



REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT

Published by Authority

NO. 26]

FRIDAY, SEPTEMBER 9

[2005

First published in the *Government Gazette*, Electronic Edition, on 8th September 2005 at 5:00 pm.

The following Act was passed by Parliament on 15th August 2005 and assented to by the President on 30th August 2005:—

REPUBLIC OF SINGAPORE

No. 26 of 2005.

I assent.

(LS)

S R NATHAN,
President.
30th August 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 —

- (a) that the whole proceedings be transferred to the High Court;
- (b) that the whole proceedings be tried in the subordinate courts; or
- (c) that the proceedings on the counterclaim or set-off and counterclaim be transferred to the High Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set-off (if any) be tried in the subordinate courts.

(3) Where an order is made under subsection (2)(c), and judgment on the claim is given for the plaintiff, execution thereon shall, unless the High Court at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(4) Where no application is made under subsection (1) or where it is ordered that the whole proceedings be tried in the subordinate courts, such subordinate court shall have jurisdiction to try the proceedings, notwithstanding any other provision of this Act.

Transfer of counterclaim from Magistrate's Court to District Court

54F.—(1) Where, in any civil proceedings pending in a Magistrate's Court, any counterclaim or set-off and counterclaim of any defendant involves a matter beyond the Magistrate's Court limit, any party to the proceedings may apply to the District 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 District Court.

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

- (a) that the whole proceedings be transferred to a District Court;
- (b) that the whole proceedings be tried in a Magistrate's Court; or
- (c) that the proceedings on the counterclaim or set-off and counterclaim be transferred to a District Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set-off (if any) be tried in a Magistrate's Court.

(3) Where an order is made under subsection (2)(c), and judgment on the claim is given for the plaintiff, execution thereon shall, unless the District Court at any time otherwise orders, be stayed until the proceedings transferred to the District Court have been concluded.

(4) Where no application is made under subsection (1) or where it is ordered that the whole proceedings be tried in a Magistrate's Court, the Magistrate's Court shall have jurisdiction to try the proceedings, notwithstanding any other provision of this Act.

Costs in cases transferred from one court to another

54G.—(1) Where proceedings are ordered to be transferred —

- (a) from the High Court to a subordinate court;
- (b) from a subordinate court to the High Court; or
- (c) from one subordinate court to another,

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales on which the costs of the several parts of the proceedings are to be paid.

(2) As regards so much of the proceedings in any action transferred from the High Court to a subordinate court as takes place in the High Court before the transfer —

- (a) the costs thereof shall be subject to section 39; and

- (b) the powers of the High Court under section 39 (4) to make an order allowing costs on the High Court scale or on the subordinate courts scale, shall, subject to any order of the High Court, be exercisable by the subordinate court.”.

Repeal of sections 24, 37, 38, 40 and 53

3. Sections 24, 37, 38, 40 and 53 of the Subordinate Courts Act are repealed.

Consequential amendment to Government Proceedings Act

4. Section 26 of the Government Proceedings Act (Cap. 121) is amended by deleting the words “or the transfer of proceedings from the High Court to a subordinate court” in the 4th and 5th lines and substituting the words “, from the High Court to a subordinate court, or from one subordinate court to another”.
