

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

**[2026] SGHC 216**

Originating Application No 1085 of 2024 (Summons No 27 of 2026)

Between

Lim Siew Mui

*... Claimant*

And

Skills and Workforce  
Development Agency

*... Defendant*

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**JUDGMENT**

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[Administrative Law — Judicial review — Preliminary question]  
[Administrative Law — Remedies — Quashing order]

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**Lim Siew Mui**  
**v**  
**Skills and Workforce Development Agency**

**[2026] SGHC 216**

General Division of the High Court — Originating Application No 1085 of 2024 (Summons No 27 of 2026)  
Hoo Sheau Peng JCA  
31 August 2026

16 October 2026

Judgment reserved.

**Hoo Sheau Peng JCA:**

1 By way of HC/SUM 27/2026 (“SUM 27”), Ms Lim Siew Mui (“Ms Lim”) seeks an order quashing a “Notice of Ineligibility for Funding from the SkillsFuture Singapore Agency” that was issued on 10 August 2023 (“NOI”) (reproduced at [8] below), on the grounds of irrationality and/or breach of natural justice.

2 For context, I briefly set out the procedural history. On 1 December 2025, I allowed in part Ms Lim’s application in HC/OA 1085/2024 (“OA 1085”) for permission to commence judicial review proceedings in relation to the NOI which was issued by the SkillsFuture Singapore Agency (“SkillsFuture”): see *Lim Siew Mui v SkillsFuture Singapore Agency* [2026] 3 SLR 230 (“Judgment”). Subsequently, SkillsFuture merged with another government agency, the Workforce Singapore Agency (“WSG”), to

form the Skills and Workforce Development Agency (“SWDA”), which is now the defendant to these proceedings. On 14 August 2026, slightly over three years after its issuance, SWDA withdrew the NOI.

3 Arising from this development, SWDA takes the position that the substantive judicial review proceedings in SUM 27 should not proceed. Ms Lim disagrees. In the circumstances, the parties addressed the court on the following preliminary question (“Preliminary Question”):

Whether [SWDA’s] decision on the NOI as communicated to [Ms Lim] in a letter from [SWDA] on 14 August 2026 [*ie*, the withdrawal of the NOI] means that the reliefs prayed for at para 1.1 of [SUM 27, *ie*, a quashing order] is not available to [Ms Lim] and/or may not be proceeded with as a matter of law.

4 Having considered the parties’ written and oral submissions, for the reasons that follow, I agree with SWDA that the Preliminary Question is to be answered in the affirmative. Accordingly, I find that there is no basis for SUM 27 to proceed.

## **Background**

5 The full background to the present application has been canvassed in the Judgment. For present purposes, I summarise the salient aspects.

6 Ms Lim is the sole director and shareholder of Ebiz Institute LLC (“Ebiz”). At the material time, Ebiz was in the business of developing and administering online educational courses. By way of a contract between Ebiz and SkillsFuture dated 1 October 2021, Ebiz was eligible to receive grants from SkillsFuture for providing funded or accredited training courses.

7 SkillsFuture, alleging breaches of the contract by Ebiz, subsequently terminated the contract on 10 August 2023. On 13 December 2023, Ebiz

commenced HC/OC 859/2023 against SkillsFuture for wrongful termination of the contract. This action remains pending before the General Division of the High Court.

8 Significantly, on the same day the contract was terminated (*ie*, 10 August 2023), SkillsFuture issued the NOI to Ms Lim personally. The NOI reads, in part, as follows:

We understand that you are a director and shareholder of [Ebiz]. As you would understand, we have terminated [Ebiz's] contracts with [SkillsFuture]... Please note that, henceforth, unless otherwise permitted or decided by us or dictated under contract,

(a) you; and

(b) any organisation:

i. in which you hold directorship, shares, or a senior management or key personnel position;

ii. in which you are a partner; or

iii. of which you are otherwise an owner,

*will be ineligible to receive (whether directly or indirectly) any and all funding administered by us.*

[emphasis added]

SkillsFuture explained that it issued the NOI against Ms Lim as, in its view, she was responsible for suspected fraud and/or dishonesty perpetrated by Ebiz on SkillsFuture.

9 These events precipitated Ms Lim's commencement of OA 1085 on 18 October 2024, seeking to challenge the issuance of the NOI by SkillsFuture. Ms Lim sought a declaration that the NOI was invalid and/or of no legal effect or, in the alternative: (a) permission to apply for a quashing order against the issuance of the NOI; and (b) a declaration that the NOI is *ultra vires*, void and/or unenforceable against her.

10 On 1 December 2025, I allowed OA 1085 in part, only in respect of Ms Lim’s prayer for permission to apply for a quashing order against the issuance of the NOI: Judgment at [91]–[93]. It bears emphasis that, at that stage, the threshold for an application to commence judicial review proceedings was a very low one of a *prima facie* case of reasonable suspicion. Indeed, I was satisfied that Ms Lim had established a *prima facie* case of reasonable suspicion in favour of a quashing order on the grounds that: (a) the issuance of the NOI was *prima facie* irrational; and (b) she was *prima facie* not accorded an opportunity to be heard in relation to the issuance of the NOI. Therefore, Ms Lim was granted permission to commence judicial review proceedings to quash the NOI based only on these two limited grounds.

11 Consequently, Ms Lim filed SUM 27 on 5 January 2026, seeking a quashing order in respect of the NOI. In the lead-up to the hearing, various case conferences were held. There was also some discussion on the possibility of a settlement agreement, although this did not eventually come to fruition.

12 On 1 July 2026, SWDA was formed. According to SWDA’s solicitors, after the merger of SkillsFuture and WSG, SWDA undertook a review of the previous enforcement framework.<sup>1</sup> Pursuant to this review, SWDA decided to generally terminate the debarments from funding which had been in place for three years or more, such as the NOI.

13 Therefore, SWDA notified Ms Lim that the NOI would cease to have effect on 14 August 2026, by way of a letter of the same date. In the circumstances, SWDA takes the position that the substantive judicial review

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<sup>1</sup> Letter from Allen & Gledhill LLP dated 14 August 2026 at para 5.

proceedings (*ie*, SUM 27) should not be heard. This brings us to the Preliminary Question (see [3] above).

### **Applicable principles on quashing orders**

14 To begin, I set out the applicable principles on quashing orders.

15 As held by the Court of Appeal, a quashing order will only lie against a decision with some form of actual or ostensible legal effect, whether direct or indirect: *Comptroller of Income Tax v ACC* [2010] 2 SLR 1189 (“*ACC*”) at [21]; *Ainsworth v Criminal Justice Commission* (1992) 175 CLR 564 (“*Ainsworth*”) at 580. This is because the function of a quashing order is to deprive the decision under review of its legal effect: *ACC* at [17], citing *Ainsworth* at 580. Therefore, a decision-maker must have done something that a court can quash or, in other words, deprive of legal effect. In terms of a decision with indirect legal effect, this includes a decision which operates as a prerequisite to or a step in a process capable of altering rights, interests or liabilities: *ACC* at [18]. I shall return to the notion of indirect legal effect at [28]–[31] below.

16 Broadly categorised, it appears to me that there are, at least, two types of situations where it may be said that a decision has no legal effect, whether direct or indirect: (a) where a decision had no legal effect to begin with (“first situation”); and (b) where a decision that ostensibly had legal effect, ceases to have legal effect by the time the application to quash it is heard (“second situation”).

17 I set out cases illustrating these situations at [20]–[27] below. I should nonetheless caveat that it is immaterial whether the decision is devoid of legal effect because it falls under the first or second situation. As counsel for SWDA

(“Mr Peh”) pointed out before me, this is not the defining distinction. Rather, common to both situations is the fact that the decision sought to be quashed has no legal effect at the time the application to quash it is heard, such that there is nothing for the court to quash.

18 I pause to address Ms Lim’s advancement of a broader test. Ms Lim submits that *Vellama d/o Marie Muthu v Attorney-General* [2013] 4 SLR 1 (“*Vellama*”) is the “more instructive authority” for present purposes as it “elucidates the true principle” – that being whether there is a practical, private interest that remained live, which justifies the continuation of proceedings.<sup>2</sup> In a similar vein, she argues that the question is whether proceeding with the hearing for SUM 27 is of any “practical benefit”, relying on the case of *TMT Asia Ltd v BHP Billiton Marketing AG (Singapore Branch)* [2019] 2 SLR 710 (“*TMT*”) at [31].<sup>3</sup> Contextualising this question, counsel for Ms Lim (“Mr Poon”) argued before me that the issue is simply whether the NOI continues to have practical consequences on her, notwithstanding that it has been declared to have no legal effect as of 14 August 2026. On the other hand, Mr Peh countered that this does not suffice and, instead, he relies on the test as espoused in *ACC* as the litmus test (see [15] above).

19 I am unable to agree with Ms Lim that such a broad test turning on practical interests or consequences is applicable. First, *Vellama* turned on, in particular, the requirement of standing to seek declaratory relief: see *Vellama* at [16]. On the other hand, the key issue here is whether there remains a decision with legal effect such that it may properly be subject to a quashing order (see [15] above). Second, *TMT* was not a case concerning judicial review and the

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<sup>2</sup> Claimant’s Written Submissions dated 25 August 2026 (“CWS”) at paras 14 and 17.

<sup>3</sup> CWS at para 7.

holding was made in the context of whether a claim should be struck out for abuse of process. The court's observations at [37] on the "very special circumstances" when "serious practical consequences" may justify vindictory relief, such as in cases of "very grave defamation", must not be taken out of context as Ms Lim appears to do.<sup>4</sup> Rather, as SWDA points out, central to the inquiry is whether the decision to be quashed affects the applicant's existing or future legal rights.

***Broad categories where a decision lacks legal effect***

*Where a decision has no legal effect to begin with*

20 Returning to the two broad situations where a decision lacks effect (see [16] above), what is perhaps a classic example falling under the first situation is a warning administered by the Singapore Police Force in lieu of prosecution. It has been routinely held that such a warning is not subject to a quashing order as it does not have legal effect: *Wham Kwok Han Jolovan v Attorney-General* [2016] 1 SLR 1370 ("*Jolovan Wham*") at [33]–[34]; *Han Li Ying, Kirsten v Attorney-General* [2023] SGHC 137 ("*Kirsten Han*") at [27].

21 This is because a warning is no more than an expression of the opinion of the relevant authority that the recipient has committed an offence; it is not a legally binding pronouncement of guilt or a finding of fact: *Jolovan Wham* at [33]–[34]; *Kirsten Han* at [27]. It has also been observed that the Attorney-General is not bound to consider whether a prior warning has been given before deciding whether to prosecute a recipient for a fresh offence in the future, distinguishing this from the situation of an administrative decision that has an indirect legal effect: *Jolovan Wham* at [35] and [37]. Neither is a court entitled

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<sup>4</sup> CWS at para 21.

to treat a warning as an antecedent or as an aggravating factor for the purposes of sentencing in a subsequent offence: *Jolovan Wham* at [44]. Put simply, a warning does not bind a recipient in a manner that directly or indirectly affects his legal rights, interests or liabilities: *Jolovan Wham* at [45].

*Where a decision no longer has legal effect*

22 Moving to the second situation, this generally arises where the act complained of has already been completed or suspended by the time the application to quash it is heard: see *Singapore Civil Procedure 2026* vol I (Cavinder Bull SC gen ed) (Sweet & Maxwell, 2026) at para 24/2/5. There is thus no decision with continuing legal effect capable of being quashed. The following cases illustrate this principle.

23 In *Madan Mohan Singh v Attorney-General* [2015] 2 SLR 1085, the applicant sought to quash the Singapore Prison Service’s (“SPS”) hair grooming policy which adopted the terminology of “practising” and “non-practising” to distinguish between Sikh inmates. However, as SPS had discarded the policy for over a year before the application was brought, the court found that the “very thing that the Applicant seeks to quash did not exist when he brought the present [application]”: at [31].

24 Next, in *Pannir Selvam a/l Pranthaman v Attorney-General* [2022] 2 SLR 421, one of the appellant’s grounds of challenge was against SPS’s decision to refuse his request to interview another inmate, ostensibly to aid in the preparation of his case. By the time the application was heard, however, SPS had already allowed the appellant’s request to conduct an interview, rendering the quashing order sought of SPS’s decision academic, such that the quashing order would serve no utility: at [29].

25 Next, in *Vijaya Kumar s/o Rajendran v Attorney-General* [2015] SGHC 244, one of the applicants’ prayers was for permission to apply for an order to “quash the enforcement of” a condition of a police permit granted in respect of a Thaipusam procession held on 3 February 2015: at [2]. By the time of the hearing, almost three months had elapsed from the Thaipusam procession. Hence, that prayer was held to be defective as it “sought to quash the enforcement of something which had already been done and which was impossible to undo because the event was long over by the time the present application was taken out”: at [25].

26 Finally, in *Yip Kok Seng v Traditional Chinese Medicine Practitioners Board* [2010] 4 SLR 990, the applicant sought, *inter alia*, a declaration that the Traditional Chinese Medicine Practitioners Board (“TCM Board”) acted *ultra vires* when it acted on a complaint which was not supported by a statutory declaration: at [4]. Counsel for the TCM Board argued that the proper remedy was not a declaration but a quashing order: at [15]. The court, however, noted that the applicant’s complaint was against an investigation that had already been completed and, in addition, the TCM Board had suspended any further steps in this regard: at [30] and [32]. Therefore, there was no continuing legal effect which could be quashed: at [32].

27 As may be elucidated from these cases, while the decisions sought to be quashed may initially have had some form of legal effect, by the time the application was heard, there was no continuing legal effect, direct or indirect, for the decision to be amenable to a quashing order. I now return to expand on the concept of indirect legal effect.

***Whether a decision has (or lacks) indirect legal effect***

28 As will become apparent later, what lies at the heart of the Preliminary Question is whether the NOI continues to have indirect legal effect. As set out at [15] above, decisions with indirect legal effect include a decision which operates as a prerequisite to or a step in a process capable of altering rights, interests or liabilities: *ACC* at [18]. I outline some cases concerning the indirect legal effect (or lack thereof) of a decision sought to be quashed.

29 In *Ainsworth*, the respondent produced a report in Parliament making findings against certain poker machine suppliers and manufacturers, including the appellants. The report ascribed certain conduct to the appellants on highly critical terms without giving the appellants an opportunity to be heard. The High Court of Australia (“HCA”) unanimously held that a quashing order was not available as the report had no legal effect and carried no legal consequences, whether direct or indirect: at 580 and 595. In particular, Mason CJ, Dawson, Toohey and Gaudron JJ, in their joint judgment, explained why the report carried no indirect legal effect (at 580–581):

It is different when a report or recommendation *operates as a precondition or as a bar to a course of action, or as a step in a process capable of altering rights, interests or liabilities*. A report or a recommendation of that kind may be quashed, that is to say its legal effect may be nullified by certiorari. *But the Commission’s report is not in that category. The report may bear upon the appellants’ prospects of obtaining licences under the Gaming Machine Act 1991 (Q) for that Act, in s. 3.3(1)(b)(ii) and (iii), makes reputation a matter to be taken into account in determining whether a licence should be granted. However, like the report considered in Reg. v Collins; Ex parte A.C.T.U.-Solo Enterprises Pty Ltd, the report does not “legally affect ... rights”, for it may be that the appellants will be granted such licence or licences under the Gaming Machine Act 1991 as they request “even ... in direct opposition to any recommendations [made] in it” by the Commission. There being no legal effect or consequence attaching to the report, certiorari does not lie to*

*correct the failure of the Commission to comply with its duty to proceed in a way that was fair to the appellants.*

[emphasis added]

30 Although the report could bear upon the appellants’ prospects of obtaining licences, this was found not to indirectly affect them since such licences could also be granted despite the recommendations contained in the report. The appellants’ legal rights were not altered simply because of such recommendations.

31 The Court of Appeal in *ACC* (at [18]–[19]) contrasted the outcome in *Ainsworth* with two other decisions where the impugned decision was found to have indirect legal effect, which I set out:

(a) First, the case of *Hot Holdings Pty Ltd v Creasy* (1996) 134 ALR 469 (“*Creasy*”). The applicant sought a quashing order against a decision by a warden to conduct a ballot to determine which party was to receive priority for a mining tenement under the relevant mining legislation. The majority of the HCA found that the warden’s decision could be subject to a quashing order as it was a decision which had a discernible legal effect on the applicant’s rights: see *Creasy* at 487. Of note was that, under the relevant mining legislation, the minister was bound to consider the information which the warden transmits to him, and the minister could not exercise the discretion to grant or refuse applications until the warden’s recommendation and report had been taken into account: at 487.

(b) Second, in *Regina v Panel on Take-overs and Mergers, Ex parte Datafin Plc* [1987] QB 815 (“*Datafin*”), the Panel on Take-overs and Mergers (“Panel”) was an unincorporated association responsible for

administering the City Code on Take-overs and Mergers and determining if there had been violations of the same. Its decisions, however, had no direct force of law as the Panel had no statutory or contractual powers: at 825. Notwithstanding that, should the Panel find that there was a code violation, it could refer the case to the Department of Trade and Industry or the Stock Exchange. These bodies would, in turn, as the English Court of Appeal opined, exercise its statutory or contractual powers to penalise the transgressors, with severe penalties such as expulsion: at 826. In the circumstances, the Panel's decisions were capable of indirectly affecting the rights of citizens and thereby amenable to a quashing order: *ACC* at [19]; see *Datafin* at 826 and 837–838.

### **The parties' cases**

32 Against the context, I set out the parties' positions in respect of whether the NOI has any legal effect such that it is still capable of forming the subject matter of a quashing order, justifying the continuation of SUM 27.

33 Ms Lim's general submission is that proceeding with SUM 27 would not be in vain as she seeks to render the withdrawn NOI void *ab initio*.<sup>5</sup> She denies that this is a case where the act sought to be quashed has since been completed.<sup>6</sup> She suggests that because the NOI was not rescinded, the NOI remains, notwithstanding that it ceased to have effect on 14 August 2026. She specifically points to situations where she purportedly continues to be affected

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<sup>5</sup> CWS at para 13.

<sup>6</sup> CWS at para 18.

by the NOI, because she has to declare that she was subject to the NOI when applying for grants or during her other endeavours.<sup>7</sup>

34 In response, SDWA argues that SUM 27 is academic given that the NOI has already been withdrawn and has no legal effect.<sup>8</sup> There is, strictly speaking, no order for the court to quash as the NOI does not exist anymore.<sup>9</sup> Further, it is speculative whether the NOI may have any bearing on Ms Lim’s future applications and, even if that were the case, there is no basis for a quashing order as the NOI has no legal effect and cannot affect her future rights.<sup>10</sup>

35 I should note that SUM 27 concerns only an application for a quashing order. Before me, Mr Poon emphasised that declaratory relief would not deal with the supposed continued wrong of the NOI and a quashing order would be the only correct mechanism to deal with the wrong in question. At the same time, he belatedly claimed that declaratory relief should, at the bare minimum, be available to Ms Lim. While the court may make a declaratory order whether or not any other relief is sought, pursuant to O 4 r 7 of the Rules of Court 2021 (“ROC”), Mr Poon did not make submissions to demonstrate the satisfaction of the distinct legal requirements for declaratory relief. Moreover, I also note that a declaration ordered under O 24 r 6(8)(a) of the ROC when a prerogative order is sought, is limited to a declaration “ancillary to or consequential upon” an order made pursuant to O 24 r 6(5)(d) of the ROC (among others, a quashing order). In the circumstances, leaving aside the question on the merits of the substantive judicial review application, should I find that the Preliminary

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<sup>7</sup> CWS at paras 4 and 19–20.

<sup>8</sup> Defendant’s Written Submissions dated 25 August 2026 (“DWS”) at paras 11 and 14.

<sup>9</sup> DWS at para 4.

<sup>10</sup> DWS at para 9.

Question is not answered in Ms Lim’s favour, I am unable to envisage how she can now pivot to seeking a declaration.

### **My decision**

36 At the outset, it is clear that the NOI no longer has any direct legal effect because it has been withdrawn by SWDA as at 14 August 2026. Consequently, Ms Lim and her related entities are no longer subject to debarment from funding by SWDA.

37 It would then be apparent that Ms Lim’s case is premised on the supposed indirect legal effect of the NOI. She strenuously argues that she continues to be affected by the NOI, notwithstanding that it has since been withdrawn. Her general point is that she may be required to declare the NOI in some of her applications or endeavours. She raises three specific illustrations where she or any of her associated companies will have to disclose the NOI.<sup>11</sup>

38 First, on the Business Grant Portal regarding government grants for businesses, an applicant is required to declare whether “the applicant or any of its shareholders or directors [has] been subject to a debarment (by Enterprise SG or other agencies) from participating in any [g]rant [s]chemes”.<sup>12</sup>

39 As an aside, I should note that at the hearing, Mr Peh stated that the documents relied on by Ms Lim for the following two examples may not be the updated versions,<sup>13</sup> but he addressed the requirements stated therein anyway.

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<sup>11</sup> CWS at paras 4 and 19–20.

<sup>12</sup> CWS at para 4.

<sup>13</sup> See CWS at para 20.

Likewise, I proceed based on the documents submitted by the parties as at the date of the hearing.

40 Second, to register as an SkillsFuture-funded training provider, an entity will need to declare in its application that they are “free from contractual breach and other infringements” in the last five years relating to, *inter alia*, the SkillsFuture Singapore Agency Act 2016 (2020 Rev Ed) (“SSG Act”).

41 Third, pursuant to the Private Education Act 2009 (2020 Rev Ed) (“PEA”), a private education institution must ensure that its manager and teachers are fit and proper persons. According to guidelines issued by SWDA (“PEA Guidelines”), an individual who has been suspended or disbarred by a professional or any other regulatory body in Singapore or elsewhere may not be considered a fit and proper person under the PEA. At the hearing, Mr Peh submitted that this factor appears to refer to professional disbarment and not about debarment from funding, such that the NOI does not immediately appear to fall within such a context. I agree with Mr Peh’s submission and see no basis for Ms Lim to rely on this. I shall not deal with this further.

42 Having considered the matter, I agree with SWDA that Ms Lim is raising speculative concerns that the withdrawn NOI may affect her future prospects and/or endeavours.<sup>14</sup> Circling back to the illustrations of the potential declarations of the NOI that Ms Lim relies on (see [38] and [40] above), at the highest, I note that any declaration forms just one matter in the overall inquiry for each of the applications.

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<sup>14</sup> DWS at para 14.

43 First, on the basis of the document adduced by SWDA,<sup>15</sup> the Business Grant Portal requires seven other declarations from an applicant. Among others, two of them relate to declarations of whether an applicant has been or is currently being, in any jurisdiction in the last five years, investigated, charged with or convicted of any criminal offence or engaged in any civil suit or proceedings. In this respect, SWDA alludes to the fact that Ms Lim may need to declare that she may be currently facing police investigations.<sup>16</sup>

44 Next, based on SWDA's website, a training provider applying for SkillsFuture funding has to additionally declare that, among other individuals, its management staff is free from criminal offences in the last five years relating to, *inter alia*, dishonesty and fraud.<sup>17</sup> Among other things, it must also demonstrate sound financial health and a track record of at least one year in training and education. In other words, an applicant would have to satisfy SWDA of other requirements, beyond its declaration that it is free from other infringements in the last five years in relation to the SSG Act.

45 Apart from these potential declarations by an applicant, it goes without saying that an application for funding or grants would ordinarily be assessed holistically on its merits. After all, in general, an applicant does not have an entitlement to receive funding or grants from the government.

46 As may be appreciated, any declaration of the withdrawn NOI by Ms Lim only forms one piece of the puzzle. As SWDA points out, Ms Lim is not in a position to argue that any disclosure of her past debarment record would

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<sup>15</sup> Defendant's Bundle of Documents dated 28 August 2026 at Tab 5.

<sup>16</sup> DWS at para 9.

<sup>17</sup> CWS at footnote 11.

invariably affect her applications.<sup>18</sup> Nor has she adduced any evidence to show that she has made attempts to apply for grants and encountered difficulties due to her disclosure.<sup>19</sup>

47 In this connection, I accept SWDA's reliance of *Ainsworth*, which I have previously summarised at [29]–[30] above. To reiterate, the HCA in *Ainsworth* found that the fact that the respondent's report might affect the appellants' prospects of obtaining licences did not suffice to bring it within the realm of a quashing order. It was not the case that the report set in motion the alteration of the appellants' rights or interests. Indeed, the HCA pointed out that the appellants may be granted licences notwithstanding the adverse findings in the report. At its core, the report had no legal effect, whether direct or indirect, on the appellants to justify the imposition of a quashing order.

48 There lies some similarity between *Ainsworth* and the present facts. The NOI had a bearing on Ms Lim's legal rights from the date it was issued up until the time it was withdrawn, as Ms Lim and her related entities faced debarment from SkillsFuture. Presently, it has no direct legal effect on Ms Lim as the withdrawal of the NOI means that there is no longer any debarment. Like the respondent's report in *Ainsworth*, there is no indirect legal effect occasioned by the NOI. The adverse findings in the report in *Ainsworth* may well have been a consideration in the assessment of the appellants' application for a licence (see [29]–[30] above). However, it is equally true that the appellants were not foreclosed from obtaining the licence as a result of the report. In that sense, the report did not indirectly alter the appellants' legal rights, and a quashing order was not appropriate. In a similar fashion, even if the NOI may have to be

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<sup>18</sup> DWS at para 9.

<sup>19</sup> DWS at para 9.

declared in certain situations, the declaration does not *ipso facto* mean that Ms Lim’s future applications would be affected as it forms just one factor in any inquiry.

49 Moreover, I agree with SWDA that the present facts may be contrasted to *Creasy*,<sup>20</sup> the facts of which I have previously set out at [31(a)] above. In *Creasy*, the applicant’s legal rights remained indirectly affected as the minister was bound, under the relevant mining legislation, to take into account the mining warden’s recommendation such that the report had a discernible legal effect upon the minister’s exercise of discretion. In contrast, there is no suggestion that the NOI must be taken into account by any decision-maker, and that its declaration would adversely affect Ms Lim’s future applications. Unlike *Creasy*, it is not as though future decision-makers are bound to consider the fact of the NOI, even if its declaration forms part of the application process. Neither are the present facts akin to *Datafin* (summarised at [31(b)] above), where the Panel’s decisions appear to me to have operated as a prerequisite to a process capable of altering the legal rights of parties in breach of the code, since the Panel could refer the transgressors to the appropriate bodies that would in turn exercise their statutory or contractual powers to penalise them.<sup>21</sup>

50 For completeness, I address two other authorities relied on by Ms Lim which, in my view, do not assist her case.<sup>22</sup>

51 In *Gibson v Union of Shop, Distributive and Allied Workers* [1968] 1 WLR 1187 (“*Gibson*”), the subject matter of the applicant’s

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<sup>20</sup> DWS at para 10.

<sup>21</sup> DWS at para 10.

<sup>22</sup> CWS at paras 16–17.

requested declaratory relief, his two-year suspension from a trade union, was due to come to an end three weeks from the start of trial: at 1187. The court granted permission for the action to proceed as there remained “a good ground of complaint, not of an academic character but involving substantial legal issues”: at 1189. The question raised was not strictly academic as the period of suspension was still current for a period of three weeks: at 1189. Put differently, the decision continued to be in effect at the time of the substantive hearing, albeit it was due to cease effect in three weeks. It therefore could not be said that the relief sought was rendered moot. The outcome reached in *Gibson* was borne out of its particular facts, and it thus does not advance Ms Lim’s case any further.

52 Neither do the facts of *R v Legal Aid Board, ex parte Hardiman* (CO/3193/95) (“*Hardiman*”) weigh in favour of Ms Lim. There, the applicant sought permission to apply for a quashing order and damages against the Legal Aid Board’s decision to discharge her legal aid certificate issued on 19 June 1995. After she applied for the court’s permission, the Legal Aid Board nonetheless “rescinded the order of discharge of the legal aid certificate ... and restored legal aid” to the applicant from 3 November 1995. The application was hence dismissed because the principal relief sought was now an “entirely a purposeless exercise”.

53 Ms Lim attempts to distinguish the present case from *Hardiman*, reasoning that SWDA did not rescind the NOI and merely had it cease effect from 14 August 2026.<sup>23</sup> Before me, Mr Poon argued that the quashing order here may be purposeless if SWDA took the position that the NOI was rescinded, but this was not the case presently. However, I do not think that when the court in

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<sup>23</sup> CWS at para 17.

*Hardiman* said that the Legal Aid Board “rescinded the order of discharge of the legal aid certificate”, it meant to ascribe a technical meaning to the term (*ie*, that it was rescinded *ab initio*). After all, as Mr Peh pointed out during the hearing, there was a period of time from the discharge of legal aid (*ie*, 19 June 1995) to the date of restoration (*ie*, 3 November 1995) when the applicant did not benefit from legal aid. Thus, the initial decision to discharge legal aid subsisted for almost five months before the restoration. Notwithstanding that, a quashing order was found to be without purpose. In the circumstances, I do not think *Hardiman* assists Ms Lim’s case that the NOI must necessarily be rescinded *ab initio* for its legal effects to cease.

54 For these reasons, in so far as Ms Lim argues that the withdrawn NOI will continue to affect her legal rights, I disagree. To reiterate, the NOI has no direct legal effect, and any debarment has ceased. She is no longer *prima facie* precluded from applying for funding from SWDA. Second, even if, as she claims, she is made to declare the withdrawn NOI during certain endeavours (see [37]–[38] and [40] above), there is nothing to suggest that these applications would invariably be considered in an unfavourable manner because of the NOI. This is because, in the situations highlighted by Ms Lim, there are various other factors at play which may be favourable or otherwise to Ms Lim. Therefore, it may be that her applications may be considered favourably, notwithstanding any declaration of the past NOI. The converse may also be true. Third, decision-makers are not bound, by statute or otherwise, to consider the fact of the withdrawn NOI. The point to be emphasised is that Ms Lim has not demonstrated how the withdrawn NOI operates as a prerequisite to a process capable of altering her legal rights.

55 Finally, I observe that should the risk that Ms Lim is concerned with eventuate in that, for a fresh application, her declaration of the NOI results in a

decision being made against her in an ostensibly unjustified manner, Ms Lim is not, contrary to her contention, left without recourse. Ms Lim is presently focused on seeking relief against SWDA. However, should the occasion arise, it is open to Ms Lim to take out fresh proceedings against any future decision made against her. That said, the onus would fall on her to demonstrate that the NOI affected the decision-maker's decision in a manner that was not legally permissible, grounding a judicial review challenge. Again, I would caveat that such a risk seems illusory, given that the examples she has brought up plainly involve a host of other declarations and/or factors. The point which remains for present purposes is that her remedy, at this juncture, does not lie in a quashing order against the NOI.

56 At this stage, Ms Lim has simply failed to show that the NOI continues to affect her legal rights, directly or indirectly.

### **Conclusion**

57 By virtue of the foregoing, to answer the Preliminary Question, SWDA's decision to withdraw the NOI on 14 August 2026 means that the quashing order sought under SUM 27 is not available to Ms Lim, and that the substantive judicial review proceedings in SUM 27 may not proceed further.

58 I therefore dismiss SUM 27. Parties are to file costs submissions (limited to five pages each) within two weeks of this Judgment, in respect of OA 1085 (in which the question of costs was previously reserved) and SUM 27.

Hoo Sheau Peng  
Justice of the Court of Appeal

Poon Guokun Nicholas (Breakpoint LLC) for the claimant;  
Peh Aik Hin, Chia Su Min Rebecca, Jonathan Goh and Tong Ying  
Ern Claire (Allen & Gledhill LLP) for the defendant.

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