

## **APPENDIX G**

Para. 99B(1)

### **GUIDELINES FOR PARTY-AND-PARTY COSTS AWARDS IN THE SUPREME COURT OF SINGAPORE**

#### **I. Use of the Costs Guidelines**

1. This Appendix provides guidelines for party-and-party costs in the Supreme Court (the “Costs Guidelines”).
2. The Costs Guidelines have been approved for publication by the Judges of the Supreme Court. They are intended to provide a general indication on the quantum and methodology of party-and-party costs awards in specified types of proceedings in the Supreme Court, taking into account past awards made, internal practices and general feedback.
3. The Costs Guidelines serve only as a guide for parties and counsel. The fundamental governing principle is that the precise amount of costs awarded remains at the discretion of the Court. The Court may depart from the Costs Guidelines depending on the particular circumstances of each case. See in particular paragraph 1(2) of Appendix 1 to Order 59 of the Rules of Court, which is reproduced below:

“(2) In exercising his discretion the Registrar shall have regard to the principle of proportionality and all the relevant circumstances and, in particular, to the following matters:

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the urgency and importance of the cause or matter to the client; and
- (f) where money or property is involved, its amount or value.”

Nothing in these Costs Guidelines is intended to guide or influence the charging of solicitor-and-client costs.

4. The relationship / interaction between Parts IIA and IIB of Appendix G is as follows:
  - (a) If the contested summons is not listed in Part IIB, reference should be made to the costs range for contested applications set out in Part IIA.
  - (b) If the contested summons is listed in Part IIB, reference should be made to the

costs range therein. However:

- (i) If the said summons is one that is simple, and the lower end of the costs range set out in Part IIB is higher than the lower end of the costs range set out in Part IIA, reference *may* be made to the Part IIA costs range.
  - (ii) If the said summons is one that is complex, and the upper end of the costs range set out in Part IIB is lower than the upper end of the costs range set out in Part IIA, reference *may* be made to the Part IIA costs range.
- 5. There is no presumption that a higher amount of costs is to be awarded in respect of a summons that is heard before a Judge (as opposed to a Registrar) at first instance.
- 6. Parties should take note of the requirement to file a costs schedule under paragraph 99A of the Practice Directions in respect of the following types of proceedings: (i) trials in open court for all writ actions and originating summonses ordered to be continued as if the cause or matter had been begun by writ; and (ii) originating summons involving cross-examination of any deponent.
- 7. Litigants in person should take note of Order 59, Rule 18A of the Rules of Court, the application of which shall remain unaffected by these Costs Guidelines.
- 8. It should further be noted that in the event of an appeal, costs awards made by the Court of first instance may be supplemented or otherwise modified by the appellate court as appropriate.
- 9. The Supreme Court may from time to time review these Costs Guidelines.

## II. Costs Guidelines for Summonses

### A. General

	Nature of Application	Costs (\$) (excl. disbursements)
1.	Uncontested	1,000 – 5,000
2.	Contested <ul style="list-style-type: none"> <li>Application on normal list lasting less than 45 mins</li> <li>Application on normal list lasting 45 mins or longer</li> <li>Complex or lengthy application fixed for special hearing (duration of 3hrs)</li> </ul>	2,000 – 5,000  4,000 – 11,000  9,000 – 22,000

### B. Specific

	Nature of Application	Costs (\$) (excl. disbursements)
1.	Adjournment	500 – 2,000
2.	Extension of time	1,000 – 4,000
3.	Amendment of pleadings <i>[*The costs range for amendment of pleadings stipulated in Appendix G relates only to the application itself.  Separate costs for the amendments (eg, for costs thrown away as a result of the amendment) may be sought]</i>	1,000 – 7,000
4.	Further and better particulars	2,000 – 9,000
5.	Discovery	3,000 – 11,000
6.	Interrogatories	2,000 – 11,000
7.	Security for costs	2,000 – 10,000
8.	Interim payment (O 29)	2,000 – 10,000
9.	Striking out (O 18 r 19)	
	striking out of part(s) of pleadings / affidavit	3,000 – 12,000
	striking out of whole suit / defence*	6,000 – 20,000

	Nature of Application	Costs (\$) (excl. disbursements)
	<p><i>[*The costs range for striking out of whole suit / defence stipulated in Appendix G relates only to the application itself.</i></p> <p><i>If the applicant is successful in striking out the whole suit / defence, separate costs for the action (based on the pre-trial range, if appropriate) may be sought]</i></p>	
10.	<p>Summary judgment (O 14)*</p> <p><i>[*Part II(c) of Appendix 2, Order 59 of the Rules of Court provides for the scale of fixed costs for O 14 applications. The Court may depart from the said scale and order otherwise: see O 59 r 31(2) of the Rules of Court.</i></p> <p><i>The costs range for an O 14 application stipulated in Appendix G relates only to the application itself. If the plaintiff is successful in obtaining judgment for the whole action, separate costs for the action (based on the pre-trial range, if appropriate) may be sought]</i></p>	
	O 14 judgment given	6,000 – 20,000
	O 14 dismissed	6,000 – 20,000
11.	Setting aside of judgment	2,000 – 19,000
12.	Stay of proceedings	
	for arbitration	5,000 – 23,000
	on <i>forum non conveniens</i>	6,000 – 21,000
	pending appeal	3,000 – 11,000
13.	Examination of Judgment Debtor	3,000 – 10,000
14.	Discharge of solicitor	1,000 – 4,000
15.	Setting aside of service	3,000 – 14,000
16.	Leave to appeal to the Appellate Division or to the Court of Appeal	4,000 – 15,000
17.	Bifurcation of liability and quantification stages	3,000 – 12,000
18.	Injunction / Anton Piller order	10,000 – 35,000
19.	Application for committal order	4,000 – 16,000
20.	Application for unless order	2,000 – 10,000

### III. Costs Guidelines for Trials (including Assessments of Damages)

#### A. Section 1 Costs

##### (i) *Party-and-Party Costs for trials (except for matters which are settled before trial)*

	Nature of claim	Costs <sup>1</sup>		
		Pre-trial <sup>2</sup>	Trial (daily tariff)	Post-trial Work <sup>3</sup>
1.	Motor accident	\$15,000 – \$45,000	\$6,000 – \$12,000	Up to \$15,000
2.	Simple Torts			
3.	Torts <sup>4</sup>	\$25,000 – \$70,000	\$6,000 – \$16,000	Up to \$30,000
4.	Commercial <sup>5</sup>			
5.	Equity and trusts	\$25,000 – \$90,000	\$6,000 – \$16,000	Up to \$35,000
6.	Construction	\$30,000 – \$90,000	\$6,000 – \$18,000	Up to \$35,000
7.	Intellectual property and information technology			
8.	Admiralty			
9.	Medical and Professional negligence			

<sup>1</sup> The costs guidelines do not cater for matters where a certificate of more than two counsel has been issued as these are matters that are recognised as being particularly complex, and the Court has the discretion to determine the appropriate amount of costs in such a situation.

<sup>2</sup> Pre-trial Work includes Pleadings, Discovery, and Affidavits of Evidence-in-Chief.

<sup>3</sup> Post-trial Work does not include work carried out after judgment is obtained (*eg*, enforcement proceedings).

<sup>4</sup> Includes Defamation.

<sup>5</sup> Includes Corporation/Company law disputes and Insolvency, Contract, and Banking and Finance disputes.

***(ii) Party-and-Party Costs for matters which are settled before trial***

	Nature of claim	Costs for Work Done <sup>6</sup>		
		Pleadings	Discovery	AEICs
1.	Motor accident	\$3,000 – \$9,000	\$6,000 – \$18,000	\$6,000 – \$18,000
2.	Simple Torts			
3.	Torts <sup>7</sup>	\$5,000 – \$14,000	\$10,000 – \$28,000	\$10,000 – \$28,000
4.	Commercial <sup>8</sup>			
5.	Equity and trusts	\$5,000 – \$18,000	\$10,000 – \$35,000	\$10,000 – \$35,000
6.	Construction	\$6,000 – \$18,000	\$12,000 – \$35,000	\$12,000 – \$35,000
7.	Intellectual property and information technology			
8.	Admiralty			
9.	Medical and Professional negligence			

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<sup>6</sup> The Court retains a discretion to consider whether additional costs for getting up for trial should be provided for in the appropriate case.

<sup>7</sup> Includes Defamation.

<sup>8</sup> Includes Corporation/Company law disputes and Insolvency, Contract, and Banking and Finance disputes.

**B. Section 2: Costs for taxation**

\$1,500 – \$5,000, excluding disbursements.

#### **IV. Costs Guidelines for Originating Summonses**

##### **A. General Guidelines**

<b>Nature of originating summons</b>	<b>Costs*</b>
Uncontested	\$5,000 – \$13,000
Contested	\$12,000 – \$30,000 per day

##### **B. Specific Originating Summonses**

<b>Nature of originating summons</b>	<b>Costs* (daily tariff)</b>
Arbitration	\$13,000 – \$40,000
Insolvency and Restructuring	\$12,000 – \$35,000
Judicial review, public and administrative law	\$14,000 – \$35,000
Mortgage action	\$5,000 – \$15,000
Originating summons commenced under O 5 r 4	\$12,000 – \$30,000
Originating summons commenced under the Building and Construction Industry Security of Payment Act	\$6,000 – \$20,000

*\* The costs ranges under Parts IV.A and IV.B are inclusive of costs for any pre-hearing and post-hearing work carried out for the matter, and do not include costs for work carried out after judgment is obtained (eg, enforcement proceedings).*



## V. Costs Guidelines for Appeals

Nature of Appeal / Application	Costs (per appeal/application basis)
Appeals before a Judge in the General Division (including appeals from the State Courts)	\$5,000 – \$35,000
Appeals before the Appellate Division or Court of Appeal* against a judgment or order obtained in an interlocutory application  <i>[*Where leave is granted for a further appeal to be brought from the Appellate Division to the Court of Appeal, the Court of Appeal may consider adjusting the costs payable]</i>	\$15,000 – \$40,000
Appeals before the Appellate Division or Court of Appeal* against a judgment or order obtained following a trial / OS hearing  <i>[*Where leave is granted for a further appeal to be brought from the Appellate Division to the Court of Appeal, the Court of Appeal may consider adjusting the costs payable]</i>	\$30,000 – \$150,000
Applications determined by the Appellate Division or Court of Appeal without oral hearing	\$6,000 – \$20,000
Applications determined by the Appellate Division or Court of Appeal after an oral hearing	\$9,000 – \$35,000