



## SINGAPORE – OVERVIEW



Thomas Stamford Raffles anchored off St John's Island on 28 January 1819 and took no time in arranging a meeting with the local Temenggong (Chief of the Island) to inform him that the British would like to establish a settlement on the island of Singapore. The harbour would provide a significant trading base between Canton and Calcutta that would benefit the locals, as well as the British. Raffles offered to pay a good price for a lease of the island and this appealed to the Temenggong. However, the island belonged to the Sultan of Johore. Nevertheless, a deal was struck with Temenggong and, after Raffles assisted the eldest son of the former Sultan to be installed as the new Sultan of Johore, the treaty was read, signed and sealed.

Under the agreement Raffles, acting on behalf of the East India Company, was granted an exclusive right by Temenggong to set up factories in Singapore. In return, the new Sultan was to receive five thousand Spanish dollars a year and Temenggong an annual award of three thousand dollars. Four years later the Sultan and the Temenggong ceded the Island of Singapore, the adjacent islands and the sea to a distance of 10 nautical miles, to the Company. This cession was acknowledged by British Act of Parliament in 1824 and thereby this territory was brought under the Presidency of Bengal. In 1866 the British Settlements of Penang, Singapore and Malacca were established under the Straits Settlement Acts and as a consequence all such lands were vested in the Crown.

In 1826 by Letters Patent the local Court of Jurisprudence was granted the right to hear all civil and criminal cases. The result was that the English system of law was imposed on the area covered by the Straits Settlement. Although local laws and customs took priority, as did local legislation, the land law system was predominately the **feudal system** that existed in England (with the **doctrine of estates** and the **doctrine of tenure** that were part and parcel of that system). Reforms were made to remove some of the more arcane feudal aspects of English land law and the conveyancing system was simplified.

As in many British Colonies, it was not always clear how the law would be applied as many of the English precedents and interpretation of the law were still applied in the courts. It was not until over 150 years later that matters became a bit clearer. The Application of English Law Act 1993 reconfirmed the application of English common law, unless that was in conflict with custom and local legislation. Also many English statutes were repealed. Notably, all but a few statutes passed prior to 1826. None of the exceptions applied to statutes affecting land law. Any aspects of the ancient statutes that had relevance became part of the local statutes. Nonetheless, many major land law

reforms of English law (notably the 1925 legislation) have no application in Singapore.

A number of notable changes have been made to land law in Singapore to take it away from English law. In particular, the Land Titles Act of 1956 (modelled on Statutes from New South Wales) simplified the conveyancing process by introducing a land recording system based on the **Torrens system** that is now widely used in Australia. Also, a Strata system was introduced to enable a purchaser to acquire a 'unit' in a block of flats. Again, an adaptation from New South Wales. (This form of ownership is similar to **condominium** title as found in the USA.)

When Singapore obtained a right to internal self government in 1959 Crown land became vested in the Crown in the right of Singapore. Then when Singapore separated from Malaysia in 1965, Article 160(2) of the Constitution of the Republic of Singapore provided that all land that was still vested in the British Crown was henceforward vested in the State.

In summary, much of the land law of Singapore follows the English common law, with local custom or statutes prevailing. In area such as conveyancing attention is often focused on Australia or New Zealand as the English has a very different system in this respect and the **strata system** is modelled on that of New South Wales. The basic principles of landlord and tenant law follow the English pattern (without any of the modern statutory adjuncts), although Singapore has its own statutory protection for residential tenants.