

# Administration of Justice (Protection) (Amendment) Bill

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**Bill No. 34/2024.**

*Read the first time on 14 October 2024.*

A BILL

*intituled*

An Act to amend the Administration of Justice (Protection) Act 2016 to provide for certain circumstances that amount to contempt of court.

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

## Short title and commencement

1. This Act is the Administration of Justice (Protection) (Amendment) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 3

2. In the Administration of Justice (Protection) Act 2016, in section 3 —

(a) in subsection (1)(d), delete “or” at the end;

(b) in subsection (1), after paragraph (d), insert —

10 “(da) conducts or commences a court proceeding (whether as a party or an advocate in the court proceeding), and knows or ought to know that his or her conduct or commencement of the court proceeding —

15 (i) involves a deception on the court, or is fictitious or constitutes a mere sham; or

(ii) is manifestly groundless or without foundation, and involves the process of the court being employed for some ulterior or improper purpose;

20 (db) conducts or commences multiple or successive court proceedings (whether as a party or an advocate in those court proceedings), and knows or ought to know that his or her conduct or commencement of those court proceedings is manifestly groundless or without foundation; or”;

30 (c) in subsection (1), after *Illustration 2*, insert —

*“Illustration 3*

*A* commences a court proceeding against *B* seeking damages. The court finds that *A* knew or ought to have known that the commencement of the claim is manifestly groundless and that *A* had initiated the proceeding for the ulterior purpose of vexing or oppressing *B*. *A*’s commencement of the proceeding against *B* constitutes a contempt of court.

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*Illustration 4*

*A* is convicted of rape and is sentenced to imprisonment and caning. The sentences are upheld by the appellate court. Before the sentence of caning is executed, *A*, acting on the advice of *A*’s advocate, commences an application to review the earlier decision of the appellate court. The court finds that both *A* and *A*’s advocate knew or ought to have known that the commencement of the review application is manifestly groundless and that the review application had been commenced for the improper purpose of delaying the execution of caning until after *A* turns 50 years of age, when *A* can no longer be punished with caning. The commencement of the review application by *A* and *A*’s advocate constitutes a contempt of court.”; and

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(d) after subsection (6), insert —

“(7) A person who is not a party or an advocate in any court proceeding commits contempt of court if he or she —

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(a) causes or abets any party or advocate to conduct or commence a court proceeding mentioned in subsection (1)(da)(i), and knows or ought to know that the conduct or commencement of the court proceeding would involve a deception on the court, or would be fictitious or constitute a mere sham;

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(b) causes or abets any party or advocate to conduct or commence a court proceeding mentioned in subsection (1)(da)(ii), and knows or ought to know that the conduct or

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commencement of the court proceeding would be manifestly groundless or without foundation, and would involve the process of the court being employed for some ulterior or improper purpose; or

(c) causes or abets any party or advocate to conduct or commence multiple or successive court proceedings mentioned in subsection (1)(db), and knows or ought to know that the conduct or commencement of those court proceedings is manifestly groundless or without foundation.

(8) In this section, “advocate” means any of the following persons who represents any party in any court proceedings:

(a) an advocate and solicitor of the Supreme Court;

(b) a person who is admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act 1966;

(c) a lawyer (non-practitioner) who holds a provisional practising certificate issued under section 18 of that Act;

(d) a foreign lawyer who is registered under section 36P of that Act.”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Administration of Justice (Protection) Act 2016 to provide for certain circumstances that amount to contempt of court.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 3 to stipulate the circumstances under which a court may find a person guilty of contempt of court. The first circumstance is where a

person (whether as a party or an advocate in a court proceeding) conducts or commences the court proceeding, and knows or ought to know that his or her conduct or commencement of the court proceeding —

- (a) involves a deception on the court, or is fictitious or constitutes a mere sham; or
- (b) is manifestly groundless or without foundation, and involves the process of the court being employed for some ulterior or improper purpose.

The other circumstance is where a person (whether as a party or an advocate in court proceedings) conducts or commences multiple or successive court proceedings, and knows or ought to know that his or her conduct or commencement of those court proceedings is manifestly groundless or without foundation.

Clause 2 also provides 2 illustrations which show the types of egregious and improper use of court processes that will amount to contempt of court.

Lastly, clause 2 provides that a person who is not a party or an advocate in any court proceeding can commit contempt of court if he or she causes or abets any party or advocate to conduct or commence any court proceedings mentioned in the new section 3(1)(*da*) or (*db*), and the person has the requisite mental element as stipulated in the new section 3(7).

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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