

APPLICATION OF ENGLISH LAW ACT

(CHAPTER 7A)

An Act to declare the extent to which English law is applicable in Singapore and for purposes connected therewith.

Short title.

1.

This Act may be cited as the Application of English Law Act.

Interpretation.

2.

In this Act, unless the context otherwise requires –

"English enactment" means an enactment of the Parliament of England, the Parliament of Great Britain or the Parliament of the United Kingdom;

"local Act" means an Act of the Parliament of Singapore and includes any Ordinance or Act of Singapore or of Malaysia having the force of law in Singapore.

Application of common law and equity.

3.

–(1) The common law of England (including the principles and rules of equity), so far as it was part of the law of Singapore immediately before 12th November 1993, shall continue to be part of the law of Singapore.

(2) The common law shall continue to be in force in Singapore, as provided in subsection (1), so far as it is applicable to the circumstances of Singapore and its inhabitants and subject to such modifications as those circumstances may require.

Application of English enactments.

4.

–(1) Subject to the provisions of this section and of any other written law, the following English enactments shall, with the necessary modifications, apply or continue to apply in Singapore:

(a) the English enactments specified in the second and third columns of the First Schedule to the extent specified in the fourth column thereof; and

(b) any other English enactment which applies to or is in force in Singapore by virtue of any written law.

(2) The English enactments specified in Part II of the First Schedule shall be the enactments as they are in force at 12th November 1993, subject to the exceptions specified in the fourth column of that Part and to the amendments specified in Part III of that Schedule.

(3) To the extent to which any of the provisions of any English enactment is inconsistent with the provisions of any local Act in Force at or after 12th November 1993, the provisions of the

local Act shall prevail.

(4) In relation to any English enactment specified in the First Schedule, unless the context otherwise requires -

- (a) any reference to the United Kingdom shall be read as a reference to Singapore;
- (b) any reference to the High Court shall be read as a reference in the High Court in Singapore;
- (c) any reference to a County Court shall be read as a reference to a District Court in Singapore;
- (d) any reference to the holder of an office shall be read as a reference to the holder of the corresponding office in Singapore;
- (e) any reference to a statute or a statutory provision shall, where applicable, be read as a reference to the corresponding statute or statutory provision in Singapore; and
- (f) any reference or provision relating to Scotland or Northern Ireland or to any enactment relating to Scotland or Northern Ireland shall be disregarded.

Other enactments not part of law of Singapore.

5.

-(1) Except as provided in this Act, no English enactment shall be part of the law of Singapore.

(2) Where any English enactment ceases by virtue of this Act to be part of the law of Singapore, the Interpretation Act shall apply as it would apply on the repeal of an Act of the Parliament of Singapore.

Repeal.

6.

-(1) Subject to subsection (2), section 5 of the Civil Law Act is repealed.

(2) In respect of any proceedings instituted or any cause of action accruing before 12th November 1993, section 5 of the Civil Law Act shall continue to apply as if it had not been repealed by this Act.

(3) The Voluntary Conveyances Act is repealed.

Miscellaneous amendments.

7.

The local Acts specified in the Second Schedule are amended in the manner provided in that Schedule.

Modification Orders.

8.

The Minister may, on the advice of the Law Revision Commissioners and where he considers it necessary or expedient for the purpose of removing any difficulty arising from local conditions or circumstances in the application of any provision in any English enactment specified in the First Schedule, by order modify or substitute that provision.

Revised edition of English enactments.

9.

–(1) The Law Revision Commissioners appointed under the Revised Edition of the Laws Act may prepare and publish a revised edition of any English enactment specified in the First Schedule so as to bring the enactment into conformity with the local Acts.

(2) In preparing a revised edition under subsection (1), the Commissioners shall have all the powers under section 4 of the Revised Edition of the Laws Act.

(3) The Commissioners shall transmit to the President a copy of any revised edition of an English enactment published under this section and with effect from such date as the President may specify by order in the Gazette any such revised edition shall, in all courts and for all purposes, be the sole and only proper law of Singapore in respect of that enactment.

(4) Every revised edition of an English enactment shall, as soon as possible after the publication of such order, be presented to Parliament.

(5) Where a revised edition of any English enactment has been published under this section, the Commissioners may, from time to time if they consider necessary, issue a subsequent revised edition of that enactment.

FIRST SCHEDULE

PART I IMPERIAL ACTS

First column	Second column	Third column	Fourth column
Item	Session or Year and Chapter No.	Title or Short Title	Extent of Application
1.	41 & 42 Victoria c.73	Territorial Waters Jurisdiction Act 1878	The whole
2.	1 & 2 George V c.57	Maritime Conventions Act 1911	The Whole
3.	18 & 19 George V c.23	Straits Settlements and Johore Territorial Waters (Agreement) Act 1928	The whole

PART II ENACTMENTS RELATING TO COMMERCIAL LAW

First column	Second column	Third column	Fourth column
Item	Session or Year and Chapter No.	Title or Short Title	Extent of Application
1.	19 & 20 Victoria c.97	Mercantile Law Amendment Act 1856	Sections 3 and 5
2.	30 & 31 Victoria c.144	Policies of Assurance Act 1867	The whole except section 8.
3.	52 & 53 Victoria c.45	Factors Act 1889	The whole except the amendment to section 9 by the Consumer Credit

			Act 1974.
4.	53 & 54 Victoria c.39	Partnership Act 1890	The Whole
5.	6 Edward VII c.41	Marine Insurance Act 1906	The Whole
6.	20 & 21 George V c.25	Third Parties (Rights against Insurers) Act 1930	The whole except the amendments effected by the Insolvency Act 1985 and the Insolvency Act 1986.
7.	8 & 9 Elizabeth II c.46	Corporate Bodies" Contracts Act 1960	The whole
8.	1967 c.7	Misrepresentation Act 1967	The whole
9.	1977 c.50	Unfair Contract Terms Act 1977	Part I (except section 1(1)(c) and (3)(b) and the amendment to that section by the Occupiers" Liability Act 1984) and Part III.
10.	1979 c.54	Sale of Goods Act 1979	The whole except sections 22 and 25 (2).
11.	1982 c.29	Supply of Goods and Services Act 1982	The whole except Part II.
12.	1987 c.13	Minors" Contracts Act 1987	The whole except sections 1(b) and 4(1).
13.	1992 c.50	Carriage of Goods by Sea Act 1992	The whole.

PART III AMENDMENTS TO ENACTMENTS IN PART II

1.

Policies of Assurance Act 1867.

In section 6, delete the words "and upon payment in each case of a fee not exceeding 25p".

2.

Partnership Act 1890.

In section 36 (2), delete the words " London Gazette as to a firm whose principal place of business is in England and Wales, in the Edinburgh Gazette as to a firm whose principal place of business is in Scotland, and in the Dublin Gazette as to a firm whose principal place of business is in Ireland," and substitute "Gazette".

3.

Unfair Contract Terms Act 1977.

(1) In section 6 -

(a) delete paragraph (b) of subsection (1) and substitute -

"(b) section 6 (1) of the Hire-Purchase Act,";

(b) delete paragraph (b) of subsection (2) and substitute -

"(b) section 6 (2) and (3) of the Hire-Purchase Act,".

(2) In section 7, delete subsection (5).

(3) In section 14, delete the definition of "hire-purchase agreement" and substitute -

"hire-purchase agreement" has the same meaning as in the Hire-Purchase Act;" .

(4) Delete section 28 and substitute -

"Provision for sea carriage of passengers.

28. -(1) This section shall apply to a contract for carriage by sea of a passenger or of a passenger and his luggage.

(2) A person is not precluded by this Act from excluding or restricting liability for loss or damage in such circumstances and to such extent as may be prescribed by order made by the Minister by reference to a term of the contract so prescribed."

4.

Supply of Goods and Services Act 1982.

(1) In section 1 (2), delete paragraph (c).

(2) In section 6 -

(a) delete the words "an excepted contract" in subsection (1) and substitute "a hire-purchase agreement";

(b) delete subsection (2); and

(c) delete the words "(subject to subsection (2) above)" in subsection (3).

(3) In section 18 (1) -

(a) delete the definition of "hire-purchase agreement" and substitute -

"hire-purchase agreement" has the same meaning as in the Hire-Purchase Act;"; and

(b) delete the definitions of "redemption" and "trading stamps".

(4) In section 19, delete the definitions of "the 1973 Act" and "the 1974 Act".

5.

Carriage of Goods by Sea Act 1992.

In section 1 (6), delete the words "and the power to make regulations under that subsection

shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament".

SECOND SCHEDULE MISCELLANEOUS AMENDMENTS

THE CIVIL LAW ACT (CHAPTER 43)

1.

The Civil Law Act is amended –

(a) by inserting, immediately after subsection (2) of section 4, the following subsections:

"Voluntary waste. Cf. 52 Henry III (Statute of Malborough) c.23.

(2A) A tenant for life or lives or a leasehold tenant shall not commit voluntary waste; but this subsection shall not apply to any estate or tenancy without impeachment of waste, or affect any licence or other right to commit waste.

(2B) A tenant who infringes subsection (2A) shall be liable in damages to his remainderman or reversioner; and in subsection (2A), "leasehold tenant" includes a tenant for a term, a tenant under a periodical tenancy and a tenant at will.";

(b) by inserting, immediately after section 6, the following sections:

"Contracts which must be evidenced in writing. Cf. 29 Charles II c3 (Statute of Frauds 1677, s. 4) Law of Property Act 1925, s. 40.

6A. No action shall be brought against –

(a) any executor or administrator upon any special promise to answer damages out of his own estate;

(b) any defendant upon any special promise to answer for the debt, default or miscarriage of another person;

(c) any person upon any agreement made upon consideration of marriage;

(d) any person upon any contract for the sale or other disposition of immovable property, or any interest in such property; or

(e) any person upon any agreement that is not to be performed within the space of one year from the making thereof,

unless the promise or agreement upon which such action is brought, or some memorandum or note thereof, is in writing and signed by the party to be charged therewith or some other person lawfully authorised by him.

Trusts respecting immovable property and disposition of equitable interest. Cf. 29 Charles II c. 3 (Statute of Frauds 1677, ss. 7, 8 and 9) Law of Property Act 1925, s. 53.

6B. –(1) A declaration of trust respecting any immovable property or any interest in such property must be manifested and proved by some writing signed by some person who is able to declare such trust or by his will.

(2) A disposition of an equitable interest or trust subsisting at the time of the disposition must be in writing signed by the person disposing of the same or by his agent lawfully authorised in writing or by will.

(3) This section does not affect the creation or operation of resulting, implied or constructive trusts."; and

(c) by inserting, immediately after section 16, the following section:

"Executor of executor represents original testator. Cf. 25 Edward III St. 5.c.5 (1351-2).

16A. -(1) An executor of a sole or last surviving executor of a testator is the executor of that testator; but this provision shall not apply to an executor who does not prove the will of his testator and, in the case of an executor who on his death leaves surviving him some other executor of his testator who afterwards proves the will of that testator, it shall cease to apply on such probate being granted.

(2) So long as the chain of such representation is unbroken, the last executor in the chain is the executor of every preceding testator.

(3) The chain of such representation is broken by -

- (a) an intestacy;
- (b) the failure of a testator to appoint an executor; or
- (c) the failure to obtain a probate of a will,

but is not broken by a temporary grant of administration if probate is subsequently granted.

(4) Every person in the chain of representation to a testator -

- (a) has the same rights in respect of the estate of that testator as the original executor would have had if living; and
- (b) is, to the extent to which the estate of that testator has come to his hands, answerable as if he were an original executor."

THE CONVEYANCING AND LAW OF PROPERTY ACT (CHAPTER 61)

2.

The Conveyancing and Law of Property Act is amended -

(a) by inserting, immediately after section 18, the following section:

"Relief against forfeiture by action for non-payment of rent. Cf. 4 George II c. 28 (Landlord and Tenant Act 1730) County Courts Act 1984, s. 138.

18A. -(1) This section has effect where a lessor is proceeding by action to enforce against a lessee a right of re-entry or forfeiture in respect of any immovable property for non-payment of rent.

(2) If, within the time prescribed by rules of court for acknowledging service of the writ by which the action was commenced, the lessee pays into court all the rent in arrear and the costs

of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease.

(3) If -

(a) the action does not cease under subsection (2); and

(b) the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture,

the court shall order possession of the land to be given to the lessor at the expiration of such period, but not being less than 4 weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court all the rent in arrear and such sum as the court shall direct on account of the costs of the action.

(4) The court may extend the period specified under subsection (3) at any time before possession of the land is recovered in pursuance of the order under that subsection.

(5) Subject to subsection (6), if -

(a) within the period specified in the order; or

(b) within that period as extended under subsection (4),

the lessee pays into court -

(i) all the rent in arrear; and

(ii) the sum directed to be paid on account of the costs of the action,

he shall hold the land according to the lease without any new lease.

(6) Subsection (2) shall not apply where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent.

(7) If the lessee does not -

(a) within the period specified in the order; or

(b) within that period as extended under subsection (4),

pay into court -

(i) all the rent in arrear; and

(ii) the sum directed to be paid on account of the costs of the action,

the order may be enforced and so long as the order remains unreversed the lessee shall be barred from all relief.

(8) The extension under subsection (4) of a period fixed by the court shall not be treated as relief from which the lessee is barred by subsection (7) if he fails to pay into court all the

rent in arrear and the sum directed to be paid on account of the costs of the action within that period.

(9) Where the court extends a period under subsection (4) at a time when -

(a) that period has expired; and

(b) a writ of possession in respect of the property has been issued,

the court shall suspend the writ for the extended period, and if, before the expiration of the extended period, the lessee pays into court all the rent in arrear and the sum directed to be paid on account of the costs of the action, the court shall cancel the writ.

(10) Nothing in this section shall be taken to affect -

(a) the power of the court to enter final judgment in a case where the defendant fails to give notice of intention to defend; or

(b) the power of the court to make any order which it would otherwise have power to make as respects a right of re-entry or forfeiture on any ground other than non-payment of rent.";

(b) by inserting, immediately after Part XII, the following Part:

"PART XIIA ACCUMULATIONS

Restrictions on accumulation of income. Cf. 39 and 40. George III, c. 98 (Accumulations Act 1800) Law of Property Act 1925, s. 164.

69A. -(1) No person may by any instrument or otherwise settle or dispose of any property in such manner that the income thereof shall, except as provided in subsection (2), be wholly or partially accumulated for any longer period than one of the following, namely:

(a) the life of the grantor or settlor;

(b) a term of 21 years from the death of the grantor, settlor or testator;

(c) the duration of the minority or respective minorities of any person or persons living or en ventre sa mere at the death of the grantor, settlor or testator;

(d) the duration of the minority or respective minorities only of any person or persons who under the limitations of the instrument directing the accumulations would, for the time being, if of full age, be entitled to the income directed to be accumulated;

(e) a term of 21 years from the date of the making of the disposition; or

(f) the duration of the minority or respective minorities of any person or persons in being at the date of the making of the disposition.

In every case where any accumulation is directed otherwise than as aforesaid, the direction shall, except as provided in subsection (2), be void; and the income of the property directed to be accumulated shall, so long as the same is directed to be accumulated contrary to this section, go to and be received by the person or persons who would have been entitled thereto if such accumulation had not been directed.

(2) This section does not extend to any provision -

(a) for payment of the debts of any grantor, settlor, testator or other person;

(b) for raising portions for -

(i) any child, children or remoter of any grantor, settlor or testator; or

(ii) any child, children or remoter issue of a person taking any interest under any settlement or other disposition directing the accumulations or to whom any interest in thereby limited,

and accordingly such provisions may be made as if no statutory restrictions on accumulation of income had been imposed."; and

(c) by inserting, immediately after section 73, the following sections:

"Co-owner liable to account. Cf. 4 and 5 Ann, c. 3 (Administration of Justice Act 1705).

73A. A joint tenant or tenant in common shall be liable to account to his co-owner for receiving more than his share or proportion of any rents or profits arising from the property.

Voluntary conveyances to defraud creditors voidable. Cf. 13 Eliz. c. 5 (1571) Law of Property Act 1925, s.172.

73B. -(1) Except as provided in this section, every conveyance of property, made whether before or after 12th November 1993, with intent to defraud creditors, shall be voidable, at the instance of any person thereby prejudiced.

(2) This section does not affect the law relating to bankruptcy for the time being in force.

(3) This section does not extend to any estate or interest in property disposed of for valuable consideration and in good faith or upon good consideration and in good faith to any person not having, at the time of the disposition, notice of the intent to defraud creditors.

Voluntary disposition of land how far voidable as against purchasers. Cf. 27 Eliz. c.4 (1584-5) Law of Property Act 1925, s.173.

73C. -(1) Every voluntary disposition of immovable property made with intent to defraud a subsequent purchaser is voidable at the instance of that purchaser.

(2) For the purposes of this section, no voluntary disposition shall be deemed to have been made with intent to defraud by reason only that a subsequent disposition for valuable consideration was made."

THE EXTRADITION ACT (CHAPTER 103)

3.

Section 43 of the Extradition Act is amended -

(a) by deleting the word "State" in the fourth line of subsection (1) and in the third line of subsection (3) and substituting in each case the words "or Commonwealth country"; and

(b) by deleting the word "States" in the marginal note and substituting the words "or Commonwealth countries".

THE INSURANCE ACT (CHAPTER 142)

4.

The Insurance Act is amended by inserting, immediately after section 61, the following sections:

"No insurance to be made unless insurer has interest and no policy without inserting names Cf. 14 George III c. 48 (Life Assurance Act 1774).

61A. -(1) No insurance shall be made by any person on any event wherein the person for whose use or benefit or on whose account the policy is made has no interest, or by way of gaming or wagering; and every assurance made contrary to this subsection shall be void.

(2) It shall not be lawful to make any policy on any event without inserting in such policy the names of the persons interested therein, or for whose use or benefit or on whose account such policy was made.

(3) In all cases where there is an interest in such event, no greater sum shall be recovered or received from the insurer than the amount or value of the interest.

(4) Nothing in this section shall extend to insurance made by any person on ships or goods, or to contracts of indemnity against loss by fire or loss by other events whatsoever.

No action for accidental fire. (Fire Prevention (Metropolis) Act 1774, s.86).

61B. No action shall lie against a person in whose house or premises or on whose estate any fire accidentally began except that no contract or agreement made between landlord and tenant shall be hereby defeated or made void."

THE PENAL CODE (CHAPTER 224)

5.

The Penal Code is amended by inserting, immediately after section 130A, the following Chapter:

"CHAPTER VIA PIRACY

Piracy by law of nations. Cf. 12 and 13 Victoria c. 96 (Admiralty Offences (Colonial) Act 1849).

130B. -(1) A person commits piracy who does any act that, by the law of nations, is piracy.

(2) Whoever commits piracy shall be punished with imprisonment for life and with caning with not less than 12 strokes, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be punished with death.

Piractical acts

130C. Whoever, while in or out of Singapore -

(a) steals a Singapore ship;

(b) steals or without lawful authority throws overboard, damages or destroys anything that is part of the cargo, supplies or fittings in a Singapore ship;

(c) does or attempts to do a mutinous act on a Singapore ship; or

(d) counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c), shall be punished with imprisonment for a term not exceeding 10 years and shall be liable to caning. "



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Global Laws & Regulations



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