STATUTORY INSTRUMENTS

1966 No. 1182

JUDICIAL COMMITTEE

The Republic of Singapore (Appeals to Judicial Committee) Order 1966

Made - - - - 20*th September* 1966
Coming into Operation 20*th September* 1966

At the Court at Balmoral, the 20th day of September 1966

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers by section 3 of the Singapore Act 1966(**a**) or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation and construction.

1.—(1) This Order may be cited as the Republic of Singapore (Appeals to Judicial Committee) Order 1966.

(2) In this Order, save where the context otherwise requires—

" appeal " includes an application for leave to appeal ;

" Appellate Court " means any court having jurisdiction in accordance with the law of Singapore to hear and determine appeals from the High Court of Singapore or a judge thereof and includes any former such court and, in relation to decisions on appeals from the High Court of Singapore, the Federal Court of the Federation of Malaysia ;

" the Committee " means the Judicial Committee of the Privy Council ;

" Singapore " means the Republic of Singapore.

(3) Save as is otherwise required by the context, the Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Judicial Committee to have jurisdiction in respect of appeals from Singapore.

2.—(1) The Committee shall have jurisdiction in respect of appeals from an Appellate Court in a civil matter in the following cases, that is to say—

(*a*) in the case of any final judgment, decree or order where—

(i) the matter in dispute in the appeal amounts to or is of the value of five thousand dollars or upwards ; or

(ii) the appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right of like amount or value ; or

(iii) the case is from its nature a fit one for appeal ;

(**a**) 1966 c. 29. (**b**) 1889 c. 63.

(*b*) in the case of any interlocutory judgment or order which the Appellate Court considers a fit one for appeal ; or

(*c*) in the case of any decision in the exercise of any original or advisory jurisdiction conferred upon the Appellate Court by the law of Singapore :

Provided that no appeal shall be entertained under this paragraph unless the leave of an Appellate Court for such appeal to be made has first been given in the manner and within the time provided by the law in force in Singapore.

(2) The Committee shall also have jurisdiction in respect of applications for special leave to appeal from decisions of an Appellate Court in any case, whether civil or criminal, other than those set out in paragraph (1) of this Article and in any case there set out where the leave of an Appellate Court has not been duly obtained, and in respect of any appeal for which leave is so granted.

(3) The provisions of this Article shall apply to decisions of an Appellate Court given as well before the commencement of this Order as thereafter and, in relation to any decision of an Appellate Court given before the commencement of this Order,—

(*a*) the provisions of paragraph (1)(*a*) of this Article shall have effect as if for the words " five thousand dollars " there were substituted the words " four thousand five hundred dollars ", and the Committee shall have jurisdiction accordingly ; and

(*b*) the Committee shall have jurisdiction under paragraph (2) of this Article in respect of any appeal for which special leave was granted on the recommendation of the Committee in accordance with the provisions then in force for the regulation of appeals from the Appellate Court.

Transitional provisions.

3. Any proceeding in any appeal from a decision of an Appellate Court given before the commencement of this Order may be amended as may appear necessary or proper in order to bring it into conformity with the Judicial Committee Act 1966 of Singapore and with this Order, and, for the purpose of computing the time within which any step in any such proceeding must be taken for the purpose of any law governing the same, no account shall be had of the period commencing on the 9th August 1965 and ending on the commencement of this Order.

Extent of application of the Judicial Committee Act 1833.

4. The Judicial Committee Act 1833(**a**) shall apply in relation to appeals from an Appellate Court subject to the exceptions and modifications set out in Schedule 1 to this Order.

Judicial Committee Rules 1957 to apply.

5. The jurisdiction which is conferred on the Committee by this Order shall be exercised in accordance with the Judicial Committee Rules 1957(**b**), but the said Rules shall have effect in their application to that jurisdiction subject to the modifications set out in Schedule 2 to this Order.

W. G. Agnew.

(a) 1833 c. 41. (b) S.I. 1957/2224 (1957 I, p. 1205).

SCHEDULE 1 Article 4

APPLICATION OF THE JUDICIAL COMMITTEE ACT 1833

The provisions of the Judicial Committee Act 1833 set out in Part I of this Schedule shall not apply in relation to appeals from an Appellate Court, and the provisions of the said Act set out in the first column of Part II shall apply subject to the modifications set out in the second column.

PART I

Section 3	Section 16
Section 4	Section 20
Section 10	Section 21
Section 11	Section 23
Section 12	Section 24
Section 14	Section 31

PART II

(1)	(2)
Section 5	The following section shall be substituted:— "5. No order shall be made unless a majority of the members of such judicial committee present at the hearing shall concur in such order.".
Section 8	The following section shall be substituted:— "8. In any matter which shall come before the said judicial committee it shall be lawful for the said committee to direct that such witnesses shall be examined or re-examined, and as to such facts, as to the said committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter; and it shall also be lawful for the said committee, upon any appeal, to direct that the matter which shall be the subject of such appeal shall be remitted to the court from the decision of which such appeal shall have been made, and at the same time to direct that such court shall rehear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as the said committee shall direct.".
Section 9	For the words "or if a Quaker or Moravian" the words "or if he so desires" shall be substituted.

Section 13	The following section shall be substituted:— "13. In any matter which shall come before the said judicial committee it shall be lawful for the said committee to direct that a new trial be held either generally or as to certain points only.".
Section 28	For the words "and his Majesty in council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees and orders as are" there shall be substituted the words "as is".

Article 5

SCHEDULE 2

MODIFICATIONS OF THE JUDICIAL COMMITTEE RULES 1957 IN THEIR RELATION TO APPEALS FROM AN APPELLATE COURT

1. Save as is otherwise provided in this Schedule or where the context otherwise requires, any reference in the Rules to Her Majesty or Her Majesty in Council shall be construed as a reference to the Committee, and references to Orders of Her Majesty in Council shall be construed accordingly.

2. Paragraph 1 of this Schedule shall not apply to the definition of "Agent" in paragraph (1) of Rule 1.

3. For the words "to advise Her Majesty" in Rule 3 there shall be substituted the words "to determine".

4. The words "agree to advise Her Majesty to" and "in their Report" in Rule 6 shall be omitted.

5. The words "Her Majesty in Council, on the advice of" in Rule 10 shall be omitted.

6. The words "recommend to Her Majesty to" in the last sentence of Rule 11 shall be omitted.

7. For the words "recommend to Her Majesty the dismissal of" in Rule 36 there shall be substituted the word "dismiss".

8. Rule 45 shall be omitted.

9. The words "make their Report to Her Majesty on such Petition, or", "as the case may be" and "Report or" (in three places) in Rule 56 shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The purpose of this Order is to confer on the Judicial Committee of the Privy Council jurisdiction in respect of appeals from the appellate courts of the Republic of Singapore and to make provision regulating such appeals pursuant to arrangements made between Her Majesty's Government and the Government of Singapore. The Order applies the Judicial Committee Act 1833 and the Judicial Committee Rules 1957 to those appeals subject to the exceptions and modifications set out in the Schedules to the Order.