

Application of English Law Bill

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Bill No: 26/1993

Read the first time: 30th August 1993

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Explanatory Statement

Expenditure of Public Money

Application of English Law Bill

Bill No. 26/1993

Read the first time on 30th August 1993.

An Act to declare the extent to which English law is applicable in Singapore and for purposes connected therewith and to make consequential amendments to the Civil Law Act (Chapter 43 of the 1988 Revised Edition), the Conveyancing and Law of Property Act (Chapter 61 of the 1985 Revised Edition), the Extradition Act (Chapter 103 of the 1985 Revised Edition), the Insurance Act (Chapter 142 of the 1985 Revised Edition) and the Penal Code (Chapter 224 of the 1985 Revised Edition), and to repeal the Voluntary Conveyances Act (Chapter 346 of the 1985 Revised Edition).

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

Short title

1. This Act may be cited as the Application of English Law Act 1993.

Interpretation

2. In this Act, unless the context otherwise requires —

“English enactment” means an enactment of the Parliament of England, the Parliament of Great Britain or the Parliament of the United Kingdom;

“local Act” means an Act of the Parliament of Singapore and includes any Ordinance or Act of Singapore or of Malaysia having the force of law in Singapore.

Application of common law and equity

3.—(1) The common law of England (including the principles and rules of equity), so far as it was part of the law of Singapore immediately before the commencement of this Act, shall continue to be part of the law of Singapore.

(2) The common law shall continue to be in force in Singapore, as provided in subsection (1), so far as it is applicable to the circumstances of Singapore and its inhabitants and subject to such modifications as those circumstances may require.

Application of English enactments

- 4.—(1) Subject to the provisions of this section and of any other written law, the

following English enactments shall, with the necessary modifications, apply or continue to apply in Singapore:

- (a) the English enactments specified in the second and third columns of the First Schedule to the extent specified in the fourth column thereof; and
- (b) any other English enactment which applies to or is in force in Singapore by virtue of any written law.

(2) The English enactments specified in Part II of the First Schedule shall be the enactments as they are in force at the commencement of this Act, subject to the exceptions specified in the fourth column of that Part and to the amendments specified in Part III of that Schedule.

(3) To the extent to which any of the provisions of any English enactment is inconsistent with the provisions of any local Act in force at or after the commencement of this Act, the provisions of the local Act shall prevail.

(4) In relation to any English enactment specified in the First Schedule, unless the context otherwise requires —

- (a) any reference to the United Kingdom shall be read as a reference to Singapore;
- (b) any reference to the High Court shall be read as a reference to the High Court in Singapore;
- (c) any reference to a County Court shall be read as a reference to a District Court in Singapore;
- (d) any reference to the holder of an office shall be read as a reference to the holder of the corresponding office in Singapore;
- (e) any reference to a statute or a statutory provision shall, where applicable, be read as a reference to the corresponding statute or statutory provision in Singapore; and
- (f) any reference or provision relating to Scotland or Northern Ireland or to any enactment relating to Scotland or Northern Ireland shall be disregarded.

Other enactments not part of law of Singapore

5.—(1) Except as provided in this Act, no English enactment shall be part of the law of Singapore.

(2) Where any English enactment ceases by virtue of this Act to be part of the law of Singapore, the Interpretation Act [Cap. 1] shall apply as it would apply on the repeal of

an Act of the Parliament of Singapore.

Repeal

6.—(1) Subject to subsection (2), section 5 of the Civil Law Act [Cap. 43] is repealed.

(2) In respect of any proceedings instituted or any cause of action accruing before the commencement of this Act, section 5 of the Civil Law Act shall continue to apply as if it had not been repealed by this Act.

(3) The Voluntary Conveyances Act [Cap. 346] is repealed.

Miscellaneous amendments

7. The local Acts specified in the Second Schedule are amended in the manner provided in that Schedule.

Modification Orders

8. The Minister may, on the advice of the Law Revision Commissioners and where he considers it necessary or expedient for the purpose of removing any difficulty arising from local conditions or circumstances in the application of any provision in any English enactment specified in the First Schedule, by order modify or substitute that provision.

Revised edition of English enactments

9.—(1) The Law Revision Commissioners appointed under the Revised Edition of the Laws Act [Cap. 275] may prepare and publish a revised edition of any English enactment specified in the First Schedule so as to bring the enactment into conformity with the local Acts.

(2) In preparing a revised edition under subsection (1), the Commissioners shall have all the powers under section 4 of the Revised Edition of the Laws Act.

(3) The Commissioners shall transmit to the President a copy of any revised edition of an English enactment published under this section and with effect from such date as the President may specify by order in the *Gazette* any such revised edition shall, in all courts and for all purposes, be the sole and only proper law of Singapore in respect of that enactment.

(4) Every revised edition of an English enactment shall, as soon as possible after the publication of such order, be presented to Parliament.

(5) Where a revised edition of any English enactment has been published under this section, the Commissioners may, from time to time if they consider necessary, issue a subsequent revised edition of that enactment.

FIRST SCHEDULE

Section 4(1)

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
Item	Session or Year and Chapter No.	Title or Short Title	Extent of Application
PART I			
IMPERIAL ACTS			
1.	41 & 42 Victoria c.73	Territorial Waters Jurisdiction Act 1878	The whole
2.	1 & 2 George V c.57	Maritime Conventions Act 1911	The whole
3.	18 & 19 George V c.23	Straits Settlements and Johore Territorial Waters (Agreement) Act 1928	The whole
PART II			
ENACTMENTS RELATING TO COMMERCIAL LAW			
1.	19 & 20 Victoria c.97	Mercantile Law Amendment Act 1856	Sections 3 and 5.
2.	30 & 31 Victoria c.144	Policies of Assurance Act 1867	The whole except section 8.
3.	52 & 53 Victoria c.45	Factors Act 1889	The whole except the amendment to section 9 by the Consumer Credit Act 1974.
4.	53 & 54 Victoria c.39	Partnership Act 1890	The whole
5.	6 Edward VII c.41	Marine Insurance Act 1906	The whole
6.	20 & 21 George V c.25	Third Parties (Rights against Insurers) Act 1930	The whole except the amendments effected by the Insolvency Act 1985 and the Insolvency Act 1986.
7.	8 & 9 Elizabeth II c.46	Corporate Bodies' Contracts Act 1960	The whole
8.	1967 c.7	Misrepresentation Act 1967	The whole