

## **APPENDIX G**

Para. 99B

### **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. These Costs Guidelines have been approved for publication by the Judges of the Supreme Court. It is 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 precise amount of costs awarded remains at the discretion of the judicial officer making the award, who may depart from the amounts set out in these Costs Guidelines depending on the particular circumstances of each case (see in particular Order 59, Appendix 1 of the Rules of Court). Nothing in these Costs Guidelines is intended to guide or influence the charging of solicitor-and-client costs.
4. 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.
5. 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.
6. The Supreme Court may from time to time review these Costs Guidelines.

## II. Costs Guidelines for Summonses

### A. General Guidelines

| Nature of Application  | Costs (\$)<br>( <i>excl disbursements</i> )      |
|--|--|
| Uncontested  | 500 – 1,000                                      |
| 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 3 hrs)</li> </ul> | 1,000 – 3,000<br>2,000 – 6,000<br>4,000 – 15,000 |

### B. Specific Summonses

| Nature of Application  | Costs (\$)<br>( <i>excl disbursements</i> ) |
|--|---|
| Adjournment  | 350 – 500                                   |
| Amendments of pleadings  | 1,000 – 6,000                               |
| Further & better particulars / discovery / interrogatories   | 2,000 – 6,000                               |
| Security for costs   | 2,000 – 6,000                               |
| Extension of time  | 1,000 – 2,000                               |
| Interim payment (O 29 of the Rules of Court)   | 2,000 – 6,000                               |
| Striking out (O 18 r 19 of the Rules of Court) <ul style="list-style-type: none"> <li>General guideline figure</li> <li>Whole suit / defence struck out</li> </ul> | 2,000 – 8,000<br>6,000 – 20,000             |
| Summary judgment (O 14 of the Rules of Court) <ul style="list-style-type: none"> <li>Judgment given</li> <li>Application dismissed</li> </ul>                      | 4,000 – 20,000<br>4,000 – 15,000            |
| Setting aside of judgment <ul style="list-style-type: none"> <li>Irregular judgment</li> <li>Regular judgment</li> </ul>   | 1,000<br>4,000 – 15,000                     |
| Stay of proceedings for arbitration or on grounds of <i>forum non conveniens</i>   | 5,000 – 16,000                              |
| Stay of proceedings pending appeal   | 2,000 – 6,000                               |
| Examination of judgment debtor   | 2,000 – 6,000                               |
| Discharge of solicitor   | 500 – 1,200                                 |

### III. Costs Guidelines for Trials (excluding Assessments of Damages (“AD”))

#### A. Section 1 Costs

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

| Daily Tariff   |   |                          |  |   |
|----------------|---|--------------------------|--|---|
| \$10,000       | \$15,000  | \$17,000                 | \$20,000   | \$20,000 – \$30,000   |
| Motor accident | Simple tort, contract, corporate/company law disputes (no novel issues of law or complex facts) | Complex tort or contract | Defamation<br>Medical negligence<br><br>Complex corporate/company law disputes<br><br>Judicial review, public and administrative law | Admiralty; Banking / letters of credit / international finance<br><br>Construction<br><br>Equity & trust<br><br>Intellectual property |

| Percentage of tariff to be applied for each hearing day |                |
|---|----------------|
| 1st – 5th day of trial                                  | 100% of tariff |
| 6th – 10th day of trial                                 | 80% of tariff  |
| 11th day onwards  | 60% of tariff  |

| Illustration:<br><i>Application of tariff to motor accident claim taking up 12 hearing days</i> |  |
|---|--|
| Day 1 to Day 5:   | $\$10,000 * 5 = \$50,000$  |
| Day 6 to Day 10:  | $\$10,000 * 5 * 0.8 = \$40,000$                                    |
| Day 11 to Day 12:   | $\$10,000 * 2 * 0.6 = \$12,000$                                    |
| <b>Total Guideline amount:</b>  | <b><math>\\$50,000 + \\$40,000 + \\$12,000 = \\$102,000</math></b> |

*Note: Where figures assessed by reference to the above are lower than those provided for matters in respect of which settlement has been reached, the awards made may have regard to the figures in section (ii) below.*

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

| Stage of Proceedings  | Costs (\$)   |
|---|--|
| Settled at close of pleadings                                       | 5,000 – 20,000   |
| Settled after discovery   | 6,000 – 35,000   |
| Settled after exchange of Affidavits of Evidence In Chief (“AEICs”) | 25,000 – 50,000  |
| Settled after trial has commenced                                   | <ul style="list-style-type: none"> <li>• Costs for utilised hearing days shall be calculated in accordance with the tariff amounts set out above.</li> <li>• In addition, costs for remaining unutilised hearing days to be calculated in accordance with the aforesaid weightage: <ul style="list-style-type: none"> <li>○ 60% of tariff for each of first 5 unutilised hearing days;</li> <li>○ 40% of tariff for each unutilised hearing day from the 6<sup>th</sup> to 10<sup>th</sup> unutilised hearing days;</li> <li>○ 20% of tariff for each unutilised hearing day from the 11<sup>th</sup> to 20<sup>th</sup> unutilised hearing days;</li> <li>○ 10% of tariff for each unutilised hearing day from the 21<sup>st</sup> unutilised hearing day onwards.</li> </ul> </li> </ul> |

| Illustration:<br><i>Application of tariff to motor accident claim fixed for 12 hearing days and settled on 1<sup>st</sup> day of hearing</i> |  |                 |
|--|--|-----------------|
| Day 1  | $\$10,000 * 1 =$   | \$10,000        |
| Day 2 to Day 6<br>(1 <sup>st</sup> 5 unutilised hearing days)  | $\$10,000 * 5 * 0.6 =$   | \$30,000        |
| Day 7 to Day 11<br>(6 <sup>th</sup> to 10 <sup>th</sup> unutilised hearing days)   | $\$10,000 * 5 * 0.4 =$   | \$20,000        |
| Day 12<br>(11 <sup>th</sup> unutilised hearing day)  | $\$10,000 * 1 * 0.2 =$   | \$2,000         |
| <b>Total Guideline amount</b>  | <b><math>\\$10,000 + \\$30,000 + \\$20,000 + \\$2,000 =</math></b> | <b>\$62,000</b> |

**(iii) Party-and-Party Costs for hearings other than trials (excluding AD)**

| Type of hearings                                  | Costs (\$)  |
|---|---|
| Contentious originating summons before High Court | <ul style="list-style-type: none"><li>• Without cross-examination: 12,000 per day</li><li>• Without cross-examination (with Digital Transcription Service (“DTS”)): 15,000 per day</li><li>• With cross examination: 15,000 per day</li><li>• With cross-examination (with DTS): 20,000 per day</li></ul> |
| Appeals before Judge in High Court                | <ul style="list-style-type: none"><li>• 10,000 per day</li><li>• 15,000 per day (with DTS)</li></ul>  |
| Appeals before Court of Appeal                    | <ul style="list-style-type: none"><li>• Interlocutory applications: 15,000 – 25,000</li><li>• Standard trials / OS (up to 10 days): 30,000 – 40,000</li><li>• Standard trials / OS (&gt; 10 days): 40,000 – 60,000</li><li>• Complex trials / OS: 60,000 – 100,000</li></ul>                              |

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

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

**IV. Costs Guidelines for AD**

**A. Section 1 Costs**

**(i) Party-and-Party Costs for ADs (except for matters which are settled before or during AD hearing)**

| Daily Tariff   |                     |
|----------------|---------------------|
| \$5,000        | \$8,000 to \$12,000 |
| Motor accident | Non-motor accident  |

| Percentage of tariff to be applied for each hearing day |                |
|---|----------------|
| 1st – 5th day of trial                                  | 100% of tariff |
| 6th – 10th day of trial                                 | 80% of tariff  |
| 11th day onwards  | 60% of tariff  |

*Note: Where figures assessed by reference to the above are lower than those provided for matters in respect of which settlement has been reached, the awards made may have regard to the figures in section (ii) below.*

**(ii) Party-and-Party Costs for ADs which are settled before judgment**

| <b>Motor Accident Cases</b>              | <b>Costs (\$) (excl disbursements)</b>   |
|--|--|
| AD settled after completion of discovery | 3,000 – 5,000  |
| AD settled after exchange of AEICs       | 5,000 – 10,000   |
| Settled after AD has commenced           | <ul style="list-style-type: none"><li>• Costs for utilised hearing days shall be calculated in accordance with the tariff amounts for ADs set out above.</li><li>• In addition, costs for remaining unutilised hearing days to be calculated in accordance with the aforesaid weightage:<ul style="list-style-type: none"><li>○ 60% of AD tariff for each of first 5 unutilised hearing days;</li><li>○ 40% of AD tariff for each unutilised hearing day from the 6<sup>th</sup> to 10<sup>th</sup> unutilised hearing days;</li><li>○ 20% of AD tariff for each unutilised hearing day from the 11<sup>th</sup> to 20<sup>th</sup> unutilised hearing days;</li><li>○ 10% of AD tariff for each unutilised hearing day from the 21<sup>st</sup> unutilised hearing day onwards.</li></ul></li></ul> |

**(iii) Party-and-Party Costs for Appeals**

| <b>Type of hearings</b>            | <b>Costs (\$)</b>  |
|------------------------------------|--|
| Appeals before Judge in High Court | <ul style="list-style-type: none"><li>• 10,000 per day</li><li>• 15,000 per day (with DTS)</li></ul>   |
| Appeals before Court of Appeal     | <ul style="list-style-type: none"><li>• Interlocutory applications: 15,000 – 25,000</li><li>• Standard trials / OS (up to 10 days): 30,000 – 40,000</li><li>• Standard trials / OS (&gt; 10 days): 40,000 – 60,000</li><li>• Complex trials / OS: 60,000 – 100,000</li></ul> |

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

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