

Supreme Court of Judicature (Amendment) Bill

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Bill No: 25/2010

Read the first time: 15th September 2010

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Supreme Court of Judicature (Amendment) Bill

Bill No. 25/2010

Read the first time on 15th September 2010.

An Act to amend the Supreme Court of Judicature Act (Chapter 322 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 Supreme Court of Judicature (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 16

2. Section 16(1) of the Supreme Court of Judicature Act (referred to in this Act as the principal Act) is amended by deleting the words “a writ or other originating process” in paragraph (a) and substituting the words “a writ of summons or any other originating process”.

Amendment of section 20

3. Section 20 of the principal Act is amended by deleting paragraph (a).

Amendment of section 21

4. Section 21 of the principal Act is amended —

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

“(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.”; and

(b) by inserting, immediately after subsection (2), the following subsections:

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

(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.”.

Deletion and substitution of sub-heading to Part III

5. Part III of the principal Act is amended by deleting the sub-heading immediately before section 23 and substituting the following sub-heading:

“Supervisory and Revisionary Jurisdiction”.

Amendment of section 27

6. Section 27 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(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.”.

New sub-heading to Part III and new section 28B

7. Part III of the principal Act is amended by inserting, immediately after section 28A, the following sub-heading and section:

“Further Arguments

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.

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

(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.

(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.”.

Amendment of section 30

8. Section 30 of the principal Act is amended —

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

“(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;
- (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.”; and

(b) by inserting, immediately after subsection (3), the following subsection:

“(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).”.

Amendment of section 34

9. Section 34 of the principal Act is amended —

(a) by deleting paragraphs (a), (b) and (c) of subsection (1) and substituting the following paragraph:

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

(b) by deleting the words “the Court of Appeal or” in subsection (2);

(c) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:

“(a) where the amount in dispute, or the value of the subject-matter, at the hearing before the High Court