

THE YEAR IN REVIEW

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Singapore Chapter of The Dispute Resolution Review

The year in review



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i. Covid-19-related legislation

Covid-19 has led to the government passing several covid-19-related laws. Most of the laws are primarily related to the Covid-19 (Temporary Measures) Act 2020 (Covid-19 Act).

Under the powers granted by the Covid-19 Act, the regulations were made for the purpose of preventing, protecting against, delaying or otherwise controlling the transmission of covid-19 in Singapore. The regulations can be found in the Covid-19 (Temporary Measures) (Control Order) Regulations 2020 (Control Order). As of 8 December 2020, the Control Order provides for regulations that mandate that individuals must wear a mask when outside their place of ordinary residence, except for in the specific scenarios listed under the Control Order. The Control Order also prohibits gatherings of more than five individuals except for certain events such as wedding solemnisations.

On the other hand, the primary provisions of the Covid-19 Act relate to temporary relief available to parties to contracts of a certain nature, as prescribed in the Covid-19 Act. Some of the relief measures include the prohibition of legal proceedings and the prohibition of applications to wind up allegedly insolvent companies. Most of the temporary relief provided by the Covid-19 Act expired on 19 October 2020. A further extension was granted up until 31 December 2020, providing certain temporary relief for event and tourism-related contracts.

ii. Significant decisions in court

In *Ooi Chhooi Ngoh Bibiana v. Chee Yoh Chuang (care of RSM Corporate Advisory Pte Ltd, as joint and several private trustees in bankruptcy of the bankruptcy estate of Freddie Koh Sin Chong, a bankrupt) and another*, the Singapore Court of Appeal, when faced with the issue of whether a property held jointly by a bankrupt and a non-bankrupt ought to be sold, decided that the said property should be sold. In coming to its decision, the Court of Appeal conducted a balancing exercise, considering factors such as the prejudice that the creditors might face and prejudice to the non-bankrupt co-owners in finding feasible alternative accommodation. The Singapore Court of Appeal in *I-Admin (Singapore) Pte Ltd v. Hong Ying Ting and others* adopted a modified approach in assessing breach of confidence claims such that once the first two requirements in *Coco v. AN Clark (Engineers) Ltd* are met, an action for breach of confidence would be presumed. The said presumption is displaced, for instance, where the defendant came across the information by accident or was unaware of its confidential nature or believed there to be a strong public interest in disclosing it.

Quoine Pte Ltd v. B2C2 Ltd was also a significant development, being the first Singapore Court of Appeal case that dealt with issues relating to contractual breach, mistake and trust in relation to cryptocurrency trading.

Finally, following on from the enactment of the Protection from Online Falsehoods and Manipulation Act 2019 (POFMA), the Singapore High Court in *The Online Citizen Pte Ltd v. Attorney-General and Singapore Democratic Party v. Attorney-General* were the first significant decisions on a key issue in POFMA relating to burden of proof. It remains to be seen how the Singapore Court of Appeal will decide on the aforesaid issue.

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Table of Content

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