

**Civil Law Act
(CHAPTER 43)**

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CIVIL LAW ACT

(CHAPTER 43)

(Original Enactment: ORDINANCE 8 of 1909)

REVISED EDITION 1999

(1st August 1999)

An Act to consolidate certain provisions of the civil law.

[23rd July 1909]

Short title

1. This Act may be cited as the Civil Law Act.

Interpretation

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

“court” means the High Court and includes any Judge thereof whether sitting in court or in chambers;

“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.

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 Court of Appeal according to the rules following:

Plaintiffs to have equitable relief in claims

- (a) if any plaintiff or petitioner 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 1st January 1879 could only have been given by the court on its equity side, the court shall give to such plaintiff or petitioner 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 or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner 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 or petitioner, 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 1st January 1879;

Defendants to have relief against plaintiffs in suit, service and effect of service

- (c) the court may also grant to any defendant, in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or petitioner, as such defendant shall have properly claimed by his pleading, and as the court might have granted in any suit instituted for that purpose, by the same defendant against the same plaintiff or petitioner before 1st January 1879 and also all such relief, relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who has been duly served with notice in writing of such claim, pursuant to the Rules of Court, as might properly have been granted against such person, if he had been made a defendant to a cause, duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights, in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant;

Equitable rights appearing incidentally

- (d) the court shall recognise and take notice of all equitable estates, titles and rights, and all equitable duties and liabilities, appearing incidentally in the course of any cause or matter, in the same manner in which the court on its equity side would have recognised and taken notice of the same, in any suit or proceeding duly instituted therein before 1st January 1879;

Suits not to be restrained by prohibition or injunction

- (e) no cause or proceeding at any time pending in the court in its original jurisdiction or in the Court of Appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained if the Civil Law Ordinance 1878 (IV/1878) had not been passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto;

Court may grant stay of proceedings by motion in a summary way

- (f) nothing in this Act shall disable the court from directing a stay of proceedings in any cause or matter pending before it, if it thinks fit; and any person, whether a party or not to any such cause or matter, who would have been entitled if the Civil Law Ordinance 1878 had not been passed, to apply to the court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, may apply to the court, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally, or so far as is necessary for the purpose of justice; and the court shall thereupon make such order as is just;

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Subject as above, court to give effect to claims at law, and by custom or statute

- (g) subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in the manner aforesaid, the said court shall recognise and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations and liabilities by the common law or by any custom, or created by any law having force in Singapore, in the same manner as the same would have been recognised and given effect to if this Act had not been passed;

Court to grant all such remedies as any of the parties are entitled to in respect of every legal and equitable claim to avoid multiplicity

- (h) the court in the exercise of its original jurisdiction and the Court of Appeal, in every cause or matter pending before it, shall grant, either absolutely or