The judiciary and the Supreme Court of Singapore

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From colonial court to national judiciary

Independence on 9 August 1965 did not interrupt the work of the courts.[1] The colonial Supreme Court continued to sit, the English common law continued to apply and the Judicial Committee of the Privy Council in London remained the final court of appeal. The Supreme Court of Judicature Act of 1969, which came into force on 9 January 1970, regularised the judicial system of the republic and re-established the Supreme Court as a national institution.[2] For investors, this continuity mattered more than the new name. A commercial contract governed by Singapore law in 1964 was interpreted in the same way in 1966, under the same principles and by largely the same judges.

The break with London came gradually. Appeals to the Privy Council were restricted over two decades and abolished entirely with effect from 8 April 1994. In the same year the Court of Appeal announced in a Practice Statement that it would no longer regard itself as bound by its own earlier decisions or by those of the Privy Council, where adherence to them would cause injustice in a particular case. It added that this power would be exercised sparingly.[3] The caution of that formula

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was itself a statement about legal certainty. A court that changes its precedents readily may do justice in the case before it while unsettling the expectations of thousands of parties who relied on the old rule.

The legislative counterpart was the Application of English Law Act 1993. On 12 November 1993 it repealed section 5 of the Civil Law Act, which had imported English commercial law into Singapore wholesale whenever a question of mercantile law arose. The new Act provided that the common law and equity continue to be part of Singapore law only so far as they are applicable to the circumstances of Singapore and its inhabitants. English statutes now apply only where they are listed in its schedules.[4] The reform ended an arrangement that had made Singapore commercial law a function of Westminster legislation. It also gave practitioners a fixed list of English statutes, which made the law easier to ascertain.

The structure of the courts since 2021

The present structure dates from 2 January 2021, when the constitutional and statutory amendments of 2019 took effect. The High Court was divided into two divisions. The former High Court, including the Singapore International Commercial Court and the Family Division, was renamed the General Division of the High Court, while a new Appellate Division took over civil appeals that are not reserved to the Court of Appeal.[5] The reform responded to a growing appellate caseload. It allowed the Court of Appeal to concentrate on criminal appeals, on the categories of civil appeals that raise questions of public or legal importance and on the development of the law.

The General Division hears all criminal offences committed in Singapore that come before it and civil claims exceeding 250,000 dollars. It also hears appeals from the State Courts and from tribunals, together with cases on its specialised lists. The Court of Appeal hears all criminal appeals against decisions of the General Division in its original criminal jurisdiction and prescribed categories of civil appeals. The Appellate Division has no criminal jurisdiction.[6] Below the Supreme Court sit the State Courts and the Family Justice Courts, which handle the bulk of criminal, civil and family cases.

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Appointment, tenure and the guarantees of independence

The constitutional basis of the judiciary is short. Article 93 vests the judicial power of Singapore in a Supreme Court and in such subordinate courts as written law provides. Under Article 95(1) the Chief Justice and the other judges of the Supreme Court are appointed by the President, if he, acting in his discretion, concurs with the advice of the Prime Minister. The Prime Minister must consult the Chief Justice before advising on the appointment of other judges.[7] The executive thus controls appointments, subject to a presidential check and to the involvement of the head of the judiciary.

Once appointed, judges enjoy the classic protections of the common law tradition. Article 98(1) provides that a judge holds office until the age of 65. Under Article 98(3) a judge can be removed only for misbehaviour or inability, after a representation by the Prime Minister or the Chief Justice and on the recommendation of a tribunal appointed by the President. Article 98(8) forbids any alteration of a judge's remuneration and other terms of office to his disadvantage after appointment. The Constitution further restricts parliamentary discussion of the conduct of judges and establishes a Judicial Service Commission for the judicial officers of the lower courts.[8]

Two features of the system have attracted debate. Judges may be reappointed after 65 for fixed terms. The Constitution also allows the appointment of judicial commissioners, who exercise the powers of a High Court judge for a limited period.[9] Critics have argued that short-term appointments weaken the security of tenure on which independence depends. Defenders reply that the system allows the judiciary to recruit senior practitioners and to retain experienced judges, adding that no case has shown a judge being penalised for a decision. Both arguments contain truth. For commercial litigants, the practical record of the commercial bench matters more than the formal debate. That record is generally regarded as excellent.

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The bench and its commercial expertise

The Supreme Court bench comprises Justices of the Court of Appeal, Judges of the Appellate Division, Judges of the High Court, Senior Judges, International Judges and Judicial Commissioners. In October 2026 the judiciary listed 32 judges, including the Chief Justice, and 26 International Judges.[10] The international judges sit mainly in the Singapore International Commercial Court, which was established in 2015 as a division of the General Division and is examined in Chapter F.III.[11]

Sundaresh Menon, a former commercial litigator and Attorney-General, has been Chief Justice since 6 November 2012.[12] His tenure has been marked by the restructuring of the courts, the expansion of the commercial and international work of the judiciary and a sustained interest in technology. In October 2026 he told an audience of Australian judicial officers that the willingness of litigants to accept an adverse outcome ultimately rests on the degree of trust reposed in the courts. He warned that uncritical enthusiasm for artificial intelligence may weaken judicial independence and integrity.[13] The remark describes the economic function of a court precisely. A court that the losing party trusts makes its judgments self-executing in most cases, which saves the cost of enforcement and makes the outcome of commercial disputes more predictable. The use of artificial intelligence in the financial centre is the subject of Chapter K.IV.

Notes

1. Wikipedia, “Proclamation of Singapore” (accessed November 2026): the proclamation of 9 August 1965 was “the official declaration that marked Singapore’s separation from Malaysia”. ↩
2. Wikipedia, “Supreme Court of Singapore” (accessed November 2026): the Supreme Court of Judicature Act was enacted in 1969 to “regularise the judicial system”, “Coming into force on 9 January 1970”. Supreme Court of Singapore, “Celebrating 200 years of upholding the Rule of Law”, judiciary.gov.sg, cited in Chapter A.III. ↩

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3. Wikipedia, “Law of Singapore” (accessed November 2026): the establishment of a permanent Court of Appeal “paved the way for the abolition of all appeals to the Privy Council with effect from 8 April 1994”; under the Practice Statement of 1994 the Court of Appeal may depart from its own and Privy Council decisions where adherence “would cause injustice in a particular case”, a power to be “exercised sparingly”. ↩

4. Wikipedia, “Law of Singapore” (accessed November 2026): section 5 of the Civil Law Act was repealed “on 12 November 1993 by the Application of English Law Act 1993”; under section 3 the common law continues to apply “so far as it is applicable to the circumstances of Singapore and its inhabitants”; under section 4 only English statutes “listed in the Schedules to the Act apply or continue to apply in Singapore”; the repeal underlined the independent status of the legal system. ↩

5. Allen & Gledhill, “New appellate structure in Singapore Supreme Court implemented on 2 January 2021” (accessed November 2026): the changes, made by the Constitution of the Republic of Singapore (Amendment) Act 2019 and the Supreme Court of Judicature (Amendment) Act 2019, “took effect on 2 January 2021”; the High Court “has been renamed the General Division of the High Court”; “Other appeals will be heard by the Appellate Division”; “The Appellate Division has no criminal jurisdiction.” ↩

6. Supreme Court of Singapore, “Role of the Supreme Court”, judiciary.gov.sg (last updated 1 October 2026): the General Division hears “All criminal offences committed in Singapore” and “Civil cases where the value of the claim exceeds $250,000”, appeals from the State Courts and tribunals and cases under the specialised lists; the Court of Appeal hears “All criminal appeals against decisions made by the General Division in the exercise of its original criminal jurisdiction” and prescribed civil appeals; the Appellate Division “does not have criminal jurisdiction”. ↩

7. Constitution of the Republic of Singapore, Arts. 93 and 95(1), text on constituteproject.org (“Singapore 2016”, accessed November 2026): “The judicial power of Singapore shall be vested in a Supreme Court and in such subordinate courts as may be provided by any written law for the time being

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in force"; the Chief Justice and the Judges "shall be appointed by the President if he, acting in his discretion, concurs with the advice of the Prime Minister". Wikipedia, "Supreme Court of Singapore" (accessed November 2026): "All members of the Bench are appointed by the President of Singapore"; under Article 95 "the Prime Minister must also consult the Chief Justice before tendering advice on the matter to the President". ↩

8. Constitution of the Republic of Singapore, Art. 98(1), (3) and (8), text on constituteproject.org ("Singapore 2016", accessed November 2026): a judge "shall hold office until he attains the age of 65 years"; removal "on the ground of misbehaviour or of inability" only after a reference to a tribunal; "The remuneration and other terms of office (including any pension or gratuity)" of a judge "shall not be altered to his disadvantage after his appointment." Constitution of the Republic of Singapore, table of contents in the current version on Singapore Statutes Online (sso.agc.gov.sg, accessed November 2026): Art. 99 "Restriction on Parliamentary discussion of conduct of person holding high judicial office"; Part 9, Chapter 3 "The Judicial Service Commission", Arts. 111B–111I. ↩

9. Wikipedia, "Supreme Court of Singapore" (accessed November 2026): tenure "until the age of 65, but may be re-appointed"; Judicial Commissioners have "the same powers and immunities as High Court Judges" (Art. 94(4)). ↩

10. Supreme Court of Singapore, "Structure of the Supreme Court", judiciary.gov.sg (last updated 1 October 2026): the Bench includes Justices of the Court of Appeal, Judges of the Appellate Division, Judges of the High Court, Senior Judges, International Judges and Judicial Commissioners; 32 Judges (including the Chief Justice) and 26 International Judges. ↩

11. Supreme Court of Singapore, "Singapore International Commercial Court", judiciary.gov.sg (accessed November 2026): the SICC "was established in 2015" and is "a division of the General Division of the High Court and part of the Supreme Court of Singapore", with "a diverse panel of eminent international and local judges". ↩

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12. Wikipedia, “Supreme Court of Singapore” (accessed November 2026), infobox: Chief Justice Sundaresh Menon, appointed “6 November 2012”. ↩
13. Sundaresh Menon, Chief Justice, speech at the Australian Judicial Officers Association Colloquium 2026, Brisbane, 9 October 2026, judiciary.gov.sg, paras. 11 and 72: “That willingness to accept an adverse outcome ultimately rests on the degree of trust that is reposed in the courts”; “uncritical enthusiasm may weaken judicial independence and integrity”. ↩

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