

LEGISLATION COMMENTS

OF LIMITATION AND THE REFORMS AHEAD THE CIVIL LAW (AMENDMENT) ACT 1982 (No. 15 OF 1982)

THE actual length and content of the Civil Law (Amendment) Act, 1982¹ not only belie the important reforms it effects but also raise a broader issue concerning perfunctory amendments of local Acts. The recent amendment to the Civil Law Act provides an excellent opportunity to examine these changes and trends.

The Act comprises only two substantive sections and, of these, one (section 3) is a transitional provision. The other (section 2) effects the simple but significant amendment of deleting section 8(3) of the Civil Law Act.²

Section 8 itself, enacted in 1940,³ and based on section 1 of the English Law Reform (Miscellaneous Provisions) Act 1934,⁴ introduced a salutary change in the law by allowing for survival of causes of action both by and against a deceased plaintiff or defendant respectively. The section thus abolished subject to certain exceptions,⁵ the maxim

¹ Act No. 15 of 1982. The Act was passed by Parliament on 27th July, 1982 and was assented to by the President on 3rd September, 1982. It came into operation on 1st October, 1982 by virtue of the Civil Law (Amendment) Act (Commencement) Notification, 1982 (S 266/1982). It took only *four minutes* for the Act to undergo its second and third readings before being passed: *Singapore Parliament Debates* (hereafter referred to as *Debates*), Vol. 42, Cols. 55 and 56 (27th July, 1982). It received its first reading on 19th March, 1982 (*Debates*, Vol. 41, Col. 1248).

² Cap. 30, Singapore Statutes, 1970 Revised Edition.

³ See the Civil Law (Amendment) Ordinance, 1940 (No. 30 of 1940). During the first reading of the bill (see the Supplement to the Straits Settlements Government Gazette (No. 44) dated 24th May, 1940), the Acting Attorney-General referred to the Objects and Reasons of the bill which are set out succinctly in the Straits Settlements Government Gazette for 1940 at p. 649 (23rd February, 1940). They, *inter alia*, confirm certain portions of the English Law Reform (Miscellaneous Provisions) Act, 1934 (*infra*, n. 4) as our law by embodying them within the bill, thus obviating the possible doubts and difficulties generated by *Fresh Food and Refrigerating Co., Ltd. v. Syme and Co.*, [1935] S.S.L.R. 312 which had held that section 3 of the 1934 English act had no local application in the Straits Settlements *via* the now notorious section 5 of the Civil Law Act.

⁴ Chapter 41. See the Interim Report of the Law Revision Committee (Cmd. 4540 (1934)) which took into particular account the increasing incidence of road traffic accidents (see paragraphs 5 and 9), and Noel Hutton, "Mechanics of Law Reform", (1961) 24 M.L.R. 18 at pp. 23 to 26 for an interesting account of the genesis of the Act.

⁵ See the proviso to section 8(1) of the Civil Law Act. Causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or any claim for damages on the ground of adultery are excluded. These causes of action were considered as "purely personal" ones where "the presence of the plaintiff or of the defendant may be of the greatest importance": Interim Report of the Law Revision Committee, *supra*, n. 4, at paragraph 14. *Contra* Owen Dixon, "The Survival of Causes of Action (1951)

1 University of Queensland Law Journal 1.

of the common law *actio personalis moritur cum persona*,⁶ so that it would be no longer cheaper to kill than to maim or cripple. It should, however, be noted that no new cause of action as such was created, for, in the famous words of Lord Ellenborough in *Baker v. Bolton*.⁷ "In a civil court, the death of a human being could not be complained of as an injury." This rule was endorsed by the House of Lords in *Admiralty Commissioners v. 55. Amerika*,⁸ but has been criticised as being unjust and historically unsound,⁹ and may in fact also lead to artificial distinction.¹⁰ A statutory right of action is, of course, available for the benefit of dependants under what is now the Fatal Accidents Act, 1976 (c. 30, as amended). The Singapore equivalent is section 12 of the Civil Law Act. In addition, there was, for a time, the opportunity for personal representatives to garner large sums of damages under the head of loss of expectation of life¹¹ until the House of Lords reduced such sums to a moderate figure in *Benham v. Gambling*.¹² Damages for loss of expectation of life have now been abolished in England.¹³ Further, damages for "lost years" which were first endorsed in *Pickett v. British Rail Engineering Ltd.*¹⁴ do not now survive in England for the benefit of a deceased plaintiff's estate,¹⁵ thus overruling *Gammell v. Wilson*.¹⁶ The law in Singapore on these two preceding points,¹⁷ however, remains unchanged.

⁶ *I.e.* a personal right of action dies with the person. See, generally, Broom's *Legal Maxims* (5th Edition, 1870) at pp. 904 to 916, Holdsworth, *A History of English Law* (5th Edition, 1942), Vol. 3, at pp. 576 to 583, Percy H. Winfield, "Death as Affecting Liability in Tort", (1929) 29 *Columbia Law Review* 239, at pp. 239 to 250. But, the scope of the maxim was not clear and had, even prior to the 1934 English Act (*supra*, n. 4), been subject to many exceptions. It did not, *e.g.*, apply to contractual actions generally. As regards statutory exceptions, it did not apply where a personal representative brought an action for any injury committed to the deceased's real estate and chattels real (Administration of Estates Act, 1925, section 26(2), replacing the Civil Procedure Act, 1833, section 2), or for any debt due to a deceased and for any injury to or right in respect of his personal estate in his lifetime [Administration of Estates Act, 1925, section 26(1), replacing as to deaths after 1925, 13 Edw. 1 (Statute of Westminster the Second) (1285), c. 23; 25 Edw. 3 stat. 5 (1351-2), c. 5; and 31 Edw. 3 stat. 1, c. 11 (1357)]. On the other hand, a plaintiff could maintain an action against the personal representatives for a wrong committed by the deceased to another person in respect of any of his property (Administration of Estates Act, 1925, section 26(5), replacing the Civil Procedure Act 1833, section 2). Thus, the maxim applied, in the main, to tortious injuries of a personal nature, of which personal injuries sustained in road traffic accidents formed no mean percentage (see, *supra*, n. 4).

⁷ (1805) 1 Camp. 493. See, also, Winfield, *op.cil.*, *supra*, n. 6, especially at pp. 250 to 254.

⁸ [1917] A.C. 38.

⁹ Holdsworth, *op. cit.*, *supra*, n. 6 at pp. 333 to 336 and pp. 676 to 677.

¹⁰ See *Jackson v. Watson & Sons*, [1909] 2 K.B. 193.

¹¹ See *Rose v. Ford* [1937] A.C. 826, H.L., which extended the decision in *Flint v. Lovell*, [1935] 1 K.B. 354, C.A.

¹² [1941] A.C. 157. See O. Kahn-Freund, "Expectation of Happiness", (1941) 5 M.L.R. 81 and Owen Dixon, *op. cit.*, *supra*, n. 5.

¹³ *Via*, section 1 of the Administration of Justice Act, 1982 (c. 53).

¹⁴ [1978] 3 W.L.R. 955, H.L.

¹⁵ See section 4 of the Administration of Justice Act, 1982, *supra*, n. 13.

¹⁶ [1981] 1 All E.R. 578, H.L. This case has, however, interestingly enough, been endorsed by the Singapore Court of Appeal in *Low Kok Tong v. Teo Chan Pan* [1982] 2 M.L.J. 299, albeit with the similar reservations expressed in *Gammell's* case itself.

¹⁷ The changes in England followed recommendations in the Report of the Royal Commission on Civil Liability and Compensation for Personal Injury (Cmd. 7054, Vol. 1), better known as the 'Pearson Commission' Report, presented in 1978.

Section 8(3), in particular, dealt with the special limitation of actions with respect to causes of action in tort that survive against the estate of a deceased person, and diminished somewhat the merits of the reform mentioned in the preceding paragraph. In its original form, in order for actions to be maintainable, proceedings against the deceased had to be pending at the date of his death. (Section 8(3)(a)). If they were not, then two cumulative conditions had to be satisfied. First, the cause of action had to arise not earlier than six months before the deceased's death and, secondly, proceedings had to be taken not later than six months after the deceased's personal representative took out representation (see section 8(3)(b)). The first condition was deleted in 1962¹⁸ to bring the law in Singapore into line with the law in England,¹⁹ and this was the situation prior to the passing of the instant amendment. The rationale for this particular limitation was to provide for the due administration of the deceased's estate.²⁰

At the second reading of the bill, it was, as mentioned above, proposed to delete section 8(3) altogether, for unless proceedings were instituted before the death of the tortfeasor, a person who had a claim against the deceased tortfeasor's estate had only a very short period of six months after the grant of representation to commence proceedings, and it was this six month limit that could "give rise to considerable hardship and injustice, especially in personal injury cases."²¹ This problem has been "recognized in the U.K. where the law has been changed by abrogating this rule."²² The normal limitation period²³ would thus apply and the change "would be particularly beneficial to persons injured in road accidents, who through no fault of their own, may be unaware that the tortfeasor has died".²⁴ It would, at this juncture, be pertinent to note that failure to comply with the provisions of section 8(3)(b) has in fact been held by the Court of Appeal of the Federation of Malaya in *Lee Lee Cheng (f) v. Seow*

¹⁸ See the Civil Law (Amendment No. 2) Ordinance, 1962 (No. 16 of 1962) which came into operation on 27th April, 1962.

¹⁹ *Debates*, Vol. 17, Cols. 730 to 733 (17th April, 1962). The English law was amended by the Law Reform (Limitation etc.) Act, 1954 (c. 36).

²⁰ See the Interim Report of the Law Revision Committee (*supra*, n. 4) at paragraphs 11 and 15, and the Report of the Law Commission on Proceedings against Estates (Cmd. 4010) at paragraph 7. See, also, *Chen Fung Ying & Ors. v. Chee Hatt Sang*, [1982] 1 M.L.J. 370 at p. 372 (*per* Roberts C.J.). It is also of interest to note that the words "not later than six months after his personal representative took out representation" in section 8(3)(b) of the Civil Law Act must be construed as referring to representation in the country itself: *In re Estate of John Walker, Deceased*, (1953) 19 M.L.J. 71.

²¹ *Debates*, Vol. 42, Col. 55 (*per* the Minister of State for Law and Home Affairs, Professor S. Jayakumar).

²² *ibid.*

²³ Which for personal injuries (related to an action for damages for negligence, nuisance or breach of duty) is three years from the date on which the cause of action accrued: see section 6(4) of the Limitation Act, Cap. 10, Singapore Statutes, 1970 Revised Edition. For tortious actions that do not consist of or include damages in respect of personal injuries to any person, the period is six years from the date on which the cause of action accrued (subject to the various exceptions enunciated in the Act itself): see section 6(1)(a) of the Limitation Act.

²⁴ *Debates*, Vol. 42, Cols. 55 and 56 (27th July, 1982).

*Peng Kwang*²⁵ to operate decisively in favour of the defendant and the Court has no power to extend the period of six months prescribed by section 8(3)(b).²⁶ Let us now review these reasons enunciated during the second reading and then go on to consider some other additional reasons canvassed in England itself.

The present amendment is, of course, based on the English Proceedings Against Estates Act, 1970 (c. 17). As mentioned in the preceding paragraph, the short six-month limitation period might work hardship on a deserving plaintiff.²⁷ This danger is accentuated by the following additional factors with regard to the issue of a writ.²⁸ These factors were considered by the U.K. Law Commission in its Report on Proceedings against Estates,²⁹ which provided the background to the English Act:

- (a) There might be a delay or a refusal to act on the part of the deceased tortfeasor's personal representatives, or, worse, there might be no personal representatives to issue the writ against. While the problem may be remedied by applying to the Court under the provisions of the Probate and Administration Act,³⁰ it is a cumbersome procedure and takes time.³¹
- (b) The writ might be issued against the deceased person in ignorance of his prior death. On the authorities, the writ would probably be a nullity.³²

The repeal of section 8(3) of the principal Act eases the above mentioned difficulties somewhat³³ which have now been finally taken

²⁵ (1960) 26 M.L.J. 1, affirming *Syed Shah Barakbah J.* in (1958) 24 M.L.J. 271. See, also, *Mat bin Lim v. Ho Yut Kam & Anor.*, [1967] 1 M.I.J. 13, and *Chen Fung Ying & Ors. v. Chee Hatt Sang*, *supra*, n. 20, and *Chesworth v. Farrar*, [1966] 2 All E.R. 107. For an interesting variant centering around section 82 of the Probate and Administration Enactment, Johore, see *Wong Chin Lin v. Teng Sum Bee & Anor.*, 4 M.C. 17.

²⁶ In *Lee Lee Cheng (f) v. Seow Peng Kwang*, *supra*, n. 25, the plaintiff sought to argue that section 47 of the Federation of Malaya Courts Ordinance, 1948 read with Item 12 of the Second Schedule thereof conferred power on the Court to extend the period of limitation. Of course, no similar argument could even be canvassed in Singapore now with regard to section 18(2) read with paragraph 8 of the First Schedule of the Supreme Court of Judicature Act (Cap. 15, Singapore Statutes, 1970 Revised Edition) because the proviso to paragraph 8 clearly states that it (paragraph 8) "shall be without prejudice to the provisions of any written law relating to limitation".

²⁷ Especially if the tortfeasor dies at the time of the accident or soon afterwards.

²⁸ It is, of course, trite law that the issue of a writ stops the limitation period from running.

²⁹ Cmnd. 4010, at paragraph 13.

³⁰ Cap. 23, Singapore Statutes, 1970 Revised Edition: see sections 18 and 55. See, also, *In the Estate of A.B. Simpson*, [1936] P. 40 and *In the Goods of Knight*, [1939] 3 All E.R. 928.

³¹ Report of the Law Commission on Proceedings against Estates (Cmnd. 4010) at paragraph 14.

³² *Ibid.*, paragraph 13, citing *Tetlow v. Ore/a, Ltd.*, [1920] 2 Ch. 24 (which concerned a deceased plaintiff) by analogy. Mackenna J. confirmed this view in *Dawson (Bradford) Ltd. v. Dove*, [1971] 2 W.L.R. 1.

³³ Although it does not in itself entirely eradicate the problem since the difficulties mentioned above could operate long enough to the detriment of a plaintiff notwithstanding the fact that the normal limitation period applies.

care of by an amendment to the Rules of the Supreme Court.³⁴

In fact, ignorance of the tortfeasor's death, mentioned as well during the second reading of the bill, may also work manifest injustice simply because the potential plaintiff may not even issue a writ within the six month limitation period.

In addition, the following advantages (that were not mentioned during the second reading) will also accrue to plaintiffs generally.

First, the amendment will obviate the inconvenience of having a multiplicity of different limitation periods that would otherwise increase the possibilities of error by legal advisers.³⁵

Secondly, the anomalies generated by the case of *Airey v. Airey*³⁶ will vanish with the repeal of section 8(3). This case was authority for the proposition that proceedings could be maintained against the deceased tortfeasor's estate, even though the *normal* limitation period had *expired*,³⁷ provided the requirements of the U.K. equivalent of section 8(3)(b) were satisfied, although the Court of Appeal in that case left undecided the question as to whether the action would be statute barred if it had run foul of the normal limitation period during the *lifetime* of the tortfeasor.

What, then, of the original rationale behind the enactment of section 8(3) which was to provide for the due administration of the deceased tortfeasor's estate?³⁸ Would there also not be possible hard-

³⁴ See the Rules of the Supreme Court (Amendment) 1982 (No. S304 of 1982), made under section 80 of the Supreme Court of Judicature Act, which introduced a new Order 15 Rule 6A similar in terms to an English counterpart introduced *via* R.S.C. (Amendment No. 4) (S.I. 1970 No. 1861) made under the powers conferred by section 99 of the Supreme Court of Judicature (Consolidation) Act, 1925 (c. 49) read with section 2 of the Proceedings Against Estates Act, 1970 (c. 17) (now section 87(2) of the Supreme Court Act, 1981 (c. 54)). The Singapore provision has, fortunately, been effected without the teething problems initially felt in England where the problem posed by the case of *Harris v. Monro*, (1973) 225 E.G. 1551 necessitated amendments both by Act of Parliament (see the Administration of Justice Act, 1977 (c. 38), section 27) and subsequent subsidiary legislation (see R.S.C. (Amendment No. 3) 1977 (S.I. 1977 No. 1955)). An amendment in another context was also effected by R.S.C. (Amendment No. 2) 1977 (S.I. 1977 No. 960). See, generally, the *Supreme Court Practice* 1982, Vol. 1, paragraphs 15/6A to 15/6A/7. The new Order 15 Rule 6A came into operation on 1st December, 1982 and, like its English counterpart, is probably complementary to the present deletion of section 8(3) of the Civil Law Act. In *Industrial & Commercial Bank Ltd. v. Estate of Tan Jit Teng, Deceased* (unreported: Suit No. 1572 of 1979 which was kindly made available to me by Mr. Lim Joo Toon, Assistant Registrar, Supreme Court, Singapore), the then Assistant Registrar, while deciding that the English Order 15 Rule 6A could not be introduced into Singapore by mere judicial decision, nevertheless invoked the inherent jurisdiction of the Court under our Order 92 Rule 4 to appoint the personal representatives concerned as defendants. His decision was, however, reversed on appeal by Wee Chong Jin C.J. who did not deliver a written judgment.

³⁵ Report of the Law Commission on Proceedings against Estates (Cmdn. 4010) at paragraph 14.

³⁶ [1958] 1 W.L.R. 729. And see the Report of the Law Commission (Cmdn. 4010), *supra*, n.35, at paragraphs 2, 11, 12, 14 and Appendix 1 (Draft Bill), Explanatory Note to Clause 1 at p. 19. But, see the perceptive criticism of Terence G. Ison in a casenote in (1958) 21 M.L.R. 558.

³⁷ *Supra*, n. 23.

³⁸ *Supra*, n. 20.

ship to the personal representatives or the beneficiaries of the estate once all the property has been distributed?

With regard to the former question, the Law Commission, bolstered by the opinion of the Law Society that the provision only benefitted the insurance companies and did nothing to hasten the completion of administration of estates,³⁹ found, on balance, that there was, in any event, little danger of delay. If (the equivalent of) section 8(3) was abolished, the possibility of delay would only occur when the deceased was not effectively insured and the personal representatives knew that a claim might be made or that a writ had been issued.⁴⁰

With regard to the question of hardship to the personal representatives or beneficiaries of the estate, the Law Commission reached the conclusion that such hard cases would possibly arise only when there was "an unlikely conjunction of circumstances".⁴¹

It is submitted that the above findings by the Law Commission are of general applicability and are supported by cogent reasoning. They should therefore apply equally in the Singapore context. The repeal of section 8(3) of the Civil Law Act is thus all the more welcome since the original rationale for it has been undermined, if not eradicated.

This particular amendment does, however, raise a broader issue. It took over eleven years to enact what was in substance an English amendment. Having regard to the hardship that has been perpetrated in the interim period, such a lapse of time is regrettable. A situation such as this is, unfortunately, not an isolated one, especially in the context of limitation of actions generally. A rather glaring example which has not in fact resulted in any statutory remedy here as yet concerns the situation where a plaintiff has knowledge of a latent personal injury only after the limitation period has expired. Such a problem is compounded by the fact that the limitation period for actions for personal injuries is only three years. The English law Commission was galvanized into action to prevent a situation similar to that in *Cartledge v. E. Jopling & Sons Ltd.* from arising again.⁴² The Limitation Act, 1963 (c. 47) was enacted soon after to remedy the situation. It was, however, only in 1966 that the Singapore Legislature first shortened the limitation period *vis-a-vis* personal injuries to three years,⁴³ an amendment that, incidentally, was introduced in England as far back as 1954. Yet, in that same year, no account was taken of the 1963 English Act.⁴⁴ It could, of course, be argued that the 1963 English Act had given rise to numerous problems of

³⁹ Report of the Law Commission on Proceedings against Estates (Cmd. 4010) at paragraph 14.

⁴⁰ *Ibid.*, at paragraph 18.

⁴¹ *Ibid.*, at paragraph 23.

⁴² [1963] A.C. 758, H.L. The result in this case contradicted the basis and policy behind a limitation enactment (as to which see G.H. Newsom and Lionel Abel-Smith, *Limitation of Actions* (3rd Edition, 1953) at pp. 2 and 3; Michael Franks, *Limitation of Actions* (1959) at pp. 4 and 5; and *per* Streatfield J. in *R.B. Policies at Lloyd's v. Butler*, [1950] 1 K.B. 76 at p. 81).

⁴³ By the Limitation (Amendment) Act, 1966 (No. 7 of 1966).

⁴⁴ *Debates*, Vol. 25, Col. 79 (21st April, 1966).

construction, but things have gone on apace since, with amendments being passed in 1971 and 1975, all relevant provisions now being consolidated in the Limitation Act, 1980 (c. 58).⁴⁵ Thus far, the law in Singapore has remained static. This is surprising since a perusal of the background to the introduction of our Limitation Act as well as other allied amendments and statutory provisions reveals that, at least insofar as this particular subject is concerned, our law has followed English developments rather closely.⁴⁶ In fact, the instant amendment of section 8 of the Civil Law Act is the most recent illustration of this approach.⁴⁷

It might not be amiss to suggest that other areas of the law may also benefit from a review of English developments. Section 8(3)(b) of the Civil Law Act, for example, used to limit the amount of damages recoverable for breach of promise of marriage which, of course, presupposes the existence of such a cause of action here. Such a cause of action has, however, already been abolished in England⁴⁸ and one wonders whether it should now also be done away with here⁴⁹ in view of the change in social circumstances.

Admittedly, not every English legislative development ought to be slavishly copied by our Legislature. On the contrary, assiduous pains should be taken to review all ostensibly relevant English materials so as to adopt, with modifications if necessary, only those changes that will contribute positively towards the development of the Singapore legal system.

However, the following remarks by the Prime Minister,⁵⁰ made over twenty-five years ago in connection with some other amendment to the Civil Law Act still bear relevance to the updating of our laws:⁵¹

⁴⁵ See generally, the Law Reform (Miscellaneous Provisions) Act, 1971 (c. 43), implementing the Law Commission's Report on the Limitation Act, 1963 (Law Com. No. 35; Cmnd. 4532) and the Limitation Act, 1975 (c. 54), implementing the Interim Report of the Law Reform Committee on the Limitation of Actions in Personal Injury Claims (Cmnd. 5630 (1974)) which, *inter alia*, effected a radical amendment of sorts by conferring a power on the Court in personal injury and fatal accident cases to set aside a defence of limitation if it would be fair to do so as between the plaintiff and the defendant. See, now, sections 11-14 and 33 of the Limitation Act, 1980 (c. 58).

⁴⁶ See, e.g., *Debates*, Vol. 3, Col. 1422 (13th February, 1957 — on the Civil Law (Amendment) Bill); *Debates*, Vol. 11, Col. 587 (2nd September, 1959 — on the Limitation Bill); and *Debates*, Vol. 25, Col. 79 (21st April, 1966 — on the Limitation (Amendment) Bill).

⁴⁷ See *supra*, n. 22, and the accompanying main text.

⁴⁸ See section 1 of the Law Reform (Miscellaneous Provisions) Act, 1970 (c. 33) implementing the primary recommendations of the Law Commission's Report on Breach of Promise of Marriage (Law Com. No. 26).

⁴⁹ Local cases on actions for breach of promise of marriage, though sporadic, do in fact manifest themselves *via* the law reports at regular intervals: see *Tan Kee v. Hong Keat*, (1842) 1 Ky. 63; *Mong v. Doing Mokka*, (1935) 4 M.L.J. 147; *Mary Joseph Arokiasamy v. G.S. Sundram*, [1938] M.L.J. Rep. 4; *Rajeswary & Anor. v. Balakrishnan & Ors.*, 3 M.C. 178 (noted in (1961) 3 Univ. of Malaya L.R. 127); *Maureen (f) Anak Sakin v. Bong Tom*, [1959] S.C.R. 77; *Dennis v. Sennyah*, (1963) 29 M.L.J. 95; and *Nafsiah \ Abdul Majid (Nos. 1 and 2)*, [1969] 2 M.L.J. at pp. 174 and 175 respectively.

⁵⁰ Made over twenty-five years ago in connection with an amendment to section 12 of our Civil Law Act which coincidentally also dealt with a special limitation provision.

⁵¹ *Debates*, Vol. 3, Cols. 1424 and 1425 (13th February, 1957). See, also, the plea for reform by Roberts C.J. in *Chen Fung Ying & Ors. v. Chee Hatt Sang*, *supra*, n. 20, at p. 373 where we find that the law relating to limitation in Brunei is in more dire need of reform than in Singapore.

But I am concerned that legislation of this nature has to await the personal initiative, the personal flair of individuals. Our legislation is mainly based on English legislation. Our legislation is usually introduced several years after that legislation on which it is modelled has been working successfully in England. But it seems that that is the end of the matter. In innumerable instances, social conditions change and the law in England is changed to meet changed conditions.

But the law in Singapore goes on without any change... [I have cited instances to show] that amendments and the bringing of our law up to date should not depend upon spasmodic and haphazard amendments—that there should be some machinery to keep the law all the time up to date.

ANDREW PHANG BOON LEONG