



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SUPREME COURT OF JUDICATURE ACT

(CHAPTER 322)

(Original Enactment: Act 24 of 1969)

REVISED EDITION 2007

(31st July 2007)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 1/4/2012 to 7/3/2014

Supreme Court of Judicature Act

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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.

Interpretation

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

“court” means a court established by this Act;

“Judge” means a Judge of the High Court and includes the Chief Justice and any person appointed to exercise the powers of a Judge;

“Judge of Appeal” includes the Chief Justice and a Judge of the High Court sitting as a judge of the Court of Appeal under section 29(3);

“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 (Cap. 321) and any other court, 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.

[58/73; 16/93; 3/96]

PART II

THE SUPREME COURT

Divisions and jurisdiction of Supreme Court

3. The Supreme Court shall be a superior court of record and shall consist of —

- (a) the High Court, which shall exercise original and appellate civil and criminal jurisdiction; and
- (b) the Court of Appeal, which shall exercise appellate civil and criminal jurisdiction.

[16/93]

Precedence

4. The Judges of the Supreme Court shall take precedence in the following order:

- (a) the Chief Justice;
- (b) the vice-presidents of the Court of Appeal, who among themselves shall rank according to the priority of their respective appointments as vice-presidents;
- (c) the Judges of Appeal (other than vice-presidents), who among themselves shall rank according to the priority of their respective appointments; and

(d) the Judges of the High Court, who among themselves shall rank according to the priority of their respective appointments.

[16/93]

Acting appointment

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.

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

Seal

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*¹, prescribe.

Contempt

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

[16/93]

(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.

¹Cap. 322, N 1 (1990 Ed.)

Sittings in camera

8.—(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.

(2) 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.

(2A) A court may, in any matter or proceeding or any part thereof tried or held or to be tried or held before it, if satisfied that it is expedient in the interests of justice, public safety, public security or propriety, or for other sufficient reason to do so, order that —

- (a) the name, address or photograph of any witness; or
- (b) any evidence or any other thing likely to lead to the identification of such witness by a person other than the party to that matter or proceeding,

which is contained in any court document intended to be produced before the court, be removed or be sufficiently redacted.

[15/2010 wef 02/01/2011]

(3) A court may at any time order that no person shall —

- (a) 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; or
- (b) do any other act which is likely to lead to the identification of such a witness.

[15/2010 wef 02/01/2011]

(4) Any person who acts in contravention of any order under subsection (2A) or (3) 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.

[15/2010 wef 02/01/2011]

PART III
THE HIGH COURT

General

Constitution of High Court

9. The High Court shall consist of —

- (a) the Chief Justice; and
- (b) the Judges of the High Court.

[16/93]

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 immediately before 9th January 1970 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.

(3) A Judge of Appeal may sit in the High Court and act as a Judge thereof whenever the business of the High Court so requires, in which case he shall have all the jurisdiction, powers and privileges of such a Judge.

[16/93]

(4) If a Judge reserves judgment in any proceedings and his appointment as a Judge expires or is terminated before his judgment is delivered, he shall have power to deliver judgment in respect of those proceedings, notwithstanding that his appointment as a Judge has expired or has been terminated.

[3/96]

Assessors to assist High Court

10A.—(1) In any proceedings before the High Court, the Court may, if it thinks fit on the application of any party, or on its own motion, summon to its assistance, in such manner as may be prescribed by Rules of Court, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the Court and act as assessors.

[16/93]

(2) Subject to subsection (3), the remuneration of assessors for sitting under this section shall be at such rate as may be prescribed by Rules of Court and shall be costs in the proceedings unless otherwise ordered by the High Court.

[16/93]

(3) Where one or more assessors are summoned for the purposes of this section otherwise than on the application of a party to the proceedings, the remuneration of any such assessor shall be payable out of moneys provided by Parliament.

[16/93]

(4) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

[16/93]

When High Court is open

10B.—(1) Subject to subsection (2), the High Court shall sit on every day of the year except on Saturdays, Sundays and public holidays.

[8/98; 2/2007]

(2) Notwithstanding subsection (1), a Judge may lawfully sit on a Saturday, Sunday or public holiday or during a vacation prescribed under section 12 if —

- (a) the Chief Justice has directed the Judge to sit on that day or during that vacation; or
- (b) in the opinion of the Judge, the business to be despatched is extremely urgent.

[8/98; 2/2007]

Sittings of High Court and distribution of business

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

(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.

Vacations

12. The Chief Justice may make such regulations as he thinks fit as to vacations of the Supreme Court not exceeding 2 months in any calendar year.

Writs of execution

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 —

- (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 \$1,000;
- (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.

[16/93]

Execution of deed or indorsement of 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 in this section 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**

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

- (a) within Singapore;
- (b) 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;
- (e) by any person within or outside Singapore where the offence is punishable under and by virtue of the provisions of the Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124) or the Maritime Offences Act (Cap. 170B); and
- (f) in any place or by any person if it is provided in any written law that the offence is triable in Singapore.

[10/78; 16/93; 26/2003]

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

Civil jurisdiction — general

16.—(1) The High Court shall have jurisdiction to hear and try any action in personam where —

- (a) the defendant is served with a writ of summons or any other originating process —
 - (i) in Singapore in the manner prescribed by Rules of Court; or
 - (ii) outside Singapore in the circumstances authorised by and in the manner prescribed by Rules of Court; or
- (b) the defendant submits to the jurisdiction of the High Court.

[16/93]

[30/2010 wef 01/01/2011]

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

[16/93]

Civil jurisdiction — specific

17. Without prejudice to the generality of section 16, the civil jurisdiction of the High Court shall include —

- (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.

[16/93]

Civil jurisdiction — concurrent jurisdiction with Syariah Court in certain matters

17A.—(1) Notwithstanding sections 16 and 17, the High Court shall have no jurisdiction to hear and try any civil proceedings involving matters which come within the jurisdiction of the Syariah Court under section 35(2)(a), (b) or (c) of the Administration of Muslim Law Act (Cap. 3) in which all the parties are Muslims or where the parties were married under the provisions of the Muslim law.

[20/99]

(2) Notwithstanding that such matters come within the jurisdiction of the Syariah Court under section 35(2)(d) or (e), 51 or 52(3)(c) or (d) of the Administration of Muslim Law Act, the High Court shall have jurisdiction as is vested in it by any written law to hear and try any civil proceedings involving matters relating to —

- (a) maintenance for any wife or child;
- (b) custody of any child; and
- (c) disposition or division of property on divorce.

[20/99]

(3) Where civil proceedings involving any matter referred to in subsection (2)(b) or (c) and involving parties who are Muslims or were married under the provisions of the Muslim law are commenced in the High Court, the High Court shall stay the civil proceedings —

- (a) involving any matter referred to in subsection (2)(b) or (c), if the civil proceedings are commenced on or after the commencement of proceedings for divorce in the Syariah Court or after the making of a decree or order for divorce by the Syariah Court or on or after the registration of any divorce under section 102 of the Administration of Muslim Law Act (Cap. 3) between the same parties, unless a

Syariah Court commencement certificate in respect of the civil proceedings has been filed with the High Court;

- (b) involving any matter referred to in subsection (2)(b), if proceedings for divorce are commenced in the Syariah Court or a decree or order for divorce is made by the Syariah Court or a divorce is registered under section 102 of the Administration of Muslim Law Act between the same parties after the commencement of the civil proceedings, unless a Syariah Court continuation certificate in respect of the civil proceedings has been filed with the High Court.

[20/99]

(3A) For the purposes of subsection (3), any reference to the registration of any divorce, or to a divorce that is registered, under section 102 of the Administration of Muslim Law Act shall be construed as a reference to the registration of a divorce or to a divorce that is registered under that section before the date of commencement of section 24 of the Administration of Muslim Law (Amendment) Act 2008.

[29/2008 wef 01/03/2009]

(4) For the purposes of subsection (3), where the proceedings in the Syariah Court are commenced on the same day as the civil proceedings in the High Court, the proceedings in the Syariah Court shall be deemed to have been commenced before the civil proceedings.

[20/99]

(5) Subsection (3)(a) shall not apply if the civil proceedings referred to therein are commenced in the High Court by the consent of the parties to the proceedings and the certificates of attendance of the parties issued under section 35A(7) of the Administration of Muslim Law Act have been filed in accordance with Rules of Court.

[20/99]

(6) Subsection (3)(b) shall not apply if the civil proceedings referred to therein are continued by the consent of the parties to the proceedings and the certificates of attendance of the parties issued under section 35A(7) of the Administration of Muslim Law Act (Cap. 3) have been filed in accordance with Rules of Court.

[20/99]

(7) For the avoidance of any doubt, the High Court, in exercising its jurisdiction or powers under subsection (2), shall apply the civil law.
[20/99]

(8) Notwithstanding section 3(2) of the Women’s Charter (Cap. 353), section 112 of that Act shall apply to the High Court in the exercise of its jurisdiction or powers under subsection (2)(c).
[20/99]

(9) In this section —

“Syariah Court” means the Syariah Court constituted under the Administration of Muslim Law Act;

“Syariah Court commencement certificate” means a commencement certificate issued by the Syariah Court under section 35A(4) of the Administration of Muslim Law Act;

“Syariah Court continuation certificate” means a continuation certificate issued by the Syariah Court under section 35A(4) of the Administration of Muslim Law Act.

[20/99]

Powers of High Court

18.—(1) The High Court shall have such powers as are vested in it by any written law for the time being in force in Singapore.
[16/93]

(2) Without prejudice to the generality of subsection (1), the High Court shall have the powers set out in the First Schedule.
[16/93]

(3) The powers referred to in subsection (2) shall be exercised in accordance with any written law or Rules of Court relating to them.
[16/93]

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) [*Deleted by Act 30/2010*]
- (b) the hearing of appeals from District Courts 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.

[30/2010 wef 01/01/2011]

Appeals from District and Magistrates' Courts

21.—(1) Subject to the provisions of this Act and any other written law, an appeal shall lie to the High Court from a decision of a District Court or Magistrate's Court —

- (a) in any case where the amount in dispute, or the value of the subject-matter, at the hearing before that District Court or Magistrate's Court (excluding interest and costs) exceeds \$50,000 or such other amount as may be specified by an order made under subsection (3); or
- (b) with the leave of that District Court or Magistrate's Court or the High Court, in any other case.

[30/2010 wef 01/01/2011]

(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.

(2A) An order of the High Court giving or refusing leave under subsection (1)(b) shall be final.

[30/2010 wef 01/01/2011]

(2B) No appeal shall be brought to the High Court in any case where a District Court or Magistrate's Court makes an order specified in the Third Schedule, except in such circumstances as may be specified in that Schedule.

[30/2010 wef 01/01/2011]

(3) The President may, after consulting the Chief Justice, by order published in the *Gazette*, vary the amount mentioned in subsection (1).

[43/98]

Powers of rehearing

22.—(1) All appeals to the High Court in the exercise of its appellate civil jurisdiction shall be by way of rehearing.

(2) 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.

Supervisory and Revisionary Jurisdiction

Revision of criminal proceedings of subordinate courts

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.

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

Powers of High Court on revision of civil proceedings

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.

No revision at instance of party who could have appealed

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.

General supervisory and revisionary jurisdiction of High Court

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.

(2) The High Court may in particular, but without prejudice to the generality of subsection (1), 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.

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

(4) The High Court shall, when exercising (or deciding whether to exercise) its supervisory and revisionary jurisdiction under subsection (1) or powers under subsection (2) in relation to any matter which concerns a case where the High Court has heard and determined an appeal from a subordinate court, have regard to

whether that matter was, or could reasonably have been, raised in that appeal.

[30/2010 wef 01/01/2011]

Discretion of High Court as to hearing parties

28.—(1) 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 supervision and revision.

(2) No final order shall be made to the prejudice of any person unless that person has had an opportunity of being so heard.

Allocation of Proceedings

Allocation of proceedings to District Court

28A.—(1) The Chief Justice may, where he considers it necessary or expedient to improve efficiency in the administration of justice and to provide for more speedy disposal of proceedings commenced in the High Court, by order direct such class or classes or description of proceedings as may be specified in the order to be heard and determined by the District Court.

[16/93]

(2) Notwithstanding any other written law, any order under subsection (1) —

- (a) may confer jurisdiction on a District Court to hear and determine —
 - (i) any proceedings specified in the order which, but for the order, the District Court would not have jurisdiction to hear and determine by reason only of the fact that the amount involved exceeds the monetary limit of its jurisdiction; or
 - (ii) any proceedings relating to any of the matters referred to in section 17(a) to (e);
- (b) may make such provision governing appeals relating to proceedings transferred to the District Court (including provisions restricting the right of appeal) as the Chief Justice thinks fit; and

- (c) may make such incidental provision for the transfer of the proceedings to the District Court (including matters relating to procedure and costs) as the Chief Justice thinks fit.

[16/93; 36/2004]

Further Arguments

[30/2010 wef 01/01/2011]

Further arguments before Judge exercising civil jurisdiction of High Court

28B.—(1) Before any notice of appeal is filed in respect of any judgment or order made by a Judge, in the exercise of the civil jurisdiction of the High Court, after any hearing other than a trial of an action, the Judge may hear further arguments in respect of the judgment or order, if any party to the hearing, or the Judge, requests for further arguments before the earlier of —

- (a) the time the judgment or order is extracted; or
- (b) the expiration of 14 days after the date the judgment or order is made.

[30/2010 wef 01/01/2011]

(2) After hearing further arguments, the Judge may affirm, vary or set aside the judgment or order.

[30/2010 wef 01/01/2011]

(3) If any request for further arguments has been made under subsection (1) —

- (a) no notice of appeal shall be filed in respect of the judgment or order until the Judge —
 - (i) affirms, varies or sets aside the judgment or order after hearing further arguments; or
 - (ii) certifies, or is deemed to have certified, that he requires no further arguments; and
- (b) the time for filing a notice of appeal in respect of the judgment or order shall begin on the date the Judge —

- (i) affirms, varies or sets aside the judgment or order after hearing further arguments; or
- (ii) certifies, or is deemed to have certified, that he requires no further arguments.

[30/2010 wef 01/01/2011]

(4) For the avoidance of doubt, a party to the hearing may, but is not required to, request for further arguments before he files a notice of appeal in respect of the judgment or order.

[30/2010 wef 01/01/2011]

PART IV

THE COURT OF APPEAL

Constitution of Court of Appeal

29.—(1) The Court of Appeal shall consist of —

- (a) the Chief Justice; and
- (b) the Judges of Appeal.

[16/93]

(2) The Chief Justice may appoint one or more of the Judges of Appeal as vice-presidents of the Court of Appeal.

[16/93]

(3) A Judge of the High Court may, on the request of the Chief Justice, sit as a judge of the Court of Appeal, in which case he shall have all the jurisdiction, powers and privileges of a judge of the Court of Appeal.

[16/93]

(4) The Chief Justice shall be the President of the Court of Appeal and, in his absence for any cause, the presidency shall be determined in accordance with the order of precedence prescribed in section 4.

[16/93]

Jurisdiction of Court of Appeal

29A.—(1) The civil jurisdiction of the Court of Appeal shall consist of appeals from any judgment or order of the High Court in any civil cause or 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.

[16/93]

(2) The criminal jurisdiction of the Court of Appeal shall consist of appeals 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.

[16/93]

(3) For the purposes of and incidental to —

(a) the hearing and determination of any appeal to the Court of Appeal; and

(b) the amendment, execution and enforcement of any judgment or order made on such an appeal,

the Court of Appeal shall have all the authority and jurisdiction of the court or tribunal from which the appeal was brought.

[16/93]

(4) The Court of 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.

[16/93]

Composition of Court of Appeal

30.—(1) The civil and criminal jurisdiction of the Court of Appeal shall be exercised by 3 or any greater uneven number of Judges of Appeal.

[16/93]

(2) Notwithstanding subsection (1), the Court of Appeal in the exercise of its civil jurisdiction shall, if it consists of 2 Judges of Appeal, be duly constituted for the purpose of hearing and determining —

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

(b) an application to discharge or vary any direction or order made under section 36(1);

- (c) an appeal against an interlocutory judgment;
- (ca) an appeal against any judgment or order obtained after the hearing of an application for the admission of a person under section 15 of the Legal Profession Act (Cap. 161);
[Act 3 of 2012 wef 01/04/2012]
- (d) an appeal against any judgment or order obtained after the hearing of an assessment of damages;
- (e) an appeal against any judgment or order obtained after the hearing of a taking of accounts between parties; or
- (f) an appeal against any judgment or order obtained after any proceedings other than the trial or hearing of any action or matter commenced by any originating process.
[30/2010 wef 01/01/2011]

(3) No Judge of Appeal shall sit as a member of the Court of Appeal on the hearing of, or shall determine any application in proceedings incidental or preliminary to —

- (a) an appeal from a judgment or an order made by him;
- (b) an appeal against a conviction before him or a sentence passed by him; or
- (c) the consideration of any case stated by him under section 395 of the Criminal Procedure Code 2010.

[16/93]

[15/2010 wef 02/01/2011]

(3A) No Judge of Appeal shall sit as a member of the Court of Appeal on the hearing of an application to discharge or vary any direction or order made by him under section 36(1).

[30/2010 wef 01/01/2011]

(4) Section 10A shall apply in relation to proceedings before the Court of Appeal as it applies in relation to proceedings before the High Court.

[16/93]

Appeals how decided

31.—(1) Subject to subsection (2), any appeal or determination of any question before the Court of Appeal shall be decided in

accordance with the opinion of the majority of the members of the Court hearing the case.

[16/93]

(2) Where an appeal has been heard by the Court of Appeal consisting of 2 Judges of Appeal and the members of the Court are divided, the decision appealed against shall stand.

[16/93]

Sittings of Court of Appeal

32.—(1) The Court of Appeal shall sit on such dates (whether or not a Saturday, Sunday or public holiday or during a vacation prescribed under section 12) and at such places as the Chief Justice may from time to time appoint.

[8/98; 2/2007]

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

PART IVA

CIVIL JURISDICTION OF COURT OF APPEAL

Application of this Part

32A. This Part relates to the Court of Appeal in the exercise of its civil jurisdiction.

[16/93]

Continuation of civil appeal notwithstanding absence of a Judge of Appeal

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 Appeal 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 Appeal 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 Appeal of such Court, not being less than 2, 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 of Appeal.

[16/93]

(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 Appeal of such Court, and if there is no such majority, the decision appealed against shall stand.

[16/93]

(3) If the parties do not consent as mentioned in subsection (1), the appeal shall be reheard.

Matters that are non-appealable or appealable only with leave

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

(a) where a Judge makes an order specified in the Fourth Schedule, except in such circumstances as may be specified in that Schedule;

[30/2010 wef 01/01/2011]

(b) [Deleted by Act 30/2010]

(c) [Deleted by Act 30/2010]

(d) where the judgment or order is made by consent of the parties; or

(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.

[16/93]

(2) Except with the leave of a Judge, no appeal shall be brought to the Court of Appeal in any of the following cases:

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

[30/2010 wef 01/01/2011]

- (b) where the only issue in the appeal relates to costs or fees for hearing dates;
- (c) where a Judge in chambers makes a decision in a summary way on an interpleader summons where the facts are not in dispute;
- (d) where a Judge makes an order specified in the Fifth Schedule, except in such circumstances as may be specified in that Schedule; or

[30/2010 wef 01/01/2011]

- (e) where the High Court makes an order in the exercise of its appellate jurisdiction with respect to any proceedings under the Adoption of Children Act (Cap. 4) or under Part VII, VIII or IX of the Women's Charter (Cap. 353).

[16/93; 43/98; 36/2004]

(2A) Subsection (2)(a) shall not apply to any case heard and determined by the High Court in the exercise of its original jurisdiction under —

- (a) section 17A;
- (b) section 59 or Part X of the Women's Charter; or
- (c) any written law which requires that case to be heard and determined by the High Court in the exercise of its original jurisdiction.

[30/2010 wef 01/01/2011]

(2B) An order of a Judge giving or refusing leave under subsection (2) shall be final.

[30/2010 wef 01/01/2011]

(3) The President may, after consulting the Chief Justice, by order published in the *Gazette* vary the amount mentioned in subsection (2)(a).

[43/98]

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 direction or 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.

(2) 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 a commissioner.

(3) 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.

(4) 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 specified in subsection (3), shall be admitted on special grounds only, and not without leave of the Court of Appeal.

(5) 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.

(6) The powers in this section 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.

Costs of appeal

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.

New trial

39.—(1) Except as is provided in this Act, 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.

(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.

(3) If it appears to the Court of Appeal that such wrong or miscarriage of justice affects only part of the matters in controversy, or some or only one of the parties, the Court of Appeal may give final judgment as to part thereof, or as to some or only one of the parties, and direct a new trial as to the other part only, or as to the other party or parties.

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

Immaterial errors

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.

Appeal not to operate as stay of execution

41.—(1) 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.

(2) No intermediate act or proceeding shall be invalidated except so far as the Court of Appeal may direct.

PART V

[42. to 60. *Repealed by Act 15/2010 wef 02/01/2011*]

PART VI

OFFICERS AND OFFICES

*Registrar***Appointment of Registrar, Deputy Registrar and Assistant Registrars**

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.

[58/73]

(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 (Cap. 161).

[58/73]

Powers and duties of Registrar, Deputy Registrar and Assistant Registrars

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 such jurisdiction, powers and duties as may be prescribed by Rules of Court.

[58/73; 7/97]

(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.

[58/73]

Sheriff

Sheriff, Deputy Sheriff and Assistant Sheriffs of Supreme Court

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.

[58/73]

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

[58/73]

Powers and duties of Sheriff

64.—(1) The Sheriff or his officers shall —

- (a) execute all writs, summonses, rules, orders, warrants, commands and process of the Supreme Court given to him by the Court for that purpose;
- (b) make a return of the same together with the manner of the execution thereof to the Supreme Court from which the process issued; and
- (c) 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 a person who may act in the place of the Sheriff.

Solicitor authorised to act as officer of Sheriff

65A.—(1) Subject to such directions as may be given by the Chief Justice, the Registrar may authorise a solicitor or a person employed by a solicitor to exercise the powers and perform the duties of an officer of the Sheriff during such period or on such occasion as the Registrar thinks fit and subject to such terms and conditions as the Registrar may determine.

[16/93]

(2) Section 79(2) shall apply to a solicitor or person authorised under subsection (1) as it applies to an officer of the Supreme Court.

[16/93]

*Accountant***Accountant — his duties**

66.—(1) An Accountant shall be appointed by the Chief Justice for the Supreme Court.

(2) 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***Subordinate officers of Supreme Court**

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.

(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.

Commissioners for oaths

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

[58/73]

(2) The Senate of the Singapore Academy of Law 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 acknowledgements of married women in all cases where such acknowledgements are required by law to be taken before a public officer;
- (b) receive acknowledgements 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.

[34/95]

(3) The Senate of the Singapore Academy of Law may make rules for the appointment and conduct of, fees to be charged by, fees payable to the Singapore Academy of Law by, and for all things appertaining to, commissioners for oaths and persons appointed by the Senate under subsection (2).

[34/95]

Oaths of officers

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 Second Schedule.

[58/73; 16/93]

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) The Registry of the Supreme Court shall be open on every day of the year except on Saturdays, Sundays and public holidays.

[8/98; 2/2007]

(2) Notwithstanding subsection (1), the Registrar may lawfully sit or carry out the business of the Registry on a Saturday, Sunday or public holiday if —

(a) the Chief Justice has directed the Registrar to do so on that day; or

(b) in the opinion of the Registrar, the business to be despatched is extremely urgent.

[8/98; 2/2007]

(3) The office hours of the Registry shall be such times as the Chief Justice may from time to time direct.

[8/98]

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*.

Vexatious litigants

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 in any court or subordinate court, whether against the same person or against different persons, the High Court may, after hearing that person or giving him an opportunity of being heard, order that —

- (a) no legal proceedings shall without the leave of the High Court be instituted by him in any court or subordinate court; and

- (b) any legal proceedings instituted by him in any court or subordinate 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 High 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.

[30/2010 wef 01/01/2011]

(2) If the person against whom an order is sought under subsection (1) satisfies the High Court that he lacks the means to retain an advocate and solicitor, the High Court shall assign one to him.

[30/2010 wef 01/01/2011]

(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*.

(5) In this section, “legal proceedings” includes any proceedings, process, action, application or appeal in any civil matter or criminal matter.

[30/2010 wef 01/01/2011]

Disabilities of Registrar and other officers

Disqualification of Registrar

75.—(1) Except with the approval of the Chief Justice, the Registrar, the Deputy Registrar and an Assistant Registrar —

(a) shall not be capable of —

- (i) accepting or taking any other office of emolument; or
 - (ii) carrying on any business either directly or indirectly;
- and

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

[30/2010 wef 01/01/2011]

(2) Without prejudice to the generality of subsection (1), the Registrar, the Deputy Registrar and an Assistant Registrar may, with the approval of the Chief Justice —

- (a) be appointed to any commission of inquiry, committee of inquiry or other judicial, quasi-judicial or administrative tribunal, or hold any office in any institution or society for charitable purposes or for the advancement or encouragement of art, science, education or other knowledge; and
- (b) receive an allowance or other honorarium in respect of that appointment or office.

[30/2010 wef 01/01/2011]

Registrar not to act where interested

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.

[58/73]

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 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 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 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

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.

[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.

(3) An officer of the Supreme Court 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

Rules of Court

80.—(1) The Rules Committee constituted under subsection (3) may make Rules of Court regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the High Court and the Court of 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.

[16/93]

(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 or the Court of 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 (Cap. 121) 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 or

the Court of 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;
- (f) 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 or the Court of Appeal, and for regulating any matters relating to the costs of proceedings in such courts;
- (g) enabling proceedings —
 - (i) to be commenced in the High Court against the estate of a deceased person (whether by the appointment of a person to represent the estate or otherwise) where no grant of probate or letters of administration has been made;
 - (ii) purporting to have been commenced in the High Court by or against a person to be treated, if he was dead at their commencement, as having been commenced by or against, as the case may be, his estate whether or not a grant of probate or letters of administration was made before their commencement; and
 - (iii) commenced or treated as commenced in the High Court by or against the estate of a deceased person to be maintained (whether by substitution of parties, amendment or otherwise) by or against, as the case may be, a person appointed to represent the estate or, if a grant of probate or letters of administration is or has been made, by or against the personal representatives;
- (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, except 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.

[16/93; 2/94]

(3) The Rules Committee shall consist of —

- (a) the Chief Justice, who shall be the Chairman of the Committee;
- (b) the Attorney-General;
- (c) not more than 5 Judges of the Supreme Court to be appointed by the Chief Justice for such period as he may specify in writing;
- (d) the Chief District Judge;
- (e) a District Judge to be appointed by the Chief Justice for such period as he may specify in writing; and
- (f) 2 practising advocates and solicitors to be appointed by the Chief Justice for such period as he may specify in writing.

[3/96]

[4/2010 wef 17/02/2010]

(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.

(5) No Rules of Court shall be made without the consent of the Chief Justice.

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

*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 at least once in every year, on such day or days as shall be fixed by the Chief Justice, for the purpose of —

- (a) considering the operation of this Act and of any Rules of Court;
- (b) considering the working of the Registry of the Supreme Court and the arrangements relative to the duties of the officers of the Supreme Court; and
- (c) 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 or in any subordinate court.

[16/93]

*Supplemental***Conversion of pending petitions and motions to writs of summons, originating summonses and summonses**

82.—(1) Where —

- (a) under any written law any civil action or application may be commenced in or made to the Court of Appeal, a Judge of Appeal, the High Court, a Judge or the Registrar (referred to in this section as the Court); and
- (b) the provisions under any written law by virtue of which such an action or application was required to be commenced or made by way of a petition, a motion or an originating motion have been amended such as to require that any such action or application shall, as from the date appointed for the coming into operation of the amendment, be commenced or made by way of a writ of summons, an originating summons or a summons,

then, if any such action or application that has been commenced or made before that date by way of a petition, a motion or an originating

motion is still pending before the Court on or after that date, the Court may, if it thinks just and expedient, order that the action or application (referred to in this section as a pending action or application) shall be converted to and be continued as an action or application commenced or made by way of a writ of summons, an originating summons or a summons, as is appropriate.

[42/2005]

(2) The Chief Justice may, where he considers it necessary or expedient to improve efficiency in the administration of justice, by order direct that any class or description of pending actions or applications before the Court shall be converted to and be continued as actions or applications commenced or made by way of a writ of summons, an originating summons or a summons, as is appropriate.

[42/2005]

(3) Where pursuant to subsection (1) or (2) any pending action or application has been converted to an action or application commenced or made by way of a writ of summons, an originating summons or a summons —

- (a) the action or application shall be continued in accordance with the provisions of the relevant written law and the practice and procedure as are in force and applicable in relation to that action or application at the time of the conversion; and
- (b) the Court may give to the parties to the action or application such directions as to the conduct and costs of the action or application as it thinks just and expedient for the purpose of facilitating the conversion of the action or application to an action or application commenced or made by way of a writ of summons, an originating summons or a summons (as the case may be) and its continuance as such.

[42/2005]

Amendment of Third, Fourth and Fifth Schedules

83.—(1) The Minister may, after consulting the Chief Justice, by order published in the *Gazette*, amend the Third, Fourth or Fifth Schedule.

[30/2010 wef 01/01/2011]

(2) An order under subsection (1) may contain such transitional and savings provisions as may appear to the Minister, after consulting the Chief Justice, to be necessary or expedient.

[30/2010 wef 01/01/2011]

FIRST SCHEDULE

Section 18(2)

ADDITIONAL POWERS OF THE HIGH COURT

Prerogative orders

1. Power to issue to any person or authority any direction, order or writ for the enforcement of any right conferred by any written law or for any other purpose, including the following prerogative orders:

- (a) a Mandatory Order (formerly known as *mandamus*);
- (b) a Prohibiting Order (formerly known as a prohibition);
- (c) a Quashing Order (formerly known as *certiorari*); and
- (d) an Order for Review of Detention (formerly known as a writ of *habeas corpus*).

Partition and sale in lieu of partition

2. Power to partition land and 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.

Charge or mortgage in lieu of sale of land

3. 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

4. Power to grant relief by way of interpleader —

- (a) 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 2 or more parties making adverse claims thereon; and
- (b) 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,

FIRST SCHEDULE — *continued*

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

Preservation of subject-matter, evidence and assets to satisfy judgment

5. Power before or after any proceedings are commenced to provide for —

- (a) the interim preservation of property which is the subject-matter of the proceedings by sale or by injunction or the appointment of receiver or the registration of a caveat or a *lis pendens* or in any manner whatsoever;
- (b) the preservation of evidence by seizure, detention, inspection, photographing, the taking of samples, the conduct of experiments or in any manner; and
- (c) the preservation of assets for the satisfaction of any judgment which has been or may be made.

Interest

6. Power to direct interest to be paid on damages, or debts (whether the debts are paid before or after commencement of proceedings) or 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.

Time

7. Power to enlarge or abridge the time prescribed by any written law for doing any act or taking any proceeding, whether the application therefor is made before or after the expiration of the time prescribed, but this provision shall be without prejudice to any written law relating to limitation.

Enforcement of judgment

8. Power to enforce a judgment of the court in any manner which may be prescribed by any written law or by Rules of Court made under this Act.

Stay of proceedings

9. Power to dismiss or stay proceedings where the matter in question is *res judicata* between the parties, or where by reason of multiplicity of proceedings in any court or courts or by reason of a court in Singapore not being the appropriate forum the proceedings ought not to be continued.

Transfer of proceedings

10. Power to transfer any proceedings to any other court or to or from any subordinate court, and in the case of transfer to or from a subordinate court to give

FIRST SCHEDULE — *continued*

any directions as to the further conduct thereof, except that this power shall be exercised in such manner as may be prescribed by Rules of Court.

Set-off

11. Power to allow a defence of set-off.

Discovery and interrogatories

12. Power before or after any proceedings are commenced to order discovery of facts or documents by any party to the proceedings or by any other person in such manner as may be prescribed by Rules of Court.

Costs

13. Power to award costs.

Reliefs and remedies

14. Power to grant all reliefs and remedies at law and in equity, including damages in addition to, or in substitution for, an injunction or specific performance.

Interim payment

15. Power to order a party in a pending proceeding to make interim payments to another party or to a stakeholder or into court on account of any damages, debt or other sum, excluding costs, which he may subsequently in the proceeding be adjudged to be liable to pay.

Provisional damages for personal injuries

16. Power to award in any action for damages for personal injuries, provisional damages assessed on the assumption that a contingency will not happen and further damages at a future date if the contingency happens.

Periodic payments

17. Power to order damages assessed in any action for personal injuries to be paid in periodic instalments rather than as a lump sum.

Attaching deposits

18. Power to attach deposits with a financial institution whether or not the deposits have matured and notwithstanding any restriction as to the mode of withdrawal.

FIRST SCHEDULE — *continued***Ordering medical examination**

19. Power to order medical examination of a person who is a party to any proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.

[16/93; 42/2005]

SECOND SCHEDULE

Section 69

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 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 ill-will 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 .

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 ill-will.

Taken and subscribed before me at this day of

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

SECOND SCHEDULE — *continued*

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

Officer Administering the Oath

[16/93]

THIRD SCHEDULE

Sections 21(2B) and 83

ORDERS MADE BY DISTRICT COURT OR MAGISTRATE'S COURT
THAT ARE NON-APPEALABLE

No appeal shall be brought to the High Court in any of the following cases:

- (a) where a District Court or Magistrate's Court makes an order giving unconditional leave to defend any proceedings;
- (b) where a District Court or Magistrate's Court makes an order giving leave to defend any proceedings on condition that the party defending those proceedings pays into court or gives security for the sum claimed, except if the appellant is that party;
- (c) where a District Court or Magistrate's Court makes an order setting aside unconditionally a default judgment, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise);
- (d) where a District Court or Magistrate's Court makes an order setting aside a default judgment on condition that the party against whom the judgment had been entered pays into court or gives security for the sum claimed, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise), except if the appellant is that party.

[30/2010 wef 01/01/2011]

FOURTH SCHEDULE

Sections 34(1)(a) and 83

**ORDERS MADE BY JUDGE
THAT ARE NON-APPEALABLE**

No appeal shall be brought to the Court of Appeal in any of the following cases:

- (a) where a Judge makes an order giving unconditional leave to defend any proceedings;
- (b) where a Judge makes an order giving leave to defend any proceedings on condition that the party defending those proceedings pays into court or gives security for the sum claimed, except if the appellant is that party;
- (c) where a Judge makes an order setting aside unconditionally a default judgment, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise);
- (d) where a Judge makes an order setting aside a default judgment on condition that the party against whom the judgment had been entered pays into court or gives security for the sum claimed, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise), except if the appellant is that party;
- (e) where a Judge makes an order refusing to strike out —
 - (i) an action or a matter commenced by a writ of summons or by any other originating process; or
 - (ii) a pleading or a part of a pleading;
- (f) where a Judge makes an order giving or refusing further and better particulars;
- (g) where a Judge makes an order giving leave to amend a pleading, except if —
 - (i) the application for such leave is made after the expiry of any relevant period of limitation current at the date of issue of the writ of summons; and
 - (ii) the amendment is an amendment to correct the name of a party or to alter the capacity in which a party sues, or the effect of the amendment will be to add or substitute a new cause of action;
- (h) where a Judge makes an order refusing security for costs;

FOURTH SCHEDULE — *continued*

- (i) where a Judge makes an order giving or refusing interrogatories.
[30/2010 wef 01/01/2011]

FIFTH SCHEDULE

Sections 34(2)(d) and 83

ORDERS MADE BY JUDGE
THAT ARE APPEALABLE ONLY WITH LEAVE

Except with the leave of a Judge, no appeal shall be brought to the Court of Appeal in any of the following cases:

- (a) where a Judge makes an order refusing leave to amend a pleading, except if —
- (i) the application for such leave is made after the expiry of any relevant period of limitation current at the date of issue of the writ of summons; and
 - (ii) the amendment is an amendment to correct the name of a party or to alter the capacity in which a party sues, or the effect of the amendment will be to add or substitute a new cause of action;
- (b) where a Judge makes an order giving security for costs;
- (c) where a Judge makes an order giving or refusing discovery or inspection of documents;
- (d) where a Judge makes an order refusing a stay of proceedings;
- (e) where a Judge makes an order at the hearing of any interlocutory application other than an application for any of the following matters:
- (i) for summary judgment;
 - (ii) to set aside a default judgment;
 - (iii) to strike out an action or a matter commenced by a writ of summons or by any other originating process, a pleading or a part of a pleading;
 - (iv) to dismiss an action or a matter commenced by a writ of summons or by any other originating process;
 - (v) for further and better particulars;
 - (vi) for leave to amend a pleading;
 - (vii) for security for costs;
 - (viii) for discovery or inspection of documents;

FIFTH SCHEDULE — *continued*

- (ix) for interrogatories to be varied or withdrawn, or for leave to serve interrogatories;
- (x) for a stay of proceedings.

[30/2010 wef 01/01/2011]

LEGISLATIVE HISTORY
SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)

This Legislative History is provided for the convenience of users of the Supreme Court of Judicature Act. It is not part of this Act.

1. Act 24 of 1969 — Supreme Court of Judicature Act 1969

| | |
|-----------------------------------|-----------------------------------|
| Date of First Reading | : 8 April 1969 (Bill No. 6/69) |
| Date of Second and Third Readings | : 29 December 1969 |
| Date of commencement | : 9 January 1970 |

2. 1970 Revised Edition — Supreme Court of Judicature Act (Chapter 15)

| | |
|-------------------|----------------|
| Date of operation | : 1 March 1971 |
|-------------------|----------------|

3. Act 58 of 1973 — Supreme Court of Judicature (Amendment) Act 1973

| | |
|-----------------------------------|--------------------------------------|
| Date of First Reading | : 28 August 1973 (Bill No. 50/73) |
| Date of Second and Third Readings | : 30 November 1973 |
| Date of commencement | : 11 February 1974 |

4. Act 10 of 1978 — Supreme Court of Judicature (Amendment) Act 1978

| | |
|-----------------------------------|--------------------------------------|
| Date of First Reading | : 31 January 1978 (Bill No. 5/78) |
| Date of Second and Third Readings | : 17 February 1978 |
| Date of commencement | : 8 April 1978 |

5. Act 4 of 1986 — Supreme Court of Judicature (Amendment) Act 1986

| | |
|-----------------------------------|---------------------------------------|
| Date of First Reading | : 31 October 1985 (Bill No. 20/85) |
| Date of Second and Third Readings | : 10 January 1986 |
| Date of commencement | : 1 March 1986 |

6. 1985 Revised Edition — Supreme Court of Judicature Act (Chapter 322)

| | |
|-------------------|-----------------|
| Date of operation | : 30 March 1987 |
|-------------------|-----------------|

7. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993

| | |
|-----------------------|--|
| Date of First Reading | : 26 February 1993 (Bill No. 12/93) |
|-----------------------|--|

Date of Second and Third Readings : 12 April 1993

Date of commencement : 1 July 1993

8. 1993 Reprint — Supreme Court of Judicature Act (Chapter 322)

Date of operation : 10 August 1993

9. Act 2 of 1994 — Judicial Committee (Repeal) Act 1994

(Consequential amendments made to Act by)

Date of First Reading : 17 January 1994
(Bill No. 2/94)

Date of Second and Third Readings : 23 February 1994

Date of commencement : 8 April 1994 (item (4) of the
Schedule — amendment of
Supreme Court of Judicature
Act)

10. Act 34 of 1995 — Singapore Academy of Law (Amendment) Act 1995

(Consequential amendments made to Act by)

Date of First Reading : 7 August 1995
(Bill No. 27/95)

Date of Second and Third Readings : 27 September 1995

Date of commencement : 1 January 1996 (section 12 —
amendment of Supreme Court of
Judicature Act)

11. Act 3 of 1996 — Supreme Court of Judicature (Amendment) Act 1995

Date of First Reading : 1 November 1995
(Bill No. 38/95)

Date of Second and Third Readings : 5 December 1995

Date of commencement : 26 January 1996

12. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997

Date of First Reading : 11 July 1997
(Bill No. 6/97)

Date of Second and Third Readings : 25 August 1997

Date of commencement : 1 October 1997 (item (11) of the
First Schedule — amendment of
Supreme Court of Judicature
Act)

13. Act 8 of 1998 — Holidays Act 1998

(Consequential amendments made to Act by)

| | |
|-----------------------------------|--|
| Date of First Reading | : 14 January 1998 (Bill No. 1/98) |
| Date of Second and Third Readings | : 19 February 1998 |
| Date of commencement | : 10 April 1998 (section 11(6) — amendment of Supreme Court of Judicature Act) |

14. Act 43 of 1998 — Supreme Court of Judicature (Amendment) Act 1998

| | |
|-----------------------------------|---------------------------------------|
| Date of First Reading | : 12 October 1998 (Bill No. 40/98) |
| Date of Second and Third Readings | : 26 November 1998 |
| Date of commencement | : 1 January 1999 |

15. Act 20 of 1999 — Administration of Muslim Law (Amendment) Act 1999

(Related amendments made to Act by)

| | |
|--|--|
| Date of First Reading | : 20 April 1998 (Bill No. 18/98) |
| Date of Second Reading | : 30 June 1998 |
| Date Committed to Select Committee | : 30 June 1998 |
| Date of Presentation of Select Committee Report | : 10 February 1999 (Parl 1 of 1999) |
| Date of Third Reading | : 15 April 1999 |
| Date of commencement | : 1 August 1999 (item (2) of the Schedule — amendment of Supreme Court of Judicature Act) |

16. 1999 Revised Edition — Supreme Court of Judicature Act (Chapter 322)

| | |
|-------------------|-----------------|
| Date of operation | : 1 August 1999 |
|-------------------|-----------------|

17. Act 26 of 2003 — Maritime Offences Act 2003

(Consequential amendments made to Act by)

| | |
|-----------------------------------|---|
| Date of First Reading | : 16 October 2003 (Bill No. 23/2003) |
| Date of Second and Third Readings | : 10 November 2003 |

- Date of commencement : 3 May 2004 (section 13 — amendment of Supreme Court of Judicature Act)
- 18. Act 36 of 2004 — Supreme Court of Judicature (Amendment) Act 2004**
- Date of First Reading : 1 September 2004
(Bill No. 35/2004)
- Date of Second and Third Readings : 21 September 2004
- Date of commencement : 1 November 2004
- 19. Act 17 of 2005 — Statutes (Miscellaneous Amendments and Repeal) Act 2005**
- Date of First Reading : 18 April 2005
(Bill No. 7/2005)
- Date of Second and Third Readings : 16 May 2005
- Date of commencement : 15 July 2005 (section 11 — amendment of Supreme Court of Judicature Act)
- 20. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**
- Date of First Reading : 17 October 2005
(Bill No. 30/2005)
- Date of Second and Third Readings : 21 November 2005
- Date of commencement : 1 January 2006 (section 4 — amendment of Supreme Court of Judicature Act)
- 21. Act 2 of 2007 — Statutes (Miscellaneous Amendments) Act 2007**
- Date of First Reading : 8 November 2006
(Bill No. 14/2006)
- Date of Second and Third Readings : 22 January 2007
- Date of commencement : 1 March 2007 (section 17 — amendment of Supreme Court of Judicature Act)
- 22. 2007 Revised Edition — Supreme Court of Judicature Act (Chapter 322)**
- Date of operation : 31 July 2007

23. Act 43 of 2007 — Inquiries Act 2007

(Consequential amendments made to Act by)

- Date of First Reading : 27 August 2007
(Bill No. 31/2007)
- Date of Second and Third Readings : 19 September 2007
- Date of commencement : 1 November 2007 (item (4) of
the Second Schedule —
amendment of Supreme Court of
Judicature Act)

24. Act 29 of 2008 — Administration of Muslim Law (Amendment) Act 2008

(Related amendments made to Act by)

- Date of First Reading : 15 September 2008
(Bill No. 24/2008)
- Date of Second and Third Readings : 17 November 2008
- Date of commencement : 1st March 2009 (section 32 —
amendment of Supreme Court of
Judicature Act)

25. Act 4 of 2010 — Statutes (Miscellaneous Amendments) Act 2010

- Date of First Reading : 23 November 2009
(Bill No. 26/2009)
- Date of Second and Third Readings : 12 January 2010
- Date of commencement : 17 February 2010 (section 5 —
amendment of Supreme Court of
Judicature Act)

26. Act 30 of 2010 — Supreme Court of Judicature (Amendment) Act 2010

- Date of First Reading : 15 September 2010
(Bill No. 25/2010)
- Date of Second and Third Readings : 18 October 2010
- Date of commencement : 1 January 2011

27. Act 15 of 2010 — Criminal Procedure Code 2010

(Consequential and related amendments made to Act by)

- Date of First Reading : 26 April 2010
(Bill No. 11/2010)
- Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011 (item 106 of the Sixth Schedule — amendment of Supreme Court of Judicature Act)

28. Act 3 of 2012 — Legal Profession (Amendment) Act 2012

(Related amendments made to Act by)

Date of First Reading : 16 January 2012
(Bill No. 1/2012)

Date of Second and Third Readings : 14 February 2012

Date of commencement : 1 April 2012 (section 15 — amendment of Supreme Court of Judicature Act)

COMPARATIVE TABLE
 SUPREME COURT OF JUDICATURE ACT
 (CHAPTER 322)

The following provisions in the 1993 Reprint of the Supreme Court of Judicature Act were renumbered by the Law Revision Commissioners in the 1999 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Supreme Court of Judicature Act.

| 1999 Ed. | | 1993 Reprint |
|--|--|-------------------------|
| Omitted — <i>Repealed by Act 16/93</i> | | 7 |
| 7 | | 8 |
| 8—(1) | | 9—(1) |
| (2) | | Proviso to 9—(1) |
| (3) and (4) | | (2) |
| 9 | | 9A |
| Omitted — <i>Deleted by Act 20/99</i> | | 16—(2) |
| 16—(2) | | (3) |
| 22—(1) and (2) | | 22 |
| 27—(1) and (2) | | 27—(1) |
| (3) | | (2) |
| 28—(1) and (2) | | 28 |
| 37—(1) and (2) | | 37—(1) |
| (3) | | (2) |
| (4) | | (3) |
| (5) | | (4) |
| (6) | | (5) |
| 39—(2) and (3) | | 39—(2) |
| (4) | | (3) |
| 41—(1) and (2) | | 41 |
| Omitted — <i>Deleted by Act 16/93</i> | | 44—(1) |

| | | |
|---------------------------------------|--|--------------------------|
| 44—(1) | | 44—(2) |
| (2) | | Proviso to 44—(2) |
| 47—(2) and (3) | | 47—(2) |
| (4) and (5) | | (3) |
| 49—(2) | | 49—(1A) |
| (3) | | (2) |
| 51—(1) and (2) | | 51—(1) |
| (3) | | (2) |
| (4) | | (3) |
| 52—(1) and (2) | | 52—(1) |
| (3) | | (2) |
| (4) | | Proviso to 52—(2) |
| 54—(1) and (2) | | 54—(1) |
| (3) | | Proviso to 54—(1) |
| (4) | | 54—(2) |
| (5) | | (3) |
| 56—(3) | | Proviso to 56—(2) |
| (4) | | 56—(3) |
| 57—(3) and (4) | | 57—(3) |
| 59—(4) and (5) | | 59—(4) |
| 66—(1) and (2) | | 66 |
| Omitted — Spent | | 68—(4) |
| 75—(1) and (2) | | 75 |
| 79—(2) and (3) | | 79—(2) |
| Omitted — <i>Repealed by Act 2/94</i> | | 80—(2) (f) |
| 80—(2) (f) | | (2) (g) |
| (2) (g) | | (2) (ga) |
| (5) | | Proviso to 80—(4) |
| (6) | | 80—(5) |

| | |
|-----------------------------|-----------|
| 81—(a), (b) and (c) | 81 |
| Omitted — Spent | 82 |
| Omitted — Spent | 83 |
| Omitted — Spent | 84 |