shall have power to order that a new trial be had of any cause or matter tried by the High Court in the exercise of its original or appellate jurisdiction. New trial.

(2) A new trial shall not be granted on the ground of improper admission or rejection of evidence unless in the opinion of the Court of Appeal some substantial wrong or miscarriage of justice has been thereby occasioned; and if it appears to the Court of Appeal that such wrong or miscarriage of justice affects part only of the matters in controversy, or some or one only of the parties, the Court of Appeal may give final judgment as to part thereof, or as to some or one only of the parties, and direct a new trial as to the other part only, or as to the other party or parties.

(3) A new trial may be ordered on any question without interfering with the finding or decision of the High Court upon any other question.

**40.** No judgment or order of the High Court, or of any Judge, shall be reversed or substantially varied on appeal, nor a new trial ordered by the Court of Appeal, on account of any error, defect or irregularity, whether in the decision or otherwise, not affecting the merits, or the jurisdiction of the Court. Immaterial errors.

**41.** An appeal shall not operate as a stay of execution or of proceedings under the decision appealed from unless the court below or the Court of Appeal so orders and no intermediate act or proceeding shall be invalidated except so far as the Court of Appeal may direct. Appeal not to operate as stay of execution.

## PART V

## THE COURT OF CRIMINAL APPEAL

Interpre-  
tation.  
58/73.

**42.** In this Part, unless the context otherwise requires, “appellant” includes the Public Prosecutor when he appeals under this Part against the acquittal of any person by the High Court or against the sentence imposed on any person convicted by the High Court in the exercise of its original criminal jurisdiction.

Constitution  
of Court of  
Criminal  
Appeal.

**43.—**(1) For the purpose of hearing and determining appeals under this Part, and for the purpose of any other proceedings under this Act, the Court of Criminal Appeal shall be summoned in accordance with directions given by the Chief Justice, and the Court shall be duly constituted if it consists of not less than 3 Judges or any greater uneven number of Judges.

(2) The Court shall sit at such place or places as the Chief Justice may from time to time appoint.

(3) The Chief Justice shall be the President of the Court of Criminal Appeal, and in his absence the senior member of the Court shall preside.

(4) A Judge shall not sit on the hearing of any appeal, or on the hearing of any application for leave to appeal, against a verdict given or sentence passed at a trial at which he presided, or on the consideration of any point reserved by him under section 265 of the Criminal Procedure Code.

Cap. 68.

(5) The determination of any question before the Court shall be according to the opinion of the majority of the members of the Court hearing the case.

(6) The Court of Criminal Appeal shall, for the purposes of and subject to the provisions of this Act, have full power to determine any question necessary to be determined for the purpose of doing justice in any case before the Court.

Jurisdiction  
to hear and  
determine  
criminal  
appeals.  
58/73.

**44.—**(1) The Court of Criminal Appeal shall have jurisdiction to hear and determine any appeal against any decision made by the High Court in the exercise of its original criminal jurisdiction, subject nevertheless to the provisions of this Act or any other written law regulating the terms and conditions upon which such appeals may be brought.

(2) An appeal by a person convicted shall be either against the conviction or against the sentence or against both:

Provided that where an accused person has pleaded guilty and been convicted on such plea there shall be no appeal except as to the extent or legality of the sentence.

(3) An appeal by the Public Prosecutor shall be either against the acquittal of an accused person or against the sentence imposed upon an accused person by the High Court.

(4) An appeal may lie on a question of fact or a question of law or on a question of mixed fact and law.

(5) The Court of Criminal Appeal shall also have jurisdiction to hear and determine matters brought before it in accordance with section 59 or 60.

**45.—**(1) Every appeal shall be by notice in writing which shall be filed with the Registrar within 14 days after the date on which the decision appealed against was given. Notice of appeal.

(2) Every notice of appeal shall state shortly the substance of the judgment appealed against, shall contain an address at which any notices or documents connected with the appeal may be served upon the appellant or upon his advocate and solicitor, and, except where such notice of appeal is given orally under section 48, shall be signed by the appellant or his advocate and solicitor.

**46.—**(1) When a notice of appeal has been filed the trial Judge shall, if he has not already written his judgment, record in writing the grounds of his decision, and such written judgment or grounds of decision shall form part of the record of the proceedings. Record of proceedings. 58/73.

(2) As soon as possible after notice of appeal has been filed the Registrar shall cause to be served on the appellant or his advocate and solicitor at his address for service specified under section 45 (2) a notice that a copy of the record is available and can be had on applying for the same and, in respect of a shorthand transcript, on payment of the prescribed fee.

**47.—**(1) Within 10 days after service of the notice referred to in section 46 (2) the appellant shall file with the Petition of appeal.

Registrar a petition of appeal and 5 copies thereof addressed to the Court of Criminal Appeal.

(2) Every petition of appeal shall be signed by the appellant or his advocate and solicitor and shall contain particulars of the matters of law or of fact in regard to which the trial court is alleged to have erred, and, except by leave of the Court of Criminal Appeal, the appellant shall not be permitted on the hearing of the appeal, to rely on any ground of appeal other than those set forth in the petition.

(3) If a petition is not filed within the time prescribed by this section the appeal shall be deemed to have been withdrawn, but nothing in this subsection shall be deemed to limit or restrict the powers of extending time conferred upon the Court of Criminal Appeal by section 50.

Procedure where appellant is in prison.

**48.**—(1) If the appellant is in prison he shall be deemed to have complied with the requirements of sections 45 and 47 if he gives to the officer in charge of the prison, either orally or in writing, notice of appeal and the particulars required to be included in the petition of appeal within the times prescribed by those sections.

(2) Such officer shall forthwith forward such notice and petition or the purport thereof to the Registrar.

Transmission of papers to respondent. 58/73.

**49.**—(1) The Registrar shall as soon as practicable furnish the respondent or his advocate and solicitor with a copy of the proceedings in the case and a copy of the notice of appeal and of the petition of appeal.

(2) When an appeal is presented against an acquittal the High Court may issue a warrant directing that the accused person shall be arrested and brought before it and may commit him to prison pending the disposal of the appeal or admit him to bail.

Appeals out of time and formal defects.

**50.** The Court of Criminal Appeal may in its discretion, on the application of any person desirous of appealing who may be debarred from so doing by reason of his not having observed some formality or some requirement of this Act, permit an appeal upon such terms and with such directions as it may consider desirable in order that substantial justice may be done in the matter, and may, for that purpose, enlarge any period of time prescribed by section 45 or 47.

**51.**—(1) Except in the cases mentioned in subsection (3), no appeal shall operate as a stay of execution, but the trial court or the Court of Criminal Appeal may stay execution on any judgment, order, conviction or sentence pending appeal on such terms as to security for the payment of any money or the performance or non-performance of any act or the suffering of any punishment ordered by or in such judgment, order, conviction or sentence as to the court may seem reasonable.

Appeal not to operate as stay of execution.

(2) If the appellant is ultimately sentenced to imprisonment, the time during which the execution of the sentence was stayed shall be excluded in computing the term of his sentence unless the Court of Criminal Appeal otherwise orders.

(3) In the case of a conviction involving sentence of death or corporal punishment —

- (a) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal may be given under section 45, or any extension of time which may be permitted under section 50; and
- (b) if notice is so given the sentence shall not be executed until after the determination of the appeal.

**52.**—(1) Where the grounds of appeal do not raise any question of law and it appears to the Chief Justice and two other Judges that the evidence is sufficient to support the conviction and that there is no material in the circumstances of the case which could raise a reasonable doubt whether the conviction was right or lead the Court of Criminal Appeal to consider that the sentence ought to be reduced, the appeal may, without being set down for hearing, be summarily rejected by an order under the hand of the Chief Justice, certifying that the said Judges, having perused the record, are satisfied that the appeal has been brought without any sufficient ground of complaint, and notice of the rejection shall be served upon the appellant.

Summary rejection of appeal.

(2) If, in any case rejected under subsection (1), the appellant gives, within 7 days of service of notice of the rejection upon him, notice to the Registrar of application for leave to amend his grounds of appeal so as to raise a

question of law, accompanied by a certificate signed by an advocate and solicitor specifying the question to be raised and undertaking to argue it, the Court of Criminal Appeal may grant leave to amend accordingly and shall restore the appeal for hearing:

Provided that, for the purposes of this subsection, the question whether a sentence ought to be reduced shall be deemed not to be a question of law.

Notice and  
time of  
hearing.  
58/73.

**53.** If the Court of Criminal Appeal does not reject the appeal summarily under section 52, it shall cause notice to be given to the appellant or his advocate and solicitor and to the Public Prosecutor of the time and place at which the appeal will be heard.

Powers of  
Court  
of Criminal  
Appeal.  
58/73.

**54.—(1)** At the hearing of an appeal the Court of Criminal Appeal shall hear the appellant or his advocate and solicitor, if he appears, and, if it thinks fit, the respondent or his advocate and solicitor, if he appears, and may hear the appellant or his advocate and solicitor in reply, and the Court of Criminal Appeal may thereupon confirm, reverse or vary the decision of the trial court, or may order a retrial or may remit the matter with the opinion of the Court of Criminal Appeal thereon to the trial court, or may make such other order in the matter as it may think just, and may by such order exercise any power which the trial court might have exercised:

Provided that the Court of Criminal Appeal may, notwithstanding that it is of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has occurred.

(2) At the hearing of an appeal the Court of Criminal Appeal may, if it thinks that a different sentence should have been passed, quash the sentence passed by the trial court and pass such other sentence warranted in law (whether more or less severe) in substitution therefor as it thinks ought to have been passed.

(3) The Court of Criminal Appeal shall in no case make any order under this section as to payment of costs of any appeal to or by the appellant or respondent.

**55.—**(1) In dealing with any appeal the Court of Criminal Appeal may, if it thinks additional evidence is necessary, either take such evidence itself or direct it to be taken by the trial court. Additional evidence.

(2) When such additional evidence is taken by the trial court, it shall certify such evidence, with a statement of its opinion on the case considered with regard to the additional evidence, to the Court of Criminal Appeal, and the Court of Criminal Appeal shall thereupon proceed to dispose of the appeal.

(3) The parties to the appeal shall be present when such additional evidence is taken.

(4) In dealing with any appeal the Court of Criminal Appeal may also, if it thinks fit, call for and receive from the trial court a report of any matter connected with the trial.

**56.—**(1) On the termination of the hearing of an appeal the Court of Criminal Appeal shall, either at once or on some future day which is then appointed for the purpose or of which notice is subsequently given to the parties, deliver judgment in open court. Judgment.

(2) The Court of Criminal Appeal shall ordinarily give only one judgment, which may be pronounced by the presiding Judge or by such other member of the Court as the presiding Judge may direct:

Provided that separate judgments shall be delivered if the presiding Judge so directs.

(3) The judgment of any member of the Court of Criminal Appeal who is absent may be read by any other Judge.

**57.—**(1) The Court of Criminal Appeal shall certify its judgment or order to the trial court. Judgment to be certified to trial court.

(2) The trial court shall thereupon make such orders as are conformable to the judgment or order of the Court of Criminal Appeal, and, if necessary, the record shall be amended in accordance therewith.

(3) Upon the withdrawal or discontinuance of any appeal the Registrar shall notify the trial court accordingly and, if any stay of execution has been granted, the sentence or



order of the trial court shall forthwith be enforced, but nothing in this subsection shall be deemed to limit or restrict the powers of extending time conferred upon the Court of Criminal Appeal by section 50.

Public  
Prosecutor's  
signature.  
58/73.

**58.—**(1) In the case of an appeal by the Public Prosecutor under this Part the notice of appeal shall be signed by that officer only.

(2) No fee shall be payable by nor any security be required from the Public Prosecutor.

Point  
reserved in  
trial for  
Court of  
Criminal  
Appeal.

**59.—**(1) When any person has in a trial before the High Court in the exercise of its original criminal jurisdiction been convicted of an offence, the Judge may, if he thinks fit, reserve for the decision of the Court of Criminal Appeal any question of law which has arisen in the course of the trial of such person and the determination of which would affect the event of the trial.

(2) The person so convicted shall thereupon be remanded to prison or, if the Judge thinks fit, be admitted to bail.

(3) The Court of Criminal Appeal shall review such case, or such part of it as may be necessary, and finally determine the question and thereupon may alter the sentence passed and pass such sentence or give or make such judgment or order as it thinks fit.

Reference to  
Court of  
Criminal  
Appeal  
on appeal  
from  
subordinate  
court.

**60.—**(1) When an appeal from a decision of a subordinate court in a criminal matter has been determined by the High Court, the Judge may on the application of any party and shall on the application of the Public Prosecutor reserve for the decision of the Court of Criminal Appeal any question of law of public interest which has arisen in the course of the appeal and the determination of which by the Judge has affected the event of the appeal.

(2) An application under this section shall be made within one month or such longer time as the Court of Criminal Appeal may permit of the determination of the appeal to which it relates and in the case of an application by the Public Prosecutor shall be made by or with the consent in writing of that officer only.

(3) When a question has been reserved under this section the Judge who has reserved the question may make such orders as he may see fit for the arrest, custody or release on bail of any party to the appeal.

(4) The Court of Criminal Appeal shall hear and determine the question reserved and may make such orders as the High Court might have made as it may consider just for the disposal of the appeal.

(5) For the purposes of this section but without prejudice to the generality of its provisions —

- (a) any question of law regarding which there is a conflict of judicial authority shall be deemed to be a question of public interest; and
- (b) the reservation of a question of law for the consideration of the High Court under the provisions of any written law relating to criminal procedure or the exercise by the High Court of any power of revision under any such written law shall be deemed to be an appeal from a decision of a subordinate court in a criminal matter.

## PART VI

### OFFICERS AND OFFICES

#### *Registrar*

**61.**—(1) The President may, on the recommendation of the Chief Justice, appoint a Registrar, a Deputy Registrar and Assistant Registrars of the Supreme Court.

Appointment of Registrar, Deputy Registrar and Assistant Registrars. 58/73. Cap. 161.

(2) No person shall be appointed to be or to act as the Registrar, the Deputy Registrar or an Assistant Registrar unless he is a qualified person as defined in section 2 of the Legal Profession Act.

**62.**—(1) The Registrar, the Deputy Registrar and the Assistant Registrars shall subject to the provisions of this Act or any other written law have the same jurisdiction, powers and duties as the masters of the Supreme Court, clerks of criminal courts, registrars and like officers in the Supreme Court of Judicature in England and, in addition, such further jurisdiction, powers and duties as may be prescribed by Rules of Court.

Powers and duties of Registrar, Deputy Registrar and Assistant Registrars. 58/73.

58/73.

(2) Subject to Rules of Court, all the powers and duties conferred and imposed on the Registrar may be exercised or performed by the Deputy Registrar or the Assistant Registrars.

### *Sheriff*

Sheriff,  
Deputy  
Sheriff  
and  
Assistant  
Sheriffs  
of Supreme  
Court.  
58/73.

**63.**—(1) The Registrar shall be the Sheriff and the Deputy Registrar shall be the Deputy Sheriff and the Assistant Registrars shall be the Assistant Sheriffs of the Supreme Court.

(2) The Deputy Sheriff and the Assistant Sheriffs shall have all the powers and privileges and may perform all the duties of the Sheriff.

Powers and  
duties of  
Sheriff.

**64.**—(1) The Sheriff or his officers shall execute all writs, summonses, rules, orders, warrants, commands and process of the Supreme Court given to him by the Court for that purpose, 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 receive all such persons as are committed to his custody by the Supreme Court.

(2) The Sheriff or his officers 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.

Sheriff not to  
act when an  
interested  
party.

**65.** Where in any cause or matter the Sheriff is an interested party, the court may appoint for that purpose an officer or person who may act in the place of the Sheriff.

### *Accountant*

Accountant  
— his duties.

**66.** An Accountant shall be appointed by the Chief Justice for the Supreme Court and such Accountant shall do all things necessary to execute the orders of the Supreme Court relating to the payment or delivery or depositing of suitors' money, jewels, precious stones and securities into or in his custody, and investing the money of suitors and keeping the accounts thereof.

*Subordinate officers*

**67.**—(1) There shall be attached to the Supreme Court commissioners for oaths, interpreters, clerks, process servers and other officers as shall, from time to time, 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 Supreme Court.

Subordinate  
officers of  
Supreme  
Court.

(2) Such of the officers attached to the Supreme Court as may be thought necessary or proper for the performance of any special duties in connection with any particular Judge may, with the approval of the Chief Justice, be attached to that Judge.

**68.**—(1) The Registrar, the Deputy Registrar and the Assistant Registrars shall be ex-officio commissioners for oaths.

Commis-  
sioners  
for oaths.  
58/73.

(2) The Chief Justice may appoint fit and proper persons to be commissioners for oaths (subject to any limitations expressed in their appointment) who may do all or any of the following things:

- (a) receive acknowledgments of married women in all cases where such acknowledgments are required by law to be taken before a public officer;
- (b) receive acknowledgments of recognisances of bail and bail bonds;
- (c) administer oaths for —
  - (i) the justification for bail;
  - (ii) taking any affidavit or affirmation;
  - (iii) receiving and taking the answer, plea, demurrer, disclaimer, allegation or examination of any party or parties to any action;
  - (iv) the examination of any witnesses upon any interrogatories or de bene esse or in chief or on any other occasions;
  - (v) swearing executors and administrators; and
  - (vi) swearing persons in any cause or matter which is pending or about to be instituted in any court in any of its jurisdiction;

(d) take and receive statutory declarations.

(3) The Chief Justice may make rules for the appointment and conduct of, fees to be charged by, and for all things appertaining to, commissioners for oaths and persons appointed by him under subsection (2).

Oaths of officers.  
58/73.

**69.** The Registrar, the Deputy Registrar, the Assistant Registrars and such other officers of the Supreme Court 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 set out in the Schedule.

Apportionment of work.

**70.** The Chief Justice may make such rules and regulations as he thinks fit for the apportionment of the work among the several officers of the Supreme Court.

### *Offices*

Registry of Supreme Court.

**71.—(1)** There shall be an office of the Supreme Court called the Registry comprising such departments as the Chief Justice may, from time to time, determine.

(2) The Registry shall be under the control and supervision of the Registrar.

Registry to be open throughout the year.

**72.—(1)** Subject to the Rules of Court, the Registry of the Supreme Court shall be open on every day of the year except Sundays and public holidays.

(2) The office hours shall be from 10 a.m. to 4 p.m. except on Saturdays, when the Registry shall close at 1 p.m.

## PART VII

### MISCELLANEOUS PROVISIONS

#### *List of Touts*

List of touts.

**73.—(1)** The Registrar may 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 having business with or before any officer of the Supreme Court, and may alter and amend such list.

(2) The Registrar may, by general or special order, exclude from the precincts of the Supreme Court any person whose name is included in the list, except when that person

is a party to or a witness in any proceedings in the Supreme 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 in chambers from an order made by the Registrar to include a person's name in the list.

(5) The decision of the Judge in chambers shall be final.

(6) A copy of the list shall be kept hung up in the Registry and shall be published in the *Gazette*.

74.—(1) If, on an application made by the Attorney-General, the High Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the High Court or in any subordinate court, and whether against the same person or against different persons, the court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the High Court be instituted by him in any court, and that any legal proceedings instituted by him in any court before the making of the order shall not be continued by him without such leave, and such leave shall not be given unless the court is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

Vexatious  
litigants.

(2) If the person against whom an order is sought under subsection (1) is unable on account of poverty to retain an advocate and solicitor, the High Court shall assign one to him.

(3) No appeal shall lie from an order under subsection (1) refusing leave for institution or continuance of legal proceedings.

(4) A copy of any order under subsection (1) shall be published in the *Gazette*.

#### *Disabilities of Registrar and other officers*

75. The Registrar, the Deputy Registrar or an Assistant Registrar shall not be capable of accepting or taking any other office of emolument, nor of carrying on any business

Disqualifi-  
cation of  
Registrar.  
58/73.

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:

Provided that, with the approval of the Chief Justice, the Registrar, the Deputy Registrar or an Assistant Registrar 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.

Registrar  
not to  
act where  
interested.  
58/73.

**76.** The Registrar, the Deputy Registrar or an Assistant Registrar shall not, except with the approval of the Chief Justice, or with the consent of the parties, investigate or hear and determine any proceedings to or in which he is a party or personally interested.

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

**77.** No officer of the Supreme Court 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.

**78.—(1)** Without prejudice to any written law and rules governing the conduct and discipline of public officers, if any officer of the Supreme Court is charged —

- (a) with extortion or misconduct while acting under colour of the process of the Supreme 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 the Registrar to inquire into the matter in a summary way.

(2) For the purpose of any such inquiry, the Registrar 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 Registrar 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 the Registrar that any officer, while employed in putting in execution this Act or the Rules of Court or 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 Supreme Court.

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

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

*Protection of Registrar and other officers*

**79.**—(1) The Registrar, the Deputy Registrar or an Assistant Registrar or other person acting judicially shall not be liable to be sued in any court exercising civil jurisdiction 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.

Protection of Registrar and other officers. 58/73.

(2) No officer of the Supreme Court charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the Court shall be liable to be sued in any court exercising civil jurisdiction 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 it appears that 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, 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.

*Rules of Court*

**80.**—(1) The Rules Committee constituted under subsection (3) may make Rules of Court regulating and

Rules of Court.



prescribing the procedure (including the method of pleading) and the practice to be followed in the High Court, the Court of Appeal and the Court of Criminal Appeal respectively in all causes and matters whatsoever in or with respect to which those courts respectively have for the time being jurisdiction (including the procedure and practice to be followed in the Registry of the Supreme Court) and any matters incidental to or relating to any such procedure or practice.

(2) Without prejudice to the generality of subsection (1), Rules of Court may be made for the following purposes:

- (a) prescribing the manner in which, and the time within which, any application which under this Act or any other written law is to be made to the High Court, the Court of Appeal or the Court of Criminal Appeal shall be made;
- (b) prescribing what part of the business which may be transacted and of the jurisdiction and powers which may be exercised by a Judge in court or in chambers may be transacted or exercised by the Registrar, the Deputy Registrar or an Assistant Registrar (including provisions for appeals against decisions of the Registrar, the Deputy Registrar or an Assistant Registrar);
- (c) regulating and prescribing the procedure to be followed in regard to proceedings under the Government Proceedings Act where such proceedings are instituted in the Supreme Court;
- (d) regulating and prescribing the procedure to be followed on appeals from any subordinate court to the High Court, the Court of Appeal or the Court of Criminal Appeal and the procedure in connection with the transfer of any proceedings from any subordinate court to the High Court or from the High Court to a subordinate court;
- (e) regulating and prescribing the procedure to be followed on appeals from the High Court to the Court of Appeal or the Court of Criminal Appeal;
- (f) regulating and prescribing the procedure to be followed on appeals from the Court of Appeal or the Court of Criminal Appeal to the Judicial

Committee of Her Britannic Majesty's Privy Council;

- (g) prescribing the scales of allowances, costs and fees to be taken or paid to any party or witness in any proceedings in the High Court, the Court of Appeal or the Court of Criminal Appeal, and for regulating any matters relating to the costs of proceedings in such courts;
- (h) regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any proceedings;
- (i) regulating the joinder of parties and for prescribing in what cases persons absent, but having an interest in a cause or matter, shall be bound by any order made therein, and in what cause or matter orders may be made for the representation of absent persons by one or more parties to a cause or matter;
- (j) regulating the rate of interest payable on all debts, including judgment debts, or on the sums found due on taking accounts between parties, or on sums found due and unpaid by receivers or other persons liable to account to the court:

Provided that in no case shall any rate of interest exceed 8% per annum, unless it has been otherwise agreed between the parties;

- (k) prescribing in what cases money due under a judgment or order is to be paid into court;
- (l) regulating the modes in which a writ of seizure and sale may be executed, and the manner in which seizure may be made of any property seizable thereunder, and the mode of sale by the Sheriff or any other officer of the Supreme Court of any property so seized, and the manner in which the right and title of purchasers of the property at any sale by any officer of the Supreme Court may be secured to the purchasers;
- (m) regulating the discovery of a judgment debtor's property in aid of the execution of any judgment or order;

- (n) the taking of evidence before an examiner on commission or by letters of request, and prescribing the circumstances in which evidence so taken may be read on the trial of an action;
  - (o) prescribing in what cases and on what conditions a court may act upon the certificate of accountants, actuaries or other scientific persons;
  - (p) prescribing the duties of the Accountant in respect of funds or property in the custody of the court, and in particular prescribing the mode of transfer of securities into the name of the Accountant, and the method of investment of any such funds, and the rate of interest to be charged thereon, and the manner in which unclaimed funds may be dealt with; and
  - (q) amending, altering or adding to the forms set out in any written law relating to criminal procedure.
- (3) The Rules Committee shall consist of —
- (a) the Chief Justice, who shall be the Chairman of the Committee;
  - (b) the Attorney-General;
  - (c) the Judges of the Supreme Court; and
  - (d) two practising advocates and solicitors to be appointed by the Chief Justice for such period as he may specify in writing.

(4) At any meeting of the Rules Committee 5 members shall form a quorum and all questions shall be decided by a majority of votes of the members present and voting:

Provided that no Rules of Court shall be made without the consent of the Chief Justice.

(5) 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.

### *Council of Judges*

Council of  
Judges  
to consider  
operation of  
this Act,  
etc.

**81.** A council of the Judges of the Supreme Court shall assemble once at least in every year, on such day or days as shall be fixed by the Chief Justice, for the purpose of considering the operation of this Act and of any Rules of Court, and also the working of the Registry of the Supreme

Court and the arrangements relative to the duties of the officers of the Supreme Court, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the High Court, the Court of Appeal, the Court of Criminal Appeal or in any subordinate court.

## PART VIII

### SAVINGS

**82.** Subject to the provisions of this Act and the Rules of Court, all forms and methods of procedure and practice which, under any written law, order, rules or custom whatsoever, were formerly in force in the High Court or the Federal Court in Singapore and which are not inconsistent with the provisions of this Act or with the Rules of Court, may continue to be used in the Supreme Court in the like cases and for the like purposes as those in and for which they would have been applicable in the former respective courts.

Former procedure and practice to continue.

**83.** Any person holding office or serving in the High Court immediately before the commencement of this Act shall continue in office or service in the Supreme Court as if he had been appointed under this Act, and nothing in this Act shall affect the terms and conditions on and subject to which any person held office immediately before the said date, or prejudice or otherwise affect any right to pension, compensation or allowance which a person would otherwise have had on the retirement from his office or otherwise.

Existing officers.

**84.—(1)** Any written law relating or referring to the High Court or the Federal Court in Singapore or to its Judges or officers shall be construed with such modifications or adaptations as may be necessary to bring it into conformity with the provisions of this Act.

Written law relating to former courts to be read as applying to courts under this Act.

(2) Without prejudice to the generality of subsection (1), in any written law unless the context otherwise requires —

(a) any reference to the Federal Court shall be construed as a reference to the Court of Appeal or the Court of Criminal Appeal, as the case may be; and

(b) any reference to the Judges or officers of the High Court shall be construed as a reference to the Judges or officers of the Supreme Court.

Section 69.

## THE SCHEDULE

1. OATH OF OFFICE OF THE REGISTRAR, DEPUTY REGISTRAR  
OR ASSISTANT REGISTRAR

I, \_\_\_\_\_, having been appointed to the office of  
do solemnly swear (or affirm) that I will faithfully discharge my 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.

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 THE SUPREME COURT

I, \_\_\_\_\_, having been appointed to the office of \_\_\_\_\_ in the Supreme Court do solemnly and sincerely swear (or affirm) that I will not use or exercise my office corruptly during the time that I remain therein, nor 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, and other mandatory processes given to me.

Taken and subscribed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
19 \_\_\_\_\_ .

Officer Administering the Oath.