State Courts Practice Directions 2021

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Part I: INTRODUCTION

1. Citation and commencement

These Practice Directions may be cited as the State Courts Practice Directions 2021 and come into operation on 1 April 2022.

2. Applicability of Practice Directions

(1) These Practice Directions shall apply to civil proceedings commenced in the State Courts on or after 1 April 2022 unless otherwise provided for in these Practice Directions.

(2) These Practice Directions do not apply to Tribunal / Simplified POHA Proceedings, unless the Practice Direction expressly provides that it will apply to such proceedings.

(3) In these Practice Directions:

(a) **Tribunal Proceedings** means:

(i) proceedings before the Small Claims Tribunals under the Small Claims Tribunals Act 1984 ("**SCTA**");

(ii) proceedings before the District Court under sections 38 or 42 of the SCTA and rules 20F or 28A of the Small Claims Tribunals Rules ("**SCT Rules**");

(iii) applications to the District Court for leave to appeal to the General Division of the High Court under section 38 of the SCTA or for a stay of execution pending appeal under section 42 of the SCTA and rules 20F or 28A of the SCT Rules;

(iv) proceedings before the Employment Claims Tribunals under the Employment Claims Act 2016 ("**ECA**");

(v) proceedings before the District Court under sections 7, 23 and 24 of the ECA and rules 25 and 33 and Part 9 of the Employment Claims Rules 2017 ("**EC Rules**");

(vi) applications to the District Court for the registration or setting-aside of a settlement agreement, for leave to appeal to the General Division of the High Court or for a stay of execution pending appeal, under sections 7, 23 and 24 of the ECA respectively and rules 25 and 33 and Part 9 of the EC Rules;

(vii) proceedings before the Community Disputes Resolution Tribunals under the Community Disputes Resolution Act 2015; and

(b) **Simplified POHA Proceedings** means simplified proceedings before the Protection from Harassment Court as defined in the Supreme Court of Judicature (Protection from Harassment) Rules 2021.

(4) The State Courts Practice Directions, as in force immediately before the coming into effect of these Practice Directions, shall continue to apply to civil proceedings commenced in the State Courts before 1 April 2022.

(5) To the extent that these Practice Directions are applicable to criminal proceedings in the State Courts, they shall for the avoidance of doubt apply regardless of when such criminal proceedings were commenced.

3. Citation of legislation in proceedings

(1) Where legislation is cited in these Practice Directions, the citation shall, unless the context otherwise requires, be read to refer to the version of that legislation currently in force.

(2) In these Practice Directions, any reference to a repealed provision of any written law is a reference to that provision as in force immediately before the date the provision is repealed.

(3) Any reference to "Rules of Court 2021" is a reference to the Rules of Court 2021 as in force on or after 1 April 2022.

4. Calculation of time

Unless otherwise stated, the provisions in the Rules of Court 2021 relating to the calculation of time apply to the calculation of time in these Practice Directions.

5. Updating

(1) Any addition or amendment to these Practice Directions will be notified on the Singapore Courts' website at https://www.judiciary.gov.sg. The Practice Directions will be updated on the date the addition or amendment takes effect.

(2) The complete and updated Practice Directions can be downloaded from the Singapore Courts website at https://www.judiciary.gov.sg.

6. Forms

(1) The forms specified by number in these Practice Directions are set out in Appendix A1 to these Practice Directions.

(2) The forms specified by number in the Rules of Court 2021 are set out in Appendix A2 to these Practice Directions.

(3) The forms are to be used where applicable, with such variations as the circumstances of the case may require.

7. Business of the Registry

(1) Pursuant to Order 26, Rules 1 and 2 of the Rules of Court 2021, the business of the Registry is governed by the Rules of Court 2021 and these Practice Directions.

(2) For the avoidance of doubt, any instruction manuals which may be issued from time to time by the Government are not applicable to the business of the Registry.

Part II: GENERAL MATTERS

8. Operating hours of the State Courts

The various courts, offices and counters within the State Courts have different operating hours. These operating hours may be found the Singapore Courts website at https://www.judiciary.gov.sg.

9. Hours for the sittings of the State Courts

(1) The hours for the sittings of the State Courts shall be as follows, subject to the presiding judicial officer's discretion in any case to conclude a sitting at such earlier or later time as he may direct:

(a)**Mentions Courts** (except Court 4A)

Mondays to Fridays - 9.00am to 1.00pm and

2.30pm to 5.30pm;

(b) **Court 4A**

Mondays to Fridays - 8.45am to 1.00pm and

2.30pm to 5.30pm;

Saturdays - 9.00am to 1.00pm

(c) **Hearing Courts and Chambers**

Mondays to Fridays - 9.30am to 1.00pm and

2.30pm to 5.30pm

(d) **Night Courts**

Mondays to Thursdays - 5.30pm onwards

(e) **Tribunal / Simplified POHA Proceedings**

Mondays to Fridays - 8.30am to 12.30pm and

2.00pm to 5.30pm

(2) This Practice Direction shall apply to both civil and criminal proceedings.

10. Hearing of urgent applications during weekends and public holidays

(1) There may be occasions when urgent applications for interim injunctions or interim preservation of subject matter of proceedings, evidence and assets to satisfy judgments need to be heard on weekends and public holidays. To request the urgent hearing of such applications, the applicant should contact the Duty Judicial Officer at 9654 0072 during the operating hours of 8.30am to 6:00pm on weekends and Public Holidays. The Duty Judicial Officer will only arrange for the hearing of applications which are so urgent that they cannot be heard the next working day.

(2) All the necessary papers required for the application must be filed using the Electronic Filing Service and appropriate draft orders of Court must be prepared.

(3) The judicial officer processing the application may direct an applicant to tender the application and supporting documents to the Court by email in lieu of filing as well as provide an undertaking from counsel that all the documents (including the originating process) will be filed in Court the next available working day.

(4) The judicial officer conducting the urgent hearing may, at his or her discretion, give directions for the urgent hearing to take place remotely or, alternatively, with parties attending in person.

11. Duty Registrar

(1) The duties of the Duty Registrar are —

> (a) to hear applications made without notice or by consent provided that the summons has been filed in the Electronic Filing Service;
>
> (b) to grant approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files; and
>
> (c) to sign and certify documents.

(2) The duty hours will be from Mondays to Fridays from 9.30am to 12.30pm and 2.30pm to 5.30pm.

(3) Parties seeking to obtain directions and/or orders from the Duty Registrar shall do so by filing an "Other Hearing Related Request" through the Electronic Filing Service, in accordance with the Workflow for Hearings before the Duty Registrar and Duty Judicial Officer, which can be downloaded from the Singapore Courts website at https://www.judiciary.gov.sg.

(4) If parties are unable to file a Request on the Electronic Filing Service (eg, because the originating papers for the case have not been filed or accepted), parties may call 6721 7705 to seek directions. In doing so parties should be prepared to explain the urgency of the application or request.

(5) Except as otherwise directed by the Duty Registrar, the filing of the relevant documents will be sufficient for the Duty Registrar's disposal of any application or matter. Documents which are filed using the Electronic Filing Service will be returned to the advocate and solicitor through the Electronic Filing Service to the inbox of the law firm's computer system or through the service bureau.

12. Attendance of solicitors in Court

Subject to Practice Direction 36(16), a solicitor appearing in any cause or matter may mention for counsel for all other parties provided that:

> (a) the solicitor obtains confirmation of his authority to mention on their behalf for the purpose of the hearing; and
>
> (b) parties have agreed on the order(s) sought.

13. Attendance at hearings in chambers

(1) Subject to the provisions of this Practice Direction, members of the public are not entitled to attend hearings in chambers in civil proceedings.

(2) Notwithstanding paragraph (1) above, subject to any written law, the Court may, at its discretion, permit interested persons, such as instructing solicitors, foreign legal counsel and parties to the matter, to attend hearings in chambers subject to space, security and interests of justice. In exercising its discretion, the Court may consider a broad range of factors including —

(a) the interest that the person seeking permission has in the matter before the Court;

(b) the interests of the litigants;

(c) the reasons for which such permission is sought; and

(d) the Court's interest in preserving and upholding its authority and dignity.

(3) In granting interested persons the permission to attend hearings in chambers, the Court may, at its discretion, impose the necessary conditions to be complied with.

14. Absence from Court on medical grounds

(1) If —

(a) any party to proceedings;

(b) any witness;

(c) any counsel; or

(d) any officer or other person appointed by the Public Prosecutor to act as a Deputy Public Prosecutor or an Assistant Public Prosecutor in carrying out any of the duties of the Public Prosecutor under the Criminal Procedure Code 2010 or under any other written law,

is required to attend Court (including any hearing conducted by way of live video or live television link) and wishes to absent himself from Court on medical grounds, he must tender or cause to be tendered to the Court an original medical certificate. Where a medical certificate cannot be tendered in person, it may be tendered by any electronic means which the Court may permit.

(2) Any medical certificate tendered to the Court under paragraph (1) must:

(a) state the name of the medical practitioner who issued the certificate;

(b) state the name of the hospital or clinic at which it was issued;

(c) state the contact details of the medical practitioner and also of the hospital or clinic;

(d) be signed by the medical practitioner;

(e) contain a diagnosis of the patient concerned accompanied by a brief description of the symptom(s) and condition(s) forming the basis for the statement in sub-paragraph (2)(f) below (unless the diagnosis cannot or should not normally be disclosed);

(f) contain a statement to the effect that the person to whom the certificate is issued is medically unfit to attend Court, and specify the date(s) on which the person is medically unfit to attend Court;

(g) bear the date on which it was written and, where this differs from the date of consultation, this must be clearly

disclosed; and

(h) be the original document issued by the medical practitioner, if it was issued by the medical practitioner in hard copy.

(3) If any information specified in paragraph (2) is not stated in the medical certificate itself, such information must be included in a memorandum attached to the medical certificate.

(4) All information and details in any medical certificate or memorandum must be clearly and legibly printed.

(5) If any requirement set out in paragraphs (2) to (4) is not complied with, the Court may reject the medical certificate and decline to excuse the attendance of the person to whom the medical certificate was issued. The Court may then take any action it deems appropriate.

(6) The Court may, if it deems fit, take steps to contact the medical practitioner who appears to have issued a medical certificate for the purpose of authenticating the medical certificate and, where necessary, the party tendering the medical certificate must provide such assistance to the Court as may be necessary to facilitate such authentication.

(7) This Practice Direction shall apply to both civil and criminal proceedings in the State Courts.

15. Precedence and preaudience of Senior Counsel

(1) By virtue of section 31 of the Legal Profession Act 1966 and existing custom and usage, Senior Counsel are given precedence and the right of preaudience.

(2) In order to give substance to the principle of precedence and preaudience to Senior Counsel, Senior Counsel who intend to appear before Judges or Registrars for summonses hearings should inform the Registrar in writing not later than 2 clear days before the scheduled hearing date. Matters involving Senior Counsel will thereafter be listed first, in the order of their precedence. If Senior Counsel do not appear at the time their matters come on for hearing according to the list, they will have to wait for their turn in accordance with their queue numbers given by the Queue Management System in the State Courts, subject to the Judge's or Registrar's overriding discretion.

(3) All other counsel, including those who appear on behalf of Senior Counsel, will continue to be heard in the order of their queue numbers in accordance with the current practice in the State Courts, subject to the Judge's or Registrar's overriding discretion

16. Submissions and examination by leading and assisting counsel

(1) In the event that a party is represented by more than one counsel at a hearing, whether in open Court or in chambers, the making of submissions and the questioning of witnesses may be carried out by one counsel for each party only.

(2) If counsel have divided up their work such that it is necessary or desirable that submissions on different issues be made or certain portions of the examination, cross-examination or re-examination be conducted by different counsel, an application should be made to Court at the commencement of the trial or hearing for permission to do so. The following information should be provided to the Court for the purposes of the application:

(a) the issues on which each counsel will be making submissions; and/or

(b) the witnesses to be examined, cross-examined or re-examined by each counsel, or the portions of their evidence for which each counsel will conduct the examination, cross-examination or re-examination.

(3) If permission has been granted in accordance with paragraph (2), counsel should ensure that each confines himself to the issues or portions of evidence in respect of which permission was granted and that there is no overlap in the issues or the examination being dealt with by different counsel for the same party. Further, counsel must not repeat, clarify or expand on any submissions or portions thereof that have been made by another counsel for the same party or examine, cross-examine or re-examine witnesses on portions of their evidence dealt with by another counsel for the same party.

(4) If the permission of the Court is not sought in accordance with paragraph (2), only one counsel will be allowed to make submissions or conduct examination for a party throughout the hearing.

(5) This Practice Direction shall apply to both civil and criminal proceedings.

17. Court dress

(1) The attire for male advocates and solicitors appearing in open Court will be an ordinary long-sleeved white shirt with a turn-down collar, a tie of a subdued or sober colour, a dark jacket, dark trousers and black or plain coloured shoes.

(2) The attire for female advocates and solicitors appearing in open Court will be a long-sleeved white blouse high to the neck, a dark jacket, a dark skirt or dark trousers and black or plain coloured shoes. Conspicuous jewellery or ornaments should not be worn.

(3) When appearing before the Judge or Registrar in chambers, the attire for both men and women will be the same as for open Court.

18. Use of electronic and other devices

(1) In order to maintain the dignity of Court proceedings in the State Courts, court users are strictly prohibited from making any video and/or image recording in all hearings and sessions in open Court or in chambers.

(2) Additionally, audio recording during a hearing or session is strictly prohibited without prior approval of the Judge or Registrar hearing the matter or the person presiding over the session.

(3) Court users are permitted to use notebooks, tablets, mobile phones and other electronic devices for the following purposes provided that such use does not in any way disrupt or trivialise the proceedings:

> (a) to take notes of evidence during all hearings or sessions and for any other purpose pertaining to the proceedings; or
>
> (b) to communicate with external parties during all hearings in open Court unless the Judge hearing the matter or the person presiding over the session expressly disallows this.

(4) This Practice Direction shall apply to both civil and criminal proceedings in the State Courts.

(5) This Practice Direction shall also apply to all alternative dispute resolution and counselling sessions conducted in the State Courts.

(6) The attention of court users is also drawn to section 5 of the Administration of Justice (Protection) Act 2016.

19. Personal data

(1) For the purposes of this Practice Direction:

(a) "**personal data**" shall have the same meaning as defined in the Personal Data Protection Act 2012; and

(b) "**data subject**" means a person whose personal data appears in any document filed in the Registry or an electronic cause book or register maintained by the Registry, for both civil and criminal proceedings.

Consent to collection, use or disclosure of personal data

(2) Consent to the collection, use or disclosure of personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar need not be obtained.

(3) The Registry may compile and maintain electronic cause books and registers by extracting information, including personal data, contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar.

Access to, and correction of, personal data contained in documents filed with, served on, delivered or otherwise conveyed to the Registrar

(4) A data subject who wishes to access his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar must, where necessary, comply with the applicable provisions in the Rules of Court 2021 and/or these Practice Directions relating to the access to and inspection of case files.

(5) A data subject shall not be entitled to request information about the ways in which his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar has been used or disclosed.

(6) A data subject who wishes to correct any error or omission in his personal data in any document filed with, served on, delivered or otherwise conveyed to the Registrar must, where necessary, comply with the applicable provisions in the Rules of Court 2021 and/or these Practice Directions relating to the amendment of the relevant document.

Access to, and correction of, personal data contained in electronic cause books and registers maintained by the Registry

(7) A data subject who wishes to access his personal data contained in any electronic cause book or register must conduct a search through the relevant electronic filing service or at the Registry and shall pay any required fees (*eg*, the fees prescribed by the Fourth Schedule to the Rules of Court 2021).

(8) A data subject shall not be entitled to request information about the ways in which his personal data contained in any electronic cause book or register has been used or disclosed.

(9) A data subject who wishes to correct any error or omission of his personal data in any electronic cause book or register maintained by the Registry shall comply with the following procedure:

(a) The request to correct the error or omission must be made in writing by the data subject or by his solicitor, together with the reason for the requested correction. The request must clearly identify the record and the personal data to be corrected.

(b) If the data subject is not represented, his identification and contact details should also be included in the request and a copy of his identity document (including physical or digital identity card) should be provided.

(c) The following documents should accompany the request:

(i) recent copy of the record identifying the error or omission; and

(ii) supporting document(s) to substantiate the proposed correction.

(10) Where a correction is made pursuant to a request under paragraph (9) above, any information that is licensed for use under Practice Direction 33(16) will be updated accordingly with the corrected personal data.

20. Authorisation for collection of mail and Court documents

(1) Without prejudice to paragraphs (3) and (4) below, all law firms must notify the Registry of the State Courts of the particulars of those person(s) authorised to collect Court documents or mail from the State Courts on their behalf by submitting a request to authorise user through the Electronic Filing Service.

(2) Where such authorised persons are no longer so authorised, the law firm must revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Until receipt of such notification of revocation or deletion, Court documents and mail shall continue to be released to such authorised persons upon production of evidence of identification.

(3) Any solicitor may collect Court documents and mail on behalf of his firm and any litigant in person may collect Court documents and mail intended for him in any matter in which he is a party.

(4) A law firm may authorise a courier service-provider to collect Court documents or mail from the State Courts on its behalf. At the time of collection, the courier service provider must produce a letter of authorisation on the law firm's letterhead that is addressed to the courier service-provider. The said letter of authorisation must clearly state —

(a) the case number;

(b) the name of the courier service-provider appointed to do the collection; and

(c) the Court documents or mail to be collected.

(5) An employee or representative of the courier service provider collecting the Court documents or mail may be requested to provide evidence that will allow the State Courts to verify that he is an employee or representative from the courier service provider and must acknowledge receipt of the Court documents or mail collected.

21. Case-related correspondence to be copied to other parties in the cause or matter

(1) All correspondence to the State Courts relating to or in connection with any pending cause or matter must be copied to all other parties to the cause or matter or to their solicitors unless there are good reasons for not so doing, which should be explained in the correspondence to the Court.

(2) Solicitors are further reminded that the State Courts should not be copied on correspondence between parties or their solicitors.

(3) The Registry has the discretion to reject or refuse to act on any inappropriate correspondence or correspondence which is not copied to any party in contravention of this Practice Direction.

(4) This Practice Direction shall apply to all proceedings in the State Courts.

22. Filing directions for payment into and out of Court

(1) Where moneys are to be paid into Court pursuant to a judgment or order of the Court, the judgment or order must be referenced in the Direction to Accountant-General for Payment In and filed into the case file via the Electronic Filing Service for approval by the Court.

(2) Where a party wishes to furnish security for costs for an appeal filed in the State Courts, the Direction to Accountant-General for Payment In, which shall be prepared using Form 44 of Appendix A2 to these Practice Directions, must reference the provision in the Rules of Court 2021 pursuant to which the security for costs is furnished.

(3) Where moneys are to be paid out of Court pursuant to a judgment or order of the Court, the judgment or order must be referenced in the Direction to Accountant-General for Payment Out and filed into the case file via the Electronic Filing Service for approval by the Court. The following documents (as the case may be) must, where necessary, accompany the filing of the Direction to Accountant-General for Payment Out and be filed into the case file via the Electronic Filing Service for approval by the Court:

(a) the Notice of Acceptance of Money Paid into Court in Form 28 of Appendix A2 to these Practice Directions; or

(b) the written consent filed pursuant to Order 18, Rule 12(2) or Order 19, Rule 10(2) of the Rules of Court 2021.

(4) Each Direction to Accountant-General for Payment In or Payment Out must contain amounts in a single currency. Where moneys in different currencies are to be paid into or out of Court, separate Directions must be prepared for each currency in which payment is to be made.

Direction to Accountant-General for Payment In or Out of Court

(5) For payments into Court, after the Direction to Accountant-General for Payment In has been approved, the party or his or her solicitors (as the case may be; collectively "the Payment In Party") must send a copy of the approved Direction to Accountant-General for Payment In and the judgment or order of Court referenced therein to VITAL by email at VITAL_FS_Receivable@vital.gov.sg. Upon successful receipt of the documents, VITAL will provide instructions on how electronic payment is to be effected. A receipt will be issued by VITAL to the Payment In Party when payment is received by the Accountant-General.

(6) For payments out of Court, after the Direction to Accountant-General for Payment Out has been approved, the party or his or her solicitors (as the case may be; collectively "the Payment Out Party") must send a copy of the approved Direction to Accountant-General for Payment Out and the judgment or order of Court referenced therein to VITAL by email to VITAL_FS_Receivable@vital.gov.sg. Upon successful receipt of the documents, VITAL will provide instructions on process for the release of the relevant moneys.

23. Publication of reports and comments on Court cases

(1) This Practice Direction applies to any solicitor, litigant (whether represented or unrepresented), the media and any other person who reports or comments on any proceedings which are pending before the State Courts.

(2) Every person to whom this Practice Direction applies —

(a) must ensure that any report or comment made by him or her in public on any pending proceedings before the State Courts —

(i) does not contravene any existing law or order of Court; and

(ii) is not calculated to affect, or be reasonably capable of affecting, the outcome of any decision by the

Court.

(b) must not publish or publicly report or comment on —

(i) any affidavit or statutory declaration which has not been adduced as evidence or been referred to in any hearing whether in open Court or in chambers;

(ii) any other Court document which has not been served on the relevant party or parties in the proceedings; or

(iii) any statement made by any person in proceedings in chambers where such statement is expressly stated to be confidential or is impliedly confidential, except that a solicitor may inform his or her client of any such statement made in chambers when it is necessary for the solicitor to render proper advice to the clients.

Part III: ORIGINATING PROCESSES AND DOCUMENTS

24. Originating Applications

(1) This Practice Direction applies to Originating Applications filed on or after 1 April 2022.

Forms for Originating Applications

(2) Where any legislation requires a party to file an Originating Application and the Form is not provided within the legislation, the Originating Application must be filed using either Form 15 (Originating Application) or Form 16 (Originating Application (without Notice)) of Appendix A2 to these Practice Directions.

(3) The parties in Form 15 of Appendix A2 to these Practice Directions shall be stated as “claimant” or “applicant” and “defendant” or “respondent” as the case may be.

(4) The party in Form 16 of Appendix A2 to these Practice Directions shall be stated as “claimant” or “applicant”, as the case may be.

25. Identification numbers and name to be stated in cause papers

Parties named in the title of the documents

(1) Where a party to any proceedings in the State Courts first files a document in such proceedings, he shall state his identification number, in parentheses, in the title of the document immediately below or after his name. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number in the title of the documents in parentheses below or after the name of the party to which it applies.

Parties not named in the title of the documents

(2) Where a party to any proceedings in the State Courts first files a document in such proceedings, and the name of the party does not appear in the title of the document but does appear in the body of the document, then the identification number of the party should be stated, in parentheses, below or after the first appearance of his name in the document. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number in parentheses immediately below or after the first appearance of the name of the party to which it applies in the subsequent document.

Documents filed by two or more parties

(3) Paragraphs (1) and (2) shall apply, with the necessary modifications, to documents which are filed by more than one party.

Identification numbers for non-parties

(4) If any person (living or dead), any entity or any property is in part or in whole the subject matter of any proceedings, or is affected by any proceedings, but is not a party thereto, and the name of such person, entity or property is to appear in the title of the documents filed in the proceedings, the party filing the first document in the proceedings must state the identification number of such person, entity or property in parentheses immediately below or after the name of the same. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number in parentheses immediately below or after the name of the person, entity or property to which it applies. If the party filing the first document in the proceedings is unable, after reasonable enquiry, to discover the identification number of the person, entity or property, he may state immediately below or after the name of the same "(ID Unknown)". All documents subsequently filed by any party shall then contain these words in parentheses below or after the name of this person, entity or property.

Special cases

(5) The following directions shall apply in addition to the directions contained in paragraphs (1) to (4):

(a) where a party is represented by a litigation representative, paragraphs (1) to (3) shall apply to the litigation representative as if he were party to the proceedings and the identification numbers of the party and the litigation representative must be stated below or after the name of each, as appropriate;

(b) where parties are involved in any proceedings as the personal representatives of the estate of a deceased person, paragraphs (1) to (3) shall apply to the deceased person as if he were a party; and

(c) where more than one identification number applies to any party, person, entity or property, all the identification numbers shall be stated in any convenient order.

Identification numbers

(6) When entering the identification number in the Electronic Filing Service, the full identification number should be entered, including any letters or characters that appear in, at the beginning of, or at the end of the number. Descriptive text which is required to be entered into the actual document, such as "Japanese Identification Card No", should not be entered into the electronic form.

Guidelines for the selection of identification numbers

(7) The following guidelines should be followed in deciding on the appropriate identification number.

(a) Natural person with Singapore identity card

For a natural person who is a Singapore citizen or permanent resident, the identification number shall be the number of the identity card issued under the National Registration Act 1965. The seven digit number as well as the letters at the front and end should be stated. For example: “(NRIC No. S1234567A)”.

(b) Natural person with FIN number

For a natural person, whether a Singapore citizen or permanent resident or not, who has not been issued with an identity card under the National Registration Act 1965, but has been assigned a FIN number under the Immigration Regulations , the identification number shall be the FIN number. The number should be preceded by the prefix “FIN No.”

(c) Natural person: birth certificate or passport number

For a natural person, whether a Singapore citizen or permanent resident or not, who has not been issued with an identity card under the National Registration Act 1965 or assigned a FIN number, the identification number shall be the birth certificate or passport number. The number should be preceded by either of the following, as appropriate, “(Issuing country) BC No.” or “(Issuing country) PP No.”

(d) Natural person: other numbers

For a natural person who is not a Singapore citizen or permanent resident and has not been assigned a FIN number and does not have a birth certificate or passport number, the identification number shall be the number of any identification document he may possess. Both the number as well as some descriptive words which will enable the nature of the number given and the authority issuing the identification document to be ascertained, should be stated. For example: “Japanese Identification Card No.”

(e) Deceased person

For a deceased natural person, the identification number shall be as set out in sub-paragraphs (a) to (d) above. However, if such numbers are not available, the identification number shall be the death registration number under the Registration of Births and Deaths Rules or the equivalent foreign provisions, where the death is registered abroad. The number as well as the following words should be stated: “(Country or place of registration of death) Death Reg. No.”

(f) Company registered under the Companies Act 1967

For a company registered under the Companies Act 1967, the identification number shall be the Unique Entity Number (UEN).

(g) Company registered outside Singapore

For a company registered outside Singapore which is not registered under the Companies Act 1967, the

identification number shall be the registration number of the company in the country of registration.

(h) Business registered under the Business Names Registration Act 2014

For a body registered under the Business Names Registration Act 2014, the identification number shall be the UEN.

(i) Limited Liability Partnership registered under the Limited Liability Partnerships Act 2005

For a limited liability partnership registered under the Limited Liability Partnerships Act 2005, the identification number shall be the UEN.

(j) Other bodies and associations

For any other body or association, whether incorporated or otherwise, which does not fall within any of the descriptions in sub-paragraphs (f) to (i) above, the identification number shall be any unique number assigned to the body or association by any authority. Both the number as well as some descriptive words which will enable the nature of the number given and the authority assigning the number to be ascertained, should be stated. For example: “Singapore Trade Union Reg. No. 123 A”.

(k) No identification numbers exist

Where the appropriate identification numbers referred to in sub-paragraphs (a) to (j) above do not exist in respect of any party, person, entity or property, the following words should be stated immediately below or after the name of that party, person, entity or property concerned: “(No ID No. exists)”.

Inability to furnish identification number at the time of filing a document

(8)If a party who wishes to file a document is unable at the time of filing to furnish the necessary identification numbers required by this Practice Direction, the party may indicate “(ID Unknown)” at the time of filing. However, when the necessary identification numbers have been obtained, the party must furnish the necessary identification numbers to the Registry through the Electronic Filing Service.

Identifying party whose name is unknown, under r 67 of the Supreme Court of Judicature (Protection from Harassment) Rules 2021

(9) If a party who wishes to file a document is unable at the time of filing to identify a party by name, and wishes instead to identify the party by:

(a)an internet location address or website associated with that person, then the internet location address or website should be in the form of a Uniform Resource Locator (“**URL**”). In particular:

(i) The URL should not be a dynamic URL (in such a case, the filing party should identify the respondent in a different way).

(ii) The URL must contain the appropriate scheme (eg, “http://”, “https://” or “ftp://”);

(iii) The URL should contain the shortest possible path required to uniquely identify the intended

respondent(s).

(iv) A host or domain name should be used in preference to an Internet Protocol Address.

(b)a username, account or other unique identifier used by or associated with that person, then the naming convention should be as follows: [Service] account [Username]. In particular:

(i) The internet service should be described accurately but as succinctly as possible. In the case of social media/messengers, the short name of the service should be used. In the case of online forums, the top-level domain name should be used.

(ii) The username must uniquely identify the party. It is not necessarily the person's display name (eg, "John Doe").

Eg:

Instagram account john.doe.67890
https://ubuntuforums.org/ account john.doe.67890

(c) a phone number (including a phone-based messaging service (eg, WhatsApp)), then the naming convention should be as follows: [Type of Number] number [Phone Number]:

(i) The Type of Number should be either "Mobile" or "Phone". If the applicant is in doubt, use "Phone".

(ii) In the case of a Singapore number, the phone number should contain eight digits, with a space after the first four digits. In any other case, the phone number may contain spaces between every two, three or four digits, in accordance with any common convention for writing a phone number of that country. Do not use hyphens or dashes.

(iii) For a non-Singapore number, the country code must be indicated in parentheses, with a space thereafter.

(10) An applicant must have made reasonable attempts at identifying a party by name before identifying a party by an internet location address, username, account or unique identifier.

(11) The applicant must, in the supporting document(s) or supporting affidavit filed with the claim or originating application (as the case may be):

(a) demonstrate the steps taken to identify the other party by name (eg, searches); (b) demonstrate why such steps were reasonable; and (c) exhibit proof of the internet location address or internet service (as the case may be), and proof of the relevant identifier.

Meaning of document

(12) For avoidance of doubt, the words "document" and "documents" when used in this Practice Direction include all originating processes filed in the State Courts regardless of whether they are governed by the Rules of Court 2021 or not.

Non-compliance

(13) Any document which does not comply with this Practice Direction may be rejected for filing by the Registry.

26. Citation of case numbers / new Court forum prefix

(1) All originating processes and summonses filed in civil matters in the State Courts on or after 1 April 2022 shall bear case numbers in the following Format:

Description of Court / Type of Application [Case number] / Year filed

For example:

Case number format	***Type of case***
DC / OC 1 / 2022	Originating Claim filed in the District Courts
PHC / OC 1 / 2022	Originating Claim filed in Standard Proceedings in the Protection from Harassment Court
MC / OC 1 / 2022	Originating Claim filed in the Magistrates' Courts
DC / OA 1 / 2022	Originating Application filed in the District Courts
PHC / OA 1 / 2022	Originating Application filed in Standard Proceedings in the Protection from Harassment Court
MC / OA 1 / 2022	Originating Application filed in the Magistrates' Courts
DC / SUM 1 / 2022	Summons filed in a District Court Suit
PHC / SUM 1 / 2022	Summons filed in an Originating Claim or Originating Application in Standard Proceedings in the Protection from Harassment Court
MC / SUM 1 / 2022	Summons filed in a Magistrate's Court Suit
DC / EOA 1 / 2022	Originating Application for Enforcement Order filed in the District Courts
MC / EOA 1 / 2022	Originating Application for Enforcement Order filed in the Magistrates' Courts
DC / EO 1 / 2022	Summons for Enforcement Order filed in the District Courts
MC / EO 1 / 2022	Summons for Enforcement Order filed in the Magistrates' Courts
PHC / EO 1 / 2022	Summons for Enforcement Order filed in Standard Proceedings in the Protection from Harassment Court
SCT/10001/2022	Claim filed in the Small Claims Tribunals
ECT/10001/2022	Claim filed in the Employment Claims Tribunals
CDT/101/2022	Claim filed in the Community Disputes Resolution Tribunals
PHC/10001/2022	Claim filed in Simplified Proceedings in the Protection from Harassment Court

(2) Parties must cite the case number in full in all documents filed in Court.

27. Personal service of processes and documents

(1) Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.

(2) If it is felt that there are special reasons requiring personal service by a Court process server, a Request for such service must be filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar must be obtained for such service. Once approval has been obtained, the documents for service must be presented at the counter designated for this purpose. A process server will then be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.

(3) On the appointed date, the person accompanying the process server must call at the Registry. The amount required for the transport charges of the process server (a record of which will be kept) must be tendered, or, alternatively, the process server in question must be informed that transport for him will be provided. The Registry will then instruct the process server to effect service.

(4) Under no circumstances should any payment be made directly to the process server.

Application for service out of Singapore of originating process or other court document

(5) Under Order 8, Rule 1(2) of the Rules of Court 2021, a claimant applying for the Court's approval to serve an originating process or other court document out of Singapore must file a supporting affidavit stating, among others, why the Court has the jurisdiction, or is the appropriate court, to hear the action.

(6) For the purposes of showing why the Court is the appropriate court to hear the action, the claimant should include in the supporting affidavit any relevant information showing that:

(a) there is a good arguable case that there is sufficient nexus to Singapore;

(b) Singapore is the forum conveniens; and

(c) there is a serious question to be tried on the merits of the claim.

(7) Where applicable, for the purposes of sub-paragraph 6(a), the claimant should refer to any of the following non-exhaustive list of factors (as may be applicable) in the supporting affidavit:

(a) relief is sought against a person who is domiciled, ordinarily resident or carrying on business in Singapore, or who has property in Singapore;

(b) an injunction is sought ordering the defendant to do or refrain from doing anything in Singapore (whether or not damages are also claimed in respect of a failure to do or the doing of that thing);

(c) the claim is brought against a person duly served in or outside Singapore, and a person outside Singapore is a necessary or proper party to the claim;

(d) the claim is brought to enforce, rescind, dissolve, annul or otherwise affect a contract, or to recover damages or obtain other relief in respect of the breach of a contract, being (in either case) a contract which —

(i) was made in Singapore, or was made as a result of an essential step being taken in Singapore;

(ii) was made by or through an agent trading or residing in Singapore on behalf of a principal trading or residing out of Singapore;

(iii) is by its terms, or by implication, governed by the law of Singapore; or

(iv) contains a term to the effect that that Court will have jurisdiction to hear and determine any action in respect of the contract;

(e) the claim is brought in respect of a breach committed in Singapore of a contract made in or outside Singapore and irrespective of the fact, if such be the case, that the breach was preceded or accompanied by a breach committed outside Singapore that rendered impossible the performance of so much of the contract as ought to have been performed in Singapore;

(f) the claim:

(i) is founded on a tort, wherever committed, which is constituted, at least in part, by an act or omission occurring in Singapore; or

(ii) is wholly or partly founded on, or is for the recovery of damages in respect of, damage suffered in Singapore caused by a tortious act or omission wherever occurring;

(g) the whole subject matter is immovable property situated in Singapore (with or without rents or profits) or the perpetuation of testimony relating to immovable property so situated;

(h) the claim is brought to construe, rectify, set aside or enforce an act, deed, will, contract, obligation or liability affecting immovable property situated in Singapore;

(i) the claim is made for a debt secured on immovable property situated in Singapore, or is made to assert, declare or determine proprietary or possessory rights, or rights of security, in or over movable property, or to obtain authority to dispose of movable property, situated in Singapore;

(j) the claim is brought to execute the trusts of a written instrument, being trusts that ought to be executed according to the law of Singapore and of which the person to be served with the originating process is a trustee, or for any relief or remedy which might be obtained in any such action;

(k) the claim is made for the administration of the estate of a person who died domiciled in Singapore or for any relief or remedy which might be obtained in any such action;

(l) the claim is brought in an administration action within the meaning of Order 32 of the Rules of Court 2021;

(m) the claim is brought to enforce any judgment or arbitral award, or any adjudication determination within the meaning of the Building and Construction Industry Security of Payment Act 2004;

(n) the claim is made under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, the Terrorism (Suppression of Financing) Act 2002 or any other written law;

(o) the claim is a restitutionary one (including a claim for quantum meruit or quantum valebat) or for an account or other relief against the defendant as trustee or fiduciary, and the defendant's alleged liability arises out of any act done, whether by the defendant or otherwise, in Singapore;

(p) the claim is founded on a cause of action arising in Singapore;

(q) the claim is for a contribution or an indemnity in respect of a liability enforceable by proceedings in Singapore;

(r) the claim is in respect of matters in which the defendant has submitted or agreed to submit to the jurisdiction of the Court;

(s) the claim concerns the construction, effect or enforcement of any written law;

(t) the claim is for a committal order under Order 23 of the Rules of Court 2021; or

(u) the application is for the production of documents or information:

(i) to identify possible parties to proceedings before the commencement of those proceedings in Singapore;

(ii) to enable tracing of property before the commencement of proceedings in Singapore relating to the property; or

(iii) where the production of the documents or information is in the interests of justice.

28. Substituted service

(1) In any application for substituted service, the applicant shall satisfy the Court that the proposed mode of substituted service is effective in bringing the document to the notice of the person to be served.

(2) Two reasonable attempts at personal service should be made before an application for an order for substituted service is filed. In an application for substituted service, the applicant shall demonstrate by way of affidavit why he or she believes that the attempts at service made were reasonable.

(3) The applicant should, where appropriate, also consider other modes of substituted service, such as AR registered post or electronic means (including electronic mail or Internet transmission) in addition to or in substitution of substituted service by posting on doors or gates of residential and business premises.

(4) An application for substituted service by posting at an address or by AR registered post should contain evidence (eg, relevant search results from the Inland Revenue Authority of Singapore, the Singapore Land Authority, the Housing & Development Board or the Accounting and Corporate Regulatory Authority) that the person to be served is either the owner of, resident or can be located at the property.

(5) For the avoidance of doubt, substituted service by AR registered post is deemed to be effective when the postal service has delivered the document, or attempted to deliver the document (in cases where no one is present or willing to accept the document).

(6) If substituted service is by electronic mail, it has to be shown that the electronic mail account to which the document will be sent belongs to the person to be served and that it is currently active.

(7) An application for substituted service by advertisement (in one issue of the Straits Times if the person to be served is literate in English, or one issue of the Straits Times and one issue of one of the main non-English language newspapers where his language literacy is unknown) should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.

(8) For the avoidance of doubt, posting on the Notice Board of the Registry of the State Courts is not available as a proposed mode of substituted service.

29. Amendment of documents

General requirements for amendment of any document

(1) Except as otherwise provided by the provisions of this Practice Direction, where any document (inclusive of any pleading) that has been filed in any proceedings is required to be amended and re-filed in Court, a fresh copy of the document with the amendments included must be prepared, regardless of the number and length of the amendments sought to be made.

(2) The procedure for amending a document is as follows:

(a) A fresh amended copy of the document should be produced.

(b) The number of times the document has been amended shall be indicated in parentheses after the name of the document. For this purpose, an amended document should be entitled "[document name] (Amendment No. 1)" or "[document name] (Amendment No. 2)", or as appropriate. For example, a Statement of Claim which is amended for the first time should be filed as "Statement of Claim (Amendment No. 1)", and a Defence that is amended for the second time should be filed as "Defence (Amendment No. 2)".

(c) The changes made in the document from the latest version of the document filed in Court should be indicated in the following way:

(i) deletions shall be made by drawing a single line across the words to be deleted; and

(ii) insertions shall be underlined.

Colour scheme for amendments

(3) In addition, the following colours shall be used to indicate the history of the amendments in the specified documents:

(a) black for the first round of amendments;

(b) red for the second round of amendments;

(c) green for the third round of amendments;

(d) blue for the fourth round of amendments; and

(e) brown for subsequent rounds of amendments.

Amendment for third time or more

(4) From the third round of amendments onwards, the amended specified document should comprise two versions of the document, ie —

(a) a clean version without the amendments shown; followed in the same document by

(b) a version showing the amendments in colour.

(5) Only one amended document consisting of these two versions is required to be filed.

Cases to which the requirements in paragraphs (1) and (2) do not apply

(6) The directions in sub-paragraph (2)(b) above shall not apply to any Originating Application or summons that has been amended from an application with notice to an application without notice or vice versa.

(7) The directions in sub-paragraph (2)(c) above shall not apply to any originating process, summons or other electronic form that is composed online through the Electronic Filing Service.

Amendment endorsements on electronic forms

(8) An amended pleading or other document shall be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date thereof, and if no such order was made, the number of the Rule in the Rules of Court 2021 in pursuance of which the amendment was made.

(9) Where electronic forms are amended, the amendment endorsement shall take either one of the following forms:

(a) “By order of Court made on [date order was made]”; or

(b) “Pursuant to Order 9, Rule [cite specific rule number]”.

(10) The amendment endorsement shall be appended to the title of the electronic form, after the amendment number as required under sub-paragraph (2)(b) above. Where an electronic form is amended more than once, the endorsement need only cite the basis for the most recent amendment. For example —

(a) “Originating Application (Amendment No. 3, by order of Court made on 1 January 2022)”;

(b) “Originating Claim (Amendment No. 1, pursuant to O. 9, r [•])”.

(11) The date of the electronic form shall reflect the date on which the document is amended.

Amendment of case title to add a party

(12) Where the permission of Court has been obtained to add a party to the main case title of a matter, for example, an intervener or any party that was previously a non-party, the applicant or his solicitor is to file a Request through the Electronic Filing Service to add that specific party to the main case title.

30. Endorsements on originating processes and other documents

(1) The provisions of this Practice Direction shall apply where it is necessary to include endorsements on any document.

(2) Endorsements are normally made on originating processes and other documents to show the renewal of, amendments to, and authorisation for service of, the document in question. Such endorsements on originating processes and other documents do not require the Registrar’s signature.

(3) For documents that are filed through the Electronic Filing Service as electronic forms composed online, the following requirements apply:

(a) Solicitors should select the appropriate endorsement and check the accuracy of the electronic form in the preview stage before filing the originating process or other document. The acceptance by the Registry of

electronic forms composed online does not affect the regularity of any endorsements on the document.

(b) Where endorsements can be made prior to the filing or issuance of a document, those endorsements shall be incorporated into the document before the document is filed or issued.

(c) Where endorsements must be made on a document which has already been filed or issued, a fresh copy of the document containing the relevant endorsements shall be prepared, and the document must be re-filed or re-issued, as the case may be. An example of this would be renewals of Originating Claims.

31. Additional endorsements on cause papers

Every affidavit which is filed in conjunction with a summons (but not those filed in conjunction with Originating Applications) must have endorsed at the top left-hand corner of the first page of the affidavit the entered number of the summons.

32. Information to be provided in cause papers and documents filed in the Registry

(1) This Practice Direction shall apply to all cause papers and documents that are not filed using the Electronic Filing Service.

(2) To facilitate the contacting of lawyers having conduct of an action or charge of a matter by members of the staff of the State Courts, the following information shall be inserted on backing sheets of all cause papers and documents filed in the Registry in the format set out:

> "(Name of lawyer(s) having conduct of action or charge of matter.)
> (Name of law firm.)
> (Address of law firm.)
>
> Tel: (Contact telephone number.)
> Fax: (Contact facsimile number.)
> Ref: (File reference of law firm.)"

(3) The information is to be inserted as a block near the bottom right-hand corner of the backing sheets.

33. Access to case file, inspection and taking copies of documents and conducting searches

Access by parties to a case file

(1) All parties to a case who are registered users of the Electronic Filing Service may, subject to the provisions of this Practice Direction and any directions of the Court, access the online case file made available through the Electronic Filing Service and may inspect, download soft copies or print hard copies of documents accessible to the parties in the online case file.

(2) Where a party to a case is not a registered user and is unable to access the electronic case file through the Electronic Filing Service, the procedure governing file inspection by non-parties to a case in paragraph (5) below shall be followed.

(3) All parties to a case shall have the liberty to make amendments at will to administrative details contained in the electronic case file through the Electronic Filing Service, and for this purpose —

> (a) administrative details include the contact details of solicitors, the identities of the solicitors, and the nature of

the claim; and

(b) where a party to a case is not a registered user of the Electronic Filing Service, he may attend at the service bureau to seek assistance to amend the administrative details contained in the electronic case file.

(4) The Registry may require parties to a case to provide supporting documents to substantiate proposed amendments to other details of the electronic case file before the amendment is approved (eg, amendments to add or remove a party to the case have to be supported by an order of Court, and amendments to change the name, gender, identification number, or marital status of a party to the case have to be substantiated by documentary proof).

File inspection by non-parties

(5) In order to inspect a case file containing documents that were filed through the Electronic Filing Service, the following procedure should be followed:

(a) A Request should be made to obtain permission to inspect the file, which request should —

(i) be filed using the Electronic Filing Service;

(ii) state the name of the person who is to carry out the search or inspection (and if this person is not a solicitor, his identity card number should also be included in the request, after his name);

(iii) state the interest the applicant has in the matter, and the reason for the search or inspection; and

(iv) if the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.

(b) Once approval for inspection has been received from the Court:

(i) Registered users can inspect the case file online through the Electronic Filing Service;

(ii) Parties who are not registered users can inspect the case file by presenting a copy of the approval at the service bureau. After verifying the approval that has been presented, the service bureau will assign a personal computer to the inspecting party for the inspection to be carried out. An inspecting party will usually be allowed only 60 minutes to carry out the inspection. If a longer period is required, the service bureau may impose a charge for use of the computer. The service bureau may impose additional charges for downloading soft copies or printing hard copies of documents from the case file being inspected.

(6) To inspect a case file in civil proceedings that do not use the Electronic Filing Service, the following procedure should be followed:

(a) A Request should be submitted to the Registry to obtain permission to inspect the case file. The Request should state the name of the person who is to carry out the search or inspection. If this person is not a solicitor, his or her identification and contact details should also be included in the Request, and his or her identification document (including physical or digital identity card) should be produced for verification if requested. The Request should also state the interest that the applicant has in the matter, and the reason for the search or inspection. If the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, the Request should clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.

(b) If approval for inspection is given by the Court, and upon confirmation of the receipt of payment of the fees

payable, the inspection of the case file and Court documents will be carried out at the Registry.

(c) The fees prescribed by the Fourth Schedule to the Rules of Court 2021 will be payable for the provision of the above service

(7) Solicitors must communicate to the Registrar in writing the names of their employees who have their authority to make searches and inspections. Such authority may be in respect of a specific search or inspection or for a specified period.

(8) For the avoidance of doubt, a non-party who has obtained approval to inspect a case file may take and retain a soft copy of any document that is available for inspection. All copies of documents taken in the course of inspection should not be used for purposes other than those stated in the Request to inspect. Solicitors shall be responsible for informing their clients of this.

Obtaining certified true copies of documents

(9) Users are encouraged to use the Authentic Court Order system to validate orders of court issued after 2 January 2020 by going to https://www.courtorders.gov.sg. However, certified true copies of orders of court will still be available upon application. Applications to obtain certified true paper copies of documents should be made by way of filing a Request through the Electronic Filing Service, unless the documents concerned have not been filed through the Electronic Filing Service.

(10) Applications to obtain hard copy extracts or certified true copies of documents in civil proceedings that do not use the Electronic Filing Service may be made by submitting a Request to the Registry:

(a) The intended use of the hard copy extracts or certified true copies should be clearly stated in the Request. The relevance and necessity of the hard copy extracts or certified true copies in relation to their intended use should also be clearly described.

(b) The applicant will be informed of the outcome to his or her Request and the fees payable for the provision of the certified true copies if the Request is approved. Upon confirmation of the receipt of payment of the fees payable, the certified true copies will be released to the applicant. The Registry may require verification of the identity of the applicant against his or her identification document (including physical or digital identity card) prior to release of the certified true copies.

(c) The fees prescribed by the Fourth Schedule to the Rules of Court 2021 will be payable for the provision of the above service.

(11) The intended use of the certified true copies should be clearly stated in the Request. The relevance and necessity of the certified true copies in relation to their intended use should also be clearly described.

(12) Once approval is received from the Court, the applicant should present a printed copy of the approved Request at the Central Registry. After verifying that the Request presented has been approved, the staff of the Central Registry will inform the applicant of any additional fees payable and the manner in which payment is to be made.

(13) The fees prescribed in the Fourth Schedule to the Rules of Court 2021 will be payable for the above services without prejudice to additional printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

Electronic cause books and registers maintained by the Registry

(14) Order 26, Rule 3 of the Rules of Court 2021 provides that the Registry must maintain such Court records and other

documents that are required by any written law or which the Registrar considers appropriate. In addition to any provisions in the Rules of Court 2021, the Registrar hereby directs that the following information shall be maintained by the Registry:

(a) details of all originating processes, including:

(i) details of interlocutory applications; and

(ii) details of appeals filed therein;

(b) details of enforcement orders, writs of distress and orders of arrest; and

(c) any other information as may from time to time be deemed necessary.

(15) Searches of this information under Order 26, Rule 3 of the Rules of Court 2021 may be conducted through the Electronic Filing Service at a service bureau or at the Records Section. The fees prescribed in the Fourth Schedule to the Rules of Court 2021 will be payable for the searches.

(16) An application may be made by any person for a licence to use any information contained in any electronic cause book or register subject to such terms and conditions as the Registrar may determine. Successful applicants will be required to enter into separate technical services agreements with the Electronic Filing Service provider. Applications under this Practice Direction must be made in writing, identifying the data fields sought and providing details of how the information will be used.

Part IV: CASE MANAGEMENT AND COURT ALTERNATIVE DISPUTE RESOLUTION

34. Overview of case management and court dispute resolution frameworks for civil cases

(1) Under the Rules of Court 2021, a Case Conference ("**CC**") will be fixed for all Originating Claims. CCs will typically be convened around 7 weeks after a Defence is filed in the action, but the Court retains the discretion to convene a CC earlier or later as it deems necessary.

(2) Once a CC has been fixed, a notice will be sent to the claimant and any other party who has filed a notice of intention to contest or not contest and/or a Defence, informing them of the date of the CC, as well as which of the four following case management frameworks applies to the proceedings, namely:

(a) the Specially Managed Civil List ("**SMCL**");

(b) the Civil Simplified Process ("**Civil Simplified Process**");

(c) the General Process ("**General Process**"); or

(d) the Court Dispute Resolution ("**CDR**") process at the Court Dispute Resolution Cluster ("**CDRC**").

(3) This Part of the Practice Directions sets out the provisions relating to the abovementioned frameworks, as follows:

(a) The provisions pertaining to matters undergoing the SMCL process are provided for in Practice Direction 35.

(b) The provisions pertaining to matters undergoing the Civil Simplified Process are provided for in Practice Direction 36.

(c) The provisions pertaining to matters undergoing the General Process are provided for in Practice Direction 37.

(d) The provisions pertaining to matters undergoing the CDR Process are provided for in Practice Directions 38 to 41.

(4) Where, at any CC or other hearing, the Court orders the production of documents, or where production is required by Orders 11 and 65 of the Rules of Court 2021, parties are to utilise Form 1 of Appendix A1 to these Practice Directions.

Presumption of Alternative Dispute Resolution for all civil claims

(5) A "presumption of Alternative Dispute Resolution" applies to all civil claims filed in the State Courts. For this purpose, the Court may refer appropriate matters for parties to attempt the amicable resolution of disputes through one of the Court alternative dispute resolution modalities ("**Court ADR modalities**") during a CC.

(6) As the use of Court ADR modalities gives parties the opportunity to resolve their disputes faster and more economically compared to determination at trial, parties who wish to undergo Court ADR at an earlier stage must file a request using Form 2 of Appendix A1 to these Practice Directions.

(7) The provisions pertaining to matters undergoing Court ADR modalities are provided for in Practice Directions 38, 42 to 44.

(8) Where the Court is of the view that an ADR (including Court ADR) process is suitable, and the party/parties have opted out of the ADR process for reasons deemed to be unsatisfactory, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 21, Rule 2(2)(a) of the Rules of Court 2021, which states:

> *"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;"*

(9) Notwithstanding any provision of these Practice Directions, the Court may, in its discretion, direct parties to attend a CC in such manner and at such time as it deems fit.

(10) If the Court orders a party to submit a sealed document setting out the party's reasons for refusing to attempt ADR pursuant to Order 5, Rule 3(3) of the Rules of Court 2021, the party is to file the sealed document through the Electronic Filing Service into the case file under "ADR Sealed Document" within 7 days from the date of the Court order, unless the Court otherwise directs. The "ADR Sealed Document" does not need to be served on the other party or parties to the case.

(11) The "ADR Sealed Document" will be sealed upon acceptance by the Registry. Apart from the filing party, the "ADR Sealed Document" will not be available for inspection by any other party or the Court, until the issue of the costs of the action is to be considered.

35. The SMCL Process

Scope of the SMCL Process

(1) The Specially Managed Civil List ("**SMCL**") comprises cases which would benefit from a dedicated and rigorous pre-trial management process in order to bring about an expeditious resolution of the dispute. These cases will be tracked by a docketed team of judicial officers who will deal with all the pre-trial applications and give directions to facilitate the timely disposal of the dispute.

(2) Civil claims exceeding $150,000 in the following categories are included in the SMCL:

(a) Banking;

(b) Corporate Finance;

(c) Company Law;

(d) Intellectual Property;

(e) Securities;

(f) Equity and Trust;

(g) Construction Disputes; and

(h) Consolidated suits where the total claim exceeds $150,000.

(2A) In addition to paragraph (2) above, civil claims in the following categories are also included in the SMCL:

(a) District Court cases concerning:

(i) representative proceedings under Order 4, Rule 6 of the Rules of Court 2021; and

(ii) defamation actions; and

(b) any case deemed suitable for the SMCL at the discretion of the Court or on the application of parties.

First SMCL CC

(3) Subject to the discretion of the Court, where an action has been identified for inclusion in the SMCL:

(a) The first SMCL Case Conference ("**CC**") will be fixed around 7 weeks from the date that the Defence was filed.

(b) An SMCL Notice will be issued to the claimant and any other party who has filed a notice of intention to contest and/or Defence notifying parties that the case has been identified for the SMCL, of the date of the first SMCL CC, and directing parties to provide to the Court within a prescribed time:

(i) an update on the progress of the matter including attempts at amicable resolution; and

(ii) a list of directions sought, including the timeframe for each direction.

(c) The SMCL Notice may also include further directions from the Court, for example:

(i) For construction disputes, parties will be directed to provide a Scott Schedule setting out the respective parties' positions on each item of claim.

(ii) For defamation actions, parties will be directed to state whether the Pre-Action Protocol for Defamation Actions has been complied with and if not, the outstanding steps to be taken.

(d) Where both parties are represented, a SMCL CC will be fixed to be conducted on a "documents-only" basis. Where at least one party is unrepresented, a physical SMCL CC will be fixed.

Subsequent SMCL CCs

(4) The Court may, at any SMCL CC, give directions for parties to file and serve the Single Application Pending Trial pursuant to Order 9, Rule 9 of the Rules of Court 2021 ("**SAPT**") and/or give any directions in respect of other stand-alone applications at the SMCL CC.

(5) Further SMCL CCs may be fixed as the Court deems fit or on application by parties.

(6) Where a party intends to file any application (other than one directed at a CC and any application set out in Order 9, Rule 9(7)(*a*) to (*o*) of the Rules of Court 2021), the Court's approval to file such applications must be sought by filing a "Request for Permission to file Application", copied to all other parties, in accordance with Practice Direction 48(5). Where parties are of the view that it would be more appropriate for submissions to be made at a physical or remote CC, a "Request for Case Conference" may be filed in lieu of the "Request for Permission to file Application". The "Request for Case Conference" should set out the reasons why the request for the Court's approval to file further applications cannot or should not be dealt with asynchronously

(7) Where parties indicate at the CC that they will not be filing any SAPT but parties subsequently decide to file an SAPT, parties are to file a "Request for Permission to file Application" to inform the Court of their intention and to seek directions for the filing of the SAPT.

(8) If parties wish to extend or vary timelines previously directed by the Court, parties should seek these directions from the Court at the SMCL CC, subject to Practice Directions 48(9)(e) and (g) read with Practice Directions 48(11) to 48(13).

(9) Where the action is not disposed of by the Court or settled or otherwise resolved through the actions of the parties, the Court will at an appropriate stage give directions for the matter to be set down for trial. If the matter is set down by the date fixed by the Court, the matter will be fixed for a Pre-Trial CC and any outstanding SMCL CC will be vacated. Where the matter has been set down, parties should seek extended timelines and/or permission to file any further applications at the SMCL CC or from the trial judge if one has been allocated.

General provisions for procedure of SMCL CCs

(10) Where appropriate, the Court may at any SMCL CC refer the case to Court alternative dispute resolution ("**Court ADR**") or allow time for parties to engage in any other appropriate ADR process.

(11) As far as possible, parties are to agree on the directions that they are seeking from the Court prior to any SMCL CC. If parties are unable to agree, they are to inform the Court of the items of disagreement and submit on their respective positions on each item at the SMCL CC.

(12) A party who fails to comply with the directions given and is seeking an extension of time to comply, shall inform the Court of:

(a) the reasons for the directions not having been complied with and for seeking an extension of time; and

(b) whether the other party is agreeable to the extension of time sought.

(13) If any party fails to provide the status update or list of directions sought or fails to comply with the Court's directions, the Court may proceed to give the necessary directions to the parties, to facilitate the progress of the case.

(14) All updates and requests for directions by the parties, as well as directions given by the Court, shall be communicated to

and by the Court through the Electronic Filing Service, unless the Court determines that it is necessary for the parties or their counsel to attend Court for such directions to be dealt with.

(15) If judgment is entered on liability for damages to be assessed, a further SMCL CC will be fixed around 3 weeks after the date judgment is entered. A fresh SMCL CC Notice will be issued to the claimant and any party against whom judgment on liability has been entered (if that party has filed a notice of intention to contest and/or Defence), notifying parties of the date of the CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for directions to be given to move the matter towards settlement or an Assessment of Damages hearing.

36. Civil Simplified Process

Scope of Order 65 of the Rules of Court 2021

(1) All Originating Claims filed in the Magistrate's Court on or after 1 April 2022 are subject to Order 65 of the Rules of Court 2021. Where parties to Originating Claims filed in the District Courts ("**DC**") on or after 1 April 2022 consent for Order 65 to apply to those proceedings by filing Form 3 of Appendix A1 to these Practice Directions, those proceedings will also be subject to Order 65 upon the filing of Form 3.

Upfront Production of Documents

(2) Where copies of documents to be provided together with pleadings, pursuant to Order 65, Rule 2 of the Rules of Court 2021, are voluminous, parties are encouraged to consider supplying the documents in a common electronic format and using storage media that the other party can use.

CCs under the Civil Simplified Process case management framework ("Civil Simplified CC")

(2A) The provisions relating to the Civil Simplified Process case management framework set out below in this Practice Direction apply to all cases in paragraph (1), save for:

(a) Personal injury claims;

(b) Non-injury motor accident claims;

(c) Claims in negligence (including professional negligence claims); and

(d) Medical negligence claims.

The Court Dispute Resolution case management process under Practice Directions 38 to 41 will apply to the proceedings referred to in paragraph (2A)(a) to (d).

(2B) Where parties to a DC claim have filed Form 3 of Appendix A1 to these Practice Directions consenting for Order 65 to apply to those proceedings and the Civil Simplified Process case management framework applies, the parties shall also separately file a Request through the Electronic Filing Service for a Civil Simplified CC to be convened.

Before the first Civil Simplified CC

(3) Subject to the discretion of the Court, where a case is identified for the Civil Simplified Process case management framework:

(a) A first Civil Simplified CC will be fixed around 7 weeks from the date that the Defence was filed.

(b) A Civil Simplified CC Notice will be issued to the claimant and any other party who has filed a notice of intention to contest and/or Defence notifying parties that the case has been identified for the Civil Simplified Process, of the date of the first Civil Simplified CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for the purposes of the Civil Simplified CC.

(c) Where both parties are represented, a Civil Simplified CC will be fixed to be conducted by remote hearing via video conferencing. Where at least one party is unrepresented, a physical Civil Simplified CC will be fixed.

(4) Parties should, 7 days prior to the first Civil Simplified CC:

(a) in addition to the requirements set out in Order 5, Rule 1(2) of the Rules of Court 2021, exchange proposals in writing using Form 4 of Appendix A1 to these Practice Directions on a "without prejudice save as to costs" basis for the amicable resolution of the matter; and

(b) file through the Electronic Filing Service:

(i) Form 5 of Appendix A1 to these Practice Directions stating the list of issues in the dispute and the list of witnesses they intend to call in support of their case;

(ii) the Court ADR Form (Form 6 of Appendix A1 to these Practice Directions) in order to facilitate a considered decision on Court alternative dispute resolution ("**Court ADR**") options. The Court ADR Form must be read and completed by each party. If there is a solicitor acting for the party, the solicitor must also complete the Form; and

(iii) the completed checklist enclosed with the Civil Simplified CC Notice.

(5) The purpose of the Civil Simplified CC is for the Court to consider all available options for the resolution of the case jointly with the parties. In order for the Civil Simplified CC to be effective and fruitful, the solicitors having conduct of the matter should take all necessary instructions from their clients to achieve an amicable resolution of the matter (including exploring the use of any appropriate Court ADR modality), and comply with all directions (including those at Practice Direction 36(3) above), prior to attending the first Civil Simplified CC.

At the Civil Simplified CC

(6) At the Civil Simplified CCs, the Court may manage the case by, amongst others:

(a) encouraging the parties to co-operate in the conduct of the proceedings;

(b) assisting the parties to identify and narrow the issues at an early stage;

(c) dealing with any interlocutory issues, including giving such directions for discovery or for the parties to file the Single Application Pending Trial pursuant to Order 9, Rule 9 of the Rules of Court 2021 ("**SAPT**") as may be necessary;

(d) considering with the parties whether the likely benefits of any step proposed to be taken by a party would justify the costs that will be incurred;

(e) encouraging the parties to negotiate to resolve the issues and/or case, and/or to undergo the appropriate Court ADR modality, as well as facilitating the use of such Court ADR modality having regard to Order 5, Rule 3 of the Rules of Court 2021;

(f) helping the parties to settle the whole or part of the case;

(g) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the case to proceed to trial);

(h) fixing timelines to manage and control the progress of the case; and

(i) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

(7) With the introduction of the concept of the SAPT pursuant to Order 2, Rule 9 of the Rules of Court 2021, the Court may, at or prior to any Civil Simplified CC, give directions for parties to file the SAPT and also give any directions in respect of other stand-alone applications.

(8) Following from the above directions, the Court may also, if necessary, fix a further Civil Simplified CC, direct parties to provide further status updates to ascertain compliance with the directions given at previous Civil Simplified CCs and give further directions as may be necessary.

(9) Where a party intends to file any application (other than one directed at a CC and any application set out in Order 9, Rule 9(7)(a) to (o) of the Rules of Court 2021), the Court's approval to file such applications must be sought by filing a "Request for Permission to file Application", copied to all other parties, in accordance with Practice Direction 48(5). Where parties are of the view that it would be more appropriate for submissions to be made at a physical or remote CC, a "Request for Case Conference" may be filed in lieu of the "Request for Permission to file Application". The "Request for Case Conference" should set out the reasons why the request for the Court's approval to file further applications cannot or should not be dealt with asynchronously.

(10) Where parties indicate at the CC that they will not be filing any SAPT but parties subsequently decide to file an SAPT, parties are to file a "Request for Permission to file Application" to inform the Court of their intention and to seek directions for the filing of the SAPT.

(11) If parties wish to extend or vary timelines previously directed by the Court, parties should seek these directions from the Court at the Civil Simplified CC, subject to Practice Directions 48(9)(e) and (g) read with Practice Directions 48(11) to 48(13).

(12) Where the action is not disposed of by the Court or settled or otherwise resolved through the actions of the parties, the Court will at an appropriate stage give directions for the matter to be set down for trial. After the matter is set down, the matter will be fixed for a Pre-Trial CC.

General provisions for Civil Simplified CCs

(13) As far as possible, parties are to agree on the directions that they are seeking from the Court prior to any Civil Simplified CC. If parties are unable to agree, they are to inform the Court of the items of disagreement and submit on their respective positions on each item at the Civil Simplified CC.

(14) A party who fails to comply with the directions given and is seeking an extension of time to comply, shall inform the Court of

(a) the reasons for the non-compliance and extension of time sought; and

(b) whether the other party is agreeable to the extension of time sought.

(15) In order that parties benefit fully from the process of the Civil Simplified CC, adjournment(s) of any CC will not be

granted without good reason. Consent of both parties to the adjournment, without more, is not considered sufficient reason for an adjournment. Practice Direction 46 below sets out the procedure for seeking adjournments or vacation of hearing dates.

(16) The Court will consider, at each Civil Simplified CC, all available options in the case jointly with the parties. Accordingly, at any Civil Simplified CC where the attendance of parties is required, the solicitor in charge of the case for that party (ie, the solicitor who has actual conduct of the case for that party and who is familiar with it) shall attend the Civil Simplified CC. Solicitors for both parties shall attend the Civil Simplified CC.

(17) If judgment is entered on liability for damages to be assessed, an Assessment of Damages CC will be fixed around 3 weeks after the date judgment is entered. A CC Notice will be issued to the claimant and any party against whom judgment on liability has been entered (if that party has filed a notice of intention to contest and/or Defence) notifying parties of the date of the CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for directions to be given to move the matter towards settlement or an Assessment of Damages hearing.

37. General Process

Scope of the General Process

(1) All Originating Claims filed in the District Courts on or after 1 April 2022 that are not subject to the Specially Managed Civil List ("**SMCL**"), Civil Simplified Process or Court Dispute Resolution ("**CDR**") Process will be subject to the General Process described in this Practice Direction..

General Process CCs and SAPT

(2) Subject to the discretion of the Court, where a case is identified for the General Process:

(a) A first General Process Case Conference ("**CC**") will be fixed around 7 weeks from the date that the Defence was filed.

(b) A General Process CC Notice will be issued to the claimant and any other party who has filed a notice of intention to contest and/or Defence, notifying parties that the case has been identified for the General Process, of the date of the first General Process CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for the purposes of the General Process CC.

(c) Where at least one party is unrepresented, a physical General Process CC will be fixed, at which parties are to submit on directions to be obtained and contemplated applications under the Single Application Pending Trial pursuant to Order 9, Rule 9 of the Rules of Court 2021 ("**SAPT**"). Where both parties are represented, a CC will be fixed, to be conducted on a "documents-only" basis, unless otherwise directed by the Court. For CCs conducted on a "documents-only" basis, all updates and requests for directions by the parties, as well as directions given by the Court, shall be communicated to and by the Court through the Electronic Filing Service.

(3) The Court may at the first General Process CC give directions for the filing of the SAPT.

(4) Where a party intends to file any application (other than one directed at a CC and any application set out in Order 9, Rule 9(7)(*a*) to (*o*) of the Rules of Court 2021), the Court's approval to file such applications must be sought by filing a "Request for Permission to file Application", copied to the other party, in accordance with Practice Direction 48(5). Where parties are of the view that it would be more appropriate for submissions to be made at a physical or remote CC, a "Request for Case Conference" may be filed in lieu of the "Request for Permission to file Application". The "Request for Case Conference"

should set out the reasons why the request for the Court's approval to file further applications cannot be dealt with asynchronously.

(5) Where parties indicate at the CC that they will not be filing any SAPT but parties subsequently decide to file an SAPT, parties are to file a "Request for Permission to file Application" to inform the Court of their intention and to seek directions for the filing of the SAPT.

(6) If parties wish to extend or vary timelines previously directed by the Court, parties should seek these directions from the Court at the General Process CC, subject to Practice Directions 48(9)(e) and (g) read with Practice Directions 48(11) to 48(13).

(7) Where the action is not disposed of by the Court or settled or otherwise resolved through the actions of the parties, the Court will at an appropriate stage give directions for the matter to be set down for trial. If the matter is set down by the date fixed by the Court, the matter will be fixed for Pre-Trial CC and the further General Process CC will be vacated. Where the matter has been set down, parties should seek extended timelines and/or permission to file any further applications at the Pre-Trial CC or from the trial judge if one has been allocated.

(8) If judgment is entered on liability for damages to be assessed, an Assessment of Damages CC will be fixed around 3 weeks after the date judgment is entered. A CC Notice will be issued to the claimant and the parties against whom judgment on liability has been entered (if that party has filed a notice of intention to contest and/or Defence) notifying parties of the date of the CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for directions to be given to move the matter towards settlement or an Assessment of Damages hearing.

General provisions for General Process CCs

(9) Where appropriate, the Court can at any General Process CC refer the case to CDRC for Court alternative dispute resolution or to any other appropriate ADR process.

(10) As far as possible, parties are to agree on the directions that they are seeking from the Court prior to any General Process CC. If parties are unable to agree, they are to inform the Court of the items of disagreement and their respective positions on each item at the General Process CC.

(11) The Court may require the parties to provide submissions explaining the reasons for the directions sought, if:

(a) there is a dispute between the parties on the directions sought; or

(b) if the Court determines that such submissions are necessary, before the Court proceeds to give its directions.

(12) A party who fails to comply with the directions given and is seeking an extension of time to comply, shall inform the Court of:

(a) the reasons for the directions not having been complied with and for seeking an extension of time; and

(b) whether the other party is agreeable to the extension of time sought.

38. Overview of the Court Dispute Resolution case management process (CDR Process) and the use of Court Alternative Dispute Resolution (Court ADR) modalities for civil cases

Court Dispute Resolution process for personal injury claims, non-injury motor accident claims, medical

negligence claims and claims in negligence

(1) The Court Dispute Resolution process ("**the CDR Process**") will be adopted in the case management of the following types of claims —

> (a) all personal injury claims, non-injury motor accident ("**NIMA**") claims, claims arising out of an alleged negligent act or omission in connection with medical or dental diagnosis or treatment ("**medical negligence claims**") and claims in negligence, including professional negligence claims, that are filed in the Magistrates' Courts and the District Courts; and
>
> (b) all motor accident claims (whether or not involving any claim for personal injuries) and personal injury claims arising out of an industrial accident that are commenced in the General Division of the High Court on or after 1 April 2022 and transferred to the District Courts (references to personal injury and NIMA claims would hereinafter include these claims).

(2) For claims subject to the CDR Process, the Court will convene a CDR Case Conference ("**CDR CC**") upon the filing of the notice of intention to contest the claim.

(3) The procedure and protocol set out in Practice Direction 39 shall apply to personal injury and NIMA claims.

(4) The procedure and protocol set out in Practice Direction 40 shall apply to medical negligence claims.

(5) The procedure set out in Practice Direction 41 shall apply to claims in negligence, including professional negligence claims.

Court ADR Modalities

(6) The Court alternative dispute resolution modalities ("**Court ADR modalities**") referred to in Practice Direction 34(5) are —

> (a) Mediation;
>
> (b) Conciliation; and
>
> (c) Neutral Evaluation.

(Solicitors may refer to the Singapore Courts website at https://www.judiciary.gov.sg for more information on these modalities.)

The Court Dispute Resolution Cluster ("**CDRC**") oversees the provision of Court ADR modalities.

(7) As the primary aim of Court ADR is to facilitate open and frank discussions between parties to achieve an amicable resolution of their dispute, all communications made in the course of a Court ADR hearing shall be marked by the Judge as being confidential or without prejudice, save for the terms of settlement agreement (unless expressly agreed by all the parties to the settlement as being confidential), consent judgments and consent orders of Court.

(8) The procedure set out in Practice Direction 42 shall apply to mediation hearings.

(9) The procedure set out in Practice Direction 43 shall apply to conciliation hearings

(10) The procedure set out in Practice Direction 44 shall apply to neutral evaluation hearings.

39. Personal Injury Claims and Non-injury Motor Accident ("NIMA") Claims

Compliance with pre-action protocol

Personal injury claims

(1) In this Practice Direction, "personal injury claims" —

(a) refers generally to all claims for personal injuries arising out of motor vehicle accidents ("**PIMA**"), industrial accidents, and claims in negligence, including professional negligence claims, but excludes claims where the pleadings contain an allegation of a negligent act or omission in connection with medical or dental diagnosis or treatment, that are filed in the Magistrates' Court and the District Courts; and

(b) where action is contemplated or commenced in the General Division of the High Court which is to be transferred to the District Courts, refers to PIMA and industrial accident claims only.

(2) Claimants in all personal injury claims must comply with the pre-action protocol for personal injury and non-injury motor accident claims set out in Appendix B to these Practice Directions ("**PI/NIMA pre-action protocol**") before commencing court proceedings.

(3) For all PIMA and industrial accident claims where action is contemplated in the General Division of the High Court and which is to be transferred to the District Courts, claimants must comply with the PI/NIMA pre-action protocol for accidents occurring on or after 1 December 2016, before commencing court proceedings.

Non-injury motor accident ("NIMA") claims

(4) Claimants in all NIMA claims must comply with the PI/NIMA pre-action protocol before commencing court proceedings.

(5) For NIMA claims where action is contemplated in the General Division of the High Court and which is to be transferred to the District Courts, claimants must comply with the PI/NIMA pre-action protocol for motor accidents occurring on or after 1 December 2016, before commencing court proceedings.

Duty to comply

(6) All parties must comply, where applicable, in substance and spirit with the terms of the PI/NIMA pre-action protocol. A breach by one party will not exempt the other parties in the claim from following the applicable protocol.

(7) In exercising its discretion and powers as to costs, the Court will have regard to the extent to which the PI/NIMA pre-action protocol has been complied with by the parties. If non-compliance has led to unnecessary costs and interest payable, the Court may make the following orders:

(a) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds;

(b) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs;

(c) an order that the defaulting party pay those costs on an indemnity basis.

(8) In all cases to which the PI/NIMA pre-action protocol applies, the Court will not impose sanctions where there are good reasons for non-compliance.

Court Dispute Resolution Case Conferences for all personal injury claims and NIMA claims

(9) For all personal injury claims and NIMA claims filed in the Magistrates' Courts or the District Courts as well as all personal injury claims and NIMA claims filed in the General Division of the High Court on or after 1 April 2022 which are transferred to the District Courts, the Court will convene the first Court Dispute Resolution Case Conference ("**CDR CC**") under Order 9, Rule 1(2) of the Rules of Court 2021 within 6 weeks after the filing of the notice of intention to contest the claim.

(10) The objective of the CDR CC is to facilitate the amicable resolution of disputes without trial through the provision of an early neutral evaluation ("**ENE**") on the merits of the case and judge-directed negotiations undergirded by judge-led case management by taking control of and setting the timelines as well as giving directions for the proceedings.

First CDR CC

(11) Solicitors must comply with the relevant CDR CC guidelines set out in Appendix C to these Practice Directions when preparing for and attending a CDR CC for personal injury claims and NIMA claims.

(12) As the CDR CC may be conducted by email, or through other electronic means, details concerning the applicable email account or other means of communication with the Court in each case, where applicable, will be provided in the relevant correspondence by the State Courts to the parties. Where it is necessary in the circumstances of the case, the Court retains the discretion to direct the personal attendance of solicitors and parties at the CDR CC.

Subsequent CDR CCs

(13) At the CDR CC, the Court will give appropriate directions and fix a further CDR CC as necessary. This may include giving the necessary directions for parties to prepare for the ENE at the next CDR CC date, directing the negotiation process between parties, and giving case management directions to ensure the timely progress of the case to facilitate an early amicable resolution of the dispute.

(14) If the matter is not disposed of by the Court or settled or otherwise resolved through the actions of the parties in the course of the CDR CC process, the Court may make such orders or give such directions as it thinks fit including directions for the filing and exchange of affidavits of evidence-in-chief, appointment of a single joint expert (for actions commenced in the Magistrates' Courts) and any other necessary directions to bring the proceedings to trial.

Request for adjournment of CDR CC

(15) A dedicated time slot is set aside for each CDR CC. In order to minimise wastage of time and resources, a request to adjourn a CDR CC for personal injury claims and NIMA claims shall be made *not less than 2 working days* before the date of the CDR CC in the manner provided in the relevant correspondence by the State Courts to the parties.

Sanction for absence of parties

(16) Where no party attends the CDR CC, or if the claimant is absent, the Court may exercise its powers under Order 9, Rule

4(1) of the Rules of Court 2021 to dismiss the action.

Recording of terms of settlement agreement, consent judgment on liability or consent judgment

(17) If the parties reach agreement on the issue of liability for the claim or quantum of damages or both, they must submit Form 7 of Appendix A1 to these Practice Directions to the Court to record the terms of settlement agreement or to enter a consent judgment on liability or consent judgment as the case may be.

Benchmark rates for cost of rental and loss of use

(18) Where the dispute involves a claim for damages in respect of a motor accident for cost of rental of a replacement vehicle and/or loss of use, parties shall have regard to the Benchmark Rates for Cost of Rental and Loss of Use at Appendix D of these Practice Directions.

(19) The Benchmark Rates are meant to serve as a starting point and adjustments may be made according to the circumstances of each case.

40. Medical Negligence Claims

Compliance with Protocol for Medical Negligence Claims

(1) In this Practice Direction, "medical negligence claims" refers generally to all claims arising out of an alleged negligent act or omission in connection with medical or dental diagnosis or treatment.

(2) Parties in medical negligence claims must comply with the terms of the Protocol for Medical Negligence Claims at Appendix E of these Practice Directions ("**the Medical Negligence protocol**") both in substance and spirit. A breach by one party will not exempt the other parties in the claim from following the protocol.

(3) In exercising its discretion as to costs, the Court will consider compliance with the Medical Negligence protocol. If non-compliance has led to unnecessary costs, the Court may make, *inter alia*, the following orders:

(a) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds;

(b) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and

(c) an order that the defaulting party pay those costs on an indemnity basis.

Court Dispute Resolution Case Conferences for medical negligence claims

(4) For all medical negligence claims, the Court will convene the first Court Dispute Resolution Case Conference ("**CDR CC**") under Order 9, Rule 1(2) of the Rules of Court 2021 within 6 weeks after the filing of the notice of intention to contest the claim.

(5) The objective of the CDR CC is to facilitate the amicable resolution of disputes without trial through the provision of an early neutral evaluation ("**ENE**") on the merits of the case and judge-directed negotiation undergirded by judge-led case management by taking control of and setting the timelines as well as giving directions for the proceedings.

First CDR CC

(6) As the CDR CC may be conducted by email, or through other electronic means, details concerning the applicable email account or other means of communication with the Court in each case, where applicable, will be provided in the relevant correspondence by the State Courts to the parties. Where it is necessary in the circumstances of the case, the Court retains the discretion to direct the personal attendance of solicitors and parties at the CDR CC.

Subsequent CDR CCs

(7) At the CDR CC, the Court will give appropriate directions and fix a further CDR CC as necessary. This may include giving the necessary directions for parties to prepare for the ENE at the next CDR CC date, directing the negotiation process between parties, and giving case management directions to ensure the timely progress of the case to facilitate an early amicable resolution of the dispute.

(8) If the matter is not disposed of by the Court or settled or otherwise resolved through the actions of the parties in the course of the CDR CC process, the Court may make such orders or give such directions as it thinks fit including directions for the filing and exchange of affidavits of evidence-in-chief, and any other necessary directions to bring the proceedings to trial.

Request for adjournment of CDR CC

(9) A dedicated time slot is set aside for each CDR CC. In order to minimise wastage of time and resources, a request to adjourn a CDR CC for medical negligence claims shall be made *not less than 2 working days* before the date of the CDR CC in the manner provided in the relevant correspondence by the State Courts to the parties.

Sanction for absence of parties

(10) Where no party attends the CDR CC, or if the claimant is absent, the Court may exercise its powers under Order 9, Rule 4(1) of the Rules of Court 2021 to dismiss the action.

Recording of terms of settlement agreement, consent judgment on liability or consent judgment

(11) If the parties reach agreement on the issue of liability for the claim or quantum of damages or both, they must submit Form 7 of Appendix A1 to these Practice Directions to the Court to record the terms of settlement agreement or to enter a consent judgment on liability or consent judgment as the case may be.

41. Claims in negligence (excluding medical negligence, personal injury and non-injury motor accident ("NIMA") claims)

(1) This Practice Direction applies to all claims in negligence filed on or after 1 April 2022, including professional negligence claims (but excluding medical negligence, personal injury and non-injury motor accident ("**NIMA**") claims) ("**claims in negligence**").

Court Dispute Resolution Case Conferences for all claims in negligence

(2) For all claims in negligence, the Court will convene the first Court Dispute Resolution Case Conference ("**CDR CC**") under Order 9, Rule 1(2) of the Rules of Court 2021 within 6 weeks after the filing of the notice of intention to contest the claim.

(3) The objective of the CDR CC is to facilitate early, cost effective and amicable resolution of the claim through the provision of an early neutral evaluation ("**ENE**") on the merits of the case and judge-directed negotiations undergirded by judge-led case management by taking control of and setting the timelines as well as giving directions for the proceedings.

First CDR CC

(4) As the CDR CC may be conducted by email, or through other electronic means, details concerning the applicable email account or other means of communication with the Court in each case, where applicable, will be provided in the relevant correspondence by the State Courts to the parties. Where it is necessary in the circumstances of the case, the Court retains the discretion to direct the personal attendance of solicitors and parties at the CDR CC.

Subsequent CDR CCs

(5) At the CDR CC, the Court will give appropriate directions and fix a further CDR CC as necessary. This may include giving the necessary directions for parties to prepare for the ENE at the next CDR CC date, guiding the negotiation process between parties, and giving case management directions to ensure the timely progress of the case to facilitate an early amicable resolution of the dispute.

(6) The Court may also refer appropriate matters to one of the Court Alternative Dispute Resolution modalities ("**Court ADR modalities**") and recommend the use of neutral evaluation, mediation or conciliation, as appropriate, to facilitate the amicable resolution of the case, having regard to factors such as the nature of the case, the factual matrix and the preference of the parties.

(7) If the matter is not disposed of by the Court or settled or otherwise resolved through the actions of the parties in the course of the CDR CC process, the Court may make such orders or give such directions as it thinks fit including directions for the filing and exchange of affidavits of evidence-in-chief, appointment of a single joint expert (for actions commenced in the Magistrates' Court) and any other necessary directions to bring the proceedings to trial.

Request for adjournment of CDR CC

(8) A dedicated time slot is set aside for each CDR CC. In order to minimise wastage of time and resources, a request to adjourn a CDR CC for claims in negligence shall be made *not less than 2 working days* before the date of the CDR CC in the manner provided in the relevant correspondence by the State Courts to the parties.

Sanction for absence of parties

(9) Where no party attends the CDR CC, or if the claimant is absent, the Court may exercise its powers under Order 9, Rule 4(1) of the Rules of Court 2021 to dismiss the action.

Recording of terms of settlement agreement, consent judgment on liability or consent judgment

(10) If the parties reach agreement on the issue of liability for the claim or quantum of damages or both, they must submit Form 7 of Appendix A1 to these Practice Directions to the Court to record the terms of settlement agreement or to enter a consent judgment on liability or consent judgment as the case may be.

42. Mediation

(1) The aim of mediation is not to determine who is at fault in the dispute. Rather, the mediator will assist the parties in negotiating and agreeing on a possible settlement to their dispute. Parties who are legally represented will attend the mediation hearing with their solicitors, and have the opportunity to communicate with each other as well as the mediator.

Opening statements

(2) Each party must submit to the Court Dispute Resolution Cluster ("**CDRC**"), and serve on all other parties, a written opening statement not less than 2 working days before the date of the first mediation hearing.

(3) The opening statement shall be in the format prescribed in Form 8 in Appendix A1 to these Practice Directions.

(4) The opening statement shall be concise and not exceed 10 pages.

Attendance at mediation

(5) All parties shall attend the mediation hearing in person, even if represented by counsel.

(6) The solicitor who has primary conduct over the case shall be present throughout the mediation hearing.

(7) In the case of corporations and other entities, the representative who has the authority to settle the dispute shall attend the mediation hearing. In the event that only a board or body has authority to settle on behalf of the entity, the entity shall send the person who is the most knowledgeable about the case and who is able to recommend a settlement to the representative's board or body.

Mediators

(8) Mediation will be conducted by either a Judge or a Court Volunteer Mediator. Court Volunteer Mediators are experienced mediators who have been appointed by the State Courts. The parties will be notified by correspondence if their case is to be mediated by a Court Volunteer Mediator.

Procedure at Mediation

(9) More information on the mediation process and relevant procedure is set out at the Singapore Courts website at https://www.judiciary.gov.sg.

43. Conciliation

(1) The aim of conciliation is not to determine who is at fault in the dispute. The role of the conciliator during the conciliation hearing is to assist the parties in negotiating and agreeing on a possible settlement to their dispute, with the conciliator playing an active role in suggesting an optimal solution for the parties. Parties who are legally represented will attend the conciliation hearing with their solicitors and have the opportunity to communicate with each other as well as the conciliator.

Opening statements

(2) Each party must submit to the Court Dispute Resolution Cluster ("**CDRC**"), and serve on all other parties, a written opening statement not less than 2 working days before the date of the first conciliation hearing.

(3) The opening statement shall be in the format prescribed in Form 8 in Appendix A1 to these Practice Directions.

(4) The opening statement shall be concise and not exceed 10 pages. It should contain the suggested solution(s) of the dispute by the party submitting the opening statement.

Attendance at conciliation

(5) All parties shall attend the conciliation hearing in person, even if represented by counsel.

(6) The solicitor who has primary conduct over the case shall be present throughout the conciliation hearing.

(7) In the case of corporations and other entities, the representative who has the authority to settle the dispute shall attend the conciliation hearing. In the event that only a board or body has authority to settle on behalf of the entity, the entity shall send the person who is the most knowledgeable about the case and who is able to recommend a settlement to the representative's board or body.

(8) Conciliation will be conducted by a Judge of the CDRC.

Procedure at Conciliation

(9) More information on the conciliation process and relevant procedure is set out at the Singapore Courts website at https://www.judiciary.gov.sg.

44. Neutral Evaluation

(1) The procedure in this Practice Direction applies only to civil cases where parties have requested for Neutral Evaluation as a Court alternative dispute resolution modality. It does not apply to personal injury claims, motor accident claims, medical negligence claims and other claims in negligence.

(2) Neutral Evaluation involves the parties and their solicitors making presentations of their claims and defences, including the available evidence, followed by the Judge of the Court Dispute Resolution Cluster ("**CDRC**") giving an assessment of the merits of the case. This process is also useful for helping parties to arrive at areas of agreement and to discuss methods of case management to save costs and time. The details of the structure and ambit of this process may be agreed between the parties at the preliminary conference referred to in paragraph (3) below.

Preliminary conference with solicitors

(3) When parties request a Neutral Evaluation, the Court will convene a preliminary conference, with only solicitors in attendance, to discuss and agree on several options regarding the process before the date for Neutral Evaluation is fixed, being —

(a) whether the outcome of the Neutral Evaluation is to be binding or non-binding;

(b) whether the witnesses are to attend and be assessed by the Court; and

(c) whether affidavits of evidence-in-chief of witnesses are to be filed and used for the neutral evaluation, with or without witnesses' attendance.

(4) If the option referred to in sub-paragraph (3)(b) above is chosen, the Judge may order that all or some of the expert witnesses testify as a panel to adduce expert evidence. Testifying as a panel involves the concurrent hearing of all expert witnesses in the presence of one another. Each party's expert witness would be afforded the opportunity to question, clarify or probe any contending views proffered by the other expert.

Opening Statements

(5) Each party must submit to the CDRC, and serve on all other parties, a written opening statement not less than 2 working days before the date of the Neutral Evaluation.

(6) The opening statement shall be in the format prescribed in Form 9 in Appendix A1 to these Practice Directions.

(7) The opening statement shall be concise and not exceed 10 pages.

Attendance at Neutral Evaluation

(8) All parties shall attend the Neutral Evaluation hearing in person, even if represented by counsel, unless the Court dispenses with their attendance.

(9) The solicitor who has primary conduct over the case shall be present throughout the Neutral Evaluation hearing.

Procedure in Neutral Evaluation

(10) More information on the Neutral Evaluation process and relevant procedure is set out at the Singapore Courts website at https://www.judiciary.gov.sg.

45. Assessment of Damages and Taking of Accounts

Convening of Assessment of Damages Case Conference

(1) This Practice Direction applies where a case is bifurcated, and the Court gives judgment on liability and for damages to be assessed or the taking of accounts. References to the "assessment phase" of the proceedings and to an "Assessment of Damages" hearing should be read as including the proceedings leading up to the taking of accounts and the hearing for the taking of accounts respectively

(1A) Where judgment on liability is entered in any action in the State Courts, in which bifurcation was ordered, for damages to be assessed or for the taking of accounts, an Assessment of Damages Case Conference ("**Assessment CC**") will be fixed around 3 weeks after the date on which judgment on liability is entered. An Assessment CC Notice will be issued to the claimant and any party against whom judgment on liability has been entered (if that party has filed a notice of intention to contest and/or Defence), notifying parties of the date of the Assessment CC, and directing parties to file the necessary

documents and take the necessary steps within a prescribed time for directions to be given to move the matter towards settlement or an Assessment of Damages hearing.

(2) The parties are to inform the Court at the Assessment CC (or in accordance with the Court's directions) whether they intend to file any interlocutory application(s) in the assessment phase.

(2A) Pursuant to Order 15, Rule 15(4) read with Order 9, Rule 25(9) and Order 9, Rule 25(12) of the Rules of Court 2021, the party entitled to the benefit of the judgment on liability must file and serve an application for directions. The party must include all interlocutory application(s) he or she intends to make in the assessment phase in the application for directions, which must deal with all matters that are necessary for the case to proceed expeditiously in the assessment phase.

(2B) Where any other party intends to file any interlocutory application(s), he or she must also file and serve an application for directions including all the interlocutory application(s) he or she intends to make in the assessment phase.

(2C) Directions for the filing of any application(s) for directions and/or any supporting or reply affidavit(s) necessary will be given at the Assessment CC. In general:

(a) within 21 days after the Assessment CC, any application(s) for directions is to be filed and served, together with a supporting affidavit (where the application for directions includes interlocutory applications); and

(b) within 21 days after service of an application for directions and supporting affidavit, an affidavit in reply may be filed and served.

(2D) Save for the applications referred to in Order 9, Rule 9(7) of the Rules of Court 2021, no other application may be taken out by any party in the assessment phase other than as directed at the Assessment CC or with the Court's approval.

Convening of Assessment of Damages Court Dispute Resolution Case Conferences

(3) The Court will generally convene the first Assessment of Damages Court Dispute Resolution Case Conference ("**ADCDR CC**") within 4 weeks after the filing and acceptance of the Notice of Appointment for Assessment of Damages ("**NOAD**").

(4) The Court retains the discretion to reject the filing of a NOAD when any of the following requirements are not satisfied prior to the filing of said NOAD:

(a) All affidavits of evidence-in-chief and/or expert reports which parties intend to rely on at the Assessment of Damages have been duly exchanged at least 5 working days before the filing of the NOAD.

(b) The Checklist for ADCDR CC in Form 10 of Appendix A1 to these Practice Directions ("**Checklist**") has been duly completed by all legally represented parties taking part in the proceedings and filed as a supporting document to the NOAD. (Please note that the claimant need not obtain the endorsement of unrepresented individuals/entities for the purposes of completing the Checklist.)

(c) The NOAD is filed within the timeline for filing as stipulated by the Court in an order or otherwise directed.

(5) If parties provide inaccurate confirmations in the Checklist filed, the Court may, at an appropriate juncture:

(a) strike off the NOAD and the Checklist; and/or

(b) vacate ADCDR CC(s) commenced as a result of the inaccurate confirmations provided.

Conduct of ADCDR CCs

(6) At ADCDR CCs, the Court will: —

(a) facilitate settlement between parties;

(b) provide neutral evaluations of quantum of damages; and/or

(c) conduct a final check on the status of the proceedings between the parties to ensure that they are ready for the Assessment of Damages hearing.

(7) All ADCDR CCs are to be conducted on a documents-only basis through the Electronic Filing Service, electronic mail or any other electronic means in accordance with Registrar's Circular No. 13 of 2020.

(8) For the avoidance of doubt, the Court at all times retains the full discretion to direct parties to attend a physical hearing or remote hearing via video or telephone conferencing where it deems fit. Parties may make written requests to Court for hearings to be conducted via video conferencing or in person.

(9) Subject to the discretion of the Court, neutral evaluations will only be given in matters where the claimant and at least one other party is represented and will only be given for claims relating to:

(a) damages for pain and suffering arising from personal injuries suffered by a claimant;

(b) loss of future earnings and/or loss of earning capacity; and/or

(c) loss of dependency under section 20 of the Civil Law Act 1909 ("**Civil Law Act**").

(10) At the first ADCDR CC, all parties should be in a position to assess the relative merits of their cases to facilitate a settlement with all relevant information at their disposal.

(11) For matters falling within Practice Direction 45(9), parties are to submit to the Court, before the first ADCDR CC, the Quantum Neutral Evaluation Form in Form 11 of Appendix A1 to these Practice Directions for neutral evaluation of such heads of claim in accordance with Registrar's Circular No. 13 of 2020.

(12) Upon submission of a duly completed Quantum Neutral Evaluation Form, the Court will proceed on the hearing date to —

(a) consider the Quantum Neutral Evaluation Form submitted by the specified deadline and/or the documents referred to therein without the attendance of parties or their solicitor(s) and provide a neutral evaluation; and/or

(b) issue directions, fix the matter for a further hearing and/or fix the matter for an Assessment of Damages hearing.

(13) In the event that one party's position is not stated within the Quantum Neutral Evaluation Form filed by the specified deadline before any hearing date, the Court will not provide a neutral evaluation. Instead, the Court may —

(a) issue directions and fix the matter for a further hearing; or

(b) vacate the ADCDR CC and fix the matter for an Assessment of Damages hearing.

(14) If the case is not one for which a neutral evaluation will be given, or if parties decide not to obtain a neutral evaluation from the Court, parties are to update the Court at the first ADCDR CC on whether there are any on-going negotiations and seek directions on the same, or inform the Court of their availability so an Assessment of Damages hearing may be fixed.

(15) After the first ADCDR CC, parties may generally expect 2 to 5 more ADCDR CC hearings before directions moving the matter towards an Assessment of Damages are given.

(16) During the ADCDR CC process, if there is no settlement or if the Court thinks fit, the Court may —

(a) direct that the matter should proceed for an Assessment of Damages hearing; and/or

(b) make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the matter.

(17) If parties wish to request for an adjournment of an ADCDR CC, they are to do so at least 5 working days before the date of the ADCDR CC by way of a "Other Hearing Related Request" filed under the specific Assessment of Damages Sub-Case No. as found in the accepted copy of the NOAD.

Fixing of Assessment of Damages Hearings

(18) In all requests for Assessment of Damages hearing dates during the ADCDR CC process, parties should:

(a) specify whether parties require a half-day hearing slot or a shorter hearing slot (as may be suitable where, for example, no defendant or intervener is expected to attend or make contesting submissions at the Assessment of Damages hearing);

(b) provide the unavailable dates of all parties (if possible); and

(c) specify the name of the Deputy Registrar who provided a neutral evaluation (if any) in the matter or that no neutral evaluation was given.

(19) Notwithstanding any other provision of these Practice Directions, in all Assessment of Damages hearings fixed before a Registrar in Chambers, and unless otherwise directed by the Court —

(a) for hearings for the taking of accounts, parties shall each file through the Electronic Filing Service and serve Opening Statements and Bundle(s) of Documents within 1 week prior to the hearing date;

(b) in all other cases,

(i) the claimant shall, within 3 weeks prior to the date of the Assessment of Damages hearing, serve on the defendant a draft Joint Opening Statement (referred to in sub-paragraph (b) below) with the claimant's portions duly completed along with the Bundle(s) of Documents;

(ii) the defendant shall, within 2 weeks prior to the date of the Assessment of Damages hearing, serve on the claimant the draft Joint Opening Statement with the defendant's portions duly completed; and

(iii) the claimant shall, within 1 week prior to the date of the Assessment of Damages hearing, file through the Electronic Filing Service and serve the duly completed Joint Opening Statement as well as file the Bundle(s) of Documents.

(20) The format to be used for the Joint Opening Statements referred to in sub-paragraph (19)(b) above shall be as follows:

(a) Joint Opening Statement for Assessment of Damages for Personal Injury Claims (including loss of dependency claims under section 20 of the Civil Law Act 1909) — Form 12 of Appendix A1 to these Practice Directions;

(b) Joint Opening Statement for Assessment of Damages for Non-Injury Motor Accident Claims — Form 13 of Appendix A1 to these Practice Directions; and

(c) Joint Opening Statement for Assessment of Damages for General Claims excluding Personal Injury and Non-Injury Motor Accident Claims — Form 14 of Appendix A1 to these Practice Directions.

(21) The Forms shall be modified accordingly if there are more than two parties in the proceedings.

46. Adjournment or vacation of hearings

Trials

(1) Where dates have been fixed for the trial of any cause or matter, any request for an adjournment or vacation of the trial dates shall, without prejudice to the requirements of Order 9, Rule 9(7) of the Rules of Court 2021, be made by way of summons with a supporting affidavit even in those cases where counsel for the other party or parties consent to the adjournment. A consent summons should be filed if all parties consent to the adjournment.

(2) Subject to any directions of the Court, when a case is adjourned, the Registrar will assign such days as are available for the hearing of the case, and counsel will be expected to take the dates at short notice.

(3) In the event that the hearing of a case is not concluded within the number of days allotted, the Court may direct the hearing of the case to continue beyond the allotted time rather than adjourning the case part-heard to another date. Counsel for parties in all cases should therefore be prepared to continue with the hearing of the matter notwithstanding the fact that the time originally allotted may have expired. Subject to any such directions of the Court, all part-heard cases shall be fixed for continued hearing at short notice. Applications for adjournment of such hearing dates may be granted only for good and sufficient reasons.

Hearings (other than trials) and Tribunal / Simplified POHA Proceedings

(4) Before parties write to the Court to request an adjournment or vacation of any hearing other than a trial, they should seek the consent of the other party or parties to the matter, and the unavailable date(s) of the other party or parties to the matter. Unilateral requests made without first seeking the consent or views of the other party or parties to the matter will not be entertained, except in the most exceptional circumstances.

(5) The request should be made at the earliest possible juncture, and:

(a) at least 2 working days before the hearing date, setting out the reasons for the request;

(b) provided that in the case of Tribunal / Simplified POHA Proceedings, at least 2 weeks before the hearing date, by way of a Request for Change of Court Date on the Community Justice and Tribunals System, setting out:

(i) the reasons for the request; and

(ii) the unavailable dates of each party (or his representative) and his witnesses (if applicable) for the 4-week period after the hearing date sought to be refixed/vacated.

(6) If the consent of all other parties to the matter is obtained, the request should state that all parties have consented to the request for the adjournment or vacation. However, this does not mean that the request will be granted as a matter of course. The Court will still evaluate the merits of the request before making its decision.

(7) If the consent of one or more of the other parties is not obtained, the request should set out the reasons for the other parties' objections, or explain why the consent of one or more of the other parties cannot be obtained. Any relevant correspondence between the parties should also be annexed. The Court will then evaluate the contents of the request and the relevant correspondence before deciding whether the request should be allowed.

47. Absence of parties and mode of hearing

(1) Where an application has been struck off by reason of any party being absent, the Court may direct that the matter be restored by way of summons.

(2) Where any party is absent without a valid reason for any Case Conference, the Court may exercise its powers under Order 9, Rule 4 of the Rules of Court 2021 to dismiss the action or give judgment for the claimant upon proof of service of the Originating Claim or Originating Application on the defendant.

(3) In the exercise of its powers under Order 3, Rule 9 of the Rules of Court 2021, the Court may, subject to any written law, direct that Case Conferences or other hearings be carried out with parties in physical attendance or with parties attending via electronic (including through video conferencing), mechanical or any other means.

48. Applications in pending cases

(1) All applications in chambers (including summonses, summonses for directions and notices thereunder, and Originating Applications) shall be filed without specifying whether the application is to be heard before a Judge in person or the Registrar.

(2) Ordinary summonses shall be endorsed "without notice" or "by consent" and when endorsed "by consent" must bear a certificate to that effect signed by all the solicitors concerned.

(3) Summonses will be routed to the inbox of the applicant solicitor's Electronic Filing Service account. Where the summons is filed through the service bureau, it may be collected at the service bureau.

(4) Where a summons is filed in a matter for which a trial date has been fixed, the summons must include a special request informing the Court of the trial date(s).

Request for approval to file further application

(5) No application may be taken out by any party other than as directed at the relevant Case Conference ("**CC**") or with the Court's approval, save for the applications specified in Order 9, Rule 9(7) of the Rules of Court 2021. The Court's approval to file further applications must be sought by filing a "Request for Permission to file Application" (Form 14A of Appendix A1 to these Practice Directions). The request must set out the nature of the intended application, the date of intended filing if approval is granted, whether it is being made within 14 days of the commencement of the trial, and the reasons for why the intended application is necessary at the relevant stage of the proceedings or, in the case of an application to be taken out within 14 days of the commencement of the trial, pursuant to Order 9, Rule 9(10) of the Rules of Court 2021, why there is a special case. The Court will consider the request and may issue directions summarily or alternatively convene a CC. The CC may be conducted on a "documents-only" basis, by video conferencing or telephone conferencing, or with parties in attendance physically in chambers. Where parties are of the view that it would be more appropriate for submissions to be made at a physical or remote CC, a "Request for Case Conference" may be filed in lieu of the "Request for Permission to file Application". The "Request for Case Conference" should set out the reasons why the request for the Court's approval to file further applications cannot or should not be dealt with asynchronously.

"Documents-only" hearing of specified categories of civil applications

(6) Originating Applications without notice, summonses without notice, summonses filed by consent and summonses filed under Order 15, Rule 15 of the Rules of Court 2021 will be heard on a "documents-only" basis unless the Court otherwise directs, subject to Order 15, Rule 3(3)(a) of the Rules of Court 2021. The application will be examined by the Judge or

Registrar, who may make the order(s) applied for without the attendance of the parties or their counsel (if the Judge or Registrar is satisfied that the application is in order and all other requirements have been complied with) or, alternatively, issue directions and fix the matter for a further hearing.

(7) If the further hearing is fixed to be heard on a "documents-only" basis, the applicant (or parties, as may be appropriate) is to file written submissions and/or supplementary affidavit(s) supporting the orders he/she wishes to obtain and/or addressing directions issued by the Court at least 5 working days before his/her hearing date. The Court will proceed on the "paper" hearing date to consider all documents filed by the specified deadline, and proceed either to issue orders or to issue further directions and fix the application for a further "paper" hearing.

(8) In the event the applicant does not file any document or comply with any outstanding directions by the specified deadline before any "paper" hearing date, the Court retains the discretion to strike off the application.

(9) The following applications will be dealt with on a "documents-only" basis unless otherwise directed by the Court:

(a) The withdrawal of an Originating Application, a summons and/or Registrar's Appeal ("**RA**"), by consent, where:

(i) all orders in respect of withdrawal, including costs, are agreed; or

(ii) all orders (save for costs) in respect of withdrawal are agreed, and parties agree that the Court may fix costs pursuant to parties' written submissions;

(b) for an order in terms of the prayers stated in a summons and/or RA by consent, where:

(i) all orders (including costs) have been agreed for the full disposal of the relevant application after the filing of the application; or

(ii) all orders (save for costs) have been agreed for the full disposal of the relevant application after the filing of the application, and parties agree that the Court may fix costs pursuant to parties' written submissions;

(c) the discharge, by consent, of an order made to examine an enforcement respondent or to produce documents under Order 22, Rule 11 of the Rules of Court 2021;

(d) the withdrawal of Originating Applications or summonses without notice, where the costs order sought is "no order as to costs" or where the applicant agrees that the Court may fix costs pursuant to the applicant's written submissions;

(e) for directions to be given in CCs, where parties consent to the said directions and/or consent to the Court giving directions after considering parties' written submissions on the same;

(f) the recording of settlement terms or consent judgments by the Deputy Registrar conducting the relevant CC, and the fixing of costs where parties agree that the Court may fix costs pursuant to parties' written submissions; and

(g) for orders to be made on any contested interlocutory application, Originating Application or RA, where all parties are represented and agree to have all orders (including costs) for the full disposal of the relevant application determined by the Court, based solely on affidavits and written submissions.

(10) To seek any of the orders set out in sub-paragraphs (9)(a) to (d) above, parties are to file an "Other Hearing Related Request" through the Electronic Filing Service. The Request is to set out the orders sought and make clear that parties have consented to the orders being made without their attendance. Written submissions on costs, if any, are to be filed through the Electronic Filing Service, on the same day as the filing date of the Request. The Request is to be filed at least 5 working

days before the next hearing date of the application or appeal.

(11) In respect of the orders set out in sub-paragraphs (9)(e) and (f) above, parties are to file an "Other Hearing Related Request" through the Electronic Filing Service to seek the necessary directions/orders from the Deputy Registrar conducting the relevant CC.

(12) After the receipt of any Request referred to in paragraphs (10) and (11) above, the papers filed will be examined by the Judge or Registrar, as the case may be, and any order(s) and/or directions may be granted without the attendance of counsel and/or parties.

(13) In respect of the orders set out in sub-paragraph (9)(g) above:

(a) The applicant's counsel is to file an "Other Hearing Related Request" through the Electronic Filing Service to seek a hearing on a "documents-only" basis, enclosing documents showing:

(i) the consent of all parties to the mode of hearing proposed; and

(ii) all parties' counsel's certification that all affidavits, written submissions and bundles of authorities for the application have been filed through the Electronic Filing Service and that the application is ready for hearing.

(b) the Request is to be filed at least 5 working days before the next hearing date of the application. The Request shall be rejected in the event of non-compliance with the above conditions in sub-paragraph (13)(a).

(c) Where a Case Conference is fixed for parties to take directions in relation to any application for summary judgment, striking out or setting aside, the parties are to consider the suitability of their case for a hearing conducted on a "documents-only" basis and to obtain their respective clients' instructions prior to attending the Case Conference, so that the Court can give the necessary directions at the Case Conference.

(d) Where a request for a hearing to be conducted on a "documents-only" basis is allowed, the Court may, upon considering the documents filed in Court:

(i) issue further directions for the fair and effective conduct of the hearing;

(ii) decide on and make orders in respect of the application without requiring the attendance of counsel; or

(iii) issue a Registrar's Notice informing parties of the hearing for delivery of decision.

(14) In all cases where a particular judicial officer has been assigned to hear the matter, the Request shall be addressed to the respective judicial officer. In all other cases, the Request shall be addressed to the "Registrar".

Applications to be added as party

(15) Any party (the "**prospective party**") seeking to be added as a party to any proceedings pursuant to Order 9 Rule 10(2) of the Rules of Court 2021 shall file an "Other Hearing Related Request" (the "**Order 9 Rule 10(2) Letter**"), meeting the requirements set out in paragraph (16) below, in the action to which the prospective party seeks to be added.

(16) The Order 9, Rule 10(2) Letter must:

(a) identify the action or actions to which the prospective party seeks to be added;

(b) set out the grounds on and capacity in which the prospective party seeks to be added as a party;

(c) identify the case conference which the prospective party wishes to attend, make submissions at or be heard in, or alternatively, request that a case conference be convened to consider the prospective party's application; and

(d) be copied to all the parties already party to the action.

49. Consolidated, transferred or converted cases in civil proceedings

(1) Where the Court has ordered that —

(a) two or more actions be consolidated;

(b) a case be transferred from the General Division of the High Court to the State Courts;

(c) a case be transferred from the District Courts to the Magistrates' Courts;

(d) a case be transferred from the Magistrates' Courts to the District Courts;

(e) a case be transferred from the Protection from Harassment Court to the Magistrate's Court;

(f) a case be transferred from the Protection from Harassment Court to the District Court;

(g) a case be transferred from the Magistrate's Court to the Protection from Harassment Court;

(h) a case be transferred from the District Court to the Protection from Harassment Court; or

(i) an Originating Application be converted into an Originating Claim,

the applicant or his solicitor must inform the Court of the order for consolidation or transfer or conversion by way of an "Other Hearing Related Request" through the Electronic Filing Service.

50. Filing of Distinct Applications in Separate Summonses

(1) This Practice Direction shall apply to all applications made in the State Courts, except for applications made as part of a Single Application Pending Trial ("**SAPT**") or when the Court has directed otherwise.

(2) A party who intends to make more than one distinct substantive application in a cause or matter must file each application in a separate summons, unless the application is made as part of a SAPT or the Court has directed otherwise.

(3) Distinct applications should not be combined in a single summons, unless they are inextricably or closely linked, or involve overlapping or substantially similar issues (for example, where applications for the extension or shortening of time, the amendment of pleadings and costs are closely linked to some other more substantive application).

(4) In addition, applications should not contain alternative prayers when the alternative prayers sought in effect amount to distinct applications. In such a case, separate summonses should be filed. In contrast, the following is an example of an alternative prayer which may be permitted:

> In the defendant's summons setting out a prayer for the striking out of certain paragraphs of the Statement of Claim, the defendant also includes an alternative prayer for the plaintiff to be ordered to amend those paragraphs of the Statement of Claim.

(5) Any summons that is not in compliance with this Practice Direction may be rejected by the Registry of the State Courts.

(6) The Court may also direct the party to file separate summonses before proceeding with the hearing or proceed with the hearing on the solicitor's undertaking to file further summonses for the distinct applications.

51.Giving of security by receiver

(1) Where the Court appoints a receiver pursuant to Order 13, Rule 9 of the Rules of Court 2021, the Court may give directions on the form and the amount of any security to be given by the receiver for the proper discharge of the receiver's duties.

(2) Unless otherwise directed, the security must be by guarantee (in a form approved by the Court) or, if the amount for which the security is to be given does not exceed $10,000, by an undertaking in Form 15 of Appendix A1 to these Practice Directions. The guarantee or undertaking must be filed in the Registry.

Part V: "DOCUMENTS-ONLY" PROCEEDINGS

52. "Documents-only" Civil Trials and Assessments of Damages

(1) This Practice Direction applies when all parties consent and elect to apply for a "Documents-Only" trial in civil proceedings ("**Civil Trial**") or Assessment of Damages ("**Assessment**").

(2) "Documents-Only" Civil Trials and Assessments are hearings in which the final determination of the case will be conducted entirely on the basis of —

(a) evidence tendered by way of affidavits of evidence-in-chief ("**AEICs**"); and/or

(b) documents and/or written submissions.

(3) Where the option of "Documents-Only" Civil Trials and Assessments is requested by parties and approved by the Courts pursuant to the procedures below, except as otherwise specifically provided for in this Practice Direction, all pre-trial processes/applications and appeal processes/applications provided for under the Rules of Court 2021 and these Practice Directions for Originating Claims will continue to apply to the relevant proceedings.

(4) The types of cases that are designated as suitable for "Documents-Only" Civil Trials or Assessments and the additional steps and procedures that will apply for such cases are set out below.

Designated cases

(5) The following Magistrate's Court and District Court cases are designated as suitable for "Documents-Only" Civil Trials or Assessments:

(a) cases where the issues in dispute centre on the interpretation of documents;

(b) cases where the cross-examination of witnesses is not necessary either because there are no disputes of fact, and/or the parties agree to admit affidavits of evidence-in-chief without the attendance of the witnesses (*eg*, due to the simplicity of issues in dispute, the small value of the claim, or any other valid reason);

(c) cases where the Court may determine the dispute based on the existing contemporaneous documents without the testimony of witnesses;

(d) cases where witnesses cannot be made available for cross-examination in any event (for instance, a witness can no longer be located or has died); and/or

(e) cases where the issues between parties can be determined entirely by legal submissions/arguments.

Consideration of the suitability of a "Documents-Only" Civil Trial or Assessment of Damages

(6) Parties should consider the suitability of their case for a "Documents-Only" Civil Trial or Assessment and counsel should obtain their respective clients' instructions prior to attending the following sessions:

(a) in the case of all civil matters where all issues concerning liability have not been agreed or determined, the first Case Conference ("**CC**") convened under Order 9, Rule 1 of the Rules of Court 2021; or

(b) in the case of civil matters where judgment on liability has been entered for damages to be assessed, the first Assessment of Damages Court Dispute Resolution Case Conference ("**ADCDR CC**") convened pursuant to Practice Direction 45 after the filing of the Notice of Appointment for Assessment of Damages.

(7) The judicial officer conducting the CC (including ADCDR CC, as the case may be) will discuss with parties the suitability of the case for a "Documents-Only" Civil Trial or Assessment.

(8) Where parties agree to a "Documents-Only" Civil Trial or Assessment, they must personally execute and file the Request Form set out in Form 16 in Appendix A1 to these Practice Directions. Any Request Form that is executed by solicitors on behalf of their clients will not be accepted.

(9) In every case, a "Documents-Only" Civil Trial or Assessment will only be ordered if —

(a) all parties consent to the adoption of this mode of conduct of the Civil Trial or Assessment;

(b) all parties personally execute and file the Request Forms recording their consent; and

(c) the judicial officer deems the case to be suitable for a "Documents-Only" Civil Trial or Assessment.

(10) Where requested by the parties, a hearing date will be fixed for them to make oral submissions in support of their respective cases before a decision is delivered. This request for a hearing date can be made in the Request Form. In the case of Civil Trials, such submissions will be made in open Court before the trial judge and in the case of Assessments, such submissions will be made in Chambers before the judicial officer hearing the Assessment.

Directions for a "Documents-Only" Civil Trial or Assessment

(11) Where a "Documents-Only" Civil Trial or Assessment is ordered, except as specifically provided herein, there are no changes to the pre-trial or pre-assessment applications and/or processes which may be undertaken by parties as provided for under the Rules of Court or Practice Directions until —

(a) in the case of a "Documents-Only" Civil Trial, the CC convened after the matter has been set down pursuant to Order 9, Rule 25 of the Rules of Court 2021; and/or

(b) in the case of a "Documents-Only" Assessment, the ADCDR CC convened after parties have filed the Notice of Appointment for the Assessment for Damages.

(12) In the case of a "Documents-Only" Civil Trial, at the CC referred to in sub-paragraph 11(a) above, in addition to any usual directions for the filing of bundles, directions will be given for parties to file their respective written submissions and Bundles

of Authorities. Where requested by the parties, a half-day hearing slot will also be given for them to make any oral submissions they wish to before the trial judge in open Court.

(13) In the case of a "Documents-Only" Assessment, at the ADCDR CC referred to in sub-paragraph 11(b) above, in addition to any usual directions for the filing of bundles, directions will be given for parties to file their respective written submissions and Bundles of Authorities. Where requested by the parties, a half-day hearing slot will also be given for parties to make any oral submissions they wish to before the judicial officer hearing the Assessment in Chambers.

(14) In certain cases, where necessary, the trial judge or the judicial officer hearing the Assessment may issue further directions for the fair and effective conduct of the Civil Trial or Assessment, including directions for the following matters:

(a) that a further CC be convened for counsel to address the Court on certain issues;

(b) that further submissions and/or authorities be submitted by counsel/parties in writing or in person;

(c) that the Civil Trial or Assessment not be conducted on a documents-only basis as it appears on a review of the documents submitted that certain factual or expert witnesses will need to be called; and/or

(d) any other matter that the trial judge or the judicial officer hearing the Assessment thinks necessary to be dealt with.

(15) After a decision is delivered in a Civil Trial or Assessment conducted on a "Documents-Only" basis, all appeal processes applicable to the relevant matter will apply as provided for under the Rules of Court 2021 and these Practice Directions.

Part VI: INJUNCTIONS AND CERTAIN OTHER APPLICATIONS

53. Applications for injunctions

(1) Order 13, Rule 1(3) of the Rules of Court 2021 provides that an application for the grant of an injunction may be made by Originating Application without notice (if no originating process has been issued) or summons without notice, supported by an affidavit stating the urgency and explaining why the defendant should not be informed about the application and the merits of the application.

(2) Any party applying for an injunction without notice (including an injunction prohibiting the disposal of assets) must give notice of the application to the other concerned parties prior to the hearing. The notice may be given by way of facsimile transmission or electronic mail, or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the permission of the Court, the party must give a minimum of 2 hours' notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and the nature of the relief sought. If possible, a copy of the originating process, the summons without notice or the originating application without notice (if no originating process has been issued yet) and supporting affidavit(s) should be given to each of the other parties in draft form as soon as they are ready to be filed in Court. At the hearing of the application without notice, in the event that some or all of the other parties are not present or represented, the applicant's solicitors should inform the Court of:

(a) the attempts that were made to notify the other parties or their solicitors of the making of the application;

(b) what documents were given to the other parties or their solicitors and when these documents were given; and

(c) whether the other parties or their solicitors consent to the application being heard without their presence.

(3) The directions set out in paragraph (2) need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the application without notice. However, in such cases, the reasons for not following the directions should be clearly set out in the affidavit prepared and filed in support of the application without notice.

54. Injunctions prohibiting the disposal of assets and search orders

(1) Applicants for injunctions prohibiting the disposal of assets and search orders are required to prepare their orders in accordance with the following Forms in Appendix A2 to these Practice Directions:

(a) Form 24: Injunction prohibiting disposal of assets in Singapore;

(b) Form 25: Injunction prohibiting disposal of assets worldwide; and

(c) Form 26: Order to allow entry and search of premises.

(2) Any departure from the terms of the prescribed Forms should be justified by the applicant in his supporting affidavit(s).

(3) The applicant should undertake not to inform any third party of the proceedings until after the return date.

(4) Wherever practicable, applications should be made sufficiently early so as to ensure that the Judge has sufficient time to read and consider the application in advance.

Applications for search orders

(5) Form 26 of Appendix A2 to these Practice Directions states that the search order must be served by a supervising solicitor and carried out in his presence and under his supervision. The supervising solicitor should be an experienced solicitor who is not a member or employee of the firm acting for the applicant and who has some familiarity with the operation of search orders. The evidence in support of the application should include the identity and experience of the proposed supervising solicitor.

(6) Where the premises are likely to be occupied by an unaccompanied woman, at least one of the persons attending on the service of the order should be a woman.

(7) Where the nature of the items removed under the order makes this appropriate, the applicant will be required to insure them.

55. Documents in support of applications without notice for injunctions (including injunctions prohibiting the disposal of assets) and search orders

(1) Without prejudice to the requirements stated in Practice Directions 53 and 54, in order to assist the Court hearing applications without notice for injunctions (including injunctions prohibiting the disposal of assets) and search orders, an applicant must include in the affidavit prepared in support of the application the following information under clearly defined headings:

(a) reason(s) the application is taken out without notice, including whether the applicant believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;

(b) urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;

(c) factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the opponent dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the opponent;

(d) factual basis for any reasonable defences that may be relied on by the opponent;

(e) whether the applicant is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of Singapore, and, if so, whether any application relating to these issues has been or will be made;

(f) an undertaking to pay for losses that may be caused to the opponent or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and

(g) any other material facts which the Court should be aware of.

(2) Without limiting Practice Direction 72(3), an applicant must prepare and file skeletal arguments on the points to be raised at the hearing of the application without notice. At the hearing, the applicant must give a copy of the skeletal arguments to the Court and to any opponent present.

(3) The Court may also require the applicant to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the Court documents on any opponent who is not present at the hearing or within a reasonable time after the service of the Court documents.

56. Applications for production against network service providers

(1) This Practice Direction applies to an application made under Order 11, Rule 11 of the Rules of Court 2021 —

(a) by or on behalf of an owner or exclusive licensee of copyright material against a network service provider for information relating to the identity of a user of the network service provider's primary network who is alleged to have infringed the copyright in the material in relation to an electronic copy of the material on, or accessible through, the network service provider's primary network; or

(b) by or on behalf of the performer of a performance against a network service provider for information relating to the identity of a user of the network service provider's primary network who is alleged to have made an unauthorised use of the performance in relation to an electronic recording of the material on, or accessible through, the network service provider's primary network.

(2) An application referred to in paragraph (1) above must be made in Form 15 in Appendix A2 to these Practice Directions.

(3) If an applicant requires an urgent hearing date, the onus shall lie on the applicant to attend before the Duty Registrar to highlight the nature of the application and to request that the application be fixed for hearing on an urgent basis.

Part VII: REMOTE HEARINGS

57. Video and telephone conferencing

Introduction

(1) This Practice Direction applies to all proceedings in the State Courts, including criminal proceedings.

(2) Subject to the provisions of any written law, the State Courts may conduct hearings by video conferencing or telephone conferencing using an approved remote communication technology.

Guidelines and Procedures

(3) The State Courts may prescribe guidelines and procedures on the conduct of hearings by video conferencing or telephone conferencing. These guidelines and procedures will be published on the Singapore Courts website at https://www.judiciary.gov.sg and may be updated from time to time.

(4) The guidelines and procedures prescribed pursuant to paragraph (3) may include (without limitation) the following matters:

(a) the types of hearings to be conducted by video conferencing or telephone conferencing;

(b) the procedure for parties to submit a request to Court that a particular hearing be conducted by video conferencing or telephone conferencing;

(c) the procedure for the Court to notify parties whether or not a particular hearing will be conducted by video conferencing or telephone conferencing;

(d) technical instructions on connecting to and participating in a hearing by video conferencing or telephone conferencing; and

(e) contact details for the submission of any queries or requests for assistance in respect of video conferencing or telephone conferencing to the Court.

(5) Notwithstanding the guidelines and procedures prescribed pursuant to paragraph (3) above, the Court has full discretion, subject to the provisions of any written law, in every case to decide:

(a) whether to conduct a hearing by video conferencing or telephone conferencing; and

(b) whether to conduct a hearing with one or more parties attending by video conferencing or telephone conferencing and any other party attending physically in Court.

Dress and etiquette

(6) Where hearings are conducted by video conferencing, all Court rules and practices on dress and etiquette will continue to apply. However, it will not be necessary to stand and/or bow to the Court at the start or end of the hearing or to stand when addressing the Court, when otherwise required to do so for physical attendance.

Records of hearing

(7) Where a hearing is conducted by means of video conferencing or telephone conferencing using an approved remote communication technology, all recordings made of the hearing which have been authorised by the Court using such approved remote communication technology will constitute the official record of hearing for the purposes of Order 15, Rule 11(6) of the Rules of Court 2021.

(8) Unauthorised audio or visual recording of hearings conducted by video conferencing or telephone conferencing is strictly

prohibited. In appropriate cases, the Court may require an undertaking that no such recording will be made. Attention is drawn to section 5 of the Administration of Justice (Protection) Act 2016 regarding contempt of Court by unauthorised recordings.

PART VIII: EVIDENCE – WITNESSES, AFFIDAVITS AND EXHIBITS

58. Witnesses

Issuance of Order to Attend Court

(1) A request for the Registrar to issue an order to attend court or an order to produce documents pursuant to Order 15, Rule 4(1) of the Rules of Court 2021 is made by filing Form 29 of Appendix A2 to these Practice Directions. An order to attend court or order to produce documents is issued when it is sealed by an officer of the Registry.

(1A) Where the issuance of an order to attend or order to produce documents is made under any written law for the purposes of a cause or matter that is not before the Court, the party must submit to the Registry 1 hardcopy each of his or her Request and the order to attend or order to produce documents to be sealed. An order to attend or order to produce documents is issued when the hard copy is sealed by an officer of the Registry.

(2) In Tribunal / Simplified POHA Proceedings, an application for a summons to a witness to attend court is to be made by applying for a Summons to Witness on the Community Justice and Tribunals System.

Release of witness upon completion of evidence

(3) Every witness will be released by the Court upon completion of his evidence and it is the duty of counsel to apply to the Court if counsel desires the witness to remain. This paragraph shall apply to both civil and criminal proceedings.

Request for documents filed in Court

(4) A request for production of documents filed in Court or the Court's records pursuant to Order 15, Rule 4(15) is made in Form 17 of Appendix A1 to these Practice Directions.

59. Giving of evidence by person outside Singapore through live video, live television or live audio link in any proceedings (other than proceedings in a criminal matter)

(1) Any application for permission pursuant to section 62A of the Evidence Act 1893 for any person outside Singapore to give evidence by live video, live television or live audio link in any proceedings (other than proceedings in a criminal matter) must be made expeditiously and, in any case, unless the Court otherwise directs, no later than 4 weeks before the date of commencement of the hearing at which the person is to give evidence. The application is to be made by way of a summons with notice with a supporting affidavit.

(2) A party applying for permission for any person outside Singapore to give evidence by live video, live television or live audio link must take note of the relevant legislation and requirements in force in the foreign country or territory where the person is giving evidence. Certain countries or territories may impose prohibitions against, restrictions on, or requirements to obtain

permission for or relating to, the giving of evidence by a person in that country or territory for court proceedings in a different country or territory. The party applying for permission must make all necessary enquiries, and take all necessary steps, to ensure that the foreign country or territory where the person is giving evidence raises no objection to the giving of evidence in that country or territory, for court proceedings in Singapore. This may be done by any means that the party considers appropriate, including:

(a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign country or territory;

(b) making enquiries with the relevant authorities; or

(c) obtaining permission from the relevant foreign country or territory, in accordance with any applicable procedure, for evidence to be given by a person located in that country or territory through a live video or live television link, if such permission is required.

(3) The necessary enquiries and steps referred to in paragraph (2) above must be made prior to the application referred to in paragraph (1) above and evidence of the enquiries and steps taken must be given in the supporting affidavit to the application.

(4) An application to the General Division of the High Court for the issue of a letter of request, to the relevant authorities of a foreign jurisdiction, for permission for evidence to be given by live video or live television link by a person located in that jurisdiction, must be made expeditiously and, unless the Court otherwise directs, not later than 8 weeks before the date of commencement of the hearing at which the person is to give evidence. In this regard, parties should write to the State Courts at the earliest possible juncture to inform the Court of their intention to take out such an application in the General Division of the High Court.

(5) To avoid doubt, the proceedings mentioned in paragraph (1) include all civil proceedings involving the examination of any person.

60. Form of affidavits

(1) Affidavits must be in Form 31 of Appendix A2 to these Practice Directions. In addition to the requirements under Order 15, Rule 19 of the Rules of Court 2021, affidavits should comply with the other requirements set out in this Practice Direction.

Affidavits filed electronically

(2) This paragraph shall apply to affidavits which are to be filed through the Electronic Filing Service.

(a) When filing affidavits for use during a hearing of an interlocutory application, the summons number of the interlocutory application must be provided in the Electronic Filing Service in addition to the case number of the suit or matter.

(b) Affidavits shall have a blank margin of not less than 35mm wide on all four sides of the page. They shall be printed or typed and must be double-spaced.

(c) The text of the affidavits (as opposed to the exhibits) must be printed or typed and double-spaced on white paper.

(d) At the top right-hand corner of the first page of every affidavit there shall be typed or printed in a single line the following:

(i) the party on whose behalf the affidavit is filed;

(ii) the name of the deponent;

(iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent; and

(iv) the date the affidavit is filed.

(e) Every page of the affidavit (*including* separators and exhibits) shall be paginated consecutively, and the page number shall be placed at the top right-hand corner of the page.

(3) Where affidavits are printed in hard copy:

(a) affidavits shall be printed on A4-ISO of durable quality;

(b) affidavits may be printed on one side or both sides of the paper;

(c) affidavits of 30 pages or less (including exhibits and dividing and backing sheets) may be stapled at the top left-hand corner of the paper firmly; and

(d) any affidavit (including exhibits, dividing and backing sheets) exceeding 30 pages shall be bound with plastic ring binding or plastic spine thermal binding (the plastic rings or spines to be red for claimants/appellants, and blue for defendants/respondents) with a transparent plastic cover in front and at the back.

61. Non-documentary exhibits to affidavits

(1) Non-documentary exhibits (*eg*, samples of merchandise) shall be clearly marked with the exhibit mark in such a manner that there is no likelihood of the exhibit being separated or misplaced. The affidavit should indicate that the exhibit (*eg*, samples of merchandise) is a non-documentary exhibit and refer to it according to the relevant exhibit number.

(2) Where the exhibit consists of more than one item each and every such separate item of the exhibits shall similarly be separately marked with enough of the usual exhibit mark to ensure precise identification.

(3) Where it is impracticable to mark on the article itself, such article or the container thereof shall be tagged or labelled with the exhibit mark securely attached to the exhibit in such a manner that it is not easily removable.

(4) Very small non-documentary exhibits shall be enclosed or mounted in a sealed transparent container, tagged or labelled as aforesaid. An enlarged photograph showing the relevant characteristics of such exhibits shall, where applicable, be exhibited in the affidavit.

62. Documentary exhibits to affidavits

(1) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be interleaved in appropriate places.

More than 10 documentary exhibits

(2) When there are more than 10 different documentary exhibits in an affidavit, there shall be —

(a) a table of contents of the documentary exhibits inserted before the first of such exhibits enumerating every exhibit in the affidavit in the manner of the example set out below:

Reference in affidavit	**Nature of exhibit**	**Page No.**
"TAK-1"	Certificate of marriage	6
"TAK-2"	Certificate of birth	7

and

(b) exhibits shall be set out in the sequence in which references are made to them in the affidavit.

Pagination

(3) Every page of the exhibits, *including cover pages, dividing sheets or separators between exhibits*, shall be consecutively numbered at the top right-hand corner of each page, following from the page numbers of the affidavit (*ie*, the first page of the exhibits shall take the number following the last sheet of the affidavit's main text). The page number of the affidavit must correspond to the page number in the Portable Document Format ("**PDF**") version that is filed through the Electronic Filing Service.

Dividing Sheets

(4) The exhibits in an affidavit shall be prefaced by a dividing sheet, marked, typed or stamped clearly with an exhibit mark as follows:

> "This is the exhibit marked [letter of the alphabet or a number] referred to in the affidavit of [name of the deponent] and sworn/affirmed before me this [date on which the affidavit is sworn or affirmed].
>
> Before me,
>
> SGD
>
> A Commissioner for Oaths"

Bookmark

(5) Each exhibit in the affidavit must be separately bookmarked in the PDF document that is filed. The names of the bookmarks should follow the initials of the deponent of the affidavit, *eg*, "TAK-1", "TAK-2".

(6) Where a deponent deposes to more than one affidavit with exhibits in the same action, the numbering of the exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit. For instance, where a deponent in his first affidavit has marked two exhibits as "TAK-1" and "TAK-2", the first exhibit in his second affidavit should be marked as "TAK-3" instead of "TAK-1".

References to exhibits in other affidavits

(7) Where a deponent wishes to refer to documents already exhibited to some other deponent's affidavit, he must exhibit

them to his own affidavit pursuant to Order 15, Rule 27(1) of the Rules of Court 2021.

Related documents

(8) Related documents (*eg*, correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with paragraph (3) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

References to exhibits in text of affidavit

(9) Where the text of an affidavit makes reference to a documentary exhibit, the page number(s) of the affidavit where the relevant portions of the documentary exhibit can be found should be set out alongside the number of the exhibit in question.

63. Swearing or affirming of affidavits, statutory declarations and oaths

(1) Advocates and solicitors are requested to encourage their clients to use the services of other advocates and solicitors who are appointed commissioners for oaths and who are proficient in the language or dialect in which the affidavits or statutory declarations are to be sworn or affirmed, or in which the oaths are to be taken. The State Courts' commissioners for oaths will continue to take affidavits or statutory declarations and administer oaths for legally aided cases and for parties who are acting in person who need to file documents in the State Courts.

(2) If arrangements for the use of the services of advocates and solicitors who are appointed as commissioners for oaths are not possible, deponents who are blind or illiterate in English may continue to be brought by solicitors to the State Courts' commissioners for oaths to swear or affirm affidavits and statutory declarations. As the State Courts' commissioners for oaths are under a duty to ensure that the deponent understands the document being deposed to, they are obliged to interpret the document to intended deponents; this is also the case in relation to blind deponents. This necessary exercise may take a considerable time and may cause long delays for other persons who wish to take affidavits or statutory declarations before the State Courts' commissioners for oaths.

(3) Accordingly, solicitors who wish to bring illiterate or blind deponents before the State Courts' commissioners for oaths should first estimate the time that will be taken to interpret the document or documents to be deposed to. If it is estimated that the total time required for interpretation of the documents will be more than 20 minutes, the solicitor must write to the Registrar and arrange for a special appointment for the documents to be sworn or affirmed; the solicitor should not bring the deponent before the duty commissioner for oaths without such an appointment.

(4) If an illiterate or a blind deponent is brought before the duty State Courts commissioner for oaths and the interpretation of the document or documents takes more than 20 minutes, the commissioner for oaths will refer the solicitor and the deponent to the Registrar for a special appointment to be made for the documents to be deposed to.

(5) Save in exceptional circumstances, the State Courts will not entertain requests from advocates and solicitors for its commissioners for oaths to swear or affirm affidavits or statutory declarations or administer oaths to a deponent outside the State Courts' premises. Advocates and solicitors appointed as commissioners for oaths and who are proficient in the language or dialect in which the affidavits or statutory declarations are to be sworn or affirmed, or in which oaths are to be taken, are instead encouraged to perform this function.

Swearing and signing of affidavits in Singapore before, and completing of attestation by, commissioner for oaths through live video link or live television link

(6) For the purposes of Order 15, Rule 22 of the Rules of Court 2021, the deponent and the commissioner for oaths may sign the affidavit electronically by applying a security procedure that results in a secure electronic signature under section 18 of the Electronic Transactions Act 2010.

(7) The affidavit should be made, as far as possible, as if the deponent were appearing before the commissioner for oaths in person, and the attestation must state that the affidavit was sworn (or affirmed) and signed in Singapore with the deponent appearing before the commissioner for oaths through a live video link or live television link, or that the affidavit was signed by the deponent and/or the commissioner for oaths electronically in Singapore, or both, as the case may be.

(8) This Practice Direction shall apply to both civil and criminal proceedings.

64. Effect of non-compliance

Any affidavit or exhibit which does not comply with the Practice Directions contained in this Part may be rejected by the Court and made the subject of an order for costs.

65. Objections to the contents of affidavits of evidence-in-chief

(1) For the purposes of Order 15, Rule 16(6) of the Rules of Court 2021, objections to the contents of affidavits of evidence-in-chief must be taken by filing and serving a notice in Form 18 of Appendix A1 to these Practice Directions.

(2) The notice in Form 18 should set out all the objections to the contents of affidavits of evidence-in-chief that will be raised at the hearing of the cause or matter and all the grounds thereof.

(3) An adjudication on the material objected to in affidavits of evidence-in-chief filed pursuant to an order of the Court should only be sought at the trial or hearing of the cause or matter for which the affidavits of evidence-in-chief were filed, and not before. If an adjudication is sought prior to the trial or hearing of the cause or matter, the application for the adjudication will be adjourned to be dealt with at the trial or hearing of the cause or matter, and the applicant may be ordered to pay the costs of the adjournment.

65A. Notice to admit hearsay evidence

(1) For the purposes of Order 15, Rule 16(9) of the Rules of Court 2021, the notice in Order 15, Rule 16(7) of those Rules must be in Form 18A of Appendix A1 of these Practice Directions.

(2) For the purposes of Order 15, Rule 16(10) of the Rules of Court 2021, the notice in Order 15, Rule 16(7) of those Rules must be in Form 18B of Appendix A1 of these Practice Directions.

66. Request for Court interpreters

(1) Any party requiring the services of an interpreter of the Court for any of its witnesses must inform the Registrar in writing no later than 2 weeks before the day when the interpreter is required. This practice is to be followed for all fresh and adjourned hearings, whether in open Court or in chambers.

(2) Where an interpreter is required and the Registrar has not been so informed, any deployment of an interpreter will be subject to availability.

(3) The Request should contain the following information:

(a) the case number;

(b) the parties to the suit;

(c) the names of witness(es) requiring an interpreter;

(d) the Court/Chamber number;

(e) the stage of the proceedings (*eg*, fresh or adjourned hearing);

(f) the date and time of hearing (in the event the hearing is fixed for more than 1 day, the date and time on which the interpreter's services are required);

(g) the number of days for which the interpreter's services are required; and

(h) the language/dialect spoken by the witness(es) requiring the services of the interpreter.

(4) Where the services of the interpreter requested are no longer required prior to the start of the hearing, such as in the event of a settlement prior to the trial, the party who has requested the services of the interpreter must inform the Registrar in writing immediately.

(5) This Practice Direction shall apply to both civil and criminal proceedings, except that for civil proceedings, the requesting party must file a "Request for Hearing Administrative Support" through the Electronic Filing Service.

(6) For Tribunal / Simplified POHA Proceedings, the requesting party must file a "General Application" through the Community Justice and Tribunals System.

(7) The languages and dialects for which Court interpreters are provided may be found at https://www.judiciary.gov.sg/.

(8) For matters relating to a claim before the Employment Claims Tribunals, requests for interpreters for other languages will be conveyed to the Tripartite Alliance for Dispute Management, and are subject to availability.

67. Use of expert witness (in cases other than simplified trials)

Court to approve use of expert evidence

(1) In any trial other than simplified trials, if one or more parties intend to rely on expert evidence, they shall inform the Court during the first Case Conference and shall, pursuant to Order 12, Rule 2(1) of the Rules of Court 2021, be prepared to address the Court on whether expert evidence will contribute materially to the determination of any issue that relates to scientific, technical or other specialised knowledge and whether such issue can be resolved by an agreed statement of facts or by submissions based on mutually agreed materials.

Compliance with Order 12 of the Rules of Court 2021

(2) Parties are to comply with Order 12 of the Rules of Court 2021 if they intend to adduce expert evidence for court proceedings.

(3) Parties must furnish to their intended expert witnesses, prior to any appointment, a copy of Form 19 of Appendix A1 to these Practice Directions.

68. Panel of experts

(1) For proceedings in which separate expert witnesses will be appointed by the parties, the parties must be prepared to address the Court (in a Case Conference or at trial) as to whether all or some of the experts should be ordered to testify as a panel (the "**Expert Panel**").

(2) Parties may wish to consider the following factors in addressing the Court on whether an Expert Panel is appropriate:

(a) the number, nature and complexity of the issues which are or will be the subject of expert evidence ("**expert issues**");

(b) the importance of the expert issues to the case as a whole;

(c) the number of experts, their areas of expertise and their respective levels of expertise; and

(d) the extent to which the use of an Expert Panel is likely to —

(i) assist in clarifying or understanding the expert issues; and/or

(ii) save time and/or costs at the hearing.

69. Production of record of hearing

Digital Audio Recording and Transcription Service for open Court Trials

(1) Pursuant to Order 15, Rule 11(6), the Registrar directs that there shall be audio recording of all open Court trials begun by Originating Claim through the digital audio recording and transcription service ("**DART**").

Applications for Digital Audio Recording and Transcription Service

(2) Any party who intends to use the digital audio recording and transcription service for hearings other than open Court trials shall write to the Court hearing the proceedings for approval at least 12 working days before the commencement of the proceedings.

(3) The request for digital audio recording and transcription service shall be subject to the approval and/or directions of the Court hearing the proceedings, the approval of the Registrar, and the availability of the designated service provider to provide the service.

(4) Upon written notification of the approval by the Court hearing the proceedings, the requesting party shall submit to the designated service provider at least 8 working days before the commencement of the proceedings the application for digital audio recording and transcription service using the requisite form provided by the designated service provider. The requesting party shall also comply with any direction(s) that may be given by the Court hearing the proceedings, in respect of the party's written request for digital audio recording and transcription service.

(5) The designated service provider shall inform the requesting party whether the application for digital audio recording and transcription service has received final approval by the Registrar.

(6) The cost of engaging the designated service provider shall be paid by parties directly to the service provider. The engagement of and payment to the designated service provider are subject to its terms and conditions.

(7) The party or parties engaging the designated service provider shall apply for sufficient copies of the transcript to be furnished to the Court hearing the proceedings and all other parties to the proceedings.

Proceedings where the Digital Audio Recording and Transcription Service is not used

(8) Pursuant to Order 15, Rule 11(7) of the Rules of Court 2021, the Registrar directs that, in proceedings where DART is not available or is not used, the notes of hearing shall be taken down by the judicial officer having conduct of the proceedings or the Court officer, whether through the use of a computer, electronic device or other means.

(9) The provisions of paragraph (8) are subject to any directions (including directions as to the means of producing transcripts) made by the judicial officer having conduct of the proceedings, or by the Registrar. Any transcript of the notes of hearing made pursuant to such directions shall, pursuant to Order 15, Rule 11(7) of the Rules of Court 2021, constitute the official record of hearing.

70. Certification of transcripts

Pursuant to Order 15, Rule 11(10) of the Rules of Court 2021, the Registrar hereby directs that the transcript(s) of the official record of the hearing may be certified by:

(a) the judicial officer having conduct of the proceedings, or in the absence of the judicial officer, any other judicial officer as directed by the Registrar; or

(b) with the approval of the Court, the service provider.

71. Application for Court records for civil matters

(1) For proceedings which have been commenced using the Electronic Filing Service, every application for the Court records in those proceedings (including notes of evidence, certified transcripts or grounds of decision) must be made by way of filing the appropriate Request in the Electronic Filing Service.

(2) For proceedings commenced using the Community Justice and Tribunals System ("**CJTS**"), requests/applications for the Court records in those proceedings (including grounds of decision) must be made by way of filing, on CJTS, an Application for Record of Tribunal, Request for Documents or Request for Court Records (as the case may be).

(3) On approval, copies of the Court records will be made available upon payment of an appropriate fee.

PART IX: DOCUMENTS AND AUTHORITIES FOR USE IN COURT

72. Electronic filing of documents and authorities for use in Court

Documents for use in Court must be filed through the Electronic Filing Service

(1) Subject to any Practice Directions in this Part to the contrary, all bundles and documents for use at any hearing must be filed through the Electronic Filing Service. These documents include written submissions, skeletal arguments, bundles of documents, bundles of pleadings, bundles of affidavits, core bundles and all opening statements. Cover pages are

mandatory for all documents with a prescribed page limit. A table of contents is mandatory for all documents for which the prescribed page limit is 20 pages or higher. The cover page and table of contents are to be included in the page count for the purposes of determining whether a document is within the prescribed page limit (if any).

(2) In the event that it is not possible to file the documents in advance of the hearing, counsel may apply to the Judge or Registrar conducting the hearing for permission to use paper documents during the hearing. The paper documents may be printed on one side or both sides of each paper. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must give an undertaking to file using the Electronic Filing Service all the documents used at the hearing by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

(3) Subject to the directions of the Court, solicitors may appear before the District Judge, Magistrate or Registrar with paper documents for an urgent hearing. The solicitors so appearing must give an undertaking to file all the documents used at the hearing using the Electronic Filing Service by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

(4) Notwithstanding anything else in this Practice Direction, a party may choose not to file the bundle of authorities into the electronic case file and instead submit a hard copy of the bundle of authorities:

(a) The party shall still comply with paragraph (7) and the court may direct the party to file an electronic copy of the list of authorities (that corresponds to the table of contents of the hard copy of the bundle of authorities) through the Electronic Filing Service.

(b) The party using the hard copy of the bundle of authorities shall bear the onus of producing the bundle at every hearing at which it is required. The Court will neither retain nor undertake to produce for hearings the hard copy of the bundle.

(c) The judicial officer may, if he so chooses, retain the hard copy of the bundle of authorities for his own reference. The hard copy so retained will not however form part of the Court's record in respect of the proceedings in which it was used.

Directions for electronic creation and filing of submissions, bundles of documents, bundles of authorities

(5) Written submissions or statements should be prepared in a text-searchable Portable Document Format ("**PDF**") file and filed through the Electronic Filing Service, and adhere to the following format:

(a) All pages shall be paginated, with the first page (including the cover page) numbered as "Page 1" so that the page numbers of the hard copy correspond to the page numbers in the PDF version.

(b) The minimum font size to be used is Times New Roman 12 or its equivalent.

(c) The print of every page shall be double spaced.

(d) Every page shall have a margin on all four sides, each of at least 35mm in width.

(e) Where submissions are lengthy, appropriate headings and a table of contents should be included.

(6) The following directions shall apply to the preparation and filing of bundles of documents, save that in the case of filing the bundle of documents for trial in open Court, the requirements set out in Practice Direction 73(4) below will additionally apply:

(a) Index pages must be prepared. For documents that involve multiple volumes, a table of contents for all

volumes must be placed at the beginning of Volume I, and each volume must contain its own table of contents.

(b) Bookmarks should be created in a PDF file for each such reference in the index. There should be as many bookmarks in that PDF file as there are references in the index to documents in that PDF file.

(c) The name given to each bookmark should be the same as the corresponding reference in the index.

(d) The various documents in the bundle should be arranged chronologically or in some logical order.

(e) The page number of each bundle must correspond to the page number in the PDF version of that bundle.

(7) The following directions apply to the preparation and filing of bundles of authorities:

(a) A party using a hard copy of the bundle of authorities for a hearing may be directed to file the list of authorities (that corresponds to the table of contents of the hard copy of the bundle of authorities) into the case file through the Electronic Filing Service.

(b) The bundle of authorities shall have a table of contents immediately after the first title page. Where the bundle of authorities consists of more than one volume, each volume shall have a table of contents clearly indicating the authorities that are contained in that volume. The first volume shall contain a complete table of contents of all volumes of the bundle.

(c) The items in the table of contents shall be numbered sequentially, and arranged in the following order – statutes in alphabetical order of the title, subsidiary legislation in alphabetical order of the title, cases in alphabetical order of the case name, secondary materials (such as textbooks and articles) in alphabetical order of the last name of the author, and any other materials in alphabetical order of the title or last name of the author as is appropriate.

(d) The table of contents shall contain a concise statement of the relevance of each authority to the specific issues before the Court. The relevance of each authority shall be succinctly expressed and comprise no more than three sentences. The statement shall be set out immediately after the name of the case. For example:

> *Cartier International BV v Lee Hock Lee and another application* [1992] 3 SLR 340
>
> Relevance: Where the Court is asked to punish an alleged contemnor by incarceration, the charge against him must be proved to the high standard required in a criminal charge.
>
> *Rickshaw Investments Ltd and another v Nicolai Baron von Uexkull* [2007] 1 SLR(R) 377
>
> Relevance: Choice of law considerations are relevant even when determining the natural forum to hear a dispute.

(e) A bookmark should be created in the PDF file for each authority in the bundle. The name given to each bookmark should be the same as the table of contents.

(f) The bundle of authorities must be paginated consecutively at the top right hand corner of each page. Each separate volume must start at page 1, and every page in that volume must be numbered consecutively. The page number of each bundle must correspond to the page number in the PDF version of that bundle.

(g) If a hard copy is prepared:

(i) the bundle of authorities must be properly bound with plastic ring binding or plastic spine thermal

binding. The rings or spines should be red for claimants/appellants and blue for defendants/respondents with a transparent plastic cover in front and at the back.

(ii) The bundle of authorities must have flags to mark out the authorities. Such flags must bear the appropriate indicium by which the authority is referred to. Flags must be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another.

(8) For proceedings using the Electronic Filing Service, a bundle of documents may be created online and filed through the Electronic Filing Service. The electronic bundle must be created in PDF. The electronic bundle may contain the following:

(a) documents in the electronic case file; and

(b) documents that have been uploaded into the electronic case file by solicitors or other persons given access to the shared folder in the electronic case file.

73. Documents for use in trials in open Court

(1) This Practice Direction shall apply to trials in open Court.

(2) Order 9, Rule 25(9) of the Rules of Court 2021 requires the affidavits of evidence-in-chief of all witnesses or other affidavits, the bundles of documents and the opening statements to be filed and served as directed by the Court. Parties are to note that the timeline given pursuant to the Court's directions under Order 9, Rule 25(9) of the Rules of Court 2021 is to be adhered to strictly, and that the timeline will apply to the filing of the documents into the electronic case file and, if applicable, the submission of the CD-ROM or DVD-ROM (containing the documents in Portable Document Format (PDF)) to the Registry.

Mode of filing documents

(3) The opening statement, the affidavits of the evidence-in-chief of all witnesses or other affidavits, and the bundle of documents must be filed in Court as separate documents using the Electronic Filing Service, and, if required, each of the opening statement, the affidavits of the evidence-in-chief of all witnesses or other affidavits, and the bundle of documents in Portable Document Format (PDF) stored on optical media (CD-ROM or DVD-ROM) may be tendered to the Registry. The documents must comply with the provisions of this Practice Direction.

(4) The parties may tender the documents referred to at paragraph (3) above to the Registry in hard copy. The hard copy must tally in all respects with the soft copy, and the page numbers of the hard copy must correspond to the page numbers in the Portable Document Format (PDF) version. Parties should adhere as far as possible to the guidelines set out on the eLitigation website at https://www.elitigation.sg on the resolution to be used when scanning documents into PDF.

Bundles of Documents

(5) Under Order 9, Rule 25(10) of the Rules of Court 2021, parties are required to file and serve bundles of documents which must contain:

(a) the last pleading (which incorporates all the previous pleadings);

(b) the orders of the Court given at the case conferences which are relevant for the trial; and

(c) the documents which the parties are relying on at the trial, separating them into sections for documents of

which authenticity is not in dispute and documents of which authenticity is in dispute.

Where directed by the Court, the plaintiff's solicitors are to prepare a table in the manner and form set out in Form 20 of Appendix A1 to these Practice Directions. The table seeks to provide an overview of the parties' positions reflected in the last pleading (which incorporates all the previous pleadings).

(6) The bundles of documents must be prepared in an electronic format. The contents of the bundle of documents must be agreed on between all parties as far as possible. If there are other documents, the relevance of which is uncertain, these documents should be included and any objections taken before the trial Judge. Only documents which are relevant or necessary for the trial may be included in the bundles. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary documents, the Court will have no hesitation in making a special order for costs against the relevant party. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.

(7) The following directions apply to the electronic creation of bundles of documents:

(a) An index of contents of each bundle in the manner and form set out in Form 21 or 22 of Appendix A1 of these Practice Directions must also be prepared. Bookmarks should be created in the Portable Document Format (PDF) file for each such reference in the index. There should be as many bookmarks in the PDF file as there are references in the index to documents in that PDF file.

(b) The name given to each bookmark should be the same as the corresponding reference in the index.

(c) It is the responsibility of the solicitors for all parties to agree and prepare a bundle of agreed documents. The scope to which the agreement extends must be stated in the index sheet of the bundle of agreed documents. If the parties are unable to agree on the inclusion of certain documents, those documents on which agreement cannot be reached must be prepared by the party that intends to rely on or refer to those documents. It is the responsibility of the solicitors for the party filing the bundle of documents under Order 9, Rule 25(10) of the Rules of Court 2021 to separate the documents into sections for documents of which authenticity is not in dispute and documents of which authenticity is in dispute and to indicate in the index sheet the documents of which authenticity is in dispute and by whom. Apart from the above, the various PDF documents should be arranged chronologically or in some logical order.

(d) The page number of each printed volume of the bundle of documents must correspond to the page number in the Portable Document Format (PDF) version of that volume of the bundle. Each separate volume must start at page 1, and every page must be numbered consecutively.

(8) The following directions apply to hard copies tendered to the Registry or the Court:

(a) The bundles of documents should be paginated consecutively throughout at the top right hand corner and may be printed on one side or both sides of each page. Each separate volume must start at page 1, and every page in that volume must be numbered consecutively.

(b) Where the bundle of documents consists of more than 1 volume:

(i) the index of contents of all volumes of the bundle of documents must be placed at the beginning of Volume I; and

(ii) each volume must have an index of contents indicating the documents that are contained in that volume.

(c) The documents in the bundles should:

(i) be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for claimants and blue for defendants with a transparent plastic cover in front and at the back;

(ii) have flags to mark out documents to which repeated references will be made in the course of hearing. Such flags must bear the appropriate indicium by which the document is indicated in the index of contents. Flags must be spaced out evenly along the right side of the bundle so that, as far as possible, they do not overlap one another; and

(iii) be legible. Clear and legible photocopies of original documents may be exhibited instead of the originals. The originals must be made available for inspection by the other parties or the Judge upon request.

(d) Where originals and copies of documents are included in 1 bundle, it should be stated in the index which documents are originals and which are copies.

(9) Additional documents tendered in Court that are not part of the Bundle of Documents must be filed using the Electronic Filing Service in accordance with Practice Direction 72(2).

Core bundle of documents

(10) In addition to the bundles of documents required to be filed and served under Order 9, Rule 25(9) of the Rules of Court 2021, parties should endeavour to file a core bundle of documents for trial, unless one is clearly unnecessary. This core bundle should comprise only the most important documents that are relevant to the hearing in question, or which will be repeatedly referred to in the course of the hearing.

(11) The documents in the core bundle of documents should not only be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The core bundle of documents must be prepared in an electronic format and tendered to the Court in a loose-leaf file which can easily have further documents added to it if required.

Opening statements and closing submissions

(12) A proper opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the Judge to appreciate what the case is about, and what he or she is to look out for when reading and listening to the evidence that will follow. The need for brevity is emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose:

(a) Opening statements will be required from all parties in all originating claims in the State Courts, except where otherwise provided for in these Practice Directions or as directed by the Court.

(b) All opening statements must include the following:

(i) the nature of the case generally and the background facts insofar as they are relevant to the matter before the Court and indicating which facts, if any, are agreed;

(ii) the precise legal and factual issues involved are to be identified with cross- references as appropriate to the pleadings. These issues should be numbered and listed, and each point should be stated in no more than one or two sentences. The object here is to identify the issues in dispute and state each party's position clearly, not to argue or elaborate on them;

(iii) the principal authorities in support of each legal proposition should be listed, while the key documents and witnesses supporting each factual proposition should be identified;

(iv) where there is a counterclaim or third party action, the opening statement must similarly address all issues raised therein; and

(v) an explanation of the reliefs claimed (if these are unusual or complicated).

(c) In cases where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court will have no hesitation in making a special order for costs against the relevant party.

(d) The following format must be adhered to when preparing opening statements:

(i) all pages must be paginated, with the first page numbered as "Page 1" so that the page numbers of the hard copy correspond to the page numbers in the Portable Document Format (PDF) version;

(ii) the minimum font size to be used is Times New Roman 12 or its equivalent;

(iii) the print of every page must be double spaced;

(iv) each page may be printed on one side or both sides; and

(v) every page must have a margin on all four sides, each of at least 35mm in width.

(e) Opening statements should not exceed 25 pages (including the cover page, table of contents and all annexes and appendices). All opening statements must include a cover page and a table of contents. Parties are to note that where the Court allows the prescribed page limit to be exceeded, fees are payable under the Fourth Schedule to the Rules of Court 2021.

(f) Opening statements may be amended at trial, but counsel will be expected to explain the reasons for the amendments.

Bundle of authorities

(13) In addition to the documents required to be filed and served under Order 9, Rule 25(9) of the Rules of Court 2021, the Court may direct parties to file and serve bundles of authorities.

Failure to tender documents in the proper manner and time

(14) At the trial of the cause or matter, an adjournment may be ordered if:

(a) the above documents or any of them were not filed and served within the prescribed time or in the prescribed manner or at all; or

(b) one party seeks to tender any of the above documents or supplements thereto except for supplements to the opening statement at the trial of the cause or matter.

(15) If an adjournment is ordered for any of the reasons set out in paragraph (14) above, the party who has failed to file or serve his documents within the prescribed time or at all or who seeks to tender a document or supplement thereto except for supplements to the opening statement may be ordered by the Court to bear the costs of the adjournment.

74. Hearing in Chambers

(1) In all hearings in chambers before a Judge or Registrar, counsel shall submit their written submissions, bundles of documents and their own bundle of authorities as appropriate for the hearing. The requirements of Practice Directions 72 and 73 shall, with the necessary modifications, be complied with in this regard, save that any bundles to be relied on at a contested special date hearing shall be filed and served no later than 1 working day in advance of the hearing and hard copies of any bundles may (if necessary) be submitted at the hearing itself before the Judge or Registrar, as the case may be, unless the court directs otherwise.

(2) The written submissions filed by parties shall, subject to such page limits as may be provided for in the Rules of Court 2021, set out as concisely as possible:

(a) the circumstances out of which the application arises;

(b) the issues arising in the application;

(c) the contentions to be urged by the party filing it and the authorities in support thereof; and

(d) the reasons for or against the application, as the case may be.

75. Citation of judgments

(1) Counsel who wish to cite a judgment as authority in support of their oral or written submissions shall adhere to the following directions. These directions are intended to provide guidance to advocates and solicitors as to (a) the extent to which it is necessary to deploy both local and foreign judgments in support of their case; and (b) the practice of citing such judgments.

Use of judgments as authorities in submissions

(2) Counsel who cite a judgment must state the proposition of law that the judgment establishes and the parts of the judgment that support that proposition. Such statements should not excessively add to the length of the submissions but should be sufficient to demonstrate the relevance of that judgment to the argument made. Where counsel wish to cite more than two judgments as authority for a given proposition, there must be a compelling reason to do so, and this reason must be provided by counsel in the submissions.

(3) The Court will also pay particular attention to any indication in the cited judgment that the judgment (a) only applied decided law to the facts of the particular case; or (b) did not extend or add to the existing law.

Use of judgments from foreign jurisdictions

(4) Judgments from other jurisdictions can, if judiciously used, provide valuable assistance to the Court. However, where there are in existence local judgments which are directly relevant to the issue, such judgments should be cited in precedence to foreign judgments. Relevant local judgments will be accorded greater weight than judgments from foreign jurisdictions. This will ensure that the Courts are not unnecessarily burdened with judgments made in jurisdictions with differing legal, social or economic contexts.

(5) In addition, counsel who cite a foreign judgment must:

(a) draw the attention of the Court to any local judgment that may be relevant to whether the Court should accept the proposition that the foreign judgment is said to establish; and

(b) ensure that such citation will be of assistance to the development of local jurisprudence on the particular issue in question.

Citation practice

(6) Counsel who cite a judgment must use the official series of the law report(s) or, if the official series is not available, any other law report series in which the judgment was published. Counsel should refrain from referring to (or including in the bundle of authorities) copies of judgments which are printed out from electronic databases, unless (a) such judgments are not available in any law report series; or (b) the print-outs are the exact copies of the judgments in the law report series.

The following are examples of law reports that should be used for citation:

Jurisdiction	**Law Reports (in order of preference)**
(a) Singapore	1. Singapore Law Reports (2010 -) (SLR current series) 2. Singapore Law Reports (Reissue) (SLR(R)) 3. Singapore Law Reports (1965-2009) (SLR 1965-2009) 4. Malayan Law Journal (MLJ)
(b) Malaysia	Malayan Law Journal (MLJ)
(c) England & Wales	1. Law Reports published by the Incorporated Council of Law Reporting (*eg*, Queen's Bench (QB), Appeal Cases (AC), Chancery (Ch), Family (Fam), Probate (P)) 2. Weekly Law Reports (WLR) 3. All England Law Reports (All ER)
(d) Australia	1. Commonwealth Law Reports (CLR) 2. Australian Law Reports (ALR)
(e) Canada	1. Supreme Court Reports (SCR) 2. Federal Court Reports (FC) 3. Dominion Law Reports (DLR)

(f) New Zealand	New Zealand Law Reports (NZLR)

Counsel should, where possible, make specific citations by referring to the paragraph number of the judgment, and not to the page number of the judgment or report. For consistency, square brackets ([xx]) should be used to denote paragraph numbers. The paragraph mark (¶) should no longer be used.

The neutral citation system for local judgments

(7) A neutral citation is a Court-approved system of citation which is independent of the series of law reports or other publication, and unique to each written judgment. Each written judgment from a particular level of Court is assigned a sequential number, starting from 1 at the beginning of each calendar year. The application of the system is as follows:

(a) Cases reported in the Singapore Law Reports shall be cited using their Singapore Law Reports citations, in priority to their neutral citations.

(b) Unreported decisions shall be cited using their neutral citations

COURT DESIGNATORS

Court	Neutral citation
Singapore Court of Appeal	SGCA
Singapore High Court (Appellate Division)	SGHC(A)
Singapore High Court (before 2 January 2021) or Singapore High Court (General Division) (on or after 2 January 2021)	SGHC
Singapore High Court Registrar (before 2 January 2021) or Singapore High Court (General Division) Registrar (on or after 2 January 2021)	SGHCR
District Court	SGDC
Magistrate’s Court	SGMC

EXAMPLE AND EXPLANATION

ABC Co Pte Ltd v XYZ Co Ltd [2021] SGDC 25, at [3], [8].

Year of the decision [2021]

Level of Court SGDC (Singapore District Court)

Sequential Number 25 (twenty-fifth written judgment rendered by the District Courts in 2003)

Paragraph Number(s) Paragraphs 3 and 8 of the judgment

Ancillary provisions

(8) The Court in exercising its discretion as to costs may, where appropriate in the circumstances, take into account the extent to which counsel has complied with this Practice Direction in the citation of judgments before the Court.

(9) It will remain the duty of counsel to draw the attention of the Court to any judgment, not cited by an opponent, that is adverse to the case being advanced.

PART X: JUDGMENTS AND ORDERS

76. Draft orders of Court

(1) In this Practice Direction, "order" has the same meaning as that given in Order 17 of the Rules of Court 2021.

(2) Parties to summonses shall, after agreeing on the draft judgment, engross a final copy of such draft for the Registrar's signature. Draft orders of Court for summonses without notice may be submitted with the summons and the supporting affidavit when these are filed.

(3) Unless the Registrar or the Court orders otherwise, draft orders shall be composed in electronic form through the Electronic Litigation System.

(4) Subject to paragraph (6), parties in applications made with notice should proceed to engross a final copy of the draft judgment for signature by the Registrar after agreeing on the draft.

(5) Draft orders of Court for applications without notice should be submitted to the Registrar.

(6) For draft orders in electronic form that are composed online through the Electronic Filing Service, the process for extracting judgments and orders shall be as follows:

(a) Parties have the option of filing a system-generated order of Court through the Electronic Filing Service.

(b) Before filing the system-generated order of Court, the party extracting the order must review and edit the order of Court electronic form to ensure that it accurately reflects the orders made by the Court and obtain the approval of all other parties to the application and provide evidence of such approval when filing the draft order of Court, for example, a Portable Document Format copy of a draft order of Court signed by the solicitors of all parties to the application.

(c) A party writing to the Court to resolve a dispute on the terms of a draft pursuant to Order 17, Rule 3(7) of the Rules of Court 2021 must include in its letter to Court all versions of the disputed terms put forth by the parties as well as all relevant correspondence concerning the dispute.

(d) The Registry will seal and issue an engrossed order of Court once its terms are approved.

(7) Order 17, Rule 3(5) and (6) of the Rules of Court 2021 place the burden of approving the drafts of judgments and orders on the solicitors themselves. The solicitors should therefore approve the drafts and not submit these drafts to the Registrar for approval.

(8) The Registrar's signature on a judgment or order is only for the purpose of validity and does not in any way affect the regularity or irregularity of the contents of any judgment or order.

(9) Order 17, Rule 3(7) and (8) of the Rules of Court 2021 will continue to apply. Specifically:

(a) In any case where there is a dispute on the terms of the draft, the party who drew up the order may write to the Court to resolve the dispute and the letter must set out the areas of dispute.

(b) The party who drew up the order is responsible for including in the letter all versions of the terms of the draft in dispute between the parties and all relevant correspondence.

(c) The Court may give its decision on the dispute on the terms of the draft without the attendance of the parties or fix a hearing to hear the parties on the dispute.

77. Unnecessary extraction of orders of Court

To reduce unnecessary documentation and to expedite proceedings, solicitors are requested not to extract orders that need not be drawn up, as provided for in Order 17, Rule 3(1) of the Rules of Court 2021.

78. Judgments in default

(1) This Practice Direction applies to an application for judgment, to be given against a defendant in an Originating Claim, where the defendant:

(a) fails to file and serve, within the time permitted for the same:

(i) a notice of intention to contest or not to contest; or

(ii) a Defence or Defence to Counterclaim; or

(b) states in his notice of intention to contest or not to contest that he does not intend to contest all or some of the claims.

(2) A claimant (or a party in an equivalent position) may apply for a default judgment by filing the following documents through the Electronic Filing Service:

(a) an application in Form 11 or Form 14 of Appendix A2 (found under "Judgment in Default of a Notice of Intention to Contest or Not Contest" or "Judgment in Default of Defence / Defence to Counterclaim" respectively in the Orders/Judgments category in the Electronic Filing Service) to these Practice Directions;

(b) a memorandum of service in Form 12 of Appendix A2 to these Practice Directions (if not already filed); ;

(c) a draft judgment setting out the terms of the judgment to be made against the defendant;

(d) an itemised Note of Costs, stating the costs and disbursements to which he is entitled (if any);

(e) the necessary supporting documents where there is a claim for contractual interest (see Practice Direction 80); and

(f) where the judgment is for possession of immovable property, a certificate by the claimant's solicitor (or where the claimant is acting in person, an affidavit) stating that no relief is sought in the nature of the reliefs under Order 52, Rule 1 of the Rules of Court 2021.

(3) In order to satisfy itself that a defendant is in default of a notice of intention to contest or not contest a claim or service

of defence or defence to counterclaim, the Court may require an affidavit to be filed stating the time and manner service of the Originating Claim (or counterclaim, where judgment is sought for failure to file and serve a defence to counterclaim) was effected on the defendant, as well as the steps taken to ascertain that the defendant had failed to serve a notice of intention to contest or not contest a claim or a defence or a defence to counterclaim, as the case may be.

79. Consent judgments

(1) The parties in an Originating Claim or Originating Application may inform the Registrar that they wish to record a consent judgment or order without appearing before the Court by filing an "Other Hearing Related Request" through the Electronic Filing Service.

(2) For the purposes of paragraph (1), the parties must inform the Registrar of the terms of the consent judgment or order that they wish to record, and enclose with the "Other Hearing Related Request" referred to in paragraph (1) above a copy of the draft consent judgment to be recorded, duly endorsed by all the consenting parties.

(3) The Court may record the consent judgment or order without requiring the parties to appear before the Court.

(4) Where the Court has recorded a consent judgment or order under paragraph (3), the Registrar will inform the parties of —

(a) the recording of the consent judgment or order; and

(b) the Judge or the Registrar who recorded the consent judgment or order.

(5) In any request or application for a consent judgment or order involving any disposition or transfer of property made pursuant to paragraph (1) of this Practice Direction, the parties must provide the following additional information to the Court:

(a) the identity of the owner of the property subject to disposition or transfer;

(b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;

(c) whether the property is subject to any encumbrance which would affect a disposition or transfer thereof; and

(d) any other relevant information which ought to be considered by the Court in granting the consent judgment or order.

(6) The Court may require the information referred to in paragraph (5) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.

80. Judgment Interest

(1) This Practice Direction shall apply to any sum (other than costs) payable under a judgment granted pursuant to an application for judgment in default of the filing and service of a notice of intention to contest or not contest, in default of filing and service of a defence or a defence to counterclaim (the "**JID Application**").

Pre-Judgment Non-contractual interest

(2) For non-contractual interest:

(a) As provided for under Order 6, Rules 6(7) and 7(8) of the Rules of Court 2021, the rate of interest is 5.33% per year.

(b) The period of interest is from the date of the originating process to the date of the judgment.

(c) The total amount of interest payable need not be specified.

Pre-Judgment Contractual Interest

(3) Where interest is agreed between the parties, the draft judgment tendered to the Court as part of the JID Application must:

(a) state the period and rate of such interest; and

(b) attach evidence of the agreement as to the contractual interest claimed.

(4) For a fixed or constant interest rate, the agreed rate of interest must be specified in the draft judgment.

(5) For a fluctuating interest rate —

(a) there shall be an appendix attached to the judgment in the following form, with rows two to four repeated as many times as necessary:

1	Principal sum	$ __
2	Rate of interest	__% per __
3	Period of interest	From __ to __
4	Amount of interest for relevant period	$ __
5	Total amount of interest payable to date of judgment	$ __

(b) the period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment; and

(c) the total amount of interest payable up to the date on which the JID Application is made shall be specified in the judgment.

Interest on costs

(6) Interest on costs awarded by the Court shall be payable in accordance with Order 21, Rule 29 of the Rules of Court 2021.

Post-judgment interest

(7) In accordance with Order 17, Rule 5(1)(*b*) of the Rules of Court 2021, where there is no agreement on interest, the interest on any sum (other than costs) payable under a judgment granted pursuant to a JID Application shall be stated as simple interest at 5.33% per year.

(8) In accordance with Order 17, Rule 5(2) of the Rules of Court 2021, interest is to be calculated from the date judgment is granted pursuant to the JID Application until the date of payment.

(9) The total amount of interest payable need not be specified in the draft judgment tendered to the Court as part of the JID Application.

PART XI: FURTHER ARGUMENTS

81. Requests for further arguments before the Judge or Registrar

(1) All requests for further arguments shall be made by way of a “Request for Further Arguments” and filed through the Electronic Filing Service.

(2) The party filing the Request must, either in the Request or a document attached thereto:

(a) state the party making the request;

(b) identify the Judge or Registrar who heard the matter in question;

(c) specify when the order concerned was made;

(d) state the provision of law under which the request is made;

(e) set out the proposed further arguments briefly, together with any supporting authorities; and

(f) include a copy of each of the authorities cited.

(3) A copy of the Request must be furnished to all parties concerned.

(4) All Requests must be addressed to the Registrar.

PART XII: ELECTRONIC FILING SERVICE

82. Application

(1) The Practice Directions contained in this Part shall apply to the filing, service, delivery and conveyance of documents under Order 28 of the Rules of Court 2021.

(2) All other Practice Directions shall also apply to the filing, service, delivery and conveyance of documents under Order 28 of the Rules of Court 2021, except and to the extent that the contrary is specified.

(3) If anything in this Part has the effect of modifying any other direction, whether expressly or impliedly, then such other direction shall apply in relation to the filing, service, delivery and conveyance of documents under Order 28 of the Rules of Court 2021 with such modification.

(4) Where the words and phrases set out in Order 28, Rule 1 of the Rules of Court 2021 are used in this Part, they shall have

the same meaning as defined in Order 28, Rule 1 of the Rules of Court 2021, unless otherwise specified.

83. Establishment of Electronic Filing Service and appointment of network service provider

In exercise of the powers conferred by Order 28, Rules 2 and 3 of the Rules of Court 2021, the Registrar, with the approval of the Chief Justice, hereby —

(a) establishes an Electronic Filing Service known as the Integrated Electronic Litigation System or eLitigation and accessible at https://www.elitigation.sg; and

(b) appoints CrimsonLogic Pte Ltd as the Electronic Filing Service provider for this service.

84. Appointment of agent to establish service bureau

Pursuant to Order 28, Rule 5 of the Rules of Court 2021, the Registrar hereby appoints CrimsonLogic Pte Ltd as an agent to establish a service bureau or service bureaux at such address(es) in Singapore as may be deemed suitable.

85. Documents which must be filed, served, delivered and/or conveyed etc., using the Electronic Filing Service

(1) Pursuant to Order 28, Rule 8 of the Rules of Court 2021, the Registrar hereby specifies that all documents to be filed with, served on, delivered or otherwise conveyed to the Registrar in all proceedings, subject to the exceptions which appear later in this Practice Direction, must be so filed, served, delivered or otherwise conveyed using the Electronic Filing Service.

(2) Parties are to note that the procedure for filing of the documents which are to be filed pursuant to Order 9, Rules 25(9)–(10) of the Rules of Court 2021 shall be in accordance with the procedure outlined in the provisions of Practice Direction 73(3) to (5).

(3) Where documents are served using the Electronic Filing Service, a Certificate of Service will be automatically generated and stored in the electronic case file.

(4) Bundles of authorities shall be filed, served, delivered or otherwise conveyed using the Electronic Filing Service.

86. Limits on the size and number of documents submitted using the Electronic Filing Service

(1) Subject to the provisions of the Rules of Court 2021, the following limits apply to the filing of documents using the Electronic Filing Service:

(a) the total number of documents in a single submission must not exceed 99;

(b) the total number of pages in a single document must not exceed 9,999; and

(c) the size of a single submission must not exceed 400 mega-bytes.

(2) The limits described above apply to filing both online through the Electronic Filing Service and the service bureau.

(3) The resolution for scanning, unless otherwise directed by the Court, must be no more than 300 DPI.

(4) In the event that any solicitor wishes to file documents which exceed the limits specified in paragraph (1), he should inform the Registrar at least 14 days before the intended filing date. The solicitor will then be asked to attend before the Registrar for directions to be given on how the documents should be filed.

87. Form of documents

(1) Unless otherwise provided for in these Practice Directions or directed by the Court, it is not necessary for documents that are electronically filed in Court to have a cover page or backing sheet.

(2) Parties are reminded that they must, at all times, ensure that the information stored in the front-end system is up-to-date and free from errors as the same information will be reproduced in the electronic forms that are generated by the Electronic Filing Service.

(3) Documents generated by the Electronic Filing Service containing out-of-date or wrong information will be rejected by the Registry and the fee payable shall be that stipulated in the Fourth Schedule of the Rules of Court 2021.

(4) In the event that the Electronic Filing Service fails to automatically generate an information page, parties may undertake the procedure outlined in Practice Direction 90(2).

88. Pagination of documents

Every single page of a document *must* be paginated so that the pagination on the actual document corresponds with the pagination of the document in the electronic case file. This is to facilitate hearings involving documents.

89. Documents which cannot be converted into an electronic format

(1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hardcopy of the document must be filed at the Registry of the State Courts.

(2) If the Court receives a document which the filing party says cannot be converted in whole or part into an electronic format, and it can discern no good reason why the document cannot be wholly converted into an electronic format, the document may be rejected.

90. Rejection of documents, back-dating and refund of penalty

(1) Care must be taken to enter correct, complete and accurate information into the electronic form. If the information entered into the electronic form and the actual document differ, the document is likely to be rejected by the Court. If a document is rejected by the Court for any reason, a penalty may nonetheless be payable in respect of the document as specified in the Fourth Schedule of the Rules of Court 2021. In this regard, solicitors' attention is also drawn to Order 28, Rule 16 of the Rules of Court 2021.

(2) However, in the event that any document is rejected through no fault of the filing party, a solicitor may —

> (a) re-file the document with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to Order 28, Rule 10 of the Rules of Court 2021; and
>
> (b) request a refund of the penalty by filing the requisite electronic form through the Electronic Filing Service.

(3) Where permission of Court has been obtained to expunge parts of a document or affidavit from the Court record, an applicant or his solicitor must re-file the document or affidavit with the expunged parts redacted.

(4) For the avoidance of doubt, a filing fee will be payable in respect of the re-filed document or affidavit as specified in the Fourth Schedule of the Rules of Court 2021 and the filing fee paid on the earlier filing of that document or affidavit will not be refunded.

91. Filing documents through service bureau

(1) Solicitors and law firms are encouraged to file documents through the Electronic Filing Service. However, in the event that certain documents cannot be filed through the Electronic Filing Service, solicitors and law firms may file documents through the service bureau. Litigants-in-person may also file documents through the service bureau.

(2) The operating hours of the service bureau may be found on the Electronic Filing Service website at https://www.elitigation.sg.

(3) Any document which is accepted for filing outside the time periods specified on the Electronic Filing Service website at https://www.elitigation.sg will be treated by the service bureau as having been accepted on the following working day.

(4) Documents to be filed through the service bureau must comply with these Practice Directions and all applicable administrative instructions and procedures prescribed by the service bureau with the approval of the superintendent.

(5) Documents to be filed through the service bureau must comply with these Practice Directions and all applicable administrative instructions and procedures prescribed by the service bureau with the approval of the superintendent.

92. Filing of documents to the State Courts through another service bureau

Pursuant to Order 28, Rules 17(4) and 17(6) of the Rules of Court 2021, the Registrar hereby prescribes that any service bureau established or authorised to be established by the Registrar of the Supreme Court or the Registrar of the Family Justice Courts may assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the Electronic Filing Service in all cases and circumstances where the staff of these service bureaux are able to provide such assistance pertaining to State Courts proceedings.

93. Hard copies of documents filed electronically

(1) The Registrar may, at his discretion, request for hard copies of any documents filed electronically.

(2) Upon such request, the filing party or his solicitor shall furnish hard copies of the relevant documents at the venue specified by the Registrar —

(a) within the specified time frame; or

(b) within 24 hours of the request, if no time frame is specified.

(3) The Registrar may also direct that any or all documents shall be filed in hardcopy instead of using the Electronic Filing Service for such period or periods as he in his discretion thinks fit.

94. Responsibility for accuracy and completeness of information submitted using

the Electronic Filing Service

(1) The solicitor having the conduct of any cause or matter may delegate the task of filing originating processes and documents in Court to an assistant or a suitably experienced law clerk or secretary, provided always that the solicitor shall personally satisfy himself as to the accuracy and completeness of the information submitted to the Court, and shall personally bear responsibility for any errors or deficiencies.

(2) In particular, solicitors should ensure the following:

> (a) that the title of the action generated using the Electronic Filing Service is accurate and correct;
>
> (b) where an action is commenced by way of an Originating Claim, that at least one nature of claim is selected that adequately represents the subject matter of the action; and
>
> (c) where an action is commenced by way of an Originating Application, that either the relevant legislation under which the action is brought is provided or at least one nature of claim is selected that adequately represents the subject matter of the action.

95. Requests and other correspondence

(1) All Requests relating to or in connection with any pending cause or matter are to be made using the electronic forms available through the Electronic Filing Service.

(2) Where an electronic form is available through the Electronic Filing Service for the Request that is sought, the Registrar has the discretion to refuse acceptance of other forms of written correspondence (including letters or facsimiles) and to refuse to act on such correspondence.

(3) Apart from Requests coming within the description of paragraph (1), all correspondence relating to or in connection with any cause or matter shall be addressed to the Registrar.

(4) In addition, all letters should be captioned with the number of the cause to which they relate and the names of the parties. For example:

> **"DC/OC [NO. 12345/2021]** (if originating claim) **Between AB** (and **ANOR** or **ORS**, if there are 2 or more claimants, as the case may be) and **CD** (and **ANOR** or **ORS**, if there are 2 or more defendants, as the case may be)"

(5) If the correspondence relates to an interlocutory application or applications, the reference number of that application or those applications should be stated in the caption below the parties' names. For example:

> **"SUMMONS NO. 98765 OF 2021"**

(6) Compliance with the provisions of this Practice Direction will facilitate the expeditious location of the relevant cause file.

Cases which have been commenced using the Electronic Filing Service

(7) For cases which have been commenced using the Electronic Filing Service, a letter is liable to be rejected if it is sent to the Court by a law firm in any way other than by filing the applicable Request through the Electronic Filing Service.

(8) Paragraph (7) does not apply to litigants-in-person.

(9) If a letter is sent to the Court by a law firm without the information specified in paragraph (4), it is also liable to be rejected.

(10) Registrar's Directions and Notices from the Registry will be sent to law firms who are registered users of the Electronic Filing Service through the Electronic Filing Service.

(11) Registered users are to ensure that the inboxes of their Electronic Filing Service account(s) are checked and cleared regularly.

PART XIII: ENFORCEMENT MATTERS

96. Applications for Enforcement Orders

(1) An application for an Enforcement Order ("**EO**") in Form 38 of Appendix A2 to these Practice Directions to enforce one or more order(s) or judgment(s) shall be made in the following manner:

> (a) In the case of orders or judgments by a District Court, Protection from Harassment Court (hearing standard proceedings) or Magistrate's Court, the application shall be made by way of filing a summons without notice, accompanied by a supporting affidavit.
>
> (b) In the case of orders or judgments by the Small Claims Tribunals, Employment Claims Tribunals, Community Disputes Resolution Tribunals or Protection from Harassment Court (in simplified proceedings) for the payment of money or the delivery of vacant possession of premises, the application shall be made by way of filing an originating application without notice, accompanied by a supporting affidavit.

(2) Under Order 22, Rule 2 of the Rules of Court 2021, a single application can be filed for multiple modes of enforcement, including seizure and sale of property, delivery or possession of property, and attachment of debts due to the enforcement respondent.

(3) Apart from the requirements under Order 22, Rule 2 of the Rules of Court 2021, the summons or originating application should set out all methods of enforcement that the enforcement applicant seeks in the EO. The supporting affidavit filed should also state, among other things, whether the Bailiff is to enforce the various parts of the EO in any particular sequence or whether all or some parts of the EO may be enforced simultaneously.

(4) For proceedings in the State Courts, where parties furnish the undertaking in Order 22, Rule 2(4)(*m*) of the Rules of Court 2021, the terms of the undertaking as set out in Order 22, Rule 2(4)(*m*)(i) to (iii) should be worded to refer to the "Bailiff" rather than the "Sheriff". The requirements in Order 22, Rule 2(4)(*m*) of the Rules of Court 2021 shall also apply to an application for a writ of distress under Order 45, Rule 2 of the Rules of Court 2021.

(5) Pursuant to Order 22, Rule 6(2) of the Rules of Court 2021, if no sequence of enforcement is indicated in the EO, the Bailiff may carry out the terms of the EO in any order and sequentially or concurrently. In the absence of any indication of sequence in the EO or any direction by the Court, the Bailiff will carry out the terms of the EO sequentially, and shall adopt the following default sequence of enforcement (where applicable):

> (a) first, attach debts which are due to the enforcement respondent;
>
> (b) second, seize and sell properties belonging to the enforcement respondent;
>
> (c) third, seize and deliver or give possession of properties in the possession or control of the enforcement respondent;

(d) finally, any other method(s) of enforcement specified in the EO.

If the EO provides that a method of enforcement has more than one address for enforcement or more than one financial institution or non-party, in the absence of any indication of sequence or any direction from the Court, the Bailiff will by default carry out the terms of the EO sequentially in the order of the address(es) as stated in the EO.

(6) Once an EO has been granted, the enforcement applicant should take steps to extract the EO (using the Enforcement Order electronic form available through the Electronic Filing Service) expeditiously. When extracting the EO, the enforcement applicant shall also attach the draft Notice(s) of Seizure or Attachment required for the Bailiff to effect seizure or attachment under the EO. Each draft Notice of Seizure or Attachment should pertain to one enforcement type and one enforcement address only.

Illustrations:

(a) If an enforcement applicant obtains an EO to attach debts held in three different financial institutions representing debts owing by the three financial institutions to the enforcement respondent, the enforcement applicant shall attach three draft Notice(s) of Attachment when extracting the EO.

(b) If an enforcement applicant obtains an EO to attach debts held in two different financial institutions representing debts owing by the two financial institutions to the enforcement respondent, as well as to seize and sell properties belonging to the enforcement respondent at a single address (eg, the enforcement respondent's residential address), the enforcement applicant shall attach three draft Notice(s) of Seizure or Attachment when extracting the EO.

(7) An EO is valid in the first instance for 12 months beginning with the date of issue. If a party wishes to extend the validity of the EO for a period of 12 months at any time beginning with the day on which the EO is made, it shall make an application to the Court for extension before the day on which the EO would otherwise expire. Such application is to be made by filing a "Summons for Extension of Validity of Enforcement Order" through the Electronic Filing Service.

(8) An EO ceases to be valid:

(a) after the enforcement applicant gives written notice to the Bailiff not to take further action on the EO, by filing a "Notice Not To Take Further Action on Enforcement Order" through the Electronic Filing Service; or

(b) after any person who has satisfied a judgment debt files a consent of the judgment creditor in Form 39 of Appendix A2 to these Practice Directions to apply to the Court for the satisfaction to be recorded and the Court has ordered satisfaction to be recorded.

97. Seizure or attachment under an Enforcement Order

(1) After the enforcement applicant extracts the Enforcement Order ("**EO**"), the Bailiff shall fix a first appointment for enforcement, and shall issue a Letter of Appointment (including a request for deposit) to inform the enforcement applicant of the date and time of the first enforcement attempt. Enforcement may be carried out between the hours of 9.00am and 5.00pm, at the Bailiff's discretion, unless the Bailiff or Court otherwise orders.

(1A) Where, under Order 22, Rule 6(4) of the Rules of Court 2021, an EO is carried out by the Bailiff serving:

(a) a notice of seizure on any person or entity;

(b) a notice of seizure on the Singapore Land Authority; or

(c) a notice of attachment on any financial institution or non-party;

the Bailiff may engage, or direct the enforcement applicant to engage, the services of any appropriate persons or service provider, including the enforcement applicant's solicitors, to effect service of such notice of seizure or attachment.

(1B) Where, under Order 22, Rule 6(6) of the Rules of Court 2021, a copy of the notice of seizure or attachment must be served on the enforcement respondent, the Bailiff may engage, or direct the enforcement applicant to engage, the services of any appropriate persons or service provider, including the enforcement applicant's solicitors, to effect service of such copy of the notice of seizure or attachment.

(2) Upon the Bailiff's request, the enforcement applicant or the enforcement applicant's solicitor or other authorised representative must accompany the Bailiff when the Bailiff carries out the EO:

(a) Pursuant to Order 22, Rule 6(3) of the Rules of Court 2021, the enforcement applicant or the enforcement applicant's solicitor or other authorised representative must be present with the Bailiff at the appointed date, time and address of any enforcement attempt, upon the Bailiff's request.

(b) If the enforcement applicant or the enforcement applicant's solicitor or other authorised representative is absent at the appointed date, time and address of the enforcement attempt, the appointment is deemed vacated and the Bailiff shall not proceed with the enforcement attempt.

(c) Insofar as the seizure of movable property is concerned, the Bailiff will only seize property that is identified by the enforcement applicant or the enforcement applicant's solicitor or other authorised representative.

(3) Effecting forced entry into premises:

Where the EO authorises the Bailiff to effect seizure in respect of properties in the possession or control of the enforcement respondent, and the enforcement applicant requests the Bailiff to exercise his powers of entry into the premises of the enforcement respondent, the following conditions shall apply:

(a) save in special circumstances, entry shall only be effected on the second or subsequent enforcement attempt;

(b) the Bailiff may, in any case, refuse to effect the forced entry without assigning any reason; and

(c) the enforcement applicant shall at his expense, upon the direction of the Bailiff, engage any security personnel, locksmith or any other person or facility as the Bailiff deems appropriate to assist in effecting entry into the premises and the enforcement process.

(4) Under Order 22, Rule 6(9)(*a*) of the Rules of Court 2021, a non-party who is served with a Notice of Attachment must, within 14 days of service of the Notice of Attachment, inform the Bailiff of the amount owing by the non-party to the enforcement respondent that is available to be attached. The non-party must copy the enforcement applicant when providing the Bailiff with this information. If no notice of objection is filed under Order 22, Rule 10 of the Rules of Court 2021, the Bailiff will inform the non-party of the commission due to the Bailiff within 7 days of receipt of this information. The commission shall be handed or paid over to the Bailiff in priority to the money that is to be handed or paid over to the enforcement applicant.

(5) A non-party who is served with a Notice of Attachment and who has handed or paid over to the enforcement applicant the money due to the enforcement respondent must inform the Bailiff of such handing or payment within 7 days of the same.

(6) If, after the first enforcement attempt, the enforcement applicant wishes to proceed with a subsequent enforcement attempt under an enforcement method, or one or more of the remaining enforcement methods ordered in the EO, the enforcement applicant shall file a "Request to Proceed with Seizure / Enforcement" via the Electronic Filing Service.

(7) If, at any stage, the enforcement applicant does not wish to proceed with a subsequent enforcement attempt under an

enforcement method, or any of the remaining enforcement methods ordered in the EO, the enforcement applicant shall file a "Notice Not to Take Further Action on Enforcement Order" via the Electronic Filing Service.

98. Claims and objections to seizure or attachment

(1) An objector (as defined in Order 22, Rule 10(1) of the Rules of Court 2021) is to give notice of the objection referred to in Order 22, Rule 10(1)(*a*) of the Rules of Court 2021 by filing a "Notice of Objection" (in Form 22A of Appendix A1 to these Practice Directions) through the Electronic Filing Service.

(2) If the enforcement applicant disputes the grounds of objection, the enforcement applicant may file a "Notice of Dispute to Objection" (in Form 22B of Appendix A1 to these Practice Directions) through the Electronic Filing Service. If the enforcement applicant accepts the grounds of objection, the enforcement applicant must give the notice referred to in Order 22, Rule 10(3) of the Rules of Court 2021 by filing a "Consent to Release" (in Form 22C of Appendix A1 to these Practice Directions) through the Electronic Filing Service.

(3) If the Bailiff directs the objector to make the application referred to in Order 22, Rule 10(4) of the Rules of Court 2021, the objector must make such application by filing a "Summons for Order to Release Property / Debt" (in Form 22D of Appendix A1 to these Practice Directions) through the Electronic Filing Service.

99. Sale and valuation of seized property

(1) Under Order 22, Rules 7(1) and 7(2) of the Rules of Court 2021, the Bailiff may take steps to sell seized movable property after 14 days after a copy of the Notice of Seizure has been served on the enforcement respondent, unless the movable property is perishable. Where immovable property is seized, the Bailiff may take steps to sell the seized immovable property after 30 days after the Notice of Seizure has been served on the enforcement respondent.

(2) After seizure is effected by the Bailiff and the relevant timelines in paragraph (1) above have passed, the Bailiff may take steps to sell the seized property, including requiring the enforcement applicant to furnish a written valuation report or estimated valuation of the seized property, in order for the Bailiff to decide the conditions of sale.

(3) Auctions:

(a) **Sale by Bailiff**

If a scheduled auction is not proceeded with, or is abandoned, due to the absence of the enforcement applicant or the enforcement applicant's solicitor or other authorised representative, the Bailiff may at his discretion release any or all of the items seized.

(b) **Sale by auctioneer**

Under Order 22, Rule 7(5) and (7) of the Rules of Court 2021, where the value of the seized property is estimated by the Bailiff to be more than $20,000, or where the property in question is immovable property, the sale must be carried out by an auctioneer and by public auction. The auctioneer shall be engaged by the enforcement applicant, and the auction must be advertised by the auctioneer at least once in a printed local newspaper and at least 14 days before the date of auction. Under Order 22, Rule 7(4) of the Rules of Court 2021, where the value of the seized property is estimated by the Bailiff to be $20,000 or less, the sale may be carried out by the Bailiff and may be by private treaty or by public auction. Where the sale is by public auction, the auctioneer shall be engaged by the enforcement applicant, and the Bailiff may direct that the auction be advertised by the auctioneer at least once in a printed local newspaper and at least 14 days before the date of auction.

All costs and expenses incurred in connection with the auction shall be borne by the enforcement applicant and may be added to the judgment debt.

100. Examination of enforcement respondent

(1) The enforcement applicant may apply for the enforcement respondent to be examined orally in Court or to make an affidavit or both on the enforcement respondent's properties, by filing an "Summons for Examination of Enforcement Respondent" (for orders or judgments by the Small Claims Tribunals, Employment Claims Tribunals, Community Disputes Resolution Tribunals or Protection from Harassment Court (in simplified proceedings) for the payment of money or the delivery of vacant possession of premises, an originating application) through the Electronic Filing Service.

(2) A questionnaire in the recommended format as set out in Form 23 or 24 of Appendix A1 to these Practice Directions (whichever is appropriate) shall be annexed to any Order for Examination when the said Order is served on the enforcement respondent. Enforcement applicants may modify the questionnaires according to the circumstances of each case.

(3) If the enforcement respondent is of the view that any question in the questionnaire is unreasonable, he is to contact the enforcement applicant to ascertain whether the issue can be resolved prior to the hearing for examination.

(4) At the hearing for examination, the answered questionnaire is to be produced to the Deputy Registrar and received as evidence upon confirmation on oath by the enforcement respondent (or if the enforcement respondent is an entity, its officer(s) to be examined) that his answers provided are true and correct. The enforcement applicant may then apply to discharge the enforcement respondent or proceed with examination by further questioning.

(5) The enforcement respondent need not attend at the examination hearing if:

(a) he has provided his answers to the questionnaire by way of an affidavit or statutory declaration; and

(b) the enforcement applicant agrees to apply for a discharge of the Order for Examination prior to or at the hearing for examination.

101. Committal proceedings

An applicant seeking to lift a suspension order under Order 23, Rule 8(3) of the Rules of Court 2021 to enforce committal orders must prepare his or her own Committal Order in accordance with Form 42 in Appendix A2 to these Practice Directions and bring the same to the hearing.

PART XIV: BILLS OF COSTS FOR ASSESSMENT

102. Basis of assessment

Every bill of costs to be assessed pursuant to a judgment or order of Court must be filed together with a copy of the judgment or order of Court. Where an order for assessment is not required under the Rules of Court 2021, the bill of costs shall describe succinctly in its heading the basis of assessment. A bill of costs for assessment between a solicitor and his client pursuant to section 120(3) of the Legal Profession Act 1966 must be filed together with a copy of the document signifying the consent of the parties to assessment.

103. Form of bills of costs

The attention of solicitors is drawn to Rules 2, 10 and 20 and Appendix 1 of Order 21 of the Rules of Court 2021. In addition, solicitors are to abide by the following requirements in relation to the form of bills of costs.

(1) **Margins**

A blank margin of not less than 10mm wide must be provided on all four sides for each page of the bill of costs.

(2) **Pagination**

Every page of a bill of costs must be paginated consecutively at the centre of the top of the page. The attention of solicitors is drawn to Practice Direction 88 regarding pagination of documents filed using the Electronic Filing Service.

(3) **Format**

(a) Party-and-party bills:

(i) A bill of costs drawn up for assessment between one party to proceedings and another should be divided into three separate sections as required by Order 21, Rule 20 of the Rules of Court 2021.

(ii) Form 25 in Appendix A1 to these Practice Directions should be used for contentious business in respect of work done for a trial or in contemplation of a trial.

(iii) Form 26 in Appendix A1 to these Practice Directions should be used for contentious business in respect of, or in contemplation of, work done other than for a trial (such as work done for an appeal or for a specific interlocutory application).

(b) Solicitor-and-own-client bills:

(i) A bill of costs drawn up for assessment (pursuant to any written law) between a solicitor and his own client should be drawn up in the same manner described in sub-paragraph (a) above save as follows:

(A) A solicitor will be deemed to have indicated that all items included in the bill are in relation to work done or disbursements incurred with the approval of the client.

(B) Any agreement, whether oral or in writing, between the solicitor and his own client relating to the amount of costs payable either as a global sum or in respect of particular items included in the bill should be indicated on the bill.

(C) Any agreement between the solicitor and his own client as to the rate to be used to compute the solicitor's costs should also be indicated in the bill.

(ii) Form 27 in Appendix A1 to these Practice Directions should be used for non-contentious business.

(c) Bills of costs required to be assessed under section 18(3) of the Motor Vehicles (Third Party Risks and Compensation) Act 1960:

(i) Whenever a solicitor-and-own-client bill is required to be assessed by virtue of the above-captioned

Act, a bill should be drawn up for assessment between the solicitor and his own client *and* another bill drawn up for assessment between the client and the other party to the proceedings in which the solicitor acted for the client. A waiver of the filing fees for the solicitor-and-own-client bill may be requested for when this bill is filed.

(ii) The party-and-party bill should be filed first and the solicitor-and-own-client bill should reference the first bill.

(iii) The party-and-party bill and the solicitor-and-own-client bill can be drawn up as described in sub-paragraphs (a) and (b) above with the modification set out in sub-paragraph (iv) below.

(iv) It is not necessary to repeat serially in the solicitor-and-own-client bill the items which have been serially set out in the party-and-party bill. It is sufficient, ordinarily, to incorporate all such items by reference and proceed to set out in detail any additional items, *ie*, items not already set out in the party-and-party bill. However, if a sum claimed for an item of disbursement in the solicitor-and-own-client bill is different from the corresponding sum claimed in the party-and-party bill, it will be necessary to set out serially again in the solicitor-and-own-client bill all the items of disbursement already set out in the party-and-party bill (including, where appropriate, the different sum or sums claimed) as well as additional items of disbursement not so set out. In addition, the global sums claimed for sections 1 and 2 of the solicitor-and-own-client bill should be indicated at the end of the respective sections whether or not they are the same sums as those claimed for sections 1 and 2 of the party-and-party bill.

(4) **Particulars**

(a) Sufficient particulars must be included in the bill of costs so as to enable the Registrar to exercise his discretion under Order 21, Rule 2 of the Rules of Court 2021.

(b) Without prejudice to paragraph (3) above, the Registrar may, at the assessment hearing, order the claiming or receiving party to furnish full details in support of the sums claimed under the bill.

(c) Each bill of costs submitted to the Court through the Electronic Filing Service must —

(i) be in Portable Document Format ("**PDF**");

(ii) comply with these Practice Directions; and

(iii) be accompanied by a bill of costs summary composed online through the Electronic Filing Service.

(d) The information required by the Electronic Filing Service to compose the bill of costs summary includes the costs claimed under Sections 1, 2 and 3 of the bill of costs.

(5) **Goods and Services Tax**

A party claiming goods and services tax ("**GST**") in a bill of costs must comply with the directions set out in this paragraph. A party who fails to comply with the directions set out in this paragraph will be presumed not to be claiming GST in the bill concerned.

(a) GST registration number:

(i) The GST registration number allocated by the Comptroller of Goods and Services Tax to the solicitors for the receiving party or parties should appear at the top left-hand corner of the first page of the bill of costs.

(ii) The GST registration numbers, if any, allocated to the receiving parties or to any one or more of them,

as the case may be, must also appear at the top left-hand corner of the first page of the bill of cost.

(iii) The GST registration numbers should be indicated as follows: "GST Reg. No. *(solicitors for claimant/solicitors for 1st defendant/2nd defendant/(or as the case may be))*: xxxxx."

(iv) Where no GST registration number has been allocated to a receiving party, a statement to this effect should be included after the GST registration numbers of the solicitors for the receiving parties, or the receiving parties, as the case may be, in the following manner: *"Solicitors for claimant/solicitors for 1st defendant/2nd defendant/(or as the case may be):* no GST Reg. No."

(b) Input tax allowable:

The proportion of input tax for which the receiving parties, or one or more of them, are not entitled to credit should be stated, as a percentage, in parentheses after the GST registration number of the party or parties concerned. For a person who is not liable to be registered within the meaning of the First Schedule to the Goods and Services Tax Act 1993, this proportion should be 100%.

(c) Apportionment:

(i) The first and second sections of the bill of costs, which set out the work done in the cause or matter except for assessment of costs and the work done for and in the assessment of costs, should each be divided into such number of parts as will enable the bill to reflect the different rates of GST applicable during the relevant period of time.

(ii) The third section, which sets out the disbursements made in the cause or matter, should similarly be divided, with the first part setting out the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be.

(d) Summaries of the GST claimed for work done:

The following information as is applicable should be included at the end of the first and of the second sections:

(i) the global sum of costs claimed for work done during each period for which a different rate of GST applies or no GST applies;

(ii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit;

(iii) a quantification of the input tax on the costs claimed in the section concerned for which the receiving parties, or one or more of them, are not entitled to credit; and

(iv) quantifications of the GST claimed at the applicable rate on the costs claimed in the section concerned.

(e) Summary of the GST claimed for disbursements:

The following information as is applicable should be included at the end of the third section:

(i) a summation of the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;

(ii) a summation of the disbursements on which GST at the applicable rate is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;

(iii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit;

(iv) a quantification of the input tax on the disbursements on which GST is chargeable by the solicitors for the receiving party for which the receiving parties, or one or more of them, are not entitled to credit; and

(v) quantifications of the GST claimed at the applicable rates on the disbursements.

(f) Registrar's certificate:

The total amount of GST allowed on a bill of costs will be indicated as a separate item in the Registrar's certificate. Solicitors are responsible for ensuring that the GST figures accurately reflect the sums allowed by the Registrar.

104. Registrar's Certificate

(1) As the Registrar's Certificate of costs under Order 21, Rule 25 of the Rules of Court 2021 will be composed online based on the summary in the bill of costs, solicitors should ensure that the information contained in the summary in the bill of costs accurately reflects the information contained in the bill of costs submitted.

(2) The procedure for preparation of draft orders in Practice Direction 76 shall, *mutatis mutandis*, apply to the preparation of the Registrar's certificate

(3) Solicitors should also ensure that the amounts claimed for goods and services tax in the Registrar's Certificate are correct.

(4) For the avoidance of doubt, the Registrar's Certificate shall be composed online through the Electronic Filing Service.

105. Objections

(1) In any disputed assessment involving party-and-party bills of costs, solicitors presenting the bill for assessment shall observe the following procedure:

(a) the respective solicitors shall confer prior to the date appointed for assessment with a view to resolving, limiting or clarifying the items in dispute; and

(b) any objections in principle or as to quantum of the items claimed in a bill of costs must be indicated by the filing and service of a Notice of Dispute in Form 28 in Appendix A1 to these Practice Directions at least 7 days before the date fixed by the Registrar for the assessment of the bill of costs.

(2) The Registrar may, in his discretion, make any appropriate orders as to costs if any of the above directions have not been complied with.

(3) The Notice of Dispute shall be filed through the Electronic Filing Service in Portable Document Format and be accompanied by a Notice of Dispute summary, the electronic form of which will be composed online through the Electronic Filing Service.

(4) The information required by the Electronic Filing Service to compose the Notice of Dispute summary includes the amounts of costs to be awarded under Sections 1, 2 and 3 of the bill of costs according to the respondent.

106. Amount allowed as disbursement on account of use of electronic transmission

(1) If a document is filed using the Electronic Filing Service, $0.40 for each page of the document thus filed shall be allowed as costs between parties to proceedings. Such costs may be claimed by a receiving party from the paying party where the receiving party is entitled to costs for the filing of the document. These costs shall be allowed in addition to all other disbursements and Court fees.

(2) This Practice Direction shall apply to the assessment of costs as well as cases where the Court fixes a gross sum in lieu of directing an assessment.

(3) This Practice Direction shall not apply to any document filed through the service bureau.

107. Assessments involving the Public Trustee or the Director of Legal Aid

(1) This Practice Direction shall be complied with in respect of all assessments in which the Public Trustee or the Director of Legal Aid is involved.

(2) For all assessments in which the Public Trustee or the Director of Legal Aid is involved —

> (a) the receiving party must, prior to the filing of the bill of costs in Court through the Electronic Filing Service, send the bill of costs to be filed to the Public Trustee or the Director of Legal Aid, as the case may be;
>
> (b) the Public Trustee or the Director of Legal Aid should then inform the receiving party whether he/she agrees or disagrees with the amounts claimed in the bill of costs;
>
> (c) when filing the bill of costs in Court through the Electronic Filing Service, the receiving party must state whether the Public Trustee or the Director of Legal Aid agrees or disagrees with the amounts claimed in the bill of costs; and
>
> (d) the bill of costs should also be served on the Public Trustee or the Director of Legal Aid, as the case may be, on the same day that the bill of costs is filed.

(3) If the Public Trustee or the Director of Legal Aid (as the case may be), agrees with the amounts claimed in the bill of costs, then —

> (a) for solicitor-and-client costs required to be assessed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act 1960 —
>
> (i) where no party-and-party bill of costs has been filed; or
>
> (ii) where the solicitor-and-client costs are not referenced to a party-and- party bill filed earlier,

the receiving party and the Public Trustee need not attend at the assessment and the bill will be assessed in their absence, except that if the assessing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the receiving party and the Public Trustee at a later date;

(b) for solicitor-and-client bills filed pursuant to the Legal Aid and Advice Act 1995 where the Director of Legal Aid is the respondent, the receiving party and the Director of Legal Aid need not attend at the assessment and the bill will be assessed in their absence, except that if the assessing Registrar disagrees with the quantum of costs agreed

on, he may nonetheless direct the attendance of the receiving party and the Director of Legal Aid at a later date.

(4) If solicitor-and-client costs are required to be assessed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act 1960 and the bill of costs claiming the same is referenced to an earlier party-and-party bill filed pursuant to Practice Direction 103(3)(c), the Public Trustee need not attend the assessment of the bill and the party-and-party and solicitor-and-client costs will be assessed in the absence of the Public Trustee. However, the Public Trustee may attend at the assessment if he so wishes, and shall attend if an express direction is made by the assessing Registrar that he should attend in relation to a particular bill of costs.

PART XV: DEFAMATION ACTIONS

108. Pre-action protocols for defamation actions

(1) Claimants in defamation actions must comply with the pre-action protocol set out in Appendix F before commencing Court proceedings. All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the action from complying with the protocol so far as they are able to do so.

(2) In exercising its discretion as to costs, the Court will consider whether the protocol has been complied with. If non-compliance with the protocol has led to unnecessary costs, the Court may make the following orders:

(a) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds in the action;

(b) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and

(c) an order that the defaulting party pay those costs on an indemnity basis.

(3) The Court will consider whether the protocol has been complied with when exercising its discretion in determining the amount of interest payable, and may make the following orders as it thinks fit:

(a) an order awarding a successful party who has complied with the protocol interest from an earlier period; and

(b) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(4) Where there are good reasons for non-compliance with the protocol, the Court will not impose any sanction against the defaulting party.

PART XVI: REFERENCE TO ACTUARIAL TABLES IN PERSONAL INJURY AND DEATH CLAIMS

109. Reference to Actuarial Tables for the Assessment of Damages in Personal Injury and Death Claims

(1) In all proceedings for the assessment of damages in personal injury and death claims that are heard on or after 1 April 2021, the Court will refer to the "Actuarial Tables with Explanatory Notes for use in Personal Injury and Death Claims" published by Academy Publishing of the Singapore Academy of Law (the "**Actuarial Tables**") to determine an appropriate

multiplier, unless the facts of the case and ends of justice dictate otherwise. This is so regardless of when the accidents or incidents that gave rise to those claims occurred, and regardless of the dates on which the actions were commenced.

(2) The Actuarial Tables will serve as a guide and the selection of the appropriate multipliers and the amount of damages awarded remain at the discretion of the Court. Where appropriate on the facts and circumstances of the case, the Court may depart from the multipliers in the Actuarial Tables.

PART XVII: CRIMINAL MATTERS

110. Noting of appearances of advocates/prosecutors

(1) To facilitate the linking of advocates and prosecutors to criminal cases registered via the Integrated Case Management System ("**ICMS**") and the contacting of advocates and prosecutors having conduct of matters in the State Courts, advocates and prosecutors appearing in cases must each fill in a Form 29 of Appendix A1 to these Practice Directions and hand the duly completed form to the Court officer before their cases are mentioned.

(2) This practice applies to all criminal trials, Mentions Courts (Court 4A and 4B), Special (*ie*, traffic and coroner's) and Night Courts (Court 4AN and 4BN).

(3) The forms will be placed on all bar tables.

(4) This Practice Direction shall apply to criminal proceedings.

110A. Judge Case Conference Checklist for criminal trials

For every criminal case at the State Courts that is scheduled for a Judge Case Conference before trial, unless the Defence has indicated that the accused wishes to plead guilty or the Court otherwise directs, the Prosecution and the Defence must each file, at least 7 days before the date of the Judge Case Conference, a Judge Case Conference Checklist, in Form 29A of Appendix A1.

111. Bundles of authorities for criminal proceedings

(1) In all criminal proceedings, counsel shall submit their own bundle of authorities.

(2) In this regard, the provisions of Practice Direction 73(10) to (11) above shall, with the necessary modifications, be complied with.

112. Magistrate's complaints (Private summonses)

(1) **Framing of criminal charges**

> Solicitors representing the complainants are to frame and submit the charges when the complaints are filed. This will facilitate the immediate issuance of the summons if it is so ordered by the Duty Magistrate. This paragraph does not apply to Magistrate's complaints filed at the Community Courts and Tribunals Cluster Complaints Counter.

(2) **Infringement of copyright/trademarks**

Magistrate's complaints involving infringement of copyright/trademarks must be sworn by authorised representatives. A letter of authorisation to that effect must be attached to the complaint.

113. Application for Court Records for criminal matters

(1) This Practice Direction shall apply only in respect of criminal proceedings.

(2) An application for a copy of any part of the record of any criminal proceedings for a case registered via the Integrated Case Management System ("**ICMS**") must be made via ICMS under "Request for Court Records".

(3) Applications for all other cases must be made in Form 30 in Appendix A1 to these Practice Directions.

(4) On approval of an application that has been electronically filed via ICMS, the record of proceedings will be available for online downloading via ICMS or collection depending on the delivery mode chosen.

(5) Upon approval of an application for all other cases, and for ICMS cases where the mode of collection chosen is at the counter, the requisite number of copies of the record of proceedings applied for shall be made available for collection by the applicant for a period of 21 calendar days from the date specified in the notification given to the applicant by the Office of the Registrar.

(6) Where the copy of any record of proceedings applied for is not collected by the applicant within the time given by paragraph (5), the copy of the record of proceedings shall be disposed of and the applicant must make a fresh application if he still requires a copy of the relevant record of proceedings.

(7) The relevant fee prescribed by the Criminal Procedure Code (Prescribed Fees) Regulations 2013, Fees (State Courts – Criminal Jurisdiction) Order 2014 (as the case may be) must be paid by the applicant at the time he makes the application.

(8) The applicant shall be allowed to download or collect the copy of the record of proceedings applied for only if the fees payable therefor, including any balance fee payable, have been fully paid by him.

(9) Any application for the waiver or remission of any fee payable for a copy of any record of proceedings may be made to the Registrar of the State Courts and the grant of such an application shall be in the absolute discretion of the Registrar.

114. Appearance at the State Courts via video link of defendants remanded at Changi Prison Complex

Application

(1) The cases of defendants remanded at the Changi Prison Complex ("**Changi Prison**") may be mentioned via video link.

Taking of instructions by counsel via VidLink

(2) Counsel who need to take instructions from a client remanded at Changi Prison may arrange to do so via video link at the VidLink Centre.

(3) The VidLink Centre is managed by the Singapore Prisons Service, and is located on Level 16 of the State Courts Towers.

Mentioning of cases in Court

(4) At each mention in Court, counsel are required to complete and submit to the Court a mention slip setting out the case details and counsel's application, if any. The format of the mention slip is set out in Form 29 of Appendix A1 to these Practice Directions.

(5) The order of mention of cases is managed by the Court officers in Court. Video link cases are generally mentioned ahead of non-video link cases, and cases involving counsel are generally given priority. Counsel who need to have their cases mentioned urgently (for example, to enable them to attend to other Court commitments) should inform the Court accordingly, and accommodation will be made where possible.

Situations where remandees are physically brought to Court

(6) The Court may order that a defendant who is to appear, or who has previously appeared, via video link in Court be physically brought to Court. These include the following situations:

(a) where the defendant has indicated an intention to plead guilty;

(b) where one or more charges against the defendant is withdrawn;

(c) where the defendant has to be brought to Court for bail processing; or

(d) where the Court considers it expedient in any other circumstances.

115. Witnesses (including the accused person) giving evidence through live video or television link

(1) A witness (including the accused person) may, with the Court's permission, give evidence through a live video or live television link in any trial, inquiry, appeal or other proceedings as specified in section 281 of the Criminal Procedure Code 2010.

(2) The Court's permission is required for evidence to be adduced via a video link. The application for permission should be made as early as practicable, and at the pre-trial case conference. If no pre-trial case conference is scheduled, the application should nevertheless be made as soon as practicable, to the Registrar of the State Courts. In addition to the need for timeliness,

(a) where the application is for the accused person to give evidence by means of a live video or live television link, the application should also state:

(i) where the accused person will be giving evidence from (whether a place within a Court, a prison, an approved centre in Singapore, or otherwise);

(ii) the administrative and technical facilities and arrangements to be made at the place from which the accused person is to make an appearance or to give evidence from; and

(iii) the reasons for making such an application, and in particular, why it would be in the interests of justice to allow the application;

(b) where the application is for a witness (not being the accused) who is not in Singapore to give evidence from a place that is not in Singapore by means of a live video or live television link, the application should also state:

(i) whether the witness is a witness specified in section 281(5B)(*c*) of the Criminal Procedure Code 2010, and if so, the capacity of the witness (*eg*, an expert witness, factual witness or otherwise);

(ii) the administrative and technical facilities and arrangements to be made at the place from which the witness is to give evidence; and

(iii) the reasons for making such an application, and in particular, why it would be in the interests of justice to allow the application.

(3) The Court may, in a proper case, permit appropriate person(s) to be present with the witness (including an accused person giving evidence as a witness, where appropriate) at the place where the witness is giving evidence from. Such person(s) may include a parent, a guardian, an officer of the Court, a counsellor, a social worker or any such other person(s) as the Court deems fit.

(4) If an accused person is not represented by counsel, the presiding Judge will explain to him the process of a witness or the accused person (as the case may be) giving evidence through a video link.

(5) Microphones have been installed for the Judge, prosecutor, counsel, witness, interpreter and the accused who are physically in Court. The oral proceedings, including the testimony of the witness, will be relayed and broadcast through the courtroom speaker system. When a video link session is in progress, prosecutors and counsel who are physically in Court are reminded to speak clearly and slowly into the microphones which are placed on the tables. In order to ensure clarity in the audio transmissions, no two persons should speak simultaneously into the microphones.

PART XVIII: ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS

116. Application

(1) The Practice Directions in this Part apply to any criminal proceeding or any criminal matter before a District Court or a Magistrate's Court which relates to any —

(a) pre-trial or plead guilty procedure;

(b) procedure in respect of bails and bonds under Division 5 of Part VI of the Criminal Procedure Code 2010;

(c) procedure under section 370 of the Criminal Procedure Code 2010;

(d) procedure for the search of premises or persons and the seizure of property (including any procedure under section 35(7) of the Criminal Procedure Code 2010 for the release of any property seized, or prohibited from being disposed of or dealt with under section 35(1) of the Criminal Procedure Code 2010);

(e) procedure for an inquiry to determine the order or orders to be made in respect of any property produced before the Court for which there are competing claims;

(f) procedure for the surrender and return of travel documents under sections 112 and 113 of the Criminal Procedure Code 2010;

(g) procedure for issuing summonses to persons to appear before the Court under section 115 of the Criminal Procedure Code 2010;

(h) procedure for appeal under Division 1 of Part XX of the Criminal Procedure Code 2010;

(i) procedure for the taking of evidence under section 21 of the Mutual Assistance in Criminal Matters Act 2000;

(j) application for the issue of a warrant under section 10(1) or 24(1) of the Extradition Act 1968; and

(k) any trial of any offence.

(2) The directions in this Part must be read in conjunction with the Criminal Procedure Code (Electronic Filing and Service for State Courts and Youth Courts) Regulations 2013).

117. Initiation of prosecution

All criminal prosecutions instituted by or on behalf of the Public Prosecutor, a police officer, an officer from a law enforcement agency, or a person acting with the authority of a public body against one or more accused persons, whether or not represented by an advocate and solicitor, must be initiated by electronic filing.

118. Charges

(1) All new and amended charges must be electronically filed prior to the scheduled Court session.

(2) The charges must be in Word Document format (.doc or .docx) or in Portable Document Format.

(3) The charge sheet for each distinct offence must be electronically filed separately, and the system will assign and stamp a unique number on each charge sheet.

(4) The investigation officer or prosecutor framing the charge is not required to sign the charge but must key in " /s/ " followed by his name above his personal information in the charge sheet.

119. Checklists

(1) For every Mention ("**FM**" / "**FFM**"); Case Conference ("**CC**"); Criminal Case Disclosure Conference ("**CCDC**") and Plead Guilty Mention ("**FM(PG)**"), there will be a corresponding Mentions Checklist, CC/CCDC Checklist and PG Checklist for the Court event in the electronic case file on the Integrated Case Management System ("**ICMS**").

(2) Except for the first appearance in Court by defence counsel, defence counsel is required to submit the Mentions or CC Checklist indicating the affirmative position of the accused person. The submission may be made at any time prior to the commencement of the scheduled Court event.

(3) Prosecutors are required to submit the Mentions or CC Checklists indicating the Prosecution's affirmative position. The submission may be made at any time prior to the commencement of the scheduled Court event.

(4) The PG Checklist need not be re-submitted if the position of the Prosecution on the charge(s) has been indicated and remains the same.

(5) For CCDCs, the CCDC Checklist is only required to be submitted before the scheduled Court event by the party applying for an adjournment.

(6) Where the case involves a charge under the Protection from Harassment Act 2014, the Prosecution must file the checklist in Form 31 of Appendix A1 to these Practice Directions on ICMS when all the charges are ready and before the

accused person is called upon to indicate his plea.

120. Applications

(1) All applications which have been specifically provided for must be electronically filed. These include applications relating to the initiation of any criminal process or criminal matter or which require a direction or Court order before the scheduled Court session.

(2) An application which is not electronically filed in accordance with the directions contained in this Part shall be rejected.

(3) The Prosecution or defence must notify the party who is unrepresented of its application.

121. Documents

(1) Except for the Statement of Facts and Schedule of Offences, all documents must be electronically filed using the Portable Document Format ("**PDF**").

(2) The Statement of Facts and the Schedule of Offences may be filed in Word Document format (.doc or .docx).

(3) The investigation officer or prosecutor putting up the Statement of Facts must key in " /s/ " followed by his name.

(4) The proper document type must be selected and a clear and appropriate document title must be entered. The document title should not be abbreviated.

(5) It is not necessary for documents to have a cover page or backing sheet.

(6) Every page of a document must be paginated consecutively so that the pagination on the actual document corresponds with the pagination of the PDF document in the electronic case file, and the page number must be inserted at the centre top of the page.

(7) The Prosecution or defence must provide hard copies of documents that are electronically filed to the unrepresented litigant.

122. Documents for use in criminal trials

(1) The party intending to tender a document as evidence to the Court during a trial must file an electronic copy of the document.

(2) The Court may, in its discretion, allow a party to tender a document as evidence during a trial, notwithstanding that the party has not complied with Practice Direction 123(1).

(3) The electronic copy must tally in all respects with the hardcopy as it will form part of the electronic case file.

(4) If another party objects to the admissibility of certain documents, those documents on which agreement cannot be reached must not be electronically filed. A hard copy of those documents must be tendered at the trial.

(5) The importance of not submitting unnecessarily large electronic files is emphasised. If there are a large number of documents to be tendered, parties should submit an electronic copy of the documents stored on a CD-ROM instead of electronically filing the documents. These documents will be uploaded into the case file by the Court officer and will form part of the electronic case file.

(6) Parties may obtain directions of the Case Conference or Criminal Case Disclosure Conference Court or trial Court if they are uncertain if the documents should be electronically filed, submitted on a CD-ROM or tendered by hard copy.

(7) The party tendering a document(s) at trial (*ie*, the prosecution or defence) must provide hard copies of documents at trial to the unrepresented litigant and to the witness.

123. Documents which cannot be converted into electronic format

(1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hard copy of the document must be tendered to the Court.

(2) A document which is not wholly converted into an electronic format without good reason may be rejected as the Court sees fit.

124. Amendment of charges and documents

(1) Where a charge or document is required to be amended, a fresh copy of the charge or document must be produced and electronically filed, regardless of the number and length of the amendments sought to be made.

Procedure where a gag order has been granted

(2) In a case where the prosecution is initiated via the Integrated Case Management System ("**ICMS**"), and the Prosecution applies for a gag order which is granted by the Court, the following procedures must be carried out by the Prosecution, after the gag order has been granted:

(a) all necessary amendments must be made to the charge that is to be tendered to the Court, so as to remove references to all information (*eg*, details of a witness) as are necessary to comply with the terms of the gag order that was granted;

(b) where an amendment is made to the original charge in line with sub-paragraph (a) above, a copy of the charge so amended (hereafter referred to as the "redacted charge") must be uploaded into the ICMS in the Redacted Document tab in accordance with the steps as set out in Illustration I in Appendix G to these Practice Directions;

(c) in addition to the redacted charge(s), the original (*ie*, non-redacted) copy of the charge(s) will continue to be used for the Court proceedings, and must be uploaded into the ICMS in the usual way.

125. Limits on size and number of documents submitted using the Integrated Case Management System

(1) The following limits shall apply to the filing of documents:

(a) the total number of pages in a single document must not exceed 999;

(b) the size of a single transmission must not exceed 50 mega-bytes.

(2) The resolution for scanning, unless otherwise directed by the Court, must be no more than 300 DPI.

(3) In the event that any party wishes to file documents which exceed the limits specified in paragraph (1), he may make

multiple submissions.

126. Bundle of authorities

(1) Case authorities are not required to be filed electronically. However, parties may choose to electronically file the judgments which are to be cited as authority in support of oral or written submissions.

(2) If a party chooses to file electronically, each judgment must be uploaded separately with the case citation as the document description.

(3) A hard copy of the case authorities must be provided to the unrepresented litigant.

PART XIX: PROCEEDINGS BEFORE THE COMMUNITY COURTS AND TRIBUNALS CLUSTER

127. Application

(1) The following apply to Tribunal / Simplified POHA Proceedings (as defined in Practice Direction 2(3)), with the necessary modifications:

(a) Parts:

(i) I (Introduction);

(ii) II (General Matters), except Practice Direction 10 (Hearing of urgent applications during weekends and public holidays);

(iii) VI (Injunctions and Certain Other Applications) (where the Rules of Court apply to Tribunal / Simplified POHA Proceedings);

(iv) VII (Remote Hearings);

(v) XIII (Enforcement Matters); and

(vi) XIX (Proceedings before the Community Courts and Tribunals Cluster); and

(b) Practice Directions:

(i) 25 (Identification numbers and name to be stated in cause papers); and

(ii) 26 (Citation of case numbers / new Court forum prefix);

(iii) 33 (Access to case file, inspection and taking copies of documents and conducting searches);

(iv) 46 (Adjournment or vacation of hearings);

(v) 50 (Filing of Distinct Applications in Separate Summonses);

(vi) 58 (Witnesses);

(vii) 59 (Giving of evidence by person outside Singapore through live video, live television or live audio link in any proceedings (other than proceedings in a criminal matter));

(viii) 66 (Request for Court interpreters); and

(ix) 71 (Application for Court records for civil matters).

128. Community Justice and Tribunals System

Establishment of Electronic Filing and Case Management System

(1) For the purposes of the following rules:

(a) Rule 8A of the Small Claims Tribunals Rules;

(b) Rule 3A of the Employment Claims Rules 2017;

(c) Rule 4A of the Community Disputes Resolution Tribunals Rules 2015; and

(d) Rule 7 of the Supreme Court of Judicature (Protection from Harassment) Rules 2021,

the electronic filing and case management system established is the Community Justice and Tribunals System ("**CJTS**") and is accessible at https://cjts.judiciary.gov.sg.

(2) In relation to paragraph (1), for the purpose of Tribunal / Simplified POHA Proceedings, the applicable electronic filing and case management system shall be CJTS.

(3) Despite paragraphs (1)–(2), for the purpose of the following:

(a) Appeals to the General Division of the High Court from:

(i) the Small Claims Tribunals, under Part VIII of the Small Claims Tribunals Rules;

(ii) the Employment Claims Tribunals, under rules 26–32 of the Employment Claims Rules 2017;

(iii) the Community Disputes Resolution Tribunals, under rule 17 of the Community Disputes Resolution Tribunals Rules 2015; and

(iv) simplified proceedings before the Protection from Harassment Court, under rules 41–47 of the Supreme Court of Judicature (Protection from Harassment) Rules 2021;

(b) Applications for a stay of execution:

(i) to the General Division of the High Court (but not the District Courts or Small Claims Tribunals), under section 42 of the Small Claims Tribunals Act 1984 and rule 28A of the Small Claims Tribunals Rules;

(ii) to the General Division of the High Court (but not the District Courts), under section 24 of the Employment Claims Act 2016 and rule 33 of the Employment Claims Rules 2017;

(iii) to the General Division of the High Court (but not the Community Disputes Resolution Tribunals), under section 27 of the Community Disputes Resolution Act 2015; and

(iv) to the General Division of the High Court (but not the Protection from Harassment Court), under rule 48 of the Supreme Court of Judicature (Protection from Harassment) Rules 2021,

the applicable form shall be filed in hard copy at the Registry of the State Courts, unless otherwise directed by the Court or Registry.

(4) Despite paragraphs (1)–(2), for the purpose of:

(a) applications to transfer proceedings under:

(i) section 10 of the Small Claims Tribunals Act 1984;

(ii) section 17 of the Employment Claims Act 2016;

(iii) section 20 of the Community Disputes Resolution Act 2015; and

(iv) rules 79(1)(*a*), (*b*), (*c*), (*e*) and (*g*) of the Supreme Court of Judicature (Protection from Harassment) Rules 2021 read with section 16J Protection from Harassment Act 2014; and

(b) standard proceedings (as defined in the Supreme Court of Judicature (Protection from Harassment) Rules 2021) before the Protection from Harassment Court;

(c) enforcing any order:

(i) in Tribunal / Simplified POHA Proceedings, for the payment of money; and

(ii) of the Small Claims Tribunals, for the delivery of vacant possession of premises; and

(d) any searches relating to the proceedings in paragraphs (4)–(5)(b),

the applicable electronic filing and case management system shall be eLitigation, in which case Part XII of these Practice Directions will apply.

Document format

(5) Each document filed on CJTS must be in a Portable Document Format (PDF) file.

Limit on document size

(6) The size of each document filed on CJTS must not exceed 5 mega-bytes. If a document exceeds 5 mega-bytes, it must be split up into the fewest possible number of files and filed accordingly.

Limit on scanning resolution

(7) Practice Direction 86(3) applies to documents filed on CJTS.

Pagination of documents

(8) Practice Direction 88 applies to documents filed on CJTS.

Applications and other correspondence

(9) Practice Direction 95(1)–(2) shall apply to this Part, save that references to the Electronic Filing Service are to be read as references to CJTS.

(10) Where no specific form is provided in these Practice Directions or on CJTS for an application, the application may be filed using the "General Application" Form on CJTS.

129. Forms for Tribunal / Simplified POHA Proceedings

Location of forms

(1) The forms set out on the Internet website of the Community Justice and Tribunals System ("**CJTS**") are:

(a) the appropriate Forms (as defined in rule 3 of the Small Claims Tribunals Rules);

(b) the relevant Forms (as defined in rule 1A of the Employment Claims Rules 2017);

(c) the relevant Forms (as defined in rule 2A of the Community Disputes Resolution Tribunals Rules 2015); and

(d) the appropriate Forms (as defined in rule 2 of the Supreme Court of Judicature (Protection from Harassment) Rules 2021),

to be used for the purposes of proceedings (or, in the case of para (d), simplified proceedings) under the respective Rules.

Filing of application or document in Tribunal / Simplified POHA Proceedings

(2) Unless a Tribunal/Court (including a Registrar, Deputy Registrar or Assistant Registrar) directs otherwise:

(a) An application or document for which an electronic form is provided must be filed using that electronic form.

(b) An application or document for which a form is provided in a Word document format on CJTS must be made by filing, respectively, a General Application or Supporting Document on CJTS, with the form duly completed and attached to the filing in Portable Document Format.

(c) An application that must be made by summons, or for which no specific form is provided, may be made by a General Application on CJTS.

(3) An application filed by a person who is not named as a claimant/plaintiff (as the case may be) or respondent in the claim on CJTS must, in addition to containing the application, its basis, and the grounds and documents in support thereof:

(a) identify the claim number; and

(b) contain, in the field meant to explain the application or grounds thereof:

(i) any application or order number in respect of which the application is made/document is filed (as the case may be);

(ii) the Court or Tribunal (*eg*, Small Claims Tribunal, Employment Claims Tribunal, Community Disputes Resolution Tribunal, Protection from Harassment Court or District Court) in which the application or

document is filed;

(iii) the capacity in which the person is filing the application or document (*eg*, respondent, relevant party or appointed psychiatrist);

(iv) if an application is being filed, the other party/parties to the application and their capacity as such; and

(v) whether the application is with or without notice.

Filing of hearing checklist

(4) Unless a Court directs otherwise, the hearing checklist, as set out on the Internet website of CJTS, must be:

(a) completed and submitted on CJTS as a Supporting Document before the second consultation/case management conference/pre-trial conference at which all parties attend; and

(b) observed for the hearing of the matter.

Filing of witness statements

(5) Unless a Court directs otherwise, the witness statement, as set out on the Internet website of CJTS, is to be used in Tribunal / Simplified POHA Proceedings.

(6) Practice Directions 60, 61 and 62 apply to Tribunal / Simplified POHA Proceedings, subject to paragraph (7), and as if:

(a) a reference to an affidavit includes a reference to a witness statement;

(b) a reference to a deponent includes a reference to the maker of the witness statement; and

(c) a reference to a plaintiff or defendant means a reference to a claimant or respondent, respectively.

(7) Unless the Court permits or directs otherwise:

(a) Each witness statement must be typed, either in the form as set out on CJTS or in a form which is identical in substance thereto.

(b) In lieu of observing Practice Direction 60(2)(b), the witness statements must:

(i) have a blank margin not less than 12.7mm and not more than 38.1mm wide on each side of the page.

(ii) have line spacing that is between single-spaced and double-spaced.

(c) Parties must observe Practice Directions 62(4)–(6) where multiple supporting documents are uploaded in a single Portable Document Format file.

130. Documents which must be filed in hard copy

Documents which cannot be converted into an electronic format

(1) Practice Direction 89 applies to this Part.

(2) Any hard copy of a document must be filed at the Registry of the State Courts at least 5 days before the deadline for its submission, unless otherwise specified.

Documents filed electronically directed to be filed in hard copy

(3) Practice Direction 93 applies to this Part.

Bundling of documents filed in hard copy

(4) Where supporting documents are filed in hard copy:

(a) they must be submitted in a single bundle.

(b) in lieu of observing Practice Direction 62(2), a table of contents must be inserted at the front, enumerating every supporting document in the manner set out below:

Reference No. on CJTS (if applicable)	**Nature of exhibit**	**Page No.**
C01	Hard copy of [Certificate]	1
–	Declaration of Service	5

Audio or video recordings

(5) Where the evidence is in the form of audio or video recordings (such as recordings of phone conversations or CCTV recordings), the recordings may not be filed electronically but should instead be tendered to the Court by way of a CD-R or DVD-R. When preparing recordings:

(a) The following must either be written in permanent ink on the CD-R/DVD-R or be written on a hard-copy label affixed to the CD-R/DVD-R:

[Party's name]-[CD-R or DVD-R number]

Eg: [John Doe]-[CD1]

(b) The recordings must be in a file format supported by Microsoft Windows 10 and, in the case of video recordings, must use a codec supported by Microsoft Windows 10. For the purpose of proceedings, the following file types are permitted:

Audio recordings	.mp3, .wma, .wav
Video recordings	.flv, .mp4, .mpg, .wmv

(c) Each recording must be saved under a file name in the following format:

[Date of recording in YYYY-MM-DD format]-[Actual time that recording started in HH-MM-SS (24h) format]-[Short description of what the recording is meant to show]

Eg: [2020-05-18]-[23-11-00]-[Scolding vulgarities]

(d) A transcript of the important part(s) of the audio or video recording must be prepared to state the relevant fact (*ie*, the action that is seen, the exact words that are used, the type(s) of sound(s) that are heard). Where the words that are used in the audio or video recording are not in English, a certified translation of the words into English must be provided.

(e) Screenshots of the important frame(s) in the video recording to support what is stated in the transcript must be provided.

(f) The above information is to be provided in the following format and filed as a supporting document in Portable Document Format on the Community Justice and Tribunals System:

DVD-R Label	File name of recording	Time within recording	Actual Time	Transcript
		[HH:MM:SS] to [HH:MM:SS]		
[Tan Ah Teck Joseph]-[DVD1]	[05 June 2016]-[23-11-00]-[Spitting].mp4	[01:05:22] to [01:05:25]	[23:11:23] to [23:11:30]	Respondent spits along the common corridor
[Tan Ah Teck Joseph]-[DVD2]	[10 June 2016]-[09-07-00]-[Scolding vulgarities].mp4	[00:35:21] to [00:40:23]	[09:10:22] to [09:12:50]	Respondent stands outside Plaintiff's flat and scolds Claimant/Plaintiff vulgarities ("[insert exact words]")

(6) If the CD-R or DVD-R does not comply with the above directions, it may be rejected by the Tribunal (or Court).

(7) Unless the Court otherwise directs, a party who files a hard copy document or a CD-R/DVD-R in Court must serve, on every other party to the proceedings, a copy of the document or an identical copy of the CD-R/DVD-R (as the case may be).

131. Attendance at Tribunal / Simplified POHA Proceedings

To facilitate any attempts at mediation, a party who is represented by a solicitor in Tribunal / Simplified POHA Proceedings must, for the duration of any case management conference or pre-trial conference:

(a) be physically present at the State Courts with his solicitor, if the hearing is taking place in the State Courts building; or

(b) be available to join the case management conference or pre-trial conference, if the hearing is taking place by video-conference.

132. The Community Courts and Tribunals Friend Scheme

(1) In Tribunal / Simplified POHA Proceedings, the Court may, on the request of a litigant-in-person ("**LIP**") who is not engaged in any business undertaking involved in the dispute before the Court, allow the LIP to be assisted in any proceedings before the Court by an individual, called a "CCT Friend".

Eligibility

(2) A CCT Friend may be:

(a) a family member;

(b) a friend; or

(c) any other volunteer from:

(i) the Community Justice Centre; or

(ii) any other pro bono agency or entity as recognised by the Court.

(3) Despite paragraph (2), an individual may not be a CCT Friend if he —

(a) is or may be named as a witness in the proceedings by a party to a dispute;

(b) has a direct or indirect interest in the outcome of a claim in the dispute;

(c) is an advocate or solicitor or a legally qualified person from any jurisdiction; or

(d) is a housing agent of the LIP and the dispute involves a tenancy or any other housing matter in which the housing agent is acting for the LIP.

Scope of assistance by CCT Friend

(4) Subject to paragraph (5), a CCT Friend may provide administrative and emotional support to the LIP in the conduct of his case in proceedings before the Court or Registrar, such as —

(a) assisting the LIP to prepare and file documents relevant to the proceedings;

(b) providing emotional and moral support;

(c) offering practical guidance to the LIP on non-legal issues in the course of the proceedings;

(d) assisting the LIP in the proceedings, such as:

(i) taking relevant notes of the proceedings and directions given by the Court;

(ii) organising documents; and

(iii) locating the correct document for use in the proceedings;

(e) reviewing the notes taken with the LIP after the hearing;

(f) explaining (but not providing legal advice in respect of) the directions and orders made by the Court; and

(g) interpreting spoken communications in the proceedings before a Court or any document (or part thereof) filed for use and referred to in the aforesaid proceedings.

(5) A CCT Friend shall not —

(a) provide legal advice on the merits of the case and/or legal representation to the LIP;

(b) advise the LIP on how to present his case or how to respond to his opponent's case;

(c) manage the LIP's case outside the proceedings;

(d) act as the LIP's agent when dealing with other parties;

(e) exercise any of the privileges extended to advocates and solicitors under the Legal Profession Act 1966, such as to address the Court, make oral submissions, conduct litigation, examine witnesses, or sign documents on the LIP's behalf;

(f) communicate with the LIP during the proceedings in a manner that would disrupt the proceedings;

(g) divulge any information (communicated to him by the LIP for the purpose of obtaining assistance from him or acquired by him in the course of the proceedings) to any third party in relation to the proceedings in breach of his duty of confidentiality; and/or

(h) receive any remuneration or reward for his services.

Procedure

(6) An LIP may submit a request for the appointment of a CCT Friend using the relevant Form in the Community Justice and Tribunals System, with the accompanying undertaking and declaration duly signed.

(7) Any request submitted under paragraph (6) shall be considered and decided upon by the Court at the pre-trial conference or case management conference fixed after the request is submitted, or on the hearing day scheduled for the LIP's matter.

(8) If another party objects to the presence of or assistance to be given by a CCT Friend to the LIP, he must provide reasons at the start of the pre-trial conference, case management conference or hearing (as the case may be) for the Court to consider.

(9) A Court may reject any request for the appointment of a CCT Friend if it is satisfied that it is not in the interests of justice and fairness for the LIP to receive assistance from a CCT Friend.

(10) If the request is rejected by a registrar, the LIP must carry on his own case without the assistance of a CCT Friend at the hearing before the registrar. However, he may make a fresh request before the Court on the first day of hearing of his matter.

(11) If the request is rejected by the Court (other than a Registrar), the LIP must carry on his own case without the assistance of a CCT Friend at the hearing before the Court. A decision by a Court to approve or reject the request shall be final.

(12) An LIP may have only one CCT Friend providing assistance and support at any one time during the proceedings. An LIP who wishes to change his CCT friend at any stage of the proceedings must file a fresh request to the Court, as the case may be.

(13) At any time during the proceedings, a Court may regulate the manner in which assistance is provided to the LIP, by:

(a) cautioning the CCT Friend to cease any offending behaviour;

(b) restricting or stopping the CCT Friend from assisting the LIP;

(c) directing the CCT Friend to leave the hearing room or chamber; or

(d) revoking any permission given to the party for the CCT Friend to assist him,

if it is of the opinion that the administration of justice is being impeded by the CCT Friend such as (but not limited to) where —

(i) the assistance provided by the CCT Friend is improper;

(ii) the assistance provided by the CCT Friend is unreasonable in nature or degree;

(iii) it is apparent to the Court or the opposing party that the CCT friend is not competent enough to interpret spoken communications or the relevant part(s) of the document(s) referred to in the proceedings;

(iv) the CCT Friend becomes disruptive through his words or behaviour;

(v) the CCT Friend distracts the LIP or takes over the proceedings on behalf of the LIP, or seeks or attempts to act as a lawyer for the LIP such as by speaking directly to the opposing party;

(vi) allowing the CCT Friend to remain would not be in the interests of justice and fairness or where it would obstruct the efficient administration of justice;

(vii) the CCT Friend is disqualified from being as such under paragraph (3); or

(viii) the CCT Friend breaches any prohibition in paragraph (5).

Appendices

Appendix A1

Form 1 : List of Documents

Form 2 : Request for CDR Case Conference/Court ADR

Form 3 : Consent for the Application of Order 65 (Simplified Process) to Proceedings in the District Court

Form 4 : Sample Letter of Offer

Form 5 : Claimant's/ Defendant's List of Issues in Dispute and List Of Witnesses

Form 6 : Court Alternative Dispute Resolution (Court ADR) Form

Form 7 : Recording Settlement / Entering Judgment by Consent (NIMA/PI/PIMA)

Form 8 : Opening Statement for Claimant/Defendant (Mediation/Conciliation)

Form 9 : Opening Statement for Claimant/Defendant (Neutral Evaluation)

Form 10 : Checklist for Assessment of Damages Court Dispute Resolution Case Conferences ("ADCDRCC")

Form 11 : Quantum Neutral Evaluation Form

Form 12 : Joint Opening Statement (For Personal Injury Claims)

Form 13 : Joint Opening Statement (For Non-Injury Motor Accident Claims)

Form 14 : Joint Opening Statement (For General Claims excluding Personal Injury and Non-Injury Motor Accident claims)

Form 14A : Request for Permission to File Application

Form 15 : Receiver's Security by Undertaking

Form 16 : Request Form for Civil Trial or Assessment of Damages to be Conducted on a Documents-Only Basis

Form 17 : Request for Production of Document Filed in Court or Court's Records

Form 18 : Notice of Objections to Contents of Affidavits of Evidence-In-Chief

Form 18A : Notice to Admit Documentary Hearsay Evidence

Form 18B : Notice to Admit Non-Documentary Hearsay Evidence

Form 19 : Note to Expert Witness

Form 20 : Form of Table for the Last Pleading Under Order 9, Rule 25(10)(a) of the Rules of Court 2021

Form 21 : Volume II – Index to Agreed Bundle of Documents

Form 22 : Volume III – Index to Disputed Bundle of Documents

Form 22A : Notice of Objection

Form 22B : Notice of Dispute to Objection

Form 22C : Consent to Release

Form 22D : Summons for Order to Release Property / Debt

Form 23 : Questionnaire for the Examination of Individual Enforcement Respondent

Form 24 : Questionnaire for the Examination of Officer of Enforcement Respondent

Form 25 : Bill of Costs for Contentious Business - Trials

Form 26 : Bill of Costs for Contentious Business Other Than Trials

Form 27 : Bill of Costs for Non-Contentious Business

Form 28 : Notice Of Dispute

Form 29 : Noting Of Appearance Of Advocates/Prosecutors / Mention Slip

Form 29A : Judge Case Conference Checklist

Form 30 : Application for Records of Criminal Proceedings

Form 31 : Checklist For Referral Of Cases To Protection From Harassment Court

Form 32 : Sample Letter Of Request For Medical Report And Medical Records

Form 33 : Sample Consent Form Authorising Release Of Medical Report And Other Related Medical Records To Solicitors

Form 34 : Pre-Action Letter Of Claim For Defamation Actions

Form 35 : Sample Apology And Undertaking For Defamation Actions

Form 36 : Response To Letter Of Claim For Defamation Actions

Form 37 : Sample Acknowledgement Of Receipt For Defamation Actions

Form 38 : Pre-Action Protocol Checklist To Be Filed With Statement Of Claim For Defamation Actions

Appendix A2

Form 1 : Summons

Form 2 : Summons Without Notice

Form 3 : Notice of Appointment / Change of Solicitor

Form 4 : Notice of Intention of Party to Act in Person, in Place of Solicitor

Form 5 : Notice of Ceasing to Act as Solicitor

Form 6 : Summons for Withdrawal of Solicitor

Form 7 : Order for Withdrawal of Solicitor

Form 8 : Originating Claim

Form 9 : Statement of Claim

Form 10 : Notice of Intention to Contest or Not Contest

Form 11 : Application for Judgment for Failing to File Notice of Intention to Contest or Not Contest / When Notice of Intention Not to Contest All or Some Claims is Filed

Form 12 : Memorandum of Service

Form 13 : Defence / Defence and Counterclaim / Defence to Counterclaim

Form 14 : Application for Judgment in Default of Defence / Defence to Counterclaim

Form 15 : Originating Application

Form 16 : Originating Application (Without Notice)

Form 17 : Letter of Request for Examination of Witness Out Of Jurisdiction / Permission for Evidence to be Given By Live Video Or Live Television Link By Witness Out Of Jurisdiction

Form 18 : Undertaking as to Expenses

Form 19 : Notice for Setting Down an Action for Trial

Form 20 : Third Party Notice Claiming Contribution or Indemnity or Other Relief or Remedy

Form 21 : Third Party Notice Where Question or Issue to be Determined

Form 22 : Summons for Permission to Issue a Third Party Notice

Form 23 : Summons for Third Party Directions

Form 24 : Injunction Prohibiting Disposal of Assets in Singapore

Form 25 : Injunction Prohibiting Disposal of Assets Worldwide

Form 26 : Order to Allow Entry and Search of Premises

Form 27 : Notice of Payment into Court

Form 28 : Notice of Acceptance of Money Paid Into Court

Form 29 : Order to Attend Court And / Or Produce Documents

Form 30 : Order for Issue of Letter of Request to Relevant Authority Out of Jurisdiction

Form 31 : Affidavit

Form 32 : Notice of Discontinuance / Withdrawal

Form 33 : Judgment / Order of Court

Form 34 : Withdrawal of Appeal or Application

Form 35 : Notice of Appeal under Order 18 / 19

Form 36 : Certificate for Security for Costs

Form 37 : Undertaking for Security for Costs

Form 38 : Enforcement Order

Form 39 : Consent to Entry of Satisfaction

Form 40 : Notice of Seizure or Attachment

Form 41 : Order for Examination of Enforcement Respondent

Form 42 : Committal Order

Form 43 : Order for Review of Detention

Form 44 : Directions to Accountant-General

Form 45 : Authority to Company to Register Transfer

Form 46 : Statutory Declaration

Form 47 : Reference Under Article 100 of the Constitution for Opinion on Constitutional Question

Form 48 : Originating Claim in Action *In Rem*

Form 49 : Notice of Intention to Contest or Not Contest an Originating Claim in Action *In Rem*

Form 50 : Application for Judgment for Failing to File Notice of Intention to Contest or Not Contest / When Notice of Intention Not to Contest All or Some Claims is Filed

Form 51 : Warrant of Arrest

Form 52 : Caveat against Arrest

Form 53 : Request for Service of Originating Claim *In Rem* by Sheriff

Form 54 : Release

Form 55 : Caveat against Release and Payment

Form 56 : Withdrawal of Caveat

Form 57 : Bail Bond

Form 58 : Commission for Appraisement and Sale

Form 59 : Order for Recognition of a Foreign Judgment / Recognition and Enforcement of a Foreign Judgment / Enforcement of a Judicial Settlement under the Choice of Court Agreements Act

Form 60 : Order for Registration of Commitment / Competition Commission Direction / Competition Appeal Board Decision

Form 61 : Search Warrant under Section 34 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act

Form 62 : Order to Arrest Judgment Debtor Likely to Leave Singapore

Form 63 : Order to Arrest Non-Appearing Judgment Debtor

Form 64 : Order of Arrest / Attachment of Property before Judgment

Form 65 : Judgment Debtor Summons

Form 66 : Notice of Application for Permission to Issue Judgment Debtor Summons

Form 67 : Affidavit for Permission to Issue a Judgment Debtor Summons

Form 68 : Judgment Notice

Form 69 : Order of Commitment

Form 70 : Certificate of Satisfaction

Form 71 : Order of Discharge

Form 72 : Order Suspending an Order of Commitment or for Discharge of Debtor

Form 73 : Consent of Litigation Representative of Person Under Disability

Form 74 : Certificate by Solicitor for Person Under Disability

Form 75 : Affidavit in Support of Application for Distress

Form 76 : Authority to Distrain

Form 77 : Writ of Distress

Form 78 : Authority to Follow Goods

Form 79 : Search Warrant under Section 34 of the Mutual Assistance in Criminal Matters Act

Form 80 : Certificate of Service of Foreign Process Under Section 38(3)(*b*)(i) of the Mutual Assistance in Criminal Matters Act

Form 81 : Statement of Reason Preventing Service of Foreign Process Under Section 38(3)(*b*)(ii) of the Mutual Assistance in Criminal Matters Act

Form 82 : Form of Oath

Form 83 : Form of Affirmation

Form 84 : Order for Particulars (Partnership)

Form 85 : Notice of Service on Partner or Partner and Manager of Partnership

Form 86 : Order for Registration of Personal Data Protection Commission Direction / Personal Data Protection Commission Notice / Data Protection Appeal Committee Decision

Form 87 : Certificate of Order for Costs Against the Government

Form 88 : Order for Registration of Foreign Judgment

Form 89 : [Deleted]

Form 90 : Certificate under the Reciprocal Enforcement of Foreign Judgments Act

Form 91 : Advertisement of Application

Form 92 : Show Cause Notice for Order for Disgorgement Against Third Party

Form 93 : Advertisement of Application for Directions on Claims for Compensation under Order for Disgorgement

Form 94 : Certificate of Service of Foreign Process

Form 95 : Order for Possession under Order 66

Form 96 : Enforcement Order for Possession under Order 66

Form 97 : Warrant for Search and Seizure under Section 11(1)(*a*) of the Terrorism (Suppression of Financing) Act

Form 98 : Request for Hearing Dates / Further Hearing Dates

Form 99 : Limited Civil Restraint Order

Form 100 : Extended Civil Restraint Order

Form 101 : General Civil Restraint Order

Form 102 : Order under Section 74(1) of Supreme Court of Judicature Act

APPENDIX B: Pre-Action Protocol for Personal Injury Claims and Non-Injury Motor Accident Claims

1. Application

1.1 The object of this protocol is to streamline the management of personal injury claims and non-injury motor accident claims ("**PI/NIMA claims**") and promote early settlement of such claims. It prescribes a framework for negotiation and exchange of information before commencing proceedings.

1.2 This protocol applies to actions arising out of:

(a) all personal injury claims including —

(i) claims arising out of motor accidents and industrial accidents;

(ii) personal injury claims (arising out of claims in negligence); and

(iii) claims arising from fatal accidents,

where it is contemplated that action will be commenced on or after 1 April 2022 in the Magistrates' Courts or the District Courts, as the case may be, but does not apply to medical negligence claims; and

(b) all personal injury claims arising out of motor accidents (whether or not involving any claim for property damage arising out of the same accident) and industrial accidents where it is contemplated that action will be commenced on or after 1 April 2022 in the General Division of the High Court (and subsequently transferred to the District Courts).

(c) non-injury motor accidents where it is contemplated that action will be commenced on or after:

(i) 1 April 2022 with the Financial Industry Disputes Resolution Centre Ltd ("**FIDReC**") or in the Magistrates' Courts or the District Courts, as the case may be; and

(ii) 1 April 2022 in the General Division of the High Court (and subsequently transferred to the District Courts).

1.3 Any reference to "the potential defendant" in this protocol refers to the potential defendant if he is not claiming under his insurance policy, or to his insurer if he is claiming under his policy.

1.4 Any reference to an "insurer" in this protocol refers to an insurer that is known or could be reasonably known to the claimant or his solicitors.

1.5 This protocol does not affect any privilege that may apply to any communication between the parties that is undertaken in compliance with it.

1.6 This protocol encourages the parties to jointly select medical experts before commencing proceedings.

2. Notice of Accident and Pre-Repair Survey (applicable only to NIMA claims)

2.1 Time is of the essence in the joint selection of a motor surveyor and the conduct of a pre-repair survey of the claimant's vehicle.

2.2 Within **3 working days** of the date of the accident, the claimant must send a notice of accident to the potential defendant and his insurer (or where there is a multi-party collision, to each of the potential defendants and his insurer). This is to facilitate a joint survey of the damage to the claimant's vehicle prior to the commencement of repairs ("**pre-repair survey**"). The pre-repair survey will include a survey of the vehicle when its damaged parts are being dismantled prior to the commencement of repairs.

2.3 Within **2 working days** of receipt of the notice of accident, the insurer must reply to the claimant and if he intends to conduct a pre-repair survey of the claimant's damaged vehicle, he must include in his reply a list of at least three motor surveyors.

2.4 Within **2 working days** of receipt of the insurer's reply, the claimant must reply to the insurer stating whether he agrees or has any objections to the appointment of any of the motor surveyors proposed by the insurer. The claimant may specifically select one or more of the proposed motor surveyors. If the claimant fails to reply or fails in his reply to object to any of the motor surveyors listed by the insurer within the time stipulated by this paragraph, the claimant is deemed to have agreed to the appointment of any of the motor surveyors listed by the insurer.

2.5 If the claimant objects to all the motor surveyors proposed by the insurer, he must include in his reply a list of at least three motor surveyors whom he considers as suitable to appoint.

2.6 Within **2 working days** of receipt of the claimant's list of proposed motor surveyors, the insurer must state whether he agrees or has any objections to any of the motor surveyors proposed by the claimant. The insurer may specifically select one or more of the proposed motor surveyors. If the insurer fails to reply or fails in his reply to object to any of the motor surveyors listed by the claimant within the time stipulated by this paragraph, the insurer is deemed to have agreed to the appointment of any of the motor surveyors listed by the claimant.

2.7 The motor surveyor mutually agreed upon by both parties or presumed to be agreed by the claimant or the insurer (as the case may be) shall be referred to as the " **single joint expert**". Upon reaching such agreement, the insurer must **immediately** instruct the single joint expert to conduct the pre-repair survey. Alternatively, upon the expiry of the time stipulated for the claimant/insurer to object to the motor surveyors proposed by the other party and he fails to do so, the insurer/claimant must **immediately** instruct the single joint expert to conduct the pre-repair survey. The single joint expert

instructed by the insurer or the claimant (as the case may be) must complete the pre-repair survey within **2 working days** of his appointment.

2.8 If the insurer objects to all the motor surveyors proposed by the claimant, both parties are not precluded from instructing a motor surveyor of their own choice to conduct the pre-repair survey. In such event, the motor surveyor appointed by the insurer must complete the pre-repair survey for the insurer within **2 working days** from the date of the insurer's reply objecting to all the motor surveyors proposed by the claimant. If the quantum of the potential claim is likely to be within the Magistrate's Court limit, parties are to be aware of Order 12, Rule 3(5) of the Rules of Court 2021 on the appointment of a single joint expert should the matter be unresolved subsequently and proceed for a simplified trial. Both parties shall in any event not unreasonably withhold consent to the appointment of a single joint expert as far as possible.

2.9 Once the pre-repair survey has been conducted, the claimant and the insurer shall negotiate and, as far as possible, come to an agreement on the cost of repairing the claimant's vehicle.

2.10 If parties are unable to come to an agreement on the cost of repairing the vehicle after negotiations, the claimant may proceed to repair his vehicle. The insurer may wish to request for an opportunity to conduct a post repair inspection once the vehicle has been repaired. The request should be made as soon as possible and before the repaired vehicle is returned to the claimant.

3. Letter of Claim

3.1 The claimant must send a letter of claim to every potential defendant and his insurer.

3.2 The letter of claim must set out the full particulars of his claim, including the following information:

(a) a brief statement of all the relevant and available facts on which the claim is based;

(b) a brief description of the nature of the property damage and/or injuries suffered;

(c) an estimate of general and special damages with a breakdown of the heads of claim;

(d) the names of all witnesses (where possible to disclose);

(e) the case reference numbers, identity and contact particulars of the officer having charge of any investigations (*e.g.*, the police officer or the relevant officer from the Ministry of Manpower); and

(f) the results of any prosecution or Court proceedings arising from the accident and where the claimant has passed away, the State Coroner's verdict, where available.

3.3 In respect of claims where —

(a)the estimated quantum falls within the jurisdiction of a Magistrate's Court before any apportionment of liability (but excluding interest); and

(b) the claimant intends to appoint one or more experts for the purpose of the proceedings,

the claimant shall include his proposed list of expert(s) in each relevant specialty in his letter of claim. Where medical experts are involved, the claimant should preferably include the doctors who provided him treatment and/or review of his medical condition in his proposed list.

3.4 In respect of claims where the estimated quantum exceeds the jurisdiction of a Magistrate's Court, the claimant and the potential defendant and/or their respective insurers are encouraged, to follow the procedure set out in paragraph 4.5 of

this protocol for the appointment of a mutually agreed expert.

3.5 If the claimant in a personal injury claim is non-resident in Singapore, the letter of claim must further state the date the claimant is required to depart from Singapore once the relevant permits expire or are cancelled and, where available, the date of his intended departure from Singapore. This is to afford the potential defendant or his insurer an opportunity to arrange for a medical examination of the claimant by a medical expert mutually agreed by both parties in each relevant specialty, or where there is no agreement, a medical re-examination of the claimant by a medical expert appointed by the potential defendant or his insurer prior to the claimant's departure from Singapore.

3.6 The claimant must enclose with his letter of claim a list of all the documents he intends to rely upon or which are known to be adverse relating to both liability and quantum.

3.7 The claimant must enclose with his letter of claim a copy each of all supporting documents he intends to rely upon or which are known to be adverse, where available, such as the following:

For all PI claims:

(a) full and complete Singapore Accident Statements and police reports together with type-written transcripts of all persons involved in the accident;

(b) police sketch plan or, if that is unavailable, the claimant's sketch of the accident;

(c) results of police investigations or outcome of prosecution for any traffic offence(s) arising from the accident;

(d) police vehicle damage reports;

(e) original, coloured copies or scanned photographs of damage to all vehicles;

(f) original, coloured copies or scanned photographs of the accident scene;

(g) video recording of the accident (if any);

(h) accident reconstruction report (if any);

(i) Ministry of Manpower's investigation reports (if any);

(j) Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any);

(k) medical reports from the treating doctor, reviewing doctor and medical specialist;

(l) certificates for hospitalisation and medical leave;

(m) bills for medical treatment and evidence of payment;

(n) income tax notices of assessment and/or other evidence of income and loss thereof;

(o) supporting documents for all other expenses claimed (if any); and

(p) any other supporting documents.

For NIMA claims:

The claimant must enclose with his letter of claim a copy each of the documents he intends to rely upon supporting the claim for property damage, such as the following:

(a) repairer's bill and evidence of payment;

(b) motor surveyor's report;

(c) excess bill or receipt;

(d) vehicle registration card;

(e) COE/PARF certificates;

(f) rental agreement, invoice and receipt for rental of replacement vehicle (if any);

(g) correspondences with the insurer relating to pre-repair survey and/or post repair inspection of the claimant's vehicle;

(h) supporting documents for all other expenses claimed (if any);

(i) the claimant must also state in his letter of claim whether he had notified the insurer of the accident by sending the notice of accident. If a pre-repair survey was conducted and the claim for cost of repairs is made pursuant to the amount negotiated and agreed upon by the parties, this should be stated in the letter of claim; and

(j) if, to the claimant's knowledge, the insurer had waived the requirement for pre-repair survey and/or post-repair inspection of the vehicle, he should state so accordingly in the letter of claim.

3.8 Where the claim is for both personal injury and property damage arising out of a motor accident (a " **mixed claim**"), the claimant is to enclose all the documents set out in paragraph 3.7.

3.9 The letter of claim must also instruct the potential defendant to immediately pass the letter and the documents to his insurer if he wishes to claim under his insurance policy. If the potential defendant's insurer is known to the claimant, a copy of the letter of claim must be sent directly to the insurer. The letters to any other potential defendants must be copied to the rest of the parties. The letter(s) to the potential defendant(s) must be sent by way of e-mail, fax or certificate of posting. The letters to insurers must be sent by way of e-mail, fax, AR Registered mail or by hand (in which case an acknowledgement of receipt should be obtained).

3.10 Where it is not possible to comply with any of the above requirements in notifying the relevant persons or providing documents, the claimant must provide his explanation in the letter of claim.

4. Potential Defendant's response

Post-repair inspection of vehicle (applicable only to NIMA and mixed claims)

4.1 If the insurer wishes to conduct a post-repair inspection of the claimant's vehicle not conducted previously, he must make the request to the claimant within **7 days** of receipt of the letter of claim. The insurer must state in the letter of request why a post-repair inspection is now sought, especially if the opportunity for pre-repair survey and/or post-repair inspection had earlier been waived.

4.2 The claimant must reply within **7 days** of receipt of the letter of request. Where valid reasons are given by the insurer, the parties shall as far as possible, agree on the arrangements for the post-repair inspection so as to facilitate an amicable resolution of the claim as soon as possible.

Acknowledgment letter

4.3 The potential defendant must send an acknowledgement letter to the claimant within **14 days** from the date of receipt

of the letter of claim. If he is ready to take a position on the claim, he must state his position. If not, he must first send an acknowledgement.

4.4 If the claimant does not receive an acknowledgement letter from the potential defendant within the requisite **14 days** , he may commence proceedings without any sanction by the Court.

Joint selection of medical experts (applicable only to PI claims)

4.5 In respect of claims where the estimated quantum falls within the jurisdiction of a Magistrate's Court, within **14 days** of sending the acknowledgment letter to the claimant, the potential defendant shall send a letter to the claimant stating whether he agrees or has any objections to the appointment of any of the medical experts proposed by the claimant for the relevant specialty.

(a) If the potential defendant agrees to any of the proposed medical experts, the claimant shall send the medical expert in each of the relevant specialty a letter of appointment within **14 days**. The medical expert mutually agreed upon by both parties shall be referred to as the "single joint expert".

(b) The letter of appointment must be copied to the potential defendant.

(c) If the potential defendant objects to all the proposed medical experts for any relevant specialty, the potential defendant must state the reasons for his objections and provide the name(s) of one or more medical experts in each relevant specialty whom he considers as suitable to appoint. The claimant shall within **14 days** from the date of receipt of the letter from the potential defendant state if he has any objections to the appointment of any of the medical experts proposed by the potential defendant for the relevant specialty.

(d) If the claimant agrees to any of the proposed medical experts, the claimant shall send the medical expert in each of the relevant specialty a letter of appointment within **14 days.** The medical expert mutually agreed upon by both parties shall be referred to as the "single joint expert".

(e) The letter of appointment must be copied to the potential defendant.

(f) If the potential defendant or claimant fails to reply or fails in his reply to object to any of the medical experts listed in the other party's letter within the timeline stipulated by this protocol, the party who fails to reply or to object is deemed to have agreed to the appointment of any of the medical experts proposed by the other party as a single joint expert.

(g) The costs of the medical examination of the claimant and medical report to be provided by the single joint expert shall be paid first by the claimant who may seek to recover the cost as part of his claim for reasonable disbursements.

(h) Either party may send the single joint expert written questions relevant to the issues or matters on which the medical report is sought. The questions must be copied to the other party.

(i) If the claimant objects to the medical experts proposed by the potential defendant for any relevant specialty, both parties are not precluded from instructing medical experts of their own choice for each relevant specialty that the parties are unable to agree upon. Should the potential defendant wish to arrange for the claimant to undergo a medical examination by his own medical expert, the potential defendant shall within **14 days** from the date of receipt of the claimant's letter of reply, propose a date and time on which the claimant is to undergo the medical examination. The address at which the claimant must present himself for the medical examination must also be provided. However, if the estimated quantum falls within the jurisdiction of a Magistrate's Court, parties are to be aware of Order 12, Rule 3(5) of the Rules of Court 2021 on the appointment of a single joint expert should the matter be unresolved subsequently and proceed for a simplified trial. Both parties shall in any event not unreasonably withhold consent to the appointment of a single joint expert as far as possible.

Substantive reply to claimant

4.6 If the potential defendant replies to the claimant with only an acknowledgement of receipt, within **8 weeks** from the date of receipt of the letter of claim or within **14 days** after inspecting the vehicle, whichever is later, the potential defendant must reply to the claimant substantively. For this purpose, the following provisions will apply:

(a) The reply shall indicate whether the insurer is defending the claim or whether the defendant is defending the claim personally. Reasons for the insurer's decision not to act must be provided.

(b)Subject to sub-paragraph (d) below, the reply must state the potential defendant's position on the claim on both liability and quantum (*eg*, whether the claim is admitted or denied) or make an offer of settlement. If the claim is not admitted in full, the potential defendant must give reasons and provide a list of documents together with copies of all relevant supporting documents. The potential defendant is to confirm/state the identity of the person driving his vehicle at the time of the accident and provide the driver's identification number and address if this is not already stated in the Singapore Accident Statement.

(c) Copies of the Singapore Accident Statements and police reports must be provided by the potential defendant and they must be full and complete and must reflect the names, identification numbers and addresses of all persons involved in the accident together with type-written transcripts of their factual accounts of the accident.

(d) The potential defendant is to enclose any pre-repair and/or post-repair survey/inspection report(s).

(e) The potential defendant is to specify the particular scenario in the *Motor Accident Claims Online*, *Motor Accident Guide* and/or other similar guide that is applicable to his account of the accident, enclose with his reply a copy of the relevant page of the scenario and, except where the claim is denied, make an offer on liability.

(f) If the insurer is the party replying to the claimant, the reply must also state the name(s), telephone number(s) and fax number(s) of the insurance officer(s) handling the matter and the insurer's file reference number(s), to facilitate correspondence.

(g) Pending the receipt of the medical report or other medical expert appointed under paragraph 4.5 (as the case may be), the reply must state the potential defendant's position on liability and his preliminary position on quantum or, if he is unable to do so, reserve his position on quantum. Within **14 days** of receipt of the medical report from the medical expert and/or the vehicle inspection report, the potential defendant must state his position on quantum (*eg*, whether the quantum claimed is admitted or denied) or make an offer of settlement.

4.7 If the claimant does not receive the potential defendant's substantive reply to his letter of claim within the requisite timeframe stipulated in paragraph 4.6, he may commence proceedings without any sanction by the Court.

4.8 The letter of claim and the responses are not intended to have the effect of pleadings in an action.

5. Counterclaim

5.1 If the potential defendant has a counterclaim, he must include it in his reply, giving full particulars of the counterclaim together with all relevant supporting documents. If the potential defendant is pursuing his counterclaim separately, *ie*, his insurer is only handling his defence but not his counterclaim, the potential defendant must send a letter to the claimant giving full particulars of the counterclaim together with all relevant supporting documents within **8 weeks** from receipt of the letter of claim. If the potential defendant has already furnished particulars in a separate letter of claim, he need only refer to that letter of claim in his reply.

5.2 Where the counterclaim includes a personal injury, paragraphs 3 and 4 above shall apply with the necessary modifications.

5.3 The letter of claim and the responses are not intended to have the effect of pleadings in the action.

6. Third parties

6.1 Where a potential defendant wishes to bring in a third party, he must inform the claimant and the other potential defendants by letter within **14 days** of receipt of the claimant's letter of claim. The potential defendant shall send to the third party and his insurer a letter each setting out full particulars of his claim against the third party together with a copy each of the claimant's letter of claim and all relevant supporting documents within the same period. The potential defendant's letter to the third party must also expressly instruct the third party to immediately pass the letter and the documents to his insurer if he wishes to claim under his insurance policy. This letter must be copied to the claimant.

6.2 The protocol set out in paragraphs 2, 3, 4 and 5 is applicable to the third party or, if he is claiming under his insurance policy, his insurer, as though the potential defendant were the claimant and the third party, or his insurer as the case may be, were the potential defendant.

7. Fourth parties

7.1 Paragraph 6 shall apply with the necessary modifications to fourth party proceedings and so on. All correspondences between the parties must be copied to all the other parties involved in the accident.

8. Potential defendant to bear claimant's loss of use arising from pre-repair survey and/or post-repair inspection

8.1 Where the potential defendant has asked for a pre-repair survey to be conducted, the potential defendant must compensate the claimant for the loss of use of his vehicle computed from the date of receipt of the claimant's notice of accident until the date the claimant is notified in writing that —

(a) the pre-repair survey is completed and he may proceed to repair his vehicle; or

(b) the insurer is waiving the requirement for pre-repair survey and he may proceed to repair his vehicle,

as the case may be, inclusive of any intervening Saturday, Sunday or public holiday.

8.2 Where the insurer fails to respond to the claimant within **2 working days** of receipt of the notice of accident as to whether he wishes to carry out or waive a pre-repair survey, the claimant may proceed to repair the vehicle and the potential defendant must compensate the claimant for the loss of use of his vehicle computed over **2 working days**, inclusive of any intervening Saturday, Sunday or public holiday.

8.3 For avoidance of doubt, the compensation payable to the claimant for loss of use in the instances set out in paragraphs 8.1 and 8.2 is additional to any other claim for loss of use which the claimant may bring against the potential defendant.

8.4 Where an insurer requests for post-repair inspection pursuant to paragraph 4.1, the potential defendant must compensate the claimant for the loss of use of his vehicle for the day that the inspection is conducted.

9. Medical reports

9.1 Subject to any litigation privilege, any party who receives a medical report from his medical expert or the single joint expert must within **7 days** of its receipt send a copy of the report to every other party. For the avoidance of doubt, these

are medical reports which the parties intend to rely on for the purpose of litigation and neither party need disclose to the other medical reports (if any) that he is not relying on.

10. Other information and documents

10.1 Any party who subsequently receives any information or document they intend to rely upon or which are known to be adverse that was previously unknown or unavailable must, within **7 days** of the receipt, provide every other party with that information or document.

11. Negotiation

11.1 After all the relevant information and documents have been exchanged or as soon as it is practicable, the parties shall negotiate with a view to settling the matter at the earliest opportunity on both liability and quantum. Litigation should not be commenced prematurely if there are reasonable prospects for a settlement.

11.2 If, after reasonable effort has been made to settle the matter, but there are no reasonable prospects of settlement after a time period of **at least 8 weeks** from the date of receipt of the letter of claim, save where paragraphs 4.4 or 4.7 apply, the claimant may commence legal action after giving **10 clear days'** notice, by e-mail, fax or certificate of posting to the potential defendant and his insurer of his intention to proceed with an originating claim. He must also inform the potential defendant of the names of all the parties he is suing. No such notice is required if the claimant had earlier given notice that the offer being made was final, and legal proceedings would be commenced in the event that the potential defendant did not accept the offer within the specified timeframe.

12. Interim payment

12.1 The claimant may in his letter of claim or in a letter sent at any time subsequent thereto, seek one or more pre-action interim payment(s) of damages from the potential defendant. The claimant must state in his letter —

(a) the amount he is seeking as interim payment; or

(b) where the interim payment is sought specifically for anticipated expenses (*eg*, surgery or a course of physiotherapy), an estimate of the expenditure to be incurred,

and provide any supporting documents which have not already been furnished to the potential defendant.

12.2 The potential defendant must reply to the claimant within **14 days** of receipt of the letter, stating whether or not the request for interim payment is acceded to and the amount offered. Reasons must be given in the reply if the request is not acceded to in full. Unless the claimant states otherwise, any sum which the potential defendant offers as an interim payment, regardless as to whether the request is acceded to in full or in part, shall be paid to the claimant within **28 days** of the potential defendant's reply.

13. Costs Guidelines

13.1 Where parties have settled both liability and quantum before any action is commenced, a claimant who has sought legal representation to put forward his claim will have incurred costs.

NIMA claims

13.2 A guide to the costs to be paid is as follows:

Sum settled (excluding interest if any)	Costs allowed (exclusive of disbursements)
Less than $1,000	$300
$1,000 to $9,999	$300 to $700
$10,000 and above	$500 to $1,000

PI claims

13.3 As a guide, where the sum settled (excluding interest if any) is less than $20,000, the pre-action costs should be between $1,500 and $2,500, exclusive of disbursements.

14. Costs sanctions in relation to pre-repair survey and post repair inspection

14.1 Where the claimant has without good reason repaired or caused repairs to be carried out to his vehicle without first complying with paragraph 2 of this protocol in relation to pre-repair survey, then on account of the omission, the Court may impose costs sanctions against the claimant.

14.2 Where the defendant disputes the damage to the claimant's vehicle and after the commencement of Court proceedings requests for an inspection of the claimant's vehicle without good reason, the Court may impose costs sanctions against the defendant.

15. Exceptions

15.1 The Court will not impose sanctions where there are good reasons for non-compliance with the provisions of this protocol, for example attempt(s) made to resolve the claim through other alternative dispute resolution forums.

15.2 The protocol prescribes the timelines to be given to a potential defendant to investigate and respond to a claim before proceedings are commenced. This may not always be possible where a claimant only consults his lawyer close to the end of any relevant limitation period. In such a case, the claimant must give as much notice of the intention to commence proceedings as practicable and the parties shall consider whether the Court might be invited to extend time for service of the pleadings or alternatively, to stay the proceedings while the requirements of this protocol are being complied with.

16. Early agreement on liability

16.1 Where parties have agreed on the issue of liability prior to the commencement of proceedings and wish to issue an originating claim in order for damages to be assessed, the claimant must file an originating claim endorsed with a simplified statement of claim. If a notice of intention to contest is not filed and served after the originating claim is served, the claimant may, in the manner prescribed under the Rules of Court 2021, proceed to enter default judgment on liability and take out an application for directions for the assessment of damages.

17. Lodgement of claims below $3,000 with FIDReC

17.1 This paragraph applies to NIMA claims where the damages claimed before apportionment of liability is below $3,000 excluding survey fees, interests, costs and disbursements.

17.2 Unless the case falls within one or more of the exceptions listed in paragraph 18 of this protocol, the claimant shall in every case referred to in paragraph 17.1, lodge his claim with FIDReC at first instance. Upon lodgement, the claim shall be dealt with by FIDReC in accordance with its Terms of Reference relating to the management and resolution of such claims.

17.3 Notwithstanding that the claim is to be lodged with FIDReC, the claimant and potential defendant shall comply with the requirements of this protocol. In this connection, references to the "Court", originating claim/Court action and proceedings in this protocol shall refer to "FIDReC", the lodgement of a claim at FIDReC and proceedings at FIDReC respectively.

18. Exceptions to FIDReC proceedings

18.1 In any case where –

(a) the claimant is a body corporate or partnership;

(b)one or more of the vehicles involved in the accident is a government, a foreign-registered or diplomatic vehicle;

(c) the potential defendant has a counterclaim of $3,000 or more;

(d) the potential defendant has a counterclaim of less than $3,000 but the claimant is not claiming under his own insurance policy in respect of the counterclaim;

(e) the insurer for the claim or counterclaim has repudiated liability;

(f) an allegation that the claim, counterclaim or defence is tainted by fraud or other conduct constituting a criminal offence in connection with which a police report has been lodged;

(g) proceedings are still ongoing at FIDReC after a lapse of 6 months from the date when all the relevant documents pertaining to the accident that were requested by FIDReC have been submitted or, from the date of the claimant's first interview at FIDReC, whichever is later; or

(h) there is other good and sufficient reason shown to the Court why the claim ought not to have been lodged at FIDReC or the proceedings ought not to have continued at FIDReC,

the claimant may commence an action in Court directly.

19. Costs sanctions for non-compliance with requirement to lodge the claim/continue with proceedings at FIDReC

19.1 Where the claimant in a case to which paragraph 17.1 of this protocol applies, has commenced an action in Court, the Court in exercising its discretion as to costs, shall have regard to the following, where applicable:

(a) commencement of Court proceedings before adjudication of the claim by FIDReC;

(b) a finding by the Court that the quantum of damages before apportionment of liability is below $3,000 excluding survey fees, interests, costs and disbursements and the damages quantified and pleaded in the Statement of Claim is for an amount exceeding $3,000; or

(c) the claimant has failed to obtain a judgment that is more favourable than the award made at the adjudication of the claim by FIDReC.

19.2 The Court will not impose sanctions on the claimant where there are good reasons for non-compliance, for example

attempt(s) made to resolve the claim through other alternative dispute resolution forums.

19.3 Where the claimant has commenced Court proceedings before adjudication of the claim by FIDReC, the Court may stay the action to enable the claimant to lodge his claim and/or complete the proceedings at FIDReC.

20. Application of the Limitation Act 1959

20.1 For the avoidance of doubt, the lodgement of a claim and/or continuation of proceedings at FIDReC shall not be construed to operate as a stay of the time limited for the doing of any act as prescribed by the Limitation Act 1959.

20.2 Should Court proceedings be commenced to prevent the operation of the time bar under the Limitation Act 1959, the Court may nevertheless stay the action thereafter to enable the claimant to lodge his claim and/or complete the proceedings at FIDReC.

APPENDIX C: Guidelines for Court Dispute Resolution Case Conferences for Personal Injury Claims and Non-Injury Motor Accident Claims

1. Introduction

1.1 Pursuant to Practice Direction 39, all personal injury claims and non-injury motor accident ("**NIMA**") claims are to proceed for a Court Dispute Resolution Case Conference ("**CDR CC**") within 6 weeks after the notice of intention to contest has been filed. The CDR CC will be conducted through the process set out in the State Courts Registrar's Circular No. 2 of 2020.

1.2 Early neutral evaluation ("**ENE**") will be used in the CDR CC for these cases. This Appendix sets out the guidelines to be followed by solicitors.

2. Application

2.1 The guidelines in this Appendix shall apply to all Originating Claims for personal injury claims and NIMA claims that are filed in Court on or after 1 April 2022 and to all motor accident cases (whether or not involving any claim for personal injuries) and actions for personal injuries arising out of an industrial accident that are commenced in the High Court on or after 1 April 2022 and transferred to the District Courts.

3. Date of CDR CC

3.1 As stated in Practice Direction 39(12), solicitors in these cases will receive a notice from the Court fixing the first CDR CC.

3.2 A request for an adjournment of a CDR CC shall be made in the manner provided in the notice from the Court fixing the CDR CC.

3.3 The applicant must obtain the consent of the other parties to the adjournment and list the dates that are unsuitable for all the parties.

3.4 The request must be made *not less than 2 working days* before the date of the CDR CC. An adjournment of a CDR CC will be granted only for good reason.

4. Attendance at CDR CC

4.1 The Court retains the discretion to direct the personal attendance of counsel and parties at the CDR CC where it is necessary in the circumstances of the case. For instance, the drivers of the vehicles involved in a motor accident and eyewitnesses may be asked to be present at a CDR CC for the purpose of a more accurate ENE or to facilitate in negotiating a settlement.

5. Preparation for CDR CC

5.1 In all personal injury claims and NIMA claims, solicitors should exchange before the first CDR CC, a list of all the relevant documents relating to both liability and quantum.

5.2 In addition, solicitors should exchange all documents they intend to rely upon or which are known to be adverse in the following categories before the first CDR CC.

(a) For **personal injury claims or where personal injury forms part of the motor accident claim** —

(i) medical reports from the treating doctor, reviewing doctor and medical specialist;

(ii) certificates for hospitalisation and medical leave;

(iii) bills for medical treatment and evidence of payment;

(iv) income tax notices of assessment and/or other evidence of income and loss thereof, if relevant; and

(v) supporting documents for all other expenses claimed (if any).

(b) For **industrial accident claims** —

(i) the parties' sketches of the accident (if any);

(ii) notice of accident lodged with the Ministry of Manpower;

(iii) Ministry of Manpower's investigation reports (if any);

(iv) Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any);

(v) outcome of prosecution (if any);

(vi) original, coloured copies or scanned photographs of the accident scene;

(vii) video recording of the accident (if any);

(viii) details of witnesses (if any); and

(ix) any other supporting documents.

(c) For **personal injury claims not involving motor accidents or industrial accidents**,

(i) the parties' sketches of the accident (if any);

(ii) original, coloured copies or scanned photographs of the accident scene;

(iii) video recording of the accident (if any);

(iv) details of witnesses (if any); and

(v) any other supporting documents.

(d) For **NIMA claims**

(i) full and complete Singapore Accident Statements and police reports including the names, details of all persons involved in the accident, together with type-written transcripts of their factual accounts of the accident;

(ii) police sketch plan and if unavailable, the parties' sketches of the accident;

(iii) results of police investigations or outcome of prosecution for traffic offence(s);

(iv) police vehicle damage reports;

(v) original, coloured copies or scanned photographs of damage to all vehicles;

(vi) original, coloured copies or scanned photographs of the accident scene;

(vii) video recording of the accident (if any);

(viii) accident reconstruction report (if any);

(ix) details of witnesses (if any);

(x) repairer's bill and evidence of payment;

(xi) surveyor's report;

(xii) excess bill or receipt;

(xiii) vehicle registration card;

(xiv) COE/PARF certificates;

(xv) rental agreement, invoice and receipt for rental of replacement vehicle (if any);

(xvi) correspondences with the defendant's insurer relating to pre-repair survey and/or post-repair inspection of the claimant's vehicle; and

(xvii) any other supporting documents.

5.3 ***Additional documents and instructions***

(a) If any *additional* documents apart from those referred to in paragraph 5.2 are required, this shall be made known to the other party well before the first CDR CC date. If a re-inspection of the other party's vehicle is required, it should be conducted and the report exchanged before the first CDR CC.

(b) It is very important that solicitors take *full and complete* instructions from their respective clients before attending the CDR CC. Before the CDR CC, solicitors should evaluate with their clients the documents and reports and advise their clients on all the relevant aspects of their case.

(c) Where a party is relying on the factual account of any witness in support of his case, a signed statement or affidavit of evidence-in-chief should be procured from that witness and submitted to the Court at the first CDR CC to enable the Court to be fully apprised of all the relevant evidence.

(d) Insurers should notify their solicitors if, to their knowledge, other claims arising from the same accident have been filed in Court. Solicitors should assist the Court in identifying these related claims so that all the claims may be dealt with together at the CDR CC for a consistent outcome on liability. If an ENE on liability has been given or judgment on liability has been entered in any related claim(s), solicitors should notify the Court accordingly and endeavour to resolve the remaining claims(s) on the same basis.

(e) Third party proceedings, if any, should be commenced before the first CDR CC.

5.4 To make the full use of the CDR CC, it is essential that solicitors be well prepared and familiar with their cases.

6. CDR CC

Claims subject to the simplified process under Order 65 of the Rules of Court 2021

6.1 All cases commenced by Originating Claims on or after 1 April 2022 in a Magistrate's Court and any case commenced by Originating Claims on or after 1 April 2022 in a District Court (where parties have filed their consent in Form 3 of Appendix A1 to these Practice Directions for Order 65 to apply) will be subject to the simplified process under Order 65 of the Rules of Court 2021.

6.2 The requirement for upfront production under Order 65, Rule 2 of the Rules of Court 2021 apply to such cases.

6.3 These claims will continue to be called for CDR CC within 6 weeks after the filing of the notice of intention to contest. The rest of the guidelines in Appendix C also apply to CDR CCs for these claims.

6.4 If the matter is not disposed of by the Court or settled or otherwise resolved through the actions of the parties in the course of the CDR CC process, the Court may make such orders or give such directions as it thinks fit including directions for the filing and exchange of affidavits of evidence-in-chief, appointment of a single joint expert (for actions commenced in the Magistrates' Courts) and any other necessary directions to bring the proceedings to trial.

6.5 Where any question requiring the evidence of an expert witness arises and parties are unable to agree on the expert to be appointed, the Court may, having regard to the provisions in Order 12, Rule 3(5) of the Rules of Court 2021, appoint the expert for the parties at a CDR CC. Each party is expected to furnish the following for the determination of the single joint expert:

(a) names and *curriculum vitae* of two experts the party considers suitable to appoint (for which purpose a party may nominate the expert who has conducted an inspection, survey or review for him or provided him with medical treatment);

(b) the fees charged by each nominated expert for preparing the report and attendance in Court;

(c) the estimated time needed to prepare the report; and

(d) whether the parties have complied with the pre-action protocol.

The Court will appoint the single joint expert after hearing submissions on the suitability or unsuitability of the nominated experts to be appointed.

Early Neutral Evaluation on liability and quantum

6.6 For personal injury arising out of motor accident ("**PIMA**") claims and NIMA claims, the Court will provide an ENE on liability if —

(a) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the *Motor Accident Claims Online, Motor Accident Guide* and/or other similar guide; or

(b) despite the parties' reasonable efforts in resolving the question of liability through negotiation with reference to the *Motor Accident Claims Online, Motor Accident Guide* and/or other similar guide before the CDR CC, no settlement has been reached.

6.7 Solicitors for all the parties seeking an ENE on liability in PIMA and NIMA claims must prepare a submission with relevant supporting documents for the first CDR CC. Except in cases where no corresponding scenario is provided for in the *Motor Accident Claims Online, Motor Accident Guide* and/or other similar guide solicitors must specify in their submissions the scenario(s) that is/are relevant to the parties' factual accounts of the accident and state their respective proposals on liability.

6.8 In respect of personal injury claims, whether or not an ENE on liability is given, the Court may, at its own discretion in appropriate cases or at solicitors' request, provide an ENE on quantum. Solicitors requesting for an ENE on quantum must obtain each other's consent before the CDR CC, and submit the duly completed Quantum Neutral Evaluation Form (*ie*, Form 11) of Appendix A1 to these Practice Directions) to the Court.

7. Help and co-operation of insurers in facilitating CDR

7.1 Insurers play a key role in the success of CDR. A CDR CC is intended for substantive evaluation of the issues. CDR CC is unproductive if:

(a) parties have not —

(i) exchanged the relevant documents listed in paragraph 5; or

(ii) identified the scenario(s) in the *Motor Accident Claims Online, Motor Accident Guide* and/or other similar guide that is/are relevant to their respective factual accounts of the accident

well before the CDR CC to facilitate assessment and discussion of options;

(b) one or more of the solicitors for the parties have not received or are still taking client's instructions; or

(c) parties are still negotiating or are awaiting instructions upon a counter-offer.

8. Follow up action after CDR CC

8.1 Solicitors must inform their clients of the outcome of a CDR CC and render their advice expeditiously on the ENE on liability and/or quantum given by the Court. To facilitate settlement, solicitors should obtain their clients' instructions and make the necessary proposals or offers of settlement early to enable the other party to consider their position or proposal and respond before the next CDR CC date. Reasons shall be given by parties for the position taken on liability and/or quantum so that the solicitors can inform the Court of the basis for their clients' mandate at the next CDR CC.

8.2 Rather than refraining from taking a position on liability or insisting that agreement on liability is *contingent* on quantum being settled at a particular sum (as is sometimes the case), parties who are able to agree on the issue of liability but not quantum shall consider allowing a *Judgment on Liability* to be recorded for liability and proceed for assessment of damages. A hearing to assess damages is generally less costly than a full trial.

8.3 If parties enter into a judgment on liability, an assessment of damages case conference will be called and the procedure set out in Practice Direction 45 shall apply.

8.4 If parties are not able to reach an amicable resolution, a Personal Injury, NIMA or Negligence Case Conference ("PNN CC") will be fixed around 7 weeks after the last CDR CC. A PNN CC Notice will be issued to the claimant and any other party who has filed a notice of intention to contest and/or Defence, notifying parties that the case has been identified for a PNN CC, of the date of the first PNN CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for directions to be given to move the matter towards trial. A PNN CC will be conducted on a "documents-only" basis, unless otherwise directed by the Court. Subject to the necessary modifications, the directions applicable to the conduct of General Process CCs stated at Practice Direction 37(3) to 37(7) and 37(10) to 37(12) apply to the conduct of PNN CCs.

APPENDIX D: Benchmark Rates for Cost of Rental and Loss of Use

The benchmark rates in this Appendix shall apply to claims for rental and loss of use of a motor vehicle made in cases filed in the Magistrates' Courts and the District Courts on or after 1 April 2022 and to cases filed in the General Division of the High Court on or after 1 April 2022 and transferred to the District Courts.

Appendix D

APPENDIX E: Protocol for Medical Negligence Claims

PART ONE: PRODUCTION OF DOCUMENTS BEFORE ACTION

1. Aim of protocol on production of documents before action

1.1 In order for a claimant to consider whether he or she has a viable claim or cause of action against his or her doctor and/or hospital ("**health care providers**") for medical negligence, a medical report and medical records of the patient from the health care providers are often essential.

1.2 The aim of Part One of the Protocol for Medical Negligence Claims ("**the Protocol**") is to establish a protocol on production of documents before action. It is to prescribe a framework for exchange of information prior to the filing of an Originating Claim with a view to resolving medical negligence disputes arising out of an alleged negligent act or omission in connection with medical or dental diagnosis or treatment without protracted litigation. It is hoped that this will help to standardise and streamline the production of medical records to a claimant who is considering pursuing a medical negligence claim. It aims to facilitate the exchange of relevant information and medical records so as to increase the prospect that medical negligence disputes can be resolved quickly.

1.3 Part One of the Protocol will apply from the time a claimant contemplates commencing a medical negligence suit in Court against his or her health care providers.

1.4 The Protocol does not affect any privilege that may apply to communication between parties undertaken in compliance with it (including medical reports and medical records furnished to the claimant's solicitor by the health care providers

pursuant to the Protocol).

2. Letter of request for medical report and other related medical records

2.1 The application for the medical report and medical records that may be necessary for the claimant and/or his or her solicitors to ascertain if he or she has a viable cause of action should be made by way of a letter in Form 32 of Appendix A1 to these Practice Directions setting out briefly the basis of the claim and the nature of the information sought in the medical report, including:

(a) symptoms presented by the claimant or the deceased (in the case where the patient has passed away and the claim is pursued by his or her next-of-kin or executor or administrator of his or her estate) prior to treatment;

(b) clinical findings;

(c) diagnosis;

(d) treatment prescribed, risks in such treatment (if any) and when and how these risks were communicated to the claimant or the deceased and/or his or her next-of-kin;

(e) whether alternatives to the prescribed treatment were discussed and disclosed to the claimant or the deceased and/or his or her next-of-kin and if so, why the prescribed treatment was preferred over these alternatives;

(f) assessment of the claimant's or the deceased's condition at the last consultation and the cause of such condition or the cause of the deceased's death (if applicable); and

(g) prognosis and recommended future treatment, if available.

2.2 The above guidelines on the contents of the medical report are meant to ensure that the report is as comprehensive as possible. Depending on the facts and nature of the medical management in each case, the contents of the medical report may be suitably modified. The application for the medical report may be dispensed with where the harm caused to the patient is *res ipsa loquitur*.

2.3 If the claimant and/or his or her solicitor wish to obtain copies of medical records from the health care provider, this should also be made clear in the letter of request. The various types of medical records that the claimant and/or his or her solicitor may seek from the health care provider are set out in Form 32 of Appendix A1 to these Practice Directions. However, as the medical records to be sought from the health care provider would depend on the nature and focus of the complaint, the type of medical treatment rendered and advice sought as well as whether the health care provider is a medical doctor and/or hospital, the medical records listed in Form 32 of Appendix A1 to these Practice Directions are not exhaustive, but act as a guide. The claimant and/or his or her solicitor can request any other medical records that are relevant and necessary for the claim.

2.4 As the above and the sample letter of request are guides only, the contents of the actual letter of request and medical report can be suitably modified depending on the facts and nature of medical management of each case.

2.5 The application for the medical report/medical records should be accompanied by a Consent Form set out in Form 33 of Appendix A1 to these Practice Directions signed by the claimant authorising the health care provider to release the medical report/medical records to the claimant's solicitor.

2.6 Within 7 days of receipt of the application, the health care provider is to inform the claimant what the requisite charges are for the medical report and medical records.

2.7 The medical report and medical records should be provided to the claimant within 6 weeks upon payment of the requisite charges. The claimant may where necessary, seek further information or clarification from the health care provider on any aspect of the report and the health care provider should respond within 4 weeks from receipt of such further request.

2.8 If the health care provider has difficulty complying with the timeline prescribed above, the problem and reason for the difficulty must be explained to the claimant in writing and the necessary extension of time sought.

2.9 If the health care provider fails to provide the requisite medical report, medical records and/or clarification within the timelines prescribed above or agreed extension period, the claimant may proceed to apply to the Court for an order for production before action under Order 11, Rule 11 of the Rules of Court 2021, without further notice to the health care provider. The Court will take into account any unreasonable delay in providing the said medical report, medical records and/or clarification when considering the issue of costs.

PART TWO: COMMENCEMENT OF SUIT AND PROCEEDINGS BEFORE TRIAL

3. Application

3.1 Part Two of the Protocol relates to the commencement of proceedings for medical negligence claims and the procedures before trial undertaken in such cases.

4. Filing of medical reports and lists of documents

4.1 A claimant commencing a medical negligence claim in Court is required to file and serve the main documents relied on in support of the claim including expert report(s) together with the Statement of Claim.

4.2 The defendant is also required to file and serve a medical report within 6 weeks after the filing of the notice of intention to contest.

4.3 For cases that are subject to the simplified process under Order 65 of the Rules of Court 2021 (Magistrates' Courts cases filed on or after 1 April 2022 and by consent, District Courts cases filed on or after 1 April 2022), each party is required to file and serve a list of documents together with the relevant pleading on the other party within the time limited for the service of such pleading under Order 65, Rule 2(1) of the Rules of Court 2021.

4.4 For cases that are not subject to the simplified process, if there are documents other than the medical report filed with a claimant's pleading and the medical report that will be filed by a defendant under paragraph 4.2, that party is required to file and serve a list of documents on the other party within 6 weeks after the filing of the notice of intention to contest using Form 10 of Appendix A2 to these Practice Directions.

5. Steps to be taken after pleadings have been filed and served

5.1 In order to encourage parties to delineate undisputed facts and issues at an early stage, parties are required to file a list of undisputed facts and issues 2 weeks after the pleadings have been filed and served or as directed by the Court.

5.2 Currently, a party may make an admission of fact in his or her pleadings or other documents under Order 9, Rule 18(2) of the Rules of Court 2021. To avoid doubt, the same applies to medical negligence claims.

6. Court Dispute Resolution Case Conference

6.1 For all medical negligence cases that are filed in Court, the Court will convene the first Court Dispute Resolution Case Conference ("CDR CC") under Order 9 of the Rules of Court 2021 within 6 weeks after the filing of the notice of intention to contest.

6.2 At the first CDR CC, parties will explore the possibility of resolving the case by mediation, neutral evaluation, conciliation or other forms of Court ADR under the prevailing framework. Solicitors for all parties seeking an early neutral evaluation on liability must file submissions as directed by the Court at the CDR CC. Whether or not an evaluation on liability is given, the Court may, at its own discretion in appropriate cases or at solicitors' request, provide an evaluation on quantum. Solicitors requesting for an evaluation on quantum must obtain each other's consent before the CDR CC, and submit the duly completed Quantum Neutral Evaluation Form (*ie*, Form 11 of Appendix A1 to these Practice Directions) to the Court.

6.3 No directions for production of documents will be given as most documents would have been produced at the pre-action stage and in the pleadings. However, parties may apply for a broader scope of discovery as provided for under the Rules of Court 2021.

6.4 The Court may, where appropriate, appoint a medical professional to co mediate at the Court ADR hearing.

7. Compliance with the Protocol

7.1 In the interest of saving time and costs, claimants are expected to use this protocol as a checklist on the required steps to be taken before commencing Court proceedings and during pre-trial proceedings. Parties must comply with the terms of the Protocol in substance and spirit. A breach by one party will not exempt the other parties in the claim from following the Protocol insofar as they are able.

7.2 In exercising its discretion and powers, the Court will have regard to compliance with this protocol or lack thereof, including staying an action for the party in default to comply with the protocol, and in determining the amount of costs to be awarded.

7.3 Where there are good reasons for non-compliance, the Court will not impose sanctions against the party in default.

APPENDIX F: Pre-Action Protocol for Defamation Actions

1. APPLICATION

1.1 This Protocol applies to all defamation (including libel and slander) actions.

1.2 Parties are expected to comply with the framework prescribed in this Protocol before commencing proceedings in the State Courts.

(a) Notwithstanding this, parties may adapt the forms where necessary to suit the facts of their case.

(b) This Protocol is in addition to any negotiations that parties may be conducting privately or on a "without prejudice" basis.

1.3 In following this Protocol, the parties should act reasonably to keep costs proportionate to the nature and gravity of the case and the stage that the complaint has reached.

2. OBJECTIVES

2.1 This Protocol aims to:

(a) improve pre-action communication between parties by establishing a timetable for the exchange of information and documents;

(b) encourage constructive negotiations in order to improve the chances of a pre-action settlement; and

(c) set standards for the content of pre-action correspondence between parties which will in turn lead to clear pleadings and streamlined issues if proceedings are commenced.

3. LETTER OF CLAIM

3.1 Before commencing proceedings, the claimant must send a letter of claim to the potential defendant. The letter of claim must be prepared in accordance with Form 34 of Appendix A1 to these Practice Directions.

3.2 The letter of claim should be marked “Private and Confidential. To be opened by addressee only” and it should not be marked “without prejudice”. It must include the following information:

(a) the name of the claimant;

(b) sufficient details to identify the publication or broadcast which contained the words complained of;

(c) the person(s) to whom the words complained of were published, broadcasted or spoken;

(d) the exact words complained of and the date of publication or broadcast (if known), and where possible, a copy, screenshot or transcript of the words complained of should be enclosed;

(e) if the words complained of are not in the English language, a translation of the words in the English language; [1]

(f) sufficient details of the factual inaccuracies or unsupportable comments within the words complained of to enable the potential defendant to appreciate why the words are inaccurate or unsupportable;

(g) where relevant, any fact and matter which makes the claimant identifiable from the words complained of;

(h) where relevant, details of any special fact relevant to the interpretation of the words complained of and the meanings which the claimant attributes to the words complained of;

(i) where relevant, any particular damage caused by the words complained of;

(j) the nature of the remedies sought by the claimant, for which purpose —

(i) if the claimant is seeking monetary damages, he should indicate the quantum sought and as far as possible, refer to relevant case precedents and/or other authorities; and

(ii) if the claimant is seeking a retraction, clarification, apology and/or undertaking, he should enclose a draft for the potential defendant’s execution (a sample can be found at Form 35 of Appendix A1 to these Practice Directions);

(k) the timeframe given for the potential defendant to respond. Save in cases where there is exceptional urgency, the potential defendant should be given at least 14 days to respond. If a shorter timeframe is imposed, the claimant should explain the reasons for the urgency; and

(l) a statement by the claimant as to which of the alternative dispute resolution ("**ADR**") options set out at paragraph 6 of this Protocol he proposes to use for the resolution of the dispute for the potential defendant to consider.

3.3 The letter of claim must be sent to the potential defendant by way of certificate of posting, registered post or any other mode which provides the claimant with a written acknowledgement of posting / delivery.

3.4 Nothing in this Protocol should be construed to operate as a stay of the time limited for the doing of any act as prescribed by the Limitation Act 1959. If, by reason of complying with any part of this Protocol, a claim may be time-barred under any provision of the Limitation Act 1959, the claimant may commence proceedings without complying with this Protocol, or so much of this Protocol that he is unable to comply with by reason of the impending operation of an applicable limitation period.

4. RESPONSE TO LETTER OF CLAIM

4.1 The potential defendant must provide a response to the claimant within 14 days of the receipt of the letter of claim (or such other time limit as specified in the letter of claim). The response must be in accordance with Form 36 of Appendix A1 to these Practice Directions.

4.2 If the potential defendant is unable to respond substantively within 14 days (or such other time limit as specified), he must acknowledge receipt within the said 14 days (or any shorter time limit specified) and inform the claimant of the length of time required to respond substantively to the claim. A sample acknowledgement can be found at Form 37 of Appendix A1 to these Practice Directions.

4.3 The substantive response must contain the following information:

(a) whether, and to what extent, the claimant's claim is accepted, whether more information is required or whether the claim is rejected;

(b) if the claim is accepted in whole or in part, which remedies the potential defendant is willing to offer (if the potential defendant is willing to offer monetary payment, he should specify the quantum and as far as possible; relevant case precedents and/or other authorities should also be referred to);

(c) if more information is required, precisely what information is needed in order to enable the claim to be dealt with and why;

(d) if the claim is rejected, an explanation of the reasons why it is rejected, including a sufficient indication of any fact on which the potential defendant is likely to rely in support of any substantive defence;

(e) where relevant, the meanings which the potential defendant attributes to the words complained of;

(f) whether the potential defendant agrees to any of the ADR options proposed by the claimant, and if not, which of the ADR options set out at paragraph 6 of this Protocol he wishes to propose for the resolution of the dispute; and

(g) whether the potential defendant intends to make a counterclaim for defamation, and if so, the information at paragraph 3.2.

4.4 The acknowledgement of receipt or response must be sent by way of certificate of posting, registered post or any other mode which provides the potential defendant with a written acknowledgement of posting / delivery.

4.5 If no response is received by the claimant within the timeframe set out in the letter of claim, the claimant is entitled to commence proceedings without further compliance with this Protocol.

5. COUNTERCLAIM

5.1 If the potential defendant intends to make a counterclaim for defamation and states so in his response, the claimant should provide a response to any such counterclaim within the equivalent period allowed to the potential defendant to respond to the letter of claim. The claimant's response to the potential defendant's counterclaim for defamation shall contain the information at sub-paragraphs 4.3(a) to 4.3(f).

6. ALTERNATIVE DISPUTE RESOLUTION ("ADR") OPTIONS

6.1 The State Courts regards ADR as crucial in the efficient and cost-effective resolution of disputes. The following are some ADR options which parties should consider prior to commencing an action:

(a) mediation at the Singapore Mediation Centre;

(b) mediation at the Singapore International Mediation Centre; and

(c) mediation under the Law Society Mediation Scheme.

6.2 The above list is non-exhaustive and parties are free to consider and propose other ADR mechanisms to resolve the dispute.

6.3 If the claimant and the potential defendant are able to agree on a mode of ADR, the claimant should submit the relevant request for ADR (depending on chosen mode of ADR) within 14 days of the parties' agreement to initiate the ADR process.

6.4 No party can be compelled to enter into any form of ADR.

7. PRE-ACTION PROTOCOL CHECKLIST

7.1 Where the claimant decides to commence litigation, he must file, together with the statement of claim, a duly completed Pre-Action Protocol Checklist (Form 38 of Appendix A1 to these Practice Directions).

8. SANCTIONS FOR NON-COMPLIANCE

8.1 The State Courts will have regard to the compliance with this Protocol or lack thereof in exercising its discretion and powers in relation to costs orders.

8.2 Where there are good reasons for non-compliance, the Court will not impose sanctions against the party in default.

8.3 If parties enter into a judgment on liability, an assessment of damages case conference will be called and the procedure set out in Practice Direction 45 shall apply.

8.4 If parties are not able to reach an amicable resolution, a Personal Injury, NIMA or Negligence Case Conference ("PNN CC") will be fixed around 7 weeks after the last CDR CC. A PNN CC Notice will be issued to the claimant and any other party

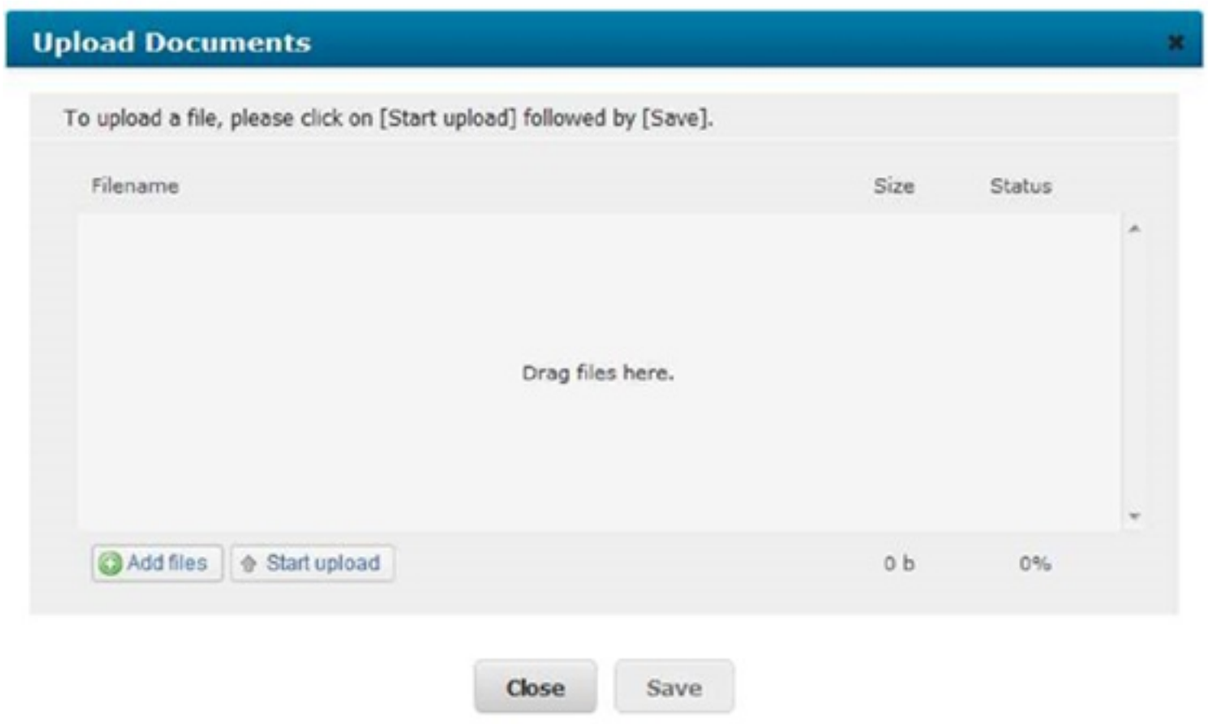
who has filed a notice of intention to contest and/or Defence, notifying parties that the case has been identified for a PNN CC, of the date of the first PNN CC, and directing parties to file the necessary documents and take the necessary steps within a prescribed time for directions to be given to move the matter towards trial. A PNN CC will be conducted on a "documents-only" basis, unless otherwise directed by the Court. Subject to the necessary modifications, the directions applicable to the conduct of General Process CCs stated at Practice Direction 37(3) to 37(7) and 37(10) to 37(12) apply to the conduct of PNN CCs.

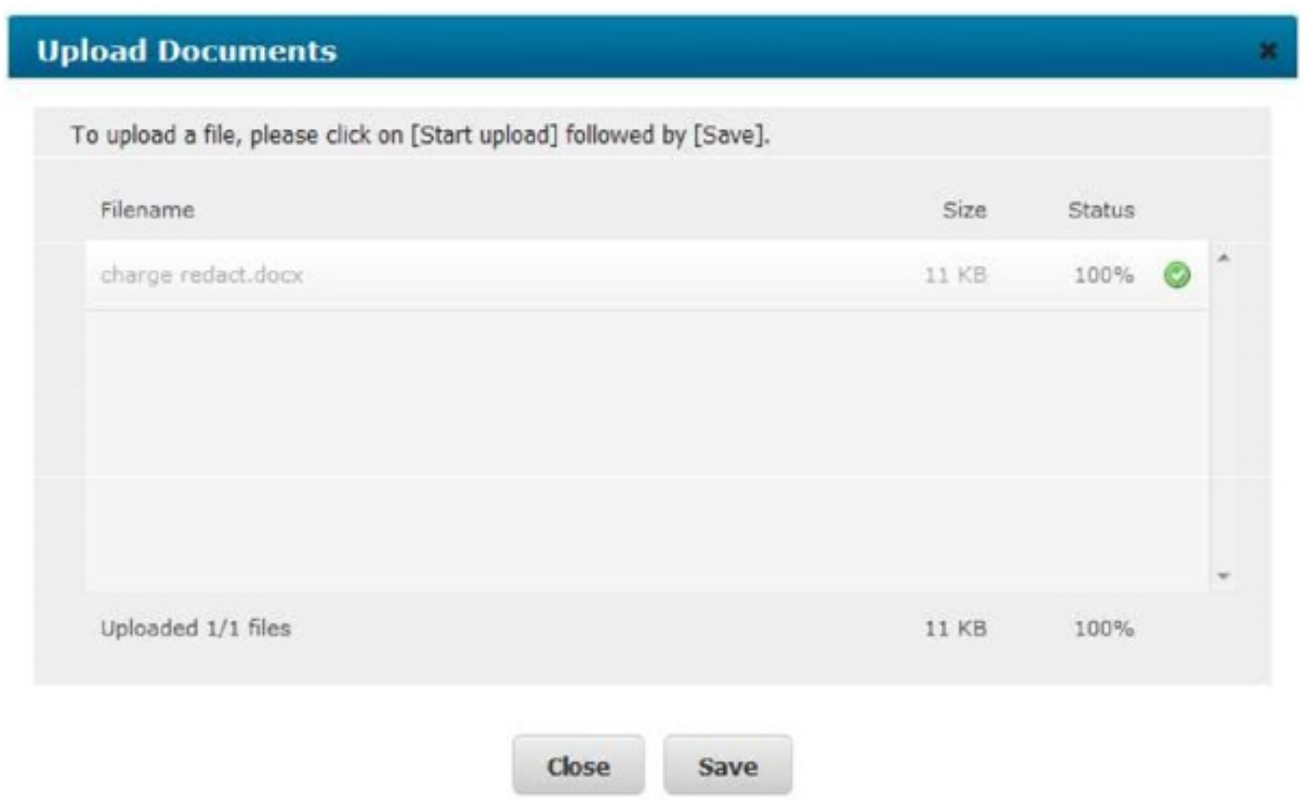
APPENDIX G: Uploading Redacted Charges Under Practice Direction 124

ILLUSTRATION I - Uploading a copy of a redacted charge into the ICMS

Step 1: Select the **Add Document Icon** of the relevant charge in the **Redacted Document** Tab.

Step 2: Click on "Add Files", select the redacted document to be uploaded and click "Start upload". Click "Save" thereafter.





Step 3: The redacted charge sheet will be uploaded successfully in the ICMS as shown below.

1. Please refer to Order 3, Rule 7(2) of the Rules of Court 2021. ↩