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Small Claims Tribunals (Amendment) Bill

Bill No. 23/2018.

Read the first time on 17 May 2018.

A BILL

intituled

An Act to amend the Small Claims Tribunals Act (Chapter 308 of the 1998 Revised Edition) and to make consequential amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Small Claims Tribunals (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the Small Claims Tribunals Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “claimant”, the following definition:

10 ““Community Mediation Centre” means a Community Mediation Centre established under section 3 of the Community Mediation Centres Act (Cap. 49A);”;

15 (b) by inserting, immediately after the definition of “court”, the following definition:

““court-appointed mediator” means an individual who is appointed by the Presiding Judge of the State Courts to be a mediator for the purposes of this Act;”;

20 (c) by deleting the definition of “prescribed limit” and substituting the following definitions:

25 ““prescribed extended limit” means \$30,000 or such other sum as the Minister may, after consultation with the Chief Justice, prescribe by order in the *Gazette*;

““prescribed limit” means \$20,000 or such other sum as the Minister may, after consultation with the Chief Justice, prescribe by order in the *Gazette*;”;

30 (d) by deleting the definitions of “Referee” and “Registrar” and substituting the following definition:

““Registrar” means the registrar, a deputy registrar or an assistant registrar for the tribunals;”;

- (e) by inserting, immediately after the definition of “rules”, the following definition:

““specified claim” means a claim specified in the Schedule;”;

- (f) by inserting, immediately after the definition of “tribunal”, the following definition:

““tribunal magistrate” means a tribunal magistrate designated under section 4(2) or appointed under section 4(3)(a);”;

- (g) by inserting, immediately after the words “defect in goods” in the definition of “work order”, the words “or any damage to property,”; and

- (h) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) For the purposes of this Act, the value of a claim relating to a contract means —

(a) in the case where the nature of the claim is for the rescission of the contract, the value of the contract;

(b) in the case where the nature of the claim is for the recovery of a progress payment due under the contract, the value of the contract; and

(c) in any other case, the quantum of the claim.”.

Repeal and re-enactment of section 4

3. Section 4 of the principal Act is repealed and the following section substituted therefor:

“Tribunal magistrates

4.—(1) A tribunal is to be presided over by a tribunal magistrate designated under subsection (2) or appointed under subsection (3)(a).

5 (2) The Presiding Judge of the State Courts may designate a District Judge or a Magistrate as a tribunal magistrate.

(3) The President may, on the recommendation of the Chief Justice, by instrument in writing —

10 (a) appoint a qualified person (as defined in section 2(1) of the Legal Profession Act (Cap. 161)) as a tribunal magistrate; and

(b) revoke that appointment at any time.

15 (4) An individual appointed under subsection (3)(a) as a tribunal magistrate holds office for the term specified in the instrument of appointment, and may be re-appointed.

20 (5) Any individual designated under subsection (2) or appointed under subsection (3)(a) may, although the period of the individual’s designation or appointment has expired, or the individual’s designation or appointment has been revoked, sit as a tribunal magistrate for the purpose of giving judgment or otherwise in relation to any case heard by the individual as a tribunal magistrate.”.

Amendment of section 5

4. Section 5 of the principal Act is amended —

25 (a) by deleting subsection (1) and substituting the following subsection:

“(1) Subject to the provisions of this Act, a tribunal has the jurisdiction to hear and determine any claim which —

30 (a) is a specified claim; and

(b) is served in Singapore on the respondent under section 19(1).”;

- (b) by inserting, immediately before the word “which” in subsection (3)(a), the words “the value of”;
- (c) by deleting the words “one year from” in subsection (3)(b) and substituting the words “2 years after”;
- (d) by deleting the words “\$20,000 or such other sum as the Minister may, after consultation with the Chief Justice, by order published in the *Gazette*, substitute therefor” in subsection (4) and substituting the words “the prescribed extended limit”; and
- (e) by deleting subsection (6).

Repeal and re-enactment of section 14

5. Section 14 of the principal Act is repealed and the following section substituted therefor:

“Registrar, deputy registrars, assistant registrars and other officers

14.—(1) The registrar of the State Courts is the registrar for the tribunals.

(2) The Chief Justice may appoint deputy registrars, assistant registrars and other officers for the proper functioning of the tribunals.”.

Amendment of section 17

6. Section 17 of the principal Act is amended by inserting, immediately after subsection (10), the following subsection:

“(11) Section 23 applies to a consultation under this section or section 18, subject to the modification that a reference in section 23 to proceedings before a tribunal is a reference to the consultation.”.

New section 18A

7. The principal Act is amended by inserting, immediately after section 18, the following section:

“Referral of cases to Community Mediation Centre, etc.

18A.—(1) The Registrar or a tribunal may refer a claim to a Community Mediation Centre or any other person for mediation, with or without the consent of the parties to the claim.

5 (2) The Registrar or the tribunal may, in making a referral under subsection (1) —

(a) order all or any of the parties to the claim to attend (personally or by a representative permitted under section 23(2)) before a mediator of the Community Mediation Centre, or that other person, at the time and place specified in the order;

(b) give any direction necessary for and incidental to the proper carrying into effect of the referral; and

(c) order that all further proceedings on the claim under this Act be stayed pending the mediation.

(3) Section 23 applies to a mediation required under this section, subject to the modification that a reference in section 23 to proceedings before a tribunal is a reference to the mediation.

(4) This section has effect despite any other written law.”.

Amendment of section 19

8. Section 19(1) of the principal Act is amended by deleting the words “the Registrar is unable to achieve a settlement acceptable to all the parties to the dispute, he” and substituting the words “a claim is not settled under section 17 or 18, or in a mediation required by the Registrar under section 18A, the Registrar”.

Amendment of section 22

9. Section 22 of the principal Act is amended by deleting subsections (2) and (3) and substituting the following subsections:

“(2) A tribunal, when dealing with a claim, is to adopt a judge-led approach, that is to say, the tribunal —

(a) is to identify the relevant issues in the claim; and

(b) is to ensure that the relevant evidence is adduced by the parties to the proceedings before the tribunal.

(3) In adopting a judge-led approach, a tribunal may, at any time, on its own initiative or on the application of any party to the proceedings before the tribunal, direct any party or parties to those proceedings to appear before the tribunal, for the tribunal to make such order or give such direction as the tribunal thinks fit, for the just, expeditious and economical disposal of the claim.

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(4) A tribunal may, on its own initiative or at the request of any party, summon any person to do either or both of the following:

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(a) give evidence in any proceedings before a tribunal;

(b) produce any document, record or thing which is relevant in any proceedings before a tribunal.

(5) A tribunal may inquire into any matter which the tribunal considers relevant to a claim, whether or not the matter is raised by a party to the claim.”.

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Amendment of section 23

10. Section 23 of the principal Act is amended —

(a) by inserting, immediately after the words “one of its” in subsection (2)(c), the words “officers or”;

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(b) by inserting, immediately after paragraph (d) of subsection (2), the following paragraph:

“(da) an unincorporated association, one of the members of its governing body, or one of its full-time employees, may present the case on behalf of the unincorporated association;”;

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(c) by inserting, immediately after the words “A tribunal” in subsection (4), the words “or the Registrar”;

(d) by deleting the words “satisfy itself” in subsection (4) and substituting the words “be satisfied”; and

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(e) by inserting, immediately after subsection (4), the following subsection:

“(5) In this section, “officer”, for a body corporate, means —

5 (a) in the case of a limited liability partnership, a partner, manager or other similar officer of the limited liability partnership; and

10 (b) in the case of any other body corporate, a director, chief executive, manager, secretary or other similar officer of the body corporate.”.

Repeal and re-enactment of section 24

11. Section 24 of the principal Act is repealed and the following section substituted therefor:

“Proceedings conducted in private unless tribunal orders otherwise

24.—(1) Subject to subsection (2), all proceedings before a tribunal are to be conducted in private.

20 (2) A tribunal may, on its own initiative or on the application of any party to the proceedings, and in such manner as may be prescribed, do any of the following:

(a) allow one or more individuals to assist in resolving the claim amicably through mediation or conciliation;

25 (b) allow one or more individuals of skill and experience in the matter to which the proceedings relate to sit with the tribunal and act as assessors;

(c) allow any individual whom the tribunal deems fit to observe the hearing of the claim.”.

Amendment of section 26

30 12. Section 26 of the principal Act is amended —

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

(b) by inserting, immediately after the words “such claims” in subsection (1), the words “(called in this section the common group of claims)”;

(c) by inserting, immediately after subsection (1), the following subsection: 5

“(1A) The aggregate value of the common group of claims must not exceed —

(a) in the case where section 5(4) applies to any claim in the common group of claims, the prescribed extended limit; and 10

(b) in any other case, the prescribed limit.”; and

(d) by deleting the words “one or more of the claims” in subsection (2) and substituting the words “any claim in the common group of claims”.

Amendment of section 27

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13. Section 27 of the principal Act is amended —

(a) by deleting the words “subsection (2)” in subsection (1) and substituting the words “subsections (1A) and (2)”;

(b) by inserting, immediately after subsection (1), the following subsection: 20

“(1A) The aggregate value of the claims of persons represented in a representative claim must not exceed —

(a) in the case where section 5(4) applies to any of those persons’ claims, the prescribed extended limit; and 25

(b) in any other case, the prescribed limit.”.

Repeal and re-enactment of section 29

14. Section 29 of the principal Act is repealed and the following section substituted therefor: 30

“When party fails to appear

29. If a party to the proceedings on a claim before a tribunal fails, without reasonable excuse, to attend (personally or by a representative permitted under section 23(2)) those proceedings, the tribunal may —

(a) in the case where the absent party is the claimant —

(i) dismiss the claim; or

(ii) where the proceedings include a counterclaim by the respondent, hear, and make an order under section 35 on, the counterclaim; or

(b) in the case where the absent party is the respondent, hear, and make an order under section 35 on, the claim and (where the proceedings include a counterclaim by the respondent) the counterclaim.”.

Repeal of sections 35, 36 and 37, and re-enactment of sections 35 and 36

15. Sections 35, 36 and 37 of the principal Act are repealed and the following sections substituted therefor:

“Orders of tribunal

35.—(1) A tribunal may, as regards any claim within its jurisdiction, make one or more of the following orders, subject to such conditions (whether as to the time for, or mode of, compliance or otherwise) as the tribunal thinks fit to impose:

(a) an order requiring a party to pay money to another party;

(b) a work order against a party;

(c) an order requiring a party to do anything under a work order within such time as may be specified in the order and, in default of that party complying with that order, to pay money to a person specified in the order;

(d) an order dismissing the whole or part of the claim;

(e) an order to vary a work order;

- (f) an order requiring a party to pay costs to another party;
- (g) where the claim is for unpaid rent for any premises under a contract specified in paragraph 1(c) of the Schedule, an order for the delivery of vacant possession of the premises; 5
- (h) any ancillary order necessary to give effect to any order made by the tribunal.

(2) The total value of a money order or work order made under subsection (1) must not exceed —

- (a) in the case where section 5(4) applies, the prescribed extended limit; and 10
- (b) in any other case, the prescribed limit.

(3) A tribunal may correct an order made by the tribunal within 14 days after the date on which the order is made, or correct a statement of the tribunal's grounds for making the order within 14 days after the date on which the statement is issued by the tribunal, to the extent necessary to rectify any of the following: 15

- (a) a clerical mistake;
- (b) an error arising from an accidental slip or omission;
- (c) a material miscalculation of figures, or a material mistake in the description of any person, thing or matter, mentioned in the order or statement; 20
- (d) a defect of form.

(4) In this section, "money order" means an order under subsection (1)(a). 25

Enforcement of section 35(1) order

36. Each of the following orders may be enforced in the same manner as a judgment or an order made by a District Court:

- (a) an order made by a tribunal under section 35(1);
- (b) an order made by the Registrar under section 17(2), (5) or (7) or 20(4), read with section 35(1).". 30

Amendment of section 38

16. Section 38 of the principal Act is amended —

(a) by deleting the words “or 37(3)” in subsection (1); and

(b) by deleting subsections (1B) and (2) and substituting the following subsections:

“**(2)** Where a proposed appeal against an order made by a tribunal does not satisfy subsection (1)(a) or (b), a District Court may, in addition to refusing leave under subsection (1A) and subject to such directions as the District Court thinks fit —

(a) order that the matter be remitted to that tribunal for its reconsideration; or

(b) order a rehearing of the matter by a different tribunal.

(3) Any order of a District Court under subsection (1A) or (2) is final and is not subject to an appeal.”.

Amendment of section 39

17. Section 39(1) of the principal Act is amended by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs:

“(a) allow the appeal, and set aside or vary the tribunal’s order;

(b) subject to such directions as the High Court thinks fit, remit the matter to the tribunal for reconsideration, or order a rehearing of the matter by a different tribunal; or

(c) dismiss the appeal.”.

Repeal and re-enactment of section 42

18. Section 42 of the principal Act is repealed and the following section substituted therefor:

“Appeal does not operate as stay of execution

42.—(1) An appeal against an order made by a tribunal under section 35 (called in this section a tribunal’s section 35 order) does not operate as a stay of execution of that order, unless the tribunal, a District Court or the High Court orders otherwise. 5

(2) A stay of execution of a tribunal’s section 35 order is subject to such conditions as the tribunal, a District Court or the High Court (as the case may be) thinks fit to impose, including conditions as to costs, payment into the tribunal, District Court or High Court (as the case may be) or the giving of security. 10

(3) The High Court may order a stay of execution of a tribunal’s section 35 order only if —

(a) a District Court has given leave under section 38(1A) to appeal against the tribunal’s section 35 order; and

(b) no application was made to the tribunal or any District Court for a stay of execution of the tribunal’s section 35 order. 15

(4) Any order made under this section on an application for a stay of execution of a tribunal’s section 35 order is final and is not subject to an appeal.”. 20

Repeal and re-enactment of section 44

19. Section 44 of the principal Act is repealed and the following section substituted therefor:

“Protection from personal liability

44.—(1) The following individuals have and enjoy the same protection that a Magistrate has and enjoys under the State Courts Act (Cap. 321): 25

(a) a tribunal magistrate;

(b) the Registrar, when exercising the jurisdiction and powers of a tribunal. 30

(2) No liability shall lie personally against an officer of a State Court or a court-appointed mediator who, acting in good faith

and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.”.

New Schedule

5 **20.** The principal Act is amended by inserting, immediately after section 47, the following Schedule:

“THE SCHEDULE

Section 2(1)

SPECIFIED CLAIMS

1. The following are specified claims for the purposes of section 5(1)(a):

- 10 (a) a claim relating to a contract for the sale of goods or the provision of services;
- (b) a claim in tort relating to damage caused to any property (other than a claim mentioned in section 4 of the Community Disputes Resolution Act 2015 (Act 7 of 2015));
- 15 (c) a claim relating to a contract for the lease of residential premises that does not exceed 2 years;
- (d) a claim by an owner developer for the recovery of any charge or interest mentioned in section 22(1) of the Building Maintenance and Strata Management Act (Cap. 30C);
- 20 (e) a claim by a management corporation for the recovery of any contribution or interest mentioned in section 40(6) of the Building Maintenance and Strata Management Act;
- (f) a claim by the Housing and Development Board for the recovery of any improvement contribution, interest or penalty mentioned in section 65I of the Housing and Development Act (Cap. 129);
- 25 (g) a claim by the Council of the Singapore Business Federation for the recovery of any subscription mentioned in section 12(4) of the Singapore Business Federation Act (Cap. 297A);
- (h) a claim by a Town Council for the recovery of any improvement contribution, interest or penalty mentioned in section 24H of the Town Councils Act (Cap. 329A);
- 30 (i) a claim by a Town Council for the recovery of any charge, fee, expense or penalty mentioned in section 51 of the Town Councils Act.

2. For the purposes of paragraph 1(a), a contract to buy or sell foreign currency notes made with a person holding a valid money-changer's licence under the Money-changing and Remittance Businesses Act (Cap. 187) is deemed to be a contract for the provision of services.”.

Miscellaneous amendments

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21. The principal Act is amended —

- (a) by deleting the word “Referees” in the long title and substituting the words “tribunal magistrates”;
- (b) by deleting the words “in person” in sections 18(2), 20(3) and 25(2) and substituting in each case the words “(personally or by a representative permitted under section 23(2))”;
- (c) by deleting the words “Referee of a tribunal” in section 28(5) and substituting the words “tribunal magistrate”;
- (d) by deleting the word “Referee” in sections 28(6) and (7) and 43(2) and substituting in each case the word “tribunal”;
- (e) by deleting the words “a tribunal” in section 28(6) and (7) and substituting in each case the words “the tribunal”;
- (f) by repealing sections 31 and 32;
- (g) by deleting the words “or 29(1)” in section 41(1)(a) and substituting the words “, 29(a)(i) or 35(1) read with section 29(a)(ii) or (b)”;
- (h) by deleting the words “Referee or” in section 43(1)(a) and substituting the words “tribunal magistrate or”; and
- (i) by deleting the words “while a Referee” in section 43(1)(a) and substituting the words “while the tribunal magistrate”.

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Saving and transitional provisions

22.—(1) This Act does not apply to a claim that is lodged under section 15(1) of the principal Act before the date of commencement of any provision of this Act.

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(2) Section 5(3)(b) of the principal Act, as amended by section 4(c) of this Act, does not apply to a claim with a cause of action that accrued before the date of commencement of section 4(c) of this Act if the period specified in section 5(3)(b) of the principal Act as in force immediately before that commencement date has expired before that commencement date.

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

Consequential amendments to other Acts

23.—(1) Section 2(1) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016) is amended by deleting paragraph (d) of the definition of “judge” and substituting the following paragraph:

“(d) in the case of the Small Claims Tribunals, a tribunal magistrate or the Registrar as defined in section 2(1) of the Small Claims Tribunals Act (Cap. 308); or”.

(2) The Building Maintenance and Strata Management Act (Cap. 30C, 2008 Ed.) is amended —

(a) by deleting the word “; or” at the end of section 22(1)(a) and substituting a full-stop;

(b) by deleting paragraph (b) of section 22(1);

(c) by deleting subsection (8) of section 40; and

(d) by deleting the words “Without prejudice to subsection (8), a” in section 40(10) and substituting the word “A”.

(3) The Community Mediation Centres Act (Cap. 49A, 1998 Ed.) is amended —

(a) by deleting the words “section 15” in section 9(3) and substituting the words “sections 15 and 15A”;

(b) by deleting the words “and 15” in section 11(1) and substituting the words “, 15 and 15A”;

- (c) by inserting, immediately after subsection (3) of section 14, the following subsection:

“(4) This section does not apply to a claim referred to a mediator of a Community Mediation Centre under section 18A of the Small Claims Tribunals Act (Cap. 308).”; and

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- (d) by inserting, immediately after section 15, the following section:

“Referral of cases under Small Claims Tribunals Act

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15A.—(1) Where a claim is referred by a specified person to a mediator of a Community Mediation Centre under section 18A of the Small Claims Tribunals Act (Cap. 308) —

(a) a party to the claim who is required to attend the mediation under that section may do so personally or by a representative permitted under section 23(2) of that Act; and

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(b) the mediator must record and notify the specified person of the outcome of the mediation.

20

(2) In this section, “specified person” means a tribunal or the Registrar as defined in section 2(1) of the Small Claims Tribunals Act.”.

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(4) Section 7 of the Consumer Protection (Fair Trading) Act (Cap. 52A, 2009 Ed.) is amended —

(a) by deleting the words “section 5(1)” in subsection (1) and substituting the words “section 5(1)(a)”;

(b) by deleting subsection (2) and substituting the following subsection:

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“(2) In subsection (1), “relevant contract” means a contract mentioned in paragraph 1(a) or (c) of the Schedule to the Small Claims Tribunals Act (Cap. 308), but does not include a contract relating to the sale of immovable property.”; and

(c) by deleting the words “subsections (2) to (5)” in subsection (2A) and substituting the words “subsections (1)(b) and (2) to (5)”.

(5) Section 65I of the Housing and Development Act (Cap. 129, 2004 Ed.) is amended —

(a) by deleting the word “; and” at the end of paragraph (a) and substituting a full-stop; and

(b) by deleting paragraph (b).

(6) Section 12(4) of the Singapore Business Federation Act (Cap. 297A, 2002 Ed.) is amended —

(a) by deleting the word “; and” at the end of paragraph (a) and substituting a full-stop; and

(b) by deleting paragraph (b).

(7) Section 3 of the State Courts Act (Cap. 321, 2007 Ed.) is amended by deleting subsection (3).

(8) The Town Councils Act (Cap. 329A, 2000 Ed.) is amended —

(a) by deleting the word “; and” at the end of section 24H(a) and substituting a full-stop;

(b) by deleting paragraph (b) of section 24H;

(c) by deleting the word “; and” at the end of section 51(a) and substituting a full-stop; and

(d) by deleting paragraph (b) of section 51.

EXPLANATORY STATEMENT

This Bill seeks to amend the Small Claims Tribunals Act (Cap. 308) for the following main purposes:

- (a) to expand and make other changes to the jurisdiction of the Small Claims Tribunals (“SCTs”);
- (b) to enhance the powers of the SCTs to facilitate more efficient and effective resolution of cases;
- (c) to align with the Community Disputes Resolution Act 2015 (Act 7 of 2015) and the Employment Claims Act 2016 (Act 21 of 2016) in respect of certain processes;
- (d) to improve the administration of the Act;
- (e) to make consequential amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

Clause 2 amends certain definitions in section 2, and inserts new definitions of certain expressions used in the Bill.

The clause also provides that the following rules apply to a claim relating to a contract when determining whether the value of the claim is within the applicable monetary limit prescribed for claims under the Act:

- (a) in the case where the nature of the claim is for the rescission of the contract, the value of the claim is the value of the contract;
- (b) in the case where the nature of the claim is for the recovery of a progress payment due under the contract, the value of the claim is the value of the contract;
- (c) in any other case, the value of the claim is the quantum of the claim.

The rule in limb (a) is based on the High Court’s decision in *Mohammed Akhtar and others v Schneider and another* [1996] 1 SLR(R) 731 (as clarified by the High Court in *Speedo Motoring Pte Ltd v Ong Gek Sing* [2014] 2 SLR 1398) that where the nature of a claim is for the rescission of a contract, it is the value of the contract (and not the quantum being claimed) that is relevant for determining whether the claim exceeds the applicable monetary limit prescribed in the Act.

The rule in limb (b) is aimed at preventing a person from filing separate claims for progress payments under a contract in order to keep within the applicable monetary limit prescribed in the Act.

The rule in limb (c) clarifies that for any other type of claims relating to a contract, the value of the claim is determined by the quantum of the claim (and not the value of the contract).

Clause 3 repeals and re-enacts section 4 primarily to rename Referees of the SCTs as tribunal magistrates, and to allow the Presiding Judge of the State Courts to designate District Judges and Magistrates as tribunal magistrates (similar to the system adopted in the Community Disputes Resolution Act 2015 and the Employment Claims Act 2016). Legally-qualified persons who are not District Judges or Magistrates will need to be appointed as tribunal magistrates by the President (on the recommendation of the Chief Justice).

Clause 4 amends section 5 (on the SCTs' jurisdiction) to specify in the Schedule (inserted by clause 20) the type of claims that can be determined by the SCTs, and to increase the SCTs' jurisdiction.

The clause increases the limitation period for bringing claims under the Act from one year to 2 years.

Currently, whether a claim comes within the SCTs' jurisdiction depends on, among other things, whether the value of the claim is within certain monetary limits prescribed in the Act. These limits are increased under the clause (read with clause 2). Thus, the limit of a claim under section 5(3) (prescribed limit) is increased from \$10,000 to \$20,000, and the limit of a claim under section 5(4) (prescribed extended limit) is increased from \$20,000 to \$30,000.

Clause 5 repeals and re-enacts section 14 (on registrar, etc., for the SCTs) to provide that the registrar for the SCTs is the registrar of the State Courts. The clause also enables the Chief Justice to appoint more than one deputy registrar for the SCTs (currently, the Chief Justice is only empowered to appoint one deputy registrar but may appoint one or more assistant registrars). These mirror the approach taken in the Employment Claims Act 2016. The term "Registrar" in the Act refers to the registrar, a deputy registrar or an assistant registrar for the SCTs.

Clause 6 amends section 17 to clarify that section 23 on the persons permitted to represent a party in proceedings before an SCT applies (with the necessary modification) to consultations carried out by the Registrar under the Act.

Clause 7 inserts a new section 18A to empower the Registrar or an SCT to refer a claim for mediation before a mediator of a Community Mediation Centre or any other person. The new section 18A is based on section 30 of the Community Disputes Resolution Act 2015. When referring a claim for mediation, the Registrar or SCT has the power to, among other things, order the parties to the claim to attend the mediation (either personally or by a representative permitted under section 23(2)). For this purpose, the new section 18A provides that section 23 on the persons permitted to represent a party in proceedings before an SCT applies (with the necessary modification) to the mediation.

Clause 8 makes consequential amendments to section 19(1) arising from the new section 18A.

Clause 9 amends section 22 (on conduct of hearings) mainly to require an SCT to adopt a judge-led approach in the proceedings before the SCT (“SCT proceedings”). The amendments are based on section 20 of the Employment Claims Act 2016.

Clause 10 amends section 23 (on representation at SCT proceedings) mainly to provide that —

- (a) a body corporate (such as a company) may be represented in the proceedings by an officer of the body corporate (the current provision only allows a body corporate to be represented by a full-time employee); and
- (b) an unincorporated association (such as a society) may be represented in the proceedings by a member of its governing body or one of its full-time employees.

Clause 11 repeals and re-enacts section 24 to provide that while SCT proceedings are to be conducted in private, the SCTs may allow certain individuals to be present at the proceedings (as assessors, observers, etc.). The re-enacted section 24 is adapted from section 18 of the Employment Claims Act 2016.

Clause 12 amends section 26 (on claims being heard together) to provide that an SCT can only order claims to be heard together under that section if the aggregate value of all the claims does not exceed the applicable monetary limit prescribed in the Act. This amendment is to clarify the scope of section 26 following observations made by the High Court in *Freely Pte Ltd v Ong Kaili and others* [2010] 2 SLR 1065.

Clause 13 amends section 27 (on representative claims) to provide that the aggregate value of all the claims of persons represented in a representative claim must not exceed the applicable monetary limit prescribed in the Act. This amendment corresponds to the amendment to section 26 by clause 12.

Clause 14 repeals and re-enacts section 29 to empower an SCT to, among other things, dismiss a claim if the claimant fails (without reasonable cause) to attend any proceedings on the claim before the SCT, and to proceed with the hearing of the claim and make an appropriate order under section 35 if the respondent fails (without reasonable cause) to attend the proceedings. This aligns the SCTs’ powers with the Registrar’s powers under section 17 (on consultations).

Clause 15 repeals and re-enacts section 35 to expand, and improve the provisions on, the types of orders that the SCTs may make. The new powers of the SCTs include the power to order a party to pay costs and the power to order a tenant to deliver vacant possession of rented premises (in the case where rent is unpaid).

The clause also repeals and re-enacts section 36 to provide that an SCT’s order under section 35(1), and a Registrar’s order under section 17(2), (5) or (7) or 20(4)

(read with section 35(1)), may be enforced in the same manner as a District Court's judgment or order.

The clause also repeals section 37 (on enforcement of work orders) in light of the re-enacted section 36 providing for an order to be enforced in the same manner as a District Court's judgment or order.

Clause 16 amends section 38 (on appeal on a point of law) to empower a District Court hearing an application for leave to appeal (against an SCT's order under section 35) to the High Court to remit the matter to the SCT for reconsideration or to another SCT for rehearing. This power is available only in cases where the intended appeal does not come within any of the limited ground of appeals set out in section 38.

Clause 17 amends section 39(1) to clarify the orders that the High Court can make on an appeal under section 38.

Clause 18 repeals and re-enacts section 42 (on stay of execution of appeal) to improve appeals related processes. The amendments are based on section 24 of the Employment Claims Act 2016.

Clause 19 repeals and re-enacts section 44 to provide a tribunal magistrate and the Registrar (when exercising the jurisdiction and powers of a tribunal) with the same protection enjoyed by a Magistrate under section 68 of the State Courts Act (Cap. 321). The clause also protects an officer of a State Court and a court-appointed mediator from personal liability for acts or omissions in the execution or purported execution of the Act.

Clause 20 inserts a new Schedule on the types of claims that can be heard and determined by the SCTs. The Schedule consolidates the claims currently specified in section 5(1) of the Act, and also the claims that are in the nature of a debt under sections 22(1) and 40(6) of the Building Maintenance and Strata Management Act (Cap. 30C), section 65I of the Housing and Development Act (Cap. 129), section 12(4) of the Singapore Business Federation Act (Cap. 297A) and sections 24H and 51 of the Town Councils Act (Cap. 329A).

The type of claims within the SCTs' jurisdiction is also expanded (by way of a consequential amendment to section 7(2) of the Consumer Protection (Fair Trading) Act (Cap. 52A) (under clause 23)) to include hire-purchase claims under that Act.

Clause 21 makes miscellaneous amendments to the Act.

Clause 22 provides for saving and transitional arrangements. The amendments in the Bill do not apply to a claim that is lodged under the Act before those amendments come into operation. Further, the extension of the limitation period for SCT claims in section 5(3)(b) from one year to 2 years does not apply to a claim if the one-year limitation period specified in the existing section 5(3)(b) expires in respect of the claim before the amended section 5(3)(b) comes into operation.

Clause 23 makes consequential amendments to —

- (a) the Administration of Justice (Protection) Act 2016 (Act 19 of 2016) to include an SCT magistrate and the Registrar of the SCTs in the definition of “judge” under that Act;
- (b) the Building Maintenance and Strata Management Act, the Housing and Development Act, the Singapore Business Federation Act and the Town Councils Act consequential to the creation of the new Schedule under clause 20;
- (c) the Community Mediation Centres Act (Cap. 49A) to specify that when an SCT or the Registrar of the SCTs refers a claim to a mediator under the new section 18A of the Small Claims Tribunals Act (inserted by clause 7), the parties to the claim who are required to attend the mediation may do so in person or by a representative permitted under section 23(2) of the Small Claims Tribunals Act, and to require the mediator to record and notify the SCT or the Registrar, as the case may be, of the outcome of the mediation;
- (d) the Consumer Protection (Fair Trading) Act to extend the SCTs’ jurisdiction under section 7 of that Act to hire-purchase claims (currently, hire-purchase claims are excluded from the SCTs’ jurisdiction under section 7(2) of that Act) and to make certain other consequential amendments; and
- (e) the State Courts Act to ensure consistency in section 3 of that Act as regards the SCTs and the Employment Claims Tribunals.

EXPENDITURE OF PUBLIC MONEY

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