Singapore Legal System

Subject Coordinator:
Associate Professor Goh Yihan
Singapore Management University
INTRODUCTION AND COURSE DESCRIPTION

Part A of the Bar Examinations is designed to ensure that graduates of non-Singapore universities are equipped with sufficient knowledge of Singapore law to enable them to take Part B of the Bar Examinations on a more-or-less equal footing with their peers who have studied in Singapore. One should never forget that it is essential to know and apply the law of Singapore when practising as a lawyer in Singapore. It is important to know that Singapore law is certainly not a minor off-shoot of English or Australian law.

In that context, this course is designed to prepare the non-Singapore law graduate for practice in the Singapore legal profession through equipping him or her with practical and working knowledge of various aspects of the Singapore legal system. In this respect, while the Singapore legal system was derived from the English system, many of its institutions, rules and practices have changed. Candidates will be exposed to a broad overview of the legal history of Singapore, the sources of law in Singapore, the various legal institutes and the legal profession, before going into specific topics that may be unique to Singapore, such as constitutional law, administrative law, commercial law and statutory interpretation in Singapore. These specific areas are in addition to other more detailed courses you will take on aspects of Singapore law, such as its company law, criminal law, evidence law and property law.

The guiding philosophy of this course is that candidates are already graduates and in some cases have had experience in the practice of law. Therefore it is expected that candidates will be able to reach a sufficient standard to pass the examination by relying on the primary materials, text books and reference works. By the end of the course, the candidate should be largely familiar with aspects of the Singapore legal system, from its workings to a broad understanding of how its laws differ from the English position. The candidate should also be competent in dealing with and sourcing for Singapore legal materials for legal practice.

PRIMARY AND SECONDARY MATERIALS

By its nature, a course on the Singapore Legal System will be disparate. Reference will be made to different materials, ranging from parliamentary debates, statutes and cases to textbooks and journal articles. The type of material relevant will depend on the specific part of the course. In this regard, the course is broken down into three main parts, namely: (a) Aspects of the Singapore Legal System; (b) Autochthonous Aspects of Singapore Law; and (c) Future Developments of the Singapore Legal System.
For the first part of the course, namely, Aspects of the Singapore Legal System, the relevant materials will generally consist of parliamentary debates and the relevant legislation. Textbooks and journal articles will also be relevant. An overview for this part of the course may be found in Gary Chan & Jack Lee (eds), *The Legal System of Singapore: Institutions, Principles and Practices* (LexisNexis, 2015). Another overview may be found in Kevin Y L Tan (ed), *The Singapore Legal System* (Singapore University Press, 2nd ed, 1999).

For the second part of the course, namely, Autochthonous Aspects of Singapore Law, the relevant materials will generally consist of cases. An overview for this part of the course may be found in Goh Yihan & Paul Tan (eds), *Singapore Law: 50 Years in the Making* (Academy Publishing, forthcoming, August 2015). There are specific local textbooks for the various autochthonous aspects of Singapore law. First, the leading textbook for Constitutional and Administrative Law in Singapore is Kevin YL Tan & Thio Li-ann, *Constitutional Law in Malaysia & Singapore*, (LexisNexis, 3rd ed, 2010). A shorter book is Kevin YL Tan, *Introduction to Singapore’s Constitution*, (Talisman, 3rd ed, 2013). Secondly, the textbooks on Singapore Contract Law are Andrew Phang (gen ed), *The Law of Contract in Singapore* (Academy Publishing, 2012) and Andrew Phang & Goh Yihan, *Contract Law in Singapore* (Wolters Kluwer, 2012). Thirdly, the textbook for Singapore Tort Law is Gary Chan Kok Yew, *The Law of Torts in Singapore* (Academy Publishing, 2011). There is no local textbook for trusts and equity. Candidates will of course not be expected to have read these specific textbooks entirely but will be referred to the relevant portions.

The third part of the course, namely, Future Developments of the Singapore Legal System, will be a consolidation of what has been covered in the previous two parts. References will be made to parliamentary debates and journal articles as may be relevant.

**READING LISTS**

The Reading Lists will give an indication of the areas that will be examined. However, please note that they are not meant to be comprehensive in terms of cases and statutory provisions. This course covers general principles. It is neither possible nor desirable to cover every conceivable aspect of the Singapore Legal System in a basic course like this. Nor would it be fair to candidates to expect them to have a comprehensive knowledge of the subject, bearing in mind its disparate nature, that even practitioners with decades of experience do not possess. Having said this, however, candidates are encouraged to read beyond the Reading Lists and use that extra knowledge in answering the examination question.

Candidates should note that some of the materials in the Reading List are not yet published. They are expected to be published in time for the commencement of this course in 2015, but should they not be published in time, replacement materials will be recommended.
VIDEO LECTURES

In some places the Reading Lists are supplemented by recorded lectures. These are not lectures as the term is commonly understood in university. Rather, they are tools to aid in comprehension of particular points of law or practice. Do not expect them to form a comprehensive course. The lectures are meant to be used in conjunction with the reading lists and the textbooks. They are deliberately kept relatively short so as to be more easily digestible. Watch them when you get to the topic rather than in one sitting.

MODE OF ASSESSMENT

There will be a written examination sometime in October. The examination will consist of two or three questions, but there will be no choice. The rationale for this is simple: in practice, no one gets a choice. If a client comes with a problem it is necessary to deal with it. It is only when one becomes a senior partner in a law firm that one has the luxury of turning clients away; a legal assistant does not have this privilege. The examination will be conducted in an open-book format, because in practice no lawyer in his right mind would dare render advice without checking and double-checking. Anyone who tries to do it from memory is asking for trouble. The only deviation from reality that we make is to prohibit consultation with others, as it is necessary for the examiners to determine whether the candidate understands the subject or would benefit from having more time to achieve a basic standard of competence.

Candidates may bring into the examination hall any written or printed materials that they desire. Laptops will be allowed in accordance with the rules governing the examinations. However, candidates are not permitted to communicate with one another or with outsiders. To do so is cheating. Anyone caught cheating (and those who assist them) can expect to be dealt with severely. Dishonesty is a fatal defect in a lawyer.

The examination will be marked on a distinction/pass/fail basis. Candidates are required to show that they can explain key concepts and render legal advice in a coherent manner when faced with a legal problem. The fact that candidates have only two hours to do so will be factored into the marking. The idea is to put the candidate in the shoes of a legal assistant who is called to do a first cut of advice for the senior partner of the firm. It is unnecessary to resolve every single issue; indeed, it may not be possible to do so in two hours. It is sufficient to highlight the issues, resolve those that can be resolved and give an indication how to proceed further.

Candidates will be judged on their ability to coherently expound the law and apply the principles to the case at hand. A cut and paste job from textbooks, journal articles and mugger’s notes does not demonstrate anything more than the candidate’s mastery of word processing programs. Candidates should also take note that past year papers may not be of much utility as this course has undergone a significant restructuring from 2015.
### TOPICS TO BE COVERED

<table>
<thead>
<tr>
<th>Topic</th>
<th>Synopsis</th>
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<tbody>
<tr>
<td><strong>Part I: Aspects of the Singapore Legal System</strong></td>
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<tr>
<td>1. The Legal History of Singapore</td>
<td>This topic includes the legal and constitutional history of Singapore, and how this has shaped the Singapore legal system both conceptually and practically.</td>
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<tr>
<td>2. The Sources of Law in Singapore</td>
<td>This topic discusses the various sources of law in Singapore with the aim of equipping candidates with sufficient relevant knowledge to deal with practical issues in this area.</td>
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<tr>
<td>3. The Legal Institutions of Singapore</td>
<td>This topic introduces candidates to the various legal institutes in Singapore, such as the Executive, Legislature and Judiciary, as well as their practical workings and relevance to legal practice.</td>
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<tr>
<td>4. The Legal Profession in Singapore</td>
<td>This topic introduces candidates to various bodies in the legal profession, such as the Law Society, Association of Corporate Counsel and the Singapore Academy of Law, as well as discusses topical issues to do with the legal profession, such as the supply of lawyers and their regulation.</td>
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<td><strong>Part II: Autochthonous Aspects of Singapore Law</strong></td>
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<tr>
<td>5. The Development of an Autochthonous Singapore Legal System</td>
<td>This topic identifies the Singapore legal system’s drive to develop an autochthonous system and the practical implications of such a drive. The following topics will examine specific autochthonous aspects of the Singapore legal system.</td>
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<tr>
<td>6. Constitutional Law in Singapore</td>
<td>This topic provides an overview of constitutional law in Singapore, including constitutional interpretation and the protection of several core freedoms under Singapore law.</td>
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<tr>
<td>7. Administrative Law in Singapore</td>
<td>This topic provides an overview of administrative law in Singapore, including the Singapore courts’ approach to judicial review of administrative decisions made by various bodies.</td>
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<tr>
<td>8. Statutes and Statutory Interpretation in Singapore</td>
<td>This topic examines statutory law in Singapore and their interpretation so as to equip candidates with practical knowledge to deal with real-life statutory interpretation issues in legal practice.</td>
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<tr>
<td>9. Commercial Law in Singapore</td>
<td>This topic looks at selected issues in contract, tort and equity where Singapore law has departed from English law so as to equip candidates with the relevant knowledge for legal practice.</td>
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<td><strong>Part III: Future of the Singapore Legal System</strong></td>
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## 10. The Future of the Singapore Legal System

This topic summarises key issues discussed in the preceding weeks and looks ahead to important topical issues to do with the future of the Singapore legal system, such as the rise of Singapore as a legal disputes resolution hub, the continued development of an autochthonous legal system and the growth of community law and legal social involvement.

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<td>10. The Future of the Singapore Legal System</td>
<td>This topic summarises key issues discussed in the preceding weeks and looks ahead to important topical issues to do with the future of the Singapore legal system, such as the rise of Singapore as a legal disputes resolution hub, the continued development of an autochthonous legal system and the growth of community law and legal social involvement.</td>
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TOPIC 1: THE LEGAL HISTORY OF SINGAPORE

A. Overview


B. The British Years

- Andrew Phang Boon Leong, *From Foundation to Legacy: The Second Charter of Justice* (Singapore Academy of Law, 2006) (for reference only)

C. The Post-Independence Years


D. The Expansion Years


E. The Refinement Years

TOPIC 2: THE SOURCES OF LAW IN SINGAPORE

A. Pre-1993: Reception by Three Means


B. Post-1993: The Application of English Law Act


(1) The Application of English Law Act and Singapore Law


(2) The Application of English Law Act in Practice

- Joseph Mathew v Singh Chiranjeev [2010] 1 SLR 338
- Review Publishing Co Ltd v Lee Hsien Loong [2010] 1 SLR 52
TOPIC 3: THE LEGAL INSTITUTIONS OF SINGAPORE

A. Overview

B. The Executive

• *Singapore Parliamentary Debates, Official Report* (29 July 1991) vol 58 at cols 228 – 280 (Prof S Jayakumar, Minister for Law)
• Kevin Tan, “The President”, in *An Introduction to Singapore’s Constitution* (LexisNexis, 3rd ed, 2013)

(1) The Elected President

(a) Role and functions


(b) Specific powers

• *Constitutional Reference No 1 of 1995* [1995] 1 SLR(R) 803
• *Yong Vui Kong v AG* [2011] 2 SLR 1189
• Thio Li-ann, “Working out the Presidency: The Rites of Passage” [1995] Singapore Journal of Legal Studies 509

(2) The Prime Minister and Cabinet

(3) **The Attorney-General**

- Kevin Tan & Thio Li Ann, “The Attorney-General” in *Constitutional Law in Malaysia and Singapore* (Kevin Tan & Thio Li Ann) (LexisNexis, 3rd ed, 2010) at Ch 7

(a) Role and functions

- Constitution of the Republic of Singapore (1999 Reprint) Arts 35, 35A

(b) Prosecutorial discretion

- *Ramalingam Ravinthran v AG* [2012] 2 SLR 49
- *Yong Vui Kong v PP* [2012] 2 SLR 872
- *Quek Hock Lye v PP* [2012] 2 SLR 1012

(c) Prosecutorial duty of disclosure

- *Muhammad bin Kadar v PP* [2011] 3 SLR 1205
- *PP v Goldring Timothy Nicholas* [2014] 1 SLR 586

(4) **The Ministry of Law**


B. **The Legislature**
(1) **Members of Parliament**


(2) **The Making of Statutory Laws**


(3) **Elections**

- *Vellama d/o Marie Muthu v AG* [2013] 4 SLR 1

D. **The Judiciary**

(1) **The Court Structure and Hierarchy of the Singapore Judiciary**


(2) **Jurisdiction of the Courts**

(a) Statutory jurisdiction

- Supreme Court of Judicature Act (Cap 322, 2007 Rev Ed) ss 5A, 9, 15-17A, 18A-18M, 19-20, 23-24, 27, 29A

(b) Inherent jurisdiction

- *Re Nalpon Zero Geraldo Mario* [2013] 3 SLR 258
- *Yong Vui Kong v PP* [2010] 2 SLR 192
(3) **Roles and Responsibilities of the Judiciary**

(a) Judicial duty to give reasons

- *Thong Ah Fat v PP* [2012] 1 SLR 676

(b) Judicial role in the adversarial process

- *Mohammed Ali bin Johari v PP* [2008] 4 SLR (R) 1058
- *Sandz Solutions (Singapore) Pte Ltd v Strategic Worldwide Assets Ltd* [2014] 3 SLR 562

(c) Judicial independence


(4) **Prosecutorial protection of the judiciary**

- *Shadrake Alan v AG* [2011] 3 SLR 778
- Gary Chan, “Contempt of Court and Fair Criticism in Singapore” (2011) 11(2) Oxford University Commonwealth Law Journal 197
A. Overview


B. The Bodies Governing the Legal Profession

(1) The Law Society

- Legal Profession Act (Cap 161, 2009 Rev Ed) Part V
- Motion for Independence and Integrity of Singapore’s Judiciary: Singapore Parliamentary Debates, Official Report (3 November 1995) vol 65 at cols 249-308 (Ow Chin Hock)

(2) The Singapore Academy of Law

- Singapore Academy of Law Act (Cap 294A, 1997 Rev Ed) (for reference only)
- Second Reading of Singapore Academy of Law (Amendment) Bill: Singapore Parliamentary Debates, Official Report (27 September 1995) vol 64 at cols 1539-1543 (Ho Peng Kee, Parliamentary Secretary to the Minister for Law)

(3) The Legal Services Regulatory Authority

C. **Regulating the Supply of Lawyers**


D. **Changing Face of the Legal Profession**

TOPIC 5: THE DEVELOPMENT OF AN AUTOCHTHONOUS SINGAPORE LEGAL SYSTEM

A. Overview

- Andrew Phang Boon Leong, The Development of Singapore Law (Singapore: Butterworths, 1990) (for reference only)

B. The Growth of an Autochthonous Singapore Legal System


  (1) The Growth of Local Jurisprudence and the Reasons Why


  (2) Recourse to Foreign Judgments and the Reasons Why

  - Tang Kin Hwa v Traditional Chinese Medicine Practitioners Board [2005] 4 SLR(R) 604

  (3) Non-Reliance on Foreign Judgments and the Reasons Why


C. The Spread of Singapore Law

TOPIC 6: CONSTITUTIONAL LAW IN SINGAPORE

A. Overview

- Kevin YL Tan & Thio Li-ann, Constitutional Law in Malaysia & Singapore, (LexisNexis, 3rd ed, 2010)

B. Constitutional Interpretation

- Jabar v PP [1995] 1 SLR(R) 326
- Ong Ah Chuan v PP [1979 – 1980] SLR(R) 710
- Nguyen Tuong Van v PP [2005] 1 SLR(R) 103
- Thio Li-ann, A Treatise on Singapore Constitutional Law (Academy Publishing, 2012), 541–567

C. Article 9: Protection of Life and Liberty

(1) Nature and Quantum of Punishment

- Yong Vui Kong v PP [2010] 3 SLR 489
- Yong Vui Kong v PP [2015] SGCA 11

(2) Right to Counsel

- Jasbir Singh v PP [1994] 1 SLR(R) 782
- Tan Chor Jin v PP [2008] 4 SLR(R) 306
- James Raj s/o Arokiasamy v PP [2014] 3 SLR 750.
- Kevin YL Tan & Thio Li-ann, Constitutional Law in Malaysia & Singapore (LexisNexis, 3rd ed, 2010) at 814–816

(3) Preventive Detention

- Internal Security Act (Cap 143, 1985 Rev Ed) ss 8 - 13
• *Chng Suan Tze v Minister for Home Affairs* [1988] 2 SLR(R) 525
• *Lee Mau Seng v Minister for Home Affairs* [1971 – 1973] SLR(R) 135
• *Teo Soh Lung v Minister for Home Affairs* [1989] 1 SLR(R) 461 (HC)
• *Teo Soh Lung v Minister for Home Affairs* [1990] 1 SLR(R) 347 (CA)

**D. Article 12: Equality and Equal Protection of the Law**

• *Taw Cheng Kong v PP* [1998] 1 SLR(R) 78 (HC)
• *PP v Taw Cheng Kong* [1998] 2 SLR(R) 489 (CA)
• *Eng Foong Ho v AG* [2009] 2 SLR(R) 542
• *Lim Meng Suang v AG* [2015] 1 SLR 26
• Kevin YL Tan & Thio Li-ann, *Constitutional Law in Malaysia & Singapore* (LexisNexis, 3rd ed, 2010) at 871–892

**E. Article 14: Constitutional Limits on Free Speech**

• *JB Jeyaretnam v Lee Kuan Yew* [1992] 1 SLR(R) 791
• *Chee Soon Juan v PP* [2003] 2 SLR(R) 445
• *Chee Siok Chin v Minister for Home Affairs* [2005] 1 SLR(R) 582
• *Lee Hsien Loong v Singapore Democratic Party* [2009] 1 SLR(R) 642
• *Review Publishing Co Ltd v Lee Hsien Loong* [2010] 1 SLR 52
• Thio Li-ann, “The Virtual and the Real: Article 14, Political Speech and the Calibrated Management of Deliberative Democracy in Singapore” [2008] Singapore Journal of Legal Studies 25

**F. Articles 15 and 16: Freedom of Religion**

• *Chan Hiang Leng Colin v PP* [1994] 3 SLR(R) 209
• *Chan Hiang Leng Colin v Minister for Information and the Arts* [1995] 2 SLR(R) 627
• *Chan Hiang Leng Colin v Minister for Information and the Arts* [1996] 1 SLR(R) 294
• Kevin YL Tan & Thio Li-ann, *Constitutional Law in Malaysia & Singapore* (LexisNexis, 3rd ed, 2010) at 1197–1210
TOPIC 7: ADMINISTRATIVE LAW IN SINGAPORE

A. Overview

  Also available here: http://nus.academia.edu/LiannThio/Papers/971945/The_Theory_and_Practice_of_Judicial_Review_of_Administrative_Action_in_Singapore_Trends_and_Perspectives

B. Preliminary Matters

(1) Remedies

- Supreme Court of Judicature Act (Cap 322) ss 18, 27, 29A and First Schedule, Paragraph 1, Supreme Court of Judicature Act
- Rules of Court (Cap 322, R 5, 2014 Rev Ed) Orders 15 r 16, 29 r 1 and 53, Rules of Court

(2) Leave for Judicial Review

- Rules of Court (Cap 322, R 5, 2014 Rev Ed) O 53 r 1

(a) Susceptibility to judicial review

- Public Service Commission v Lai Swee Lin Linda [2001] 1 SLR(R) 133
- UDL Marine v Jurong Town Corporation [2011] 3 SLR 94
- Tey Tsun Hang v National University of Singapore [2015] SGHC 7

(b) Arguable case

- Chan Hiang Leng Colin v Minister for Information and the Arts [1996] 1 SLR(R) 294
- Public Service Commission v Lai Swee Lin Linda [2001] 1 SLR(R) 133
- Teng Fuh Holdings Pte Ltd v Collector of Land Revenue [2006] 3 SLR(R) 507
(c) Locus standi

- Chan Hiang Leng Colin v Minister for Information and the Arts [1996] 1 SLR(R) 294
- Tan Eng Hong v AG [2012] 4 SLR 476
- Vellama d/o Marie Muthu v AG [2013] 4 SLR 1
- Jeyaretnam Kenneth Andrew v AG [2014] 1 SLR 345

(3) Exhaustion of Internal Remedies

- Chiam See Tong v Singapore Democratic Party [1993] 3 SLR (R) 774
- Borissik Svetlana v Urban Redevelopment Authority [2009] 4 SLR (R) 92

C. Grounds of Review

(1) Illegality

- Lines International Holding (S) Pte Ltd v Singapore Tourism Promotion Board [1997] 1 SLR(R) 52
- Ramalingan Ravinthran v AG [2012] 2 SLR 49

(2) Irrationality

- Re Siah Mooi Guat [1988] 2 SLR(R) 165
- Lines International Holding (S) Pte Ltd v Singapore Tourism Promotion Board [1997] 1 SLR(R) 52
- Kang Ngah Wei v Commander of Traffic Police [2002] 1 SLR(R) 14
- Chee Siok Chin v Minister for Home Affairs [2006] 1 SLR(R) 582
- City Developments Ltd v Chief Assessor [2008] 4 SLR(R) 150
- Mir Hassan bin Abdul Rahman v AG [2009] 1 SLR(R) 134
- Chiu Teng@Kallang Pte Ltd v Singapore Land Authority [2014] 1 SLR 1047

(3) Proportionality

- Chan Hiang Leng Colin v Minister for Information and the Arts [1996] 1 SLR(R) 294
- Chee Siok Chin v Minister for Home Affairs [2006] 1 SLR(R) 582

(4) Bad Faith

- AG v Ng Hock Guan [2004] 3 SLR(R) 253
- Teng Fuh Holdings Pte Ltd v Collector of Land Revenue [2006] 3 SLR(R) 507
(5) **Procedural Impropriety**

(a) **Fair Hearing**

- *Stansfield Business International Pte Ltd v Minister for Manpower* [1993] 3 SLR 742
- *Chiam See Tong v Singapore Democratic Party* [1993] 3 SLR 774

(b) **Actual bias**

- *AG v Ng Hock Guan* [2004] 3 SLR(R) 253
- *Yong Vui Kong v AG* [2011] 2 SLR(R) 1189

(c) **Apparent bias**

- *Jeyaretnam Joshua Benjamin v Lee Kuan Yew* [1992] 1 SLR(R) 791
- *Tang Liang Hong v Lee Kwan Yew* [1997] 4 SLR(R) 604
- *Tang Kin Hwa v TCM Practitioners Board* [2005] 4 SLR(R) 604
- *Re Shankar Alan s/o Anant Kulkarni* [2007] 1 SLR(R) 85
- *Manjit Singh s/o Karpal Singh v AG* [2013] 2 SLR 844
TOPIC 8: STATUTES AND STATUTORY INTERPRETATION IN SINGAPORE

A. Overview


(1) Statutory Reform

(a) The Position Prior to Statutory Reform


(b) The Substance of the Statutory Reform

- Interpretation Act (Cap 1, 2002 Rev Ed) s 9A

(2) Principles of Statutory Interpretation in Singapore

(a) The Proper Interpretative Approach

(i) What is the Purposive Approach?

- Interpretation Act (Cap 1, 2002 Rev Ed) s 9A(1)
- PP v Low Kok Heng [2007] 4 SLR(R) 183
- Raffles City Pte Ltd v AG [1993] 2 SLR(R) 606
- WX v WW [2009] 3 SLR(R) 573
- AAG v Estate of AAH, deceased [2010] 1 SLR 769
• Goh Yihan, “Two Contrasting Approaches in the Interpretation of Outdated Statutory Provisions” [2010] 2 Sing JLS 530

(ii) **When is the Purposeful Approach Used?**

• *Planmarine AG v Maritime and Port Authority of Singapore* [1999] 1 SLR(R) 669
• *Dorsey James Michael v World Sport Group Pte Ltd* [2013] 3 SLR 354

(b) The Reference to Extrinsic Materials

(i) **When Can Extrinsic Materials be Referred To?**

• Interpretation Act (Cap 1, 2002 Rev Ed) s 9A(2)
• *PP v Low Kok Heng* [2007] 4 SLR(R) 183

(ii) **What Type of Extrinsic Materials can be Referred To?**

• Interpretation Act (Cap 1, 2002 Rev Ed) s 9A(3)
• *Lee Kwang Peng v PP* [1997] 2 SLR(R) 569

(iii) **The Effect of Extrinsic Materials**

• *Seow Wei Sin v PP* [2011] 1 SLR 1199

(c) Selected Examples of Other Rules of Statutory Interpretation as Recently Used by the Singapore Courts

(i) **Expressio Unius Principle**

• *PP v Li Weiming* [2014] 2 SLR 393

(ii) **Ut Res Magis Valeat Quan Pereat Principle**

• *Fatimah bte Kumin Lim v AG* [2014] 1 SLR 547
(iii) *Eiusdem Generis Principle*

- *Orchard Central Pte Ltd v Cupid Jewels Pte Ltd* [2014] 2 SLR 156

(iv) *Lex Nihil Frustra Facit Principle*

- *LaserResearch (S) Pte Ltd (in liquidation) v Internech Systems Pte Ltd* [2011] 1 SLR 382

(v) Interpretation of Statute so as not to take away pre-existing common law rights

- *Goldring Timothy Nicholas v PP* [2013] 3 SLR 487

(vi) Deeming statutory provisions

- *Glengary Pte Ltd v Chief Assessor* [2012] 4 SLR 1130
TOPIC 9: COMMERCIAL LAW IN SINGAPORE

A. Contract Law

(1) Overview


(2) Consideration

- Gay Choon Ing v Loh Sze Terence Peter [2009] 2 SLR(R) 332
- Andrew Phang & Goh Yihan, Contract Law in Singapore (Wolters Kluwer, 2012) at 168–174

(3) The Implication of Terms

(a) Terms implied in fact

- Forefront Medical Technology (Pte) Ltd v Modern-Pak Private Ltd [2006] 1 SLR(R) 927
- Foo Jong Peng v Phua Kiah Mai [2012] 4 SLR 1267
- Sembcorp Marine Ltd v PPL Holdings Pte Ltd [2013] 4 SLR 193
- Andrew Phang & Goh Yihan, Contract Law in Singapore (Wolters Kluwer, 2012) at 510–524

(b) Implied terms of good faith?

- Ng Giap Hon v Westcomb Securities Pte Ltd [2009] 3 SLR(R) 518
- HSBC Institutional Trust Services (Singapore) Ltd (trustee of Starhill Global Real Estate Investment Trust) v Toshin Development Singapore Pte Ltd [2012] 4 SLR 738
(4) The Interpretation of Terms

(a) General principles

- *Sembcorp Marine Ltd v PPL Holdings Pte Ltd* [2013] 4 SLR 193
- *Zurich Insurance (Singapore) Pte Ltd v B-Gold Interior Design & Construction Pte Ltd* [2008] 3 SLR(R) 1029

(b) Non-absolute obligation clauses

- *KS Energy Services Ltd v BR Energy (M) Sdn Bhd* [2014] 2 SLR 905

(5) Breach of Contract

- *RDC Concrete Pte Ltd v Sato Kogyo (S) Pte Ltd* [2007] 4 SLR(R) 413
- *Sports Connection Pte Ltd v Deuter Sports GmbH* [2009] 3 SLR(R) 883

(6) Vitiating Factors

(a) Mistake

- *Chwee Kin Keong v Digilandmall.com Pte Ltd* [2005] 1 SLR(R) 502
- *Olivine Capital Pte Ltd and another v Chia Chin Yan* [2014] 2 SLR 1371

(b) Frustration
• **Alliance Concrete Singapore Pte Ltd v Sato Kogyo (S) Pte Ltd** [2014] 3 SLR 857

(c) Illegality

• **Ting Siew May v Boon Lay Choo** [2014] 3 SLR 609

(d) Misrepresentation

• **RBC Properties Pte Ltd v Defu Furniture Pte Ltd** [2015] 1 SLR 997

(7) **Remedies**

• **Out of the Box Pte Ltd v Wanin Industries Pte Ltd** [2013] 2 SLR 363
• **MFM Restaurants Pte Ltd v Fish & Co Restaurants Pte Ltd** [2011] 1 SLR 150
• **Robertson Quay Investment Pte Ltd v Steen Consultants Pte Ltd** [2008] 2 SLR(R) 623

B. **Tort Law**

(1) **Overview**


(2) **The Duty of Care in the Tort of Negligence**

• **Spandeck Engineering (S) Pte Ltd v DSTA** [2007] 4 SLR(R) 100
• **Ngiam Kong Seng and another v Lim Chiew Hock** [2008] 3 SLR(R) 674
• Animal Concerns Research and Education Society v Tan Boon Kwee [2011] 2 SLR 146
• Anwar Patrick Adrian and another v Ng Chong & Hue LLC and another [2014] 3 SLR 761
• Colin Liew, “Keeping it Spick and Spandeck: A Singaporean Approach to the Duty of Care” (2012) Torts Law Journal 1

(3) Vicarious Liability

• Skandinaviska Enskilda Banken AB v Asia Pacific Breweries (S) Pte Ltd [2011] 3 SLR 540

C. Equity & Trusts

(1) Overview


(2) Trusts in Domestic Context (Resulting Trusts and Common Intention Constructive Trusts)

• Low Gim Siah v Low Geok Khim [2007] 1 SLR(R) 795
• Lau Siew Kim v Yeo Guan Chye Terence [2008] 2 SLR(R) 108
• Chan Yuen Lan v See Fong Mun [2014] 3 SLR 1048

(3) Trusts in Commercial Context (Quistclose Trust)

• Pacific Rim Palm Oil Ltd v PT Asiatic Persada and others [2003] 4 SLR(R) 731
• Singapore Tourism Board v Children’s Media Pte Ltd [2008] 3 SLR 981
• Tee Yok Kiat v Pang Min Seng [2013] SGCA 9
• The Attorney-General v The Aljunied-Hougang-Punggol East Town Council [2015] SGHC 137
• Alvin W-L See, “The Quistclose Trust in Singapore” (2014) 20 Trusts & Trustees 362
(4) Remedies

(a) Remedial constructive trust

- *Koh Cheong Heng v Ho Yee Fong* [2011] 3 SLR 125
- *Wee Chiaw Sek Anna v Ng Li-Ann Genevieve* [2013] 3 SLR 801
- Man Yip “Singapore: Remedialism and Remedial Constructive Trust” (2014) Trusts & Trustees 373

(b) Equitable compensation

- *Then Khek Khoon v Arjun Permanand Samtani* [2014] 1 SLR 245
- *Quality Assurance Management Asia Pte Ltd v Zhang Qing* [2013] 3 SLR 631
TOPIC 10: THE FUTURE OF THE SINGAPORE LEGAL SYSTEM

A. Overview


B. The Rise of Singapore as a Legal Disputes Resolution Hub

(1) Arbitration, Singapore International Commercial Court and Alternative Disputes Resolution

(a) Arbitration


(b) Singapore International Commercial Court


(c) Alternative Disputes Resolution

(2) The Push Towards Regionalisation

(3) Liberalisation of the Legal Sector


(4) Harmonisation and Simplification of Laws


C. Challenges for the Future
(1) The Rule of Law


(2) Access to Justice


(3) Regulation of Supply of Lawyers


(4) Legal Education

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