

**Annex - Details of proposed legislative changes to the Small Claims Tribunals (SCT) Act**

S/N	Proposed Legislative Changes	Rationale	Relevant section(s) in the SCT Act
<b><i>A. Expanding and refining the SCT’s jurisdiction</i></b>			
1.	Raise the current monetary limits from \$10,000 to \$20,000 (by default), and from \$20,000 to \$30,000 (if all parties consent).	These are broadly in line with the small claims limit in the United Kingdom, Australia and Canada and reflects inflation and the rising costs of living over the years.	Sections 2 and 5(4)
2.	Expand the SCT’s subject matter jurisdiction to include hire-purchase claims under the Consumer Protection (Fair Trading) Act (Cap 52A, 2009 Rev Ed) (“CPFTA”).	This will enable Singaporeans to resolve such claims quickly and cost effectively at the SCT, and further align the SCT Act with the CPFTA. Presently, while the SCT has jurisdiction to deal with certain consumer claims under the CPFTA, it does not have the jurisdiction to deal with hire-purchase claims under the CPFTA.	Section 5
3.	Provide that “claims that may be heard together” under section 26 of the Act and representative claims under section 27 of the Act can only be brought in the SCT where the combined value of the claims to be heard at the same time does not exceed SCT’s monetary jurisdiction.	This is in response to the High Court’s observation in <i>Freely Pte Ltd v Ong Kaili and others</i> [2010] 2 SLR 1065. In that case, in which the High Court held that the SCT “may hear a class action” under s 26 of the SCTA, it observed that a legislative review may be necessary to consider whether the SCT was equipped to deal with such actions given that the “total quantum of claims in [such actions] might...exceed the monetary limit for any one	Sections 26 and 27

		of such claims by a large margin”.	
4.	Increase the limitation period for bringing claims in the SCT from one year to two years.	This aligns the limitation period for bringing claims in the SCT to: <ul style="list-style-type: none"> <li>(a) the limitation period for bringing claims in relation to a consumer transaction involving an unfair practice under section 6 (read with section 12(1)) of the CPFTA, which are also heard at the SCT; and</li> <li>(b) the limitation period for bringing claims in other Tribunals in the State Courts, such as the Community Disputes Resolution Tribunals.<sup>1</sup></li> </ul>	Section 5(3)(b)
<b><i>B. Enhancing the SCT’s powers</i></b>			
5.	Adopt a judge-led approach during SCT proceedings.	This will allow the SCT Tribunal Magistrates (see proposal at S/N 12 below to re-designate SCT Referees as “Tribunal Magistrates”) to exercise greater control over proceedings and focus on key issues, leading to costs and time savings for parties.	New proposed provision
6.	In adopting a judge-led approach, to empower the SCT to make such order or give such direction as the SCT thinks fit for the just, expeditious and	This is in line with section 20(3) of the Employment Claims Act 2016 (No. 21 of 2016) (“EC Act 2016”), and will allow SCT Tribunal Magistrates to make orders and/or	New proposed provision

<sup>1</sup> Section 17(3)(b) of the Community Disputes Resolution Act 2015 (Act No. 7 of 2015) (“CDR Act 2015”).

	economical disposal of the claim.	give directions as appropriate to facilitate the just, expeditious and economical disposal of the claim.	
7.	Empower the SCT to make a work order under section 35(1) read with section 2 of the Act in relation to cases concerning property damage and short residential leases under the SCT's jurisdiction.	<p>The SCT currently has jurisdiction under section 5 of the Act to hear cases concerning property damage and short residential leases, and can make money orders (ie order for a party to pay another party) in such cases.</p> <p>This amendment will enable SCT to also make work orders (ie, order for a party to rectify a defect in goods or make good a deficiency in the performance of services) in such cases where appropriate. This is necessary because section 35(1) read with section 2 of the current SCT Act does not provide the SCT with the power to make a work order in such cases.</p>	Sections 2 and 35(1)
8.	Empower the SCT to order parties to attend mediation.	<p>This is in line with section 30 of the CDR Act 2015 and will help facilitate the just, expeditious, and economical resolution of SCT cases.</p> <p>Presently, while the Registrar must invite parties to attend a consultation session once a claim is filed under section 17 of the Act, the SCT does not have the power to order parties to attend mediation.</p>	Section 17
9.	Empower the SCT to dismiss a claim	This will ensure that valuable court resources	New proposed provision

	when the claimant is absent.	and time will not be wasted when the claimant does not turn up for SCT hearings. Presently, while the Registrar can dismiss a claim when the claimant is absent from a consultation session under section 17(5) of the Act, the Tribunal itself does not have the same power if the claimant fails to appear at the hearing proper.	
10.	Empower the SCT to order vacant possession of premises in cases involving unpaid rent by tenant.	This will allow landlords in tenancy disputes to apply for an order for vacant possession directly from the SCT in straightforward cases involving unpaid rent by the tenant, after giving due notice to the tenant. Presently, the SCT does not have this power when it orders the tenant to pay the outstanding rent owed to the landlord.	New proposed provision
11.	Empower the SCT to award costs against parties where necessary.	This will enhance the SCT's case management powers and help encourage parties to consider early settlement of the matter, especially if they have a weak case. Presently, no costs of proceedings can be awarded save in respect of frivolous or vexatious claims brought (see sections 31 and 32 of the Act).	Sections 31 and 32
<b><i>C. Improving the SCT's processes</i></b>			
12.	Re-designate SCT Referees as "Tribunal Magistrates".	To better reflect the role of SCT Referees as adjudicators.	Section 4

13.	Allow the Presiding Judge of the State Courts (“PJSC”) to designate District Judges as Tribunal Magistrates of the SCT.	This will allow PJSC to designate District Judges as SCT Tribunal Magistrates directly, consistent with the position adopted in respect of the Community Disputes Resolution Tribunals <sup>2</sup> and the Employment Claims Tribunals. <sup>3</sup> Presently, SCT Referees (who will be re-designated as “Tribunal Magistrates” if proposal S/N 12 above is adopted) must be appointed separately by the President on the recommendation of the Chief Justice (see section 4(1)).	Section 4
14.	Protect SCT Registrars and court volunteers (ie mediators) from personal liability.	This will protect these officers of the court from personal liability if they are acting in good faith and with reasonable care in discharging their duties at the SCT, similar to the protection accorded to SCT Referees currently under section 44 of the Act.	Section 44
15.	Allow the District Court to remit a matter to the SCT for reconsideration or order a rehearing by a SCT constituted by a different Tribunal Magistrate.	There is currently no avenue for appeal against the SCT’s decision in situations not involving a question of law or jurisdiction. This proposed amendment will enhance the efficiency of the SCT process by allowing a District Judge hearing an application for leave to appeal (where no question of law or jurisdiction arises) to remit the matter to the SCT for reconsideration. Alternatively, the District Judge may direct a re-hearing by	Section 38

<sup>2</sup> Section 14(1)(b) of the CDR Act 2015.

<sup>3</sup> Section 9(5) of the EC Act 2016.

		<p>another Tribunal Magistrate. This is consistent with the position in the SCT in overseas jurisdictions such as Hong Kong and New Zealand.<sup>4</sup></p> <p>Appeals on a question of law or jurisdiction against decisions of the SCT Referee will continue to be heard in the High Court, with leave of the District Court (no change to the current position under section 38 of the SCT Act).</p>	
16.	Empower the District Court to grant a stay of execution (if appropriate) when the District Court is hearing an application for leave to appeal against the SCT's order.	<p>The current section 42 of the SCT Act provides that the filing of a notice of appeal shall not operate as a stay of execution of an order unless the SCT or the High Court otherwise orders. Given that applications for leave to appeal against the SCT's decision are heard by the District Court (section 38(1A) of the SCT Act), this proposed amendment will enable the District Court to also grant a stay of execution (if appropriate) at the same hearing.</p> <p>This will enhance the efficiency of the SCT process, as an applicant need not make a separate application to the SCT or to the High Court to apply for a stay of execution after the applicant has received leave to appeal from the District Court. This proposed amendment is</p>	Section 42

<sup>4</sup> Both Hong Kong (s 27A of the Hong Kong Small Claims Tribunal Ordinance) and New Zealand (s 49 of the New Zealand Disputes Tribunal Act 1988) allow their SCTs to re-hear the case or review its decision.

		also in line with the position adopted in the Hong Kong SCT. <sup>5</sup>	
17.	Give the SCT the discretion to allow (a) individuals to observe SCT proceedings, (b) individuals to assist in resolving SCT claims amicably through mediation or conciliation, or (c) individuals with skill and experience in the matter to which the proceedings relate to sit with the SCT and act as assessors.	While SCT proceedings will remain private, this proposed amendment will give the SCT the discretion to allow observers, assessors and other persons to assist in SCT proceedings where necessary. This is adopted from s 18 of the EC Act 2016 which gives the Employment Claims Tribunals the same power.	New proposed provision
18.	Allow the SCT to issue its own practice directions, forms and guidance notes.	This will enable the SCT to set out administrative matters relating to the SCT and its processes in these materials, which will be publicly accessible.	New proposed provision
19.	Require the filing of entry of satisfaction by parties.	This administrative measure will facilitate the closure of SCT cases, and the updating of SCT records.	New proposed provision

---

<sup>5</sup> Hong Kong gives the Court of First Instance (similar to our District Court) the power to also grant stay of execution when hearing the application for leave to appeal to the Court of Appeal (see section 28 read with section 31 of the Hong Kong Small Claims Tribunal Ordinance).