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SMALL CLAIMS TRIBUNALS ACT (CHAPTER 308)

SMALL CLAIMS TRIBUNALS (AMENDMENT) RULES 2019

In exercise of the powers conferred by section 47 of the Small Claims Tribunals Act, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Small Claims Tribunals (Amendment) Rules 2019 and come into operation on 1 November 2019.

Amendment of rule 2

2. Rule 2 of the Small Claims Tribunals Rules (R 1) (called in these Rules the principal Rules) is amended —

(a) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) The Rules of Court (Cap. 322, R 5) do not apply to the following:

(a) any proceedings before a tribunal or the Registrar;

(b) any procedure for proceedings in a District Court or the High Court (arising from an order of a tribunal) for which provision is made in these Rules.”; and

(b) by deleting the words “To avoid doubt, paragraph (1)” in paragraph (2) and substituting the words “Paragraph (1A)(a)”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended —

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

““appropriate Form”, in relation to any purpose for which a specific form is required to be used, means the current version of the specific form for that purpose set out on the Internet website of the electronic system or in the practice directions;”; and

(b) by deleting the definition of “Form”.

Amendment of rule 4

4. Rule 4 of the principal Rules is amended —

(a) by deleting the word “Form” wherever it appears in paragraphs (1), (3) and (4) and substituting in each case the word “form”; and

(b) by deleting the word “Schedule” in paragraph (4) and substituting the words “electronic system”.

Deletion and substitution of rule 5

5. Rule 5 of the principal Rules is deleted and the following rule substituted therefor:

“Registry

5. The Registry is under the control and supervision of the Registrar.”.

Amendment of rule 7

6. Rule 7 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The Registrar must keep the records of all proceedings under the Act, including the documents

filed or tendered by parties to those proceedings.”;
and

- (b) by deleting the words “and in accordance with directions given under the authority of the Chief Justice” in paragraph (2).

Amendment of rule 8

7. Rule 8 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) After an order has been made under section 35 of the Act in any proceedings, any person may, with the leave of the Registrar and on payment of the prescribed fee, search or inspect the record relating to those proceedings, and take a certified copy of the record or any part of it.”;

- (b) by deleting the words “this rule may appeal to a Referee who” in paragraph (2) and substituting the words “paragraph (1) may appeal to a tribunal, and the tribunal”; and

- (c) by deleting paragraphs (3) and (4) and substituting the following paragraph:

“(3) Despite paragraph (1) —

- (a) a party to any proceedings under the Act may, at any time, without the Registrar’s leave but on payment of the prescribed fee, search or inspect the record relating to those proceedings, and take a certified copy of the record or any part of it; and

- (b) the Registry may make available for public search without charge such information on proceedings under the Act as the Registry thinks fit, and any person may search for such information without the Registrar’s leave.”.

Amendment of rule 8A

8. Rule 8A(2) of the principal Rules is amended by deleting the word “Forms” in sub-paragraph (a) and substituting the word “forms”.

Amendment of rule 8D

9. Rule 8D of the principal Rules is amended by deleting the word “Form” wherever it appears in paragraph (4) and in the rule heading and substituting in each case the word “form”.

Deletion and substitution of heading to Part III

10. Part III of the principal Rules is amended by deleting the Part heading and substituting the following Part heading:

“CLAIMS, COUNTERCLAIMS
AND RELATED MATTERS”.

Deletion and substitution of rule 9

11. Rule 9 of the principal Rules is deleted and the following rule substituted therefor:

“Claim

9. A claim —

- (a) must be made in the appropriate Form; and
- (b) must be lodged together with the documents (if any) supporting the claim, unless otherwise allowed by the Registrar.”.

Amendment of rule 10

12. Rule 10 of the principal Rules is amended —

- (a) by deleting the words “Form 2” in paragraph (1) and substituting the words “the appropriate Form”;
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) A counterclaim must be lodged together with the documents (if any) supporting the counterclaim, unless otherwise allowed by the Registrar.”; and

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

“(6) These Rules apply to a counterclaim as they apply to a claim, with the following modifications:

- (a) a reference in these Rules to a claimant is a reference, where appropriate, to the person who makes the counterclaim;
- (b) a reference in these Rules to a respondent is a reference, where appropriate, to the person against whom the counterclaim is made.”.

Deletion of rule 11

13. Rule 11 of the principal Rules is deleted.

Amendment of rule 11A

14. Rule 11A of the principal Rules is amended by deleting paragraphs (1), (2) and (4).

New rule 11B

15. The principal Rules are amended by inserting, immediately after rule 11A, the following rule:

“Withdrawal of claim or counterclaim

11B.—(1) A claimant may withdraw his claim, and a respondent may withdraw his counterclaim, by filing the appropriate Form with the Registry.

(2) The fact that a party has withdrawn a claim or counterclaim is not a defence to a subsequent action for the same, or substantially the same, cause of action.”.

Amendment of rule 12A

16. Rule 12A of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraphs:

“(3) In proving service of any document sent by registered post to any person in accordance with paragraph (1)(b), it is sufficient to prove that the envelope containing the document was properly addressed to that person, stamped and posted by registered post.

(4) Service of a document sent by registered post in accordance with paragraph (1)(b) takes effect at the time when the document would in the ordinary course of post be delivered (even if the document is returned undelivered).”.

New Part IVA heading

17. The principal Rules are amended by inserting, immediately after rule 12A, the following Part heading:

“PART IVA
HEARING OF CLAIMS
AND RELATED MATTERS”.

Amendment of rule 13

18. Rule 13 of the principal Rules is amended —

- (a) by deleting the words “Form 4” in paragraph (1)(b) and substituting the words “the appropriate Form”;
- (b) by inserting, immediately after the word “parties” in paragraph (4), the words “under section 18A of the Act”;
- (c) by deleting the words “, in accordance with section 18 of the Act,” in paragraph (5);
- (d) by deleting paragraph (6); and

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- (e) by deleting the rule heading and substituting the following rule heading:

“Consultation”.

Amendment of rule 14

19. Rule 14 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Each of the notices mentioned in section 19(1)(a) and (b) of the Act must be in the appropriate Form.”; and

- (b) by deleting paragraph (3).

New rules 14A and 14B

20. The principal Rules are amended by inserting, immediately after rule 14, the following rules:

“Representation before tribunal

14A. An application for a tribunal’s or the Registrar’s approval for an individual to present the case of another individual specified in section 23(2)(g), (h) or (i) of the Act must be made in the appropriate Form.

Continuation of hearing by another tribunal magistrate

14B.—(1) If a tribunal magistrate who commenced the hearing of a claim is unable to complete the hearing, the Presiding Judge of the State Courts may nominate another tribunal magistrate to continue the hearing.

(2) The tribunal magistrate who continues the hearing may, in the interest of justice and without material prejudice to the parties to the proceedings —

- (a) act on the evidence recorded by his predecessor or recorded partly by his predecessor and partly by himself; or

- (b) start the hearing again by summoning the witnesses.

(3) When there is a change of tribunal magistrate, any party to the proceedings may apply for a witness to be summoned and heard again and the tribunal magistrate must allow the application unless —

- (a) the witness is dead, cannot be found, is incapable of giving evidence, is kept out of the way by the party making the application, or cannot be brought to court without unreasonable delay or expense; or
- (b) the tribunal magistrate believes that the application is frivolous, vexatious or made for the purpose of delaying the proceedings.”.

Amendment of rule 15

21. Rule 15 of the principal Rules is amended —

- (a) by deleting paragraphs (1) and (2) and substituting the following paragraph:
 - “(1) An application under section 41(1) of the Act to set aside a tribunal’s or the Registrar’s order must be made in the appropriate Form within the period specified in section 41(2) of the Act.”;
- (b) by deleting the words “Form 7 of the time and place” in paragraph (3)(b) and substituting the words “the appropriate Form”;
- (c) by deleting the word “shall” in paragraph (6) and substituting the word “may”; and
- (d) by deleting the words “make any directions” in paragraph (6) and substituting the words “to make any order or direction”.

Amendment of rule 16

22. Rule 16 of the principal Rules is amended by deleting the words “The tribunal may at any time, before or during any hearing, by a summons in Form 8 under the hand of the Registrar” and substituting the words “A tribunal or the Registrar may, on the tribunal’s or the Registrar’s own initiative or at the request of any party to the

proceedings before the tribunal, by a summons in the appropriate Form”.

Amendment of rule 17

23. Rule 17 of the principal Rules is amended —

(a) by inserting, immediately after the word “attention,” in paragraph (1), the words “or by sending the summons by registered post in the manner specified in rule 12A(1)(b),”; and

(b) by inserting, immediately after paragraph (1), the following paragraphs:

“(1A) A summons must not be served on any person outside Singapore.

(1B) A tribunal or the Registrar may direct a party who served a summons to file a declaration of service in the appropriate Form.”.

Deletion of rule 18

24. Rule 18 of the principal Rules is deleted.

Deletion and substitution of heading to Part VII

25. Part VII of the principal Rules is amended by deleting the Part heading and substituting the following Part heading:

“ORDERS UNDER SECTION 35 OF ACT
AND RELATED MATTERS”.

Deletion and substitution of rule 19 and new rule 19A

26. Rule 19 of the principal Rules is deleted and the following rules substituted therefor:

“Variation of work order

19. An application for the variation of a work order must be made in the appropriate Form to a tribunal within 30 days (or such longer period as the tribunal may allow) after the date

specified in the work order for the completion of the work specified in the work order.

Costs

19A.—(1) The following factors are relevant to a tribunal’s determination as to whether to make an order of costs under section 35(1)(f) of the Act in any proceedings:

- (a) whether the claim or counterclaim, or any part of it, in the proceedings was frivolous, vexatious or otherwise an abuse of the process of the tribunal;
- (b) whether a party to the proceedings failed, without reasonable excuse, to attend any consultation, mediation, conciliation or other proceedings which that party was requested or required to attend under the Act;
- (c) the conduct of the parties to the proceedings in relation to any attempt to resolve the dispute between them by mediation.

(2) Where the Registrar is empowered under the Act to make an order under section 35 of the Act in any proceedings, any costs that the Registrar orders under section 35(1)(f) of the Act in favour of a party to the proceedings must not exceed the disbursements incurred by that party under the Act.

(3) Paragraph (2) does not affect the Registrar’s power under section 17(2) of the Act to make an order under section 35 of the Act to give effect to the terms of a settlement agreed to by the parties to a dispute.

(4) Any costs ordered under section 35(1)(f) of the Act must be paid within 7 days after the date of the order, unless a tribunal or the Registrar directs otherwise.”.

Deletion and substitution of rule 20

27. Rule 20 of the principal Rules is deleted and the following rule substituted therefor:

“Satisfaction of debt

20.—(1) Any person who has satisfied a judgment debt may, on filing the consent of the judgment creditor, apply in the appropriate Form to a tribunal or the Registrar for the satisfaction of the debt to be recorded, and the tribunal or the Registrar may order the satisfaction to be recorded accordingly.

(2) If the judgment creditor refuses or neglects to give such consent when requested, or cannot be found, the judgment debtor may apply in the appropriate Form to a tribunal or the Registrar for an order that the satisfaction be recorded.

(3) An application under paragraph (2) must be served on the judgment creditor at least 2 days before the hearing of the application, unless a tribunal or the Registrar orders otherwise.

(4) If, on hearing an application under paragraph (2), a tribunal or the Registrar is satisfied that the judgment debt has been satisfied and that the judgment creditor has no reasonable ground for refusing or neglecting to give such consent, the tribunal or the Registrar may order that the satisfaction be recorded and that the judgment creditor pay the costs of and incidental to the proceedings.

(5) In this rule —

“judgment creditor” means the person to whom a judgment debt is payable;

“judgment debt” means the sum of money that a person is ordered to pay under section 35(1) of the Act;

“judgment debtor” means the person who is ordered to pay a judgment debt.”.

Amendment of rule 20A

28. Rule 20A of the principal Rules is amended —

(a) by deleting the words “Form 11A within one month from” and substituting the words “the appropriate Form within one month after”; and

- (b) by renumbering the rule as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraphs:

“(2) The appellant must serve the notice of appeal on the respondent within 7 days after the date of filing of the notice.

(3) An appeal under this rule does not operate as a stay of the proceedings in which the appeal is brought, unless a tribunal or the Registrar orders otherwise.”.

Deletion of rule 20B

29. Rule 20B of the principal Rules is deleted.

Amendment of rule 20C

30. Rule 20C of the principal Rules is amended —

- (a) by deleting the words “and made payment of the fee specified in rule 20B”; and
- (b) by deleting the words “Form 11B of the time and place” in paragraph (c) and substituting the words “the appropriate Form”.

Amendment of rule 20E

31. Rule 20E of the principal Rules is amended —

- (a) by deleting the word “shall” and substituting the word “may”; and
- (b) by deleting the word “make” and substituting the words “to make”.

Amendment of rule 20F

32. Rule 20F of the principal Rules is amended —

- (a) by deleting the words “Form 11C” in paragraph (1) and substituting the words “the appropriate Form”; and
- (b) by deleting the words “14 days from” in paragraph (2) and substituting the words “14 days after”; and

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- (c) by deleting paragraph (3) and substituting the following paragraph:

“(3) The applicant must serve the application on the respondent within 14 days after the date of filing of the application.”.

Deletion of rule 20G

- 33.** Rule 20G of the principal Rules is deleted.

Amendment of rule 20H

- 34.** Rule 20H of the principal Rules is amended —

- (a) by deleting the words “an appellant having filed” and substituting the words “the filing of”;
- (b) by deleting the words “and made payment of the fee specified in rule 20G”;
- (c) by deleting paragraph (a);
- (d) by deleting the words “hearing for” in paragraph (b) and substituting the words “hearing of”; and
- (e) by deleting paragraph (c) and substituting the following paragraph:

“(c) give notice in the appropriate Form of the hearing of the application to the applicant and the respondent.”.

Deletion and substitution of rule 20I and new rule 20J

- 35.** Rule 20I of the principal Rules is deleted and the following rules substituted therefor:

“Hearing of application for leave to appeal

20I.—(1) If a party to an application under rule 20F fails, without reasonable excuse, to attend the hearing of the application before a District Court, the District Court may proceed to hear and determine the application in the absence of that party.

(2) When a District Court refuses an application under rule 20F, the District Court may order the applicant to pay costs not exceeding \$1,000 to the respondent or, where there is more than one respondent, to each of the respondents.

(3) When a District Court decides an application under rule 20F, the Registrar must give notice of the decision to the applicant and respondent in the appropriate Form.

Withdrawal of application for leave to appeal

20J.—(1) An applicant under rule 20F may, without the leave of a District Court, withdraw his application at any time before the application is served on the respondent, by filing the appropriate Form with the Registry.

(2) Where the application is served on the respondent, the applicant may withdraw the application —

(a) with the consent of the respondent and without the leave of a District Court, by filing the respondent’s written consent with the Registry; or

(b) in any other case, with the leave of a District Court.

(3) When granting leave under paragraph (2)(a), a District Court may make such order as to costs as it thinks just.”.

Amendment of rule 21

36. Rule 21 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) An appeal to the High Court under section 38(1) of the Act against an order of a tribunal must be brought by filing with the Registrar a notice of appeal in the appropriate Form within one month after the date on which leave to bring that appeal is given under section 38(1A) of the Act.”;

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- (b) by deleting the words “contain an address for service, and be signed by the appellant or his solicitor” in paragraph (3) and substituting the words “and contain an address for service”; and
- (c) by deleting paragraph (5) and substituting the following paragraph:
- “(5) The appellant must serve the notice of appeal on the respondent (or the respondent’s solicitors) within 7 days after the date of filing of the notice.”.

Deletion of rules 21A, 22 and 23

37. Rules 21A, 22 and 23 of the principal Rules are deleted.

Amendment of rule 24

38. Rule 24 of the principal Rules is amended —

- (a) by deleting the word “Referee” in paragraph (1) and substituting the words “tribunal magistrate”; and
- (b) by deleting the words “or his solicitor at his” in paragraph (2) and substituting the words “at the appellant’s”.

Deletion and substitution of rules 25, 26, 27 and 28 and new rule 28A

39. Rules 25, 26, 27 and 28 of the principal Rules are deleted and the following rules substituted therefor:

“Appellant’s case

25.—(1) An appellant who intends to proceed with his appeal must, within 21 days after the appellant is served the notice on the record of proceedings mentioned in rule 24(2) —

- (a) file with the Registrar the appellant’s case in the appropriate Form; and
- (b) serve a copy of the appellant’s case on the respondent.

(2) Except with the leave of the High Court, the appellant cannot rely on any ground of appeal at the hearing of the appeal other than those set out in the appellant's case.

(3) If the appellant's case is not filed and served within the time specified in paragraph (1), or within such extended time as may be given by the High Court, the appeal is deemed to have been withdrawn.

Security for costs

26.—(1) An appellant must, at the time of filing the appellant's case —

- (a) provide security for the respondent's costs (or where there is more than one respondent, each respondent's costs) of the appeal in the sum of \$500 by submitting the appropriate Form to, and depositing that sum with, the Accountant-General; and
- (b) obtain from the Accountant-General a certificate of deposit of security for costs.

(2) The High Court may at any time, in any case where it thinks fit, order further security for costs to be given.

(3) Where the appeal is deemed to be withdrawn under rule 25(3), a party to the appeal may apply, in the appropriate Form, for the sum deposited as security for costs under this rule to be paid out to that party.

Respondent's case

27.—(1) A respondent (to an appeal against an order of a tribunal) who intends to contest the appeal must, within 14 days after service of the appellant's case on the respondent —

- (a) file with the Registrar the respondent's case in the appropriate Form; and
- (b) serve a copy of the respondent's case on the appellant and every other respondent to the appeal.

(2) Except with the leave of the High Court, a respondent is not entitled, on the hearing of the appeal, to —

- (a) contend that the order of the tribunal should be varied upon any ground not specified in the respondent's case;
- (b) apply for any relief not specified in the respondent's case; or
- (c) support the order of the tribunal on any ground not relied upon by that tribunal or specified in the respondent's case.

Record of appeal

28.—(1) The Registrar must, after the appellant's case and the respondent's case in an appeal are filed, prepare and transmit the record of appeal, together with the exhibits put in evidence at the hearing, to the Registrar of the Supreme Court and give notice to the parties to the appeal in the appropriate Form.

(2) The record of appeal must consist of a copy of each of the following:

- (a) the notice of appeal;
- (b) the certificate of deposit of security for costs;
- (c) the appellant's case;
- (d) the respondent's case (if any);
- (e) the record of proceedings described in rule 24(3);
- (f) the order appealed from;
- (g) the order of the District Court giving leave to appeal;
- (h) such other documents as are necessary for showing the matter decided and the nature of the appeal.

Stay of execution pending appeal

28A. An application for the stay of a tribunal's order pending appeal under section 42 of the Act must be filed in the appropriate Form.”.

New Part IX

40. The principal Rules are amended by inserting, immediately after rule 30, the following Part:

“PART IX

MISCELLANEOUS

Fees

31.—(1) The fees specified in the Schedule are payable for proceedings and matters under the Act.

(2) A fee specified in the Schedule must be paid to the Registry by the relevant person specified in the Schedule —

- (a) at the time specified in the Schedule for the payment of that fee or, where no time is specified in the Schedule, at such time as the Registrar directs; and
- (b) in such manner as the Registrar directs.

(3) Despite paragraph (2), the Registrar may, in any proceedings and on such terms as the Registrar thinks fit —

- (a) waive or defer the payment of the whole or part of any fee;
- (b) refund the whole or part of any fee paid; or
- (c) direct that the whole or part of any fee to be paid by any party to the proceedings be paid instead by such other party to the proceedings, or be apportioned among all or such of the parties to the proceedings, as the Registrar determines.

(4) Any party requesting a refund under paragraph (3)(b) must make a request in the appropriate Form to the Registrar within one month (or such longer period as the Registrar may allow) after the date on which the reason for the refund arose.

Extension and abridgement of time

32.—(1) A tribunal or the Registrar may, on such terms as the tribunal or the Registrar thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules, or by any direction or order of a tribunal or the Registrar, to do any act in any proceedings before a tribunal.

(2) A tribunal or the Registrar may extend the period mentioned in paragraph (1) despite that the application for the extension is not made until after the expiration of that period.

(3) The period within which a party is required or authorised by these Rules, or by any direction or order of a tribunal or the Registrar, to serve, file or amend any claim or other document in the proceedings may be extended by consent (given in writing) of the other party to the proceedings without an order of a tribunal or the Registrar being made for that purpose, unless a tribunal or the Registrar directs otherwise.

- (4) This rule does not apply to any of the following periods:
- (a) the period under rule 20A for filing or serving a notice of appeal to a tribunal;
 - (b) the period under rule 20F for filing or serving an application for leave to appeal to the High Court;
 - (c) the period under rule 21 for filing or serving a notice of appeal to the High Court;
 - (d) the period under rule 25 for filing or serving an appellant's case;
 - (e) the period under rule 27 for filing or serving a respondent's case.

Compliance with practice directions

33. Every document filed, or to be filed, with the Registrar or the Registry must comply with such requirements and contain such information and particulars of parties or other persons as may be specified in any practice directions for the time being issued by the Registrar.

Effect of non-compliance

34. Where, in any proceedings before a tribunal or the Registrar, there has been a failure to comply with any requirement of these Rules, the failure is to be treated as an irregularity and does not nullify the proceedings, any step taken in the proceedings, or any direction or order given by the tribunal or the Registrar, unless otherwise provided in these Rules or directed by the tribunal or the Registrar.

Seal of State Courts

35. Every document issued by the Registry for an appropriate Form marked with the word “seal” must bear the seal of the State Courts.”.

Deletion and substitution of Schedule

41. The Schedule to the principal Rules is deleted and the following Schedule substituted therefor:

 “THE SCHEDULE

Rule 31(1) and (2)

FEES

<i>No.</i>	<i>Item</i>	<i>Fee</i>	
		<i>Individual</i>	<i>Other entity</i>
1.	Claim or counterclaim — if total value of claim or counterclaim is —		
	(a) \$5,000 or below	\$10	\$50
	(b) above \$5,000 but does not exceed \$10,000	\$20	\$100
	(c) above \$10,000 but does not exceed \$30,000	1% of amount claimed	3% of amount claimed
	Payable by person lodging claim or counterclaim, at time of lodging claim or counterclaim		
2.	Notice of appeal to tribunal	\$20	\$20
	Payable by appellant, at time of filing notice		
3.	Application for leave to appeal to High Court	\$100	\$100
	Payable by applicant, at time of filing application		
4.	Notice of appeal to High Court	\$600	\$600
	Payable by appellant, at time of filing notice		
5.	Certificate of deposit of security for costs of appeal to High Court	\$10	\$10
	Payable by appellant, at time of issue of certificate		

<i>No.</i>	<i>Item</i>	<i>Fee</i>	
		<i>Individual</i>	<i>Other entity</i>
6.	Search, inspection, etc., of records:		
	(a) request for certified copy of record of proceedings (or any part of it)	\$5 for each document in record	\$5 for each document in record
	(b) request for certified copy of notes of proceedings	\$5	\$5
	(c) request to search or inspect record	\$5	\$5
	Payable by person making request, at time of filing request		

”.

[G.N. Nos. S 74/2006; S 342/2006; S 129/2014;
S 321/2017; S 545/2017]

Made on 22 October 2019.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
Judge.

SEE KEE OON
Presiding Judge of the State Courts.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
Advocate and Solicitor.

KUAH BOON THENG, SC
Advocate and Solicitor.

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