

THE SINGAPORE LEGAL SYSTEM. By WALTER WOON. (Ed.) Singapore:
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THE Singapore legal system has evolved from colonial times through almost twenty-five years of independent development. Hitherto, there has not been available in a single volume a concise yet comprehensive account of the history and structure of the Singapore legal system. The Faculty must be commended for this collaborative effort which seeks to achieve a substantial overview of the Singapore legal system.

This work is organised along the following five areas and this review will follow this sequence. (A) a survey of the legal and constitutional history of Singapore, Parliament and law making and the administrative state; (B) reception of English law; (C) the structure and jurisdiction of the courts and the doctrine of judicial precedent; (D) the structure, duties and privileges of the legal profession and (E) civil legal aid.

Chapter 1 by Kevin Tan sets out to trace the mechanics of the growth of colonial legislative power and the transition from self government to independence. It does this by coupling the historical progression with the legislative instruments which effected the changes and facilitated the succession and continuity of law. In his chapter on Parliament and the Making of Law in Singapore, Kevin Tan elides both the Westminster influences as well as the Singapore embellishments of Government Parliamentary Committee, Group Representation Constituencies and the Presidential Council for Minority Rights. To complete this section, any account of Singapore's legal system cannot exclude an account of the Administrative State, which is here undertaken by Ian Thynne. It completes the broad landscape of the legal system by setting in place public corporations and government companies which loom large on the Singapore landscape.

If within the three chapters one is to have a snapshot of the legal system, then there are regrettably a few gaps. What is missing is a concise account of the constitutional structure of current Singapore and the bare bones of the fundamental liberties, the protection of sovereignty, the Judiciary, the Public Service Commission, the Legal Service Commission, Financial Provision, Emergency Provisions and the Singapore Armed Forces. Such an account should well be undertaken in a future edition of this work.

The next segment of this work is undertaken by Walter Woon who examines the software of the Singapore legal system in the reception of English law. He surveys the reception process through the Charters of Justice and the continuing reception of English commercial law via Section 5 of the Civil Law Act [Cap. 43. 1985 (Rev. Ed.)]. He completes his review by making out a case for discontinuance of such reception through Section 5. He argues that such discontinuance would be beneficial in allowing Singapore to exclude inappropriate English legislation, engendering creative local development removing uncertainties about which law has or has not been received, create a local commercial law, encourage the choice of Singapore Law as the proper law of contracts and enhance the role of Singapore as a business centre. These arguments while attractive, do not address a central feature which is unique to Singapore and other small jurisdictions. We may not have the critical mass or legal manpower to ensure self sustaining commercial law making and reform that is necessary to sustain an international financial centre. Section 5 is thus a convenient and cost effective device which ensures the necessary sophistication of our commercial law to underpin our international financial activities.

The account of courts and their jurisdiction is undertaken by Walter Woon while Tan Yock Lin reviews the appellate supervisory and revisionary jurisdiction of the courts and Walter Woon concludes the section by his study of the doctrine of judicial precedent. These chapters amply address common questions of transfers of cases from subordinate courts to the High Court, and the conceptual differences between appeals, supervision and revision of decisions of lower courts. In reviewing the application of the doctrine of precedent, Walter Woon synthesises a complex of hierarchy of courts and sets out a very useful synopsis of his conclusions

on which judgments of superior or collateral courts are binding on which courts.

This segment is well knit and the three chapters weave common themes and questions and give the reader a coherent and complete account of the court structure, functions and the workings of the doctrine of precedent.

The segment on the legal profession is undertaken by Boo King Ong and Terence Tan. Mr Boo sets out a description of the admission routes and the disciplinary process. This chapter could have been enhanced by some concurrent account of the extensive hearing of the Select Committee on the Legal Profession which highlights the Singapore context and experience of legal disciplinary process.

Further, in addition to listing the grounds for disciplinary action, it would have been more useful if some conceptual analysis were undertaken of the grounds and their basic assumptions. Since the date of the publication, more recent innovations in the form of the Academy of Law and its role and function, would now merit treatment in a future edition. To complete the account of the legal profession, some account of off-shore law firms in Singapore would have been desirable.

The final chapter in this work is Yeo Hwee Ying's account of Civil Legal Aid in Singapore. This is a comprehensive account of the availability and mechanics of legal aid in Singapore and includes a brief account of the criminal legal aid scheme of the Law Society.

This work succeeds in providing a substantial overview of the Singapore legal system without in the main, sacrificing analysis and theory in the process. The thoroughness of treatment in doctrinal analysis is more than just introductory and would be useful not only to law students but also to the legal profession.