

APPENDIX G

Para. 138(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 Order 21, Rule 2(2) of the Rules of Court 2021, which is reproduced below:

“(2) In exercising its power to fix or assess costs, the Court must have regard to all relevant circumstances, including —

- (a) efforts made by the parties at amicable resolution;
- (b) the complexity of the case and the difficulty or novelty of the questions involved;
- (c) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- (d) the urgency and importance of the action to the parties;
- (e) the number of solicitors involved in the case for each party;
- (f) the conduct of the parties;
- (g) the principle of proportionality; and
- (h) the stage at which the proceedings were concluded.”

Nothing in these Costs Guidelines is intended to guide or influence the charging of costs payable to a solicitor by his own client.

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 137 of the Practice Directions in respect of the following types of proceedings: (i) trials in open court for all originating claims, including originating claims that were ordered to be converted from originating applications; and (ii) originating applications involving cross-examination of any maker of an affidavit.
- 7. A litigant who is not legally represented should take note of Order 21, Rule 7 of the Rules of Court 2021, 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.