

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 3 OF 2010

**TRANSFER OF MENTAL CAPACITY PROCEEDINGS
TO THE DISTRICT COURT**

The attention of the Bar is drawn to the Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010 ("the Transfer Order") which will come into operation at 6 a.m. on 1 March 2010.

2 Pursuant to the Transfer Order, all proceedings that are commenced under the Mental Capacity Act 2008 (Act 22 of 2008) ("the MCA") on or after 1 March 2010 will be heard and determined by a District Court. This is regardless of the value of the subject matter involved. However, applications under the MCA made on or after 1 March 2010 in relation to any proceedings already commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap 178) ("the MDTA") will still be heard in the High Court.

3 Proceedings commenced under the MCA should therefore be filed in the District Court, while applications under the MCA in relation to proceedings commenced in the High Court under the MDTA, for example, an application to vary a previous order obtained under the MDTA, should be filed in the High Court. In addition, cases commenced in the High Court under the MDTA which are still pending as at 1 March 2010 will continue to be dealt with by the High Court.

4 For proceedings commenced under the MCA in the District Court, practitioners should refer to the guidelines to be issued by the Subordinate Courts.

Dated this 24th day of February 2010.



FOO CHEE HOCK
REGISTRAR
SUPREME COURT