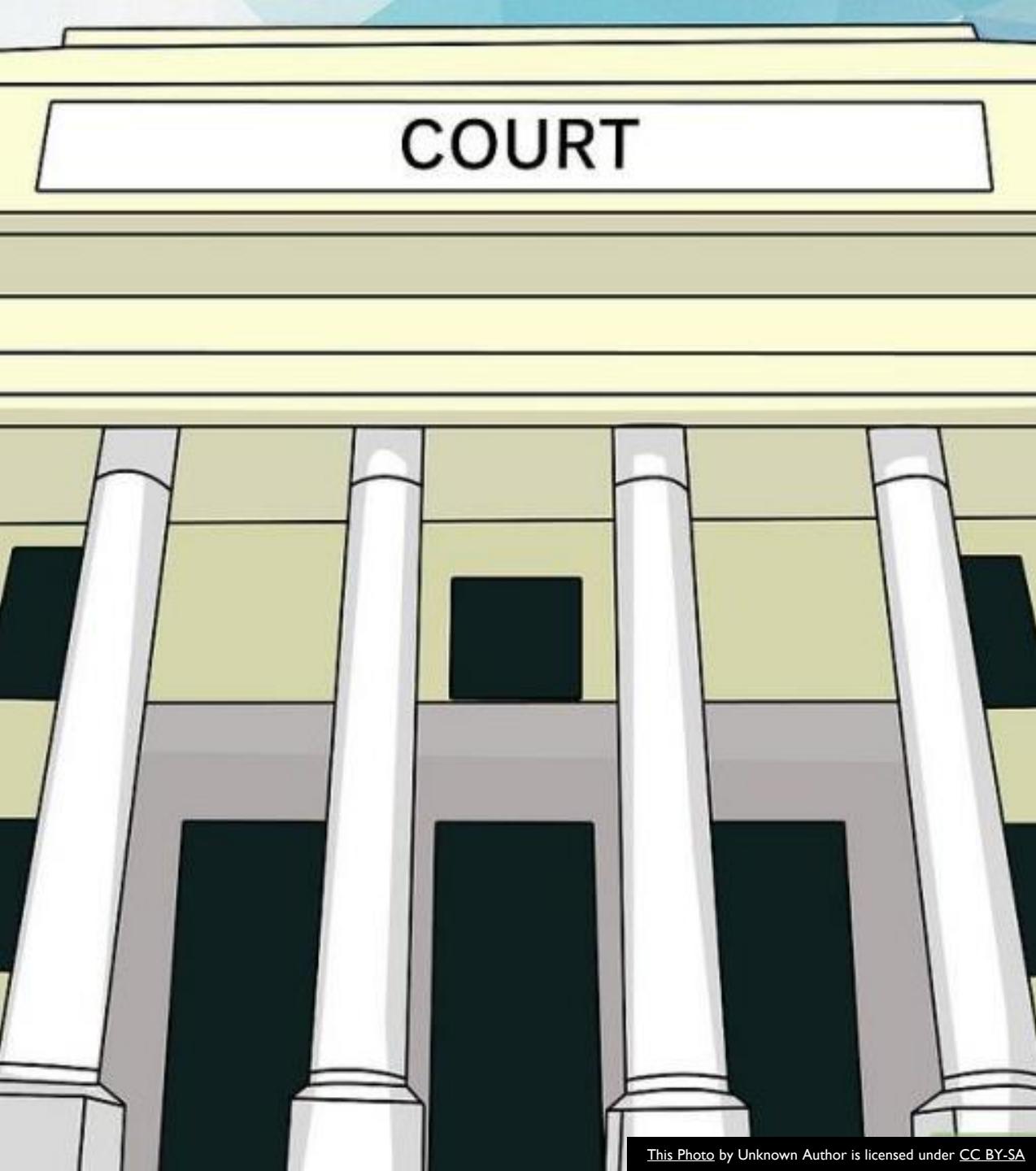


PERSONAL INJURY & PROPERTY DAMAGE

(PIPD)

Part Four

Why is the Invisible Man the worst lawyer? Because he can never appear in court.



LEGAL PROCESS (II)

For PIPD matters in
Court

DECIDING WHERE TO SUE

- Automatic Transfer from High Court to State Courts
- Supreme Court of Judicature (Transfer of Specified Proceedings to District Court) Order 2016
- Differences between Litigating in Supreme Court and State Courts

• In Supreme Court

PTC before AR
JPTC before Judge



Trial / Assessing Judge
Assessment by AR

• In State Court

CDR - Trial



ADCDR - Assessment

OTHER ASPECTS OF PIPD LITIGATION

- Enhanced Jurisdiction of State Courts by agreement
- Section 23(a) of State Courts Act provides:
- Where the parties to an action agree, by a memorandum signed by them or their respective solicitors, a District Court has jurisdiction under section 19(2) to hear and try the action even though the amount claimed in the action exceeds the District Court limit.
- The case can then be transferred from High Court to the State Court or be kept in the State Courts.

OTHER ASPECTS OF PIPD LITIGATION

- Tan Woo Thian v PriceWaterhouseCoopers Advisory Services Pte Ltd [2021] 1 SLR 1166
- Salmizan bin Abdullah v Crapper Ian Anthony [2023] SGHC 75

OTHER ASPECTS OF PIPD LITIGATION

- **Single Joint Experts**

- Order 12 rule 3 Rules of Court (2021 ed)
- High Court matters: must agree on one common expert, and may not rely on more than 1 expert on any issue
- State Court matters under simplified trial: must appoint independent expert to give expert evidence. If cannot agree, the Court may appoint.
- Paragraph 2 of Pre-action Protocol Appendix B
- Lee Song Yam v Hafizah binte Abdul Rahman [2019] SGMC 24

OTHER ASPECTS OF PIPD LITIGATION

- Usual Consequential Orders
 - Section 18(3) Motor Vehicles (Third Party Risks and Compensation) Act
- Despite the provisions of any other written law, public officer or an advocate and solicitor, acting in respect of matters referred to in subsection (3), must not receive or accept any payment of money other than (a) costs that are agreed between him or her and the Public Trustee, or (b) assessed costs, in default of such agreement with the Public Trustee; or (c) the costs that the Public Trustee may determine to be the costs of the public officer or advocate and solicitor, if the public officer or advocate and solicitor fails to begin proceedings for assessment of costs within 3 months after the relevant date unless before that time the public officer or the advocate and solicitor has agreed with the Public Trustee on costs
 - Form 7 Appendix A1 State Courts Practice Direction (2021)
 - See also Public Trustee Circular 1 of 2014

OTHER ASPECTS OF PIPD LITIGATION

Intervening for Insurers

Workmen Injury Compensation

MIB

- Motor Insurers' Bureau Agreement
- Motor Vehicles (Third Party Risk and Compensation) Act
- Applies where the potential defendant is uninsured or untraced.
- Uninsured and Insurers' Concerned
- Untraced and MIB