

THE NEW RULES OF COURT

Marking a Milestone in Our Journey of Improving Civil Justice

2021 was the year in which, after a root-and-branch review of our civil procedural rules, the new and finalised Rules of Court 2021 (ROC 2021) were published and gazetted, marking a major milestone in Singapore's journey towards enhancing our civil justice system and modernising our litigation process.

The ROC 2021 seeks to enhance the civil justice system by simplifying rules, modernising the language, streamlining procedural steps and enabling greater judicial control of the entire litigation process. The ROC 2021 is underpinned by five ideals, namely:



(i) fair access to justice;



(ii) expeditious proceedings;



(iii) cost-effective and proportionate processes;



(iv) efficient use of court resources; and



(v) fair and practical results suited to the needs of the parties.

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SG
Courts

ANNUAL REPORT 2021



The ROC 2021 aims to create a clearer, faster, more cost-efficient and more accessible civil justice process.

It represents a new vision for the civil justice process that is clearer, faster, more cost-efficient and more accessible by those who seek justice in the Courts.

Salient new features of the ROC 2021 include:

- the Single Application Pending Trial mechanism, which allows all pre-trial applications that are necessary to prepare a case for trial to be dealt with in a holistic and disciplined fashion;
- the option for the Court to order affidavits of evidence-in-chief before document production; and
- the use of expert evidence only in situations where such evidence would contribute materially to the determination of an issue in the case which cannot be resolved through other specified means.

Leading up to the implementation of the ROC 2021, the Singapore Judicial College conducted a series of familiarisation sessions featuring general overviews for both judges and court administrators on the new rules, and 'nuts-and-bolts' walk-through exercises. Justice Chua Lee Ming and Justice Ang Cheng Hock, who chair the new Rules of Court

Implementation Team, were the faculty for these sessions, which focused on new features of the civil procedural rules and the main changes they bring to the civil litigation process.

To assist practitioners and court users in navigating the ROC 2021, various collaterals such as short informative digests, a primer video and infographics were published on the SG Courts website.

The standalone Singapore International Commercial Court Rules 2021 (SICC Rules 2021) were also published in 2021. It presents a game-changing set of customised processes for international commercial litigation that incorporates international best practices and facilitates international dispute resolution.

The work of reviewing and refining the ROC 2021 and the SICC Rules 2021 will continue as the Courts, practitioners and users gain experience from their implementation. This represents our commitment in our journey of developing and improving our civil justice system.

THE NEW RULES OF COURT – MARKING A MILESTONE IN OUR JOURNEY OF IMPROVING CIVIL JUSTICE

Ship Arrests Without Leaving Shore

In early January 2021, dark clouds were gathering on the horizon regarding the service of admiralty writs and warrants of arrest on ships. Concerns were raised by the shipping Bar on the potential exposure of lawyers and process servers to COVID-19 through in-person service of documents on board ships. The Maritime and Port Authority of Singapore had also introduced enhanced regulations on COVID-19 for personnel boarding ships, which made it costly and more inconvenient to effect service.

On 22 January 2021, the Rules of Court and Supreme Court Practice Directions were amended to enable the service of warrants of arrest and admiralty writs on the ship agent while prevailing COVID-19 control measures were in force. With these changes, ship arrests and service of admiralty writs could be made without lawyers and process servers leaving shore.

The new procedure providing for the temporary alternative mode of service has been well received by the shipping Bar.

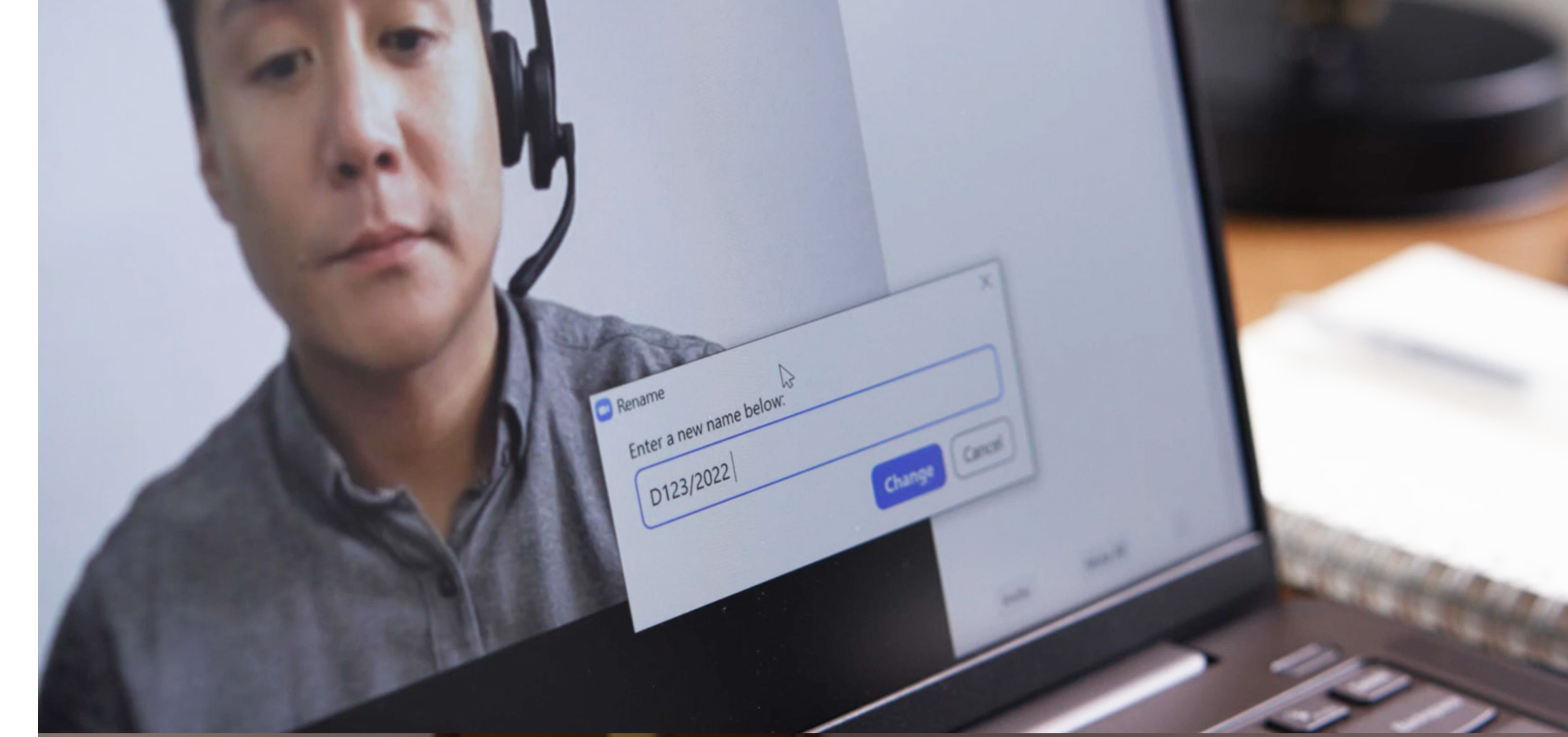
The new procedure providing for the temporary alternative mode of service has been well received by the shipping Bar. It demonstrates the ability of the SG Courts and relevant stakeholders to proactively respond to the needs of the maritime and shipping industry, particularly during extraordinary and challenging times.

Facilitating the Use of Video-Link Testimony

The travel-related COVID-19 restrictions brought to the fore the need for video-link testimony for witnesses who were unable to travel to Singapore to give evidence, so as to ensure continued access to and administration of justice. Multiple initiatives were therefore undertaken throughout 2021 to facilitate such video-link testimonies.

For instance, the Rules of Court (as in force immediately before 1 April 2022) were amended to:

- (a) refine the procedure for applying for the issue of a letter of request to a foreign jurisdiction for evidence to be taken by deposition from a witness located in that jurisdiction; and
- (b) set out a procedure for applying for the issue of a letter of request to a foreign jurisdiction for evidence to be taken by live video or live television link from a witness located in that jurisdiction.



Through video-link testimony, witnesses residing overseas can still give evidence in trials and hearings.

The amendments to the Rules of Court were further coupled with amendments to the Supreme Court Practice Directions to set out the timelines for the making of an application for the issue of a letter of request for the direct taking of evidence. To assist parties, a guide on preparing letters of request for the direct taking of evidence was also produced.

In addition, the Supreme Court Registry collaborated with relevant agencies to obtain, collate and publish information based on official responses from foreign authorities in relation to the taking of evidence by live video or live television link from witnesses in their respective jurisdictions. Discussions were also held with the Law Society of Singapore to explore how the use of video-link testimony could be facilitated and simplified.

Taken together, these efforts ensured that trials and hearings could proceed smoothly even when witnesses were unable to travel to Singapore.

A temporary alternative mode of service was formulated for the shipping Bar in response to the pandemic.



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