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No. S 104

SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)

SUPREME COURT OF JUDICATURE (TRANSFER OF MENTAL
CAPACITY PROCEEDINGS TO DISTRICT COURT)
ORDER 2010

ARRANGEMENT OF PARAGRAPHS

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In exercise of the powers conferred by section 28A of the Supreme Court of Judicature Act, I, Chan Sek Keong, Chief Justice, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010 and shall come into operation at 6 a.m. of 1st March 2010.

Proceedings transferred to District Court

2.—(1) Subject to sub-paragraph (2), any proceedings under the Mental Capacity Act 2008 (Act 22 of 2008) commenced in the High Court on or after 1st March 2010 shall be transferred to and be heard and determined by a District Court.

(2) Where any application under the Mental Capacity Act 2008 is made, on or after 1st March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) in force before that date, that application shall be heard and determined by the High Court.

Jurisdiction of District Court

3. For the avoidance of doubt, a District Court shall have jurisdiction to hear and determine any proceedings referred to in paragraph 2(1), notwithstanding that any amount involved in those proceedings exceeds the monetary limit of the ordinary jurisdiction of a District Court.

Powers of registrar of State Courts

4.—(1) For the purpose of any proceedings to be heard and determined by a District Court pursuant to this Order, the registrar and a deputy registrar of the State Courts shall have power to transact all such business and exercise all such authority and jurisdiction as may be transacted and exercised by a District Judge in chambers under this Order, except such business, authority and jurisdiction as the Presiding Judge of the State Courts may, with the concurrence of the Chief Justice, from time to time direct to be transacted or exercised by a District Judge in person.

[S 132/2014 wef 07/03/2014]

[S 274/2014 wef 14/04/2014]

(2) The registrar of the State Courts shall, in relation to any order for the execution of a deed or for the signing of a document made by a District Court in connection with any proceedings heard and determined by it pursuant to this Order, have the same powers as those conferred on the Registrar of the Supreme Court by section 14 of the Act.

[S 132/2014 wef 07/03/2014]

Modification to certain provisions for purposes of this Order

5. For the purpose of any proceedings to be heard and determined by a District Court pursuant to this Order, the written laws in force on 1st March 2010 specified in the first column of the Schedule shall be

read subject to the modifications set out opposite thereto in the second column thereof.

Appeals

6.—(1) An appeal shall lie to the High Court from a decision of a District Court in any proceedings heard and determined by the District Court pursuant to this Order, regardless of the amount in dispute or the value of the subject-matter.

(2) Except with the leave of a Judge of the High Court, no appeal shall be brought to the Court of Appeal from a decision of the High Court in respect of any appeal heard and determined by the High Court pursuant to sub-paragraph (1), regardless of the amount in dispute or the value of the subject-matter.

(3) An order of a Judge of the High Court giving or refusing leave under sub-paragraph (2) shall be final.

(4) The procedures for appeals from such proceedings to the High Court and thereafter to the Court of Appeal shall be as specified in the Rules of Court (R 5).

Fees for proceedings heard and determined by District Court pursuant to this Order

7. For the purpose of any proceedings heard and determined by a District Court pursuant to this Order, the fees chargeable for any document filed in or issued by the Registry of the Supreme Court or the Registry of the State Courts shall be as prescribed in the Rules of Court.

[S 132/2014 wef 07/03/2014]

Enforcement of orders

8. Any order made by a District Court in proceedings heard and determined by it pursuant to this Order may be enforced by a District Court in the same manner as a judgment of that Court, notwithstanding that such order may involve an amount which exceeds the monetary limit of the ordinary jurisdiction of a District Court.

THE SCHEDULE

Paragraph 5

**MODIFICATIONS TO WRITTEN LAWS
IN FORCE ON 1ST MARCH 2010**

<i>First column</i>	<i>Second column</i>
<i>Written Law</i>	<i>Modification</i>
(1) Bankruptcy Act (Cap. 20)	The reference to the High Court in section 160(c) shall be read as a reference to a District Court.
(2) Central Provident Fund Act (Cap. 36)	The references to the High Court in section 2(3)(a) and (4)(d)(i) shall be read as references to a District Court.
(3) Children Development Co-Savings Act (Cap. 38A)	The reference to the High Court in section 4(1)(f)(i) shall be read as a reference to a District Court.
(4) Conveyancing and Law of Property Act (Cap. 61)	The reference to the High Court in section 7(5) shall be read as a reference to a District Court.
(5) Land Acquisition Act (Cap. 152)	The reference to the High Court in section 2(2)(c) shall be read as a reference to a District Court.
(6) Land Titles Act (Cap. 157)	The reference to the High Court in section 126(1)(e) shall be read as a reference to a District Court.
(7) Medical and Elderly Care Endowment Schemes Act (Cap. 173A)	The reference to the High Court in section 43(3)(b) shall be read as a reference to a District Court.

THE SCHEDULE — *continued*

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| (8) Mental Capacity Act 2008 (Act 22 of 2008) | The reference to the High Court in section 2(1) shall be read as a reference to a District Court. |
| (9) Private Hospitals and Medical Clinics Act (Cap. 248) | The reference to the High Court in section 13(3)(<i>c</i>) shall be read as a reference to a District Court. |
| (10) Public Trustee Act (Cap. 260) | The reference to the High Court in section 4(1A)(<i>b</i>) shall be read as a reference to a District Court. |
| (11) Settled Estates Act (Cap. 293) | The reference to the High Court in section 16(2)(<i>c</i>) shall be read as a reference to a District Court. |
| (12) Travel Agents Act (Cap. 334) | The reference to the High Court in section 3(1) shall be read as a reference to a District Court. |
| (13) Work Injury Compensation Act (Cap. 354) | The references to the High Court in sections 9(1A)(<i>a</i>) <i>(iii)</i> and (4A)(<i>b</i>), 27(1)(<i>ba</i>) and 28A(2)(<i>c</i>) shall be read as references to a District Court. |

Made this 22nd day of February 2010.

CHAN SEK KEONG
Chief Justice,
Singapore.

[RSCS R7/7 Vol. 12; AG/LLRD/SL/322/2010/2 Vol. 1]