

Civil Law (Amendment) Bill

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Bill No: 38/2008

Read the first time: 17th November 2008

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Explanatory Statement

Expenditure of Public Money

Civil Law (Amendment) Bill

Bill No. 38/2008

Read the first time on 17th November 2008.

An Act to amend the Civil Law Act (Chapter 43 of the 1999 Revised Edition) to reform the law relating to damages for causing wrongful death, to provide for contracts entered into by minors who have attained the age of 18 years to have effect as if they were contracts made by persons of full age, to allow such minors to bring certain legal proceedings and actions in their own names as if they were of full age, and to make consequential and related amendments to certain other written laws so as to allow such minors to engage in certain commercial activities.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Civil Law (Amendment) Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 4

2. Section 4(12) of the Civil Law Act (referred to in this Act as the principal Act) is amended by deleting the word “infants” wherever it appears (including the subsection heading) and substituting in each case the word “minors”.

Amendment of section 20

3. Section 20(8) of the principal Act is amended by inserting, immediately after the word “husband” in paragraph (a), the words “or former wife”.

Amendment of section 21

4. Section 21 of the principal Act is amended —

- (a) by deleting “\$10,000” in subsection (4) and substituting “\$15,000”; and
- (b) by deleting subsection (6) and substituting the following subsection:

“(6) The Minister may, by order published in the *Gazette*, substitute the sum specified in subsection (4) with such other sum as he thinks fit.”.

Amendment of section 22

5. Section 22 of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) In assessing the damages under subsection (1), the court shall take into account any moneys or other benefits which the deceased would be likely to have given to the dependants by way of maintenance, gift, bequest or devise or which the dependants would likely to have received by way of succession from the deceased had the deceased lived beyond the date of the wrongful death.”; and

(b) by inserting, immediately after subsection (3), the following subsection:

“(3A) In an action brought under section 20, the damages payable to a former wife of the deceased shall only be in respect of a subsisting maintenance order against the deceased at the time of his death.”.

New sections 35 and 36 and Schedule

6. The principal Act is amended by inserting, immediately after section 34, the following sections and Schedule:

“Contracts of minors who have attained 18 years of age

35.—(1) Except as otherwise provided by this section or by any other written law, as from the appointed day, a contract entered into by a minor who has attained the age of 18 years shall have effect as if he were of full age.

(2) Where a minor has, on the appointed day, already attained the age of 18 years, subsection (1) shall apply to him and to contracts entered into by him on and after that day.

(3) Subsection (1) shall not affect or alter —

- (a) a minor’s lack of capacity to enter into contracts arising from reasons other than because of his age; or
- (b) the application of any provision in any other written law stipulating a requirement as to the attainment of a particular age for the purposes of that written law.

(4) The following contracts, if entered into by a minor who has attained the age of 18 years, shall not, by virtue of subsection (1), have effect as if he were of full age:

- (a) any contract for the sale, purchase, mortgage, assignment or settlement of any land, other than a contract for a lease of land not exceeding 3 years;
- (b) any contract for a lease of land for more than 3 years;
- (c) any contract whereby the minor's beneficial interest under a trust is sold or otherwise transferred to another person, or pledged as a collateral for any purpose; and
- (d) any contract for the settlement of —
 - (i) any legal proceedings or action in respect of which the minor is, pursuant to any written law, considered to be a person under disability on account of his age; or
 - (ii) any claim from which any such legal proceedings or action may arise.

(5) Subsection (1) does not entitle —

- (a) a trustee to pay money or deliver property to a minor who has attained the age of 18 years otherwise than in accordance with the terms of the trust; or
- (b) a minor who has attained the age of 18 years to enter into a contract whereby a trust is extinguished or the terms of a trust are varied, and any such contract entered into by the minor shall not, by virtue of that subsection, have effect as if the minor were of full age.

(6) Nothing in this section shall apply to or affect any contract that was made before the appointed day, and the law in force immediately before that day shall continue to apply in relation to such a contract as if this section had not been enacted.

(7) Nothing in this section shall limit or affect the rule of law whereby a minor is not liable in tort for procuring a contract by means of fraudulent representations as to his own age or any other matter.

(8) In this section, “appointed day” means the date of commencement of section 6 of the Civil Law (Amendment) Act 2008.

Legal proceedings and actions by minors who have attained 18 years of age

36.—(1) Notwithstanding any other written law, a minor who has attained the

age of 18 years and who is not otherwise under any legal disability —

- (a) may, in his own name and without a litigation representative, bring, defend, conduct or intervene in any legal proceeding or action specified in the Schedule as if he were of full age; and
- (b) shall not be considered to be a person under disability on account of his age for the purpose of any such legal proceeding or action or for the purpose of any written law regulating the limitation of actions.

(2) The Minister may, at any time, by order published in the *Gazette*, amend the Schedule.

THE SCHEDULE

Section 36

LEGAL PROCEEDINGS AND ACTIONS TO WHICH SECTION 36 APPLIES

1. Any legal proceeding or action arising from or in connection with a contract to which the minor is a party and which, by virtue of section 35, has effect as if the minor were of full age.
2. Any legal proceeding or action arising from or in connection with the minor acting as —
 - (a) a director of a company; or
 - (b) a manager of a limited liability partnership.
3. Any legal proceeding or action arising from or in connection with a bill of exchange that has been drawn or indorsed —
 - (a) by the minor; or
 - (b) by another person in favour of the minor.
4. Where the minor is registered under the Business Registration Act (Cap. 32) to carry on any business (whether as a sole proprietor or in partnership with one or more other persons) —
 - (a) any legal proceeding or action arising from or in connection with his carrying on of such business; or
 - (b) any legal proceeding or action arising from or in connection with his acting as a person responsible for the management of such business (as defined in section 2(1) of that Act).”.

Consequential and related amendments to other written laws

7. The provisions of the Acts specified in the first column of the Schedule are