

Civil Law (Amendment) Bill 2015

Bill No. /2015.

Read the first time on .

A BILL

i n t i t u l e d

An Act to amend the Civil Law Act (Chapter 43 of the 1999 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 Civil Law (Amendment) Act 2015 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of long title**

2. The long title to the Civil Law Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the words “civil law”, the words “and to create a statutory tort”.

New Part 1 heading

10 3. The principal Act is amended by inserting, immediately after the long title, the following Part heading:

“PART 1
PRELIMINARY”.

New Part 2 heading

15 4. The principal Act is amended by inserting, immediately after section 2, the following Part heading:

“PART 2
PROVISIONS RELATING TO CIVIL LAW”.

New Part 3

20 5. The principal Act is amended by inserting, immediately after section 36, the following Part:

“PART 3

TORT RELATING TO ENJOYMENT OF
NEIGHBOUR’S PLACE OF RESIDENCE

25 **Interpretation**

37. In this Part, unless the context otherwise requires —

“court” means the High Court or a State Court;

“place of residence” means a house, flat, apartment or other dwelling place;

5 “vicinity”, in relation to a person’s place of residence, includes any common corridor, space or property, any road, or any building or other property in the surrounding area of the person’s place of residence.

Tort of disturbance to or interference with enjoyment of place of residence

10 **38.**—(1) No individual who is in lawful occupation of a place of residence (referred to in this Part as the respondent) shall, by the individual’s act or omission, cause any disturbance to or interference with his or her neighbour’s enjoyment of the neighbour’s place of residence.

15 (2) An act or omission which may cause disturbance to or interference with a person’s enjoyment of the person’s place of residence may include (but is not limited to) any of the following:

- (a) causing excessive noise, smell, light or vibration;
- 20 (b) littering at or in the vicinity of the place of residence;
- (c) obstructing the place of residence, whether by placing any thing or object or by any other manner at or in the vicinity of the place of residence;
- 25 (d) interfering with the person or the person’s property, at or in the vicinity of the person’s place of residence;
- (e) communication with or surveillance on a person or the person’s property, where such communication or surveillance is done at or in the vicinity of the person’s place of residence.

30 (3) A neighbour whose enjoyment of his or her place of residence has been disturbed or interfered with under subsection (1) may bring civil proceedings in a court against the respondent.

(4) For the purposes of this section, a neighbour is an individual who is the lawful occupier of any place of residence —

- 5 (a) that is in the same building as the respondent's place of residence; or
- (b) that is within 100 metres of the respondent's place of residence,

but does not include a person who is occupying the same place of residence as the respondent.

10 **Orders of court**

39.—(1) If a court is satisfied on the balance of probabilities that a claim under section 38 has been made out against a respondent, the court may make one or more of the following orders:

- 15 (a) an order for damages or payment of compensation;
- (b) an order granting an injunction;
- (c) an order for specific performance;
- (d) an order that the respondent provide an apology to the neighbour, in such form or manner as the court thinks
20 fit;
- (e) any ancillary order as may be necessary to give effect to any of its orders.

(2) In deciding whether to make any order under subsection (1), the court must consider the following matters:

- 25 (a) the impact of the order, if made, on the respondent, any person who is in lawful occupation of the same place of residence as the respondent and any other person who can reasonably be expected to be affected by the order;
- 30 (b) the ordinary instances of daily living that can be expected to be tolerated by reasonable persons living in Singapore.

(3) Despite subsection (2), the court may decline to make any order referred to in that subsection even if it is satisfied that a claim has been made out.

Order of court against parent or guardian

5 **40.**—(1) Where a court makes any order under section 39 with regard to a respondent who is below 16 years of age and a parent or guardian of the respondent is in lawful occupation in the respondent's place of residence, the order must be made against the parent or guardian, and against the
10 respondent.

(2) Where the court makes any order under section 39 with regard to a respondent who is 16 years of age or above, the order may be made —

- (a) against the respondent; or
- 15 (b) against the respondent and a parent or guardian of the respondent who is in lawful occupation in the respondent's place of residence.

(3) Despite subsections (1) and (2), an order may not be made against a parent or guardian of the respondent in the absence of
20 that parent or guardian.

Direction on breach of court order

25 **41.**—(1) Where a respondent or his parent or guardian (referred to in this section as the contravening party), as the case may be, fails to comply with an order of court made under section 39 or 40 which requires the contravening party to do or refrain from doing a specified act (referred to in this section as the first order), the party in whose favour the first order was made may apply to the court which made the first order for a
30 direction by that court that the contravening party complies with the first order.

(2) The court may direct the contravening party to comply with the first order within a specified time, if it is satisfied on

the balance of probabilities that the contravening party has failed to comply with the first order.

Breach of court direction an offence

5 **42.**—(1) A contravening party who fails to comply with a direction of the court under section 41(2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

10 (2) It shall not be a defence for a person charged with an offence under subsection (1) that the court should not have, for whatever reason, made an order under section 39 or 40 or a direction under section 41(2).

15 (3) Where a person is convicted of an offence under subsection (1) for failure to comply with a direction referred to in section 41(2), the failure to comply with the direction as well as the failure to comply with the order of court made under section 39 or 40 shall not be punishable as a contempt of court.

20 (4) A person shall not be convicted of an offence under subsection (1) in respect of any non-compliance which has been punished as a contempt of court.

Section 6 and 7 not to apply to certain court orders

43. Sections 41 and 42 shall not apply to an order of court made under section 39 or 40 which requires a contravening party to pay damages or compensation.”.
