

Subordinate Courts (Amendment) Bill

Table of Contents

Bill No: 13/1993

Read the first time: 26th February 1993

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 New section 15A

4 Amendment of section 19

5 Amendment of section 20

6 Repeal and re-enactment of section 21

7 Amendment of section 22

8 Amendment of section 23

9 Repeal of sections 25, 26 and 27 and re-enactment of section 25 and new section 26

10 Amendment of section 28

11 Repeal of section 29

12 Repeal and re-enactment of section 30

13 Amendment of section 31

14 New section 31A

15 Repeal and re-enactment of sections 32 and 33 and new section 33A

16 Repeal of section 36

17 Repeal and re-enactment of section 40

18 New section 41A

19 Repeal of sections 44, 45 and 46 and re-enactment of section 44

20 Repeal and re-enactment of sections 50 and 51

21 Amendment of section 52

22 New section 56A

23 Amendment of section 69

24 Transitional provisions

Explanatory Statement

Expenditure of Public Money

Subordinate Courts (Amendment) Bill

Bill No. 13/1993

Read the first time on 26th February 1993.

An Act to amend the Subordinate Courts Act (Chapter 321 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 1993 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Subordinate Courts Act (referred to in this Act as the principal Act) is amended —

- (a) by inserting, immediately after the definition of “commissioner for oaths”, the following definition:

“ “District Court limit” means —

- (a) in sections 26(a) and 28, \$3 million or such other amount as may be specified by an order under section 31A; and
- (b) in any other section, \$100,000 or such other amount as may be specified by an order under section 31A;”;

- (b) by inserting, immediately after the definition of “judicial officer”, the following definition:

“ “Magistrate’s Court limit” means \$30,000 or such other amount as may be specified by an order under section 52(3);”.

New section 15A

3. The principal Act is amended by inserting, immediately after section 15, the following section:

“Solicitor, etc., authorised to act as bailiff

15A.—(1) Subject to such directions as may be given by the Senior District Judge, the registrar may authorise a solicitor or a person employed by a solicitor to exercise the powers and perform the duties of a bailiff during such period or on such occasion as the registrar thinks fit and subject to such terms and conditions as

the registrar may determine.

(2) Section 68(2) shall apply to a solicitor or person authorised under subsection (1) as it applies to an officer of a subordinate court.”.

Amendment of section 19

4. Section 19 of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) Subject to subsections (3) and (4), a District Court shall have the civil jurisdiction conferred by the following sections of this Part.

(3) A District Court shall have the jurisdiction in sections 20, 21, 25, 26 and 31 where —

- (a) the defendant is served with a writ or 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.

(4) A District Court’s jurisdiction conferred by the following sections of this Part shall not include —

- (a) any jurisdiction to hear and try any civil proceeding which comes within the jurisdiction of the Syariah Court constituted under the Administration of Muslim Law Act [Cap. 3]; and
- (b) any jurisdiction expressly excluded by any other written law.

(5) Without prejudice to the generality of subsection (2), a District Court shall have such jurisdiction as is vested in it by any other written law.”.

Amendment of section 20

5. Section 20 of the principal Act is amended —

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

“(1) A District Court shall have jurisdiction to hear and try any action founded on contract or tort where —

- (a) the debt, demand or damage claimed does not exceed the District Court limit, whether on balance

- of account or otherwise; or
- (b) there is no claim for money, and the remedy or relief sought in the action is in respect of a subject-matter the value of which does not exceed the District Court limit.”;
- (b) by deleting the word “try” in the first line of subsection (2) and substituting the words “hear and try”; and
- (c) by deleting “\$50,000” in the third line of subsection (2) and substituting the words “the District Court limit”.

Repeal and re-enactment of section 21

6. Section 21 of the principal Act is repealed and the following section substituted therefor:

“Jurisdiction in actions for recovery of money under any written law

21.—(1) A District Court shall have jurisdiction to hear and try any action for the recovery of a sum which is recoverable under any written law, if —

- (a) it is not expressly provided by that or any other written law that such sums shall be recoverable only in some other court; and
 - (b) the amount claimed in the action does not exceed the District Court limit.
- (2) For the purposes of this section, “sum” shall not include a fine to which any person is liable on conviction.”.

Amendment of section 22

7. Section 22 of the principal Act is amended —

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

“(1) Where a plaintiff has a cause of action which exceeds the District Court limit in which, if it did not exceed the District Court limit, a District Court would have jurisdiction under section 20(1)(a) or (2) or section 21, the plaintiff may abandon the excess and thereupon a District Court shall have jurisdiction to hear and try the action, provided that the plaintiff shall not recover in the action an amount exceeding the District Court limit.”; and
- (b) by deleting the word “try” in subsection (2) and substituting the words