

august 2007



# inter se online



## in the news

Legal news headlines in June and July 2007.



## in the know

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



## legislation update

Legislation passed or revised in June and July 2007.



## case law update

Catchword summaries of cases from the Supreme Court, organised by subject matter.



## calendar

Training calendar for August 2007 to October 2007.



# inter se<sup>online</sup>

in the news

## ► **Inter Se Revamped: What You Can Look Forward To**

### ► **At Large**

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

### ► **LawNet2 Launched – The Next Step in Legal Research**

## **Inter Se Revamped: What You Can Look Forward To**

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).



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► **LawNet2 Launched – The Next Step in Legal Research**

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**Headlines in The Straits Times**

K C Vijayan, "Legal firm takes Law Society to court over inquiry", *The Straits Times* (27 June 2007)

K C Vijayan, "Fewer criminal cases, but appeals are up" [Courts more prepared to consider the unique circumstances of each case], *The Straits Times* (28 June 2007)

"New district judge appointed", *The Straits Times* (28 June 2007)

Chua Hian Hou, "Order to name sources: ST will back journalist's decision", *The Straits Times* (28 June 2007)

K C Vijayan, "Offender caned three strokes more than ordered", *The Straits Times* (29 June 2007)

Gabriel Chen, "Allen & Gledhill wins big at legal awards", *The Straits Times* (30 June 2007)

Chong Chee Kin, "Cashback property scam: Veteran lawyer found guilty", *The Straits Times* (30 June 2007)

K C Vijayan, "Conflict of interest: Guilty lawyers may be struck off rolls" [Appeals judge cautions that tougher punishments may be meted out], *The Straits Times* (30 June 2007)

Tan Dawn Wei & K C Vijayan, "Three extra strokes for prisoner: Govt regrets error" [Family's request for \$3m compensation rejected], *The Straits Times* (1 July 2007)



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

Kalpana Rashiwala, "Landed property: Ministry says no plans to lift curbs on foreigners" [Special approval still required for purchases by foreigners], *The Business Times* (28 June 2007)

Conrad Raj, "More Singapore law firms expanding overseas", *The Business Times* (1 July 2007)



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## ► **LawNet2 Launched – The Next Step in Legal Research**

### **LawNet2 Launched – The Next Step in Legal Research**

*By Clifford Wong, Assistant Director, LawNet, Singapore Academy of Law*



Before you read this, *let me warn you.*

As with any responsible, legally-trained person who has a well-established risk assurance policy in place, I must warn you about any potential issues that may arise as a result of reading the words that follow.

I am not an objective observer of the LawNet2 launch, and it is unlikely I will ever

be. I have been directly and most wholeheartedly involved in the creation and development of LawNet2, as well as the production of the launch evening's events.

Any impressions that stir in your subconscious after the measured reading of this short article will in most likelihood be a direct result of my overly enthusiastic, almost paternal fawning. I offer the following anecdote in lieu of a defence: LawNet2 is the long-awaited baby of the LawNet team. As one of the parents, of course, I will tell you its good features and my joy at finally welcoming its arrival. As I sit here, tongue-in-cheek, please do note, you have been duly warned.

The LawNet2 catchphrase, "get more done in less time", is an echo of the Dali melting



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clocks and timepieces which graced the cover of the launch invite. This “timely” and transparent marketing wrinkle was an alerter to the attendees that the new features and applications in the portal would really do just that.

Attendees of the launch, invites clutched in hand, arrived at the Supreme Court in the early evening of 5 July 2007. After light refreshments, they were prompted to take their seats in the Supreme Court Auditorium, pillars of which were sheathed in golden clock motifs.

Guests walked to their seats on a red carpet which led from the entrance to the stage – a nod to the theatrical launch that was to take place. The stage was lit with pastel lighting and decorated with triangular pieces of white lycra. This created a clean effect and framed the large projector screen which

loomed on the stage. The only thing that was missing was popcorn.



The Honourable the Chief Justice Chan Sek Keong was the guest-of-honour for the evening. The gathered legal community of Singapore was drawn to key points in the launch speech of the Chief Justice, including the fact that instant access to the entire collection of English cases dating as far back as 1865 would provide a comprehensive knowledge base for lawyers, and to quote,



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that LawNet2 “is indispensable for all practitioners in Singapore”.

With a few final words, the Honourable the Chief Justice returned to his seat, leaving the screen as the focus. The lights to the auditorium dimmed and then fell black. The projector screen brightened and then flowed into life, illustrated with imagery, classical music and information about LawNet2.

I stood to the side, watching an auditorium of faces set alight by the launch of Singapore’s latest research tool.

Cut to portions of dialogue of the LawNet2 launch movie:

*“Since LawNet’s introduction in 1991, lawyers have been able to access a wide range of legal information and transactional services ... the race for perfection has no finishing*

*line ... the suite of tools available in LawNet2 provides lawyers practising Singapore law with an unmatched combination of information simply not available from any other single portal ... to be without it, is indefensible.”*

Fade out, leaving “www.lawnet.com.sg” remaining on the screen.

Lights and applause.

The evening did not end on the applause; rather, warm smiles and nodding heads characterised attendees as they adjourned to the first floor, to find an ambience set to perfection by a warmly-lit backdrop of pulsing pastel lights and Zen decoration, and the centrepiece of a glowing diamond bar set in the centre of the atrium of the new Supreme Court.



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To complement the launch, two live-demo stations allowed people to have hands on test of LawNet2 or to witness a demonstration manned by the LawNet staff at hand.



*"With improved functionality and interface, LawNet2 offers you a sophisticated online research experience.*

LawNet2 enables you to:

- *Access a complete archive of the Weekly Law Reports series from 1865 and the Law Reports (1865 to current) as provided by*

*Justis Publishing and the Incorporated Council for Law Reporting (ICLR) for England and Wales.*

- *Perform complex searches with one click over Cases, Legislation (Versioned Legislation Database), Reference Material and English cases.*
- *Make your work easier with the Legal Workbench Tools:*
  - *Client Tracker – a basic time-keeping tool for billing.*
  - *Saved Searches and Reminders.*
  - *Bookmarks.*
  - *E-mail Alerts.*
- *Under the Due Diligence module, extract due diligence reports quicker with one-click access to BizNet and litigation databases.*

*LawNet2 is available on a subscription, or an ad hoc basis".*





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Exceptionally fine food was prepared by award-winning SAL Bistro chef, Jimmy Chok. Moist portions of roast beef and a thousand mouthful of sweet cakes, pastries and gourmet tidbits sat nestled amongst glowing live stations.

I heard that the pasta, cooked and served personally by Jimmy, was to die for. I can certainly attest to the rich tones of the red wine available.

To complement the conversation of the gathered throng of attendees, award-winning harpist Huan Yu Hsin played classical music from above – on the second floor of the Supreme Court amidst a shadowed outline of the Singapore city outline.

Judges, programmers, lawyers and corporate counsel rubbed shoulders, ate, drank and

gave their thumbs up to the cinemactical fanfare, practical benefits and excellent reception of LawNet2. Serena Lim, CEO of Bizibody remarked: “LawNet2 is such a cool, state-of-the-art research platform; it almost makes me want to go back to being a lawyer again.”

To commemorate the occasion, attendees of the launch left with a souvenir goodie bag which held an antique-like bronze hourglass embossed with the LawNet2 logo. The evening of the launch of LawNet2 was definitely a time to be remembered.

For more information, contact 6887 7888 or e-mail [sales@crimsonlogic.com](mailto:sales@crimsonlogic.com). Details on LawNet2 may also be found in the July 2007 issue of *Inter Se Print*.

Visit LawNet2 at <http://www.lawnet.com.sg>.





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

## ► At Work

- *Invitation to Apply for Appointment as Senior Counsel*
- *10th Singapore Conferences on International Business Law – The Regulation of Wealth Management*
- *An Update on the 14th Singapore Academy of Law Annual Lecture*

## ► At Play

- *Island Rover 2007: Car Rally and "Makan-Heaven" Treasure Hunt*

## Invitation to Apply for Appointment as Senior Counsel

The Selection Committee for the Appointment of Senior Counsel invites applications for appointment as Senior Counsel.

Applicants should possess a minimum of ten years' experience as advocates and solicitors or as legal officers and have active practices involving substantial advocacy and other litigation-related work. Pursuant to s 30 of the Legal Profession Act (Cap 16) appointees are chosen by a Selection Committee comprising the Chief Justice, the Attorney-General and the Judges of Appeal. The names of all successful candidates will be announced by the Chief Justice at the Opening of the Legal Year 2008.

Further information is furnished in the guidance note which accompanies each application form. Copies of the *Application for Appointment as Senior Counsel 2008* may be obtained from:

Singapore Academy of Law  
1 Supreme Court Lane  
Level 4  
Singapore 178879

For more details, please contact Sheeba Said at tel: 6332 4006 or e-mail [sheeba\\_said@sal.org.sg](mailto:sheeba_said@sal.org.sg).

**Applications close on 28 September 2007.**



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## 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).





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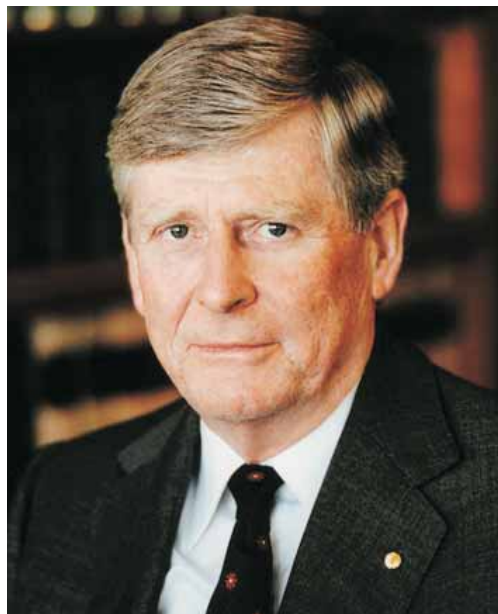
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## An Update on the 14th Singapore Academy of Law Annual Lecture



The Singapore Academy of Law is pleased to announce that the Honourable Murray Gleeson, AC, Chief Justice of the High Court of Australia, will deliver the 14th Singapore Academy of Law Annual Lecture.

Chief Justice Gleeson will speak on "Australia's Contribution to the Development of the Common Law". The Lecture will be held on Thursday, 20 September 2007 at 7.30pm at the Supreme Court Auditorium.

Chief Justice Gleeson was born in New South Wales in 1938 and completed his secondary education at St Joseph's College, Sydney. He went on to the University of Sydney where he obtained first class honours in Arts and Law. He was admitted to the New South Wales Bar in 1963 and was the President of its Bar Association in 1984 and 1985.

While building a successful practice, Chief Justice Gleeson was also a part-time lecturer in company law at Sydney University from 1963 to 1974 and tutor in law at St Paul's College within that University. He was appointed Queen's Counsel in 1974 at the





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relatively young age of 36. Having taken silk, Chief Justice Gleeson built a substantial appellate practice while specialising in constitutional, commercial and tax matters. His reputation at the Bar was as "an advocate with formidable analytical and technical skills" with "great attachment to logic".

Chief Justice Gleeson was appointed Chief Justice of the Supreme Court of New South Wales in 1988 and was elevated to his current position in the highest judicial office in the land in 1998.

Chief Justice Gleeson's other honours include holding office as Lieutenant Governor of New South Wales from 1989 to 1998 and receiving the appointment of Companion

in the General Division of the Order of Australia (AC) in 1992, Australia's highest civil honour.

The Academy is honoured to have Chief Justice Gleeson grace the occasion of this year's Annual Lecture. The Lecture is open to members of the legal profession and to the public, by invitation only. Invitations will be issued on a first-come, first-served basis.

Please obtain the Request Form for an invitation to the Annual Lecture at [www.sal.org.sg](http://www.sal.org.sg) and submit it to us by 27 Aug 2007. For further inquiries, please contact us at 6332 4388 or e-mail [annuallecture@sal.org.sg](mailto:annuallecture@sal.org.sg).



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### **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 ... Laksa ... 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 ... get the wheels ready ... have the suspension tuned ... rev up the engines ... 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 all winners, including a “Best-dressed Car” award. The top winner for the car rally treasure hunt will walk away with a 4D/3N stay at the W Retreat and Spa in Maldives, kindly sponsored by Starwood

Asia Pacific Hotels and Resorts Ltd, and Singapore Airlines.

To end-off the adventure, we have organised a sumptuous barbeque 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.





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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: Saturday 18 August 2007  
 Registration: 10.30am  
 Flag-off time: 11.30am  
 Venue: National University of Singapore, Law Faculty, Eu Tong Sen Building, 469 Bukit Timah Road  
 Dinner: 5.00pm

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.

For enquiries, kindly contact Rebecca Sit (Singapore Academy of Law) at [mship\\_event@sal.org.sg](mailto:mship_event@sal.org.sg) or 6332 0078; or contact Hong Xiuling (Law Society of Singapore) at [communications@lawsoc.org.sg](mailto:communications@lawsoc.org.sg) or 6530 0232.



# legislation update inter se online

## ► **Subsidiary Legislation Published in June and July 2007**

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The **Central Provident Fund (Prescribed Amount for Medisave Account) (Amendment) Regulations 2007** (GN No S 260/2007, wef 1 July 2007) amend the Central Provident Fund (Prescribed Amount for Medisave Account) Regulations (Cap 36, Rg 22) to provide that, on 1 July 2007 —

- (a) in relation to retired public officers under the Co-payment on Ward Charges Scheme or members who are, in the opinion of the Minister for Health, entitled to medical benefits equivalent to those under the Co-payment on Ward Charges Scheme, the Medisave specified amount will be raised by \$250 to \$14,250; and
- (b) in relation to any other person, the Medisave specified amount will be raised by \$500 to \$28,500.

The **Central Provident Fund (Prescribed Amount for Special Account) Notification 2007** (GN No S 261/2007, wef 1 July 2007) provides that for the purposes of s 18B of the Central Provident Fund Act (Cap 36), the prescribed amount shall be \$99,600.

The **Central Provident Fund (Amount of Voluntary Contributions) Notification 2007** (GN No S 323/2007, wef 1 January 2007) provides that the amount which a person may contribute voluntarily under s 7(4) or s 13B(1) of the Central Provident Fund Act (Cap 36) shall not exceed the sum of \$26,393 in a year.

The **Smoking (Prohibition in Certain Places) (Amendment) Notification 2007** (GN No S 268/2007, wef 1 July 2007) amends the

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





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

Smoking (Prohibition in Certain Places) Notification (Cap 310, N 1) to provide that smoking is not permitted in any discotheque, pub, bar, lounge or night club in any premises or building (including any private club), except that the Director-General may, subject to conditions, designate for smoking —

- (a) such part of the outdoor refreshment area of the discotheque, pub, bar, lounge or night club not exceeding 20% of the total floor area of that outdoor refreshment area; and
- (b) any enclosed and independently ventilated room not exceeding 10% of the total indoor refreshment area of the discotheque, pub, bar, lounge or night club.

The **Arms and Explosives (Explosive Precursors) Rules 2007** (GN No S 306/2007, wef 1 July 2007) mainly implement new Part IIIA of the Arms and Explosives Act (Cap 13)

(inserted by the Arms and Explosives (Amendment) Act 2007 (Act 5 of 2007)).

These Rules provide, amongst other things —

- (a) that the Licensing Officer may, where he considers it necessary, require any applicant for a licence to submit a security proposal setting out such protective and other security measures to be implemented and maintained in relation to the explosive precursor for which the licence is sought;
- (b) for the conditions that every licence (whether for the possession or control of, manufacture of, dealing in or the premises for the storage or keeping of explosive precursors) is subjected to; and
- (c) that every licensee shall keep and maintain a register book containing records of certain information for a period of not less than three years from the date such record was made.



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The **Radiation Protection (Transit and Transhipment) (Exemption) Regulations 2007** (GN No S 317/2007, wef 1 July 2007) provide that Pt III of the Radiation Protection Act 2007 (Act 27 of 2007) shall not apply in relation to any radioactive material or irradiating apparatus —

- (a) brought into Singapore in transit or on transhipment; or
- (b) carried as part of the equipment of any vessel or aircraft coming into Singapore.

The **Legal Services (International Services) Rules 2007** (GN No S 361/2007, wef 6 July 2007), together with certain amendments made by the Legal Profession (Amendment) Act 2007 (Act 20 of 2007) —

- (a) implement the recommendations of the Review Committee on Joint Law Ventures and Formal Law Alliances to allow foreign lawyers to own equity shares in Singapore law firms subject to a 25% limit and other conditions;

- (b) implement the talent tap scheme proposed by the Third Committee on the Supply of Lawyers to allow Singapore law firms to employ suitably qualified foreign lawyers to practise Singapore law in Singapore law firms subject to terms or conditions imposed by the Attorney-General; and
- (c) update the existing legal framework for the regulation of foreign lawyers and enhance the powers of the Attorney-General to deal with errant foreign law firms and foreign lawyers.

The **Stamp Duties (Real Estate Investment Trusts) (Remission) Rules 2007** (GN No S 364/2007, wef 1 January 2006) provide for the remission of all duty chargeable under the Stamp Duties Act (Cap 312) on any contract, agreement or instrument executed under the period from 1 January 2006 to 17 February 2010 (both dates inclusive) relating to the conveyance, assignment or transfer on sale to a real estate investment trust that —

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- (a) is listed on the Singapore Exchange; or
- (b) is to be listed on the Singapore Exchange —
  - (i) within one month from the execution of such conveyance, assignment or transfer; or
  - (ii) within such longer period, and on such terms and conditions, as the Minister or such other person as he may appoint may specify,

of 100% of the issued share capital or of the interest therein of any company incorporated in Singapore —

- (a) that holds, directly or indirectly, immovable property situated outside Singapore; and
- (b) that was set up for the sole purpose of holding, directly or indirectly, such property.

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1. **Competition (Amendment) Act 2007** (Act 23 of 2007) —
  - (a) Sections 8(1) and 24(1) wef 30 June 2007 by GN No S 297/2007
  - (b) Sections 2–7, 8(2), 9–22 and 24(2) wef 1 July 2007 by GN No S 297/2007
2. **Monetary Authority of Singapore (Amendment) Act 2007** (Act 13 of 2007) (wef 30 June 2007 by GN No S 318/2007)
3. **Goods and Services Tax (Amendment) Act 2007** (Act 28 of 2007) (wef 1 July 2007 except s 11)
4. **Financial Procedure (Amendment) Act 2007** (Act 29 of 2007) (wef 1 July 2007 by GN No S 256/2007)
5. **Radiation Protection Act 2007** (Act 27 of 2007) (wef 1 July 2007 by GN No S 278/2007)
6. **Arms and Explosives (Amendment) Act 2007** (Act 5 of 2007) (wef 1 July 2007 by GN No S 305/2007)
7. **Employment of Foreign Workers (Amendment) Act 2007** (Act 30 of 2007) (wef 1 July 2007 by GN No S 337/2007)
8. **Trade Marks (Amendment) Act 2007** (Act 3 of 2007) (wef 2 July 2007 by GN No S 160/2007)

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### **Revision of Subsidiary Legislation in July 2007**

The Law Revision Commissioners have published, in loose-leaf form, the July 2007 Revised Edition of Subsidiary Legislation made under the following Acts (wef 2 July 2007 *vide* GN No S 354/2007), incorporating all the amendments up to 1 June 2007:

#### **1. Administration of Muslim Law Act (Cap 3)**

- (a) Administration of Muslim Law (Halal Certificates) Rules (R 8) (S 497/2005)
- (b) Administration of Muslim Law (Certification Mark) Notification (N 45) (S 335/2005)

#### **2. Air Navigation Act (Cap 6)**

- (a) Air Navigation (Composition of Offences) Rules (R 1) (S 174/2007)
- (b) Air Navigation (Aviation Security) Order (O 5) (S 590/2006)

#### **3. Architects Act (Cap 12)**

- (a) Architects (Election of Board Members) Rules (R 4) (S 632/2005)
- (b) Architects (Prescribed Amount of Paid-Up Capital) Notification (N 2) (S 763/2005)

#### **4. Betting and Sweepstake Duties Act (Cap 22)**

- (a) Betting and Sweepstake Duties Order (O 1) (S 204/2005)

#### **5. Boundaries and Survey Maps Act (Cap 25)**

- (a) Boundaries and Survey Maps (Prescribed Fees) Rules (R 2) (S 152/2001)
- (b) Boundaries and Survey Maps (Conduct of Cadastral Surveys) Rules (R 5) (S 155/2005)
- (c) Boundaries and Survey Maps (Singapore Land Authority Fees) Rules (R 6) (S 156/2005)

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



# legislation update inter se online

## ▶ **Subsidiary Legislation Published in June and July 2007**

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## ▶ **Acts Brought into Operation in June and July 2007**

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## ▶ **Revision of Subsidiary Legislation in July 2007**

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(d) Boundaries and Survey Maps (Electronic Transmission) Rules (R 7) (S 676/2005)

### 6. **Broadcasting Act (Cap 28)**

- (a) Broadcasting (Composition of Offences) Regulations (Rg 2) (S 332/2004)
- (b) Broadcasting (Exemption) (No 3) Order (O 3) (S 378/2004)

### 7. **Financial Advisers Act (Cap 110)**

- (a) Financial Advisers (Appeals) Regulations (Rg 3) (S 791/2005)
- (b) Financial Advisers (Exemption from Sections 25–29 and 36) Regulations (Rg 6) (S 616/2004)

(c) Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations (Rg 7) (S 775/2005)

### 8. **Limited Liability Partnerships Act (Cap 163A)**

- (a) Limited Liability Partnerships Regulations (Rg 1) (S 244/2005)
- (b) Limited Liability Partnerships (Identical Names) Rules (R 1) (S 245/2005)
- (c) Limited Liability Partnerships (Winding Up) Rules (R 2) (S 532/2005)

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



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## Admiralty and Shipping

Carriage of goods by sea — Voyage charterparties — Fixture incorporated in Vegoilvoy form — Whether coating failure was of such magnitude as to undermine contract for coated tanks or affecting vessel's cargoworthiness — Whether contractual agreement to cancel fixture without liability existing — Whether elements of clause to trigger its efficacy existing

*The "Asia Star"* [2007] SGCA 17

## Arbitration

Award — Recourse against award — Setting aside — Rules of natural justice — Applicable principles — Arbitrator purportedly dismissing respondent's claims on basis that time was at large — Whether the issue of time being at large pleaded and alive during arbitration — Whether decision that time was at large led to the making of the award

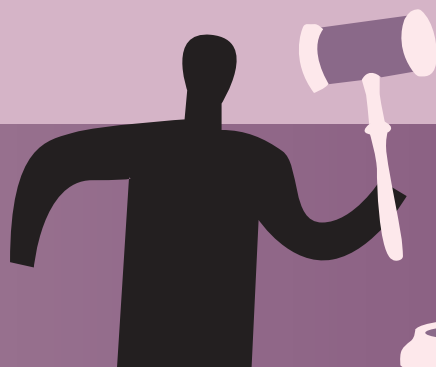
— Whether decision caused prejudice — Whether respondent denied right to be heard — Whether award should be set aside or remitted to arbitrator — Section 48(1)(a)(vii) Arbitration Act (Cap 10, 2002 Rev Ed)

*Soh Beng Tee & Co Pte Ltd v Fairmount Development Pte Ltd* [2007] SGCA 28

## Bribery and Corruption

Bribes obtained by employee — Employee convicted of corruption ordered to pay penalty equal to amount of bribes — Civil action by company under s 14(1) Prevention of Corruption Act to recover bribes — Whether recovery barred by penalties ordered under criminal proceedings — Section 14(1) Prevention of Corruption Act (Cap 241, 1993 Rev Ed)

*Carrefour Singapore Pte Ltd v Leong Wai Kay* [2007] SGCA 26



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## Building and Construction Law

Building and construction contracts — Lump sum contract — Plaintiff carrying out some but not all of works required — Unfair to award plaintiff full amount of contract — No dispute plaintiff did do substantial work — Interlocutory judgment awarded in favour of plaintiff subject to omission to be valued representing cost of labour supplied by defendant to complete work

*Jaya Sarana Engineering Pte Ltd v GIB Automation Pte Ltd* [2007] SGHC 49

## Civil Procedure

Appeals — Leave — Adducing further evidence — Case remitted to trial judge to hear further evidence — Evidence relating to prior use of patent before its priority date

*Dextra Asia Co Ltd and another v Mariwu Industrial Co (S) Pte Ltd* [2007] SGHC 51

Judgments and orders — Principles applicable to interpretation of court order

— Interpretation to give effect to parties' intentions — Interpretation to be in conformity with established principles of law or practice

*Steven Maurice Dixon Hoban and another v Graeme John Scanlon and others* [2007] SGCA 12

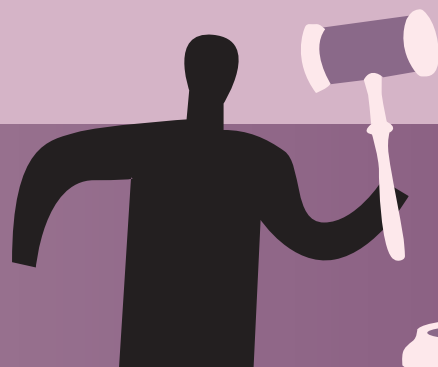
Judgments and orders — Circumstances in which court order becomes inoperative — Supervening event negating mechanism by which court order is to be implemented

*Steven Maurice Dixon Hoban and another v Graeme John Scanlon and others* [2007] SGCA 12

Pleadings — Foreign law not pleaded — Foreign law a matter of fact — Whether court obliged to take judicial notice

*Greenline-Onyx Envirotech Phils, Inc v Otto Systems Singapore Pte Ltd* [2007] SGCA 25





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## Commercial Transactions

Sale of Goods — International sale contracts — Contract for sale of ginger slices for export to Pakistan — Whether Sale of Food Act and Food Regulations applicable where sale of food products under contract not for sale in Singapore — Food Regulations (Cap 283, Rg 1, 2005 Rev Ed) and Sale of Food Act (Cap 283, 2002 Rev Ed)

*National Foods Limited v Pars Ram Brothers (Pte) Ltd* [2007] SGCA 23

## Companies

Shares — Valuation of shares — Court invited to determine pricing mechanism for purchase/sale of appellant company's shares in respondent company — Expert appointed to value appellant company's shares — Valuation unfavourable to appellants — Whether grounds for court to enhance valuation of such shares existing

*Steven Maurice Dixon Hoban and another v Graeme John Scanlon and others* [2007] SGCA 12

## Constitutional Law

Constitution — Interpretation — Whether public officer's right to a pension protected under the Constitution — Articles 112, 113, 115 of the Constitution of the Republic of Singapore (1999 Rev Ed)

*Tee Soon Kay v Attorney-General* [2007] SGCA 27

## Contract

Whether option entered into by public officers binding

*Tee Soon Kay v Attorney-General* [2007] SGCA 27

Contractual terms — Implied terms — Contract for construction works — Whether contract containing implied term that defendant will do all things necessary and reasonable to enable plaintiff to perform contract — Defendant obliged to provide plaintiff with approved shop drawings

*Jaya Sarana Engineering Pte Ltd v GIB Automation Pte Ltd* [2007] SGHC 49



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Contractual terms — Implied terms — Sale of goods — Contracts for sale of dried ginger slices for export to Pakistan — Ginger slices heavily contaminated with mould and had high ash content — Whether implied conditions of quality and fitness for purpose under Sale of Goods Act breached — Sections 14(2), 14(3) of the Sale of Goods Act (Cap 393, 1999 Rev Ed)

*National Foods Limited v Pars Ram Brothers (Pte) Ltd* [2007] SGCA 23

Contractual terms — Implied terms — Sale of goods — Whether additional term that ginger slices would not contain more than 7% ash content could be implied into contract — Section 14(1) of the Sale of Goods Act (Cap 393, 1999 Rev Ed)

*National Foods Limited v Pars Ram Brothers (Pte) Ltd* [2007] SGCA 23

## **Criminal Procedure and Sentencing**

Sentencing — Appeal — Whether default sentence manifestly excessive — Whether disparity in sentence between appellant and co-accused — Section 8(1)(b)(ii) Moneylenders Act (Cap 188, 2006 Rev Ed) — Section 224 Criminal Procedure Code (Cap 68, 1985 Rev Ed)

*Lee Kuan Tat v Public Prosecutor* [2007] SGHC 65

## **Debt and Recovery**

Acknowledgment of debt — Whether subject to without prejudice privilege

*Greenline-Onyx Envirotech Phils, Inc v Otto Systems Singapore Pte Ltd* [2007] SGCA 25

## **Evidence**

Documentary Evidence — Private Documents — Parties unable to agree on



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amount owing under settlement agreement — Whether letter from appellant denying amount of debt owing and stating amount owing amounted to an acknowledgment of debt — Whether letter not marked “without prejudice” was part of negotiations and subject to without prejudice privilege

*Greenline-Onyx Envirotech Phils, Inc v Otto Systems Singapore Pte Ltd* [2007] SGCA 25

Documentary evidence — Private documents — Draft reports by lawyers and accountants commissioned by directors of company after discovery of fraud perpetrated by company's employee — Defrauded banks bringing action against company and seeking order for disclosure of draft reports — Draft reports product of collaboration between lawyers and accountants — Whether draft reports protected by legal advice privilege and/or litigation privilege — Whether privileged information forming integral part of draft

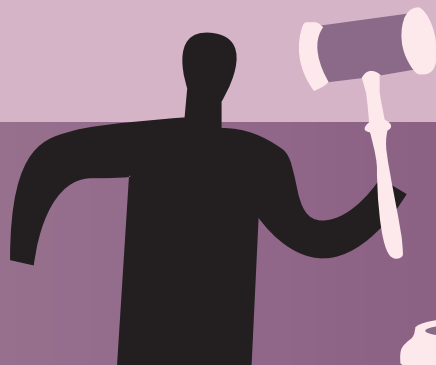
reports — Whether court should inspect draft reports to assess whether privileged information contained therein — Sections 128, 131 Evidence Act (Cap 97, 1997 Rev Ed)

*Skandinaviska Enskilda Banken AB (Publ), Singapore Branch v Asia Pacific Breweries (Singapore) Pte Ltd and other appeals* [2007] SGCA 9

## Family Law

Matrimonial Assets — Division — Approach to equitable division of assets — Whether matrimonial home ought to be sold immediately — Whether adverse inferences ought to be drawn against parties — Whether trial judge's award should be varied — Section 112 Women's Charter (Cap 353, 1997 Rev Ed)

*Koh Bee Choo v Choo Chai Huah* [2007] SGCA 21



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## Insolvency Law

Bankruptcy — Discharge — Bankruptcy Rules — Creditors and Official Assignee opposing bankrupt's application for discharge from bankruptcy — Bankrupt and creditors unable to agree on amount of composition — Whether bankrupt's application for discharge misconceived — Whether bankrupt ought to be discharged conditionally — Section 124 Bankruptcy Act (Cap 20, 2000 Rev Ed)

*Jeyaretnam Joshua Benjamin v Indra Krishnan* [2007] SGCA 30

Bankruptcy — Bankruptcy effects — Garnishment by creditors prior to bankruptcy order being made but after bankruptcy petition filed — Whether sums garnished null and void — Sections 77, 105, 106 Bankruptcy Act (Cap 20, 2000 Rev Ed)

*Jeyaretnam Joshua Benjamin v Indra Krishnan* [2007] SGCA 30

Winding up — Winding up order — Principles to be considered by court when granting leave for compulsory winding up where company undergoing voluntary winding up

*Sysma Construction Pte Ltd v EK Developments Pte Ltd* [2007] SGHC 36

Winding up — Liquidator — Nomination of another liquidator in place of existing liquidators at creditors meeting — Late nomination — Creditors voting to consider whether to adjourn meeting — Whether nomination wrongly rejected for being late — Whether appointment of liquidators flawed

*Sysma Construction Pte Ltd v EK Developments Pte Ltd* [2007] SGHC 36

## Land

Strata titles — Common property — Rectification of windows — Whether windows forming common property under



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pre-amendment Land Titles (Strata) Act — Windows not common property under post-amendment Land Titles (Strata) Act — Whether it is or was the duty of the management corporation to maintain the windows

*Management Corporation Strata Title Plan No 2504 v Hyundai Engineering & Construction Co Ltd and another* [2007] SGHC 63

### Legal Profession

Admission — *Ad hoc* admission of Queen's Counsel — Three-stage test for admission — Whether issues raised in appeals sufficiently difficult or complex to warrant admission of Queen's Counsel — Application of the principle of equality of arms — Section 21 Legal Profession Act (Cap 161, 2001 Rev Ed)

*Re Millar Gavin James QC* [2007] SGHC 85

Show cause action — Disciplinary procedures — Respondent failing to pay moneys into

client's account — Respondent transferring moneys due to him from client's account to his firm's account resulting in overdrawn client's account — Whether respondent's conduct contravened any of the provisions of the Legal Profession Act and therefore warranted disciplinary action — Sentencing considerations — Section 83(2)(j) Legal Profession Act (Cap 161 2001 Rev Ed), rr 3, 7 Legal Profession (Solicitors' Accounts) Rules (Cap 161, R 8, 1999 Rev Ed)

*Law Society of Singapore v Tan Sok Ling* [2007] SGHC 37

### Patent and Inventions

Novelty — Alleged infringement of patent for manufacturing process consisting of combination of unknown elements — Whether process not new or novel due to prior use, prior disclosure to other parties and prior art

*Dextra Asia Co Ltd and another v Mariwu Industrial Co (S) Pte Ltd* [2007] SGHC 51



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## Statutory Interpretation

Construction of statute — Public officers voluntarily opting irrevocably to convert from pension scheme to Central Provident Fund scheme and then attempting to revert to pension scheme after more than 30 years — Whether public officers having right to pension under s 9(d) Pensions Act such that condition of irrevocability governing conversion from pension scheme to CPF scheme *ultra vires* — Sections 8(1), 9(d) Pensions Act (Cap 225, 2004 Rev Ed)

*Tee Soon Kay v Attorney-General* [2007] SGCA 27

## Trade Marks and Trade Names

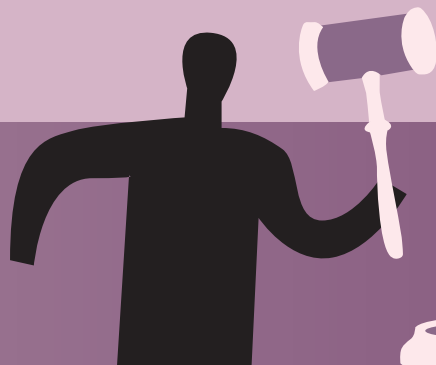
Registration — Respondent registered owner of “McCAFÉ” mark — Respondent opposing appellant’s application to register “MacCoffee” mark — Whether “MacCoffee” mark was similar to the “McCAFÉ” mark — Whether the goods specified for the “MacCoffee” mark were similar to that for

which the “McCAFÉ” mark was registered such that a likelihood of confusion would exist on the part of the public

*Future Enterprises Pte Ltd v McDonald’s Corp* [2007] SGCA 18

Registration — Respondent registered owner of “McCAFÉ” mark — Respondent opposing appellant’s application to register “MacCoffee” mark — Whether rights conferred by registration of “McCAFÉ” mark statutorily restricted and rendered inoperative under opposition, invalidation and infringement provisions of Trade Marks Act by reason of appellant’s prior unregistered right to proprietorship of “MacCoffee” mark — Sections 4(2), 8(7)(a), 23(3)(b), 28(2) Trade Marks Act (Cap 332, 2005 Rev Ed)

*Future Enterprises Pte Ltd v McDonald’s Corp* [2007] SGCA 18



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## Trusts

Constructive trusts — Remedial constructive trust — Whether remedial constructive trust should be imposed — Concept of “conscience” or “want of probity” as foundation — Whether recipient’s conscience affected — Whether all *Baden* categories of knowledge constituting necessary unconscionability to found remedial constructive trust

*Comboni Vincenzo and another v Shankar’s Emporium (Pte) Ltd* [2007] SGHC 55

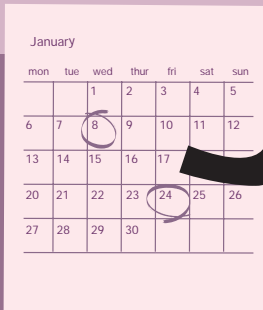
Express trusts — Constitution — Whether words “for the account of” constituting express trust — No evidence showing that

transferor of funds intended for recipient to hold money on trust

*Comboni Vincenzo and another v Shankar’s Emporium (Pte) Ltd* [2007] SGHC 55

Recipient liability — Fraud perpetrated on plaintiffs — Funds transferred into recipient’s bank account — Whether recipient receiving funds knowing that they were transferred in breach of trust — Recipient’s knowledge of fraud after receipt — Whether recipient liable as constructive trustee

*Comboni Vincenzo and another v Shankar’s Emporium (Pte) Ltd* [2007] SGHC 55

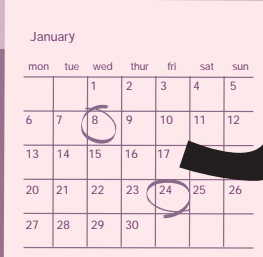


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## LEGAL EDUCATION & TRAINING CALENDAR FROM AUGUST 2007 TO OCTOBER 2007

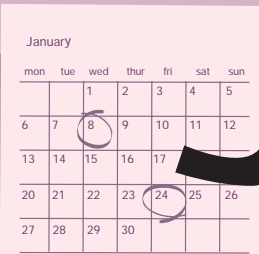
DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
13–15 Aug (Mon–Wed) 9.00am–5.00pm	EFS FE Full Course	Clifford Leslie Nonis, Crimson Logic	SAL
16 Aug (Thu) 1.30pm–5.30pm	STARS e-Lodgement	Serena Lim, BiziBody	SAL
20 Aug (Mon) 9.30pm–5.30pm	LawNet Services at a Glance	Clifford Leslie Nonis, Crimson Logic	SAL
22 Aug (Wed) 1.30pm–5.30pm	Adobe 7.0	NTUC Learning Hub	SAL
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





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DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
23 Aug (Thu) 9.00am–12.00pm	EFS Phase 4B	Clifford Leslie Nonis Crimson Logic	SAL
24 Aug (Fri) 9.00am–5.00pm	LawNet Conveyancing: Intereq and STARS e-Lodgement	Serena Lim, BiziBody	SAL
29 Aug (Wed) 9.00am–5.00pm	EFS ROC Phase 1 & 2	Clifford Leslie Nonis, Crimson Logic	SAL
29 Aug (Wed) 2.30pm–5.00pm	The Kyoto Protocol and the International Carbon Market: Perspectives for a Post-Kyoto Agreement	Dr Charlotte Streck, Director, Climate Focus BV & Asst Prof Jolene Lin, Chairman, Faculty of Law, University of Hong Kong	Asia-Pacific Centre for Environmental Law (APCEL) & LES
3 Sep (Mon) 9.00am–5.00pm	MS Word for Legal Professionals	Clifford Leslie Nonis, Crimson Logic	SAL
5 Sep (Wed) 1.30pm–5.30pm	Adobe 8.0	NTUC Learning Hub	SAL



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DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
10–12 Sep (Mon–Wed) 9.00am–5.00pm	EFS FE Full Course	Clifford Leslie Nonis, Crimson Logic	SAL
20 & 21 Sep (Thu & Fri) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Loong Seng Onn & Carol Liew	SMC
3–5 Oct ((Wed–Fri) 12 Oct (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>