

july 2007



# inter se online



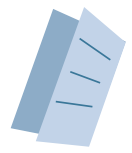
## in the news

Legal news headlines in May and June 2007.



## in the know

Updates on Academy activities for members at work and at play!



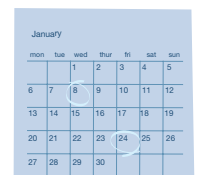
## legislation update

Legislation passed or revised in May and June 2007.



## case law update

Catchword summaries of cases from the Supreme Court, organised by subject matter. Catchwords for Subordinate Courts cases coming soon!



## calendar

Training calendar for July 2007 to October 2007.



# inter se online

in the news

## ► **Inter Se Revamped: what you can look forward to**

---

### ► **At Large**

- *Headlines in The Straits Times*
  - *Headlines in The Business Times*
- 

## **Inter Se Revamped**

Welcome to the Academy's new e-zine, *Inter Se Online*. You can now look forward to reading *Inter Se* in two brand-new formats and with two fresh looks. It is out with the bi-monthly print *Inter Se* and in with the revamped, dual-component *Inter Se* which comprises: (a) a monthly online version ("*Inter Se Online*"); and (b) a half-yearly print version ("*Inter Se Print*").

**Inter Se Online** is a monthly information-dissemination and news-reporting e-magazine sent out via an e-mail blast to all members and made available on the Academy's website. *Inter Se Online* focuses on bringing relevant and current legal news and updates to members in a concise and timely manner.

**Inter Se Print** is a themed publication focusing on analysis and comment. It will serve a knowledge creation and genre-insight function on a particular area of the law and/or legal practice. Published every six months in a calendar year (once in January and once in July), *Inter Se Print* will feature the "life" of a particular area of practice with topical articles, people profiles and reviews of relevant publications on that area of practice.

We hope that the revamped *Inter Se* will better meet your needs. As we continually try to improve what we can offer you, our member, do let us know what you think via e-mail to [inter\\_se@sal.org.sg](mailto:inter_se@sal.org.sg).



# inter se

in the news  
online

► **Inter Se Revamped: what you can look forward to**

► **At Large**

- [Headlines in The Straits Times](#)
- [Headlines in The Business Times](#)

**Headlines in The Straits Times**

Ken Kwek and Goh Chin Lian, "Need for QC? Two sides differ on dearth of experts", *The Straits Times* (11 May 2007).

Jane Ng, "SMU law school offers professorship and student awards", *The Straits Times* (11 May 2007).

Charmian Kok, "SMU establishes Yong Pung How Professorship in Law", *The Straits Times* (11 May 2007).

Melissa Sim, "Ex-crime buster who fell from grace seeks 2nd chance" [Glenn Knight appeals to be reinstated on the rolls after being struck off in 1994], *The Straits Times* (13 May 2007).

Jane Ng, "NUS-New York uni law course draws 'rainbow' group", *The Straits Times* (17 May 2007).

K C Vijayan, "CJ okays new rules on lawyers handling money", *The Straits Times* (17 May 2007). [See Legislation Update in this issue of *Inter Se Online*.]

K C Vijayan, "Judge advises mediation in row over concrete", *The Straits Times* (18 May 2007).

K C Vijayan, "New 'ethics guide' for lawyers launched", *The Straits Times* (19 May 2007). [Read more about the ethics code in *Inter Se Online* (June 2007) and *Inter Se Print* (July 2007).]

K C Vijayan, "Insurance fraud: A-G urges all to act", *The Straits Times* (22 May 2007).

Ken Kwek, "SAF men on security patrol get legal muscle", *The Straits Times* (22 May 2007).



# inter se online

in the news

► **Inter Se Revamped: what you can look forward to**

---

► **At Large**

- [Headlines in The Straits Times](#)
  - [Headlines in The Business Times](#)
- 

Ken Kwek, "Changes to Gas Act will help new players", *The Straits Times* (22 May 2007). [See Legislation Update in this issue of *Inter Se Online*.]

K C Vijayan, "2 S'pore law firms [Allen & Gledhill and Drew & Napier] among Asia's 50 largest", *The Straits Times* (22 May 2007).

Zakir Hussain, "Eyecare industry regulation among 7 Bills introduced", *The Straits Times* (23 May 2007). [See Legislation Update in this issue of *Inter Se Online*.]

Zakir Hussain, "Stiffer penalties for forging, misuse of Singapore passport", *The Straits Times* (23 May 2007). [See Legislation Update in this issue of *Inter Se Online*.]

Ken Kwek, "Harsher penalties for bosses who hire illegals", *The Straits Times* (23 May 2007). [See Legislation Update in this issue of *Inter Se Online*.]

K C Vijayan, "Ex-CAD chief Glenn Knight can practise law again", *The Straits Times* (23 May 2007).

K C Vijayan, "Law Society under fire for going on a 'frolic of its own'", *The Straits Times* (23 May 2006).

K C Vijayan, "CJ's first 'lecture' to new lawyers: Ethics is what matters most" *The Straits Times* (26 May 2007). [Read the excerpt of the Chief Justice's speech at the Mass Call 2007 in *Inter Se Print* (June 2007).]

Tan Suan Ann, "233 new lawyers called to Singapore Bar", *The Straits Times* (26 May 2007).

K C Vijayan, "Booming economy leads to shortage of lawyers", *The Straits Times* (28 May 2007).



# inter se

in the news  
online

► **Inter Se Revamped: what you can look forward to**

---

► **At Large**

- [Headlines in The Straits Times](#)
  - [Headlines in The Business Times](#)
- 

Ellouisa Chen, "Why make it tough for Singaporeans to pursue law course?", *The Straits Times Online* (2 June 2007).

K C Vijayan, "Fresh probe clears lawyer" [Lawyer suspended on charges of misconduct cleared due to witness being unclear on facts], *The Straits Times* (6 June 2007).

Maria Almenoar and Ho Ai Li, "NUS law school still more popular with students", *The Straits Times* (12 June 2007).

"Malaysia gets 2 solicitors-general for the first time", *The Straits Times* (13 June 2007).

"Four senior lawyers leave Drew & Napier", *The Straits Times* (14 June 2007).

Elena Chong, "'One-eyed Dragon' gets top lawyer for appeal", *The Straits Times* (15 June 2007).

Wee Li-En, "Rajah & Tann adds four new lawyers to its stable", *The Straits Times* (15 June 2007).

Tessa Wong, "Lawyers swamped as home sales soar" [Article on the booming conveyancing sector but the apparent shortage of conveyancing lawyers], *The Straits Times* (17 June 2007).

Toh Yong Chuan, "Detention of DIY Radical" [Response to comments made in Andy Soh Yan Lee, "The case of DIY radical Abdul Basheer: An issue in search of answers", *The Straits Times* (15 June 2007) by the Ministry of Home Affairs], *The Straits Times* (18 June 2007).



# inter se

in the news  
online

## ► **Inter Se Revamped: what you can look forward to**

---

### ► **At Large**

- [Headlines in The Straits Times](#)
  - [Headlines in The Business Times](#)
- 

### **Headlines in *The Business Times***

Conrad Raj, "ACL slams Law Society for opposing member", *The Business Times* (12 May 2007).

Wee Li-En, "Corporate law work seen getting more specialised", *The Business Times* (14 May 2007).

Wee Li-En, "Tan Chee Meng to leave Harry Elias Partnership", *The Business Times* (16 May 2007).

Jane Moir, "HK law proposed to lower high cost of seeking justice", *The Business Times* (16 May 2007).

Wee Li-En, "Court of Appeal decision on arbitration hailed", *The Business Times* (17 May 2007).

Janice Heng, "Cite local court rulings first, CJ urges lawyers", *The Business Times* (19 May 2007).

Daniel Buenas, "Harder knock for employing foreign workers illegally", *The Business Times* (23 May 2007).

Wee Li-En, "Lawyers keen to sponsor firms in new Sesdaq", *The Business Times* (25 May 2007).

Arthur Sim, "En bloc sales: Govt starts second public consultation", *The Business Times* (14 June 2007).

Laurel Teo, "Crooked judges key obstacle to corruption fight: Indon panel", *The Business Times* (15 June 2007).



## ► At Work

*10th Singapore Conferences on International Business Law – The Regulation of Wealth Management*

## ► At Play

- *Pooch Affair – An Escapade with your Dog*
- *Island Rover 2007: Car Rally and Makan-Heaven Treasure Hunt*

## 10th Singapore Conferences on International Business Law – The Regulation of Wealth Management

22–23 August 2007  
Supreme Court Auditorium

The Singapore Conferences on International Business Law (“SCIBL”) was established in 1982 to bring together persons from the various professions and disciplines involved in commercial and financial transactions to discuss the issues of the day.

The tenth conference in the SCIBL series, this two-day event will examine the unique characteristics of Singapore in the area of wealth management. An ensemble of distinguished international and local experts will provide a blend of comparative, academic and practical perspectives on the topic. This Conference will feature Professor Robert Sitkoff, Harvard University and Professor Henry Hu, University of Texas among others on this year’s panel of speakers.

The conference will explore the following key areas:

- Alternative Business and Wealth Management Vehicles
- Private and Public Regulation in Wealth Management
- International Dimensions
- Trust Law

Who should attend?

Specialist lawyers, senior corporate and banking officials, officers and employees of trust companies, government officials, academics and others who are involved in wealth management.

Please visit the conference website at <http://law.nus.edu.sg/ccls/scibl2007> for more details. For enquiries, please contact the Conference Secretariat at 6332 4149/4032 or e-mail us at [les@sal.org.sg](mailto:les@sal.org.sg).



# in the know inter se<sup>online</sup>

## ► At Work

*10th Singapore Conferences on International Business Law – The Regulation of Wealth Management*

## ► At Play

- *Pooch Affair – An Escapade with your Dog*
- *Island Rover 2007: Car Rally and Makan-Heaven Treasure Hunt*

## “Pooch Affair” – An Escapade with your Dog

Organised by the Singapore Academy of Law

Want to compensate for long hours away from home and your canine pal? We’ve put together a half-day of bonding that will put a smile on your face and get tails wagging. Bring your dog and join other dog lovers for a relaxing Saturday morning at Urban Pooch Café and Dog Boutique! Begin the morning with a demonstration of dog massages by an experienced therapist from Pawsitive Sensations. After picking up some handy tips from the expert on how to pamper your dog with massages, tuck into a hearty lunch for yourself. Your four-legged best friend will also enjoy a specially-prepared meal. Take the fun home with you when you receive a goodie bag of freebies at the end of the half-day of time well-spent with your pet!

### Event details

Date: 14 July 2007, Saturday  
Time: 10.00am–1.00pm  
(lunch included)  
Venue: Urban Pooch Café and Dog Boutique  
530 Balestier Road,  
#01-07 Monville Mansion,  
Singapore 329857  
Contact: 6252 5046 (Raye Tan)

Please visit [www.sal.org.sg](http://www.sal.org.sg) for registration and more event details. Places are limited and registration is accepted on a first-come, first-served basis.

Kindly contact Rebecca Sit at [mship\\_events@sal.org.sg](mailto:mship_events@sal.org.sg) or call 6332 0078 for enquiries.







# in the know inter se<sup>online</sup>

## ► At Work

*10th Singapore Conferences on International Business Law – The Regulation of Wealth Management*

## ► At Play

- *Pooch Affair – An Escapade with your Dog*
- [Island Rover 2007: Car Rally and Makan-Heaven Treasure Hunt](#)

## [Island Rover 2007: Car Rally and Makan-Heaven Treasure Hunt](#)

Jointly organised by the Singapore Academy of Law and the Law Society of Singapore  
VIP flag-off by the Honourable Justice Kan Ting Chiu

Char Kway Teow ...'85 Laksa ...'85 Rojak ... Mouth starting to water? Stomach growling with hunger? If the answer to both questions is a resounding "YES!", then you are invited to a day of roving around the island for the tastiest (we hope) treats in town. Dress up your cars ...'85 get the wheels ready ...'85 have the suspension tuned ...'85 rev up the engines ...'85 you'll need your cars to be in tip-top shape to transport you to and from various pre-determined locations as you set out in search of well-known (and sometimes not), delicious (and sometimes not) local food items in our version of a treasure hunt. Fantastic prizes await winners of the car rally/treasure hunt including a prize for "Best-dressed Car".

To end-off the adventure, we have organised a sumptuous barbecue dinner with live entertainment in the form of "The Illegals" (Rajah & Tann's house band – the very first among local law firms). Take home goodie bags packed with shopping and food vouchers, and keepsakes to remind you of fun times had.

### What's more?!

The FREELANDER, the second generation of Land Rover, is making its first appearance in Singapore and you'll get to test-drive it! Land Rover models including Range Rover and Range Rover Sport will also be on display at the event, courtesy of Land Rover.



# in the know inter se<sup>online</sup>

## ► At Work

*10th Singapore Conferences on International Business Law – The Regulation of Wealth Management*

## ► At Play

- *Pooch Affair – An Escapade with your Dog*
- *Island Rover 2007: Car Rally and Makan-Heaven Treasure Hunt*

So come, rope in your colleagues, friends and family, and join us for a day of fun and food and fantastic cars. Profits made from the car rally will be donated to The Singapore After-Care Association (SACA), an association that provides programmes and services to help ex-offenders and their families socially, emotionally and financially.

### Event details

Date: 18 August 2007, Saturday  
Registration: 10.30am  
Flag-off time: 11.30am–8.30pm  
(dinner included)  
Venue: National University of Singapore, Law Faculty, Eu Tong Sen Building, 469 Bukit Timah Road.

Please visit [www.sal.org.sg](http://www.sal.org.sg) for registration and more event details. The event is limited to the first 60 cars, so do register early to avoid disappointment.

Kindly contact Rebecca Sit at [mship\\_events@sal.org.sg](mailto:mship_events@sal.org.sg) or call 6332 0078 for enquiries.



# legislation update inter se online

## ► Bills introduced in Parliament in May and June 2007

---

## ► Subsidiary legislation published in May and June 2007

---

## ► Acts brought into operation in May and June 2007

---

## ► Revision of subsidiary legislation in May 2007

---

by Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

## Bills introduced in Parliament in May and June 2007

The **Public Service Commission (Amendment) Bill** (No 19 of 2007) seeks to amend the Public Service Commission Act (Cap 259) to extend its scope and protection to the Legal Service Commission ("LSC") and its members and to the personnel boards for the Singapore Legal Service. Thus, the members of the LSC and the personnel boards for the LSC will have the same powers, immunities and privileges as the members of the Public Service Commission and its personnel boards.

The **Constitution of the Republic of Singapore (Amendment) Bill** (No 20 of 2007) seeks to amend the Constitution of the Republic of Singapore for the following main purposes:

(a) to provide for the appointment of two alternate members to act in place of members of the Council of Presidential Advisers ("the Council") when any one of them (other than the Chairman) is temporarily unable, whether by illness, absence or any other reason, to take part

in any proceedings of the Council;

(b) to enhance and institutionalise the personnel management system of the Singapore Legal Service. The President, on the advice of the Prime Minister, may establish by subsidiary legislation one or more personnel boards having charge over Legal Service officers, and the powers of the Legal Service Commission will be devolved to these personnel boards for Legal Service officers, except the power of dismissal and disciplinary control, and all powers of recruitment and promotion of Legal Service officers of and above a certain threshold grade;

(c) to shorten the oaths of office for the Prime Minister, Ministers and Parliamentary Secretaries; and

(d) to relieve ad hoc Judicial Commissioners appointed to hear specific cases from repeated oath-taking if an interval of less than 12 months elapses between the end of one case and the start of hearing for the next case.



# legislation update inter se online

## ► Bills introduced in Parliament in May and June 2007

---

## ► Subsidiary legislation published in May and June 2007

---

## ► Acts brought into operation in May and June 2007

---

## ► Revision of subsidiary legislation in May 2007

---

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

The **Passports Bill** (No 21 of 2007) seeks to repeal and re-enact with amendments the Passports Act (Cap 220) for the following purposes:

- (a) to combat identity fraud and possible misuse of Singapore passports and other Singapore travel documents, in Singapore and elsewhere, particularly by creating new offences and widening the scope of old offences, and significantly increasing penalties for those offences;
- (b) to introduce measures against the misuse of foreign travel documents in Singapore;
- (c) to introduce measures to minimise problems caused by lost or stolen Singapore passports and other Singapore travel documents, such as power to refuse to issue a new passport or travel document, issuing limited-validity Singapore passports or Singapore travel documents, compulsory notification of lost or stolen Singapore passports or Singapore travel documents, penalties for not reporting such lost or stolen

passports or travel documents, and additional fees;

- (d) to set out a modernised regime for the issue and administration of Singapore passports and Singapore travel documents; and
- (e) to set out a framework for the adoption of particular methods or technologies, like biometric technologies, for purposes such as identification.

The Bill also makes consequential and related amendments to the Immigration Act (Cap 133).

The **Postal Services (Amendment) Bill** (No 22 of 2007) seeks to amend the Postal Services Act (Cap 237A) for the following purposes:

- (a) to liberalise the basic mail services market in Singapore and foster competition in that market;
- (b) to liberalise the inbound and outbound international mail sector;
- (c) to de-regulate the delivery of letters



# legislation update inter se online

## ► **Bills introduced in Parliament in May and June 2007**

---

## ► **Subsidiary legislation published in May and June 2007**

---

## ► **Acts brought into operation in May and June 2007**

---

## ► **Revision of subsidiary legislation in May 2007**

---

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

weighing more than 500g and letters by direct mail;

- (d) to outline the functions, powers and duties of the Postal Authority, and to provide a clear channel for appeals against the Postal Authority's decisions;
- (e) to confer on the Postal Authority power to control mergers and acquisitions involving postal licensees and to set codes and standards concerning competition, abuse of market dominant positions and fair market conduct in the postal industry;
- (f) to enhance penalties for certain offences;
- (g) to confer on the Postal Authority and the public postal licensees the privilege of issuing national postage stamps; and
- (h) to provide clarity for access to letter boxes by postal licensees by requiring building owners and developers to make letter boxes accessible to postal licensees approved by the Postal Authority.

The Bill also makes consequential amendments to the Bankruptcy Act (Cap 20),

the Newspaper and Printing Presses Act (Cap 206) and the Undesirable Publications Act (Cap 338).

The **Commodity Trading (Amendment) Bill** (No 23 of 2007) seeks to amend the Commodity Trading Act (Cap 48A) to transfer from the International Enterprise Singapore Board its regulatory oversight of futures contracts and associated brokers, advisers, markets and clearing houses under the International Enterprise Singapore Board Act (Cap 143B) to the Monetary Authority of Singapore under the Securities and Futures Act (Cap 289) and the Financial Advisers Act (Cap 110).

The Bill also makes consequential amendments to the Financial Advisers Act, the Income Tax Act (Cap 134) and the Securities and Futures Act.



# legislation update inter se online

## ► **Bills introduced in Parliament in May and June 2007**

---

## ► **Subsidiary legislation published in May and June 2007**

---

## ► **Acts brought into operation in May and June 2007**

---

## ► **Revision of subsidiary legislation in May 2007**

---

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

The **Optometrists and Opticians Bill** (No 24 of 2007) seeks to provide for the registration of optometrists and opticians, to regulate their practices and to provide for purposes connected therewith. The Bill, amongst other things —

- (a) provides that the Bill will not apply to any ophthalmologist in relation to his practice of optometry or opticianry;
- (b) provides for the establishment of the Optometrist and Opticians Board (“the Board”) and the powers, functions and constitution of the Board;
- (c) provides for the keeping and maintenance of a Register of Optometrists and a Register of Opticians, and the particulars to be entered in those Registers;
- (d) provides for the registration of persons who desire to carry out any practice of optometry or opticianry, and for the Minister to make regulations to provide for different classes of registration, the form and manner of application for registration, the qualifications for

registration, and the practice and conduct of registered persons;

- (e) prohibits the carrying out of any practice of optometry or opticianry by any person who is not registered to carry out and does not have in force a practising certificate authorising him to carry out any practice of optometry or opticianry;
- (f) criminalises certain acts, such as the wrongful procurement of registration, a certificate of registration or a practising certificate, the wilful falsification of any entry in the register of Optometrists or the Register of Opticians, the forgery or alteration of a certificate of registration or practising certificate, the fraudulent use of such a certificate which has been forged or altered, and the buying and selling of such a certificate; and
- (g) provides for the appointment of an assessor to the Board, being an advocate and solicitor of not less than ten years’ standing, to advise the Board and any committee appointed by the Board.



# legislation update inter se online

## ► **Bills introduced in Parliament in May and June 2007**

---

## ► **Subsidiary legislation published in May and June 2007**

---

## ► **Acts brought into operation in May and June 2007**

---

## ► **Revision of subsidiary legislation in May 2007**

---

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

The Bill also repeals the Contact Lens Practitioners Act (Cap 53A) and makes a consequential amendment to the Central Provident Fund Act (Cap 36).

The **Ngee Ann Kongsi (Incorporation) (Amendment) Bill** (No 25 of 2007) seeks to amend the Ngee Ann Kongsi (Incorporation) Ordinance (Cap 370) for the following main purposes:

- (a) to alter the composition of the Committee of Management of the Corporation;
- (b) to provide for the appointment of Honorary Past Presidents to serve as advisers to the Committee of Management;
- (c) to restate certain procedural matters relating to General Meetings of the Corporation;
- (d) to prohibit the Committee of Management from proposing any amendment to the Ordinance without the prior approval of the members of the Corporation at a General Meeting;

- (e) to provide for the Committee of Management to set apart 75% of the net income of the Corporation in each accounting period of the Corporation, and to donate 25% of the net income to the Ngee Ann Polytechnic, 40% of the net income to such other educational institutions and in such manner as the Minister may approve, and 10% of the net income for other charitable purposes in Singapore, and to restrict how moneys received by the Corporation may be utilised, so as to preserve the capital of the Corporation; and
- (f) to prohibit the Corporation and certain directors of subsidiaries of the Corporation from action in any manner which is prejudicial to the interests of the educational institutions which benefit from the donations when exercising their voting rights in relation to significant proposals affecting subsidiaries of the Corporation.



# legislation update inter se online

## ▶ Bills introduced in Parliament in May and June 2007

## ▶ Subsidiary legislation published in May and June 2007

## ▶ Acts brought into operation in May and June 2007

## ▶ Revision of subsidiary legislation in May 2007

### Subsidiary legislation published in May and June 2007

#### The **Legal Profession (Solicitors' Accounts) (Amendment) Rules 2007**

(G N No S 206/2007, wef 15 May 2007)

amend the Legal Profession (Solicitors' Accounts) Rules (Cap 161, R 8) principally to provide that —

- (a) no money shall be drawn from a client account by a cash cheque or a bearer cheque except with the leave of a Judge of the High Court; and
- (b) no money shall be drawn from a client account by means of any automated teller machine, telephone banking service, or online banking service.

The **Road Traffic (Bicycles) (Exemption) Order 2007** (G N No S 221/2007) provides that any person may ride a bicycle on the footway of any road within the area bounded by and inclusive of Tampines Avenue 8, Tampines Street 73, Tampines Avenue 9, Tampines Avenue 12, Tampines Expressway,

Pan Island Expressway, Tampines Avenue 5 and Tampines Avenue 1 from 27 May 2007 to 30 May 2008 (both dates inclusive), notwithstanding r 28 of the Road Traffic Rules (Cap 276, R 20) (which provides that no vehicle, except perambulators, shall be driven, parked or ridden on the footway of a road).

The **Rules of Court (Amendment) Rules 2007** (G N No S 228/2007, wef 1 July 2007) amend the Rules of Court (Cap 322, R 5) principally as follows:

- (a) to permit self-representation by corporate bodies in respect of all hearings related to the following "expedited writ claims" in the Subordinate Courts in accordance with Practice Directions to be issued:
  - (i) simple debt claims of \$20,000 and below;
  - (ii) non-injury motor accident claims; and
  - (iii) claims by victims of crime (which are confined to general damage claims for pain and suffering flowing from personal injury);

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers





# legislation update inter se online

## ► Bills introduced in Parliament in May and June 2007

## ► Subsidiary legislation published in May and June 2007

## ► Acts brought into operation in May and June 2007

## ► Revision of subsidiary legislation in May 2007

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

- (b) to state that the security deposit of \$10,000 or the sum held pursuant to a solicitor's undertaking shall be used to pay the respondent's costs when costs are payable to the respondent, and shall be paid out to the appellant when no costs are payable to the respondent;
- (c) to provide that the registries in the Supreme Court and Subordinate Court shall be open on all days of the year except Saturdays, Sundays and public holidays, unless otherwise directed;
- (d) to provide that there is no longer a need for hard copies of court orders to be forwarded to the Auditor-General's Office; and
- (e) in relation to O 97 —
  - (i) to include references to directions made by the Competition Commission of Singapore under the new s 58A of the Competition Act (Cap 50B) and commitments accepted by the Commission under the new s 60A of that Act; and
  - (ii) to provide that an application for a

s 85(3) order may be made after the direction or commitment has been registered, or together with an application for registration of the direction or commitment; and that the application be made by summons supported by affidavit and that the hearing of such an application be ex parte in cases of urgency.

## The Banking (Reserve Fund) (Transitional Provision) Regulations 2007

(G N No S 240/2007, wef 11 June 2007)

provide that a bank in Singapore may —

- (a) in the period starting 11 June 2007 and ending 31 December 2007; and
- (b) in each subsequent calendar year, distribute or utilise in any manner any amount in its reserve fund maintained under s 22(1) of the Banking Act (Cap 19) in force immediately before 31 March 2007, provided that any amount distributed or utilised under para (a) or para (b) does not exceed 20% of the aggregate amount of that reserve fund as at 30 March 2007.



# legislation update inter se online

## ► Bills introduced in Parliament in May and June 2007

---

## ► Subsidiary legislation published in May and June 2007

---

## ► Acts brought into operation in May and June 2007

---

## ► Revision of subsidiary legislation in May 2007

---

## Acts brought into operation in May and June 2007

1. **Statutes (Miscellaneous Amendments) Act 2007** (Act 2 of 2007) (Sections 8 and 11 wef 2 May 2007 by G N No S 62/2007).
2. **Land Acquisition (Amendment) Act 2007** (Act 19 of 2007) (wef 7 May 2007 by G N No S 199/2007).
3. **Education Endowment Scheme (Amendment) Act 2007** (Act 6 of 2007) (wef 22 May 2007 by G N No S 213/2007).
4. **Legal Profession (Amendment) Act 2007** (Act 20 of 2007) (wef 1 June 2007 by G N No S 216/2007 except s 24(1)).
5. **Gas (Amendment) Act 2007** (Act 24 of 2007) —
  - (a) section 36 with effect from 8 June 2007 by G N No S 244/2007;
  - (b) sections 26, 813, 1535 and 37 with effect from 11 June 2007 by G N No S 244/2007.
6. **Gas Act** (Cap 116A) (Sections 3(3)(a), 3(3)(b), 3(3)(c), 3(3)(d), 3(3)(f) and 3(3)(g) and 3(6), 8, 9, 10, 14 to 18, 21, 24, 27, 28, 30, 31, 36, 38, 4044, 47, 48, 53, 54, 58, 59, 60, 61, 6468, 86, 92, 96 and 97 wef 11 June 2007 by G N No S 245/2007).
7. **Spam Control Act 2007** (Act 21 of 2007) (wef 15 June 2007 by G N No S 246/2007).

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



# legislation update inter se online

## ► Bills introduced in Parliament in May and June 2007

---

## ► Subsidiary legislation published in May and June 2007

---

## ► Acts brought into operation in May and June 2007

---

## ► Revision of subsidiary legislation in May 2007

---

### Revision of subsidiary legislation in May 2007

The Law Revision Commissioners have published, in loose-leaf form, the May 2007 Revised Edition of Subsidiary Legislation made under the following Acts (wef 15 May 2007 by G N No S 208/2007), incorporating all the amendments up to 1 May 2007:

1. Biological Agents and Toxins Act (Cap 24A)
  - (a) *Biological Agents and Toxins (Transportation) Regulations (Rg 1) (S 875/2005)*
2. Central Provident Fund Act (Cap 36)
  - (a) *Central Provident Fund (Medisave Account Withdrawals) Regulations (Rg 17) (S 570/2001)*
  - (b) *Central Provident Fund (Self-Employed Persons) Regulations (Rg 25) (S 303/92)*
3. Nanyang Technological University (Corporatisation) Act (Cap 192A)
  - (a) *Nanyang Technological University Students' Union and Constituent Bodies (Exemption) Order (O 1) (S 201/2006)*
4. National University of Singapore (Corporatisation) Act (Cap 204A)
  - (a) *National University of Singapore Students' Union and Constituent Bodies (Exemption) Order (O 1) (S 200/2006)*
5. Sewerage and Drainage Act (Cap 294)
  - (a) *Sewerage and Drainage (Sanitary Appliances and Water Charges) Regulations (Rg 1) (S 166/99)*
  - (b) *Sewerage and Drainage (Sanitary Works) Regulations (Rg 2) (S 167/99)*
  - (c) *Sewerage and Drainage (Sewage Treatment Plants) Regulations (Rg 3) (S 168/99)*

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



# legislation update inter se online

► **Bills introduced in Parliament in May and June 2007**

---

► **Subsidiary legislation published in May and June 2007**

---

► **Acts brought into operation in May and June 2007**

---

► **Revision of subsidiary legislation in May 2007**

---

- (d) *Sewerage and Drainage (Surface Water Drainage) Regulations (Rg 4) (S 169/99)*
- (e) *Sewerage and Drainage (Trade Effluent) Regulations (Rg 5) (S 170/99)*
- (f) *Sewerage and Drainage (Composition of Offences) Regulations (Rg 6) (S 269/2006)*
- (g) *Sewerage and Drainage (Application Fees) Regulations (Rg 7) (S 618/2001)*

- 6. Singapore Management University Act (Cap 302A)
  - (a) *Singapore Management University (Students' Association and Constituent Bodies) (Exemption) Order (O 1) (S 568/2005)*

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



# case law update

# inter se

online

## ▶ Administrative Law

## ▶ Building and Construction Law

## ▶ Civil Procedure

## ▶ Companies

## ▶ Contract

## ▶ Copyright

## ▶ Criminal Procedure and Sentencing

## ▶ Evidence

## ▶ Family Law

## ▶ Land & Legal Profession

## ▶ Limitation of Action

### Administrative Law

Remedies — *Certiorari* and *mandamus* — Whether application for leave for order of *certiorari* and *mandamus* made out of time — When three-month period under O 53 r 1(6) of Rules of Court commencing — Whether sufficient grounds for leave for order of *certiorari* and *mandamus* to be granted under O 53 r 1(1) of the Rules of Court existing — Order 53 r 1 Rules of Court (Cap 322, R 5, 2004 Rev Ed)

*Teng Fuh Holdings Pte Ltd v Collector of Land Revenue* [2007] SGCA 14

### Building and Construction Law

Sub-contracts — Incorporation of main contract terms — Construction of back-to-back provision — Whether sub-contract

entered into on back-to-back basis with main contract incorporating main contract in its entirety

*GIB Automation Pte Ltd v Deluge Fire Protection (SEA) Pte Ltd* [2007] SGHC 48

### Civil Procedure

Appeals — Company suffering loss as result of breach of fiduciary duties owing to it — Respondent company's loss reflective of company's loss — Whether respondent company may recover such loss where argument regarding principle of reflective loss introduced by appellate court on its own initiative

*Townsing Henry George v Jenton Overseas Investment Pte Ltd (in liquidation)* [2007] SGCA 13



# case law update inter se<sup>online</sup>

## ▶ Administrative Law

## ▶ Building and Construction Law

## ▶ Civil Procedure

## ▶ Companies

## ▶ Contract

## ▶ Copyright

## ▶ Criminal Procedure and Sentencing

## ▶ Evidence

## ▶ Family Law

## ▶ Land & Legal Profession

## ▶ Limitation of Action

Service — Leave to serve writs out of jurisdiction granted — Whether invoking jurisdiction of court — Burden of proving service of process effected in appropriate manner lying on respondents as plaintiffs — Whether burden remaining on respondents when challenge to jurisdiction brought — Section 16(1) Supreme Court of Judicature Act (Cap 322, 1999 Rev Ed) Service — Leave to serve writs out of jurisdiction granted — Whether order granting leave should be set aside as abuse of process of court — Whether claims for damages and injunctive relief contained in writs confined to damages sustained or actions taken within Singapore — Order 11 r 1 Rules of Court (Cap 322, R 5, 2006 Rev Ed)

Service — Whether civil procedure convention subsisting between Singapore and Hong Kong — Whether treaty concluded between People's Republic of China and

Singapore applying to Hong Kong — Order 11 r 4(1), O 11 r 4(2) Rules of Court (Cap 322, R 5, 2006 Rev Ed)

*Lee Hsien Loong v Review Publishing Company Ltd and another and another suit* [2007] SGHC 24

Striking out — Non-exclusive licensee of copyright commencing action for alleged infringement of copyright — Whether action to be struck out or whether non-exclusive licensee may amend pleadings and add copyright owners as plaintiffs to remain as party to action — Order 15 r 6(2)(b)(ii) Rules of Court (Cap 322, R 5, 2006 Rev Ed)

*Alliance Entertainment Singapore Pte Ltd v Sim Kay Teck and another* [2007] SGHC 43

Summary judgment — Leave to defend claim — Court requiring some demonstration of



# case law update inter se<sup>online</sup>

## ▶ Administrative Law

## ▶ Building and Construction Law

## ▶ Civil Procedure

## ▶ Companies

## ▶ Contract

## ▶ Copyright

## ▶ Criminal Procedure and Sentencing

## ▶ Evidence

## ▶ Family Law

## ▶ Land & Legal Profession

## ▶ Limitation of Action

commitment to claimed defence on part of defendant — Whether appropriate to impose condition

Summary judgment — Whether facts sufficing to give rise to such a degree of proximity as to warrant raising of equitable set-off by one party against claims of other party

*Abdul Salam Asanaru Pillai (trading as South Kerala Cashew Exporters) v Nomanbhoy & Sons Pte Ltd* [2007] SGHC 42

### Companies

Directors — Duties — Breach of statutory duties and fiduciary duties — Appellant director making payment to chargee although charges not conferring such entitlement — Appellant director of parent and subsidiary company and also of companies with conflicting interests — Whether appellant's actions amounting to

breach of duty to act bona fide — Application of "actual conflict" rule

Directors — Duties — Breach of statutory duties and fiduciary duties — Appellant director making payment to chargee although charges not conferring such entitlement — Whether court should rectify charges to reflect parties' common intentions when chargee not party to proceedings — Whether court should exercise equitable jurisdiction to rectify charges

*Townsing Henry George v Jenton Overseas Investment Pte Ltd (in liquidation)* [2007] SGCA 13

### Contract

Breach — Repudiatory breach — Whether actions of party in breach such that party may reasonably be taken to have renounced contract — Whether party entitled to terminate contract on basis of own view of terms of contract



# case law update inter se<sup>online</sup>

▶ **Administrative Law**

---

▶ **Building and Construction Law**

---

▶ **Civil Procedure**

---

▶ **Companies**

---

▶ **Contract**

---

▶ **Copyright**

---

▶ **Criminal Procedure and Sentencing**

---

▶ **Evidence**

---

▶ **Family Law**

---

▶ **Land & Legal Profession**

---

▶ **Limitation of Action**

---

Remedies — Mitigation of damage — Duty to mitigate losses — Applicable principles

*GIB Automation Pte Ltd v Deluge Fire Protection (SEA) Pte Ltd* [2007] SGHC 48

### Copyright

Infringement — Non-exclusive licensee of copyright commencing action for alleged infringement of copyright — Whether non-exclusive licensee of copyright having title to maintain action for infringement of copyright — Nature of rights of non-exclusive licensee of copyright under Copyright Act — Sections 123, 124 Copyright Act (Cap 63, 2006 Rev Ed)

*Alliance Entertainment Singapore Pte Ltd v Sim Kay Teck and another* [2007] SGHC 43

### Criminal Procedure and Sentencing

Sentencing — Mentally disordered offenders — Crucial considerations of rehabilitation

and incapacitation — Whether reliable support network upon release necessary where accused person requiring lifelong supervision

*Public Prosecutor v Lim Ah Liang* [2007] SGHC 34

Sentencing — Principles — Policy considerations underpinning deterrent sentencing — Offences normally attracting deterrent sentences

Sentencing — Principles — Respondent pleading guilty to charges under Computer Misuse Act and Penal Code for working in syndicate involved in perpetrating ATM card fraud — Whether totality principle and one-transaction rule for sentencing applicable — Sections 4, 10 Computer Misuse Act (Cap 50A, 1998 Rev Ed)

Sentencing — Principles — Whether relevance of foreign case law limited to





# case law update inter se<sup>online</sup>

## ▶ Administrative Law

## ▶ Building and Construction Law

## ▶ Civil Procedure

## ▶ Companies

## ▶ Contract

## ▶ Copyright

## ▶ Criminal Procedure and Sentencing

## ▶ Evidence

## ▶ Family Law

## ▶ Land & Legal Profession

## ▶ Limitation of Action

clarifying principles — Whether quantum of sentencing in other jurisdictions not relevant

*Public Prosecutor v Law Aik Meng* [2007] SGHC 33

Sentencing — Principles — Whether to impose sentence of life imprisonment — Whether Hodgson criteria satisfied

*Public Prosecutor v Lim Ah Liang* [2007] SGHC 34

### Evidence

Admissibility of evidence — Hearsay — Whether truth of contents of document accepted as authentic still needing to be proved — Limits to applicable principle

*GIB Automation Pte Ltd v Deluge Fire Protection (SEA) Pte Ltd* [2007] SGHC 48

Admissibility of evidence — “Without prejudice” communications — Whether

communications made by contractor in course of discussions with and in letter to employer made “without prejudice” and therefore inadmissible — Whether communications amounting to admissions — Whether communications made in context of negotiations to settle dispute between parties — Whether privilege applying to negotiations on quantum even where admission of liability existing

*Sin Lian Heng Construction Pte Ltd v Singapore Telecommunications Ltd and another suit* [2007] SGHC 22

### Family Law

Matrimonial assets — Division — Property purchased during marriage in husband’s sole name after wife pulled out of purchase — Whether such property that wife wanted to have no part in amounted to matrimonial asset to be divided between parties — Section 112 Women’s Charter (Cap 353, 1997 Rev Ed)



# case law update inter se online

▶ **Administrative Law**

---

▶ **Building and Construction Law**

---

▶ **Civil Procedure**

---

▶ **Companies**

---

▶ **Contract**

---

▶ **Copyright**

---

▶ **Criminal Procedure and Sentencing**

---

▶ **Evidence**

---

▶ **Family Law**

---

▶ **Land & Legal Profession**

---

▶ **Limitation of Action**

---

Matrimonial home — Matrimonial home purchased jointly by husband and wife — Husband and wife paid lump-sum down payment but wife solely responsible for monthly loan payments — Manner in which matrimonial home to be divided between parties

*Ong Boon Huat Samuel v Chan Mei Lan Kristine* [2007] SGCA 19

### Land

Easements — Rights of way — Right of way over servient tenement — Whether owner of dominant tenement giving up right of way by amending development plans to exclude original proposed road on servient tenement — Whether owner of dominant tenement entitled to repair and/or maintain such right of way

*Management Corporation of Grange Heights Strata Title No 301 v Lee Tat Development Pte Ltd* [2007] SGHC 32

### Legal Profession

Show cause action — Lawyers acting in conflict of interests — Lawyers enabling unauthorised person to undertake or carry on legal work at their premises — Whether lawyers' conduct amounting to misconduct unbefitting an advocate and solicitor — Appropriate sentence in light of lawyers' public service — Sections 83(1), 83(2)(h) Legal Profession Act (Cap 161, 2001 Rev Ed)

*Law Society of Singapore v Seah Li Ming Edwin and another* [2007] SGHC 35

### Limitation of Actions

Equity and limitation of actions — Doctrine of laches — Whether claim by beneficiary against personal representative may be barred by doctrine of laches where unconscionability on beneficiary's part existing — Applicable principles

Particular causes of action — Estates of deceased — Whether limitation period under



# case law update inter se<sup>online</sup>

▶ **Administrative Law**

---

▶ **Building and Construction Law**

---

▶ **Civil Procedure**

---

▶ **Companies**

---

▶ **Contract**

---

▶ **Copyright**

---

▶ **Criminal Procedure and Sentencing**

---

▶ **Evidence**

---

▶ **Family Law**

---

▶ **Land & Legal Profession**

---

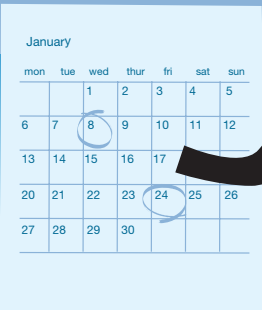
▶ **Limitation of Action**

---

s 23(a) Limitation Act applying to claim concerning real estate — Whether s 22(1)(b) Limitation Act excluding application of limitation period — Sections 2(1), 22(1)(b), 23(a) Limitation Act (Cap 163, 1996 Rev E d)

When time begins to run — Whether beneficiary may stand by indefinitely and take no steps to assert claim on ground that time bar inapplicable because administration remaining uncompleted even though right to receive share or interest in estate accruing

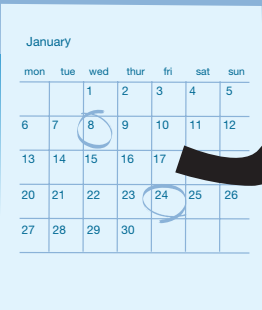
*Re Estate of Tan Kow Quee (alias Tan Kow Kwee)* [2007] SGHC 19



# calendar inter se online

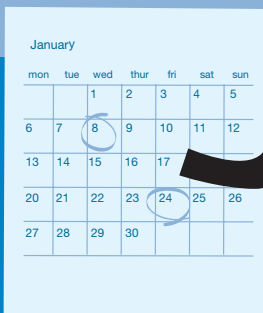
## LEGAL EDUCATION & TRAINING CALENDAR FROM JULY 2007 TO OCTOBER 2007

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
4, 18 Jul (Wed) 1.30pm–5.30pm	Adobe 7.0	NTUC Learning Hub	LTC
6 Jul (Fri) 9.00am–12.00pm	EFS Phase 4B	Clifford Leslie Nonis Crimson Logic	
9, 23 Jul (Mon) 1.30pm–5.30pm	Adobe 8.0	NTUC Learning Hub	
9–11 Jul (Mon–Wed) 9.00am–5.00pm	EFS FE Full Course	Clifford Leslie Nonis Crimson Logic	
12 Jul (Thu) 1.30pm–5.30pm	STARS e-Lodgement	Serena Lim BiziBody	
16 Jul (Mon) 9.30am–5.30pm	LawNet Services at a Glance	Serena Lim BiziBody	
20 Jul (Fri) 9.00am–5.00pm	LawNet Conveyancing: Intereq & STARS E-Lodgement	Serena Lim BiziBody	



# calendar inter se online

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)	
25 Jul (Wed) 9.00 am–5.00pm	EFS ROC Phase 1 & 2	Clifford Leslie Nonis Crimson Logic	LTC	
6 Aug (Mon) 9.00am–5.00pm	Ms Word for Legal Professionals	Clifford Leslie Nonis Crimson Logic		
8 Aug (Wed) 1.30pm–5.30pm	Adobe 8.0	NTUC Learning Hub		
13–15 Aug (Mon–Wed) 9.00am–5.00pm	Adobe 8.0	NTUC Learning Hub		
16 Aug (Thu) 1.30pm–5.30pm	STARS e-Lodgement	Serena Lim BiziBody		
22–23 Aug (Wed–Thu) 9.00am–5.00pm	10th Singapore Conferences on International Business Law – The Regulation of Wealth Management	See <a href="http://law.nus.edu.sg/ccls/scibl2007">http://law.nus.edu.sg/ccls/scibl2007</a> for details.		National University of Singapore (NUS) & LES
29 Aug (Wed) 2.30pm–5.00pm	Climate Change and the Kyoto Mechanisms	Dr Charlotte Streck Climate Focus, the Netherlands		Asia-Pacific Centre for Environmental Law (APCEL) & LES



# calendar inter se online

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
20–21 Sep (Thu–Fri) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Loong Seng Onn & Carol Liew	
3–5 Oct; 12 Oct (Wed–Fri, Fri) 9.00am–5.00pm	Associate Mediator Accreditation Course	Loong Seng Onn & Carol Liew	SMC

Please note that all information is correct at the time of publication. While every effort is made to retain the original arrangements, changes may sometimes be necessary. Details on select events may be found on the Academy’s website at <http://www.sal.org.sg/>

For enquiries and more information, please contact the respective organisers:

- LawNet Training Centre (LTC):** Seri Adilia at tel: (65) 6332 4256 or Aida Bte Abdul Rahman at tel: (65) 6332 4382 or [lrc@sal.org.sg](mailto:lrc@sal.org.sg)
- Legal Education and Studies (LES):** Serene Ong at tel: (65) 6332 4032 or [les@sal.org.sg](mailto:les@sal.org.sg)
- Singapore Mediation Centre (SMC):** Survinder Kaur at tel: (65) 6332 4213 or [survinder\\_kaur@sal.org.sg](mailto:survinder_kaur@sal.org.sg).  
For more information on the SMC courses above, please visit <http://www.mediation.com.sg/pdf/SMCTraining2007.pdf>