Welcome To....

Finding Law Made Simple

Created by Carol and Siu Chen
Introduction

Learning Objective

Learn a variety of methods and materials for conducting effective and efficient legal research

Learning Outcomes

1. Identify the major Singapore primary legal resources online;
2. Retrieve legal information using search techniques and strategies;
3. Understand case law citation formats
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Major Legal Systems of the World

There are **three** major legal systems:

- **Civil Law** e.g. China, France, Germany, Scandinavia
- **Common Law** e.g. England, Canada, Singapore
- **Religious law** e.g. Afghanistan, Egypt, the Gambia

**Belongs to the common law tradition**

- **Stare decisis** - Principle of English law by which case precedents are authoritative and binding
- **Binding precedent**
- **Hierarchy of laws**
Primary and Secondary Sources of Law

Primary Sources
- Case Law
- Legislation

Secondary Sources
- Encyclopedias
- Journals
- Books
- Parliamentary Debates, Explanatory Notes to Bills
- Newspapers
Primary and Secondary Sources of Law
Today we will focus on...

Primary Sources
- Case Law
- Legislation

Secondary Sources
- Encyclopedias
- Journals
- Books
- Parliamentary Debates, Explanatory Notes to Bills
- Newspapers
Primary Sources of Law
Part 1

Case Law
Primary and Secondary Sources of Law
Let's start with...

Primary Sources
- Case Law
- Legislation

Secondary Sources
- Encyclopedias
- Journals
- Books
- Parliamentary Debates, Explanatory Notes to Bills
- Newspapers
Case Law

• Singapore Court System
• What is Case Law?
• What is its Purpose?
• Understanding Legal Case Citations
• Finding Cases on Lawnet
• Exercise
Case Law

What is Case Law?

• “judge made”
• Judicial decisions or judgements are writings giving the decisions of a case
• Interpretations of law
• Judgements collectively form the case law

e.g. This is a case that comments on the “duty of care” in the doctrine of negligence

Stare decisis - Principle of English law by which precedents are authoritative and binding
What is its Purpose?

Purpose of case law?

1. A guide to courts and lawyers on:
   - Legal issues involved in the case
   - How such (or similar) disputes may be assessed in the future

2. To understand the law on an issue, it is not normally limited to one case
   - What makes up “law” is generally based on a number of cases related to the issue
   - You would have to refer to the line of cases discussing the issue (which will be discussed in “noting up” later)
Understanding Legal Case Citations

• A citation is a reference to a source of information
• Includes identifying information e.g. parties, year, report
• This information should be sufficient for a reader to be able to locate a full-text copy of the case
• Following are some examples of citations and references that would help in understanding Singapore Cases
Reported Citations...

...based on cases as published in law reports.

[2006] 1 SLR(R) 582

Year of Publication Volume Number
Law Report Page Number

[2005] SGHC 216
Chee Sioi Chin and others v Minister for Home Affairs and another

These three components make up the reporter citation.
Neutral Citations...

...assigned by the court as they render their judgements.

This citation tells us that this was the 5th case in 2005 in the Singapore Court of Appeal:

[2005] SGHC 216

Year of Decision  Court  Sequential Number
Reporter vs Neutral Citations

Alternative Citations

[2006] 1 SLR(R) 582 = reporter citation
[2005] SGHC 216 = neutral citation
Finding Cases – Databases: Using Lawnet

Example

You come across this citation to a Singapore case in a criminal law textbook.

_Chee Siok Chin and Others v Minister for Home Affairs and Another_

[2005] SGHC 216

How do you retrieve it?

[demo]
Step 1: Go to NUS Library Portal
Step 2: Search for “Lawnet”
Step 3: “Lawnet” ➔ “Available Online”

**LawNet**

*LawNet* Legal Workbench, the legal research module of *LawNet*, a service provided by the Singapore Academy of Law, maintains a comprehensive and up-to-date repository of on-line legal research...

Database: Available Online

Preview
Step 4: Click “NUS Subscribed Resources”

<table>
<thead>
<tr>
<th>Title</th>
<th>LawNet [electronic resource].</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprint</td>
<td>Singapore : Singapore Academy of Law.</td>
</tr>
</tbody>
</table>

**Online access via:**

- NUS Libraries
- NUS subscribed resources
- About this E-Resource

**Note**

LawNet Legal Workbench, the legal research module of LawNet, a service provided by the Singapore Academy of Law, maintains a comprehensive and up-to-date repository of on-line legal research information such as statutory and case law. -- Website.

"This database for the law of Singapore provides access to fully searchable, comprehensive databases of statutes, subsidiary legislation, case law (all cases in the Singapore Law Reports and the Malayan Law Journal) as well as treaties and secondary sources. Of particular interest is a Versioned Legislation database, consisting of statutes as in force at a certain time, and full-text articles from the Singapore Academy of Law Journal since its inception in 1989"--Website.

Online version restricted to NUS staff and students only through NUSNET.
Step 5: Type in Case Name / Citation and Select “Cases”
Step 6: Click on Result
Step 7: Access Case

Chee Sock Chin and others v Minister for Home Affairs and another
[2006] 1 SLR(R) 582; [2005] SGHC 216

Case Number: Originating Motion No 39 of 2005 (Summons in Chambers No 5162 of 2005)
Decision Date: 07 December 2005
Tribunal/Court: High Court
Counsel: V K Rajah J

Counsel Name(s): First applicant in person; M Ravi v/a Madasamy (M Ravi & Co) for the second and third applicants; Jeffrey Chan and Teh Hwee Hwee (Attorney-General’s Chambers) for the respondents.

Parties: Chee Sock Chin and others — Minister for Home Affairs and another

Administrative Law — Judicial review — Police ordering “peaceful” protesters to disperse and seizing protest paraphernalia — Protesters applying for declarations that respondents acting in unlawful and/or “unconstitutional manner” in ordering them to disperse and seizing protest paraphernalia — Whether discretionary power of police under Miscellaneous Offences (Public Order and Nuisance) Act to deal with protesters exercised arbitrarily or improperly — Sections 13A, 13B, 40 Miscellaneous Offences (Public Order and Nuisance) Act (Cap 184, 1997 Rev Ed)
Case Treatment

• “Noting up” is the process of checking the relevance of a case based on subsequent treatment by other cases.

• A case may have:
  • been reversed by a higher court
  • been criticized
  • been overruled by subsequent cases

• During the process of “noting up”, you might find:
  • more recent cases dealing with similar facts or principles
Case Treatment

How to Tell if a Case is Good Law?

Cases - Singapore Law Reports

Spandeck Engineering (S) Pte Ltd v Yong Qiang Construction
[1999] 3 SLR(R) 338; [1999] SGCA 68

Case Number : Civil Appeal No 23 of 1999 (Notice of Motion No 239 of 1999)
Decision Date : 07 September 1999
Tribunal/Court : Court of Appeal
Coram : Yong Pung How CJ; L P Thean JA; Chao Hick Tin JA
Counsel Name(s) : Ravi Chelliah and Soh Lip San (Cooma Lau & Loh) for the appellant; N Sreenivasan (Derrick Ravi & Partners) and Ramalingam Kasi (Raj Kumar & Rama) for the respondent.
Parties : Spandeck Engineering (S) Pte Ltd — Yong Qiang Construction
Case Treatment

Following
[this case]
This is used to denote that the principle of law established in the instant case (or the dictum referred to) has been applied in subsequent cases.

Referring
[to this case]
This is used to describe cases which make only a general reference to the instant case.

Distinguishing
[this case]
This is used where the instant case is not applied in subsequent cases due to some distinction in the facts or in the law.

Not Following
[this case]
This is used where the court in subsequent cases has consciously refused to follow the instant cases although potentially relevant. It implies that the instant case is wrong.

Overruling
[this case]
This is used only where a higher court with the power to overrule has held the instant case to be wrong.

2 Following | 6 Referring | 0 Distinguishing | 0 Not Following | 0 Overruling
Noting Up of the Singapore Case
Exhibit 1

Cases - Singapore Law Reports

Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency
[2007] 1 SLR(R) 720; [2006] SGHC 229

Case Number: Suit No 959 of 2004
Decision Date: 12 December 2006
Tribunal/Court: High Court
Coram: Lai Sui Chiu J

Counsel Name(s): Gopinath Pillai with Jacqueline Teo (Tan Peng Chin LLC) for the plaintiff; Tai Chean Ming, Chong Kuan Keong and Tan Joo Seng (Chong Chia & Lim LLC) for the defendant.

Parties: Spandeck Engineering (S) Pte Ltd — Defence Science & Technology Agency

Tort - Negligence - Duty of care - Plaintiff employed by employer to be main contractor on building project - Defendant appointed as superintending officer of building project and responsible for certifying works carried out by plaintiff on building project - Defendant not party to contract between employer and plaintiff - Plaintiff suing defendant in negligence for breach of duty to accurately value and certify its works - Nature of relationship between plaintiff and defendant - Whether giving rise to sufficient degree of proximity such that defendant owing plaintiff duty of care - Whether defendant liable for plaintiff's pure economic loss
Exhibit 2

Cases - Singapore Law Reports

Spandec Engineering (S) Pte Ltd v Defence Science & Technology Agency
[2007] 4 SLR(R) 100; [2007] SGCA 37

Case Number: Civil Appeal No 3 of 2007
Decision Date: 08 August 2007
Tribunal/Court: Court of Appeal
Coram: Chan Sek Keong CJ; Andrew Phang Boon Leong JA; V K Rajah JA
Counsel Name(s): Mohan R Pillay (MPillay) and Gopinath Pillai (Tan Peng Chin LLC) for the appellant; Tai Chean Ming, Chong Kuan Keong and Tan Joo Seing (Chong Chia & Lim LLC) for the respondent.

Parties: Spandec Engineering (S) Pte Ltd -- Defence Science & Technology Agency

Tort – Negligence – Duty of care – Applicable test to determine existence of duty of care – Relationship between two-stage test and incremental approach – Application of two-stage test comprising first proximity and second policy considerations with threshold consideration of factual foreseeability –
Primary Sources of Law
Part 2

Statute Law
Primary and Secondary Sources of Law

Let's move onto...

Primary Sources
- Case Law
- Legislation
  - Acts
  - Regulations
  - Codes
  - Rules
  - Notifications

Secondary Sources
- Encyclopedias
- Journals
- Books
- Parliamentary Debates, Explanatory Notes to Bills
- Newspapers
Legislation

• What is Legislation?
• How does Parliament Pass Laws?
• Finding Primary and Subsidiary Legislation
• Finding Parliamentary Debates
Legislation

What is Legislation?

Laws enacted by legislature or other authorised bodies

- Primary Legislation – Acts of Parliament
  - e.g. Holidays Act (Cap 126)
- Subsidiary Legislation (Regulations, Rules Notifications) – Enacted by Minister
  - e.g. Holidays (Additional Public Holiday in 2015) Notification 2015
  - “SG50 Public Holiday” on 7 August 2015
- Quasi Legislation - Legislation made by a Public Administrative Body
  - Singapore Stock Exchange Rulebooks
How Does Parliament Pass Laws?

View link below
https://www.youtube.com/watch?v=TZPWz7d0w1w

Legislative process covers:
- Introduction of bill to parliament (government or private)
- First reading
- Second reading
- Select committee
- Third reading and proposed amendments
- Bill is put to vote by parliament
- Bill forwarded to the presidential council for minority rights
- Bill becomes law when it is assented to by president
Introduction/First Reading
• Bill
• Parliamentary debate

Second Reading
• Bill
• Parliamentary debate

Committee of the whole House
• Bill
• Parliamentary debate

Select Committee
• Bill
• Select Committee report

Parliament

Third Reading
• Bill
• Parliamentary debate

Presidential Council for Minority Rights
Bill

Presidential Assent
Bill to Act

Government Printer
Gazetting
Act

Attorney-General's Chambers
Drafting and Vetting
Government bill

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Finding Primary and Subsidiary Legislation

Step 1: Go to Singapore Statutes Online https://sso.agc.gov.sg/

Step 2: Search by Keyword or Browse by Title

Step 3: View Subsidiary Legislation

Step 4: View Historical Sources of Legislation

[Demo]
Parliamentary Debates

Why do we refer to Parliamentary Debates?

We refer to parliamentary debates to understand the intention of the drafters.
The Second Reading of the debates are particularly helpful and contain:

- Speech by the minister to explain the objects of the Bill
- MPs comments on the Bill
- Questions raised for the Minister
- Doubts raised on the Bill
- Ministers replies to Questions

e.g. debates to the Holidays Bill (which later became the Holidays Act)

Demo
Finding Parliamentary Debates

**Step 1**

**Step 2**
If you know the title of the act:
- Select search within title “Search within titles only”

If you are looking for content not tied to a specific act:
- De-select “search within titles only”
Primary and Secondary Sources of Law

Today we have covered...

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- Parliamentary Debates, Explanatory Notes to Bills
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Please use your laptop / mobile device to access
Works best with laptop

Go to: kahoot.it
Thank You and Contact Us Anytime At....

cjkohlib@nus.edu.sg