

Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010

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THE SCHEDULE Modifications to Written Laws in Force on 1ST March 2010

No. S 104

**SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)**

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

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 Subordinate 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 Subordinate 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 Chief District Judge may, with the concurrence of the Chief Justice, from time to time direct to be transacted or exercised by a District Judge in person.

(2) The registrar of the Subordinate 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.

Modification to certain provisions for purposes of this Order