



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CIVIL LAW ACT 1909

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Civil Law Act 1909

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Law and equity to be administered concurrently
4. Administration of insolvent estates, and winding up of companies. Bankruptcy rules to prevail
5. Agreement by way of gaming or wagering to be null and void
- 5A. Abolition of tort of maintenance and champerty
- 5B. Validity of certain contracts for funding of claims
6. Contracts which must be evidenced in writing
7. Trusts respecting immovable property and disposition of equitable interest
8. Abolition of rule in *Bain v Fothergill*
9. Continuity of contracts on European Economic and Monetary Union
10. Effect of death on certain causes of action
11. Abolition of right to damages for loss of expectation of life
12. Power of courts of record to award interest on debts and damages
13. Charges and mortgages over choses in action
14. Abolition of husband's liability for wife's torts and antenuptial contracts, debts and obligations
15. Entitlement to contribution
16. Assessment of contribution
17. Proceedings against persons jointly liable for same debt or damage
18. Successive actions against liability (jointly or otherwise) for same damage
19. Interpretation and application of sections 15, 16, 17 and 18
20. Right of action for wrongful act causing death
21. Bereavement
22. Assessment of damages
23. Appointments to be valid notwithstanding one or more objects excluded, or only take an unsubstantial share
24. Executor deemed to be trustee for person entitled to residue on intestacy

Section

25. Executor of executor represents original testator
 26. Devisee of land not to claim payment of mortgage debt out of movable property
 27. Bona vacantia, etc.
 28. No person chargeable with rent bona fide paid to holder under defective title
 29. Rules to apply to State Courts
 30. Presumption of survivorship in regard to claim to property
 31. Accumulation of income
 32. Fixed perpetuity period of 100 years
 33. Powers of appointment
 34. Necessity to wait and see
 35. Contracts of minors who have attained 18 years of age
 36. Legal proceedings and actions by minors who have attained 18 years of age
The Schedule — Legal proceedings and actions to which section 36 applies
-

An Act to consolidate certain provisions of the civil law.

[23 July 1909]

Short title

1. This Act is the Civil Law Act 1909.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “court” means the General Division of the High Court;
 - “executor” means the executor or administrator of a deceased person, and includes, as regards any obligation, any person who takes possession of or intermeddles with the property of a deceased person;
 - “will” includes a codicil.

[40/2019]

Law and equity to be administered concurrently

3. In every civil cause or matter commenced in the court, law and equity shall be administered by the court in its original jurisdiction and by the Appellate Division of the High Court or the Court of Appeal according to the rules following:

Plaintiffs to have equitable relief in claims

- (a) if any plaintiff claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim whatsoever asserted by any defendant in such cause or matter, or to any relief founded upon a legal right, which before 1 January 1879 could only have been given by the court on its equity side, the court shall give to such plaintiff such and the same relief, as ought to have been given by the court, on its equity side, in a suit or proceeding for the same, or the like purpose, properly instituted before that date;

Defendants the same in defences

- (b) if any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any plaintiff in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff in such cause or matter, the court shall give to every equitable estate, right or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff, as the court on its equity side ought to have given, if the same or the like matters had been relied on by way of defence, in any suit or proceeding instituted in the court on its equity side, for the same or the like purpose, before 1 January 1879;