

Subordinate Courts (Amendment) Bill

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Bill No: 26/2010

Read the first time: 15th September 2010

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Subordinate Courts (Amendment) Bill

Bill No. 26/2010

Read the first time on 15th September 2010.

An Act to amend the Subordinate Courts Act (Chapter 321 of the 2007 Revised Edition).

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 may be cited as the Subordinate Courts (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 19

2. Section 19 of the Subordinate Courts Act (referred to in this Act as the principal Act) is amended by deleting subsections (2), (3) and (4) and substituting the following subsections:

“(2) Subject to subsections (3) and (4), a District Court shall have all the jurisdiction of the High Court 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 a District Court.

(3) Subject to section 28A of the Supreme Court of Judicature Act (Cap. 322) and any order under subsection (1) thereof, a District Court's jurisdiction under subsection (2) shall not include —

- (a) any supervisory jurisdiction or revisionary jurisdiction;
- (b) any jurisdiction relating to the judicial review of any act done or decision made by any person or authority, including the issue of any of the following prerogative orders:
 - (i) a Mandatory Order;
 - (ii) a Prohibiting Order;
 - (iii) a Quashing Order;
 - (iv) an Order for Review of Detention;
- (c) any jurisdiction vested exclusively in the High Court, in any other subordinate court, or in any judicial, quasi-judicial or administrative tribunal, by written law; and
- (d) any jurisdiction expressly excluded by written law.

(4) Subject to sections 22 and 23, a District Court's jurisdiction under subsection (2) shall not include jurisdiction to hear and try any action where —

- (a) the amount claimed in the action exceeds the District Court limit; or
- (b) any remedy or relief sought in the action is in respect of a subject-matter the value of which exceeds the District Court limit.”.

Repeal of sections 20 and 21

3. Sections 20 and 21 of the principal Act are repealed.

Amendment of section 22

4. Section 22 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Where the amount claimed in an action exceeds the District Court limit, or any remedy or relief sought in an action is in respect of a subject-matter the value of which exceeds the District Court limit, and a District Court would have jurisdiction under section 19(2) to hear and try the action if the amount or value, as the case may be, did not exceed the District Court limit, the plaintiff may abandon the excess amount or that remedy or relief, as the case may be, and thereupon a District Court shall have jurisdiction under section 19(2) to hear and try the action, provided that the plaintiff —

- (a) shall not recover in the action an amount exceeding the District Court limit; and
- (b) shall not obtain in the action any remedy or relief in respect of a subject-matter the value of which exceeds the District Court limit.”.

Repeal and re-enactment of section 23

5. Section 23 of the principal Act is repealed and the following section substituted therefor:

“Jurisdiction by agreement in certain actions

23. Where the parties to an action agree, by a memorandum signed by them or their respective solicitors, a District Court shall have jurisdiction under section 19(2) to hear and try the action notwithstanding that —

- (a) the amount claimed in the action exceeds the District Court limit; or
- (b) any remedy or relief sought in the action is in respect of a subject-matter the value of which exceeds the District Court limit.”.

Amendment of section 25

6. Section 25 of the principal Act is amended by deleting the words “A District Court shall have jurisdiction” and substituting the words “Without prejudice to the generality of section 19, a District Court shall have jurisdiction under section 19(2)”.

Amendment of section 26

7. Section 26 of the principal Act is amended by deleting the words “A District Court shall have all the jurisdiction of the High Court” and substituting the words “Without prejudice to the generality of section 19, a District Court shall have jurisdiction under section 19(2)”.

Amendment of section 29

8. Section 29(1) of the principal Act is amended by deleting the words “A District Court shall have jurisdiction” and substituting the words “Without prejudice to the generality of section 19, a District Court shall have jurisdiction under section 19(2)”.

Amendment of section 31

9. Section 31(2) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (a); and
- (b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:
 - “(c) 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.”.

Amendment of section 32

10. Section 32 of the principal Act is amended by deleting the words “shall have jurisdiction” and substituting the words “shall have power”.

Amendment of section 39

11. Section 39(1) of the principal Act is amended by deleting the words “founded on contract or tort or any written law to recover a sum of money”.

Amendment of section 50

12. Section 50 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

- “(1) Subject to subsection (2), a District Court exercising criminal jurisdiction shall have —
- (a) the jurisdiction and powers conferred on it by the Criminal Procedure Code (Cap. 68) and any other written law; and
 - (b) without prejudice to the generality of paragraph (a), the power to order medical examination of a person who is an accused in any criminal proceedings where the physical or mental condition of the person is relevant to any matter in question in the proceedings.”.