

Annex B

Supreme Court of Judicature (Amendment) Bill

Bill No. / .

Read the first time on .

A BILL

intituled

An Act to amend the Supreme Court of Judicature Act (Chapter 322 of the 2007 Revised Edition) to establish the Singapore International Commercial Court.

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 Supreme Court of Judicature (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of section 2**

2. Section 2 of the Supreme Court of Judicature Act (referred to in this Act as the principal Act) is amended by deleting the definitions of “Judge” and “Judge of Appeal” and substituting the following definitions:

10 “ “Judge” means a Judge of the High Court and includes the Chief Justice and any person sitting in the High Court in accordance with section 9;

15 “Judge of Appeal” includes the Chief Justice and any person sitting in the Court of Appeal in accordance with section 29;”.

Amendment of section 4

3. Section 4 of the principal Act is amended by deleting the word “vice-presidents” wherever it appears in paragraphs (b) and (c) and substituting in each case the word “Vice-Presidents”.

20 **New section 5A**

4. The principal Act is amended by inserting, immediately after section 5, the following section:

“International Judges

25 **5A.** An International Judge of the Supreme Court may sit in the High Court or the Court of Appeal only in accordance with section 9(4) or 29(4), as the case may be.”.

Repeal and re-enactment of section 9

5. Section 9 of the principal Act is repealed and the following section substituted therefor:

“Constitution of High Court

9.—(1) The High Court shall consist of —

- (a) the Chief Justice; and
- (b) the Judges of the High Court.

5 (2) A Judge of Appeal may, if the Chief Justice so requires, sit in the High Court.

(3) A Judicial Commissioner of the Supreme Court appointed for a specified period may sit in the High Court in any case or in respect of such classes of cases as the Chief Justice may specify.

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(4) The Chief Justice may, from time to time, require an International Judge appointed for a specified period to sit in the Singapore International Commercial Court to hear and determine any specific case in that Court or in respect of such classes of cases in that Court as the Chief Justice may specify.

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(5) A person sitting in the High Court in accordance with subsection (2), (3) or (4), and a person sitting in the High Court to hear and determine a case that he was specifically appointed to hear and determine, shall have all the jurisdiction, powers and privileges of a Judge of the High Court sitting in the High Court or in the Singapore International Commercial Court, as the case may be.”

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Amendment of section 10

6. Section 10 of the principal Act is amended by deleting subsection (3).

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New sub-heading to Part III and new sections 18A to 18D

7. Part III of the principal Act is amended by inserting, immediately after section 18, the following sub-heading and sections:

“Singapore International Commercial Court

Singapore International Commercial Court

18A.—(1) There shall be a division of the High Court known as the Singapore International Commercial Court.

5 (2) Subject to this section and sections 18B, 18C and 18D, the provisions of this Act shall apply to proceedings in the Singapore International Commercial Court as they apply to proceedings in the High Court in its original civil jurisdiction.

10 (3) The Chief Justice may appoint a Judge of Appeal, a Judge of the High Court or an International Judge of the Supreme Court to be the President of the Singapore International Commercial Court for such period as the Chief Justice may specify.

15 (4) If no appointment is made under subsection (3), the Chief Justice shall be the President of the Singapore International Commercial Court.

Jurisdiction of Singapore International Commercial Court

18B.—(1) The Singapore International Commercial Court shall have jurisdiction to hear and try any action —

- 20 (a) that is of an international and commercial nature; and
 (a) that the High Court may hear and try in its original civil jurisdiction.

25 (2) The Singapore International Commercial Court shall have regard to the international and commercial character of its jurisdiction in hearing and trying any action, and in exercising its powers.

Composition of Singapore International Commercial Court

30 18C.—(1) Every proceeding in the Singapore International Commercial Court shall be heard and disposed of before a single Judge or 3 Judges.

(2) Where any proceeding in the Singapore International Commercial Court is heard before 3 Judges, the Chief Justice shall appoint one of the Judges to preside.

5 (3) Where any case in the Singapore International Commercial Court is heard before 3 Judges, and one of those Judges is unable for any reason to continue hearing the case —

(a) the remaining 2 Judges may, with the consent of the parties, continue to hear and determine the case, in which event —

10 (i) if the 2 Judges have the same opinion, the case shall be determined in accordance with their opinion; or

(ii) if the 2 Judges have different opinions, the claim, counterclaim or application, as the case may be, shall be dismissed; or

15 (b) if the parties do not so consent, the case shall be reheard.

(4) Where any case in the Singapore International Commercial Court is heard before 3 Judges, and 2 or all of those Judges are unable for any reason to continue hearing the case, the case shall be reheard.

Powers of Singapore International Commercial Court

25 **18D.**—(1) The Singapore International Commercial Court may exercise such powers as the High Court may exercise in its original civil jurisdiction, except for the power under paragraph 1 of the First Schedule.

(2) The Singapore International Commercial Court shall exercise its powers in accordance with the Rules of Court, and any written law, relating to the Court or those powers.”

30 **Amendment of section 29**

8. Section 29 of the principal Act is amended —

- (a) by inserting, immediately after the words “The Chief Justice” in subsection (2), the words “shall be the President of the Court of Appeal, and”;
- (b) by deleting the word “vice-presidents” in subsection (2) and substituting the word “Vice-Presidents”; and
- (c) by deleting subsections (3) and (4) and substituting the following subsections:

“(3) A Judge of the High Court or a Judicial Commissioner of the Supreme Court may, if the Chief Justice so requires, sit in the Court of Appeal.

(4) An International Judge of the Supreme Court may, if the Chief Justice so requires, sit in the Court of Appeal in an appeal from any judgment or order of the Singapore International Commercial Court.

(5) A person sitting in the Court of Appeal in accordance with subsection (3) or (4) shall have all the jurisdiction, powers and privileges of a Judge of Appeal sitting in the Court of Appeal.

(6) The person who presides over a sitting of the Court of Appeal shall be determined as follows:

(a) where the Court of Appeal includes one or more Judges of the Supreme Court specified in section 4, the person shall be determined according to the order of precedence prescribed in that section;

(b) where the Court of Appeal does not include any Judge of the Supreme Court specified in section 4, the Chief Justice shall appoint a person to preside.”.

Amendment of section 80

9. Section 80(2) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (p); and

(b) by deleting the full-stop at the end of paragraph (g) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(r) in relation to the Singapore International Commercial Court —

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(i) prescribing what constitutes an action of an international and commercial nature for the purposes of section 18B; and

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(ii) regulating and prescribing the procedure to be followed in proceedings in that Court and in appeals from that Court.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Supreme Court of Judicature Act (Cap. 322) to establish the Singapore International Commercial Court.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

Note: Supreme Court of Judicature (SICC) (Amdt) Bill 2014 (v 15) (SZX)