

NEWSLETTER N° 4/21

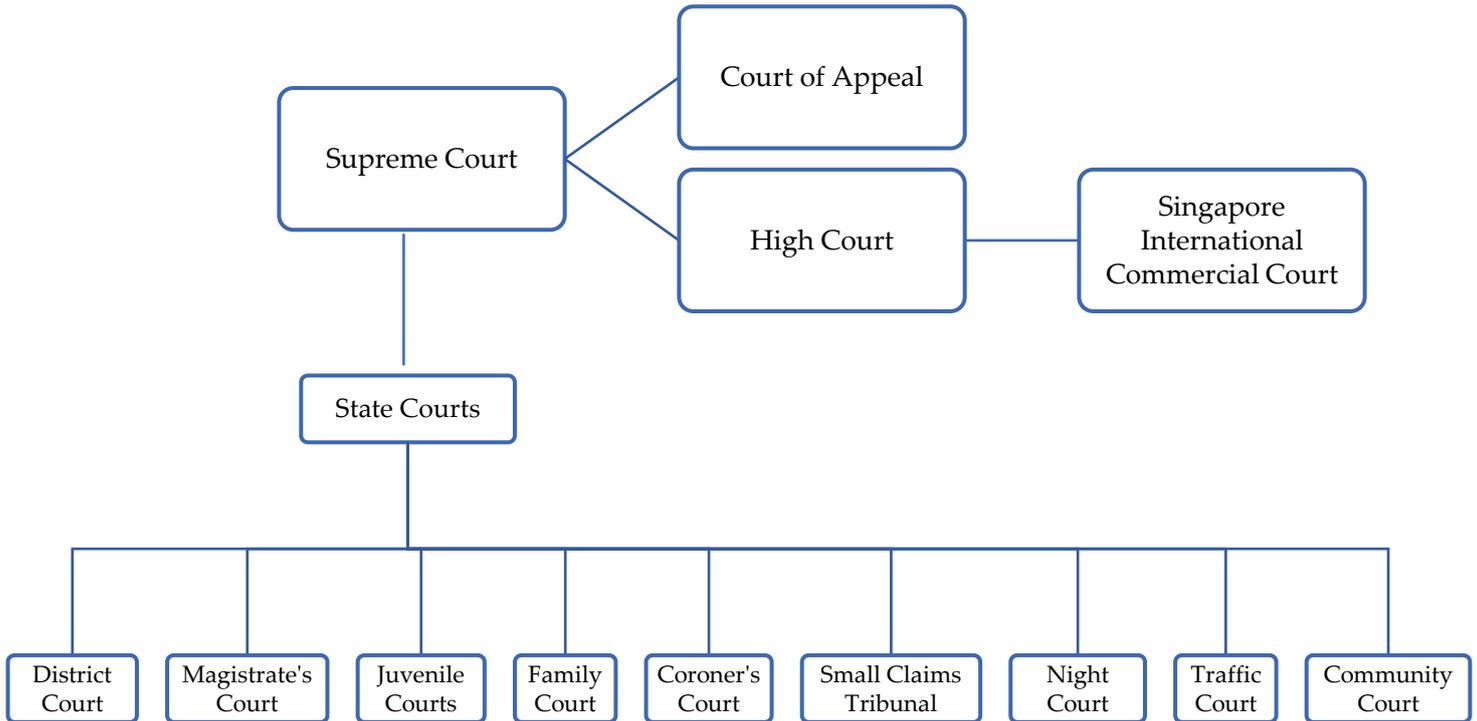
Milan, June 1 2021

Singapore: The Court System



In Singapore, the Court System is divided into many levels, each with its own set of powers, responsibilities, and importance level. This gives birth to a proper hierarchical system of courts.

Full judicial power is dependent upon the Supreme Court of Singapore, which is the highest order court in the country. The Chief Justice, who is appointed by the President, is the head of the Judiciary.



SUPREME COURT

1. High court and its division (SICC)

It is the Chief Justice and Judges of the High Court (which can in certain instances include a Judge of Appeal or subject matter experts to provide assistance in certain cases) who comprise the High Court. Normally all proceedings are heard before a single judge.

The High Court has general supervisory and revisionary jurisdiction over all subordinate courts in any civil or criminal matter, including appeals from the decisions of District Courts and Magistrates' Courts. In addition, it hears proceedings concerning admiralty matters, company winding-up, bankruptcy and applications for the admission of advocates and solicitors.

In general, the High Court deals with matters where the value of the subject matter of the claim exceeds 250,000 SGD. It has jurisdiction to try all offences committed in Singapore and in certain cases, try offences committed outside Singapore as well. The High Court, also, tries criminal cases whose punishment involves the death penalty or more than 10 years of imprisonment.

Singapore International Commercial Court (SICC)

The Singapore International Commercial Court (SICC) is a division of the High Court and part of the Supreme Court of Singapore designed to deal with transnational commercial disputes. Generally, the SICC has the jurisdiction to hear and try an action if:

- 7' the claim in the action is of an international and commercial nature;
- 7' the parties to the action have submitted to the SICC's jurisdiction under a written jurisdiction agreement; and
- 7' the parties to the action do not seek any relief in the form of, or connected with, a prerogative order (including a mandatory order, a prohibiting order, a quashing order, or an order for review of detention).

The SICC may also hear cases which are transferred from the High Court.

2. Court of Appeal

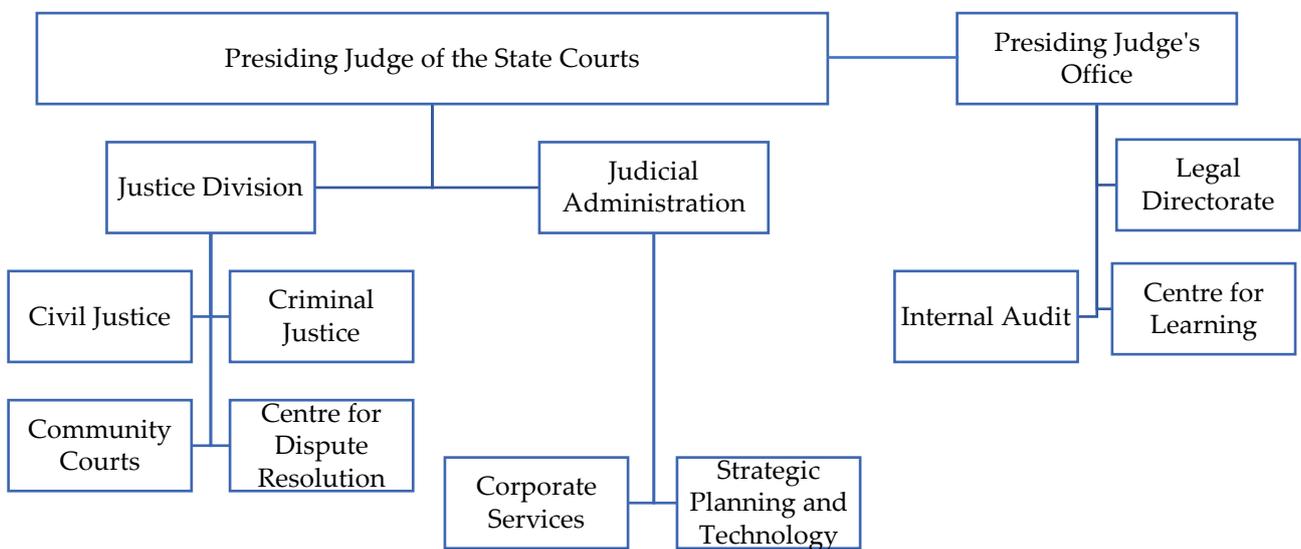
As its name suggests, the Court of Appeal hears appeals from the decisions of the High Court in both civil and criminal matters. It is the Chief Justice and Judges of Appeal who sit in the Court of Appeal.

The Court of Appeal is usually made up of three judges (the Chief Justice and two Judges of Appeal). However, on certain occasions there may be less than or more than three judges.

STATE COURTS

The State Courts (formerly known as Subordinate Courts¹) are headed by the Presiding Judge of the State Courts, who is a Judge or Judicial Commissioner of the Supreme Court with overall responsibility for the leadership and management of the State Courts.

The State Courts comprise the Criminal Justice Division, Civil Justice Division, Community Justice and Tribunals Division, State Courts Centre for Dispute Resolution, and the Presiding Judge’s Office which is made up of the Corporate Services Division, Strategic Planning and Technology Division, Legal Directorate and Centre for Learning. Each is helmed by senior judicial officers and supported by court administrators.



The State Courts consist of the District Courts, Magistrates’ Courts, Juvenile Courts, Coroners’ Courts and Small Claims Tribunals. The Senior District Judge has overall responsibility for the administration of the Subordinate Courts. In recent years, other courts such as the Family Court, Night Court, Community Court, Syariah Court and Traffic Court have also been added to the Subordinate Courts.

1. District court

The District Court can pass any of the following judgments:

- 7** imprisonment for a term not exceeding 10 years,
- 7** fine not exceeding \$30,000,
- 7** up to 12 strokes of the cane,
- 7** any lawful sentence combining any of the sentences which it is authorized by law to pass.

¹ On 7 March 2014, the Subordinate Courts were renamed the State Courts. The new name gives proper recognition to the extensive and important role that the Courts play within the community and the judiciary.

However, where the law expressly provides for it, the District Court also has the jurisdiction to try offences and impose judgments which exceeds the above limits such as the Companies Act (Cap 50), Misuse of Drugs Act (Cap 185), Prevention of Corruption Act (Cap 241) and Securities Industry Act (Cap 289).

2. Magistrates' Courts

A Magistrate Court can try offences where:

- 7** the maximum imprisonment term does not exceed 5 years or are punishable with a fine only and
- 7** it can sentence a person to imprisonment for not more than three years, a fine not exceeding \$10,000 and up to 6 strokes of the cane.

However, where the law expressly provides for it, the Magistrates' Court also has the jurisdiction to try offences and impose sentences which exceed the above limits such as in the Common Gaming Houses Act (Cap 49), Films Act (Cap 107) and Miscellaneous Offences (Public Order & Nuisance) Act (Cap184).

3. Juvenile Court

The Juvenile Court deals specifically with offences allegedly committed by "children" (under 14 years of age) or "young persons" (14 to 16 years of age). It covers Beyond Parental Control Cases (BPC), Juvenile Arrest Cases (JAC) and Care & Protection Order Cases (CPO).

4. Coroners' Court

This court holds inquiries into any death (a) which occurs in a sudden or unnatural way or (b) by violence, or (c) where the manner in which the death occurred is unknown. Suspected suicides, road traffic and industrial accidents, and death in a prison are some common examples. The Coroner is a Judge of the Subordinate Courts who will conduct investigations with police assistance.

5. Small Claims Tribunal

The Small Claims Tribunal deals with resolution of small claims between consumers and suppliers, contracts arising from the sale of goods or provision of services, and lease of residential premises not exceeding 2 years. The Tribunal has the jurisdiction to hear claims not exceeding 10,000 SGD but can be raised to 20,000 SGD in certain cases. All claims should be lodged within a year of the dispute and parties usually need not be represented by a lawyer.

6. Family Court (e Syariah Court)

The Family Court deals with adoptions, divorce, children's issues, division of matrimonial property, personal protection orders, resolution and joint conferences (mediation), spousal and child maintenance, family violence. The Family Court deals also with the enforcement of Syariah Court orders.

7. Night Court

The concept of Night Courts was established in April 1992 to deal with the high volume of regulatory and traffic offences that are heard at State Courts. These Courts function for the convenience of the working public who would otherwise have to take time off from work in order to attend court. The operating hours are from 6 pm onwards on Mondays to Thursdays.

There are two night courts in State Courts, each hearing a specific profile of cases.

7 Court 4AN deals with summonses and notices issued by the various government departments such as in the Housing and Development Board, Urban Redevelopment Authority, Central Provident Fund Board, and Accounting and Corporate Regulatory Authority.

7 Court 4BN deals primarily with road traffic offences brought to Court by the Traffic Police and regulatory offences brought to Court by the Land Transport Authority.

8. Community Court

The community Court deals with cases relating to youthful offenders (aged 16 to 18), offenders with mental disabilities, neighborhood disputes, attempted suicide cases, family violence cases, carnal connection offences committed by youthful offenders, abuse and cruelty to animals, cases which impact on race relation issues and selected cases involving offenders ages 65 years and above. It keeps a problem-solving approach that combines criminal justice and community resources for a comprehensive response.

9. Traffic Court

The Traffic Court primarily hears and tries traffic offences. The types of cases include fresh traffic arrest cases (such as drink driving), Traffic Police summonses/notices where there are no offers of composition, LTA summonses / notices where there are no offers of composition.

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