

Subordinate Courts (Amendment) Bill

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Bill No: 16/2005

Read the first time: 18th July 2005

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Expenditure of Public Money

Subordinate Courts (Amendment) Bill

Bill No. 16/2005

Read the first time on 18th July 2005.

An Act to amend the Subordinate Courts Act (Chapter 321 of the 1999 Revised Edition) and to make a consequential amendment to the Government Proceedings Act (Chapter 121 of the 1985 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 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

New sections 54A to 54G

2. Part IV of the Subordinate Courts Act is amended by inserting, immediately after section 54, the following sections:

“Transfers of Civil Proceedings

General power to transfer from Magistrate’s Court to District Court

54A.—(1) Where it appears to a District Court, on the application of a party to any civil proceedings pending in a Magistrate’s Court, that the proceedings, by reason of its involving some important question of law, or being a test case, or for any other sufficient reason, should be tried in the District Court, it may order the proceedings to be transferred to the District Court.

(2) An order under subsection (1) may be made on such terms as the court sees fit.

General power to transfer from subordinate courts to High Court

54B.—(1) Where it appears to the High Court, on the application of a party to any civil proceedings pending in a subordinate court, that the proceedings, by reason of its involving some important question of law, or being a test case, or for any other sufficient reason, should be tried in the High Court, it may order the proceedings to be transferred to the High Court.

(2) An order under subsection (1) may be made on such terms as the court sees fit.

Explanation.—The intended enforcement overseas of any judgment obtained in the High Court, under any enforcement arrangements currently in force, would ordinarily be sufficient reason for transferring the proceedings to the High Court.

General power to transfer from High Court to subordinate courts

54C.—(1) A party to any civil proceedings pending in the High Court may for

any sufficient reason at any time apply to the High Court for an order that the proceedings be transferred to a subordinate court.

(2) Subject to subsection (3), the High Court may, if it thinks fit, and on such terms as it sees fit, and either on its own motion or on application, order that the proceedings be transferred accordingly notwithstanding any other provision of this Act.

(3) An order under subsection (2) may only be made in respect of such proceedings as could have been commenced in the subordinate court to which the application relates, if the value of the claim had been within the District Court limit or the Magistrate's Court limit, as the case may be.

Explanation.—The fact that the proceedings fall within the civil jurisdiction of the subordinate courts would not, by itself, ordinarily constitute sufficient reason for transferring the proceedings to the subordinate courts, if enforcement overseas is intended of any judgment obtained in the High Court under any enforcement arrangements currently in force.

General power to transfer from District Court to Magistrate's Court

54D.—(1) A party to any civil proceedings pending in the District Court may for any sufficient reason at any time apply to the District Court for an order that the proceedings be transferred to a Magistrate's Court.

(2) Subject to subsection (3), the District Court may, if it thinks fit, and on such terms as it sees fit, and either on its own motion or on application, order that the proceedings be transferred accordingly notwithstanding any other provision of this Act.

(3) An order under subsection (2) may only be made in respect of such proceedings as could have been commenced in the Magistrate's Court if the value of the claim had been within the Magistrate's Court limit.

Transfer of counterclaim from subordinate courts to High Court

54E.—(1) Where, in any civil proceedings pending in a subordinate court, any counterclaim or set-off and counterclaim of any defendant involves a matter beyond the District Court limit, any party to the proceedings may apply to the High Court, within such time as may be prescribed by Rules of Court, for an order that the whole proceedings, or the proceedings on the counterclaim or set-off and counterclaim, be transferred to the High Court.

(2) On any such application or on its own motion, the High Court may, as it thinks fit, and on such terms as it sees fit, order —