

## STRUCTURAL REFORMS TO THE HIGH COURT AND APPOINTMENT OF JUDGES OF THE APPELLATE DIVISION FROM 2 JANUARY 2021

The Supreme Court, which consists of the Court of Appeal and the High Court, will restructure its High Court into two Divisions with effect from 2 January 2021:

- (i) the General Division of the High Court (“General Division”); and
- (ii) the Appellate Division of the High Court (“Appellate Division”).

2. These structural reforms are made against the backdrop of a growth in the number of appeals and an increase in the complexity of the matters that have come before the Court of Appeal in recent years. The new Appellate Division will enable the Supreme Court to better deploy judicial resources and manage the appeals caseload, which will be allocated between the existing Court of Appeal and the new Appellate Division while continuing to maintain high standards of access to justice and quality of justice.

### General Division of the High Court

3. The existing High Court, which includes the Singapore International Commercial Court and the Family Division of the High Court, will be renamed the General Division of the High Court.

4. The General Division will have all the jurisdiction and powers of the existing High Court and will hear all cases that fall within the original and appellate jurisdiction of the existing High Court. Civil appeals arising from a decision of the General Division will be distributed between the Appellate Division and the Court of Appeal.

### Appellate Division of the High Court

5. The Court of Appeal will hear all criminal appeals, prescribed categories of civil appeals as set out in the Sixth Schedule to the amended Supreme Court of Judicature Act, and appeals that are to be made to the Court of Appeal under written law. Please refer to **ANNEX A** for more information. The new Appellate Division will hear all other civil appeals but will have no criminal jurisdiction.

6. Notwithstanding the default allocation, the Court of Appeal will have the power to transfer civil appeals between the Court of Appeal and the Appellate Division in accordance with the provisions in the amended Supreme Court of Judicature Act and the Rules of Court.

7. Where a civil appeal has been heard by the Appellate Division, any further appeal against the decision of the Appellate Division may only be brought with the leave of the Court of Appeal. The Court of Appeal may consider granting leave only if the appeal raises a point of law of public importance.

8. A new class of Judges will sit in the new Appellate Division. These Judges will be designated as Judges of the Appellate Division. The Appellate Division will ordinarily sit in a panel of three Judges. When the amended Supreme Court of Judicature Act comes into force on 2 January 2021, the Seventh Schedule to the Act will set out the circumstances where the civil jurisdiction of the Appellate Division may be exercised by less than 3 Judges. (Please refer to infographics in **ANNEX B** on the new High Court structure.) The Commencement Notifications for the Constitution of the Republic of Singapore (Amendment) Act 2019, Supreme Court of Judicature (Amendment) Act 2019 and Judges' Remuneration (Amendment) Act 2019 will be published in the Gazette today at 5pm.

### **Appointment of Judges of the Appellate Division**

9. The President of the Republic of Singapore, concurring with the advice of the Prime Minister, will be appointing Justice Belinda Ang (洪素燕), Justice Woo Bih Li (吴必理) and Justice Quentin Loh (罗赐安) as Judges of the Appellate Division under Article 95(2) of the amended Constitution. Their appointments will take effect from 2 January 2021.

10. The Honourable the Chief Justice Sundaresh Menon will be appointing Justice Belinda Ang as President of the Appellate Division with effect from 2 January 2021. Chief Justice Menon has also appointed Justice Quentin Loh as President of the Singapore International Commercial Court with effect from 25 December 2020. Please refer to the write-up of the judges in **ANNEX C**.

### **Glossary of terms**

General Division of the High Court	高等法庭普通审判庭
Appellate Division of the High Court	高等法庭上诉审判庭
Judges of the Appellate Division	高等法庭上诉审判庭法官

**SUPREME COURT**  
**18 DECEMBER 2020**

**Civil appeals to be made to the Court of Appeal**

An appeal against a decision of the General Division is to be made to the Court of Appeal in the following cases:

- (a) The appeal arises from a case relating to constitutional or administrative law (even if the appeal does not raise any issue relating to constitutional or administrative law);
- (b) The appeal arises from a case relating to contempt of court (even if the appeal does not raise any issue relating to the law of contempt of court);
- (c) The appeal arises from a case relating to the law of arbitration (even if the appeal does not raise any issue relating to the law of arbitration);
- (d) The appeal arises from a case relating to the insolvency, restructuring or dissolution of a corporation, limited liability partnership or sub-fund of a variable capital company (even if the appeal does not raise any issue relating to the law concerning the insolvency, restructuring or dissolution of a corporation, limited liability partnership or sub-fund of a variable capital company);
- (e) The appeal arises from a case relating to the law of patents (even if the appeal does not raise any issue relating to the law of patents);
- (f) The appeal is against a decision of the Singapore International Commercial Court;
- (g) The appeal is against a decision or order of a Judge sitting in the General Division made under the Parliamentary Elections Act (Cap.218);
- (h) The appeal is against a judgment or order in an action brought under section 47(8) of the Presidential Elections Act (Cap.240A);
- (i) The appeal is made under the following written laws:
  - (i) Section 32(1) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016);
  - (ii) Sections 21A(1), 45(7) and 49(11) of the Arbitration Act (Cap. 10);
  - (iii) Section 74(4) of the Competition Act (Cap. 50B);
  - (iv) Section 10(4) of the International Arbitration Act (Cap. 143A);

- (v) Section 18(5) of the Maintenance of Parents Act (Cap. 167B);
- (vi) Section 90(3) of the Patents Act (Cap. 221)
- (vii) Section 35(4) of the Personal Data Protection Act 2012 (Act 26 of 2012);
- (viii) Sections 17(8), 29(9), 35(7) and 44(9) of the Protection from Online Falsehoods and Manipulation Act 2019;
- (j) The appeal is made under any written law that provides for the appeal to lie to the Court of Appeal;
- (k) The appeal is against a decision or order of the General Division or a mediated settlement agreement recorded as an order of court under the Mediation Act 2017;
- (l) The appeal is against a decision or order of the General Division or an international settlement agreement recorded as an order of court under the Singapore Convention on Mediation Act 2020.<sup>1</sup>

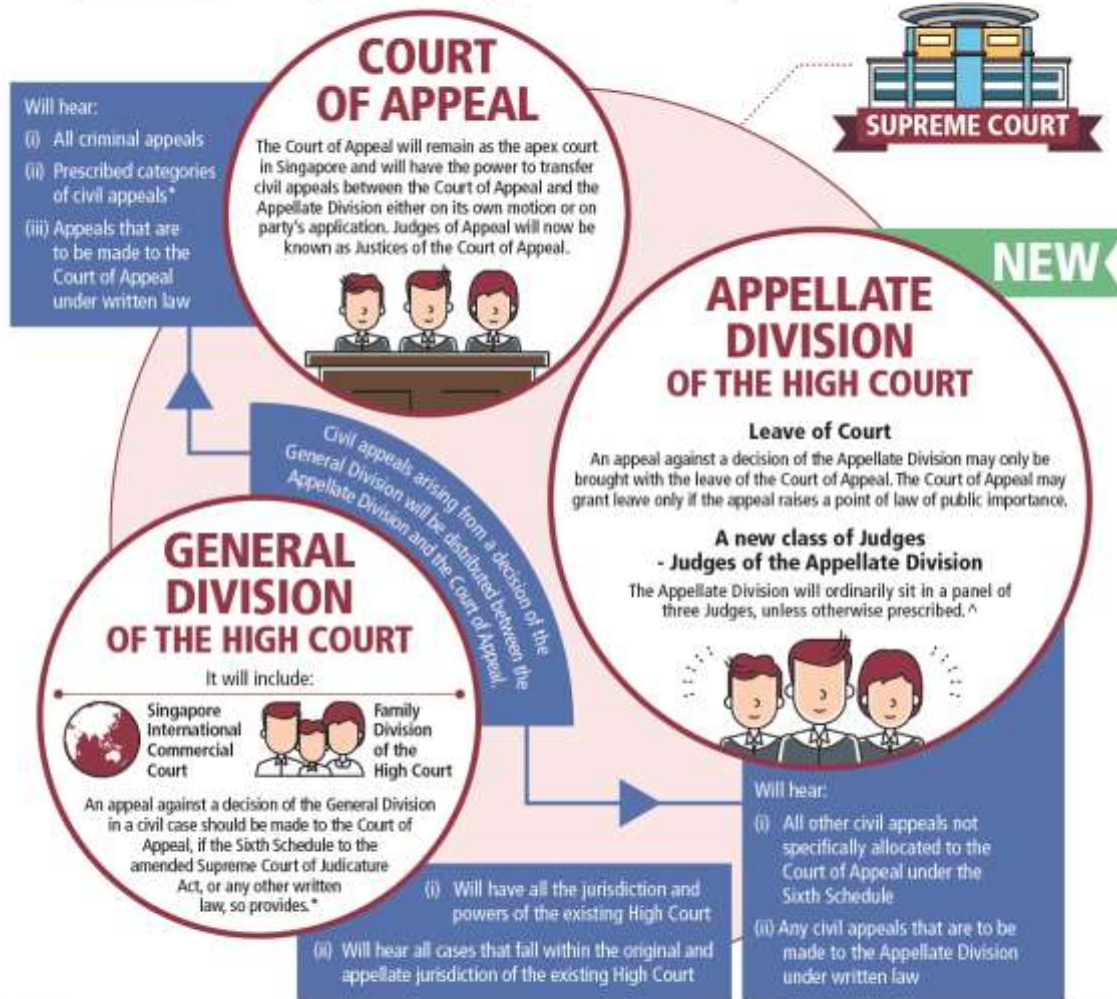
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<sup>1</sup> Items (k) and (l) are inserted under the Supreme Court of Judicature (Amendment of Sixth Schedule) Order 2020.

## STRUCTURAL REFORMS TO THE HIGH COURT WITH A NEW APPELLATE DIVISION



The Appellate Division of the High Court comes into operation on 2 January 2021, marking an important milestone in Singapore's legal history. The existing High Court has now been restructured into two Divisions, consisting of the General Division of the High Court and the Appellate Division of the High Court.



KEY BENEFITS	<p><b>Maintaining high standards of access to justice</b></p> <ul style="list-style-type: none"> <li>(i) To better deploy judicial resources and manage the appeals caseload which will be allocated between the existing Court of Appeal and the new Appellate Division</li> <li>(ii) To ensure that our judicial system remains robust and flexible and our court processes remain efficient</li> </ul>	<p><b>Dispensation of oral arguments for specified appeals</b></p> <ul style="list-style-type: none"> <li>(i) The Court of Appeal and the Appellate Division will have powers to decide prescribed categories of appeals without hearing oral arguments if every party to the appeal consents, thus facilitating the timely disposal of appeals</li> <li>(ii) There would also be cost savings if counsel need not attend an oral hearing for arguments</li> </ul>
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\*These categories will be listed in the Sixth Schedule to the amended Supreme Court of Judicature Act.

^Unless otherwise prescribed in the Seventh Schedule to the amended Supreme Court of Judicature Act.

## **Judges of the Appellate Division**

### **Justice Belinda Ang Saw Ean**

Justice Ang was appointed Judicial Commissioner of the Supreme Court on 1 February 2002 and was elevated to a Judge of the High Court on 2 January 2003. Justice Ang's areas of focus are in Shipping and Arbitration matters, Finance, Securities, Banking, and Complex Commercial cases. Justice Ang, who has been the Judge in charge of the High Court since November 2017, is also the chairperson and director of the Board of the Singapore Mediation Centre and co-chair of the Medical Litigation Review Committee. Justice Ang was re-appointed Judge of the High Court after her retirement in 2019. Since her reappointment in April 2019, Justice Ang has been sitting as an ad hoc member of the Court of Appeal.



Justice Belinda Ang

### **Justice Woo Bih Li**

Justice Woo was appointed Judicial Commissioner of the Supreme Court on 2 May 2000 and was elevated to a Judge of the High Court on 2 Jan 2003. In December 2019, Justice Woo was re-appointed High Court Judge after his retirement. As a Judge, Justice Woo specialised in finance, securities, banking, complex commercial cases, employment, tort claims, public law and judicial review, and criminal trials. Like Justice Ang, since his reappointment as Judge of the High Court, Justice Woo has been sitting as an ad hoc member of the Court of Appeal.



Justice Woo Bih Li

### **Justice Quentin Loh Sze-On**

Justice Loh joined the Bench as a Judicial Commissioner on 1 September 2009 and was elevated to a High Court Judge on 1 June 2010. Since his retirement on 25 December 2015, he had been reappointed as High Court Judge twice. Justice Loh specialises in all aspects of construction, commercial litigation and arbitration (domestic and international). He also hears public law matters. In addition, Justice Loh is the Judge in charge of the Singapore International Commercial Court (“SICC”) and chairs the SICC Development Committee and the SICC Rules Committee. In August 2018, Justice Loh was appointed as Judge of the Supreme Court of Fiji on a part-time basis for three years to hear cases in an appellate capacity, excluding major criminal cases and cases involving constitutional issues.



Justice Quentin Loh