**Introduction to the Singapore Legal System**

**Tutorial 4**

1. Explain the doctrine of binding precedents.

Under this doctrine:

– The judge has to follow a prior decision of the courts above in the hierarchy IF the case he/she is now deciding is similar to that prior case.

– Also known as the theory of stare decisis (let the decision stand) where the decision of the higher court binds lower courts.

1. What is the primary function of civil law?

Collection of rules that govern the relationships among individuals.

– Deals with disputes between individuals in which compensation is awarded to the victim.

– Civil case is filed by an individual.

– Defendant can be found liable, or not liable.

– To give compensation (usually financial ($$$) to an individual who has been injured by another.

– The State is not involved

1. What is the primary function of criminal law?
2. Com-pro Ltd sold ExCon Pte Ltd computer equipment totalling $ 65,000 which the latter intended to resell in the retail stores. However, due to the economic downturn, ExCon faced difficulties selling the equipment, and was therefore unable to pay Com-Pro. Com-Pro now wants to sue ExCon to recover the $ 65,000 owing from them.

a) Com-Pro wanted to save costs and decided to start the legal action in the Magistrates’ Court. Can they do so? Why?

**No, Magistrates Court cases are limited to a $60,000 claim in civil cases.**

b) Which court should they start the action in? Why?

**District Courts.**

c) Would Com-Pro be able to appeal to the Court of Appeal if they were not satisfied with the decision of the first instance court? Why?

**No, Com-Pro would need to go through the High Court before they are able to appeal**

d) Assuming that the amount owing by ExCon was $ 250,000 instead, which Court should Com-Pro bring its action now?

**District Courts**

5. What is the jurisdiction (legal authority) of the Magistrates’ and District Courts regarding criminal offences?

**Both the Magistrates’ and District Court have civil and criminal jurisdiction**

**Magistrates’ Court:**

* **Criminal jurisdiction limited to trying cases where maximum jail sentence does not exceed 5 years.**

**District Court:**

* **Criminal jurisdiction limited to trying cases where maximum jail sentence doe not exceed 10 years.**

6. A decision by the High Court will \_\_\_\_\_\_\_\_\_\_ .

1. bind a District Court
2. not bind a Magistrate Court
3. bind the Court of Appeal
4. not bind the District Court

7. (a) What are two other sources of Singapore law besides legislation?

* **The Singapore Constitution**
* **Statutes**
* **Case Law**

(b) List and explain two purposes of legislation.

* **Introduce new laws, e g Covid 19 (Temporary Measures Act 2020)**
* **Repeal existing laws which may no longer be relevant, e g S309 Penal Code (attempting suicide no longer a crime)**
* **To implement government policy, e g current changes to CPF drawings**

(c) What are the three arms of Government in Singapore?

* **Legislation**
* **Executive**
* **Judiciary**

8. The legislative process involves three readings of a Bill. What do Members of Parliament do during the second reading of a Bill?

1. Introduce the Bill.
2. Consult the President on her views on the Bill.
3. Debate on the Bill.
4. Vote on the Bill.