

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2025] SGHC 148

Originating Application No 708 of 2025

In the Matter of Section 45(4) and Section 59U of
the Medical Registration Act 1997

Singapore Medical Council

... Applicant

GROUND OF DECISION

[Civil Procedure – Extension of time – s 45(4) Medical Registrations Act]

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Re Singapore Medical Council

[2025] SGHC 148

General Division of the High Court — Originating Application No 708 of 2025

Choo Han Teck J

30 July 2025

1 August 2025

Choo Han Teck J:

1 The Complaints Committee (“CC”) investigates complaints against medical professionals under s 45 of Medical Registration Act 1997 (“MRA”). It is required to complete its inquiry within three months, and determine whether the doctor in question should be referred to a Disciplinary Tribunal for a formal inquiry or whether some other appropriate action is required.

2 If the CC is unable to complete its investigations, under s 45(3) of the MRA, the chairman of the Complaints Panel may grant an extension of three more months. However, if the inquiry still cannot be completed before the expiry of that further deadline, s 45(4) read with s 59U of the MRA requires the Singapore Medical Council (“SMC”) to apply to the High Court if further extensions are needed. The application before me in HC/OA 708/2025, is one

such application. I granted the extension sought, but the conduct of proceedings has not been satisfactory for the reasons below.

3 The time limit to complete the inquiry into the doctor concerned (the “Doctor”) expired on 10 July 2025. Counsel for the SMC filed the application to this court for an extension of time on 8 July 2025. The application was fixed for hearing before me on 30 July 2025. I had previously held that such applications must not be filed so close to the expiry date (see *Re Singapore Medical Council* [2023] SGHC 212 at [2]). If there are valid reasons to file late, it is incumbent upon counsel to seek an urgent hearing date before the expiry of the time limit for completing the CC’s inquiry. In this regard, it behoves the SMC to instruct counsel early if it is of the view that the inquiry will take longer than the time permitted. The reasonable time for the CC to complete its investigations must be weighed against the public interest for expeditious resolutions of complaints, which is the whole purpose of this regime. This is made abundantly clear from an examination of the parliamentary debates surrounding the amendments to the MRA, which I have also previously examined in detail (see *Re Singapore Medical Council* [2023] SGHC 213 at [4]–[7]).

4 An application under s 45(4) read with s 59U of the MRA is not an administrative application, like one applying to renew a dog licence. It is a judicial application in which the court must be satisfied that there are merits to the application otherwise the application would be rejected. The applicant cannot assume that such an extension will always be granted. Should there be an unreasonable delay in the inquiry process, or insufficient reason for the extension, the court may well reject the extension of time. It follows that although such applications are not contested, counsel must come prepared to assist the court fully. He (or she) is expected to discharge his duties as counsel

with no less skill as a counsel would in a contested trial. As in most cases, the battle may be won or lost even before counsel appear in court. In other words, the preparation before appearing in court is crucial. In such cases, the affidavit in support of the application must not only set out the reasons why an extension of time is necessary and should be granted, it must also set out the facts that support those reasons.

5 Increasingly, I have found the evidence adduced on affidavit filed in support of such applications to be short in detail. It is not sufficient to merely set out the facts (which are often the subject of the investigations), but the affidavit should also explain what the possible misconduct that the CC is inquiring into, even though no formal charge is being preferred against anyone at this stage. In the present case, the affidavit filed by the applicant only speaks of the nature of the alleged acts which form the basis of the investigation.

6 It is not known what misconduct is being investigated. Paragraph 11 of the affidavit is not only unclear but appears to contradict itself when subparagraph (a) states that the Doctor did not issue medical certificates but subparagraph (b) states that he issued medical certificates. When asked what the CC was inquiring into, counsel stated that it was for “not issuing medical certificates”. That was obviously unhelpful because a doctor may not have issued a medical certificate because the patient did not require one.

7 After much scrambling on his computer and conferring with his assisting counsel, it transpired that the Doctor was being investigated because he attended to an injured worker but did not issue a medical certificate promptly. He subsequently issued six medical certificates and had them backdated. Something does not seem right, but the affidavit ought to have set out these facts and not have counsel offer them as evidence from the Bar. Furthermore, unusual

as those facts might be, it behoves counsel to ensure that the suspected misconduct is made clear. The mere backdating of records or certificates may not amount to misconduct if the Doctor had good reasons why it was not issued with the correct dates, and promptly.

8 It is also necessary to set out the reasons why the inquiry could not be completed in time and why an extension ought to be granted. The importance of concluding the inquiry within the statutory time is underscored by that fact that once that time had lapsed, and no extension had been granted, the CC is *functus officio*. In such situations, the question remains, whether the SMC is entitled to close the expired inquiry and open a fresh one into the same matter and against the same doctor. If it is so entitled, then the very purpose of s 45(4) read with s 59U of the MRA becomes irrelevant. It would mean that should the court decline to extend the time for inquiry, the SMC can, on its own, start afresh. That cannot be right.

- Sgd -
Choo Han Teck
Judge of the High Court

Joel Jaryn Yap Shen and Tamara Au (Adsan Law LLC) for the
applicant.
