

IT1218/IT1769

LAW & ETHICS OF IT

- Lecture 06 : Singapore Legal System



6. Singapore Legal System

<http://www.singaporelaw.sg/sglaw/>

Overview

- An introduction to the elements of Singapore's legal system
- An overview of the sources of law
- An introduction to the principle of precedent
- An understanding to the classification of legal systems

Outline

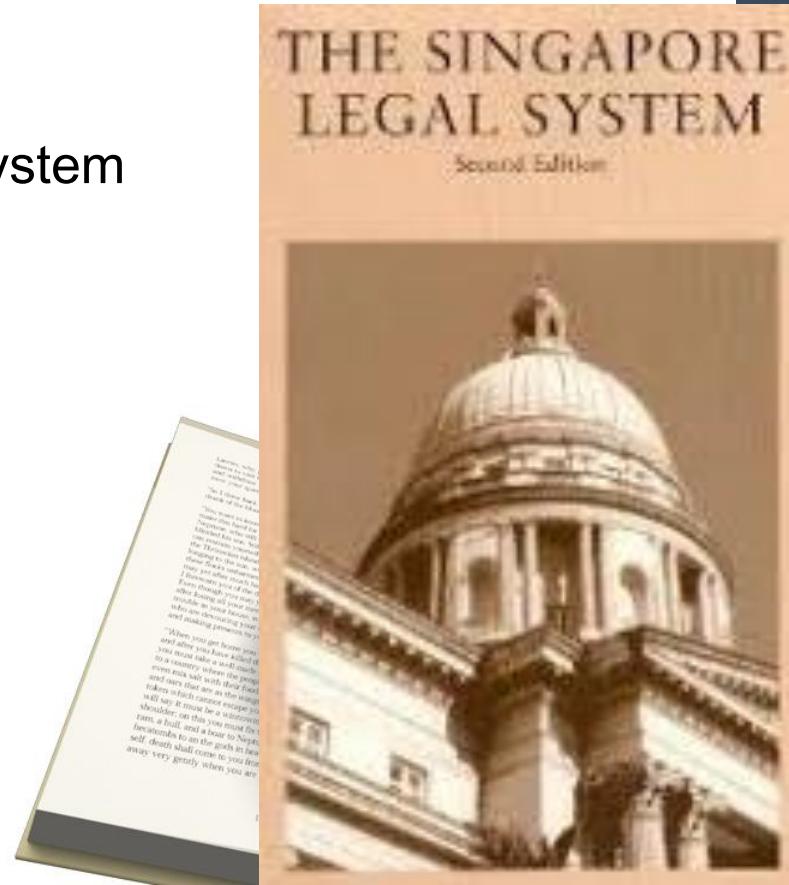
6.1 Introduction to Singapore's Legal System

6.2 Written Law

- a) The Constitution
- b) Acts of Parliament
- c) Ordinances
- d) Subsidiary Legislation

6.3 Unwritten Law

- a) Case Law
- b) Custom



6. Singapore Legal System

Outline

6.4 Separation of Powers

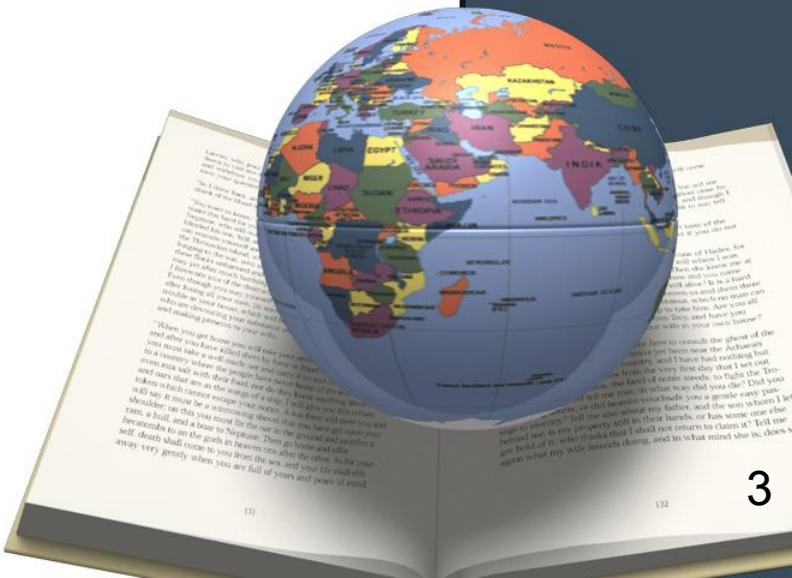
- a) The Executive
- b) The legislature
- c) The judiciary

6.5 Litigation Process (Civil)

6.6 Alternative Dispute in Singapore

- a) Arbitration
- b) Mediation
- c) Adjudication
- d) Conciliation
- e) Neutral evaluation

6.7 Appendixes



6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

Fundamental Rights

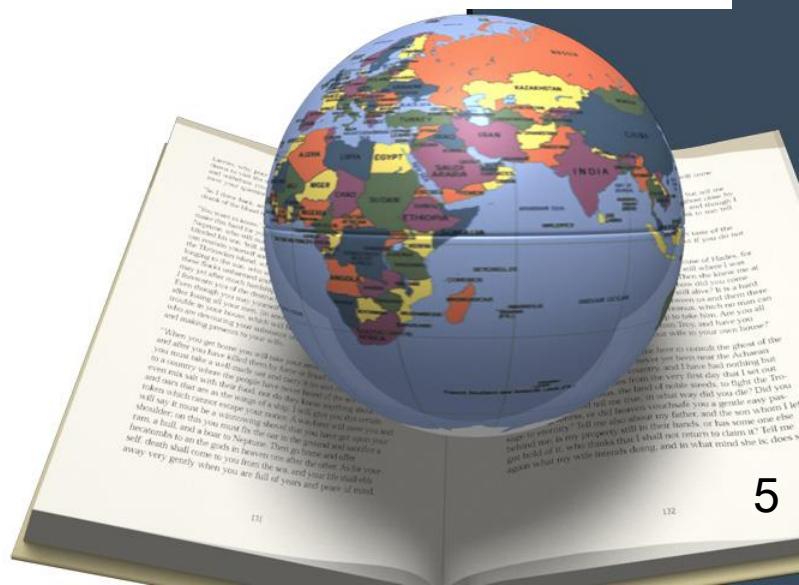
- 1.4.3 Part IV of the Constitution entrenches certain fundamental rights, such as the freedom of religion, freedom of speech and equal rights.
- These individual rights are not absolute but qualified by public interests such as maintenance of public order, morality and national security.
- Apart from the general protection of racial and religion minorities, the special position of Malays, as the indigenous people of Singapore, is constitutionally mandated.

6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

What is the role of law in a society ?

- Defining **rights** and **obligations** of individual
- Aligning rights of individuals and the society
- Providing **general protection** when rights are violated
- Providing remedies
- Enforce the Rule of Law as applied to society



6. Singapore Legal System

Man jailed for threatening to burn down mother's flat

Elena Chong
Court Correspondent

For the last decade, Khairudin Mohamed's mother had a personal protection order against her own son.

But that did not stop the 39-year-old from threatening to burn down her flat after cutting the hose of a gas cylinder, an incident

which yesterday saw him jailed for 15 months. He pleaded guilty to criminal intimidation and a rash act at his home in Tampines Avenue 4 on Jan 27.

The court heard that the victim, Madam Safiah Che'mat Aliman, 67, was in the flat around 10am that day when Khairudin returned home and asked her for money. She gave him \$40 but he became angry and de-

manded more. He left the flat when she said she did not have more.

At about 1pm, Madam Safiah received a phone call from her son's girlfriend. The girlfriend hung up when she heard Khairudin was not at home. When Khairudin returned home at about 2pm, Madam Safiah told him his girlfriend had called. On hearing this, he became angry.

He threatened to burn the flat

down. He went to the kitchen and cut the hose of the gas cylinder which supplied gas to the stove.

He then picked up the gas cylinder, with the cut hose, and said to his mother in Malay: "You thought I was just joking. This time, it's for real."

He then entered his bedroom with the gas cylinder, while Madam Safiah called the police before leaving the flat. Khairudin was arrested.

Investigations showed that Madam Safiah had a personal protection order against Khairudin, restraining him from using violence against her. The order was issued on April 25, 2007. Three other charges were taken into consideration during sentencing.

Khairudin's lawyer Low Jianhui said his client was diagnosed with depression and anti-social person-



The writer notes that the Attorney-General of Singapore has two roles: first, that of the Government's legal adviser and, second, public prosecutor. ST FILE PHOTO

The public prosecutor, politics and the rule of law

6. Singapore Legal System

Singapore's Legal System

Singapore is a republic with a parliamentary system of Government based on Westminster Model with its root traced back to the English Legal system.

The parliament currently has 89 elected seats predominated by the ruling People's Action Party (PAP). The Constitution is the supreme law as the basic framework for the three organs of state, namely The Executive, The Legislature and The Judiciary.

3 Governing Arms: Government is based on a variant of the separation of powers principle, organised around the familiar trichotomy of powers:

- a) **The Executive** – President, PM/Cabinet, Attorney-Gen
(Role : execute laws)
- b) **The Legislature** – Parliament with President
(Role: make laws)
- c) **The Judiciary** – Supreme Court & State Court
(Role: enforce laws)

The executive: **executes** laws; The Legislature: **makes** laws; and

IT1218/IT The judiciary : **enforces** laws.

6. Singapore Legal System

6.4 Separation of Powers

6.4.1 The Executive (*The execution of law*)

The Executive includes the **Elected President & Prime Minister**, the **Cabinet** and the **Attorney-General**.

- The **President** is elected by the people and is empowered to veto government budgets and appointments to public office.
- The **Cabinet** comprises the Prime Minister and Ministers appointed from among the Members of Parliament and is responsible for the general direction and control of the Government and is accountable to Parliament.
- The **Attorney-General** is the principal legal advisor to the government and has the power and discretion to prosecute offenders.



6. Singapore Legal System

6.4 Separation of Powers

6.4.2 The Legislature (*The making of law*)

The Legislature comprises the **President** and **Parliament** and is the **legislative authority** responsible for enacting legislation.

- Parliament is made up of elected, non-constituency and nominated Members of Parliament.
- The President's assent is required for all bills passed by Parliament and he may in his discretion withhold assent to certain bills.

3.1 The Legislature

- Process of Law-making:
 - First Reading: Proposal
 - Second Reading: Reasons for the Bill
 - Third Reading: Bill is passed by Parliament
 - Submission to Presidential Council for Minority Rights
 - Bill is sent to the President
 - Presidential Approval

6. Singapore Legal System

6.4 Separation of Powers

6.4.3 The Judiciary

(The enforcement of law)

The Judiciary consists of the Supreme Court and the State Courts and the head of the Judiciary is the Chief Justice.

The Supreme Court and the State Courts each handles different types of legal cases within its jurisdiction.

(A) Supreme Court: Composition and Jurisdiction

- The Supreme Court consists of a permanent 3-member Court of Appeal and a High Court, and its powers and jurisdiction are delimited by the Supreme Court of Judicature Act (Cap. 322).
- The Court of Appeal composes of:
 - i. the Chief Justice as President;
 - ii. Vice Presidents;
 - iii. Judges of Appeal (other than Vice Presidents) and
 - iv. other High Court judges who may be appointed from time to time.

6. Singapore Legal System

6.4 Separation of Powers

6.4.3 The Judiciary

(A) Supreme Court: Composition and Jurisdiction

- As the highest appellate court (civil and criminal), it sits as a bench of **at least 3 judges**, but **may** constitute a bench of **5 to 7 judges**.
- It may only hear appeals on questions of law, not fact and its decision are binding on all other courts in the judiciary hierarchy except for itself.
- The High Court exercises both original and appellate jurisdiction over criminal and civil matters. The jurisdictional **minimum threshold for the High Court with respect to civil claims is \$250,000**.



6. Singapore Legal System

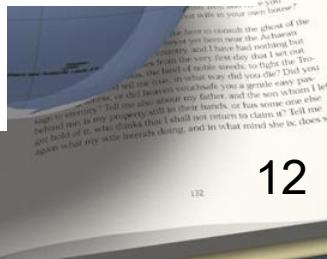
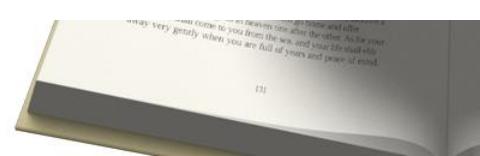
6.4 Separation of Powers

6.4.3 The Judiciary

(B) State Court

- State courts are creatures of statute and are regulated under the State Courts Act (Cap. 321).
- These compose of 5 tribunals as follow:
 - i. District Courts;
 - ii. Magistrates' Courts;
 - iii. Juvenile Courts; (Part III, Children and Young Persons Act Cap. 38)
 - iv. Coroners' Courts
 - v. Small Claims Tribunals.

Please refer to Appendix (III) – State Court for more information on each tribunals.



6. Singapore Legal System

Separation of Powers

SEPARATION of POWERS

司法

The Judiciary (enforce laws)

(Supreme Court & State Court)

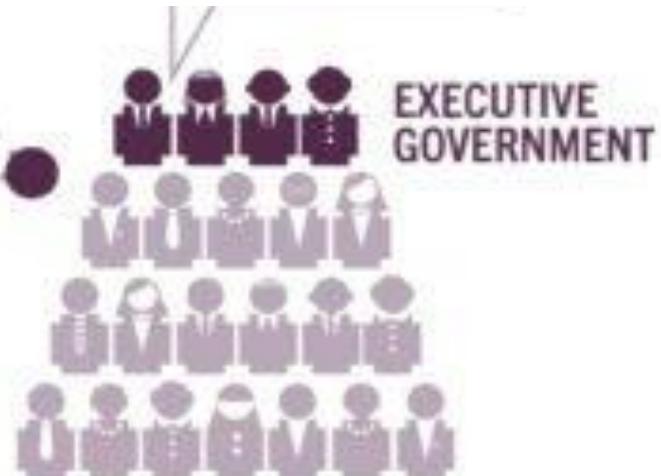


JUDICIARY

执法

The Executive (execute laws)

(President, PM/Cabinet, Attorney-General)



EXECUTIVE GOVERNMENT

立法机关

The Legislature (make/change laws)

(Parliament with President)

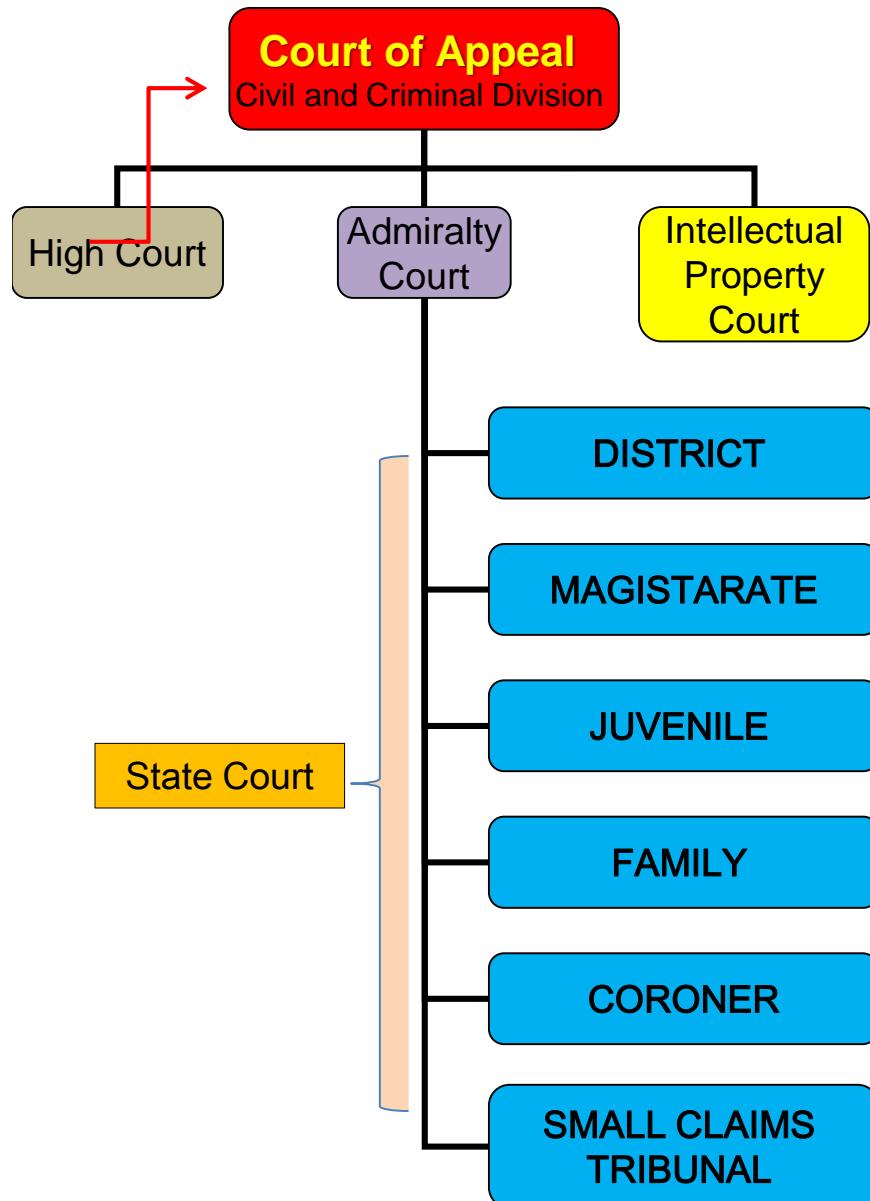


PARLIAMENT

6. Singapore Legal System

6.4.3 The Judiciary

TWO TIERS OF COURTS IN SINGAPORE

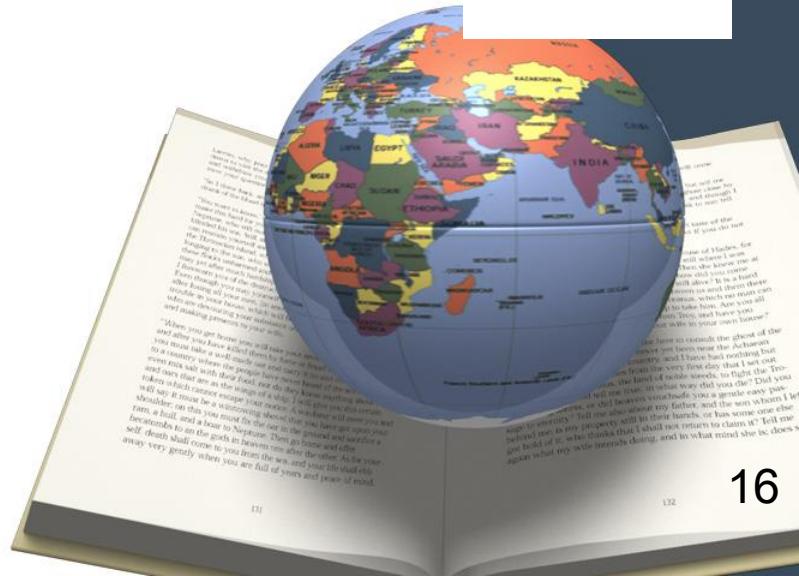


6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

Types of legal system: generally four types

1. **Civil law** (France; Dutch and their former colonies – Indonesia)
2. **Common law** (United Kingdom and their former colonies- Singapore)
3. **Socialist law** (China, Vietnam, Russia)
4. **Religious law** (Iran, Iraq, Afghanistan)



DIFFERENCES BETWEEN COMMON AND CIVIL LAWS

Common Law	Civil Law
Common law system of Singapore is characterised by the doctrine of judicial precedent (or stare decisis) (past legal precedents or judicial rulings are used to decide cases at hand)	The civil law systems place relatively less weight on prior judicial decisions and do not abide by the doctrine of stare decisis. (codified <u>statutes</u> and ordinances rule the land)
The common law courts in Singapore generally adopt an adversarial approach in litigation between the disputing parties.	Civil law judges tend to take a more active role in the finding of evidence to decide the outcome of the case
Numerous legal principles have been developed by common law judges	Civil law judges are more reliant on general and comprehensive codes governing wide areas

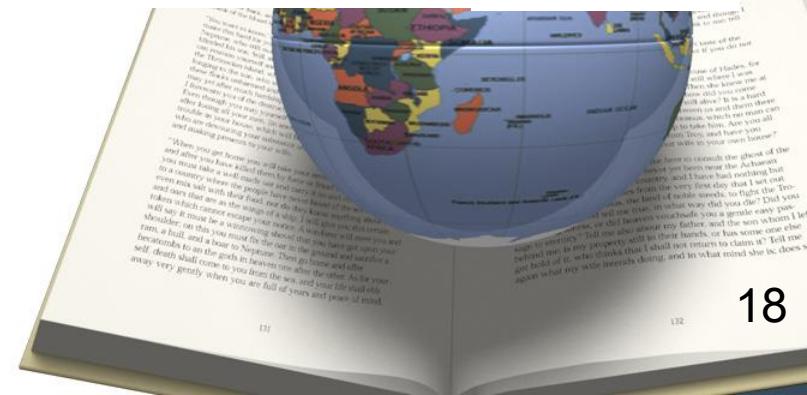
http://www.diffen.com/difference/Civil_Law_vs_Common_Law

6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

Types of Law:

- **Criminal cases** (offenses against community – prosecuted by the Attorney – General Chambers)
- **Civil cases** (private party suing each other)
- **Case law** – legal principles enunciated by the courts
- **Statute** – laws as passed by Parliament
- **Substantive law** (affecting rights and obligations)
- **Procedural law** (affecting procedures in courts)



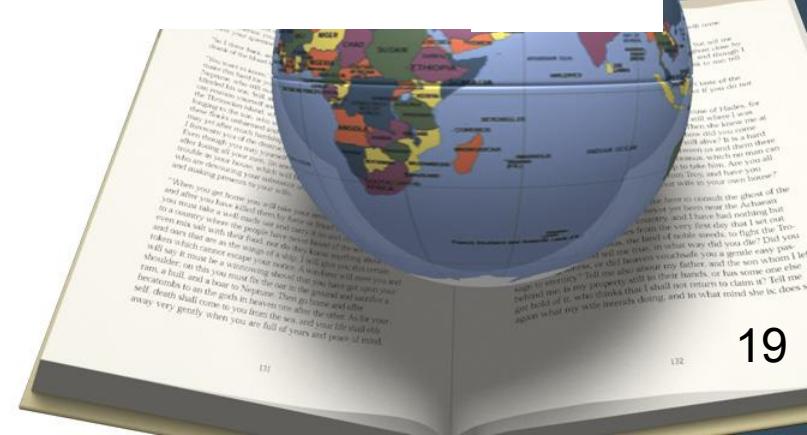
6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

Modern day Singapore started as a British colony in 1819. It remained a British colony for nearly 150 years.

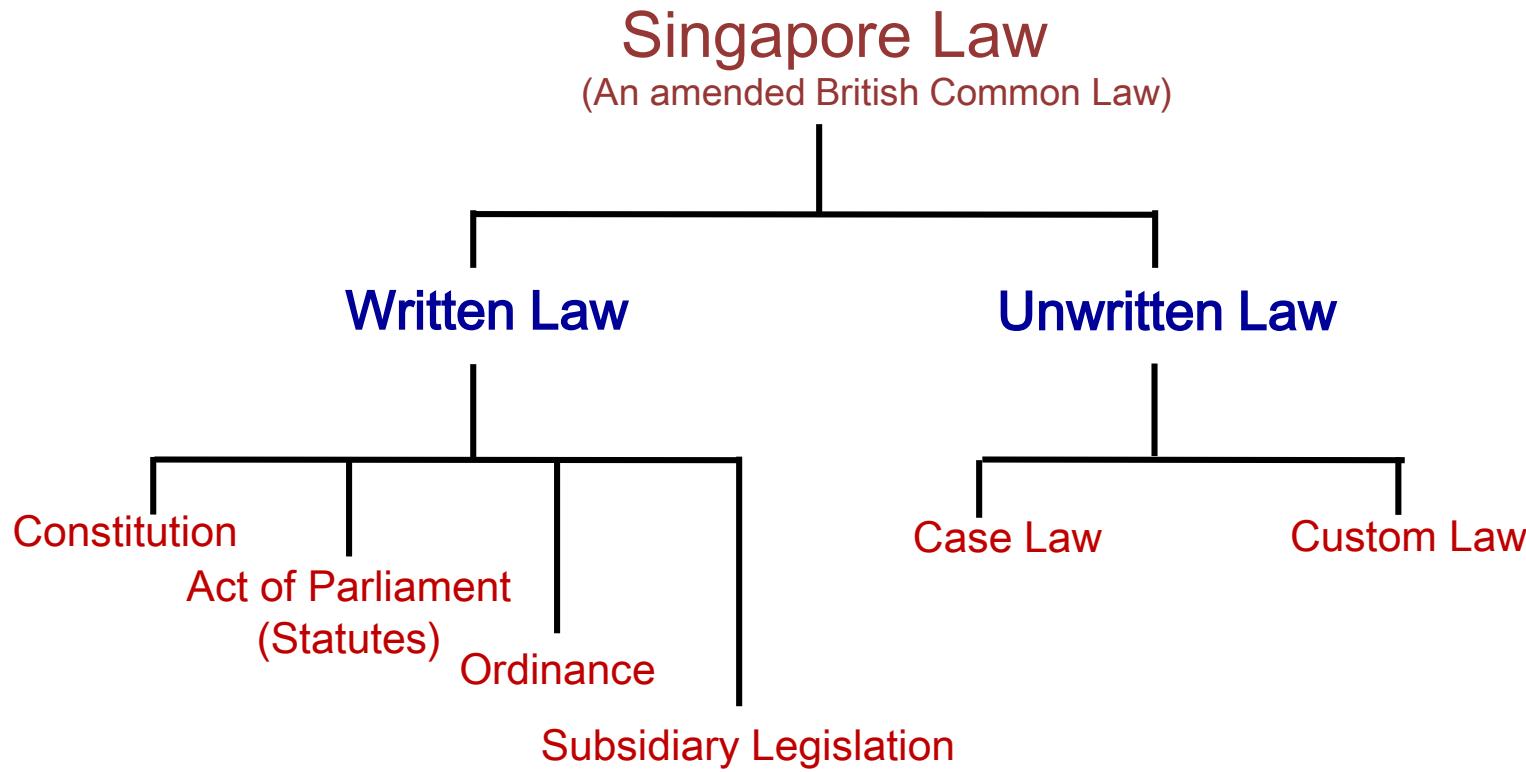
Unsurprisingly therefore, ***English law continues to have a significant influence on Singapore law to this day***. One important aspect of this is that ***Singapore adopts the English common law system***.

This comprises both “**written law**” and “**unwritten law**”.



6. Singapore Legal System

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Statutory law or **statute law** is written **law** set down by a body of legislature or by a singular legislator (in the case of an absolute monarchy).

This is as opposed to oral or customary **law**; or regulatory **law** promulgated by the executive or common **law** of the judiciary.

6. Singapore Legal System

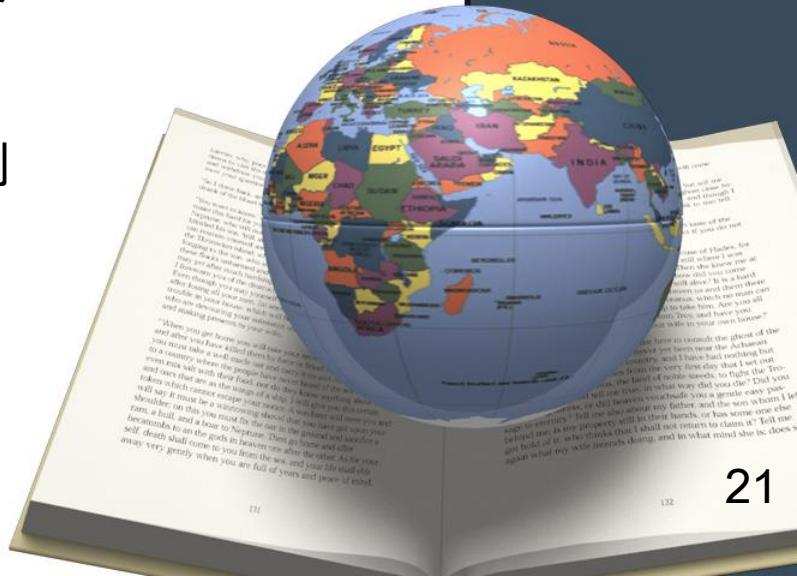
6.1 Introduction to Singapore's Legal System

6.1.1 Written Law

Written law is basically law enacted by a body with legislative powers.

Written law consists of:

- | | |
|----------------------------|------|
| (a) The Constitution | 宪法 |
| (b) Acts of Parliament | 国会法案 |
| (c) Ordinances | 法令 |
| (d) Subsidiary Legislation | 附属法例 |



6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

6.1.2 Unwritten Law

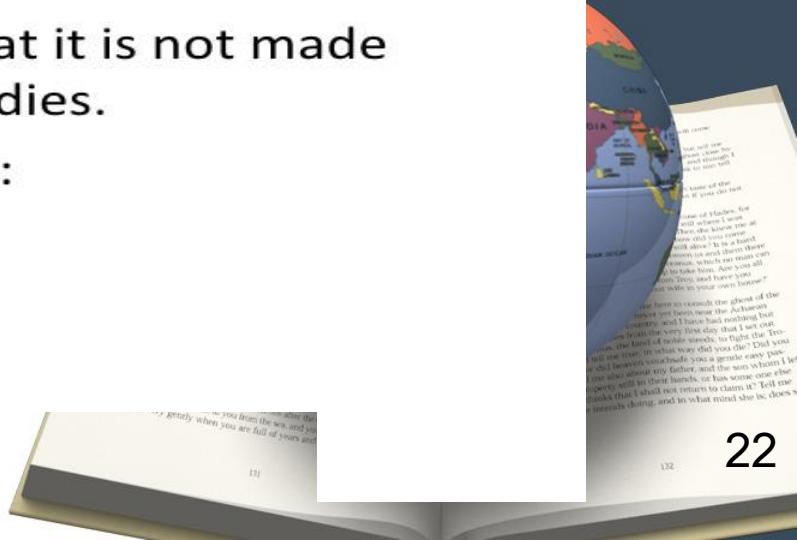
Law that is not written is just the opposite. It is not enacted. In Singapore, unwritten law comes from:

- (a) **Case law** (i.e. law made by judges when deciding cases)
- (b) **Customs**

Note: **Unwritten law**

- doesn't mean that it is not written
- what made it unwritten is that it is not made by the formal legislative bodies.
- Sources of unwritten law are:

1. English law
2. Case law
3. Customs



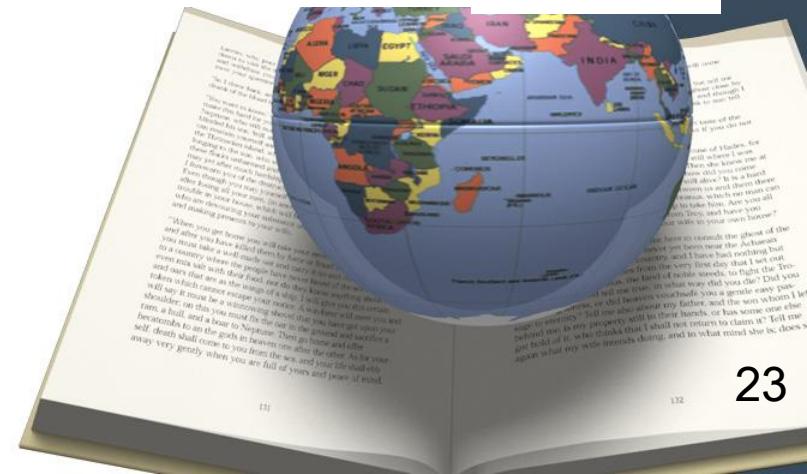
6. Singapore Legal System

6.2 Written Law

(a) The Constitution 宪法

The Constitution came into force on **9 August 1965**, the day of Singapore's independence from the Federation of Malaysia.

The Constitution primarily sets out *the fundamental principles and basic framework of the organization of the State/Country*. It also prescribes *the fundamental rights of the individual in the State/Country*.



6. Singapore Legal System

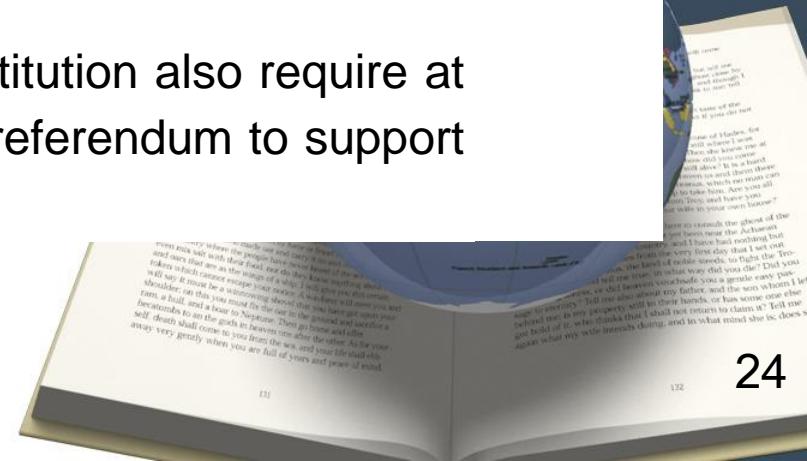
6.2 Written Law

(a) The Constitution

The Constitution is the supreme law of Singapore. Any law which conflicts with the Constitution is void. Singapore courts can strike down any legislative or executive acts if they are incompatible with the Constitution.

The Constitution can be amended. Generally, **at least two-thirds of elected Members of Parliament** (MPs) must support the amendment at the second and third readings of the Bill to amend the Constitution.

However, some provisions of the Constitution also require at least **two-thirds of voters** at a national referendum to support the amendment as well.



6. Singapore Legal System

6.2 Written Law

(b) Acts of Parliament

These are laws called statutes (or sometimes legislation) *made by the Singapore Parliament*. They are second in hierarchy after the Constitution. They cannot be inconsistent with the Constitution.

Acts usually only provide the basic legislative framework to implement a particular policy of the Government. The administrative and operational details are then fleshed out in **subsidiary legislation**.



6. Singapore Legal System

6.2 Written Law

(b) Acts of Parliament

Acts of Parliament start as Bills which are introduced in Parliament. Every Bill has to be read three times in Parliament. Parliament also has to debate them.

At the third reading, Parliament will vote whether to pass the Bill. Majority vote decides.

New Bill to raise minimum smoking age to 21

Oct 2017

Linette Lai

Singapore has taken its first legal step towards raising the minimum smoking age from 18 to 21, with the introduction of a new Bill in Parliament yesterday.

The Bill to amend the Tobacco (Control of Advertisements and Sale) Act will also make it illegal for people to own imitation tobacco

products such as e-cigarettes.

Currently, it is against the law to import, distribute, sell or offer to sell such products. With the proposed changes, owners of e-cigarettes can be fined up to \$2,000.

The Bill, tabled by Health Minister Gan Kim Yong, will be debated at a later date.

In an explanatory statement attached to the Bill, the Health Ministry said that raising the minimum

legal age is intended “to reduce, with a view to ultimately eliminating, the opportunities for the young to be tempted and take up smoking before attaining 21 years of age”.

In Singapore, the years between 18 and 21 are when nearly half of smokers start to light up on a regular basis. The average age at which people start to smoke has also gone down, from 17 in 2001 to 16 in 2013.

Mr Louis Ng (Nee Soon GRC), a for-

mer smoker, told The Straits Times the move is a “crucial step forward”.

“I started smoking when I was about 18... Research by the World Health Organisation shows people who don’t pick up smoking before 21 are unlikely to start,” he said.

Medical experts welcomed the draft law, but said it should be complemented by other measures.

These include more prominent public campaigns like deterrent ad-

6. Singapore Legal System

6.2 Written Law

(b) Acts of Parliament

- Process in developing Singapore law

Bills (draft legislation) (First Reading)



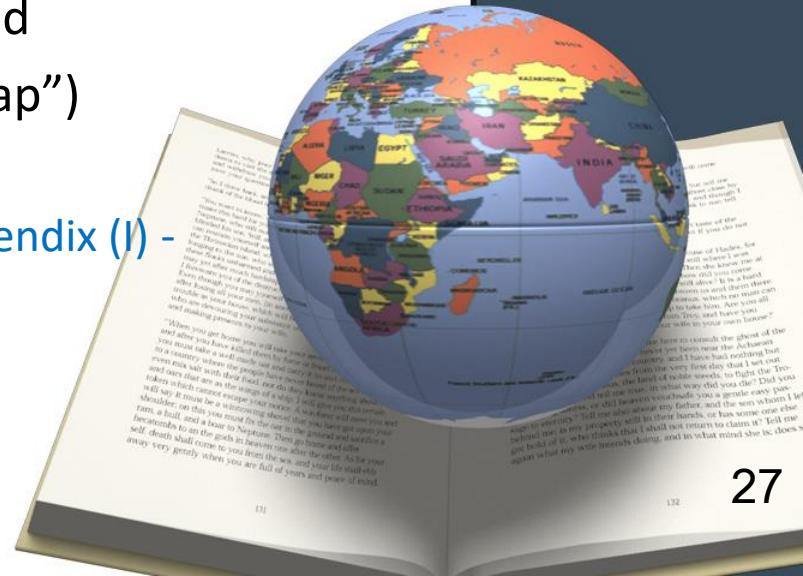
Second & Third Reading (debate –voted)



Passed by Parliament – President (assent)

- Date of law as specified or published
- Government Gazette – Citation (“Cap”)

For detail description, please refers to Appendix (I) -
Act of Parliament.



6. Singapore Legal System

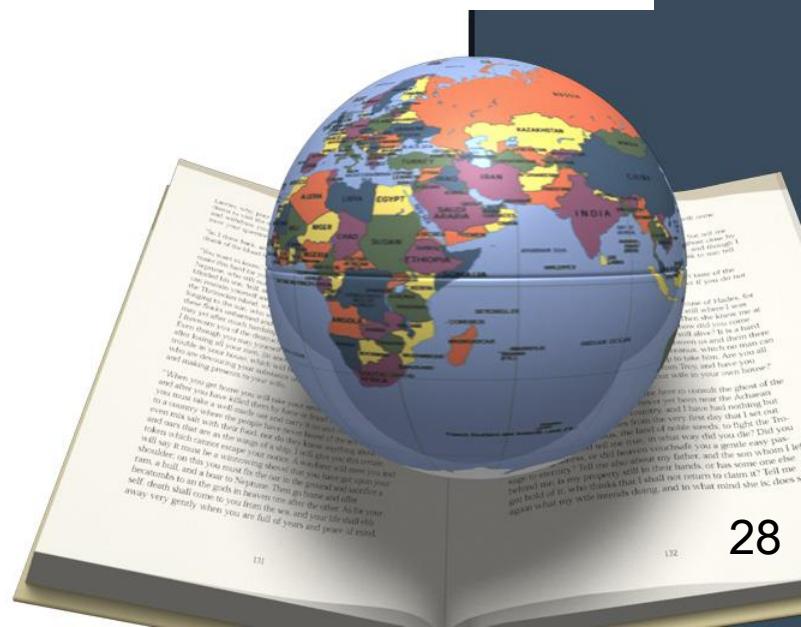
6.2 Written Law

(c) Ordinances

Ordinances are counterparts of Acts of Parliament. The difference is that they were enacted before Singapore became an independent nation in 1965.

There are still Ordinances in force today. Most however have now been revised and renamed as Acts.

e.g. National Service Ordinance



6. Singapore Legal System

6.2 Written Law

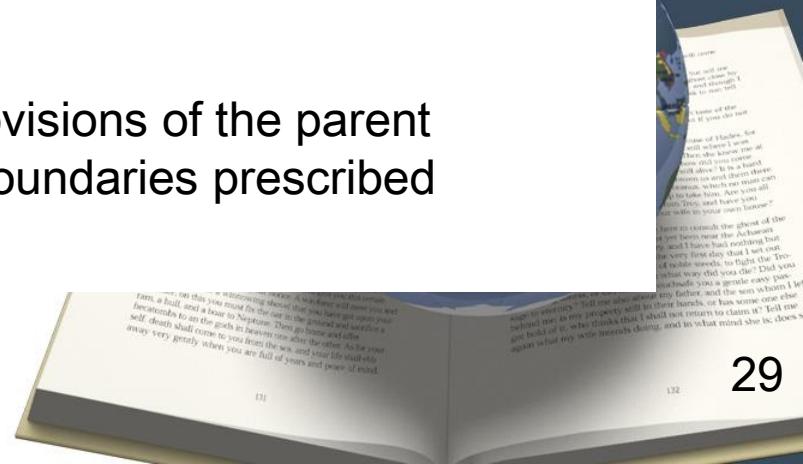
(d) Subsidiary Legislation

Subsidiary legislation is the last in the hierarchy of Singapore's written laws. However, they are no less important. *They are enacted under a single parent Act or Ordinance.*

Their function is *to fill in the administrative and operational details not covered by the parent statute itself.*

In other words, subsidiary legislation is *an extension of its parent Act or Ordinance.*

Hence, they cannot conflict with the provisions of the parent statute. They also cannot exceed the boundaries prescribed in the parent statute.



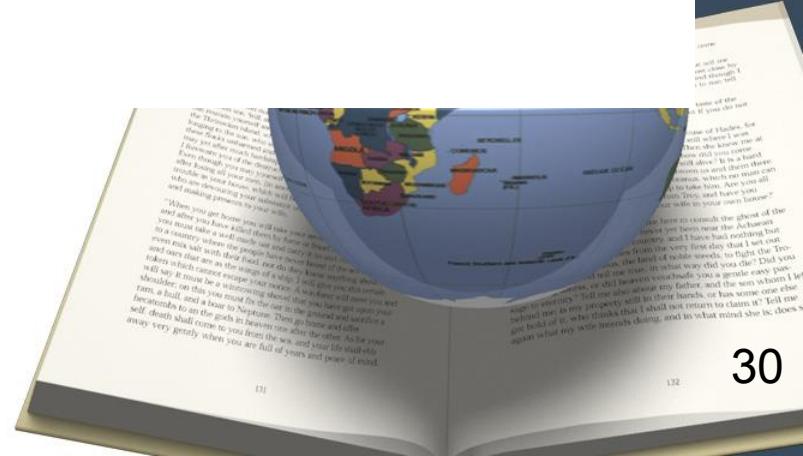
6. Singapore Legal System

6.2 Written Law

(d) Subsidiary Legislation

Subsidiary legislation has **an advantage over statutes. It can be brought into force and amended far quicker.** This is because subsidiary legislation need not be enacted by Parliament.

However, It still has to be sent to the Presidential Council for Minority Rights. Just as it does for Bills passed by Parliament, the Council has to similarly determine whether the subsidiary legislation discriminates any race (person) because of his race or religion.



6. Singapore Legal System

6.2 Written Law

(d) Subsidiary Legislation 附属法例

Subsidiary legislation can take many forms. Below is a list of different types of subsidiary legislation:

- **Regulations**
- **Rules**
- **Orders**
- **Notifications**
- **By-laws**
- **Proclamations**
- **Orders in Council**

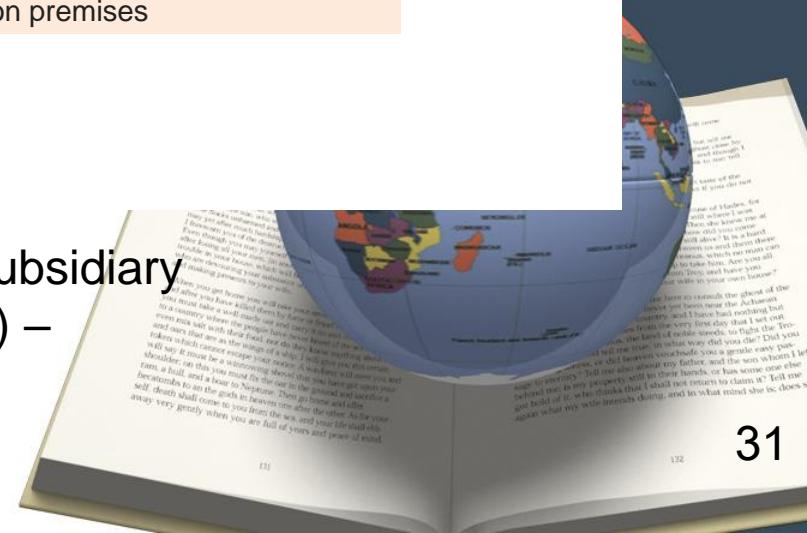
Rapid Transit Systems Regulations- prohibit consumption of food/drink within protected premises of railway

Miscellaneous Offences (Public Order and Nuisance)
(Assemblies and Processions) Rules

Public Entertainments and Meetings (Speakers' Corner)
(Exemption) Order^[L]

No smoking of cigarette in air-con premises

For detail description of each type of subsidiary legislation, please refer to Appendix (II) – Subsidiary Legislation



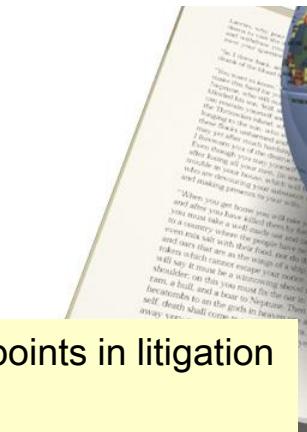
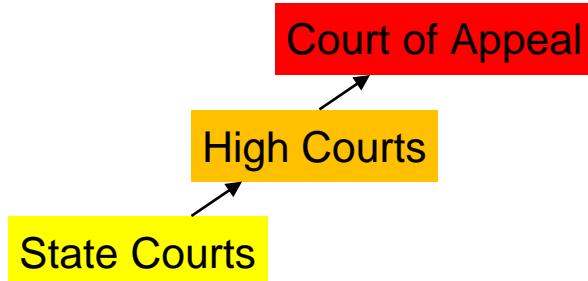
6. Singapore Legal System

6.3 Unwritten Law

(a) Case Law

Case law is the most important source of unwritten law in Singapore. A key feature is the doctrine of *stare decisis* (i.e. *binding precedent*). This takes 2 forms.

- (i) A higher court's decision binds a lower court. In other words, a lower court must follow a higher court's decision on a similar matter. Thus, the High Court must follow Court of Appeal decisions. Similarly, State Courts must follow High Court and Court of Appeal decisions.



High Court panel's decision final: Judge

6. Singapore Legal System

6.3 Unwritten Law

(ii) The courts *normally (but not invariably)* follow their previous decisions. In other words, the Court of Appeal will usually follow previous decisions of the Court of Appeal; the High Court will usually follow previous decisions of the High Court and so on.

Stare decisis is a unique feature of common law. It aims to:

- (i) ensure similar cases are given similar treatment, and
- (ii) promote legal certainty and orderly legal development.

Stare decisis – (follow previous decisions) the legal principle of determining points in litigation according to precedent.

6. Singapore Legal System

6.3 Unwritten Law

(b) Custom

Singapore received English law under the Second Charter of Justice in 1826 subject to 3 qualifications. One was that English law should be modified in its application so as not to cause injustice and oppression to the local people.

Family law was the main ‘beneficiary’ of this qualification. Chinese, Malay and Hindu customary law soon trumped English law in this area. In 1961, the Women’s Charter was passed. It unified family law for all ethic-religious groups except Muslims.

For Muslims, the Administration of Muslim Law Act enacted in 1968 governs their family and other related matters.

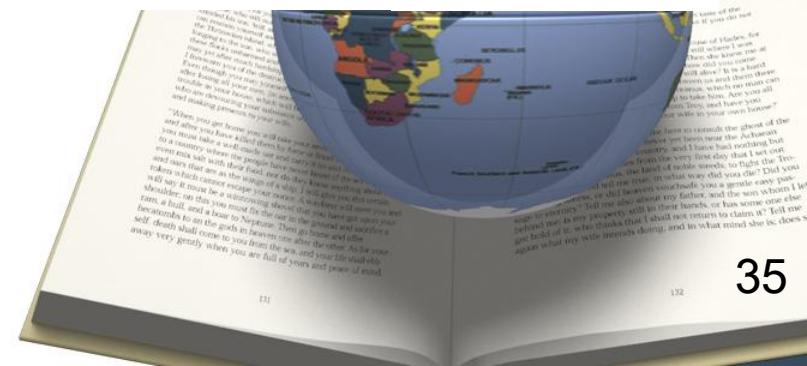


6. Singapore Legal System

6.1 Introduction to Singapore's Legal System

How to interpret the law?

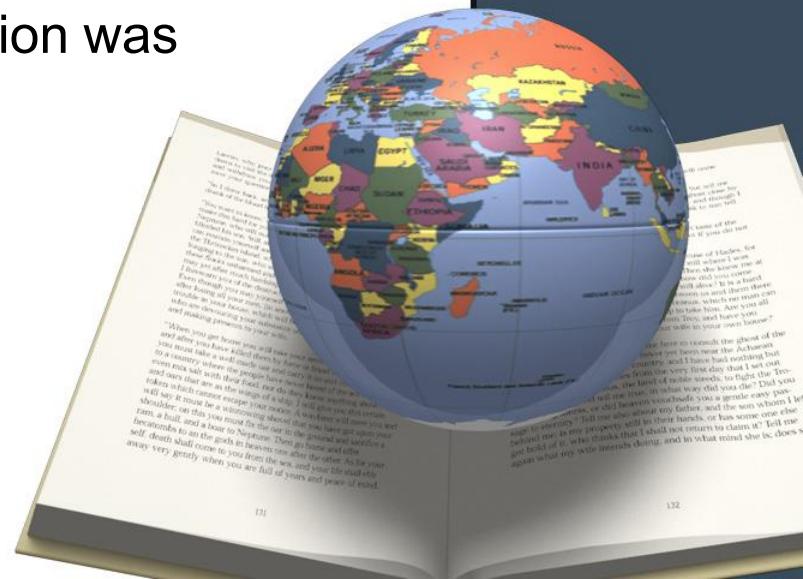
- Literal Approach – meaning what the law says
- Golden Rule Approach – interpreting the law according to the plain meaning of the word/s unless doing so leads to absurd result
- Purposive approach – if the particular law is ambiguous, then it should be interpreted - the intention of Parliament the original maker of the law



6. Singapore Legal System

Literal Approach

In *R v Harris* (1836) the defendant had **bit off his victim's nose**. But because the statute made it an offence 'to stab cut or wound' the court held that under the plain meaning rule the act of biting did not come within the **meaning of stab cut or wound** as these words implied an instrument had to be used. The defendant's conviction was overturned.

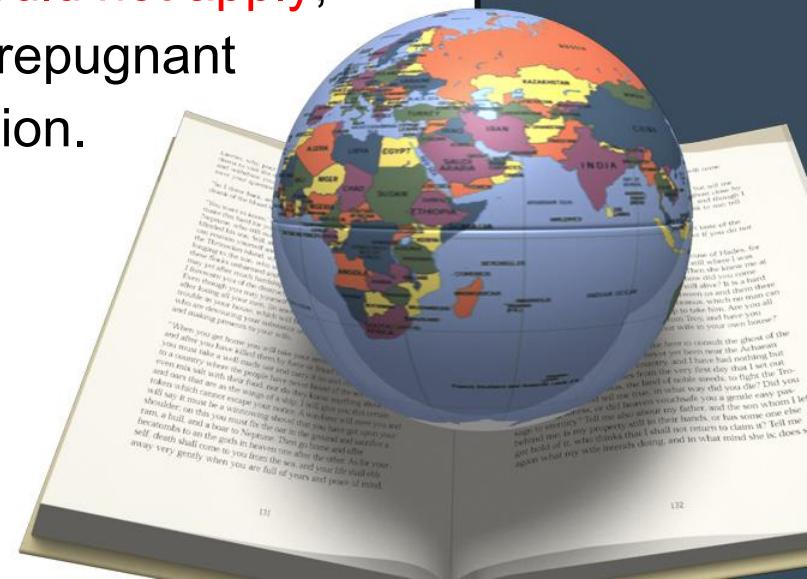


6. Singapore Legal System

Golden Rule Approach

For example, in *Re Sigsworth* (1935).

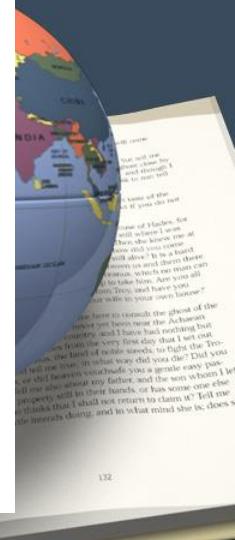
A son had **murdered his mother**. The mother had not made a will, but in accord with rules set out in the Administration of Justice Act 1925 **her next of kin would inherit**. There was no ambiguity but the court was not prepared to let a murderer benefit from his crime. So it was held that the **plain meaning rule should not apply**, the **golden rule** being used to prevent a repugnant (inconsistent, incompatible, awful) situation.



Purposive approach

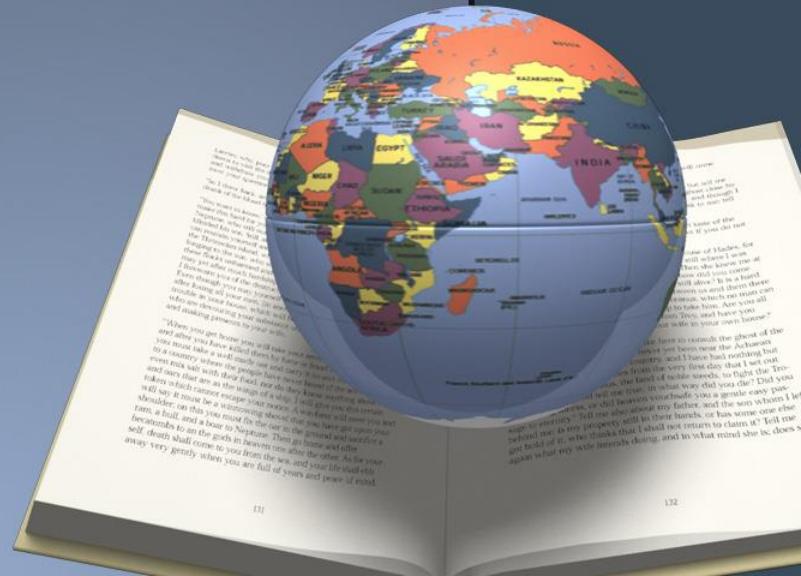
In *Royal College of Nursing of the UK v DHSS* (1981), the [Royal College of Nursing](#) brought an action challenging the legality of the involvement of nurses in carrying out [abortions](#). The [Offences Against the Person Act 1861](#) makes it *an offence for any person to carry out an abortion*. The [Abortion Act 1967](#) provided that it would be an absolute defence for a [medical practitioner to carry out abortions provided certain conditions were satisfied](#).

Advances in medical science meant surgical abortions were largely replaced with hormonal abortions and it was common for these to be administered by nurses. The courts were responsible for determining whether the [nurses performing abortions were acting unlawfully as they were not medical practitioners](#). The courts found that [the Act was intended to provide for safe abortions](#) and that [nurses could carry out such abortions](#).



- End of Lecture 06

Q&A



6. Singapore Legal System

6.5 Litigation Process (Civil)

What is civil litigation?

Disputing parties use these ADR methods because they are expeditious, private, and generally much less expensive than a trial

- Civil litigation is a lawsuit whereby a party seeks damages against another party.
- The damages can come in the form of money or the modification of some type of conduct. For instance, one can sue for breach of contract if another party fails to live up to the terms of a written agreement.
- One can also sue for a restraining order to bar a competitor from using various business property such as intellectual property rights.
- Importantly, civil litigation is not a criminal matter, to wit, the party that loses the case **does not go to jail**.

Please refer to Appendix (IV) – Litigation Process for detail description of the process.

6. Singapore Legal System

6.6 Alternative Dispute Resolution in Singapore

Alternative dispute resolution, or ADR, refers to a range of procedures for resolving various types of disputes between parties outside the courts before formal legal proceedings are commenced.

Some of the more common ADR mechanisms include:

- i. Arbitration (*An arbitrator looks into legal rights or wrongs of the dispute*)
- ii. Mediation, (*A mediator facilitates the discussion*)
- iii. Adjudication
- iv. Conciliation (*A conciliator issues a binding option while dispute parties negotiate and settle the dispute*)
- v. Neutral evaluation.

Please refer to Appendix (V) – Alternative Dispute Resolution for detail description for each of the ADR mechanism.



6. Singapore Legal System

Alternative Dispute Resolution

(Singapore International Arbitration Centre)

Arbitration – SIAC for **international business community**
where there is a legal contract

(Arbitrator looks into the legal rights and wrongs of the dispute and make a decision. Once the arbitrator has arrived at a decision, it is binding on all parties whether they agree with it or not. It is very much like the way a court case is decided by a judge, except that the process does not take place in a court room.)

e.g.1: Singapore-Malaysia The Pedra Branca dispute (2008)

e.g.2: Tripartite mediation of disputes involving employees



Mediation – Settle dispute with Singapore Mediation Centre
for **local business community**

(Mediator helps parties to settle their dispute by a process of discussion with neutrality and impartiality. It helps the parties to arrive at an agreed solution but not decide on the dispute. In a mediation, there is no such thing as a winning or losing party, because there is no binding decision without both parties agreeing to one.)



6. Singapore Legal System

Alternative Dispute Resolution - Arbitration

Pedra Branca Dispute (an International affairs)

(2008 - 2017)

ICJ ruling on Pedra Branca dispute

International Court of Justice (ICJ) – Arbitration on dispute between Singapore and Malaysia over sovereignty of islands in South China Sea.

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In 2008, the International Court of Justice (ICJ) awarded Pedra Branca to Singapore. It recognised that Johor had the original title to Pedra Branca, but found that sovereignty over the island had passed to Singapore by the time the dispute crystallised in 1980.

Malaysia had argued that the Sultanate of Johor had possessed the title to the island since its establishment in 1512. That original title was then transmitted to the State of Johor, and subsequently to the Federation of Malaya.

It also put forth that the British and their successor, Singapore, were merely lighthouse operators and never exercised sovereignty over the island.

6. Singapore Legal System

Alternative Dispute Resolution

Adjudication – Resolve a dispute between parties mostly in construction industry

(a **legal process** by which the judge reviews evidence and argumentation set forth by opposing parties or litigants and make a decision to **determines rights and obligations** between the parties involved. Each party is responsible for own costs unless otherwise agreed. **Decisions** made in adjudication are **binding**)

Conciliation – Bring 2 opposing sides together to reach compromise

(Conciliation involves building a positive relationship between the parties of dispute. It tries to **individualize the optimal solution** and direct parties **towards a satisfactory common agreement**.

e.g. Dispute between construction builder and property owner on building defects liability)



Neutral evaluation – Use expert appraisal for value of goods and services

Neutral Evaluation is a process in which the parties or their counsel present their cases to a **neutral third party** (e.g. experienced lawyer) who renders a non-binding reasoned evaluation on the merit of the case.

Case Study- Alternative Dispute Resolution

From Mediation to Adjudication

Source: The Sunday Times, 12 Nov 2017)

Mr. Brown bought a travel insurance policy from an **ABC Insurance Company** just 2 days before departing for holiday in **Japan**. His return trip from Tokyo included a few hours stop at a transit point at **country K**.

However, as soon as he left Singapore, there was serious civil unrest in country K, including at the International airport there. This prompted the Ministry of Affairs (MFA) Singapore to issue a travel advisory, advising Singaporeans to avoid making non-essential travel to that location.

Mr. Brown, who had been monitoring developments while in Japan, then decided to bypass the transit point on his return trip. He bought a new ticket in Tokyo that allows him to fly directly from Tokyo to Singapore.

Once back, he claimed against his insurance under “trip curtailment” in his policy for the cost of his return ticket. His claim was denied.

Mr. Brown took the case to Fidrec. When mediation could not resolve the matter, he opted to have his claim adjudicated there.

The insurer refused to reimburse him as the policy was bought less than 3 days before the trip started.

It cited an exclusion clause which stated that the coverage for trip postponement, curtailment and cancellation would not be valid if the policy was bought less than 3 days prior to the journey.

The adjudicator ruled in favour of the insurer.