

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS AMENDMENT NO. 6 OF 2015

It is hereby notified for general information that, with effect from 10th July 2015, the State Courts Practice Directions will be amended by reorganising and renumbering all the existing paragraphs, forms and Appendices in the manner shown in the destination table in the Schedule below.

2. In addition, certain minor consequential, editorial and formatting amendments (which do not affect the substance of the Practice Directions) will also be incorporated to enhance the presentation of the Practice Directions. These include, in particular, the following amendments:

- (a) each practice direction will be referred to as a “Practice Direction” instead of a “Paragraph” (e.g. “*Practice 23*” instead of “*Paragraph 23 of these Practice Directions*”), and each paragraph within a Practice Direction will be referred to as a “paragraph” instead of a “sub-paragraph” (e.g. “*paragraph (3) of this Practice Direction*” instead of “*sub-paragraph (3) of this Paragraph*”);
- (b) legislative citations will be inserted where necessary (e.g. “(Cap. 322, R 5)” for the Rules of Court);
- (c) certain archaic phrases will be re-expressed in more modern terms (e.g. “*mutatis mutandis*” will be replaced with the phrase “*with the necessary modifications*”).

3. The complete text of the Practice Directions incorporating the amendments to be made may be viewed at the following link:

[State Courts Practice Directions](#)

4. These amendments are meant to enhance the organisation and overall presentation of the State Courts Practice Directions as a complete document following the deletion of the practice and directions and forms pertaining to family proceedings. The amendments do not make any substantive changes to the existing provisions of the State Courts Practice Directions.

THE SCHEDULE

DESTINATION TABLE

| Current numbering | Heading | New numbering |
|--------------------------|--|----------------------|
| | PART I: INTRODUCTION | |
| 1 | Citation | 1 |
| 4 | Practice Directions to apply to civil proceedings only unless otherwise stated | 2 |
| 4A | Citation of Legislation in Proceedings | 3 |
| 5 | Calculation of time | 4 |
| 6 | Updating | 5 |
| 7 | Forms | 6 |
| 7A | Business of the Registry | 7 |
| | PART II: ORIGINATING PROCESSES AND DOCUMENTS | |
| 8 | Originating Summonses | 8 |
| 9 | Identification numbers to be stated in cause papers | 9 |
| 9A | Citation of Case Numbers / New Court Forum Prefix | 10 |
| 10 | Personal service of processes and documents | 11 |
| 11 | Substituted Service | 12 |
| 13 | Amendment of documents | 13 |

| Current numbering | Heading | New numbering |
|--------------------------|---|----------------------|
| 14 | Endorsements on originating processes and other documents | 14 |
| 15 | Additional endorsements on cause papers | 15 |
| | PART III: INTERLOCUTORY AND OTHER APPLICATIONS | PART IV |
| 16 | Distribution of applications | 23 |
| 17 | Summonses | 24 |
| 17A | Consolidated, transferred or converted cases in civil proceedings | 25 |
| 18 | Summonses for Directions | 26 |
| 19 | Written Submissions for Contested Inter Partes Applications in Chambers | 27 |
| 20 | Adjournment or vacation of hearings other than trials | 28 |
| 21 | Ex parte applications for injunctions | 29 |
| 22 | Mareva injunctions and search orders | 30 |
| 22A | Documents in support of ex parte applications for injunctions (including Mareva injunctions) and search orders | 31 |
| 23 | Applications for discovery or interrogatories against network service providers | 32 |
| 24 | Absence of parties | 33 |
| | PART IIIA: ALTERNATIVE DISPUTE RESOLUTION | PART VI |
| 25 | Overview of Alternative Dispute Resolution (ADR) for civil cases | 35 |
| 25A | Mode of referral to ADR and consideration of ADR options: Case Management Conference, Pre-Trial Conference and Summons for Directions | 36 |
| 25B | Non-injury Motor Accident (NIMA) Claims | 37 |
| 25C | Personal Injury Claims | 38 |

| Current numbering | Heading | New numbering |
|--------------------------|--|----------------------|
| 25D | Medical Negligence Claims | 39 |
| 25E | Assessment of damages | 40 |
| 25F | Mediation | 41 |
| 25G | Neutral Evaluation | 42 |
| | PART IIIB: DISCOVERY AND INSPECTION OF ELECTRONICALLY STORED DOCUMENTS | PART VII |
| 26A | Introduction | 43 |
| 26B | Time to consider electronic discovery issues during general discovery | 44 |
| 26C | Requests and applications for the giving of discovery | 45 |
| 26D | Matters to which regard shall be had in determining whether discovery or inspection is necessary | 46 |
| 26E | Form of list | 47 |
| 26F | Inspection of electronically stored documents | 48 |
| 26G | Supply of copies of electronically stored documents | 49 |
| 26H | Restriction on use of privileged document, inspection of which has been inadvertently allowed | 50 |
| 26I | Costs | 51 |
| | PART IV: EVIDENCE – WITNESSES, AFFIDAVITS AND EXHIBITS | PART VIII |
| 27 | Witnesses | 52 |
| 28 | Form of affidavits | 53 |
| 29 | Exhibits to affidavits | 54 |
| 31 | Swearing or affirming of affidavits, statutory declarations and oaths | 55 |

| Current numbering | Heading | New numbering |
|--------------------------|---|----------------------|
| 32 | Effect of non-compliance | 56 |
| 33 | Order 41 of the Rules of Court | 57 |
| 34 | Objections to the contents of affidavits of evidence-in-chief | 58 |
| 34A | Request for Digital Audio Recording and Transcription Service | 61 |
| 34B | Certification of transcripts | 62 |
| | PART V: FIXING OF MATTERS FOR HEARING | PART IX |
| 35 | Waiting time for the hearing of matters | 64 |
| 35A | Pleadings | 65 |
| 36 | Requesting a hearing date through the Electronic Filing Service | 66 |
| 37 | Fixing of hearing dates | 67 |
| 38 | Adjournment or vacation of hearing dates and part-heard cases | 68 |
| | PART VI: HEARINGS VIA SKYPE | Part V |
| 39 | Video-Conferencing using Skype | 34 |
| | PART VII: DOCUMENTS AND AUTHORITIES FOR USE IN COURT | PART X |
| 48 | Electronic filing of documents and authorities for use in court | 69 |
| 49 | Bundle of documents filed on setting down | 70 |
| 50 | Documents for use in trials in open Court | 71 |
| 51 | Hearing in Chambers | 72 |
| 53 | Citation of written judgments and secondary authorities | 73 |
| | PART VIII: JUDGMENTS AND ORDERS | PART XI |
| 54 | Draft orders of Court | 74 |

| Current numbering | Heading | New numbering |
|--------------------------|--|----------------------|
| 55 | Unnecessary extraction of orders of Court | 75 |
| 56 | Judgment in default of appearance or service of defence | 76 |
| 56A | Consent judgments or orders involving disposition or transfer of property | 77 |
| 57 | Judgment Interest | 78 |
| | PART IX: ELECTRONIC FILING SERVICE | PART XIII |
| 58 | Application | 80 |
| 59 | Establishment of Electronic Filing Service and appointment of network service provider | 81 |
| 60 | Appointment of agent to establish service bureau | 82 |
| 61 | Documents which must be filed, served, delivered etc., using the Electronic Filing Service | 83 |
| 63 | Limits on the size and number of documents submitted using the Electronic Filing Service | 84 |
| 64 | Form of documents | 85 |
| 66 | Pagination of documents | 86 |
| 69 | Documents which cannot be converted into an electronic format | 87 |
| 71 | Rejection of documents, back-dating and refund of penalty | 88 |
| 74 | Hearings | 89 |
| 75 | Filing documents through service bureau | 90 |
| 76 | Filing of documents to the State Courts through a Supreme Court service bureau | 91 |
| 77 | Registered users and authorised users | 92 |
| 78 | Hard copies of documents filed electronically | 93 |

| Current numbering | Heading | New numbering |
|--------------------------|---|----------------------|
| 79 | Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service | 94 |
| | PART XII: APPEALS | |
| 122 | Requests for further arguments before the Judge or Registrar | 79 |
| | PART XIII: EXECUTION MATTERS | PART XIV |
| 123 | Filing of writs of execution through the Electronic Filing Service | 96 |
| 124 | Sale of immovable property | 97 |
| 125 | Writs of execution & writs of distress – movable property | 98 |
| 126 | Directions for Engaging Authorised Bailiffs under Section 15A State Courts Act (Cap. 321) | 99 |
| 127 | Examination of Judgment Debtor | 100 |
| 127A | Committal proceedings | 101 |
| | PART XIV: BILLS OF COSTS FOR TAXATION | PART XV |
| 128 | Basis of taxation | 102 |
| 129 | Form of bills of costs | 103 |
| 130 | Registrar's Certificate | 104 |
| 131 | Objections | 105 |
| 132 | Amount allowed as disbursement on account of use of electronic transmission | 106 |
| 133 | Taxations involving the Public Trustee or the Director of Legal Aid | 107 |
| | PART XV: GENERAL MATTERS | PART XVI |
| 134 | Attendance of solicitors in Court | 112 |
| 134A | Attendance at hearings in Chambers | 113 |

| Current numbering | Heading | New numbering |
|--------------------------|---|----------------------|
| 135 | Absence from Court on medical grounds | 114 |
| 136 | Precedence and preaudience of Senior Counsel | 115 |
| 137 | Submissions and examination by leading and assisting counsel | 116 |
| 138 | Court dress | 117 |
| 138A | Use of electronic and other devices | 118 |
| 139 | Requests and other Correspondence | 95 |
| 140 | Duty Registrar and Duty Magistrate | 111 |
| 141 | Operating hours of the State Courts | 108 |
| 142 | Hours for the sittings of the State Courts | 109 |
| 142A | Hearing of urgent applications during weekends and public holidays | 110 |
| 143 | Information to be provided in cause papers and documents filed in the State Courts Registry | 16 |
| 144 | Request for court interpreters | 59 |
| 145 | Access to case file, inspection and taking copies of documents and conducting searches | 17 |
| 145A | Personal Data | 119 |
| 146 | Authorisation for collection of mail and Court documents | 120 |
| 147 | Filing directions to the Accountant-General for payment into and out of Court | 121 |
| 148 | Stamping of documents | 122 |
| 149 | Noting of appearances of advocates/prosecutors | 124 |
| 150 | Application for court records for civil matters | 63 |
| 151 | Publication of & Reports and Comments on Court Cases | 123 |

| Current numbering | Heading | New numbering |
|--------------------------|---|----------------------|
| 152 | Use of Expert Witness (in cases other than Non-Injury Motor Accident Claims) | 60 |
| | PART XVI: CRIMINAL MATTERS | PART XVII |
| 154 | Bundles of authorities for criminal proceedings | 125 |
| 155 | Magistrate's complaints (Private summonses) | 126 |
| 156 | Application for Court Records for criminal matters | 127 |
| 157 | Appearance at the State Courts via video link of defendants remanded at Changi Prison Complex | 128 |
| 158 | Witnesses giving evidence through live video link | 129 |
| | PART XVII: ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS | PART XVIII |
| 159 | Application | 130 |
| 160 | Initiation of prosecution | 131 |
| 161 | Charges | 132 |
| 162 | Checklists | 133 |
| 163 | Applications | 134 |
| 164 | Documents | 135 |
| 164A | Documents for use in criminal trials | 136 |
| 165 | Documents which cannot be converted into electronic format | 137 |
| 166 | Amendment of charges and documents | 138 |
| 167 | Limits on size and number of documents submitted using Electronic Filing Service | 139 |
| 168 | Bundle of authorities | 140 |

| Current numbering | Heading | New numbering |
|--------------------------|--|----------------------|
| | PART XVIII: SIMPLIFIED PROCESS FOR CIVIL PROCEEDINGS IN THE MAGISTRATE’S COURT | PART III |
| 169 | Overview of the simplified process | 18 |
| 170 | Upfront discovery | 19 |
| 171 | Case management conference [CMC] | 20 |
| 172 | Appointment of single joint expert | 21 |
| 173 | Simplified trials and assessment of damages | 22 |
| APPENDIX B | Forms | APPENDIX A |
| 3 | Notification Under Order 62 Rule 2(1) of the Rules of Court | 1 |
| 4 | Order to Allow Entry of Search of Premises | 5 |
| 5 | Injunction Prohibiting Disposal of Assets Worldwide | 6A |
| 6 | Injunction Prohibiting Disposal of Assets in Singapore | 6B |
| 6A | Alternative Dispute Resolution (ADR) Form | 7 |
| 6B | Request for Skype Mediation | 8 |
| 9A | Liability Indication Form | 9A |
| 9B | Quantum Indication Form | 9B |
| 9C | Application for Directions under Order 37 | 9C |
| 9C(A) | Application for Directions under Order 37 of the Rules of Court for Magistrate’s Court Cases Fixed for Simplified AD Pursuant to Order 108 | 9C(A) |
| 9D | Joint Opening Statement for Personal Injury Claims | 9D |
| 9E | Joint Opening Statement for Non-Injury Motor Accident Claims | 9E |
| 9F | Joint Opening Statement for General Claims excluding Personal Injury | 9F |

| Current numbering | Heading | New numbering |
|--------------------------|---|----------------------|
| | and Non-Injury Motor Accident Claims | |
| 9G | Request for Fast Track ADCDR | 9G |
| 9I | Recording Settlement/Entering Judgment by Consent (NIMA/PI/PIMA) | 9I |
| 9J | Opening Statement for Plaintiff/Defendant (Mediation) | 9J |
| 9K | Opening Statement for Plaintiff/Defendant (Neutral Evaluation) | 9K |
| 10 | Notice of Objections to Contents of Affidavits of Evidence-in-Chief | 10 |
| 11 | Index to Agreed Bundle of Documents | 13 |
| 14 | Application to be Registered User of the Electronic Filing Service | 14 |
| 43 | Letter of Authority to Act as Authorised Bailiff | 15 |
| 44 | Questionnaire for the Examination of Judgment Debtor (Individual) | 16 |
| 45 | Questionnaire for the Examination of Officer of Judgment Debtor | 17 |
| 46 | Bill of Costs for Contentious Business – Trials | 18 |
| 47 | Bill of Costs for Contentious Business other than Trials | 19 |
| 48 | Bill of Costs for Non-Contentious Business | 20 |
| 49 | Notice of Dispute on Bill of Costs | 21 |
| 52 | Specimen Government Medical Certificate | 22 |
| 53 | Specimen Authorisation Card | 23 |
| 54 | Requisition for Impressed Stamps | 24 |
| 55 | Noting of Appearance of Advocates/Prosecutors | 25 |
| 57 | Request for Early Expert Pre-Trial Conference | 11 |
| 58 | Note to Expert Witness | 12 |

| Current numbering | Heading | New numbering |
|--------------------------|---|--|
| 59 | Application for Records of Criminal Proceedings for Non-ICMS Cases | 26 |
| 61 | Mention Slip | 27 |
| 62 | Sample Letter of Offer | 2 |
| 63 | Plaintiff's Defendant's List of Issues in Dispute and List of Witnesses | 3 |
| 64 | Opening Statement (for all general civil claims) | 4A |
| 65 | Opening Statement (for all NIMA/PI claims) | 4B |
| Appendix C | Guidelines for Court Dispute Resolution for Non-Injury Motor Accident Claims and Personal Injury Claims | Appendix B |
| Appendix D | Waiting Time for Trials or Hearings in the State Courts | Schedule to Practice Direction 35 |
| Appendix F | Annexes to Non-Injury Motor Accident Litigation Practice Direction | Appendix D |
| Appendix FA | Annexes to Medical Negligence Litigation Practice Direction | Appendix E |
| Appendix FB | Pre-Action Protocol for Personal Injury Claims | Appendix F |
| Appendix G | Benchmark Rates for Cost of Rental and Loss of Use | Appendix G |
| Appendix H | Sample Bills of Costs | Appendix H |
| Appendix J | Guidelines for Parties Using Early Expert Pre-trial Conference | Appendix I |
| Appendix M | Discovery and Inspection of Electronic Documents | Appendix J |

Dated this 1st day of July 2015.



JENNIFER MARIE
REGISTRAR
STATE COURTS



State Courts Practice Directions

Table of Contents

| | |
|---|----|
| PART I: INTRODUCTION..... | 8 |
| 1. Citation..... | 8 |
| 2. Practice Directions to apply to civil proceedings only unless otherwise stated | 9 |
| 3. Citation of Legislation in Proceedings..... | 10 |
| 4. Calculation of time..... | 11 |
| 5. Updating..... | 12 |
| 6. Forms | 13 |
| 7. Business of the Registry..... | 14 |
| PART II: ORIGINATING PROCESSES AND DOCUMENTS..... | 15 |
| 8. Originating Summonses..... | 15 |
| 9. Identification numbers to be stated in cause papers..... | 16 |
| 10. Citation of Case Numbers / New Court Forum Prefix..... | 21 |
| 11. Personal service of processes and documents..... | 22 |
| 12. Substituted Service..... | 23 |
| 13. Amendment of documents | 24 |
| 14. Endorsements on originating processes and other documents..... | 27 |
| 15. Additional endorsements on cause papers | 28 |
| 16. Information to be provided in cause papers and documents filed in the State Courts Registry | 29 |
| 17. Access to case file, inspection and taking copies of documents and conducting searches | 30 |
| PART III: SIMPLIFIED PROCESS FOR CIVIL PROCEEDINGS IN THE MAGISTRATE’S COURT..... | 34 |
| 18. Overview of the simplified process | 34 |
| 19. Upfront discovery | 36 |
| 21. Appointment of single joint expert | 41 |
| 22. Simplified trials and assessment of damages..... | 42 |
| PART IV: INTERLOCUTORY AND OTHER APPLICATIONS..... | 43 |
| 23. Distribution of applications..... | 43 |
| 24. Summonses | 44 |
| 25. Consolidated, transferred or converted cases in civil proceedings | 45 |
| 26. Summonses for Directions..... | 46 |
| 27. Written Submissions for Contested Inter Partes Applications in Chambers | 48 |

| | |
|--|-----------|
| 28. Adjournment or vacation of hearings other than trials | 49 |
| 29. Ex parte applications for injunctions | 50 |
| 30. Mareva injunctions and search orders* | 51 |
| 31. Documents in support of ex parte applications for injunctions (including Mareva injunctions) and search orders | 53 |
| 32. Applications for discovery or interrogatories against network service providers | 55 |
| 33. Absence of parties | 56 |
| PART V: HEARINGS VIA SKYPE | 57 |
| 34. Video-Conferencing using Skype | 57 |
| PART VI: ALTERNATIVE DISPUTE RESOLUTION..... | 61 |
| 35. Overview of Alternative Dispute Resolution (ADR) for civil cases | 61 |
| 36. Mode of referral to ADR and consideration of ADR options: Case Management Conference, Pre-Trial Conference and Summons for Directions | 67 |
| 37. Non-injury Motor Accident (NIMA) Claims..... | 70 |
| 38. Personal Injury Claims..... | 75 |
| 39. Medical Negligence Claims..... | 79 |
| 40. Assessment of damages | 80 |
| 41. Mediation | 83 |
| 42. Neutral Evaluation | 85 |
| PART VII: DISCOVERY AND INSPECTION OF ELECTRONICALLY STORED DOCUMENTS..... | 87 |
| 43. Introduction..... | 87 |
| 44. Time to consider electronic discovery issues during general discovery..... | 88 |
| 45. Requests and applications for the giving of discovery | 89 |
| 46. Matters to which regard shall be had in determining whether discovery or inspection is necessary..... | 91 |
| 47. Form of list..... | 92 |
| 48. Inspection of electronically stored documents..... | 93 |
| 49. Supply of copies of electronically stored documents | 95 |
| 50. Restriction on use of privileged document, inspection of which has been inadvertently allowed..... | 96 |
| 51. Costs..... | 97 |
| PART VIII: EVIDENCE – WITNESSES, AFFIDAVITS AND EXHIBITS | 98 |
| 52. Witnesses | 98 |
| 53. Form of affidavits | 99 |
| 54. Exhibits to affidavits | 101 |

| | |
|--|------------|
| 55. Swearing or affirming of affidavits, statutory declarations and oaths | 105 |
| 56. Effect of non-compliance..... | 107 |
| 57. Order 41 of the Rules of Court | 108 |
| 58. Objections to the contents of affidavits of evidence-in-chief | 109 |
| 59. Request for court interpreters..... | 110 |
| 60. Use of Expert Witness (in cases other than Non-Injury Motor Accident Claims) | 111 |
| 61. Request for Digital Audio Recording and Transcription Service..... | 112 |
| 62. Certification of transcripts | 113 |
| 63. Application for court records for civil matters | 114 |
| PART IX: FIXING OF MATTERS FOR HEARING..... | 115 |
| 64. Waiting time for the hearing of matters | 115 |
| 64. Waiting time for the hearing of matters | 115 |
| 65. Pleadings | 117 |
| 66. Requesting a hearing date through the Electronic Filing Service..... | 118 |
| 67. Fixing of hearing dates..... | 119 |
| 68. Adjournment or vacation of hearing dates and part-heard cases | 120 |
| PART X: DOCUMENTS AND AUTHORITIES FOR USE IN COURT | 121 |
| 69. Electronic filing of documents and authorities for use in court..... | 121 |
| 70. Bundle of documents filed on setting down | 122 |
| 71. Documents for use in trials in open Court | 124 |
| 72. Hearing in Chambers | 129 |
| 73. Citation of written judgments and secondary authorities | 130 |
| PART XI: JUDGMENTS AND ORDERS..... | 133 |
| 74. Draft orders of Court..... | 133 |
| 75. Unnecessary extraction of orders of Court | 135 |
| 76. Judgment in default of appearance or service of defence | 136 |
| 77. Consent judgments or orders involving disposition or transfer of property | 137 |
| 78. Judgment Interest | 138 |
| PART XII: APPEALS | 141 |
| 79. Requests for further arguments before the Judge or Registrar | 141 |
| PART XIII: ELECTRONIC FILING SERVICE..... | 142 |
| 80. Application..... | 142 |
| 81. Establishment of Electronic Filing Service and appointment of network service provider | 143 |
| 82. Appointment of agent to establish service bureau | 144 |

| | |
|--|------------|
| 83. Documents which must be filed, served, delivered etc., using the Electronic Filing Service..... | 145 |
| 84. Limits on the size and number of documents submitted using the Electronic Filing Service..... | 146 |
| 85. Form of documents | 147 |
| 86. Pagination of documents..... | 148 |
| 87. Documents which cannot be converted into an electronic format..... | 149 |
| 88. Rejection of documents, back-dating and refund of penalty | 150 |
| 89. Hearings | 151 |
| 90. Filing documents through service bureau | 152 |
| 91. Filing of documents to the State Courts through a Supreme Court service bureau..... | 153 |
| 92. Registered users and authorised users..... | 154 |
| 93. Hard copies of documents filed electronically..... | 156 |
| 94. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service..... | 157 |
| 95. Requests and other Correspondence | 158 |
| PART XIV: EXECUTION MATTERS..... | 160 |
| 96. Filing of writs of execution through the Electronic Filing Service | 160 |
| 97. Sale of immovable property..... | 161 |
| 98. Writs of execution & writs of distress – movable property..... | 162 |
| 99. Directions for Engaging Authorised Bailiffs under Section 15A State Courts Act (Cap. 321) | 164 |
| 100. Examination of Judgment Debtor | 166 |
| 101. Committal proceedings | 167 |
| PART XV: BILLS OF COSTS FOR TAXATION | 168 |
| 107. Taxations involving the Public Trustee or the Director of Legal Aid | 168 |
| PART XVI: GENERAL MATTERS..... | 170 |
| 108. Operating hours of the State Courts..... | 170 |
| 109. Hours for the sittings of the State Courts..... | 171 |
| 110. Hearing of urgent applications during weekends and public holidays | 172 |
| 111. Duty Registrar and Duty Magistrate | 173 |
| 112. Attendance of solicitors in Court | 175 |
| 113. Attendance at hearings in Chambers..... | 176 |
| 114. Absence from Court on medical grounds | 177 |
| 115. Precedence and preaudience of Senior Counsel | 180 |
| 116. Submissions and examination by leading and assisting counsel | 181 |

| | |
|--|------------|
| 117. Court dress | 182 |
| 118. Use of electronic and other devices | 183 |
| 119. Personal Data | 184 |
| 120. Authorisation for collection of mail and Court documents | 186 |
| 121. Filing directions to the Accountant-General for payment into and out of Court..... | 187 |
| 122. Stamping of documents..... | 188 |
| 123. Publication of & Reports and Comments on Court Cases..... | 189 |
| PART XVII: CRIMINAL MATTERS | 190 |
| 124. Noting of appearances of advocates/prosecutors | 190 |
| 125. Bundles of authorities for criminal proceedings | 191 |
| 126. Magistrate's complaints (Private summonses)..... | 192 |
| 127. Application for Court Records for criminal matters | 193 |
| 128. Appearance at the State Courts via video link of defendants remanded at Changi Prison Complex..... | 194 |
| 129. Witnesses giving evidence through live video link | 195 |
| PART XVIII: ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS | 197 |
| 130. Application..... | 197 |
| 131. Initiation of prosecution..... | 199 |
| 132. Charges | 200 |
| 133. Checklists..... | 201 |
| 134. Applications | 202 |
| 135. Documents | 203 |
| 136. Documents for use in criminal trials..... | 204 |
| 137. Documents which cannot be converted into electronic format..... | 205 |
| 138. Amendment of charges and documents | 206 |
| 139. Limits on size and number of documents submitted using Electronic Filing Service | 207 |
| 140. Bundle of authorities..... | 208 |
| APPENDIX A..... | 209 |
| FORMS | 209 |
| Form 1 | 210 |
| Form 2..... | 211 |
| Form 3..... | 212 |
| Form 4A..... | 213 |
| Form 4B | 218 |

| | |
|----------------------------|-----|
| Form 5 | 222 |
| Form 6A | 232 |
| Form 6B | 239 |
| Form 7 | 245 |
| Form 8 | 251 |
| Form 9A | 253 |
| Form 9B | 255 |
| Form 9C | 257 |
| Form 9C(A)..... | 258 |
| Form 9D | 259 |
| Form 9E | 267 |
| Form 9F..... | 269 |
| Form 9G | 272 |
| Form 9I [#] | 273 |
| Form 9J* | 275 |
| Form 9K* | 280 |
| Form 10..... | 285 |
| Form 11 | 286 |
| Form 12..... | 287 |
| Form 13..... | 291 |
| Form 14..... | 292 |
| Form 15..... | 293 |
| Form 16..... | 294 |
| Form 17..... | 303 |
| Form 18..... | 313 |
| Form 19..... | 322 |
| Form 20..... | 330 |
| Form 21..... | 336 |
| Form 22..... | 337 |
| Form 23..... | 338 |
| Form 24..... | 339 |
| Form 25..... | 340 |
| Form 26..... | 341 |
| Form 27..... | 343 |
| APPENDIX B | 344 |

| | |
|------------------|-----|
| APPENDIX C | 351 |
| Annex A | 351 |
| Form 1 | 363 |
| Form 2 | 365 |
| Form 3 | 366 |
| Annex B | 367 |
| Form 5 | 376 |
| Form 5A | 377 |
| Form 6 | 378 |
| Form 7 | 379 |
| Form 8 | 380 |
| APPENDIX D | 382 |
| Annex A | 382 |
| Form 1 | 386 |
| Form 1A | 388 |
| Form 2 | 389 |
| Form 3 | 390 |
| APPENDIX E | 391 |
| Form 1 | 405 |
| Form 2 | 407 |
| Form 2A | 409 |
| Form 3 | 411 |
| Form 4 | 412 |
| Form 5 | 416 |
| Form 5A | 418 |
| APPENDIX F | 421 |
| APPENDIX G | 424 |
| Sample A | 424 |
| Sample B | 433 |
| Sample C | 438 |
| APPENDIX H | 441 |
| APPENDIX I | 443 |
| Part 1 | 443 |
| Part 2 | 446 |
| Part 3 | 452 |

PART I: INTRODUCTION

1. Citation

These Practice Directions may be cited as the State Courts Practice Directions.

2. Practice Directions to apply to civil proceedings only unless otherwise stated

For avoidance of doubt, these Practice Directions shall apply to civil proceedings only unless otherwise stated.

3. Citation of Legislation in Proceedings

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

4. Calculation of time

The provisions in the Rules of Court (Cap. 322, R 5) shall apply to the calculation of time in these Practice Directions. In particular:

- (a) the following definition of “working day” in Order 1, Rule 4 of the Rules of Court is applicable in these Practice Directions:

“Working day” means any day other than a Saturday, Sunday or public holiday; and

- (b) the provisions of Order 3 of the Rules of Court shall also apply to the calculation of time.

5. Updating

- (1) Any addition or amendment to these Practice Directions will be notified on the State Courts' website at <http://www.statecourts.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 State Courts' website at <http://www.statecourts.gov.sg>.

6. Forms

The Forms in Appendix A to these Practice Directions shall be used where applicable with such variations as the circumstances of the particular case require.

7. Business of the Registry

- (1) Pursuant to Order 60, Rule 1(3) of the Rules of Court (Cap. 322, R 5), the business of the Registry is governed by the Rules of Court 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: ORIGINATING PROCESSES AND DOCUMENTS

8. Originating Summonses

- (1) This Practice Direction applies to originating summonses filed on or after 1 January 2006.

Forms for originating summonses

- (2) Solicitors' attention is drawn to Order 12, Rule 9 of the Rules of Court (Cap. 322, R 5) which provides that no appearance need be entered to an originating summons.
- (3) Where any legislation requires a party to file an originating summons and the Form is not provided within the legislation, the originating summons must be filed using either Form 4 (Originating Summons) or Form 5 (*Ex Parte* Originating Summons) of Appendix A of the Rules of Court.
- (4) The parties in Form 4 of Appendix A of the Rules of Court shall be stated as "plaintiff" and "defendant", or "appellant" and "respondent" as the case may be.
- (5) The party in Form 5 of Appendix A of the Rules of Court shall be stated as "applicant".

9. Identification numbers 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 No. not known)". 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 parties 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 (Cap. 201). The 7 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, but has been assigned a FIN number under the Immigration Regulations

(Cap. 133, Rg 1), 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 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 (Cap. 267, R 1) 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**

For a company registered under the Companies Act (Cap. 50), 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, the identification number shall be the registration number of the company in the country of registration.

(h) **Business registered under the Business Registration Act**

For a body registered under the Business Registration Act (Cap. 32), the identification number shall be the UEN.

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

For a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), 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 Not Known)” at the time of filing. However, when the necessary identification numbers have been obtained, the party must furnish the necessary identification numbers to the Civil Registry through the Electronic Filing Service.

Meaning of document

- (9) 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 or not.

Non-compliance

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

10. 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 1st January 2015 shall bear case numbers in the following Format:

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

For example :

| <i>Case number Format</i> | <i>Type of case</i> |
|---------------------------|---|
| DC / DC 1 / 2015 | Writ of Summons filed in the District Court |
| MC / MC 1 / 2015 | Writ of Summons filed in the Magistrate's Court |
| DC / OSS 1 / 2015 | Originating Summons filed in the District Court |
| MC / OSS 1 / 2015 | Originating Summons filed in the Magistrate's Court |
| DC / SUM 1 / 2015 | Summons filed in a District Court Suit |
| MC / SUM 1 / 2015 | Summons filed in a Magistrate's Court Suit |

- (2) The new Court description or court forum prefix will not be displayed in the Electronic Queue System. Counsel and parties should disregard the same when taking their queue numbers.
- (3) Parties must cite the case number in full in all documents and Requests filed in Court.

11. Personal service of processes and documents

- (1) The attention of solicitors is drawn to Order 62, Rule 2(1) of the Rules of Court (Cap. 322, R 5) which provides:

“Personal service must be effected by a process server of the Court or by a solicitor or a solicitor's clerk whose name and particulars have been notified to the Registrar for this purpose:

Provided that the Registrar may, in a particular cause or matter, allow personal service to be effected by any other named person and shall, in that case, cause to be marked on the document required to be served personally, a memorandum to that effect.”
[*emphasis added*]

- (2) Solicitors are therefore required to notify the Civil Registry of the particulars, and any change thereof, of such clerks who have been authorised by them to serve processes and documents by filing Form 1 in Appendix A to these Practice Directions. Notifications under the previous Subordinate Courts Practice Directions (in force immediately before 7 March 2014) will be treated as being notifications under this paragraph. Solicitors' clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.
- (3) In view of the alternative modes providing for personal service to be effected by a solicitor or a solicitor's clerk, Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.
- (4) If it is felt that there are special reasons requiring personal service by a Court process server, a Request for such service should be filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, the documents for service should 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.
- (5) On the appointed date, the person accompanying the process server should call at the Civil Registry. The amount required for the transport charges of the process server (a record of which will be kept) should be tendered, or, alternatively, the process server in question should be informed that transport for him will be provided. The Civil Registry will then instruct the process server to effect service.
- (6) Under no circumstances should any payment be made directly to the process server.

12. Substituted Service

- (1) In any application for substituted service, the applicant should persuade the Court that the proposed mode of substituted service will bring the document in question 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 a residential address or by AR registered post should contain evidence (for example, 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 or resident 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.

13. 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, i.e. —
 - (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 paragraph (2)(b) above shall not apply to any originating summons or summons that has been amended from an *inter partes* application to an *ex parte* application or *vice versa*.
- (7) The directions in paragraphs (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) Order 20, Rule 10(2) of the Rules of Court requires that an amended pleading or other document 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 Order 20 of the Rules of Court 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 20, 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 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 Summons (Amendment No. 3, by order of court made on 1 January 2013)”;

(b) “Writ of Summons (Amendment No. 1, pursuant to O. 20, r 3)”.

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

Amendments made on original writ or originating summons (where amendments are not numerous or lengthy)

(12) This paragraph applies to writs and originating summonses that have not been filed using the Electronic Filing Service. In addition to the usual endorsement signed by the solicitors pursuant to Practice Direction 14 (Endorsements on originating processes and other documents), there should be re-sealing of the document as required by Order 20, Rule 10(1), of the Rules of Court. The seal will be embossed over the endorsement.

Amendment of case title to add a party

(13) Where leave of Court has been obtained to add a party to the main case title of a matter, for example, an intervener, a garnishee 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.

14. 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. This is because such endorsements are pursuant to either an order of Court or the Rules of Court (Cap. 322, R 5). The Registrar should therefore not be asked to sign such endorsements.
- (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 writs of summons.

15. Additional endorsements on cause papers

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

16. Information to be provided in cause papers and documents filed in the State Courts Registry

- (1) This Practice Direction shall apply to all cause papers and documents that are not filed using the Electronic Filing Service (EFS).
- (2) Occasionally when members of the staff of the State Courts have to contact lawyers having conduct of an action or charge of a matter, they have sometimes encountered difficulties for reasons such as changes to the constitution of the law firm, changes to the telephone numbers and telephone receptionists in law firms being unable to identify the lawyer concerned.
- (3) 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.)”

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

17. 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 (e.g. 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 leave 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) Requests in hard copy may be submitted to inspect case files containing documents which were not filed using the Electronic Filing Service. The Civil Registry will only accept requests which are printed or typewritten on paper of good quality and signed by the solicitors concerned. Requests which have any erasure marks on them will be rejected. Requests which are double stamped, that is, if the requests were originally short stamped and later stamped to add up to the correct fee, may be rejected.
- (7) Solicitors must communicate to the Registrar in writing the names of their clerks 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) 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) 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.
- (11) Once approval is received from the Court, the applicant should present a printed copy of the approved Request at the Records Section. After verifying that the Request presented has been approved, the staff of the Records Section will inform the applicant of any additional fees payable. Any additional fees payable should then be stamped on the Request at the State Courts Cashier's Office. Upon presentation of this stamped Request, the documents will be furnished to the applicant.
- (12) The fees prescribed by Appendix B to the Rules of Court 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

- (13) Order 60 Rule 2 of the Rules of Court provides that the Registry shall maintain information prescribed or required to be kept by the Rules of Court and Practice Directions issued by the Registrar. In addition to any provisions in the Rules of Court, 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;
 - (ii) details of appeals filed therein; and
 - (iii) details of probate proceedings, including wills and caveats filed therein;
 - (b) details of writs of execution, writs of distress and warrants of arrest; and
 - (c) any other information as may from time to time be deemed necessary.

- (14) Searches of this information under Order 60 Rule 3 of the Rules of Court may be conducted through the Electronic Filing Service at a service bureau or at the Records Section. The fees prescribed by Appendix B to the Rules of Court will be payable for the searches.

- (15) 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 III: SIMPLIFIED PROCESS FOR CIVIL PROCEEDINGS IN THE MAGISTRATE'S COURT

18. Overview of the simplified process

- (1) The Practice Directions in this Part, unless otherwise stated, apply to —
 - (a) all civil proceedings begun on or after 1st November 2014 by writ which are before a Magistrate's Court; and
 - (b) any civil proceedings begun on or after 1st November 2014 by writ —
 - (i) which are before a District Court; and
 - (ii) in which the parties thereto have, pursuant to Order 108, Rule 1 of the Rules of Court (Cap. 322, R 5), consented to the application of Order 108 to those proceedings by filing their consent in Form 233 of Appendix A of the Rules of Court.
- (2) The simplified process provided for by Order 108 is meant to facilitate the fair, expedient and inexpensive determination of all such proceedings in a manner which is proportionate to –
 - (a) the amount of the claim;
 - (b) the number of parties;
 - (c) the complexity of the issues;
 - (d) the amount of costs that is likely to be incurred by each party; and
 - (e) the nature of the action.
- (3) An important feature of the simplified process is the upfront discovery under Order 108, Rule 2, which requires parties to serve a list of documents together with their pleadings, to allow the parties to have the fullest possible particulars of each other's case in order to facilitate effective negotiations towards an early resolution of the dispute between the parties without a trial.
- (4) The Case Management Conference (CMC) provided for by Order 108, Rule 3 will be central to the simplified process. At the CMC, the Court will endeavour to assist the parties in narrowing the issues between them, managing any interlocutory matters and facilitating an early resolution of the dispute.

- (5) The CMC will not apply to non-injury motor accident [NIMA] claims and personal injury [PI] claims, including any action where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment. In this regard, Practice Direction 20 (Case management conference [CMC]) does not apply to NIMA and PI claims. Such claims will be dealt with following the pre-action protocols and practice directions issued by Registrar. Please refer to Practice Directions 35, 37, 38 and 39 for more information.

- (6) Where a case cannot be resolved amicably, the Court will give directions for a simplified trial unless the circumstances warrant otherwise.

19. Upfront discovery

- (1) Prior to the service of the pleading on the other party, a party shall file a list of documents using Form 234 of Appendix A of the Rules of Court (Cap. 322, R 5).

Order 108 Rule 2(4) of the Rules of Court states that:

“The list of documents referred to in paragraph (3) —

- (a) must be filed in Form 234;*
- (b) must set out —*
 - (i) every document referred to in the pleading which the list accompanies;*
 - (ii) every document on which the party serving the list relies or will rely; and*
 - (iii) any other document which could —*
 - (A) adversely affect that party’s own case;*
 - (B) adversely affect another party’s case; or*
 - (C) support another party’s case; and*
- (c) must set out the documents in a convenient order and as shortly as possible, but also describe each document sufficiently to enable the document to be identified.”*

- (2) Every pleading served by a party shall be accompanied by a list of documents (filed separately from the pleading) using Form 234 as set out in Order 108, Rule 2(4) of the Rules of Court (Cap. 322, R 5). The list of documents filed shall be served together with the relevant pleading on the other party within the time limited for the service of such pleading.
- (3) For the avoidance of doubt, in any case where further and better particulars of a pleading are filed which refer to or plead new documents, the party shall file a supplementary list of documents.
- (4) A request by a party for a copy of any document on the other party’s list of documents shall be made in writing in accordance with Order 108, Rule 2(5). The party served with such a request for documents shall provide the documents within 7 days of the request.
- (5) Where an applicant for an order under Order 108, Rule 2(9) for the discovery or production of documents did not make a prior request by letter for the documents he requires, the Court may refuse to make the order unless the applicant shows sufficient reasons for not making the prior request by letter.

20. Case management conference [CMC]

- (1) The provisions of this Practice Direction apply to all cases begun on or after 1st November 2014 by writ in a Magistrate's Court, excluding –
 - (a) any non-injury motor accident [NIMA] claims ; and
 - (b) any personal injury [PI] claims, including any action where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment.
- (2) In accordance with Order 108 Rule 3(8) of the Rules of Court (Cap. 322, R 5), the cases in paragraphs 1(a) and (b) will be dealt with following the pre-action protocols and practice directions issued by Registrar. Please refer to Practice Directions 35, 37, 38 and 39 for more information.
- (3) To facilitate the management of cases at an early stage and to encourage parties to consider how a case may be resolved without trial, including using negotiation or Alternative Dispute Resolution (ADR), a CMC as provided for by Order 108, Rule 3(1) shall be convened within 50 days after the Defence has been filed.
- (4) Parties shall be notified in writing of the CMC within 8 days of the filing of the Defence.
- (5) Where all parties in a case begun on or after 1st November 2014 by writ in a District Court file their consent in Form 233 of Appendix A of the Rules of Court for the simplified process in Order 108 to apply to cases in a District Court, parties shall file a Request via the Electronic Filing Service to request for a Case Management Conference.

Before the CMC

- (6) Parties should negotiate with a view to resolving the matter at the earliest opportunity once parties are notified of the CMC date.
- (7) Seven (7) days prior to the first CMC, parties shall —

- (a) exchange proposals in writing using Form 2 of Appendix A 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 3 of Appendix A 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; and
 - (ii) the ADR Form (Form 7 of Appendix A to these Practice Directions) in order to facilitate a considered decision on ADR options. The 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.
- (8) In order for the CMC to be effective and fruitful, the solicitor having conduct of the matter should take all necessary instructions from their clients (including exploring ADR options to achieve an amicable resolution of the matter) and comply with all directions, including those at paragraph (7) above, prior to attending the first CMC session.
- (9) Some of the ADR options available include:
- (a) Mediation in the State Courts Centre for Dispute Resolution;
 - (b) Neutral Evaluation in the State Courts Centre for Dispute Resolution;
 - (c) Arbitration under the Law Society’s Arbitration Scheme; or
 - (d) Mediation by private mediation service providers.
- (10) A party may file a Request via the Electronic Filing Service for an early CMC date prior to receiving the CMC notification mentioned in paragraph (4). Parties shall comply with paragraphs (6) and (7) before the CMC.

At the CMC

- (11) At the CMC, the Court may manage the case by, inter alia, —
- (a) encouraging the parties to co-operate in the conduct of the proceedings;
 - (b) assisting parties to identify and narrow the issues at an early stage;
 - (c) dealing with any interlocutory applications and issues, including giving such directions for discovery as may be necessary;
 - (d) considering with the parties whether the likely benefits of any step proposed to be taken by a party justify the costs that will be incurred;
 - (e) encouraging the parties to negotiate to resolve the issues and/or case and/or use an ADR procedure if the Court considers it appropriate as well as facilitating the use of such ADR procedure having regard to Order 108, Rule 3(3) of the Rules of Court;
 - (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 list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence in Chief and setting the matter down for trial);
 - (h) fixing timelines to manage and control the progress of the case; and
 - (j) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.
- (12) The purpose of the CMC is for the court to consider all available options in the case jointly with the parties. It is therefore necessary that the solicitor in charge of the case for that party (i.e. the solicitor who has been handling the case for that party and who is familiar with it) attend the CMC. Solicitors for both parties shall attend the CMC.

- (13) The Court may require a party who is represented by solicitors to attend the CMC.
- (14) Where a party has filed a Summons for Direction (SFD), the Court may also deal with the SFD at the CMC.
- (15) In order that parties benefit fully from the process of the CMC, adjournment(s) of any CMC will not be granted without good reason. Consent of both parties to the adjournment, without more, is not considered sufficient reason for an adjournment.
- (16) Where interlocutory judgment has been entered on the issue of liability only, leaving the damages to be assessed, the Court shall convene a case management conference after the filing of the Notice of Appointment for Assessment of Damages (NAAD). Such a case management conference shall be known as the Assessment of Damages Case Management Conference (AD-CMC). Paragraphs (10) to (15) above shall apply as far as possible with the necessary modifications to ensure that the matter progresses expeditiously. Where an amicable resolution on quantum is not possible, the assessment of damages hearing will proceed expeditiously. The provisions of Practice Direction 40 (Assessment of damages) on assessment of damages shall continue to apply. The ADR Form (Form 7 of Appendix A to these Practice Directions) is not required to be filed prior to the AD-CMC.

21. Appointment of single joint expert

- (1) In a matter where any question requiring the evidence of an expert witness arises, the plaintiff (or the defendant as the case may be), shall as soon as practicable, inform the defendant by way of a letter proposing the expert he wishes to appoint and the terms of such appointment.
- (2) The defendant shall, within 14 days after receiving the letter, inform the plaintiff whether he agrees to the appointment of the expert proposed by the plaintiff and the terms of such appointment.
- (3) If there is an agreement on the appointment of the expert, the plaintiff shall send the expert a letter of appointment within 14 days thereof, and the letter of appointment must be copied to the defendant.
- (4) If the defendant objects to the expert proposed by the plaintiff, the defendant shall, besides stating the reason(s) for his objection, state the name of the expert whom he considers suitable to appoint and the terms of such appointment. The plaintiff shall, within 14 days from the date of receipt of the letter from the defendant, state if he has any objections to the expert proposed by the defendant and the terms of such appointment. If the plaintiff agrees to the expert proposed by the defendant, the plaintiff shall send the expert a letter of appointment within 14 days thereof, and the letter of appointment must be copied to the defendant.
- (5) If both parties are unable to agree on the expert to be appointed, the Court may, on its own motion, appoint the expert for the parties at the CMC

22. Simplified trials and assessment of damages

- (1) The duration for a simplified trial under Order 108, Rule 5 of the Rules of Court (Cap. 322, R 5) or an assessment of damages hearing in any case to which Order 108 applies shall generally not exceed 1 day.
- (2) The opening statement of each party for use in a simplified trial shall, as far as possible, comply with the format in Form 4A of Appendix A to these Practice Directions.
- (3) For NIMA and PI cases, the opening statements shall, as far as possible, comply with Form 4B of Appendix A to these Practice Directions.
- (4) Forms 9D, 9E and 9F in Appendix A to these Practice Directions, as appropriate, shall continue to apply in respect of the Joint Opening Statement for use in an assessment of damages hearing.
- (5) The provisions of Practice Directions 60 (Use of Expert Witness (in cases other than Non-Injury Motor Accident Claims)) and 71 (Documents for use in trials in open Court), as appropriate, shall continue to apply to simplified trials.

PART IV: INTERLOCUTORY AND OTHER APPLICATIONS

23. Distribution of applications

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

24. Summonses

- (1) All interlocutory applications must be made by way of summons.
- (2) Ordinary summonses shall be endorsed “*ex parte*” or “by consent” and when endorsed “by consent” must bear a certificate to that effect signed by all the solicitors concerned.
- (3) After the filing of any “*ex parte*” or “by consent” summons, the application will be examined by the Judge or Registrar as the case may be. If he is satisfied that the application is in order and all other requirements have been complied with, he may make the order(s) applied for on the day fixed for the hearing of the application without the attendance of the applicant or his solicitor.
- (4) Summonses that are filed using the Electronic Filing Service 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.
- (5) Enquiries by telephone will not be entertained.
- (6) Where a summons is filed in a matter for which a trial date has been fixed, the summons must be filed using the Electronic Filing Service with a special request informing the Civil Registry of the trial date(s).

25. Consolidated, transferred or converted cases in civil proceedings

Where leave of Court has been obtained to consolidate cases or transfer a case from the Supreme Court to the State Courts or an order is made in a matter commenced by originating summons to continue as if commenced by writ, the applicant or his solicitor must inform the Civil Registry of the order for consolidation or transfer or conversion by way of an appropriate Request through the Electronic Filing Service.

26. Summonses for Directions

Cases that are subject to the simplified process under Order 108 of the Rules of Court (Magistrate’s Court cases filed on or after 1st November 2014 and by consent, District Court cases filed on or after 1st November 2014)

- (1) Under Order 108 of the Rules of Court (Cap. 322, R 5) and Practice Direction 20 (Case management conference [CMC]), a case commenced by writ on or after 1st November 2014 in a Magistrate’s Court, and by consent, a case commenced by writ on or after 1st November 2014 in a District Court, will be called for a case management conference within 50 days after the Defence has been filed. The case management conference is convened to facilitate the management of the case from an early stage and to encourage parties to consider how the case may be resolved without trial, through negotiation or any Alternative Dispute Resolution (ADR) process including mediation, neutral evaluation or arbitration. A summons for directions need not be filed in such cases, as the necessary directions will be given at the case management conference.

Cases that are not subject to the simplified process under Order 108 of the Rules of Court: Application of presumption of ADR

- (2) Order 25, Rule 1(1)(b), of the Rules of Court provides that directions may be given at the Summons For Direction (SFD) hearing for the just, expeditious and economical disposal of the case. At the SFD hearing, solicitors should be ready to consider all available ADR options, including mediation and arbitration, for the most effective resolution of the case. *The Court will refer cases for ADR during the SFD hearing, and/or make any other directions for the purpose of case management.*
- (3) The Deputy Registrar may recommend the appropriate mode of dispute resolution at the SFD hearing. To facilitate a considered decision on the ADR options, the ADR Form (Form 7 of Appendix A to these Practice Directions) must be read and completed by the solicitors for all parties and their clients when taking out or responding to an SFD application. A party who is not represented shall also complete the relevant sections of the ADR Form.
- (4) When filing the SFD, the plaintiff must file the ADR Form through the Electronic Filing Service (EFS) under the document name “Incoming Correspondence – ADR Form (Plaintiff)”. The defendant must file the ADR Form *not less than 7 days before the hearing date for the SFD*. This Form shall be filed under the document name “Incoming Correspondence – ADR Form (Defendant)” through the EFS. No court fees will be charged for the filing of the ADR Form.

- (5) This requirement does not apply to —
- (a) motor accident claims;
 - (b) personal injury claims other than claims in medical negligence; or
 - (c) any case which has gone through Court Dispute Resolution before the SFD is filed.
- (6) The solicitors for *all the parties* shall be present at the SFD hearing.
- (7) All cases shall be automatically referred by the Court for the most appropriate mode of ADR during the SFD hearing, unless any or all of the parties opt out of ADR. A party who wishes to opt out of ADR should indicate his/her decision in the ADR Form. Where the Judge is of the view that ADR is suitable, and the party/parties have opted out of ADR for unsatisfactory reasons, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:
- “The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”
- (8) The Deputy Registrar hearing the SFD may make recommendations to the parties for the matter to proceed for —
- (a) Mediation in the State Courts Centre for Dispute Resolution;
 - (b) Neutral Evaluation in the State Courts Centre for Dispute Resolution;
 - (c) Arbitration under the Law Society's Arbitration Scheme; or
 - (d) Mediation by private mediation service providers.

27. Written Submissions for Contested Inter Partes Applications in Chambers

- (1) To facilitate and expedite the hearing of contested *inter partes* applications before a Registrar in Chambers and Registrar's Appeals before a District Judge in Chambers, the applicant and the respondent to the application shall file their Written Submissions no later than 3 working days prior to the hearing date fixed by the Court and shall serve a copy thereof on the other party to the application or his solicitor.
- (2) The Written Submissions filed by parties shall 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.
- (3) This Practice Direction applies only in the following matters:
 - (a) Application for summary judgment under Order 14, Rule 1 and Rule 5 of the Rules of Court (Cap. 322, R 5);
 - (b) Application for determination of questions of law or construction of documents under Order 14, Rule 12 of the Rules of Court;
 - (c) Application to set aside judgment under Order 13, Rule 8 or Order 19, Rule 9 of the Rules of Court;
 - (d) Application to strike out pleadings and endorsements under Order 18, Rule 19 of the Rules of Court;
 - (e) Registrar's Appeals under Order 55B of the Rules of Court; and
 - (f) Any other application as may be directed by the Court.

28. Adjournment or vacation of hearings other than trials

- (1) 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. 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.
- (2) The request should be made at least 2 working days before the hearing date, setting out the reasons for the request.
- (3) 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.
- (4) 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.

29. Ex parte applications for injunctions

- (1) Order 29, Rule 1, of the Rules of Court (Cap. 322, R 5) provides that an application for the grant of an injunction may be made *ex parte* in cases of urgency. However, the cases of *Castle Fitness Consultancy Pte Ltd v Manz* [1989] SLR 896 '*The Nagasaki Spirit*' (No.1) [1994] 1 SLR 434 take the position that an opponent to an *ex parte* application, especially where the application seeks injunctive relief, should be invited to attend at the hearing of the application.
- (2) In view of this, any party applying *ex parte* for an injunction (including a *Mareva* injunction) 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 the use of any other electronic means (including electronic mail or Internet transmission), or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the leave of the Court, the party shall give a minimum of two 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 of the nature of the relief sought. If possible, a copy of the originating process, the *ex parte* summons 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 *ex parte* application, 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 *ex parte* application. However, in such cases, the reasons for not following the Directions should be clearly set out in the affidavit prepared in support of the *ex parte* application.

30. Mareva injunctions and search orders*

- (1) Applicants for *Mareva* injunctions and search orders are required to prepare their orders in accordance with the following Forms in Appendix A to these Practice Directions:
 - (a) Form 5: Search order;
 - (b) Form 6A: Worldwide *Mareva* injunction; and
 - (c) Form 6B: *Mareva* injunction limited to assets within the jurisdiction.
- (2) These Forms, inevitably, are complicated, but their language and layout are intended to make it easier for persons served with these orders to understand what they mean. These standard form orders should be used save to the extent that the Judge hearing a particular application considers there is a good reason for adopting a different Form. 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.
- (5) On an *ex parte* application for a *Mareva* injunction or an search order, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by a payment into Court, the provision of a bond by an insurance company, a banker's guarantee or a payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

Applications for search orders

- (6) It was suggested in *Universal Thermosensors Ltd v Hibben* [1992] 3 All ER 257 at 276 that the order 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. These guidelines are equally applicable in the local context and the Judge in his discretion may, in appropriate cases, require a supervising solicitor.

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

31. Documents in support of *ex parte* applications for injunctions (including Mareva injunctions) and search orders

- (1) Without prejudice to the requirements stated in Practice Directions 29 (Ex parte applications for injunctions) and 30 (Mareva injunctions and search orders), in order to assist the Court hearing *ex parte* applications for injunctions (including *Mareva* injunctions) 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 on an *ex parte* basis, 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 jurisdiction, 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) An applicant must prepare skeletal submissions on the points to be raised at the hearing of the *ex parte* application. At the hearing, the applicant shall give a copy of the skeletal submissions to the Court and to any opponent present. The applicant shall file the skeletal submissions by the next working day.

- (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.

32. Applications for discovery or interrogatories against network service providers

- (1) This Practice Direction applies to an application made under Order 24, Rule 6(1) or Order 26A, Rule 1(1) of the Rules of Court (Cap. 322, R 5) —
 - (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) shall —
 - (a) be made in Form 4 of Appendix A to the Rules of Court; and
 - (b) when made in accordance with sub-paragraph (a) above, be fixed for hearing within 5 days from the date of filing of the application.
- (3) The onus shall lie on the applicant to highlight the nature of the application to the Registry and to request that the application be fixed for hearing within 5 days.
- (4) In paragraph (1)(a), the words "electronic copy", "material", "network service provider" and "primary network" have the same meanings as in section 193A(1) of the Copyright Act (Cap 63).
- (5) In paragraph (1)(b), the words "electronic recording", "network service provider", "performance" and "primary network" have the same meanings as in section 246(1) of the Copyright Act (Cap 63).

33. Absence of parties

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

PART V: HEARINGS VIA SKYPE

34. Video-Conferencing using Skype

Introduction

- (1) The State Courts will allow solicitors to use Skype, a free and accessible service, to mention cases on the following hearing lists that satisfy the criteria set out opposite thereto:

| Registry / Department | Hearing Lists | Criteria |
|---|--|---|
| Civil Registry | <ul style="list-style-type: none">• Ex-parte summons list (Wednesday mornings)• Garnishee list (Tuesday and Thursday afternoons)• Summons for Directions (Tuesdays and Thursdays)• Duty Registrar matters (every day) | Uncontested matters for selected hearing lists, where no documents will be tendered and the party attending via Skype is mentioning for all other parties (if applicable). |
| State Courts Centre for Dispute Resolution | <ul style="list-style-type: none">• Court Dispute Resolution sessions for non-injury motor accident claims and personal injury claims arising from motor vehicle accidents (Mondays, Wednesdays and Fridays) | Court Dispute Resolution sessions for non-injury motor accident claims and personal injury claims arising from motor vehicle accidents where no documents will be tendered. |

- (2) This will enable solicitors to mention their cases via Skype instead of personally attending Court for many short mentions which generally will not last beyond 10 minutes.

Guidelines and Procedures

- (3) Unless approval has been previously given, solicitors seeking to mention their cases via Skype at the State Courts Centre for Dispute Resolution after 1 May 2015 must file a Request for Hearing Administrative Support via the Electronic Filing Service not less than 2 working days before the date of the hearing. All requests are subject to the approval of the Judge or Registrar.
- (4) Solicitors mentioning their cases via Skype must comply with the guidelines and procedures set out in the Schedule below.

Court etiquette

- (5) A solicitor mentioning a case via Skype must proceed with the hearing as if he or she were appearing before the Judge in person, and must comply with all Court rules of etiquette as prescribed in these Practice Directions and any relevant Registrar's Circular.

Adjournment of Skype hearing

- (6) If for any reason the presiding Judge or Registrar considers that it is not expedient for any hearing to continue via Skype, he or she may —
- (a) adjourn the matter and require parties to attend Court personally on an appointed date and time;
 - (b) conduct the hearing via telephone; or
 - (c) make any other direction that may be appropriate in the circumstances of the case.

Hearing Records

- (7) Hearings conducted via Skype shall not be recorded on video or audio tape or any other form.

Queries and Assistance

- (8) Any queries or requests for assistance pertaining to Skype hearings may be sent to the following email addresses:
- (a) for hearings at the Civil Registry:
Statecourts_Civil_Registry@statecourts.gov.sg
 - (b) for hearings at the State Courts Centre for Dispute Resolution:
Statecourts_CDR@statecourts.gov.sg

SCHEDULE

**GUIDELINES AND PROCEDURES
FOR HEARINGS VIA SKYPE**

1. Log into your Skype account and set your status to ‘available’.
2. You may access the relevant hearing list at <http://www.statecourts.gov.sg>.
3. Check the chambers assigned to hear your case.
4. **Then identify the corresponding Skype contact from amongst the following:**

| Civil Registry | |
|---|----------------------------------|
| Chambers C | StateCts_CivilReg_ChC |
| Chambers D | StateCts_CivilReg_ChD |
| Chambers J | StateCts_CivilReg_ChJ |
| Chambers N | StateCts_CivilReg_ChN |
| Chambers P | StateCts_CivilReg_ChP |
| Duty matters | StateCts_CivilReg_DutyReg |
| State Courts Centre for Dispute Resolution (SCCDR) | |
| SCCDR Chambers 1 | StateCts_CDR_Ch_1 |
| SCCDR Chambers 2 | StateCts_CDR_Ch_2 |
| SCCDR Chambers 3 | StateCts_CDR_Ch_3 |
| SCCDR Chambers 4 | StateCts_CDR_Ch_4 |
| SCCDR Chambers 5 | StateCts_CDR_Ch_5 |
| SCCDR Chambers 7 | StateCts_CDR_Ch_7 |
| SCCDR Chambers 8 | StateCts_CDR_Ch_8 |

5. Send a request to add the Court's Skype ID as your contact. Once the request is accepted, send an instant message to the relevant Chambers using Skype to inform the judge that you are ready and state your name, law firm and case number. E.g., if your matter is fixed for hearing in Chambers J, you will send your message to ‘*StateCts_CivilReg_ChJ*’. Your instant message will state “*John Tan, ABC Law*”

Firm, ready at 3:15, MC 12345/20XX/A". **Note that the judge will not call you unless you have previously sent a message to indicate your readiness to proceed with the Skype hearing.**

6. When the judge is ready to deal with your matter, he/she will call you. Accept the *video call* and start the hearing. **Do not attempt to call the judge.**
7. If you encounter any problem, you may call the following numbers for assistance:
 - Civil Registry: 6435 5058
 - SCCDR: 6435 5882
8. If the problems cannot be resolved, you may be required to personally attend Court to mention your case.

PART VI: ALTERNATIVE DISPUTE RESOLUTION

35. Overview of Alternative Dispute Resolution (ADR) for civil cases

- (1) This Part of the Practice Directions focuses on ADR for *civil* disputes only.
- (2) ADR should be considered at the earliest possible stage. Court-sponsored ADR services give the parties the opportunity to resolve their disputes faster and more cheaply compared to litigation. These services are collectively termed “Court Dispute Resolution” (CDR) and are provided by the Court for free. CDR sessions are convened under Order 34A of the Rules of Court (Cap. 322, R 5), which empowers the Court to convene pre-trial conferences for the purpose of the “just, expeditious and economical disposal of the cause or matter”.
- (3) In addition to CDR sessions provided by the Courts, the Courts also encourage parties to consider using other ADR procedures, such as the following:
 - (a) Arbitration under the Law Society’s Arbitration Scheme; and
 - (b) Mediation by private mediation service providers.

Processes used for Court Dispute Resolution sessions

- (4) CDR is provided by the State Courts Centre for Dispute Resolution. There are 2 processes used —
 - (a) Mediation; and
 - (b) Neutral Evaluation.

(Solicitors may refer to the State Courts’ website at <http://www.statecourts.gov.sg> for more information on these processes.)
- (5) CDR sessions are conducted on a “without prejudice” basis. All communications at CDR sessions, except terms of settlement or directions given for trial, are confidential pursuant to Order 34A, Rule 7 of the Rules of Court, and shall not be disclosed in any court document or at any court hearing.
- (6) If the parties are unable to resolve their dispute at the CDR session, the Judge will give the necessary directions for the action to proceed to trial. The action will be tried by another Judge other than the Judge conducting the CDR session.

- (7) CDR sessions are provided by the State Courts Centre for Dispute Resolution without any fee, with the following exception set out in Order 90A Rule 5A of the Rules of Court (Cap. 322 R 5):

- "(1) Subject to this Rule, a fee of \$250 is payable by each party in a case in a District Court (regardless of whether the case is commenced before, on or after 1 May 2015) for all Court ADR services that are provided in the case.*
- (2) The Court ADR fee is payable when the first Court ADR service to be provided in the case, pursuant to either of the following, is fixed:*
- (a) a request made on or after 1 May 2015 for the Court ADR service by any party in the case;*
- (b) a referral on or after 1 May 2015 by the Court or the Registrar.*
- (3) No Court ADR fee is payable in any of the following actions:*
- (a) any non-injury motor accident action (as defined in Order 59, Appendix 2 Part V);*
- (b) any action for damages for death or personal injuries;*
- (c) any action under the Protection from Harassment Act 2014 (Act 17 of 2014).*
- (4) The Registrar may, in any case, waive or defer the payment of the whole or any part of the Court ADR fee on such terms and conditions as the Registrar deems fit."*

- (8) Each party who has requested for CDR or have been referred for CDR pursuant to Order 90A Rule 5A shall pay the fee of \$250 before proceeding for the scheduled CDR session. Details concerning the payment of these fees are provided in the relevant correspondence by the State Courts to the parties.

Presumption of ADR for all cases

- (9) A “presumption of Alternative Dispute Resolution” applies to all civil cases. The Court encourages parties to consider ADR options as a “first stop”, at the earliest possible stage. The Court will, as a matter of course, refer appropriate matters to ADR.

Presumption of ADR for non-injury motor accident (NIMA) claims, personal injury claims and medical negligence claims

- (10) All *non-injury motor accident and personal injury cases excluding claims where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment (“medical negligence claims”) filed in court* will be fixed for CDR. The Court will send a notice to the solicitors fixing the date of the first CDR session within 8 weeks after the memorandum of appearance is filed.
- (11) Subject to paragraph (12) below, the Judge will use the process of *Neutral Evaluation and indicate the likely apportionment of liability of the parties at trial*. The parties may then negotiate using the indication as a basis. The procedure and protocols set out in Practice Directions 37 (Non-injury Motor Accident (NIMA) Claims) and 38 (Personal Injury Claims) shall apply, as appropriate, to these claims.
- (12) For NIMA and personal injury claims arising from motor vehicle accidents, the Judge will provide an indication on the likely apportionment of liability of the parties at trial 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 Guide (1st Edn., 2014 State Courts, Singapore) (“Motor Accident Guide”); or
 - (b) despite the parties’ reasonable efforts in resolving the question of liability through negotiation with reference to the Motor Accident Guide before the CDR session, no settlement has been reached.
- (13) All medical negligence claims will be fixed for CDR. The Court will send a notice to the solicitors fixing the date of the first CDR session within 4 weeks after the writ is filed. The procedure and protocols set out in Practice Direction 39 (Medical Negligence Claims) shall apply, as appropriate, to these claims.

Presumption of ADR for other cases (excluding NIMA, personal injury and medical negligence cases)

Cases that are subject to the simplified process under Order 108 of the Rules of Court (Magistrate’s Court cases filed on or after 1st November 2014 and by consent, District Court cases filed on or after 1st November 2014)

- (14) All cases commenced by writ on or after 1st November 2014 in a Magistrate’s Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of

Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).

- (15) The Court will convene a case management conference within 50 days of the filing of the Defence pursuant to Order 108, Rule 3 of the Rules of Court. At the case management conference, *the Court may refer cases for the most appropriate mode of ADR, where —*
- (a) *the parties consent to the case being referred for resolution by the ADR process; or*
 - (b) *where the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.*
- (16) Practice Direction 20 (Case management conference [CMC]) sets out details of the case management conference.

Cases that are not subject to the simplified process

- (17) In all other cases commenced in a Magistrate's Court before 1st November 2014, and all cases commenced in a District Court on or after 1st April 2014, the Court will fix a Pre-Trial Conference (PTC) within 4 months after the filing of the writ if —
- (a) the Defence has been filed;
 - (b) no summons for directions or application for summary judgment, striking out, stay, transfer or consolidation of proceedings has been taken out for the case; and
 - (c) no CDR session has been fixed.
- (18) Such cases shall be automatically referred by the Court for the most appropriate mode of ADR during the PTC, unless the parties opt out of ADR.
- (19) The procedure for referral to these ADR options is set out in Practice Direction 36 (Mode of referral to ADR etc.).

Request for CDR

NIMA, personal injury and medical negligence cases

- (20) A Request for CDR is not required to be filed for all NIMA, personal injury and medical negligence claims as the parties are automatically notified by the Court to attend CDR.

Cases subject to the simplified process in Order 108 (excluding NIMA, personal injury and medical negligence claims)

- (21) For all cases commenced by writ on or after 1st November 2014 in a Magistrate's Court, parties are not required to file a Request for CDR as the Court will deal with matters concerning ADR at the case management conference. Further details are set out in Part XVIII of these Practice Directions.

Cases that are not subject to the simplified process (excluding NIMA, personal injury and medical negligence claims)

- (22) For all such cases commenced before 1st November 2014 in a Magistrate's Court, and all cases commenced in a District Court, parties are not required to file a Request for CDR as the Court will refer the appropriate cases for CDR during PTCs or summonses for directions. A Request for CDR may be filed via the Electronic Filing Service when the parties wish to attempt CDR at an earlier stage.

Request for Skype Mediation

- (23) Parties can request for mediation to be conducted in the State Courts Centre for Dispute Resolution with one party appearing via Skype if the following requirements are satisfied namely:
- (a) The overseas party satisfies either of the following criteria:
 - (i) The overseas party (not being a corporation) is unable to travel to Singapore on certified medical grounds, or provides other evidence of inability to travel to Singapore for mediation; or
 - (ii) The overseas party is a foreign incorporated company with no local presence and/or representative;
 - (b) The party in Singapore consents to the application for mediation via Skype; and
 - (c) The overseas party is represented by solicitors in Singapore.
- (24) A request for Skype mediation is to be made by filing a Request for CDR via the Electronic Filing Service, and annexing a Request for Skype Mediation (Form 8 in Appendix A to these Practice Directions) and relevant supporting documents in Portable Document Format (PDF) via the "paper clip" feature embedded in the Request for CDR.
- (25) Both Part A and Part B of the Request for Skype Mediation have to be completed and endorsed by the relevant parties at the time of filing.

- (26) Skype mediation proceedings or any part thereof shall not be recorded on video, audio or any other form. The attention of parties is also drawn to Order 38A, Rule 4 of the Rules of Court.

Request for adjournment of CDR session

- (27) A dedicated time slot is set aside for each CDR session. In order to minimise wastage of time and resources, any request for adjournment of a CDR session shall be made early. A request to adjourn a CDR session —
- (a) for NIMA and personal injury claims shall be made *not less than 2 working days* before the date of CDR; and
 - (b) for other cases shall be made *not less than 7 working days* before the date of CDR.
- (28) A request for an adjournment of a CDR session shall be made *only* by filing a “Request for Refixing / Vacation of Hearing Dates” via the Electronic Filing Service. The applicant shall obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties.

Sanctions for failure to make early request for adjournment, lateness or absence

- (29) Where any party is absent without valid reason for the CDR session, the Court may exercise its powers under Order 34A, Rule 6 of the Rules of Court to “dismiss such action or proceedings or strike out the defence or counterclaim or enter judgment or make such order as it thinks fit”.
- (30) Where any party is late for the CDR session, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states —

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

36. Mode of referral to ADR and consideration of ADR options: Case Management Conference, Pre-Trial Conference and Summons for Directions

- (1) This Practice Direction applies to all civil cases except non-injury motor accident (NIMA) claims and personal injury claims.

Case management conference for cases subject to the simplified process in Order 108 of the Rules of Court

- (2) All cases commenced by writ *on or after 1st November 2014 in a Magistrate's Court* and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court (Cap. 322, R 5) for Order 108 to apply) are subject to the simplified process set out under Order 108 of the Rules of Court (Cap. 322, R 5). The Court will convene a case management conference within 50 days of the filing of the Defence pursuant to Order 108, Rule 3 of the Rules of Court. Practice Direction 20 (Case management conference [CMC]) sets out the procedure for the case management conference.
- (3) At the case management conference, the Court *may refer cases for the most appropriate mode of ADR, where —*
 - (a) *the parties consent to the case being referred for resolution by the ADR process; or*
 - (b) *where the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.*
- (4) To facilitate the Court's decision concerning ADR options, *all the parties and their solicitors must read and complete the ADR Form (Form 7 in Appendix A to these Practice Directions) prior to the case management conference.* The ADR Form must be filed through the Electronic Filing Service not less than 7 working days before the Case Management Conference under the document name "ADR Form". No court fees will be charged for the filing of the ADR Form.

Pre-trial conference and summons for directions for cases not subject to the simplified process

- (5) Paragraphs (6) to (12) below do not apply to non-injury motor accident, personal injury and medical negligence claims. They apply to all cases, not subject to the simplified process in Order 108, that are —

- (a) commenced before 1st November 2014 in a Magistrate's Court; or
 - (b) commenced in a District Court on or after 1st April 2014.
- (6) To encourage the use of Alternative Dispute Resolution (ADR) at an early stage, the Court will convene a Pre-Trial Conference (PTC) *within 4 months after the writ is filed* for every case where —
- (a) the Defence has been filed;
 - (b) no Summons for Directions (SFD) or application for summary judgment, striking out, stay, transfer or consolidation of proceedings has been taken out for the case; and
 - (c) no CDR session has been fixed,

except that the parties will not be asked to attend a PTC in the event that they have earlier filed an SFD application.

- (7) Parties may file an SFD application prior to the PTC and file a request to vacate the PTC. Practice Direction 26 (Summonses for Directions) applies accordingly.
- (8) The solicitors for all the parties shall be present at the PTC. The parties need not attend the PTC.
- (9) The Judge hearing the PTC will give the necessary directions to facilitate the management of the case. The Judge may also recommend the appropriate mode of ADR. To facilitate a considered decision on the ADR options, *the parties and their solicitors must read and complete the ADR Form (Form 7 in Appendix A to these Practice Directions) prior to the PTC*. A party who is not represented shall also complete the relevant sections of the ADR Form.
- (10) The parties must file the ADR Form through the Electronic Filing Service not less than 7 working days before the PTC under the document name "ADR Form". No court fees will be charged for the filing of the ADR Form.
- (11) All cases shall be *automatically referred by the Court for the most appropriate mode of ADR during the PTC unless any or all of the parties opt out of ADR*. Any party who wishes to opt out should indicate his/her decision in the ADR Form.

- (12) Where the Judge is of the view that ADR is suitable, and the party/parties have opted out of ADR for reasons deemed to be unsatisfactory, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties’ conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

37. Non-injury Motor Accident (NIMA) Claims

(1) Compliance with FIDReC (Financial Industry Disputes Resolution Centre) pre-action protocol for low value NIMA claims

- (a) For NIMA claims where the quantum of damages claimed, before apportionment of liability and excluding survey fees, interests, costs and disbursements, is below \$3,000 (“NIMA claims below \$3,000”), claimants are to comply with the FIDReC pre-action protocol at Annex A in Appendix C of these Practice Directions before commencing court proceedings. The claims will be managed by FIDReC in accordance with FIDReC's Terms of Reference providing for mediation and adjudication of disputes. 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 from following the protocol as far as they are able.
- (b) Where the claimant has commenced an action in Court, the Court will consider compliance with the protocol in exercising its discretion as to costs. In particular, the Court will consider the following situations as non-compliance with the protocol by the claimant:
 - (i) commencement of Court proceedings before adjudication of the claim by FIDReC;
 - (ii) a finding by the Court that the quantum of damages before apportionment of liability is less than \$3,000 and the pleaded claim is for an amount exceeding \$3,000; and
 - (iii) the claimant has failed to obtain a judgment that is more favourable than the award of the FIDReC Adjudicator.
- (c) If non-compliance with the protocol has led to incurring unnecessary costs, the Court may make the following orders:
 - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he succeeds;
 - (ii) an order that the party at fault pay the other party or parties their costs of the proceedings, or part of those costs; and
 - (iii) an order that the party at fault pay those costs on an indemnity basis.

- (d) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:
 - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
 - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.
- (e) The Court will not impose sanctions on the claimant where there are good reasons for non-compliance.
- (f) Where the claimant has commenced Court proceedings before adjudication of the claim by FIDReC, the Court may stay the action under Order 34A of the Rules of Court (Cap. 322, R 5) to require the claimant to comply with the protocol.

(2) **Compliance with NIMA pre-action protocol**

- (a) For NIMA claims of \$3,000 and above, claimants are to comply with the NIMA pre-action protocol at Annex B in Appendix C of these Practice Directions before commencing court proceedings.
- (b) For NIMA claims below \$3,000, claimants are also to comply with the NIMA pre-action protocol before commencing court proceedings unless paragraphs 3 and 8 of the FIDReC pre-action protocol providing for discovery of documents and negotiation have already been complied with.
- (c) 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 claim from following the protocol so far as they are able.
- (d) The Court will consider compliance with the protocol in exercising its discretion as to costs. If non-compliance with the protocol has led to incurring unnecessary costs, the Court may make the following orders:
 - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he succeeds;
 - (ii) an order that the party at fault pay the other party or parties their costs of the proceedings, or part of those costs; and
 - (iii) an order that the party at fault pay those costs on an indemnity basis.
- (e) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:

- (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
- (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(3) **General Case Management for all NIMA claims filed in Court**

Court Dispute Resolution sessions for NIMA claims subject to the simplified process under Order 108 of the Rules of Court

- (a) All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).
- (b) The requirement for upfront discovery under Order 108 Rule 2(4) of the Rules of Court and Practice Direction 19 (Upfront discovery) apply to such cases.
- (c) These claims will continue to be called for CDR within 8 weeks after the filing of the memorandum of appearance. In accordance with Order 108 Rule 3(8), there will be no case management conference convened as these claims will be dealt with following any pre-action protocol and practice direction issued by Registrar. Sub-paragraphs (e) to (j) (below) also apply to these claims.
- (d) Where parties are unable to resolve the case through CDR, the Court will manage the case, having regard to the provisions of Order 108 Rule 5 of the Rules of Court, by, amongst other things, —
 - (i) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence-in-Chief and setting the matter down for trial);
 - (ii) fixing timelines to manage and control the progress of the case; and
 - (iii) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

Court Dispute Resolution sessions for all NIMA claims

- (e) The Court will convene the first CDR session for all NIMA cases under Order 34A of the Rules of Court within 8 weeks after the filing of the memorandum of appearance. Solicitors shall comply with the relevant CDR guidelines in Appendix B of these Practice Directions when preparing for and attending CDR sessions for NIMA claims.
- (f) The Judge will provide an indication on liability during the CDR session if —
 - (i) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the *Motor Accident Guide*; or
 - (ii) despite the parties' reasonable efforts in resolving the question of liability through negotiation with reference to the *Motor Accident Guide* before the CDR session, no settlement has been reached.

The solicitors for all parties seeking an indication on liability should complete a "Liability Indication Form" (Form 9A in Appendix A to these Practice Directions) and submit it to the Judge at the first CDR Session.

- (g) If the parties settle the issue of liability or quantum or both, they shall submit Form 9I (in Appendix A to these Practice Directions) to the Court to record the settlement terms or to enter a consent judgment.
- (h) Parties may expect, generally, 3 sessions of CDR. If the matter is not settled at the third session, the Court may make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the action, including directions for trial.

Directions made after entering consent interlocutory judgment

- (i) Where the solicitors record a consent interlocutory judgment before the Court, they shall submit, as appropriate, an Application for Directions under Order 37" (Form 9C in Appendix A to these Practice Directions), or an Application for Directions under Order 37 of the Rules of Court for Magistrate's Court Case Fixed for Simplified AD Pursuant to Order 108" (Form 9C(A) of Appendix A to these Practice Directions). The Court shall give the necessary directions under Order 37 of the Rules of Court.

Forms

- (j) **Soft copies of the Liability Indication Form (Form 9A), the Application for**

Directions under Order 37 (Form 9C), the Application for Directions under Order 37 of the Rules of Court for Magistrate's Court Case Fixed for Simplified AD Pursuant to Order 108 (Form 9C(A)), and the form for Recording Settlement/Entering Judgment by Consent (Form 9I), may be downloaded at <http://www.statecourts.gov.sg>.

(4) **Benchmark rates for cost of rental and loss of use**

- (a) Where the dispute involves a claim for damages in respect of a motor accident for cost of rental of a replacement car and/or loss of use, parties are to have regard to the Benchmark Rates for Cost of Rental and Loss of Use at Appendix F of these Practice Directions.
- (b) The Benchmark Rates are to serve as a starting point and adjustments may be made according to the circumstances of each case.

38. Personal Injury Claims

(1) Compliance with Personal Injury Claims Pre-Action Protocol

(a) In this Practice Direction —

“Form” means the appropriate Form in Appendix A to these Practice Directions;

“personal injury claims” refers to all actions for personal injuries including motor vehicle accidents (“PIMA”) and industrial workplace accidents, *but excluding actions where the pleadings contain an allegation of a negligent act or omission in the course of a medical or dental treatment*;

“personal injury claims” refers to claims for personal injury with or without an additional claim for property damage arising from the same accident.

(b) Claimants in personal injury claims are to comply with the Pre-Action Protocol for Personal Injury Claims at Appendix E to these Practice Directions 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 claim from following the protocol so far as they are able.

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

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

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

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

(d) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:

(i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and

- (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(2) **General Case Management for all Personal Injury Claims filed in Court**

Court Dispute Resolution sessions for personal injury claims subject to the simplified process under Order 108 of the Rules of Court

- (a) All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).
- (b) The requirement for upfront discovery under Order 108 Rule 2(4) of the Rules of Court and Practice Direction 19 (Upfront discovery) apply to such cases.
- (c) These claims will continue to be called for CDR within 8 weeks after the filing of the memorandum of appearance. In accordance with Order 108 Rule 3(8), there will be no case management conference convened as these claims will be dealt with following any pre-action protocol and practice direction issued by Registrar. Sub-paragraphs (e) to (m) (below) also apply to these claims.
- (d) Where parties are unable to resolve the case through CDR, the Court will manage the case, having regard to the provisions in Order 108 Rule 5 of the Rules of Court, by, inter alia, —
 - (i) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence-in-Chief and setting the matter down for trial);
 - (ii) fixing timelines to manage and control the progress of the case; and
 - (iii) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

Court Dispute Resolution sessions for all personal injury claims

- (e) *For all personal injury claims*, the Court will convene the first CDR session under Order 34A of the Rules of Court within 8 weeks after the filing of the memorandum of appearance. Solicitors shall comply with the relevant CDR

guidelines in Appendix B to these Practice Directions when preparing for and attending CDR sessions for personal injury claims.

- (f) During a CDR session, the Court may vary the automatic directions provided under Order 25, Rule 8 of the Rules of Court to facilitate settlement of the dispute, pursuant to its powers under O 34A, Rule 1(1) of the Rules of Court.

Court Indications on Liability and Quantum

- (g) In CDR sessions for personal injury claims, *except PIMA claims*, the Judge will provide indications on *both liability and quantum* of the claim. The solicitors for all the parties shall submit a **Quantum Indication Form** (see Form 9B) to the Judge at the first CDR session.
- (h) *For PIMA claims*, the Judge will provide an indication on liability if
 - (i) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the *Motor Accident Guide*; or
 - (ii) despite the parties' reasonable efforts in resolving the question of liability through negotiation with reference to the *Motor Accident Guide* before the CDR session, no settlement has been reached.

The solicitors for all parties seeking an indication on liability shall submit a "Liability Indication Form" (i.e. Form 9A) to the Judge at the first CDR session. Whether or not an indication on liability is given, the Judge may, at his own discretion in appropriate cases or at solicitors' request, provide an indication on quantum. Solicitors requesting an indication on quantum should obtain each other's consent before the CDR session, and submit the Quantum Indication Form (i.e. Form 9B) to the Judge at the first CDR session.

Recording of terms of settlement or judgment

- (i) If the parties settle the issue of liability or quantum or both, they shall submit Form 9I to the Court to record settlement terms or to enter a consent judgment.

Directions made after entering interlocutory judgment by consent or after trial on liability

- (j) **Where solicitors record interlocutory judgment before the Court whether by consent or after trial on liability, they shall submit the Application for Directions under Order 37 (i.e. Form 9C) or Application for Directions under Order 37 of the Rules of Court for Magistrate's Court Case Fixed for Simplified AD Pursuant to Order 108 (Form 9C(A)). The Court shall give the necessary directions under Order 37 of the Rules of Court. Alternatively,**

pursuant to Practice Direction 40 (Assessment of damages), where solicitors wish to request for a fast track ADCDR session after recording an interlocutory judgment, they shall file Form 9G in place of Form 9C.

- (k) The trial judge shall give the necessary directions for assessment of damages by the Registrar under Order 37 of the Rules of Court after giving interlocutory judgment on liability.
- (l) Where the CDR Judge has not given an indication on quantum earlier, the trial judge shall give an indication on quantum after delivery or recording of interlocutory judgment. Solicitors shall submit the Quantum Indication Form (i.e. Form 9B) to the trial judge.

Forms

- (m) Soft copies of the Liability Indication Form (Form 9A), Quantum Indication Form (Form 9B), the Application for Directions under Order 37 (Form 9C), the Application for Directions under Order 37 of the Rules of Court for Magistrate's Court Case Fixed for Simplified AD Pursuant to Order 108 (Form 9C(A)), Fast Track ADCDR Application Form (Form 9G) and form for Recording Settlement/Entering Judgment by Consent (Form 9I) may be downloaded at <http://www.statecourts.gov.sg>.

39. Medical Negligence Claims

(1) Compliance with pre-action protocol

- (a) Claimants in medical negligence claims are to comply with the pre-action protocol at Appendix D 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 claim from following the protocol so far as they are able.
- (b) In exercising its discretion as to costs, the Court will consider compliance with the protocol. If non-compliance with the protocol has led to unnecessary costs, the Court may make the following orders:
 - (i) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds;
 - (ii) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and
 - (iii) an order that the defaulting party pay those costs on an indemnity basis.
- (c) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:
 - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
 - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(2) Case management

Approximately 4 weeks after the filing of a writ for a medical negligence claim, the Court will convene a pre-trial conference at the State Courts Centre for Dispute Resolution to discuss and facilitate settlement of the claim.

40. Assessment of damages

(1) Assessment of Damages Court Dispute Resolution (ADCDR) Conference and Pre-Assessment of Damages Conference (PADC)

- (a) For all personal injury cases excluding medical negligence cases, the Court will convene the first conference under Order 34A of the Rules of Court (Cap. 322, R 5) generally within 4 weeks after the filing of the notice of appointment for assessment of damages. The Court will conduct an Assessment of Damages Court Dispute Resolution (ADCDR) session where it will give an indication on the quantum of damages.
- (b) Parties may expect, generally, 3 sessions for ADCDR. If there is no settlement, the Court may direct the matter for assessment of damages hearing or make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the matter. An adjournment of an ADCDR session shall be granted only for good reasons, for example, the solicitor is engaged in a trial or other hearing in the High Court or the State Courts, is away on in camp training, overseas, or on medical leave.
- (c) The solicitors for all parties shall submit the “Quantum Indication Form” (see Form 9B in Appendix A to these Practice Directions) to the Court together with any supporting medical report(s) of the Plaintiff at the first ADCDR session and the Court will give an indication on quantum of damages.
- (d) For all other types of cases, including Non-Injury Motor Accident (NIMA) cases, the Court will convene a Pre-Assessment of Damages Conference (PADC) under Order 34A of the Rules of Court generally within 4 weeks after the filing of the notice of appointment for assessment of damages. At the PADC, the Court may direct the matter for assessment of damages hearing or make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the matter.
- (e) A failure to attend a conference or comply with any Court directions may result in the Court dismissing the action or striking out the defence or counterclaim or entering judgment or making such order as it thinks fit. Any judgment, order or direction made against an absent party may be set aside or varied by the Court pursuant to Order 34A rules 1(4) and 6(2) of the Rules of Court.

(2) **Directions to be given for Assessment of Damages Hearing**

- (a) When an assessment of damages hearing date is given at a conference, the parties will be directed to do the following:
- (i) to file and serve the Bundle(s) of Documents (whether agreed or otherwise) within 4 weeks from the date of the ADCDR/PADC;
 - (ii) the Plaintiff 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 Plaintiff's portions duly completed;
 - (iii) the Defendant shall, within 2 weeks prior to the date of the assessment of damages hearing, serve on the Plaintiff the draft Joint Opening Statement with the Defendant's portions duly completed; and
 - (iv) the Plaintiff shall, within 1 week prior to the date of the assessment of damages hearing, file and serve the duly completed Joint Opening Statement.
- (b) The format to be used for the Joint Opening Statement shall be as follows:
- (i) Joint Opening Statement Assessment of Damages for Personal Injury Claims (including dependency Claims) — Form 9D of Appendix A to these Practice Directions;
 - (ii) Joint Opening Statement Assessment of Damages for Non-Injury Motor Accident Claims — Form 9E of **Appendix A** to these Practice Directions; and
 - (iii) Joint Opening Statement Assessment of Damages for General Claims excluding Personal Injury and Non-Injury Motor Accident Claims — Form 9F of Appendix A to these Practice Directions.
- (c) The Joint Opening Statement is to be filed via the Electronic Filing Service. The directions and Forms shall be modified accordingly if there are more than 2 parties in the proceedings.

(3) **Fast Track ADCDR sessions**

- (a) The Court generally will only convene an ADCDR session after the Plaintiff has filed the notice of appointment for assessment of damages. Parties can however make an application for a fast track ADCDR session to be convened

after interlocutory judgment has been entered and before affidavits of evidence-in-chief are exchanged if the following requirements are satisfied:

- (i) all medical reports of the Plaintiff required for a considered indication on quantum of damages are available to all the parties;
 - (ii) the Plaintiff has already attended medical re-examination by the Defendant's or Third Party's medical expert, or the Defendant or Third Party confirms that no medical re-examination of the Plaintiff is required;
 - (iii) no indication on quantum for loss of future earnings and/or loss of earning capacity is required; and
 - (iv) all parties consent to such an application being made.
- (b) An application for the fast track ADCDR session shall be made by filing, via the Electronic Filing Service, a "Request for Fast track ADCDR" in Form 9G in Appendix A to these Practice Directions in Portable Document Format (PDF).
- (c) Form 9G shall only be filed with the consent of all parties involved in the proceedings. When the Plaintiff or his solicitor writes to the Defendant or his solicitor and any other parties in the proceedings for his/their consent, and the Plaintiff does not receive any reply of his letter from any party within 14 days, the Defendant and/or the other parties shall be deemed to have consented for the matter to be referred to a fast track ADCDR session.

(4) **Request for adjournment of ADCDR/PADC by consent**

Any request for adjournment of ADCDR shall be made not less than 2 working days before the date of ADCDR. A request for an adjournment of an ADCDR session shall be made only by filing a "Request for Re-fixing / Vacation of Hearing Dates" via the Electronic Filing Service. The applicant shall obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties.

41. Mediation

Opening statements

- (1) Each party must submit to the State Courts Centre for Dispute Resolution, and serve on all other parties, a written opening statement *not less than 2 working days before the date of the first mediation session*. The opening statement shall be submitted in hard copy and not filed via the Electronic Filing Service.
- (2) The opening statement shall be in the format prescribed in Form 9J in Appendix A to these Practice Directions. A soft copy of this Form may be downloaded at <http://www.statecourts.gov.sg>.
- (3) The opening statement shall be concise and not exceed 10 pages.

Attendance at mediation

- (4) All parties shall attend the mediation in person.
- (5) The solicitor who has primary conduct over the case shall be present throughout the mediation.
- (6) In the case of corporations and other entities, the representative who has the authority to settle shall attend the mediation. 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

- (7) Mediation will be conducted by either a Judge or an Associate Mediator in the State Courts Centre for Dispute Resolution. Associate Mediators are volunteer mediators who have been accredited by both the State Courts and the Singapore Mediation Centre. The parties will be notified by letter if their case is to be mediated by an Associate Mediator.

Procedure at Mediation

- (8) Information on the mediation process is set out at the State Courts' website, at <http://www.statecourts.gov.sg>. Unlike a trial, the primary aim of mediation is not to determine who is at fault in the dispute. The mediator's role is to assist the parties in negotiating and agreeing on a possible settlement to their dispute. The parties will

attend the mediation with their solicitors, and have the opportunity to communicate with each other as well as the mediator.

- (9) The procedure for mediation is more informal than a trial. The mediator will exercise his or her discretion in structuring the mediation, with a view to guiding the parties in arriving at a joint solution.

42. Neutral Evaluation

- (1) A brief form of Neutral Evaluation is used as a matter of practice in all motor accident and personal injury claims. The procedure for such CDR sessions is set out above in Practice Directions 37 (Non-injury Motor Accident (NIMA) Claims) and 38 (Personal Injury Claims), and Appendix B to these Practice Directions.
- (2) The procedure in this Practice Direction applies only to civil cases other than motor accident cases or personal injury cases where parties have requested for Neutral Evaluation.

Procedure in Neutral Evaluation

- (3) Information on the Neutral Evaluation process is set out at the State Courts' website at <http://www.statecourts.gov.sg>. 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 State Courts Centre for Dispute Resolution 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 (4).

Preliminary conference with solicitors

- (4) When parties request a Neutral Evaluation, the Court will convene a preliminary conference with the solicitors alone to discuss and agree on several options regarding the process before the date for Neutral Evaluation is fixed, i.e. —
 - (a) whether 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, without witnesses' attendance.
- (5) If the option referred to in paragraph (4)(b) above is chosen, the Judge may use the "witness conferencing" approach to adduce expert evidence. Witness Conferencing 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

- (6) Each party must submit to the State Courts Centre for Dispute Resolution, and serve on all other parties, a written opening statement not less than 2 working days before the date of the Neutral Evaluation. The opening statement shall be submitted in hard copy and not filed via the Electronic Filing Service.
- (7) The opening statement shall be in the format prescribed in Form 9K in Appendix A to these Practice Directions. A soft copy of this Form may be downloaded at <http://www.statecourts.gov.sg>.
- (8) The opening statement shall be concise and not exceed 10 pages.

Attendance at Neutral Evaluation

- (9) All parties shall attend the Neutral Evaluation session in person unless the Court dispenses with their attendance.
- (10) The solicitor who has primary conduct over the case shall be present throughout the Neutral Evaluation session.
- (11) In the case of corporations and other entities, the representative who has authority to settle shall attend the Neutral Evaluation session. In the event that only a board or body has authority to settle on behalf of the entity, the entity should 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.

PART VII: DISCOVERY AND INSPECTION OF ELECTRONICALLY STORED DOCUMENTS

43. Introduction

- (1) This Part provides an opt-in framework for requests and applications for the giving of discovery and inspection of electronically stored documents, and the supply of electronic copies of such documents. A party that seeks to rely on this Part must cite the relevant Practice Direction(s) in any request or application made hereunder.

Location of electronically stored documents

- (2) Electronically stored documents may reside in storage management systems, folders or directories in storage locations, electronic media or recording devices, including folders or directories where temporarily deleted files are located (for example, the Recycle Bin folder or Trash folder). Electronically stored documents or parts thereof may also reside in the unallocated file space or file slack on an electronic medium or recording device as deleted files or file fragments which may be recovered through the use of computer forensic tools or techniques.

Definition of metadata information

- (3) Metadata information refers to the non-visible and not readily apparent information embedded in or associated with electronically stored documents and may include both application metadata, which is created by the application software used to create the electronic documents, and system metadata, which is created by the operating or storage system. Examples of application metadata include hidden columns or text, formatting and display codes, formulae, prior edits and editorial comments; examples of system metadata include data relating to creation, modification and access of the electronic document, its size, file format and storage location, and other document profile information like title, author, subject and keywords or tags. Metadata information may be stored internally within the electronically stored document or externally in a separate file or database. Externally stored metadata information shall be discoverable as separate documents.

44. Time to consider electronic discovery issues during general discovery

- (1) Parties are encouraged to collaborate in good faith and agree on issues relating to the discovery and inspection of electronically stored documents within the framework for discovery set forth in Order 24 of the Rules of Court (Cap. 322, R 5). Such issues may include the scope and/or any limits on documents to be given in discovery, whether parties are prepared to make voluntary disclosures, and the giving of discovery in stages according to an agreed schedule, as well as the format and manner in which copies of discoverable documents shall be supplied.
- (2) Parties may, immediately after the close of pleadings, but within the time prescribed in Order 25, Rule 8(1)(a) of the Rules of Court, agree on an electronic discovery protocol which may take the form set forth in Part 1 of Appendix I to these Practice Directions. Parties may include the agreed electronic discovery protocol in the summons for directions. The Court shall consider the adequacy of the agreed electronic discovery protocol and may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter. The agreed electronic discovery protocol, as amended by such order or direction of the Court as the case may be, shall form part of the order under the summons for directions to be extracted for the action.
- (3) If parties are unable to agree on an electronic discovery protocol, the party seeking discovery of electronically stored documents may apply for an order. The application must include a draft electronic discovery protocol and must be supported by affidavit providing an account of the parties' attempts to collaborate in good faith to reach agreement on an electronic discovery protocol.

45. Requests and applications for the giving of discovery

Requests for discovery

- (1) A request for discovery of any electronically stored document or class of electronically stored documents may be made before the commencement of proceedings, or at any time to any party to a cause or matter, or any person who is not a party to the proceedings. Unless the request specifies that discovery of externally stored metadata information of the requested electronically stored documents is required, the party providing discovery shall not be required to discover externally stored metadata information.
- (2) A class of electronically stored documents may be described by specifying or describing a search term or phrase to be used in a reasonable search for electronically stored documents. A request for the giving of discovery by reasonable search must specify or describe limits on the scope of the search; such limits shall include at least the following:
 - (a) specifying or describing physical or logical storage locations, media or devices; and
 - (b) specifying the period during which the requested electronically stored documents were created, received or modified.
- (3) A request shall not be made for the discovery of deleted files or file fragments containing information which may be recovered through the use of computer forensic tools or techniques unless:
 - (a) a request is made for the discovery of the electronic medium or recording device on which a forensic inspection is to be conducted; and
 - (b) a request is made for inspection of the said electronic medium or recording device in compliance with Practice Direction 48 (Inspection of electronically stored documents).

Applications for discovery

- (4) An application for discovery of any electronically stored document or class of electronically stored documents which includes externally stored metadata information must be supported by an affidavit showing that a request for externally stored metadata information of the requested electronically stored document or class of electronically stored documents had been made previously.

- (5) An application for discovery of any electronically stored document or class of electronically stored documents which specifies or describes a search term or phrase to be used in a reasonable search for electronically stored documents must specify or describe limits on the scope of the search to be conducted.
- (6) An application for the discovery of a computer database, electronic medium or recording device may be made together with an application for inspection of the said computer database, electronic medium or recording device in accordance with Practice Direction 48 (Inspection of electronically stored documents).
- (7) Upon the hearing of an application for an order for discovery of electronically stored documents, the Court shall have regard to the matters set forth in Practice Direction 46 (Matters to which regard shall be had in determining whether discovery or inspection is necessary).
- (8) Nothing in this Practice Direction shall prevent the party giving discovery from reviewing the discoverable electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents shall not extend to the deletion, removal or alteration of metadata information.

46. Matters to which regard shall be had in determining whether discovery or inspection is necessary

- (1) Order 24, Rules 7 and 13 of the Rules of Court (Cap. 322, R 5) states that an order for discovery and production of documents for inspection shall not be made unless such order is necessary either for disposing fairly of the cause or matter or for saving costs. The matters to which regard shall be had, in determining whether an application for discovery or inspection (including the supply of copies) of electronically stored documents is necessary either for disposing fairly of the cause or matter or for saving costs, shall include:
 - (a) the number of electronic documents involved;
 - (b) the nature of the case and complexity of the issues;
 - (c) the value of the claim and the financial position of each party;
 - (d) the ease and expense of retrieval of any particular electronically stored document or class of electronically stored documents, including —
 - (i) the accessibility, location and likelihood of locating any relevant documents,
 - (ii) the costs of recovering and giving discovery and inspection of any relevant documents,
 - (iii) the likelihood that any relevant documents will be materially altered in the course of recovery, or the giving of discovery or inspection; and
 - (e) the significance of any particular electronically stored document or class of electronically stored documents which are likely to be located to the issues in dispute.

47. Form of list

- (1) The following matters shall be included in any list of documents made pursuant to the giving of discovery in accordance with this Part in which electronic documents are enumerated:
 - (a) the name of the electronic file constituting or containing the electronic document; and
 - (b) the file format (and its version) of the electronic document.
- (2) Where the party giving discovery objects to the production of certain discoverable electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, he must state in the list of documents whether he objects to the production of the electronic documents without the internally stored metadata information. If he does not object to the production of the electronic documents without the internally stored metadata information, he must enumerate the electronic documents in Part 1 of Schedule 1 to the list of documents. In any event, he must enumerate such documents in a separate section in Part 2 of Schedule 1 to the list of documents and shall state that he objects to the production of the whole or part of the internally stored metadata information of these documents.
- (3) Reasonable efforts shall be made to remove duplicated documents from the list of documents. A document shall be considered a duplicate of another if the contents of both (including metadata information) are identical. The use of a hashing function to identify duplicates shall be deemed to be reasonable effort.
- (4) If copies of electronic documents are supplied in one or more read-only optical disc(s) or other storage medium, the party giving discovery shall provide a further list, at the time when such copies are supplied, stating the following:
 - (a) the storage format (and its version) of the optical disc or storage medium; and
 - (b) if there are multiple optical discs or storage media, a list of electronic documents stored on each optical disc or storage medium.
- (5) An index of documents enumerated in a list of documents referred to in paragraph (1) or (4) above shall be provided in an electronic, text searchable and structured format. In the absence of parties' agreement, this index or load file shall be provided in a delimited text file in the Comma Separated Value (or 'CSV') file format.

48. Inspection of electronically stored documents

- (1) A party required to produce electronically stored documents for inspection under Order 24 of the Rules of Court (Cap. 322, R 5) shall provide reasonable means and assistance for the party entitled to inspection to inspect the electronically stored documents in their native format.
- (2) Where an inspection is carried out under Order 24, Rule 9, 10 or 11(1) of the Rules of Court and the inspecting party wishes to take copies of electronically stored documents produced for inspection, his request to take copies shall comply with the protocol set forth in Practice Direction 49 (Supply of copies of electronically stored documents).

Inspection of computer databases and electronic media or recording devices

- (3) No request or application for the inspection of any computer database, electronic medium or recording device shall be made unless discovery of the computer database, electronic medium or recording device has been given.
- (4) A request may be made for the inspection of an electronic medium or recording device (for which discovery has been given) for the purpose of recovering deleted electronic documents through the conduct of a forensic examination of the unallocated file space or file slack of the electronic medium or recording device using computer forensic tools or techniques.
- (5) Where an application under Order 24, Rule 11(2) is made for the inspection of computer databases, electronic media or recording devices for which discovery has been given, the party seeking inspection shall include in his application an inspection protocol, which may take the form found in Part 2 of Appendix I to these Practice Directions, in order to ensure that the party entitled to inspection has access only to electronic documents that are necessary and is not allowed to trawl through the entire database, electronic media or recording device.
- (6) Upon the hearing of an application for an order for the inspection of computer databases, electronic media or recording devices, the Court shall have regard to the matters set forth in Practice Direction 46 (Matters to which regard shall be had in determining whether discovery or inspection is necessary). The Court shall have the power to review the adequacy of an inspection protocol and may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter.

- (7) Nothing in this Practice Direction shall prevent the party producing computer databases, electronic media or recording devices for inspection from reviewing the discoverable electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents shall not extend to the deletion, removal or alteration of metadata information.

49. Supply of copies of electronically stored documents

- (1) Copies of discoverable electronically stored documents shall generally be supplied in the native format in which the requested electronic documents are ordinarily maintained and in one or more read-only optical disc(s).
- (2) Metadata information internally stored in the native format of discoverable electronically stored documents shall not be deleted, removed or altered without the agreement of the parties or an order of Court. Where the party giving discovery objects to the production for inspection of certain discoverable electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, but does not object to the production of the electronic documents without the internally stored metadata information, copies of such documents may be supplied in a reasonably usable format with all or such of the metadata information over which privilege is claimed removed.

Requests for the supply of copies

- (3) A request for copies of discoverable electronically stored documents may specify the format and manner in which such copies are to be supplied. If the party giving discovery does not agree with the specified format or manner or both, he may either:
 - (a) propose a reasonably usable format and/or storage medium and/or a reasonable manner in which he intends to supply copies of the requested electronic documents; or
 - (b) in default of agreement, supply copies of the requested electronic documents in accordance with paragraph (1) above.
- (4) The party giving discovery shall not be required to supply copies of electronically stored documents in more than one format.
- (5) The file format versions set forth in Part 3 of Appendix I to these Practice Directions shall be deemed to be reasonably usable formats for the purpose of this Practice Direction.

Applications for the supply of copies

- (6) Applications for the supply of copies of discoverable electronically stored documents shall specify the format and manner in which copies of such electronic documents are to be supplied.

50. Restriction on use of privileged document, inspection of which has been inadvertently allowed

Order 24, Rule 19 of the Rules of Court (Cap. 322, R 5) applies to the giving of discovery or inspection of electronically stored documents, including the supply of copies, as it would to the giving of discovery or inspection of any other document.

51. Costs

- (1) Except for orders made in respect of third party or pre-action discovery, the costs of complying with an order for the giving of discovery or inspection of electronically stored documents shall generally be borne by the party giving discovery; and disbursements incurred in providing copies shall be reimbursed by the party requesting for copies.

- (2) The Court may invoke its inherent powers under Order 92, Rules 4 and 5 of the Rules of Court (Cap. 322, R 5) to make or give such further orders or directions incidental or consequential to any order as may be necessary, to order the party entitled to discovery to bear the whole or a portion of the costs of compliance with such order for the giving of discovery or inspection of electronically stored documents, and the supply of copies, if such order is necessary to prevent injustice or to prevent an abuse of the process of the Court.

PART VIII: EVIDENCE – WITNESSES, AFFIDAVITS AND EXHIBITS

52. Witnesses

Issuance of subpoenas

- (1) An application for a subpoena shall be made by way of filing a subpoena in Form 67 in Appendix A of the Rules of Court (Cap. 322, R 5). The subpoena is deemed to be issued when it is sealed by an officer of the Registry pursuant to Order 38, Rule 14(2) of the Rules of Court. The previous practice of filing a Request to issue a subpoena is discontinued.

Release of witness upon completion of evidence

- (2) It has been brought to the attention of the Court that generally witnesses have not been told that they are free to leave the Court after they have completed their evidence. To remedy this, 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.

53. Form of affidavits

Affidavits filed electronically

- (1) 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 4 sides of the page. They shall be printed or typed and must be double-spaced.
 - (c) The textual portion of the affidavits, as opposed to the exhibits, must be white.
 - (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.

Affidavits that are not filed electronically

- (2) This paragraph applies to affidavits which are not required to be filed through the Electronic Filing Service.
 - (a) **Form of affidavits generally**
 - (i) Affidavits shall be on A4-ISO paper of durable quality with a blank margin not less than 35 mm wide on all 4 sides of the page.

- (ii) The paper used shall be white.
- (iii) Affidavits shall be produced by printing, lithography or typewriting, and in any case not by carbon copying. A document produced by a photographic or similar process giving a positive and permanent representation free from blemishes will be treated, to the extent that it contains a facsimile of matter produced by one of the above processes, as if it were so produced. Photographic copies which are not clearly legible will be rejected.
- (iv) Affidavits shall be printed or typed, double-spaced, on one side or both sides of the paper.

(b) **Markings on affidavits**

At the top right hand corner of the first page of every affidavit, and also on the backing sheet, there shall be typed, printed or written clearly and in a single line:

- (i) the party on whose behalf it is filed;
- (ii) the name of the deponent;
- (iii) the number of affidavits in relation to the deponent; and
- (iv) the date of filing,

for example, “2nd Deft: Tan Ah Kow: 4th: 23.08.2013”.

(c) **Binding of affidavits**

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. 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 plaintiffs/appellants, and blue for defendants/respondents) with a transparent plastic cover in front and at the back.

(d) **Pagination of affidavits**

Every page of the affidavit shall be paginated consecutively, and the page number shall be placed at the top right hand corner of the page.

54. Exhibits to affidavits

Non-documentary exhibits

- (1) Non-documentary exhibits (e.g., tapes, samples of merchandise, etc.) shall be clearly marked with the exhibit mark in such a manner that there is no likelihood of the exhibit being separated or lost.
- (2) Where the exhibit consists of more than one item (e.g., cassettes in a box) 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.

Exhibits to affidavits filed electronically

- (5) The directions in this paragraph shall apply to exhibits to affidavits that are filed through the Electronic Filing Service:
 - (a) 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.
 - (b) Every page of the exhibits, *including dividing sheets or separators between exhibits*, shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.
 - (c) Each exhibit in the affidavit must be separately book-marked in the Portable Document Format (PDF) document that is filed. For this purpose —
 - (i) the names of the book-marks should follow the initials of the deponent of the affidavit, e.g., "TAK-1", "TAK-2"; and
 - (ii) where a deponent deposes to more than one affidavit to which there are exhibits in any one action, cause or proceedings, the numbering of the

exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit.

- (d) 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 41 Rule 11 of the Rules of Court (Cap. 322, R 5).

Exhibits to affidavits that are not filed electronically

- (6) This paragraph applies to exhibits to affidavits that are not required to be filed through the Electronic Filing Service.
 - (a) 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.
 - (b) All documentary exhibits in an affidavit shall be prefaced by a dividing sheet in a light colour other than white, 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”

- (c) When there are more than 10 different documentary exhibits in an affidavit, there shall be —
- (i) 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 |

- (ii) each document shall be flagged by means of a plastic tag, marked in accordance with the exhibit reference and such flags shall run vertically down the right edge of the exhibits evenly spaced out so as not to overlap one another. The table of contents itself shall bear the top most flag, marked “TABLE”; and
- (iii) exhibits shall be bound in the sequence in which references are made to them in the affidavit.

(d) **Pagination**

Every page of the exhibits (but not the dividing sheets mentioned in subparagraph (b) above) shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.

(e) **Numbering**

Where a deponent deposes to more than one affidavit to which there are exhibits in any one action, cause or proceedings, the numbering of such exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit.

(f) **References to exhibits in other affidavits**

Where a deponent wishes to refer to a document already exhibited in some other deponent's affidavit, he shall not also exhibit it to his own affidavit.

(g) **Related documents**

Related documents (e.g., 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 subparagraph (d) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

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

- (1) Rule 8 of the Commissioners for Oaths Rules (Cap. 322, Rule 3) was amended effective 1 September 1998 to permit an advocate and solicitor who is appointed a commissioner for oaths to take affidavits or statutory declarations, or administer oaths to a deponent in a language or dialect, other than English, spoken or understood by the deponent and in which the advocate and solicitor is proficient in. Given these amendments, 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.

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

56. Effect of non-compliance

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

57. Order 41 of the Rules of Court

- (1) For avoidance of doubt, the provisions of Order 41 of the Rules of Court (Cap. 322, R 5) shall continue to apply.
- (2) The attention of solicitors is especially drawn to Order 41, Rule 1(4), of the Rules of Court. Non-compliance with any of the requirements of that Rule may result in an order of costs being made against the solicitor personally.

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

- (1) If, on an application for directions under Order 25, Rule 3, or Order 37, Rule 1, of the Rules of Court (Cap. 322, R 5), or otherwise, orders are made prescribing the time within which objection to the contents of affidavits of evidence-in-chief must be taken, the objections must be taken in accordance with this Practice Direction, and not otherwise.
- (2) Objections to the contents of affidavits of evidence-in-chief filed pursuant to an order of the Court made under Order 25, Rule 3, or Order 37, Rule 1, of the Rules of Court, or otherwise, must be taken by filing and serving a notice in Form 10 of Appendix A to these Practice Directions.
- (3) The notice in Form 10 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.
- (4) 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.

59. 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 working days from the date of the PTC or other proceeding at which the hearing date is fixed or 2 weeks before the day when the interpreter is required, whichever is earlier. 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 (e.g. 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 directions in 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.

60. Use of Expert Witness (in cases other than Non-Injury Motor Accident Claims)

(1) Early Expert Pre-trial Conference (EPTC) under Order 34A of the Rules of Court

- (a) The plaintiff or the defendant or a third party, where applicable, may, any time after appearance is entered, write to the Court to request for an EPTC.
- (b) Such a request shall be made by way of a letter in Form 11 of Appendix A to these Practice Directions and copied to all other parties.
- (c) Parties are encouraged to use the EPTC to apply for such necessary extensions of time to prepare their expert evidence for trial. As such, applications for extensions of time at the summons for directions stage to deal with expert issues should be avoided.
- (d) The Court may also direct parties to attend an EPTC at any time before trial.
- (e) Appendix H to these Practice Directions sets out the guidelines for parties requesting an EPTC.

(2) Compliance with Order 40A of the Rules of Court

- (a) Parties are expected to comply with Order 40A of the Rules of Court (Cap. 322, R 5) if they intend to adduce expert evidence for court proceedings.
- (b) To prevent inadvertent non-compliance with Order 40A of the Rules of Court, counsel must ensure that their respective clients furnish to their intended expert witnesses prior to any appointment a copy of Form 12 of Appendix A to these Practice Directions.

61. Request for Digital Audio Recording and Transcription Service

- (1) Digital audio recording and transcription of open court proceedings will be made available in the State Courts, to parties, through one or more designated service providers at the request of parties.
- (2) 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.

Applications for Digital Audio Recording and Transcription Service

- (3) Any party who intends to use the digital audio recording and transcription service shall write to the Court hearing the proceedings for approval at least 12 working days before the commencement of the proceedings.
- (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 for digital audio recording and transcription service shall be paid by the requesting party directly to the designated 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.

62. Certification of transcripts

The transcript(s) of any record of hearing or notes of hearing will be certified by 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.

63. Application for court records for civil matters

- (1) For civil 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) On approval, copies of the court records will be made available upon payment of an appropriate fee.

PART IX: FIXING OF MATTERS FOR HEARING

64. Waiting time for the hearing of matters

64. Waiting time for the hearing of matters

- (1) The waiting time between the filing of certain processes or other steps in the proceedings and the date for the hearing of the matter are as set out in the Schedule below. Solicitors are directed to take note of these waiting times and must be ready to proceed at the end of the relevant period.
- (2) This Practice Direction shall apply to both criminal and civil proceedings.

SCHEDULE

WAITING TIME (*) FOR TRIALS OR HEARINGS IN THE STATE COURTS

| S/N | TYPE OF CAUSES OR MATTERS | WAITING TIME |
|-----|---|---|
| 1. | Civil Trials: District Courts (DC) Magistrates' Courts (MC) | 2 to 4 weeks 2 to 4 weeks |
| 2. | Criminal Trials: District Arrest Cases Magistrate's Arrest Cases/ PS/PSS | 2 to 4 weeks 1 to 4 weeks |
| 3. | Traffic Trials | 1 to 2 weeks |
| 4. | Coroner's Inquiries: General category Medical | 2 to 4 weeks 1 to 3 months |
| 5. | Small Claims Tribunals: Tourist cases Consumer claims Non-consumer claims | 1 day (On day claim lodged) 10 days from day where claim lodged 2 weeks from day where claim lodged |
| 6. | Civil Section Summons [#] Summary Judgment Summons for Directions Assessment of Damages Examination of Judgment Debtor Taxation and review of taxation | 4 to 6 weeks 6 weeks (statutory) 4 to 6 weeks 2 to 4 weeks 3 to 4 weeks 3 to 4 weeks |
| 7. | Others: | |

| S/N | TYPE OF CAUSES OR MATTERS | WAITING TIME |
|-----|--|--------------|
| | Writs of Execution | 4 to 6 weeks |
| | Appeal to a Judge in Chambers against the Registrar's decision | 2 to 4 weeks |

The waiting period for applications for discovery or interrogatories against a network service provider under Practice Direction 32 (Applications for discovery etc.) is 5 days from the date of filing of the Originating Summons.

(*) "Waiting Time" is defined as follows:

For civil and criminal trials, it is the period from the last mention/PTC (when parties indicate they are ready) to the date of hearing. For interlocutory matters, the waiting time is calculated from the date of filing. In the majority of cases, the matter should be heard within the time frames as indicated above. It is only in exceptional circumstances that the time frame is departed from. Notwithstanding the above, the short cause list continues to apply.

65. Pleadings

- (1) The attention of advocates and solicitors is drawn to the pleading requirements laid down by the Court of Appeal in the case of *Sembcorp Marine Ltd v PPL Holdings Pte Ltd and anor and anor* appeal [2013] SGCA 43 for disputes involving a contextual approach to the construction of a contract.
- (2) In particular, the Court of Appeal made the following observations at paragraph 73 of the judgment:
 - (a) parties who contend that the factual matrix is relevant to the construction of the contract must plead with specificity each fact of the factual matrix that they wish to rely on in support of their construction of the contract;
 - (b) the factual circumstances in which the facts referred to in sub-paragraph (a) above were known to both or all the relevant parties must also be pleaded with sufficient particularity;
 - (c) parties should in their pleadings specify the effect which such facts will have on their contended construction; and
 - (d) the obligation of the parties to disclose evidence would be limited by the extent to which the evidence is relevant to the pleaded facts referred to in sub-paragraphs (a) and (b) above.
- (3) The Court of Appeal further held at paragraph 74 of the judgment that in general, extrinsic facts that are placed before the court in a manner that is not consistent with the above requirements will not be accorded any weight when a court is construing a contract. Adverse cost consequences may also be imposed, where appropriate.

66. Requesting a hearing date through the Electronic Filing Service

- (1) When filing applications through the Electronic Filing Service, solicitors may make a request for a preferred hearing date for any interlocutory application to be heard before a Deputy Registrar.
- (2) Solicitors should confer with all parties to the application before selecting a preferred hearing date. Every counsel arguing the application should be available to attend the hearing on the date selected.
- (3) In the event that it is not possible to confer with opposing counsel on a preferred hearing date, whether due to the nature or urgency of the application or otherwise, solicitors must select a date when counsel arguing the application for the applicant will be available.
- (4) Solicitors are reminded to satisfy the requirements of paragraph (6) of Practice Direction 24 (Summonses).

67. Fixing of hearing dates

- (1) To assist the Registrar at the fixing of hearing dates, solicitors should provide updated information as to the current status of the cause or matter, including the prospects of settlement and any other developments since the summons for directions which are likely to affect the length of the trial. They will also be required to inform the Registrar of the number of witnesses they intend to call to facilitate a more realistic assessment of the time required for the hearing.
- (2) Solicitors who attend the fixing should be fully acquainted with the cause or matter being fixed for trial. They should preferably be the solicitor having conduct of the cause or matter.
- (3) Solicitors must attend the fixing. It is not acceptable for their clerks to attend in their stead.
- (4) The attention of solicitors is drawn to Order 34, Rule 5 of the Rules of Court which provides:

“It shall be the duty of all parties to an action entered in any list to furnish without delay to the Registrar all available information as to the action being or being likely to be settled, or affecting the estimated length of the trial, and, *if the action is settled or withdrawn, to notify the Registrar of the fact without delay.*” [emphasis added]

68. Adjournment or vacation of hearing dates and part-heard cases

- (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 be made to a Judge or Registrar by way of summons with a supporting affidavit even in those cases where counsel for the other party or parties consent to the adjournment.
- (2) Subject to any directions of the Judge or Registrar, 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. Where counsel is unable for any reason to take the dates, he shall apply to the Judge or Registrar for an adjournment in accordance with paragraph (1) above.
- (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.

PART X:DOCUMENTS AND AUTHORITIES FOR USE IN COURT

69. Electronic filing of documents and authorities for use in court

- (1) Subject to any Practice Directions in this Part to the contrary, in particular Practice Direction 71(3) (Documents for use in open Court), all bundles of documents, bundles of authorities, bundles of pleadings, bundles of affidavits, all other bundles, and all opening statements for proceedings which have been commenced using the Electronic Filing Service must be filed in Court using the Electronic Filing Service.
- (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 leave 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.

70. Bundle of documents filed on setting down

- (1) Order 34, Rule 3 of the Rules of Court (Cap. 322, R 5) requires a bundle containing certain documents to be filed together with the notice for setting down. The documents in the bundle should be included in the order in which these appear in Order 34, Rule 3 (1).

Documents filed electronically

- (2) For proceedings which have been commenced using the Electronic Filing Service, rather than preparing these documents in paper form and binding them, the documents must be prepared in an electronic format.
- (3) In addition, parties should endeavour to file a core bundle of documents rather than the numerous bundles that are often filed. This core bundle should comprise only documents that are relevant to the hearing in question, or which will be referred to in the course of the hearing.
- (4) If there are other documents, the relevance of which is uncertain, these documents should be brought to the hearing in paper form. Such other documents should only be filed electronically as and when directed by the Court.
- (5) The following directions shall apply to all bundles and opening statements:
 - (a) Index pages must be prepared.
 - (b) Bookmarks should be created in a Portable Document Format (PDF) file for each such reference in the index. There should be as many book-marks 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) If a bundle of documents includes more than one PDF document, the various PDF documents should be arranged chronologically or in some logical order.
- (6) 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 Portable Document Format (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.

Documents not filed electronically

- (7) For proceedings which were not commenced using the Electronic Filing Service, the setting down bundle should be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for plaintiffs and blue for defendants, and should have a transparent plastic cover in front and at the back.
- (8) Every page of the setting down bundle should be paginated consecutively at the top right hand corner of each page from the first page until the last. In the event that the bundle is in several volumes, the pagination should nonetheless run consecutively from the first page of the first volume until the last page of the last volume.

71. Documents for use in trials in open Court

- (1) This Practice Direction shall apply to trials in open Court of —
 - (a) writ actions; and
 - (b) originating summonses ordered to be continued as if the cause of action had been begun by writ.
- (2) Order 34, Rule 3A of the Rules of Court requires the originals of the affidavits of the evidence-in-chief of all witnesses and a bundle of documents to be filed not less than 5 working days before the trial of an action. This Practice Direction prescribes the contents and the format of the bundle of documents. In addition, to improve the conduct of civil proceedings and to reduce the time taken in the presentation of cases in Court, the following documents shall also be prepared by the respective solicitors of the parties:
 - (a) a bundle of authorities; and
 - (b) an opening statement.

Documents which need not be filed electronically

- (3) The provisions of Practice Directions 69 (Electronic filing of documents and authorities for use in court) and 70(2) to (6) (Bundles of documents filed on setting down) do not apply to the documents that are filed in Court pursuant to the provisions of Order 34, Rule 3A(1) of the Rules of the Court. Such documents may be tendered to the Registry in hardcopy together with an electronic copy stored on a CD-ROM in Portable Document Format (PDF) and complying with the provisions of this Practice Direction.
- (4) Any court fees payable, pursuant to Appendix B of the Rules of Court, on filing the documents in this Practice Direction, shall be payable at the stamp office. Parties should, when making payment at the stamp office, indicate to the cashier the precise number of pages which comprise the documents and comply with the provisions of Practice Direction 122 (Stamping of documents).
- (5) It is emphasised that payment of the court fees on such documents should be made before the documents are tendered to Court in compliance with Order 34, Rule 3A of the Rules of Court. The hardcopy of documents tendered to Court should show, on the front page, the amount of court fees paid on the document.

- (6) The electronic copy must tally in all respects with the hardcopy, as it will be uploaded into the case file by the Registry staff and will form part of the electronic case file. The importance of not submitting unnecessarily large electronic files is emphasised. To this end, parties are to adhere as far as possible to the guidelines set out on the Electronic Filing Service website (currently at www.elitigation.sg), or its equivalent as may be set up from time to time, on the resolution to be used when scanning documents into Portable Document Format (PDF).
- (7) In the event that parties elect to electronically file such documents, they must nevertheless tender a bundle of these documents to the Civil Registry in hard copy. It shall not be necessary to pay any additional court fees in respect of the hard copy in such circumstances.

Bundle of documents

- (8) The bundle of documents required to be filed by Order 34, Rule 3A of the Rules of Court should be paginated consecutively throughout at the top right hand corner and may be printed on one side or both sides of each page.
- (a) An index of contents of each bundle in the manner and form set out in Form 13 in Appendix A to these Practice Directions must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.
- (b) Under Order 34, Rule 3A (3) of the Rules of Court it is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.
- (c) The documents in the bundles should —
- (i) be firmly secured together with plastic ring binding or plastic spine thermal binding, and such rings or spines should be red for plaintiffs 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, and such flags shall —
- (A) bear the appropriate indicium by which the document is indicated in the index of contents; and
- (B) 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 (for which purpose clear legible photo-copies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing).
- (d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.
- (e) Only documents which are relevant or necessary for the trial shall 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 person.
- (f) A core bundle should (unless clearly unnecessary) also be provided containing the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should normally be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

Bundle of authorities

- (9) The bundle of authorities to be prepared by each party should:
 - (a) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;
 - (b) be properly bound with plastic ring binding or plastic spine thermal binding in accordance with the requirements set out in paragraph (8)(c) above;
 - (c) be paginated consecutively at the top right hand corner of each page (for which purpose the pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle); and
 - (d) contain an index of the authorities in that bundle and be appropriately flagged for easy reference.
- (10) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

- (11) The bundle of authorities shall be filed and served on all relevant parties at least 3 working days before trial.

Opening statements

- (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 enables the Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. Opening statements also help to clarify issues between the parties, so that unnecessary time is not spent on trying to prove what is not disputed or irrelevant.
- (a) In the light of these objectives, opening statements will be required in all cases from all parties, except where dispensation has been granted by the trial Judge and in running down actions. Statements submitted may be taken as read by the trial Judge.
- (b) The plaintiff's statement as provided for in sub-paragraph (d) below, should, unless exempted or dispensation has been granted by the trial Judge, be filed and served on all other relevant parties not less than 3 working days before the commencement of the trial for which they are to be used.
- (c) The other counsel should each similarly not later than 2 working days before the start of the trial provide to the Court (with copies at the same time to their opponents) a statement which should concisely state the nature of their case on each of the issues to be tried and summarise the propositions of law to be advanced with references to the main authorities to be relied on. The character and length of this document will depend on the circumstances and whether there is any counterclaim or third party proceedings.
- (d) In the case of the plaintiff, the statement must include the following:
- (i) a summary of essential facts indicating which, if any, are agreed;
 - (ii) an indication of how these facts are to be proved, identifying relevant witnesses and documents;
 - (iii) a summary of the issues involved with cross-references as appropriate to the pleadings;
 - (iv) a summary of the plaintiff's case in relation to each of the issues with references to the key documents relied upon, and a summary of the propositions of law to be advanced with references to the main authorities to be relied on; and

- (v) an explanation of the reliefs claimed (if these are unusual or complicated).
- (e) Counsel will be at liberty to amend their statements at the trial but in such event will be expected to explain the reasons for the amendments.

Timeline for tendering documents

- (13) At the trial of the cause or matter, an adjournment may be ordered if:
 - (a) the above documents or any of them, save for the opening statement in cases where it is not required or dispensation was granted, were not filed and served within the prescribed time 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.
- (14) If an adjournment is ordered for any of the reasons set out in paragraph (13) 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.

72. Hearing in Chambers

In all hearings in chambers before a Judge or Registrar, counsel shall submit their bundles of documents and their own bundle of authorities. Order 34, Rule 3A, of the Rules of Court (Cap. 322, R 5) and the requirements of Practice Direction 71(8) to (11) (Documents for use in trials in open Court)) shall, with the necessary modifications, be complied with in this regard, save that the bundles may be submitted at the hearing itself before the Judge or Registrar, as the case may be.

73. Citation of written judgments and secondary authorities

Citation of written judgments

(1) The neutral citation system

- (a) A neutral citation is a court-approved system of citation which is independent of the series of law reports or other publications, and unique to each written judgment.
- (b) Each written judgment from a particular level of court is assigned a sequential number, starting from 1 at the beginning of each calendar year.

(2) Specific paragraph citations

- (a) Counsel will be required to make specific citations by referring to the paragraph number of the judgment, and not to the page number of the judgment or report.
- (b) For consistency, square brackets will be used to denote paragraph numbers. The paragraph mark (¶) will no longer be used.

(3) Court designators

SGDC – Singapore District Court

SGMC – Singapore Magistrates' Court

SGSCT – Singapore Small Claims Tribunal

(4) Application of the neutral citation system

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.

(5) **Example and explanation**

ABC Co Pte Ltd v XYZ Co Ltd [2003] SGDC 25, at [3], [8].

Year of the decision [2003]

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

Citation of secondary authorities in court

- (6) Counsel are advised to be more circumspect in their use of secondary authorities such as textbooks, journals, periodicals and other treatises. As far as possible, counsel should rely on primary authorities to support the proposition of law argued for; and
- (7) If it necessary to cite secondary authorities, counsel should ensure that the material to be cited is directly relevant to the case before the Court. Counsel are also reminded of their duty to ensure that such material is not cited out of context. The following are specific guidelines for the citation of different types of secondary authorities:
- (a) Textbooks that are generally recognised as leading textbooks in the relevant area of law may be readily cited to the Court.
 - (b) If counsel wish to cite academic articles in journals and periodicals in support of a particular proposition of law, they should ensure that they are citing a statement, rather than a critique, of the law. Citation of academic articles should be limited to those written by eminent authors of reputable standing. The articles should also have been published in established journals and periodicals.
 - (c) Legal opinions written by other counsel not having conduct of the case before the court should generally not be cited as authority. Such legal opinions are considerably less authoritative than academic articles, as the views expressed in these private opinions have not been subject to the rigorous scrutiny of editorship and public critique.

- (8) Counsel's attention is drawn to Order 59 Rule 8 of the Rules of Court which gives the Court the power to make an order for costs personally against errant advocates and solicitors, who have wasted or incurred costs unreasonably or improperly. The Court will not hesitate to invoke its powers under Order 59 Rule 8 of the Rules of Court in cases where costs have been wasted due to counsel's indiscriminate citation of unnecessary and irrelevant secondary authorities.

PART XI: JUDGMENTS AND ORDERS

74. Draft orders of Court

(1) Draft orders for *inter partes* applications

- (a) Order 42, Rules 8(1) and (2) of the Rules of Court (Cap. 322, R 5) places the burden of approving the drafts of inter partes judgments and orders on the solicitors themselves. The solicitors should therefore approve the drafts and not submit these drafts to the Registrar for approval.
- (b) 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.
- (c) Subject to sub-paragraph (d), parties in *inter partes* applications should proceed to engross a final copy of the draft judgment for signature by the Registrar *after* agreeing on the draft. Draft orders of Court for *ex parte* applications (except probate matters) may be submitted with the summons and the supporting affidavit when these are filed.
- (d) 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:
 - (i) Parties have the option of filing a system-generated order of court through the Electronic Filing Service.
 - (ii) 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 (PDF) copy of a draft order of court signed by the solicitors of all parties to the application.
- (e) Where parties disagree over one or more terms of the order of court, the party filing the draft order of court shall be responsible for including in the order of court electronic form all versions of the disputed terms by editing the order of court electronic form. All relevant correspondence concerning the dispute must be provided when filing the draft order of court.

- (f) The Registry will seal and issue an engrossed order of court once its terms are approved.
- (g) Order 42, Rules 8(3) to (5) of the Rules of Court shall continue to apply.

75. Unnecessary extraction of orders of Court

- (1) Certain orders are extracted by parties when such orders need not be drawn up under the Rules of Court (Cap. 322, R 5). The attention of solicitors is drawn to Order 42, Rule 9, of the Rules of Court in this regard.
- (2) To reduce unnecessary documentation and to expedite proceedings, solicitors are requested not to extract orders that need not be drawn up.

76. Judgment in default of appearance or service of defence

- (1) The previous practice of applying for search for appearance and obtaining a certificate of non-appearance before judgment in default of appearance is entered is discontinued.
- (2) In writ of summons proceedings where the writ is electronically filed, the procedure for applying for judgment in default of appearance or service of defence will be by way of filing a Request to enter judgment in Form 79A, together with the judgment in Form 79, in Appendix A to the Rules of Court (Cap. 322, R 5). Solicitors' attention is drawn to Order 13, Rule 7(1) and Order 19, Rule 8A of the Rules of Court.
- (3) For Requests to enter judgment electronic forms composed online through the Electronic Filing Service, a signed hard copy of the Request to enter judgment electronic form shall be retained by the solicitor concerned and produced to the Court when required by the Court to do so.
- (4) In order to satisfy itself that a defendant is in default of appearance or service of defence, the Court may require an affidavit to be filed stating the time and manner service of the Writ of Summons was effected on the defendant, as well as the steps taken to ascertain that the defendant had failed to enter an appearance or serve a defence, as the case may be.
- (5) For the avoidance of doubt, Requests for entry of default judgment shall be filed as a Portable Document Format (PDF) document for suits where the memorandum of service has been filed before 30 September 2013. For all other cases, the Request for entry of default judgment electronic form shall be composed online through the Electronic Filing Service.

77. Consent judgments or orders involving disposition or transfer of property

- (1) In any request or application for a consent judgment or order involving any disposition or transfer of property, the parties must provide the following 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.
- (2) The Court may require the information referred to in paragraph (1) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.

78. Judgment Interest

Interest rates in default judgments

- (1) The directions set out in paragraphs (2) to (3) below shall be observed when entering judgments in default of appearance or service of defence under Orders 13 and 19 respectively of the Rules of Court (Cap. 322, R 5). (In respect of post-judgment interest under Order 42, Rule 12 of the Rules of Court for such default judgments, please refer to paragraph (4) below).
- (2) **Non-contractual interest**
 - (a) Pursuant to the Chief Justice's directions as provided for under Order 13, Rule 1(2) and Order 19, Rule 2(2) of the Rules of Court, the rate of interest shall be 5.33% per annum until further notice.
 - (b) The period of interest shall be from the date of the writ to the date of the judgment.
 - (c) The total amount of interest payable need not be specified.
- (3) **Contractual Interest**
 - (a) For a fixed or constant interest rate —
 - (i) the rate of interest provided for shall be specified;
 - (ii) 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
 - (iii) the total amount of interest payable need not be specified.

(b) For a fluctuating interest rate —

(i) there shall be an appendix attached to the judgment in the following form:

| | |
|--|-------------------|
| Rate of interest | ... % p.a. |
| Principal sum | \$ |
| Period of interest | From ... to... |
| Amount of interest | \$ |
| Total amount of interest payable to date of judgment | \$ |

(ii) 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

(iii) the total amount of interest payable shall be specified in the judgment.

(c) Evidence of the agreement as to the rate of contractual interest shall be attached to the judgement.

Post-judgment interest

(4) The directions set out in paragraph (5) apply to judgments entered in default of appearance or service of defence under Orders 13 and 19 of the Rules of Court or in default of an order of Court (i.e. an “unless” order or a peremptory order).

(5) Pursuant to the Chief Justice’s directions as provided for under Order 42, Rule 12 of the Rules of Court, unless it has been otherwise agreed between the parties, interest payable after the date of judgment shall be 5.33% per annum until further notice and calculated to the date the judgment is satisfied. The Court retains the discretion under

Order 42, Rule 12 of the Rules of Court to revise the default rate of interest to such other rate not exceeding the default rate on the facts of the individual case.

Interest on costs

- (6) Pursuant to the Chief Justice's directions as provided for under Order 59, Rule 37(1) of the Rules of Court, interest payable from the relevant date(s) as stipulated in Order 59, Rule 37(1) shall be 5.33% per annum until further notice and calculated to the date of payment.

Pre-judgment interest

- (7) The Chief Justice has directed that solicitors may wish to submit to the Court to consider that the interest rate for the period prior to the date of judgment should be the default interest rate of 5.33% per annum. Solicitors should note that the Court retains the overriding discretion to depart from the default interest rate based on the facts of the individual case.

Interest under Order 30, Rule 6(2)

- (8) Pursuant to the Chief Justice's directions as provided under Order 30, Rule 6(2), the interest ordered by the Court on the sum shown by the receiver's account as due from him and which the receiver has failed to pay into Court shall be 5.33% per annum until further notice. Interest shall accrue for the period while the sum was in possession of the receiver.

PART XII: APPEALS

79. Requests for further arguments before the Judge or Registrar

- (1) All requests for further arguments shall be made by way of Request electronic form 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 XIII: ELECTRONIC FILING SERVICE

80. Application

- (1) The Practice Directions contained in this Part shall apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court (Cap. 322, R 5).
- (2) All other Practice Directions shall also apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court, 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 63A of the Rules of Court with such modification.
- (4) Where the words and phrases set out in Order 63A, Rule 1 of the Rules of Court are used in this Part, they shall have the same meaning as defined in Order 63A, Rule 1 of the Rules of Court, unless otherwise specified.

81. Establishment of Electronic Filing Service and appointment of network service provider

In exercise of the powers conferred by Order 63A, Rules 2 and 3 of the Rules of Court (Cap. 322, R 5), 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 www.elitigation.sg; and
- (b) appoints CrimsonLogic Pte Ltd as the Electronic Filing Service provider for this service, with the Electronic Litigation Systems Committee of the Singapore Academy of Law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).

82. Appointment of agent to establish service bureau

Pursuant to Order 63A, Rule 4 of the Rules of Court (Cap. 322, R 5), the Registrar hereby appoints CrimsonLogic Pte Ltd as an agent to establish a service bureau at 133 New Bridge Road #19-01/02 Chinatown Point Singapore 059413 (or such other address in Singapore as may be deemed suitable), with the Electronic Litigation Systems Committee of the Singapore Academy of Law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).

83. Documents which must be filed, served, delivered etc., using the Electronic Filing Service

- (1) Pursuant to Order 63A, Rules 1 and 8 of the Rules of Court (Cap. 322, R 5) and rule 64 of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4), 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 documents which are to be filed pursuant to Order 34, Rule 3A(1) of the Rules of Court may, instead of being filed through the Electronic Filing Service, be filed in accordance with the procedure outlined in the provisions of Practice Direction 71(3) to (7) (Documents for use in trials in open Court).
- (3) In respect of appeals under Order 55D of the Rules of Court, it shall not be necessary to file, deliver or convey any document at the High Court using the Electronic Filing Service if its filing, service, delivery or conveyance is not required under Order 55D of the Rules of Court.
- (4) Where documents are served using the Electronic Filing Service, a Certificate of Service will be automatically generated and stored in the electronic case file.
- (5) Bundles of authorities can be filed, served, delivered or otherwise conveyed using the Electronic Filing Service. A party may also choose not to file bundles of authorities and may instead use hardcopies for hearings in accordance with the Directions contained in this Part.

84. Limits on the size and number of documents submitted using the Electronic Filing Service

- (1) 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 500 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.

85. Form of documents

- (1) 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 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 Appendix B of the Rules of Court.
- (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 88(2) (Rejection of documents, etc.).

86. 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.

87. 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 Civil 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.

88. 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 Appendix B of the Rules of Court (Cap. 322, R 5). In this regard, solicitors' attention is also drawn to Order 63A, Rule 17 of the Rules of Court.
- (2) In the event however 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 63A, Rule 10 of the Rules of Court; and
 - (b) request a refund of the penalty by filing the requisite electronic form through the Electronic Filing Service.
- (3) Where leave 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 and 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 63A, Rule 10 of the Rules of Court.
- (4) For the avoidance of doubt, a filing fee will be payable in respect of the re-filed document or affidavit as specified in Appendix B of the Rules of Court and the filing fee paid on the earlier filing of that document or affidavit will not be refunded.

89. Hearings

- (1) Subject to any directions in this Part to the contrary, all documents for use at any hearing should be filed using the Electronic Filing Service at least one clear day in advance of the hearing. This will include written submissions, skeletal arguments, bundles of documents, bundles of authorities, and bundles of pleadings. In the event, however, that it is not possible to file the documents in advance of the hearing, the solicitor may apply to the District Judge, Magistrate or Registrar conducting the hearing for leave to use paper documents during the hearing. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must also 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.
- (2) 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.
- (3) Notwithstanding anything else in this Practice Direction, in the event that a party chooses to use bundles of authorities in paper form for a hearing, the following directions in this paragraph shall apply:
 - (a) The party using the paper 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 paper copy of the bundle.
 - (b) The party using the paper copy of the bundle of authorities should file through the Electronic Filing Service a list of authorities to be used at least one clear day in advance of the hearing. In the event that it is not possible for the party to do so, he must explain to the District Judge, Magistrate or Registrar conducting the hearing why it was not possible for him to do so and must also undertake to file the list of authorities using the Electronic Filing Service by the next working day after the hearing.
 - (c) The District Judge, Magistrate or Registrar may, if he so chooses, retain the paper copy of the bundle of authorities for his own reference. The paper copy so retained will not however form part of the Court's record in respect of the proceedings in which it was used.

90. 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 are as follows:

| Operating hours | Filing Time | Collection Time |
|------------------------|--------------------|------------------------|
| Mondays to Fridays | 9am to 5pm | 9am to 5pm |
| Saturdays | 9am to 12.30 pm | 9am to 12.30pm |

- (3) The service bureau is closed on Sundays and public holidays.
- (4) Any document which is accepted for filing outside the time periods specified in paragraph (2) will be treated by the service bureau as having been accepted on the following working day.
- (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.
- (6) Documents filed through the service bureau shall be subject to a Manual Handling Charge prescribed by Appendix B to the Rules of Court and additional services made available by the service bureau may be subject to other administrative charges imposed by the service bureau with the approval of the superintendent.

91. Filing of documents to the State Courts through a Supreme Court service bureau

Pursuant to Order 63A, Rule 18(4) of the Rules of Court (Cap. 322, R 5), the Registrar hereby prescribes that any service bureau established or authorised to be established by the Registrar of the Supreme Court may assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the Electronic Filing Service if the service bureau, or, if there are more than one, all the service bureaux, established or authorised to be established by the Registrar are unable to provide such services owing to failure of hardware or software, or both.

92. Registered users and authorised users

- (1) Under Order 63A of the Rules of Court (Cap. 322, R 5), any entity may apply to be a registered user and a registered user may designate one or more of its partners, directors, officers or employees to be an authorised user. Such applications shall be dealt with by the eLitigation Project Director. For the purpose of Order 63A of the Rules of Court, the identification code of an authorised user shall be his or her SingPass ID.
- (2) The following procedures shall apply to applications to become a registered user and for designating authorised users:
 - (a) The application to become a registered user must be made to the eLitigation Project Director using Form 14 in Appendix A to these Practice Directions. In Form 14, the registered user must nominate at least one authorised user. Form 14 must be accompanied by the following:
 - (i) a recent business profile report from the Accounting and Corporate Regulatory Authority (ACRA) of the registered user;
 - (ii) an application form including the subscriber agreement for subscription to the Electronic Filing Service; and
 - (iii) two sets of GIRO application forms for the electronic payment of filing and hearing fees and electronic filing and other charges.
 - (b) After the application to become a registered user has been approved, the application forms for subscription to the Electronic Filing Service and GIRO electronic payment will be forwarded to the Electronic Filing Service provider.
 - (c) After the Electronic Filing Service provider has processed the applications and made arrangements for GIRO electronic payments, the registered user will be provided access to his or her Electronic Filing Service account. The initial authorised user may designate additional authorised users by providing the identification code of each authorised user to be added through the administration module of the Electronic Filing Service.
- (3) Registered users approved hereunder shall be deemed to be approved by the Registrar of the Supreme Court and the Registrar of the State Courts. Registered users shall be responsible for all transactions conducted and liable for all fees and charges incurred by any of their designated authorised users in the Electronic Filing Service.

- (4) The registered user shall be responsible for ensuring that the list of designated authorised users is kept updated at all times through the administration module of the Electronic Filing Service and for updating the eLitigation Project Director of any changes in the list of its advocates and solicitors in accordance with the procedure stated in paragraph (5) below.
- (5) A registered user shall submit to the eLitigation Project Director on an annual basis, and in any event by the end of May each year, a list of its advocates and solicitors as at the 1st of May of each year.
- (6) Additionally, a registered user may at any time submit to the eLitigation Project Director an updated list of its advocates and solicitors in the event of any significant change in the number of its advocates and solicitors.

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 a writ of summons, 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 summons, 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 SUIT (if a writ action) **NO. 12345 OF 2013 Between AB** (and **ANOR** or **ORS**, if there are 2 or more plaintiffs, 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 2013"

- (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 inbox of their Electronic Filing Service account(s) are checked and cleared regularly.

PART XIV: EXECUTION MATTERS

96. Filing of writs of execution through the Electronic Filing Service

- (1) An application for a writ of execution shall be made by way of filing a writ of execution in Form 82, 83, 84, 85 or 207 of Appendix A to the Rules of Court (Cap. 322, R 5).
- (2) The writ of execution is deemed to be issued when it is sealed by an officer of the Registry pursuant to Order 46, Rule 4 of the Rules of Court.
- (3) The previous practice of filing a Request to issue a writ of execution is discontinued.

97. Sale of immovable property

- (1) If an execution creditor wishes to effect the sale of immovable property seized under a writ of seizure and sale, he shall file the requisite electronic form Request for sale to the Bailiff through the Electronic Filing Service stating the following:
 - (a) the date of registration (and expiry) at the Singapore Land Registry of the order of court/writ of seizure and sale on immovable property;
 - (b) that a copy of the order of court/writ of seizure and sale on the immovable property has been served on the execution debtor; and
 - (c) whether the immovable property is subject to any mortgage or charge, and if so, that the mortgagee or chargee consents to the sale.
- (2) The Bailiff shall not be required to proceed with the sale if the immovable property is subject to a mortgage or charge and the execution creditor is unable to produce the written consent of the mortgagee or chargee to the sale.
- (3) If the Bailiff proceeds with the sale of the immovable property, the Bailiff may appoint any solicitor on his behalf to settle the particulars and conditions of sale.
- (4) The Bailiff's instructions to a solicitor appointed to sell the immovable property shall include the following:
 - (a) that the Bailiff may require more than one valuation report to be submitted by a certified appraiser before proceeding with the sale;
 - (b) that the sale may be conducted by a licensed auctioneer and the immovable property may be offered for sale by way of private treaty, tender, auction or such other manner as the licensed auctioneer may advise;
 - (c) that the immovable property shall not be sold at a price below the forced sale value as specified in the valuation report, or if there exists two or more valuation reports, in the latest valuation report; and
 - (d) that the solicitor shall prepare all necessary conditions of sale, documentation, accounts and particulars on behalf of the Bailiff in accordance with the Bailiff's directions, and shall be entitled to recover his legal fees and disbursements.

98. Writs of execution & writs of distress – movable property

(1) Bailiff to inform execution debtor of the seizure and/or sale

Prior to the seizure and/or sale, the Bailiff will notify the execution debtor, as far as is practicable, of the impending seizure and/or sale.

(2) Execution creditor or his authorised representative to be present at the seizure and/or sale

(a) The execution creditor or his authorised representative must be present with the Bailiff at the appointed date and time of any seizure and/or sale.

(b) If the execution creditor or his authorised representative is absent at the appointed date and time of the seizure and/or sale, the execution creditor shall be deemed to have abandoned the same.

(3) Requests for the Bailiff's ad hoc attendance

(a) If any person requires the Bailiff to attend at any place in connection with any order of court or writ of execution or writ of distress whether during or after office hours for any purpose, that person must file a Request in the appropriate electronic form through the Electronic Filing Service. A Request for attendance made in any other manner will not be acceded to.

(b) The fees payable in respect of any such attendance by the Bailiff shall be as prescribed in the Rules of Court (Cap. 322, R 5) or as determined by the Registrar.

(4) Effecting entry into premises

Where the execution creditor requests the Bailiff to exercise his powers of entry into the premises of the execution debtor, the following conditions shall apply:

(a) save in special circumstances, entry shall only be effected on the second or subsequent appointment or attempt;

(b) the Bailiff may, in any case, refuse to effect the entry without assigning any reason; and

(c) the execution creditor 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 execution process.

(5) **Valuation Report**

The execution creditor or his solicitors shall, at the Bailiff's request, furnish a written valuation report of the item(s) that is/are the subject matter of the seizure.

(6) **Auctions**

(a) **Scheduled auctions**

If a scheduled auction is not proceeded with, or is abandoned due to the absence of the execution creditor or his authorised representative, the Bailiff may at his discretion release any or all of the items seized.

(b) **Sale by auctioneer**

Where the value of the property seized is estimated by the Bailiff to not exceed \$2,000, the auction shall be carried out by an authorised auctioneer engaged by the execution creditor, and all costs and expenses incurred in connection with the auction shall be borne by the execution creditor and may be added to the judgment debt.

99. Directions for Engaging Authorised Bailiffs under Section 15A State Courts Act (Cap. 321)

- (1) Judgment creditors may engage, for the purpose of executing a writ of seizure and sale for movable property or a writ of distress, any person from the Panel of Authorised Bailiffs maintained by the Registrar (see <https://app.statecourts.gov.sg/civil/page.aspx?pageid=25923>). They are liable to the Authorised Bailiff they engage for any costs arising from such appointment.
- (2) In each case, a request in the form of a Letter of Authority to Act as Authorised Bailiff, is to be made to the Registrar by either the judgment creditors or Authorised Bailiff through the Electronic Filing Service (EFS), using the template provided for in Form 15 of Appendix A to these Practice Directions. Appointments by the Registrar will be made on a case-by-case basis.
- (3) The Letter of Authority to Act as Authorised Bailiff may be filed:
 - (a) together with the writ of seizure and sale or writ of distress; or
 - (b) after the issue of a writ of seizure and sale or writ of distress, but before the expiry of the said writ.
- (4) Judgment creditors intending to engage an Authorised Bailiff must provide the following to the Authorised Bailiff:
 - (a) An indemnity from the judgment creditors to indemnify the Authorised Bailiff on terms specified by the Registrar.
 - (b) An undertaking from the solicitors for the judgment creditors that:
 - (i) as and when required by the Authorised Bailiff, sufficient funds will be provided to meet the charges and expenses that may be incurred in consequence of the request to conduct the execution; and
 - (ii) if such undertaking is not fulfilled within a reasonable time, the Authorised Bailiff may take such steps as may be necessary to enforce the undertaking against the solicitors concerned.
 - (c) A deposit of \$300, or such other sum as may be fixed from time to time by the Registrar, to enable the Authorised Bailiff to discharge his duties effectively.
- (5) The appointment of the Authorised Bailiff will terminate upon discharge by the Registrar.

- (6) Solicitors for the judgment creditors must ensure that their clients send a representative to accompany and instruct the Authorised Bailiff at the execution premises. The creditors' representative must decide whether the execution is to be proceeded with, and to point out to the Authorised Bailiff the items to be seized.
- (7) The Authorised Bailiff may, at his discretion and without assigning any reason thereto:
- (a) take all necessary measures to preserve the movable property seized and/or to ensure the personal safety of all persons involved in the execution;
 - (b) where the only occupier of the execution premises at the material time is:
 - (i) a young child and/or elderly person incapable of understanding the execution proceedings, postpone the seizure or sale; or
 - (ii) a woman (e.g. housewife or domestic maid), insist that the judgment creditors provide a female representative to be at the execution premises before proceeding with the execution; and
 - (c) take all necessary measures to ensure that all execution costs and expenses incurred be paid first out of any proceeds of sale.

100. Examination of Judgment Debtor

- (1) A questionnaire in the recommended format as set out in Form 16 or 17 of Appendix A to these Practice Directions (whichever is appropriate) shall be annexed to the Order for Examination of Judgment Debtor when the said Order is served on the Judgment Debtor. Solicitors may modify the questions according to the circumstances of each case.
- (2) If the Judgment Debtor or his solicitor is of the view that any question is unreasonable, he is to contact the solicitor for the Judgment Creditor to ascertain whether the issue can be resolved prior to the hearing.
- (3) At the hearing, the answered questionnaire is to be produced to the Deputy Registrar and received as evidence upon the Judgment Debtor's confirmation on oath that his answers provided are true and correct. Counsel for the Judgment Creditor may then apply to discharge the Judgment Debtor or proceed with further questioning.
- (4) The Judgment Debtor need not attend at the examination hearing if:
 - (a) he is able to provide his answers to the questionnaire by way of an affidavit or statutory declaration; and
 - (b) the counsel for the Judgment Creditor agrees to discharge the Order for Examination at the examination hearing.

101. Committal proceedings

An applicant seeking to lift a suspension order under Order 52 Rule 6(3) of the Rules of Court (Cap. 322, R 5) to enforce committal orders must prepare his or her own Warrant in accordance with Form 110 in Appendix A of the Rules of Court and bring the same to the hearing.

PART XV: BILLS OF COSTS FOR TAXATION

107. Taxations involving the Public Trustee or the Director of Legal Aid

- (1) This Practice Direction shall be complied with in respect of all taxations in which the Public Trustee or the Director of Legal Aid is involved.
- (2) Subject to paragraph (4) below, for all taxations 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 taxed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) —
 - (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 taxation and the bill will be taxed in their absence, except that if the taxing Registrar

disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Public Trustee at a later date;

- (b) for solicitor-and-client bills filed pursuant to the Legal Aid and Advice Act (Cap. 160) where the Director of Legal Aid is the respondent, the receiving party and the Director of Legal Aid need not attend at the taxation and the bill will be taxed in their absence, except that if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Director of Legal Aid at a later date.
- (4) If solicitor-and-client costs are required to be taxed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act and the bill of costs claiming the same is referenced to an earlier party-and-party bill filed pursuant to Practice Direction 103(3)(d) (Form of bills of costs), the Public Trustee need not attend the taxation of the bill and the party-and-party and solicitor-and-client costs will be taxed in the absence of the Public Trustee. However, the Public Trustee may attend at the taxation if he so wishes, and shall attend if an express direction is made by the taxing Registrar that he should attend in relation to a particular bill of costs.

PART XVI: GENERAL MATTERS

108. 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 State Courts' website at

<http://www.statecourts.gov.sg>.

109. 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 Judge's/Magistrate's/ Registrar's discretion in any case to conclude a sitting at such earlier or later time as he may direct:

(a) **Mentions Courts** (except Court 26)

Mondays to Fridays - 9.00 a.m. to 1.00 p.m. and
2.30 p.m. to 5.30 p.m.;

(b) **Court 26**

Mondays to Fridays - 8.45 a.m. to 1.00 p.m. and
2.30 p.m. to 5.30 p.m.;

Saturdays - 9.00 a.m. to 1.00 p.m.

(c) **Hearing Courts and Chambers**

Mondays to Fridays - 9.30 a.m. to 1.00 p.m. and
2.30 p.m. to 5.30 p.m.

(d) **Night Courts**

Mondays to Fridays - 6.00 p.m. onwards.

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

110. 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 1 p.m. to 6.00 p.m. on Saturdays and 8.30 a.m. to 6:00 p.m. on Sundays 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 prepared together with the appropriate draft orders of Court.
- (3) An undertaking from counsel shall be given to have all the documents (including the originating process) filed in Court the next available working day must be furnished to the Judicial Officer processing the application.
- (4) The hearing may take place in the Civil Registry of the State Courts or at any place as directed by the Judicial Officer hearing the matter.
- (5) For the avoidance of doubt, the above applies only to civil proceedings in the Magistrates' Courts or District Courts.

111. Duty Registrar and Duty Magistrate

- (1) The duties of the Duty Registrar are —
 - (a) to hear applications made *ex parte* or by consent (except probate matters) provided that the summons has been entered in the summonses book;
 - (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 duties of the Duty Magistrate shall include the examination of complainants when they file a Magistrate's Complaint.
- (3) The duty hours shall be as follows:
 - (a) Mondays to Fridays - 9.30 a.m. to 1.00 p.m., and
2.30 p.m. to 5.30 p.m.;
 - (b) Saturdays - 9.30 a.m. to 1.00 p.m.
- (4) Only advocates and solicitors (or, where a party is not represented, a litigant in person) shall appear before the Duty Registrar.
- (5) Except where the attendance of the advocate and solicitor is required under **paragraph (8)**, 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. Documents which are not electronically filed shall be collected from the Civil Registry not earlier than one clear day after the documents have been filed.
- (6) All documents which are not required to be filed using the Electronic Filing Service should be duly stamped before presentation to the Duty Registrar for his signature and/or decision.
- (7) A solicitor who wishes to attend before a Duty Registrar and to refer him to documents filed using the Electronic Filing Service must either —

- (a) file the document sufficiently far in advance before attending before the Duty Registrar such that the documents are already included in the electronic case file for the Duty Registrar's reference (and in this regard, solicitors should only attend before the Duty Registrar after they have received notification from the Court that the document has been accepted); or
 - (b) attend before the Duty Registrar with the paper documents, if these exist (and in this regard, the Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day after the attendance before dealing with the matter).
- (8) The advocate and solicitor's attendance is compulsory only:
- (a) when he is requesting an early or urgent date for hearing before the Registrar or Judge;
 - (b) when an application or document is returned with the direction "solicitor to attend" ; or
 - (c) when so required by any provision of law.
- (9) A solicitor may, if he wishes to expedite matters, attend before the Duty Registrar even if his attendance is not ordinarily required.
- (10) This Practice Direction shall apply to both civil and criminal proceedings.

112. Attendance of solicitors in Court

- (1) Save in the most exceptional and unforeseen circumstances, and so long as the firm of solicitors remains on record, a member of the firm must attend all proceedings in respect of the cause or matter in which the firm is acting, even if it does not intend to oppose the orders sought by the other side. The practice of asking the opposing solicitor to mention the matter on one's behalf is also not acceptable and should be discouraged.
- (2) All solicitors appearing in any cause or matter are to be punctual in attending Court as delay in commencement of hearing leads to wastage of judicial time. Appropriate sanctions may be imposed for late attendances.

113. Attendance at hearings in Chambers

- (1) For the avoidance of doubt, the general rule is that hearings in chambers in civil proceedings are private in nature, and that members of the public are not entitled to attend such hearings.
- (2) Notwithstanding paragraph (1) above, subject to any written law, the Court may, in its discretion, permit interested persons, such as instructing solicitors, foreign legal counsel and parties to the matter, to attend hearings in chambers. 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, in its discretion, impose the necessary conditions to be complied with.

114. Absence from Court on medical grounds

(1) If —

- (a) any party to proceedings;
- (b) any witness;
- (c) any counsel; or
- (d) a Deputy Public Prosecutor or other officer or person appointed by the Attorney-General to assist him or to act as his deputy in the performance of any of the functions or duties of the Public Prosecutor under the Criminal Procedure Code (Cap. 68) or under any other written law,

is required to attend Court and wishes to excuse himself from Court on medical grounds, he must tender or cause to be tendered to the Court an original medical certificate. The medical certificate so tendered must be in the form and contain the information and particulars required by paragraphs (2) to (5).

(2) A medical certificate issued by a Government hospital or clinic may be in the pre-printed form produced by the Ministry of Health, a sample of which appears at Form 22 of Appendix A to these Practice Directions. A medical certificate issued by a restructured hospital or specialist centre may also be in a pre-printed form similar to the sample which appears at Form 22 of Appendix A to these Practice Directions. The pre-printed medical certificate must:

- (a) be completely and properly filled in;
- (b) contain the name of the medical practitioner who issued the medical certificate;
- (c) state the name of the hospital or clinic in which the medical practitioner practices;
- (d) indicate that the person to whom the certificate is issued is unfit to attend Court, and specify the date(s) on which he is unfit to attend Court;
- (e) be signed in full by the medical practitioner and must not be merely initialled; and
- (f) be authenticated by a rubber stamp showing the medical practitioner's full name and his designation in the hospital or clinic, as the case may be.

- (3) If a medical certificate is not in Form 22 of Appendix A to these Practice Directions, then the medical certificate should:
- (a) be addressed to the Court for which the certificate was intended. It must not merely be addressed to “whomsoever-it-may-concern”. Where the patient is unable to furnish the name of the judicial officer concerned, the relevant medical certificate may be addressed to “The District Judge/Magistrate, State Courts” or “The Registrar, Small Claims Tribunals”, as the case may be;
 - (b) identify clearly the name of the medical practitioner who issued the certificate;
 - (c) state the name of the hospital or clinic from which it had been issued;
 - (d) be signed in full by the medical practitioner and not merely initialled;
 - (e) be authenticated by a rubber stamp showing the medical practitioner’s full name, designation and any other relevant particulars;
 - (f) contain the diagnosis of the patient concerned, if any (unless the diagnosis cannot or should not normally be disclosed);
 - (g) contain a statement to the effect that the person to whom the certificate had been issued is medically unfit to attend Court, and specify the date(s) on which the person is unfit to attend Court; and
 - (h) bear the date on which it was written, and where this differs from the date of consultation this must be clearly disclosed.
- (4) If any portion of the information set out in paragraph (3) is not found in the medical certificate proper, such information should be included in a memorandum attached to the medical certificate. This memorandum must similarly:
- (a) identify clearly the name of the medical practitioner who issued the memorandum;
 - (b) contain the name of the hospital or clinic from which it was issued;
 - (c) be signed in full by the medical practitioner and not merely initialled; and
 - (d) be authenticated by a rubber stamp showing the medical practitioner’s full name and designation.

- (5) All information and details in any medical certificate or any memorandum must be clearly and legibly printed.
- (6) If the Directions set out in paragraphs (2) to (5) are not complied with, the Court may reject the medical certificate and decline to excuse the absence from Court of the person to whom the medical certificate was issued. The Court may then take any action it deems appropriate.
- (7) This Practice Direction shall apply to both civil and criminal proceedings in the State Courts (including the Small Claims Tribunals).

115. Precedence and preaudience of Senior Counsel

- (1) By virtue of section 31 of the Legal Profession Act (Cap. 161) 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 two 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.

116. 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 leave 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 leave 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 leave 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 leave 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.

117. 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.

118. 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, all communications with external parties and audio recording during a hearing or session are 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 and other electronic devices to take notes of evidence and for other purposes pertaining to the proceedings during hearings or sessions, provided that such use does not in any way disrupt or trivialise the proceedings.
- (4) This Practice Direction shall apply to both civil and criminal proceedings in the State Courts (including the Small Claims Tribunals).
- (5) For the avoidance of doubt, 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 Order 38A, Rule 4 of the Rules of Court (Cap. 322, R 5) which states:

Prohibition on unauthorised audio recording (O. 38A, r. 4)

4.–(1) No person shall make any audio recording of any hearing without the approval of the Court.

(2) A person who contravenes paragraph (1) is guilty of contempt of Court.

119. 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 (Act No. 26 of 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.

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) Pursuant to Order 60, Rule 2 of the Rules of Court (Cap. 322, R 5), the Registrar 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 comply with the applicable provisions in the Rules of Court and 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 comply with the applicable provisions in the Rules of Court and 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 Electronic Filing Service at a service bureau or at the Legal Registry and shall pay the fees prescribed by Appendix A to the Rules of Court.
- (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 identity card number should also be included in the request and a copy of his identity card should be provided; and
 - (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 paragraph (15) of Practice Direction 17 (Access to file, etc.) will be updated accordingly with the corrected personal data.

120. Authorisation for collection of mail and Court documents

- (1) All law firms are to indicate their authorisation for any particular person to collect Court documents or mail from the State Courts on their behalf by providing such person with a card which shall conform with the specimen set out in Form 23 of Appendix A to these Practice Directions.
- (2) The card shall:
 - (a) be clearly typed;
 - (b) measure 8.50 cm x 5.00 cm;
 - (c) be laminated, or held in a clear plastic envelope, case or wallet;
 - (d) be numbered, sealed, signed and dated by the issuing law firm; and
 - (e) remain valid only up to 31 December of each year, provided always that no card shall be valid for any period exceeding one year.
- (3) Law firms remain responsible to recall and cause to be destroyed any such cards issued to persons whose authority to collect that firm's documents has been revoked. The Registry of the State Courts must be immediately informed in writing of any lost or misplaced cards.
- (4) Court documents and mail will only be released to Court clerks bearing such written authorization. However, any solicitor may collect documents and mail on behalf of his firm and any litigant in person may collect documents and mail intended for him in any matter in which he is a party.
- (5) Cards which are valid in the Supreme Court are deemed valid in the State Courts.

121. Filing directions to the Accountant-General for payment into and out of Court

- (1) Where monies are sought to be paid into Court pursuant to a judgment or order of the Court, a copy of the judgment or order must be referenced in the draft direction to the Accountant-General for payment in submitted to the Registry for approval.
- (2) Where monies are sought to be paid out of Court pursuant to a judgment or order of the Court, pursuant to the acceptance of a payment into Court made under Order 22 of the Rules of Court (Cap. 322, R 5), a copy of the judgment or order, or of the notice in Form 32 in Appendix A to the Rules of Court, or of the written consent, must be attached to the draft direction to the Accountant-General for payment out submitted to the Registry for approval.
- (3) Every draft direction for payment into or payment out of Court shall contain amounts in a single currency.
- (4) Where monies in different currencies are to be paid into or out of Court, separate draft directions must be prepared for each currency in which payment is to be made.

122. Stamping of documents

- (1) Only documents filed in the State Courts will be stamped at the State Courts' stamp office. The amount of stamp fees payable must be indicated on the top right hand corner of the document. In addition, solicitor's clerks or solicitors must complete and submit the requisition form set out in Form 24 of Appendix A to these Practice Directions, together with the relevant document(s) to the cashier for stamping.
- (2) Payment should, as far as possible, be made by a solicitor's cheque, crossed and made payable to:

"Registrar, State Courts"

- (3) The stamp office shall be opened during the following hours:
 - (a) Monday to Friday - 9.00 am to 1.00 p.m., and
2.00 p.m. to 4.00 p.m.
 - (b) Saturday - 9.00 am to 12.00 p.m.

123. 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;
 - (ii) 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 XVII: CRIMINAL MATTERS

124. Noting of appearances of advocates/prosecutors

- (1) To facilitate the linking of advocates and prosecutors to criminal cases registered via the Integrated Criminal case filing and 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 25 of Appendix A 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 23 and 26), special (i.e. traffic and coroner’s) and night (Court 25N and 26N) courts.
- (3) The forms will be placed on all bar tables.
- (4) This Practice Direction shall apply to criminal proceedings.

125. 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 71(9) to (11) (Documents for use in trials in open Court) above shall, with the necessary modifications, be complied with.

126. Magistrate's complaints (Private summonses)

(1) Framing of criminal charges

Solicitors representing the complainants (save in maintenance cases) 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.

(2) Infringement of copyright/trademarks

Magistrate's complaints involving infringement of copyright/trademarks must be sworn by authorised representatives. A letter of authorization to that effect must be attached to the complaint.

(3) Service of summons by solicitors' clerks

(a) Solicitors are informed that any summons issued pursuant to Section 153 Criminal Procedure Code 2010 must be served at least 7 days before the return date of the summons if such service is undertaken by the firm's clerk. This is because the authorization to serve will lapse 7 days before the return date.

(b) If the summons is already served on the respondent 7 days before the mention date, the attached summons must be returned to the Complaints Section, Crime Registry *immediately* after service. Failure to do so will result in the summons not being listed for mention.

(c) If the summons cannot be served on the respondent 1 week before the mention date, the authorization to serve will lapse. In order to obtain further authorization for the firm's clerk to serve the summons on the respondent or to obtain an extension of the return date, the solicitor must appear before the Duty Magistrate *not later than 5 days before the return date*. Failure to comply with this may result in the complaint being struck off the list.

127. 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 Criminal case filing and Management System (“ICMS”) must be made via the ICMS portal under “Request for Court Records”.
- (3) Applications for all other cases must be made in Form 26 in Appendix A to these Practice Directions.
- (4) On approval of an application that has been e-filed via the ICMS, the record of proceedings will be available for online downloading via the ICMS portal 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 Crime Registry.
- (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 and the grant of such an application shall be in the absolute discretion of the Registrar.

128. 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 the first floor of the State Courts (opposite the Crime Registry).

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 27 of Appendix A 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.

129. Witnesses giving evidence through live video link

- (1) A person in Singapore (other than the accused person) may, with leave of the Court, give evidence through a live video or live television link in any trial, inquiry, appeal or other proceedings as specified in sections 281(1) and (2) of the Criminal Procedure Code 2010. For this purpose, video link equipment have been installed in Court 16 and the adjoining witness room to enable a witness to give evidence through a live video link without being physically present within the courtroom.. These guidelines shall, with the necessary modifications, apply to any courtroom or place (from which the witness is giving evidence) which may, in future, be similarly equipped with such video link facilities.
- (2) Leave of the Court is required for evidence to be adduced via a video link. The application for leave should be made as early as practicable. This must not be later than the pre-trial conference. If no pre-trial conference is scheduled, this application must be made not later than the time the trial dates are allocated, either to the Court at the mentions stage or the Registrar of the State Courts. This application is necessary so that the case may be fixed for hearing in a court where the requisite equipment have been installed.
- (3) The court may, in a proper case, permit appropriate person(s) to be present with the witness 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) Where a witness giving evidence through a live video link requires an interpreter, the interpreter will interpret the proceedings from open court. All other aspects of the proceedings in court will remain unchanged.
- (5) If an accused person is not represented by counsel, the presiding Judge will explain to him the process of a witness giving evidence through a video link.
- (6) Microphones have been installed for the Judge, prosecutor, counsel, witness, interpreter and the accused. 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 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.
- (7) Video cameras installed in the courtroom will enable images of the proceedings in the courtroom to be relayed to the witness giving evidence by means of a video link. Images of the witness giving evidence will be relayed and may be viewed by all

persons present from television monitors which are placed strategically within the courtroom. To ensure that there is eye contact with the witness, prosecutors and counsel should face the television monitor squarely as the cameras are mounted on top of the television monitor.

PART XVIII: ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS

130. 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 (Cap. 68);
 - (c) procedure under section 370 of the Criminal Procedure Code;
 - (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 for the release of any property seized, or prohibited from being disposed of or dealt with under section 35(1) of the Code);
 - (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;
 - (g) procedure for issuing summonses to persons to appear before the Court under section 115 of the Criminal Procedure Code;
 - (h) procedure for appeal under Division 1 of Part XX of the Criminal Procedure Code;
 - (i) procedure for the taking of evidence under section 21 of the Mutual Assistance in Criminal Matters Act (Cap. 190A);
 - (j) application for the issue of a warrant under section 10(1) or 24(1) of the Extradition Act (Cap. 103); 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 Criminal Proceedings in the State Courts) Regulations 2013.

131. 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, whether or not represented by an advocate and solicitor must be initiated by electronic filing.

132. Charges

- (1) All new and amended charges must be e-filed prior to the scheduled court session.
- (2) The charges must be in Word Document format (.doc or .docx) or in Portable Document Format (PDF).
- (3) The charge sheet for each distinct offence must be e-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.

133. Checklists

- (1) For every Mention (FM / FFM); Pre-Trial Conference (PTC); Criminal Case Disclosure Conference (CCDC) and Plead Guilty Mention (FM(PG)), there will be a corresponding Mentions Checklist, PTC/CCDC checklist and PG checklist for the court event in the electronic case file.
- (2) Except for the first appearance in court by defence counsel, defence counsel is required to submit the Mentions or PTC checklist indicating the affirmative position of the accused. 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 PTC 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 checklist is only required to be submitted before the scheduled court event by the party applying for an adjournment.

134. Applications

- (1) All applications which have been specifically provided for must be e-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 e-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.

135. Documents

- (1) Except for the Statement of Facts and Schedule of Offences, all documents must be e-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 Portable Document Format (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.

136. 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 137(1) (Documents which cannot be converted into electronic format).
- (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 e-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 e-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 PTC/CCDC court or trial court if they are uncertain if the documents should be e-filed, submitted on a CD-ROM or tendered by hard copy.
- (7) The party tendering a document(s) at trial (i.e. the prosecution or defence) must provide hard copies of documents at trial to the unrepresented litigant and to the witness.

137. 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.

138. Amendment of charges and documents

Where a charge or document is required to be amended, a fresh copy of the charge or document must be produced and e-filed, regardless of the number and length of the amendments sought to be made.

139. Limits on size and number of documents submitted using Electronic Filing Service

- (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.

140. 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.

APPENDIX A

FORMS

Form 1

NOTIFICATION UNDER ORDER 62, RULE 2 (1), OF THE RULES OF COURT

To the Registrar of the State Courts.

**Notification under Order 62, Rule 2 (1),
of the Rules of Court**

| S/No. | NRIC No. | Name | Comments (See Note) |
|--------------|-----------------|-------------|-------------------------------|
|--------------|-----------------|-------------|-------------------------------|

The above persons are employed by our firm, and have been authorised by us to serve process and documents under Order 62, Rule 2 (1), of the Rules of Court.

Sgd

Firm's Name

Date

Note: To indicate here the solicitor's clerks who have left the employment of the firm, and whose authorizations to serve processes and documents have been revoked.

Form 2

Sample Letter of Offer

To: [Plaintiff/Defendant]

[Address]

WITHOUT PREJUDICE

SAVE AS TO COSTS

Dear Sir,

[Heading e.g. as per letter of claim]

We offer to settle [your/your client's claim OR the present matter] on the following terms:

[Set out the offer]

Yours faithfully,

Form 3

PLAINTIFF'S/ DEFENDANT'S LIST OF ISSUES IN DISPUTE
AND LIST OF WITNESSES

The list of issues in dispute in the claim is as follows:

| No. | Issue /Matter in Dispute | Information Plaintiff/Defendant is Relying on in Support |
|------------|---------------------------------|---|
| | | |
| | | |
| | | |

The witnesses whom the Plaintiff/Defendant intends to call to give evidence in support of its claim if the matter goes to court are as follows:

| No. | Full Name of Witness | Reason for calling the Witness |
|------------|-----------------------------|---------------------------------------|
| | | |
| | | |
| | | |
| | | |

Dated this day of 20 .

SOLICITORS FOR THE PLAINTIFF/DEFENDANT

4. A summary of the issues in respect of the Plaintiff's /Defendant's case and the applicable legal principles is annexed as "Annexure 'B'" to the opening statement.
5. Where quantum is in dispute, the quantum table is annexed as "Annexure 'C'" to the opening statement.

Dated this day of 20 .

SOLICITORS FOR THE PLAINTIFF/DEFENDANT

ANNEXURE 'A'

| <u>NO.</u> | <u>DATE</u> | <u>ESSENTIAL FACTS</u> | <u>CROSS-REFERENCE</u> (Pleading / Document) | <u>WITNESS(ES) TO BE CALLED</u> |
|-------------------|--------------------|-------------------------------|--|--|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |

ANNEXURE 'B'

| <u>NO.</u> | <u>ISSUES</u> | <u>PLAINTIFF'S/DEFENDANT'S POSITION</u> <i>[Please include references to key documents]</i> | <u>APPLICABLE LEGAL PRINCIPLES</u> <i>[Please include reference to main authorities]</i> |
|-------------------|----------------------|---|--|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |

ANNEXURE 'C'

| <u>NO.</u> | <u>DESCRIPTION OF ITEM CLAIMED BY PLAINTIFF</u> | <u>QUANTUM CLAIMED BY PLAINTIFF</u> | <u>PLAINTIFF'S SUPPORTING DOCUMENTS INCLUDING ANY EXPERT REPORT</u> <i>[Please include pg no. in Bundle of Documents]</i> | <u>DEFENDANT'S COMMENTS ON ITEM CLAIMED</u> | <u>DEFENDANT'S SUBMISSION ON QUANTUM</u> | <u>DEFENDANT'S SUPPORTING DOCUMENTS INCLUDING ANY EXPERT REPORT</u> <i>[Please include pg no. in Bundle of Documents]</i> |
|-------------------|--|--|---|--|---|---|
| 1 | | \$ | 1) _____ Pg _____ 2) _____ Pg _____ | | \$ | 1) _____ Pg _____ 2) _____ Pg _____ |
| 2 | | | | | | |
| | TOTAL | \$ | | | \$ | |
| | (at _____ %) | \$ _____ | | | \$ _____ | |

SUBMISSION ON LIABILITY

4. The Plaintiff's/ Defendant's submission on liability is as follows:

| | |
|---|--|
| Plaintiff's / Defendant's submission on liability | |
| Plaintiff's / Defendant's reference from Motor Accident Guide (MAG) | |
| Plaintiff's / Defendant's authorities | |

SUBMISSION ON QUANTUM

5. Where quantum is also in dispute, the quantum table to be annexed is herewith as an "Annexure" to the opening statement.

6. Item number(s) () and () of the Plaintiff's claim has/have been agreed between the parties.

Dated this day of 20 .

SOLICITORS FOR THE PLAINTIFF/DEFENDANT

Annexure (For NIMA matter)

| <u>NO.</u> | <u>HEAD OF DAMAGES CLAIMED</u> | <u>PLAINTIFF'S CLAIM FOR AWARD</u> | <u>PLAINTIFF'S SUPPORTING DOCUMENTS</u> <i>[Please include pg no. in Bundle of Documents]</i> | <u>DEFENDANT'S ESTIMATE OF AWARD</u> | <u>DEFENDANT'S SUPPORTING DOCUMENTS</u> <i>[Please include pg no. in Bundle of Documents]</i> |
|-------------------|---------------------------------------|--|---|---|---|
| 1. | Costs of Repairs | \$ _____ | 1) Pg _____ 2) Pg _____ | \$ _____ | 1) Pg _____ 2) Pg _____ |
| 2. | Loss of Use | \$ _____ per day for _____ days = \$ _____ | | \$ _____ per day for _____ days = \$ _____ | |
| 3. | Costs/Loss of Rental | \$ _____ per day for _____ days = \$ _____ | | \$ _____ per day for _____ days = \$ _____ | |

| | | | | | |
|----|---------------------|--|--|--|--|
| 4. | Loss of Earnings | \$ ____ per day for ____ days = \$ _____ | | \$ ____ per day for ____ days = \$ _____ | |
| | TOTAL (at ____%) | \$ _____ \$ _____ | | \$ _____ \$ _____ | |

Form 5

**ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES
IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

MC/DC No.

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE DISTRICT JUDGE _____ IN CHAMBERS

ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES

IMPORTANT:-

NOTICE TO THE DEFENDANT

- (1) This order orders you to allow the persons mentioned below to enter the premises described in the order and to search for, examine and remove or copy the articles specified in the order. This part of the order is subject to restrictions. The order also requires you to hand over any of the articles which are under your control and to provide information to the plaintiff's solicitors. You are also prohibited from doing certain acts. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible.
- (2) Before you the defendant or the person appearing to be in control of the premises allow anybody onto the premises to carry out this order you are entitled to have the solicitor who serves you with this order explain to you what it means in every day language.
- (3) You are entitled to insist that there is nobody [or nobody except [name] ...] present who could gain commercially from anything he might read or see on your premises.

- (4) You are entitled to refuse to permit entry before 9.00 a.m. or after 5.00 p.m. or at all on Saturdays, Sundays and public holidays.
- (5) You are entitled to seek legal advice, and to ask the Court to vary or discharge this order, provided you do so at once, and provided that meanwhile you permit [the supervising solicitor (who is a solicitor of the Court acting independently of the plaintiff) and]⁺ the plaintiff's solicitor to enter, but not start to search: see paragraph 3 below.
- (6) If you ... the defendant disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.¹

THE ORDER

An application was made today [date] by counsel for ... the plaintiff to District Judge [] by way of ex-parte summons no. ____ of _____. District Judge [] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application **IT IS ORDERED** by District Judge [] that:

Entry and search of premises and vehicles on the premises

- 1 (1) The defendant must allow [Mr/Mrs/Miss... (“the supervising solicitor”), together with]⁺ [name] ... a solicitor of the Supreme Court from the firm of the plaintiff's solicitors ... and up to ... other persons being ... [their capacity] accompanying [him/them/as appropriate] to enter the premises mentioned or described in Schedule 1 to this order and any vehicles on the premises so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the plaintiff's solicitors all the documents and articles which are listed or described in Schedule 2 to this order (“the listed items”) or which [name] ... believes to be listed items. The defendant must allow those persons to remain on the premises until the search is complete, and if necessary to re-enter the premises on the same or the following day in order to complete the search.

⁺ Where a supervising solicitor is ordered.

¹ This notice is not a substitute for the endorsement of a penal notice.

(2) This order must be complied with either by the defendant himself or by a responsible employee of the defendant or by the person appearing to be in control of the premises.

(3) This order requires the defendant or his employee or the person appearing to be in control of the premises to permit entry to the premises immediately the order is served upon him, except as stated in paragraph 3 below.

Restrictions on the service and carrying out of paragraph 1 of this order

2 Paragraph 1 of this order is subject to the following restrictions:-

(1) This order may only be served between 9.00 a.m. and 5.00 p.m. on a weekday which is not a public holiday.

(2) This order may not be carried out at the same time as any search warrant.

(3) [This order must be served by the supervising solicitor, and paragraph 1 of the order must be carried out in his presence and under his supervision.]⁺ [At least 1 of the persons accompanying him as provided by paragraph 1 of this order shall be a woman.]²⁺ [At least 1 of the persons carrying out the order shall be a woman.]³

(4) This order does not require the person served with the order to allow anyone [or anyone except [name] ...] who could gain commercially from anything he might read or see on the premises if the person served with the order objects.

(5) No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the person served with the order, and he has been given a reasonable opportunity to check the list.

⁺ Where a supervising solicitor is ordered.

² These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman and the supervising solicitor is a man.

³ These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman.

(6) The premises must not be searched, and items must not be removed from them, except in the presence of the defendant or a person appearing to be a responsible employee of the defendant.

[(7) If the supervising solicitor is satisfied that full compliance with subparagraph (5) or (6) above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.]⁺

Obtaining legal advice and applying to the Court

3 Before permitting entry to the premises by any person other than [the supervising solicitor and]⁺ the plaintiff's solicitors, the defendant or other person appearing to be in control of the premises may seek legal advice, and apply to the Court to vary or discharge this order, provided he does so at once. While this is being done, he may refuse entry to the premises by any other person, and may refuse to permit the search to begin, for a short time (not to exceed 2 hours, unless [the supervising solicitor or]⁺ the plaintiff's solicitor agrees to a longer period).

Delivery of listed items and computer print-outs

4 (1) The defendant must immediately hand over to the plaintiff's solicitors any of the listed items which are in his possession or under his control.

(2) If any of the listed items exists only in computer readable form, the defendant must immediately give the plaintiff's solicitors effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out. A print out of the items must be given to the plaintiff's solicitors or displayed on the computer screen so that they can be read and copied. All reasonable steps shall be taken by the plaintiff to ensure that no damage is done to any computer or data. The plaintiff and his representatives may not themselves search the defendant's computers unless they have sufficient expertise to do so without damaging the defendant's system.

Disclosure of information by the defendant

⁺ Where a supervising solicitor is ordered.

- 5 (1) The defendant must immediately inform the plaintiff's solicitors:-
- (a) where all the listed items are; and
 - (b) so far as he is aware:
 - (i) the name and address of everyone who has supplied him, or offered to supply him, with listed items;
 - (ii) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and
 - (iii) full details of the dates and quantities of every such supply and offer.
- (2) Within ... days after being served with this order the defendant must prepare and swear an affidavit confirming the above information.

Nothing in this order shall abrogate the defendant's right against self-incrimination.

Prohibited acts

- 6 (1) Except for the purpose of obtaining legal advice [or advising his banker], the defendant must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the plaintiff until [].
- (2) [Insert any negative injunctions.]

EFFECT OF THIS ORDER

- (1) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

UNDERTAKINGS

The plaintiff, [the supervising solicitor and]⁺ the plaintiff's solicitors gave to the Court the undertakings contained in Schedules 3, 4 and 5 respectively to this order.

DURATION OF THIS ORDER

Paragraph 6(2) of this order shall remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS

The plaintiff's solicitors are:-

[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.]

INTERPRETATION OF THIS ORDER

- (1) In this order "he", "him" or "his" include "she" or "her" and "it" or "its".
- (2) Where there are 2 or more defendants then (unless the context indicates differently):
 - (a) References to "the defendants" mean both or all of them;
 - (b) An order requiring "the defendants" to do or not to do anything requires each defendant to do or not to do it;

⁺ Where a supervising solicitor is ordered.

(c) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means on each of them;

(d) Any other requirement that something shall be done to or in the presence of “the defendants” means to or in the presence of 1 of them.]

Dated this ___ day of ____, 20__ .

Registrar.

SCHEDULE 1

The premises

SCHEDULE 2

The listed items

SCHEDULE 3

Undertakings given by the plaintiff

- (1) If the Court later finds that this order or the carrying out of it has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
- [(2) As soon as practicable to issue a writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief].]
- (3) To [swear and file an affidavit] [cause an affidavit to be sworn and filed] [substantially in the terms of the draft produced to the Court] [confirming the substance of what was said to the Court by the plaintiff's solicitors.]
- (4) To serve on the defendant at the same time as this order is served on him the writ and copies of the affidavits and copy-able exhibits containing the evidence relied on by the plaintiff. [Copies of the confidential exhibits ... [specify] need not be served, but they must be made available for inspection by or on behalf of the defendant in the presence of the plaintiff's solicitors while the order is carried out. Afterwards they must be provided to a solicitor representing the defendant who gives a written undertaking not to permit the defendant to see them or make copies of them except in his presence and not to permit the defendant to make or take away any note or record of the exhibits.]
- [(5) To serve on the defendant a copy of the supervising solicitor's report on the carrying out of this order as soon as it is received and to produce a copy of the report to the Court.]⁺
- (6) Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of carrying out this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

⁺ Where a supervising solicitor is ordered.

- (7) To insure the items removed from these premises.⁴

SCHEDULE 4

Undertakings given by the plaintiff's solicitors

- (1) To answer at once to the best of their ability any question as to whether a particular item is a listed item.
- (2) To return the originals of all documents obtained as a result of this order (except original documents which belong to the plaintiff) as soon as possible and in any event within 2 working days of their removal.
- (3) While ownership of any item obtained as a result of this order is in dispute, to deliver the article into the keeping of solicitors acting for the defendant within 2 working days from receiving a written undertaking by them to retain the article in safe keeping and to produce it to the Court when required.
- (4) To retain in their own safe keeping all other items obtained as a result of this order until the Court directs otherwise.
- (5) To execute this order calmly and orderly and in a manner respectful of the defendant's business.
- (6) Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of the carrying out of this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

⁴

In appropriate cases.

SCHEDULE 5

Undertakings given by the supervising solicitor

- (1) To offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to seek legal advice and apply to vary or discharge the order as mentioned in paragraph 3 of the order.
- (2) To make and provide the plaintiff's solicitor a written report on the carrying out of the order.]⁺

⁺ Where a supervising solicitor is ordered.

Form 6A

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE
IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

MC/DC No.

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE DISTRICT JUDGE _____ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL
OF ASSETS WORLDWIDE**

IMPORTANT:-

NOTICE TO THE DEFENDANT

- (1) This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.**
- (2) If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.¹**

¹ This notice is not a substitute for the endorsement of a penal notice.

THE ORDER

An application was made today [date] by counsel for ... the plaintiff to District Judge [] by way of ex-parte summons no. ____ of _____. District Judge [] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application **IT IS ORDERED** by District Judge [] that:

Disposal of assets

- 1 (1) The defendant must not (i) remove from Singapore any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value of \$ _____ or (ii) in any way dispose of or deal with or diminish the value of any of his assets whether they are in or outside Singapore whether in his own name or not and whether solely or jointly owned up to the same value. This prohibition includes the following assets in particular:-
 - (a) the property known as ... or the net sale money after payment of any mortgages if it has been sold;
 - (b) the property and assets of the defendant's business known as ... (or carried on at ..) or the sale money if any of them have been sold; and
 - (c) any money in the accounts numbered at
- (2) If the total unencumbered value of the defendant's assets in Singapore exceeds \$ _____ the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains above \$ _____. If the total unencumbered value of the defendant's assets in Singapore does not exceed \$ _____, the defendant must not remove any of those assets from Singapore and must not dispose of or deal with any of them, but if he has other assets outside Singapore the defendant may dispose of or deal with those assets so long as the total unencumbered value of all his assets whether in or outside Singapore remains above \$ _____.

Disclosure of information

- 2 (1) The defendant must inform the plaintiff in writing at once of all his assets whether in or outside Singapore and whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.
- (2) The information must be confirmed in an affidavit which must be served on the plaintiff's solicitors within ... days after this order has been served on the defendant.

EXCEPTIONS TO THIS ORDER

- (1) This order does not prohibit the defendant from spending \$ a week towards his ordinary living expenses and also \$ a week [or a reasonable sum] on legal advice and representation. But before spending any money the defendant must tell the plaintiff's solicitors where the money is to come from.
- (2) This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the plaintiff [state interval] for the amount of money spent in this regard.
- (3) The defendant may agree with the plaintiff's solicitors that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

EFFECT OF THIS ORDER

- (1) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

THIRD PARTIES

- (1) Effect of this order
It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

(2) Effect of this order outside Singapore

The terms of this order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced **UNLESS** such person is:

- (a) a person to whom this order is addressed or an officer or an agent appointed by power of attorney of such a person; or
- (b) a person who is subject to the jurisdiction of this Court and (i) has been given written notice of this order at his residence or place of business within the jurisdiction of this Court and (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order.

(3) Set off by banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

(4) Withdrawals by the defendant

No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE

- (1) The plaintiff may serve the writ of summons on the defendant at ... by ... [mode of service].
- (2) If the defendant wishes to defend the action he must enter an appearance within days of being served with the writ of summons.]

UNDERTAKINGS

The plaintiff gives to the Court the undertakings set out in Schedule 1 to this order.

DURATION OF THIS ORDER

This order will remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS

The plaintiff's solicitors are:-

[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.]

INTERPRETATION OF THIS ORDER

- (1) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (2) Where there are 2 or more defendants then (unless the context indicates differently)
 - (a) References to “the defendants” mean both or all of them;
 - (b) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
 - (c) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means service on each of them.]

Dated this ___ day of ____, 20__ .

Registrar

SCHEDULE 1

Undertakings given to the Court by the plaintiff

- (1) If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
- (2) As soon as practicable the plaintiff shall [issue and] serve on the defendant [a] [the] writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
- (3) The plaintiff shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the plaintiff's solicitors].
- (4) As soon as practicable the plaintiff shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the plaintiff.
- (5) Anyone notified of this order will be given a copy of it by the plaintiff's solicitors.
- (6) The plaintiff shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff will comply with any order the Court may make.
- [(7) The plaintiff shall not without the leave of the Court begin proceedings against the defendant in any other jurisdiction or use information obtained as a result of an order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction.
- (8) The plaintiff shall not without the leave of the Court seek to enforce this order in any country outside Singapore [or seek an order of a similar nature including orders conferring a charge or other security against the defendant or the defendant's assets].]

Form 6B

INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE

**IN THE STATE COURTS OF
THE REPUBLIC OF SINGAPORE**

DC/MC No.

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE DISTRICT JUDGE _____ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS
IN SINGAPORE**

IMPORTANT:-

NOTICE TO THE DEFENDANT

- (1) **This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.**
- (2) **If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.¹**

¹ This notice is not a substitute for the indorsement of a penal notice

THE ORDER

An application was made today [date] by counsel for ... the plaintiff to District Judge [] by way of ex-parte summons no. _____ of _____. District Judge [] heard the application and read the affidavit(s) of (name) filed on (date).

As a result of the application IT IS ORDERED by District Judge [] that:

Disposal of assets

- 1 (1) The defendant must not remove from Singapore in any way dispose of or deal with or diminish the value of any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value \$. This prohibition includes the following assets in particular
 - (a) the property known as ... or the net sale money after payment of any mortgages if it has been sold;
 - (b) the property and assets of the defendant's business known as ... (or carried on at ..) or the sale money if any of them have been sold; and
 - (c) any money in the accounts numbered at
- (2) If the total unencumbered value of the defendant's assets in Singapore exceeds \$, the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remain above \$.

Disclosure of information

- 2 The defendant must inform the plaintiff in writing at once of all his assets in Singapore whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the plaintiffs solicitors within ... days after this order has been served on the defendant.

EXCEPTIONS TO THIS ORDER

- (1) This order does not prohibit the defendant from spending \$ a week towards his ordinary living expenses and also \$ a week [or a reasonable sum] on legal advice and representation. But before spending any money the defendant must tell the plaintiff's solicitors where the money is to come from.
- (2) This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the plaintiff [state interval] for the amount of money spent in this regard.
- (3) The defendant may agree with the plaintiff's solicitors that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

EFFECT OF THIS ORDER

- (1) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

THIRD PARTIES

- (1) Effect of this order
It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.
- (2) Set off by banks
This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the defendant before it was notified of the order.
- (3) Withdrawals by the defendant
No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE

- (1) The plaintiff may serve the writ of summons on the defendant at ... by ... (mode of service).
- (2) If the defendant wishes to defend the action he must enter an appearance within days of being served with the writ of summons.]

UNDERTAKINGS

The plaintiff gives to the Court the undertakings set out in Schedule 1 to this order.

DURATION OF THIS ORDER

This order will remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS

The plaintiff's solicitors are:-

[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.]

Tlx: [Contact telex number and answer back code.]

Ref: [File reference of law firm.]

INTERPRETATION OF THIS ORDER

- (1) In this order references to "he", "him" or "his" include "she" or "her" and "it" or "its".

- (2) Where there are 2 or more defendants then (unless the context indicates differently)
- (a) References to “the defendants” mean both or all of them;
 - (b) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
 - (c) A requirement relating to service of this order or of any legal proceedings on “the defendants” means service on each of them.]

Dated this day of , 20 .

Registrar

SCHEDULE 1

Undertakings given to the Court by the plaintiff

- (1) If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
- (2) As soon as practicable the plaintiff shall [issue and] serve on the defendant [a] [the] writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
- (3) The plaintiff shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the plaintiff's solicitors].
- (4) As soon as practicable the plaintiff shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the plaintiff.
- (5) Anyone notified of this order shall be given a copy of it by the plaintiff's solicitors.
- (6) The plaintiff shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff will comply with any order the Court may make.

Form 7

ALTERNATIVE DISPUTE RESOLUTION (ADR) FORM

The State Courts regard Alternative Dispute Resolution (ADR) as the **first stop of a court process**. ADR is crucial in the cost-effective and amicable resolution of disputes. Early identification of cases is essential to help the parties save costs and improve settlement prospects. To assist in this regard, this Form should be completed by you and your client before the following hearings:

- (i) Case Management Conference, for MC writs filed on or after 1st November 2014 and by consent, DC writs (pursuant to Order 108 of the Rules of Court and Practice Direction 20);
- (ii) Pre-Trial Conference called pursuant to Practice Direction 36. This PTC will be called in respect of MC writs filed before 1st November 2014 and all DC writs filed on or after 1st April 2014; or
- (iii) Any Summons for Directions that is filed (pursuant to Practice Direction 26).

Information concerning ADR is provided on the second page of this Form.

This section is to be completed by solicitors

| | | | | |
|----------------------------|----------------------------|---|--------------------------|--|
| Case details | MC/DC* _____ / _____(year) | | SUM _____ / _____ (year) | |
| Number of witnesses | Plaintiff | | Defendant | |
| Nature of claim | Tort | Defamation / Medical Negligence* | | |
| | Contract | Construction / Renovation / Supply of Goods & Services* | | |
| | Others (Specify) | | | |

Signature of solicitor

Name of solicitor for Plaintiff/Defendant*:

Law Firm:

Date:

**delete where inapplicable*

This section is to be read by your client

What are my ADR options?

The State Courts Centre for Dispute Resolution provides ADR services such as **mediation** and **neutral evaluation**. Mediation services are also provided by the Singapore Mediation Centre (<http://www.mediation.com.sg>). The Law Society of Singapore provides **arbitration** as an ADR service.

Mediation is a process in which a mediator (i.e. a neutral third party) helps you and the other party negotiate for a settlement of your dispute. The mediator does not focus on who is at fault for the dispute. Instead, he will help you and the other side discuss and reach a solution that will meet both of your concerns.

Neutral Evaluation (NE) involves an early assessment of the merits of the case by a judge in the State Courts Centre for Dispute Resolution. Parties' lawyers will present the case to the judge, who will review the evidence and provide an evaluation based on the merits of the case. The evaluation can be binding or non-binding, depending on what the parties want.

More information on mediation and neutral evaluation may be found at <http://www.statecourts.gov.sg> under "Interested in Mediation/ADR".

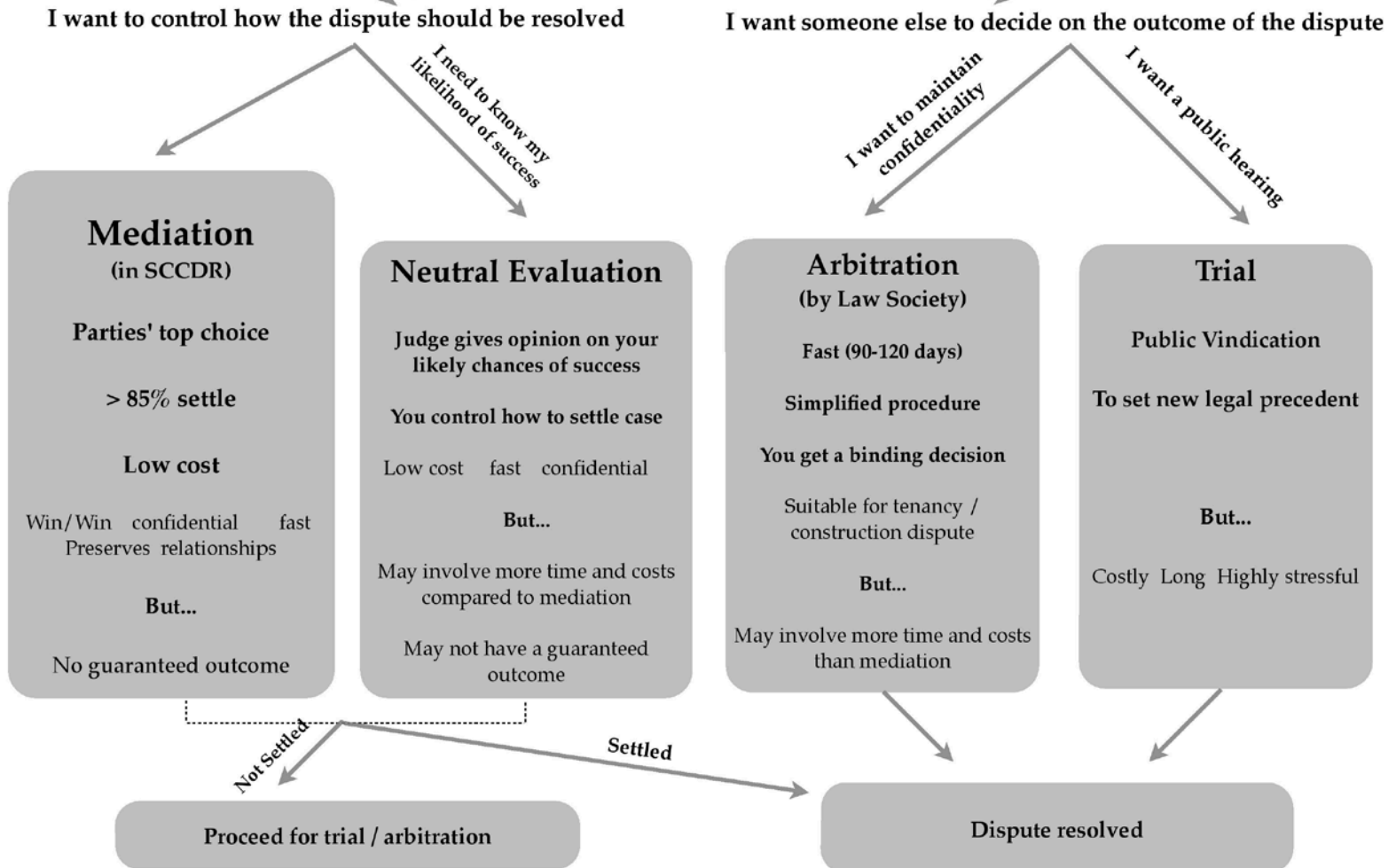
In **arbitration**, there will be a determination of who is at fault. However, the decision is made by a private individual, the arbitrator, instead of a judge. The Law Society Arbitration Scheme (LSAS) is provided by the Law Society of Singapore for parties to resolve their dispute through arbitration in a speedy and cost-effective way. More information concerning fees and details of the scheme can be found at <http://www.lawsociety.org.sg/lzas>.

Which ADR option should I choose?

You should choose the ADR option that best addresses your needs. Most litigants are concerned about issues such as legal costs, duration of the litigation process, confidentiality and whether they have control over the outcome of the case. Some other concerns may include the desire to preserve the relationship with the other party, discomfort over the formal proceedings and a need to be vindicated. Generally, mediation is an ADR option that addresses most of these concerns.

However, you may consider other ADR options if you have unique considerations. To help you decide the best ADR option for you, we have provided a diagram on page (iii) highlighting the features of each option. Your solicitor will also be able to advise you on the pros and cons of each ADR option.

Which option should I use to resolve my dispute?



This section is to be completed by your client

FOR MAGISTRATE'S COURT CASES ONLY

1. This is to certify that my solicitor has explained to me the available Alternative Dispute Resolution (ADR) services, and I am aware of the benefits of settling my case by ADR.
2. I have been advised and understand that the Judge may take the view that ADR is suitable for my case, and that any unreasonable refusal on my part to resolve this matter via mediation or other means of ADR may then expose me to adverse costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court as set out below:

Order 59 Rule 5(1)(c)

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

3. For a case commenced by writ on or after 1st November 2014 before a Magistrate's Court:
I have been advised and understand that my case may be referred for ADR under Order 108 Rule 3(3) of the Rules of Court as set out below:

Order 108 Rule 3(3)

“The Court may make an order directing that a case be referred for resolution by an ADR process if —

- (a) the parties consent to the case being referred for resolution by the ADR process; or
- (b) the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.”

4. My decision concerning ADR is as follows:-

(Tick the relevant boxes)

I wish to opt out from ADR for the following reasons:-

- I have already attempted ADR i.e. _____
- The dispute involves a question of law / To establish legal precedence.
- Other good reasons i.e. _____

(Note: Your view that the other party has a weak case is not considered a good reason)

I would like to be referred for the following ADR service(s):-

- Mediation at State Courts Centre for Dispute Resolution
- Neutral Evaluation at State Courts Centre for Dispute Resolution
- Mediation at Singapore Mediation Centre
- Arbitration under LSAS
- Others: (Please specify)

(Note: you may tick more than one type of ADR service.)

Signature of Plaintiff/Defendant*

Name:

Date:

** Delete where inapplicable*

This section is to be completed by your client

FOR DISTRICT COURT CASES ONLY

1. This is to certify that my solicitor has explained to me the available Alternative Dispute Resolution (ADR) services, and I am aware of the benefits of settling my case by ADR.
2. I have been advised and understand that my case will be referred for ADR unless any of the parties opt out of ADR.
3. I have been advised and understand that the Judge may take the view that ADR is suitable for my case, and that any unreasonable refusal on my part to resolve this matter via mediation or other means of ADR may then expose me to adverse costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court as set out below:

Order 59 Rule 5(1)(c)

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

4. My decision concerning ADR is as follows:

(Tick the relevant boxes)

- I wish to opt out from ADR.

Reason(s): _____

- I would like to be referred for the following ADR service(s):-

- Mediation at State Courts Centre for Dispute Resolution
- Neutral Evaluation at State Courts Centre for Dispute Resolution
- Mediation at Singapore Mediation Centre
- Arbitration under LSAS
- Others: Please specify

(Note: you may tick more than one type of ADR service.)

Signature of Plaintiff / Defendant*

Name:

Date:

** Delete where inapplicable.*

Form 8

Part A

**REQUEST FOR SKYPE MEDIATION
(BY-CONSENT OF PARTIES ONLY)**

(This section is to be completed by the solicitors. Please confirm that parties have satisfied the necessary conditions stated in Paragraph 25(23) before making this application. This Form shall be filed via the Electronic Filing Service in PDF Format together with the Request for CDR.)

Case Number: DC/MC _____ of _____

We, the solicitors acting for the Plaintiff(s) and Defendant(s) (and other party, where applicable), do confirm as follows:

(Tick the relevant boxes.)

- (1) The Plaintiff/Defendant/other party* is the overseas party requesting to appear for mediation via Skype because
 - The overseas party (not being a corporation) is unable to travel to Singapore on certified medical grounds, or provides other evidence of inability to travel to Singapore for mediation (please see supporting documents attached); or
 - The overseas party is a foreign incorporated company with no local presence and/or representative.
- (2) **All solicitors will attend the mediation session conducted at the State Courts Centre for Dispute Resolution in person, even if their client is appearing via Skype.**
- (3) All solicitors and parties consent to this application to mediate at the State Courts Centre for Dispute Resolution, with the overseas party appearing via Skype.

| Details of the party appearing for the mediation session via Skype | |
|---|----------------------------------|
| Party | Plaintiff/Defendant/other party* |
| Name of party/representative | |
| Country party will connect from | |
| Skype ID of party | |
| Email address of party | |

Signature of solicitor
for the Plaintiff

Name of law firm

Date:

Signature of solicitor
for the Defendant

Name of law firm

Date:

Signature of solicitor
or the Other Party

Name of law firm

Date:

**Delete where inapplicable.*

Part B

CONFIDENTIALITY UNDERTAKING FOR SKYPE MEDIATION

(BY OVERSEAS PARTY ONLY)

(This section is to be completed by the overseas party at the time of filing of Part A.)

Case Number: DC/MC _____ of _____

1. This is to certify that my solicitor has explained to me the benefits of settling my case by mediation.
2. I have been advised and understand that **all communication, negotiations or offers of settlement** by and between any parties of the mediation, or during any private mediation sessions with the mediator at the State Courts Centre for Dispute Resolution, **shall remain confidential**.
3. I have been advised and understand that audio, video or any other form of recording of the mediation session is **not permissible**, and only relevant parties should attend the mediation session via Skype.
4. I have been advised and understand that any unauthorised audio recording of the mediation session may expose me to contempt of Court proceedings pursuant to Order 38A, Rule 4 of the Rules of Court.

Signature of Plaintiff/Defendant/Other party*

Name:

Date:

**Delete where inapplicable.*

Form 9A

**LIABILITY INDICATION FORM
(NIMA AND PIMA CLAIMS)**

Instructions: Where liability indication is required, this Form is to be completed before the CDR session by all solicitors having conduct of the case.

Case number: _____
CDR Date: _____

Plaintiff's Counsel/signature: _____

Defendant's Counsel/signature: _____

(Other Party's Counsel/signature): _____

| | | | |
|--|--|--|---|
| (1) Case type | | <input type="checkbox"/> NIMA; or <input type="checkbox"/> Chain Collision involved <input type="checkbox"/> PIMA; or (Use pg 2) <input type="checkbox"/> NIMA & PIMA | <input type="checkbox"/> Accident involving motor vehicles only <input type="checkbox"/> Pedestrian involved <input type="checkbox"/> Cyclist involved <input type="checkbox"/> Claim by passenger |
| (2) Other relevant details | | | |
| (a) Quantum of claim (if not agreed) Cost of repair: \$ _____ Loss of use/rental: \$ _____ General damages: \$ _____ Special damages: \$ _____ | | (b) Have all parties been brought in? <input type="checkbox"/> Yes <input type="checkbox"/> No Which party: _____ | |
| (d) Has police action been taken? <input type="checkbox"/> Yes Which party: _____ Type of action: _____ <input type="checkbox"/> No | | (c) Is there a related suit? <input type="checkbox"/> Yes Suit No: _____ Status/outcome: _____ <input type="checkbox"/> No | |
| (e)(i) Are there scene photographs? ? <input type="checkbox"/> Yes <input type="checkbox"/> No (ii) Is there a a video recording? <input type="checkbox"/> Yes <input type="checkbox"/> No Have parties exchanged these? <input type="checkbox"/> Yes <input type="checkbox"/> No | | (f) Is there an independent witness? <input type="checkbox"/> Yes Witness for: _____ Statement/SD/AEIC available: _____ <input type="checkbox"/> No | |
| (3A) PLAINTIFF'S CASE | | (3B) DEFENDANT'S / OTHER PARTY'S CASE | |
| Is there a relevant scenario in the Motor Accident Guide? <input type="checkbox"/> Yes Page / Serial number in MAG: _____ Plaintiff's proposal on liability: Plf: _____% Def: _____% Other Party: _____% Date proposal was made: _____ <input type="checkbox"/> No | | Is there a relevant scenario in the Motor Accident Guide? <input type="checkbox"/> Yes Page / Serial number in MAG: _____ Defendant's proposal on liability: Plf: _____% Def: _____% Other Party: _____% Date proposal was made: _____ <input type="checkbox"/> No | |
| The following are enclosed with the indication Form: <input type="checkbox"/> GIA or police reports <input type="checkbox"/> Scene / damage photographs <input type="checkbox"/> Witness' statement/SD/AEIC (delete where inapplicable) Sketch of accident (if none in GIA/police report): | | The following are enclosed with the indication Form: <input type="checkbox"/> GIA or police reports <input type="checkbox"/> Scene / damage photographs <input type="checkbox"/> Witness' statement/SD/AEIC (delete where inapplicable) Sketch of accident (if none in GIA/police report): | |

Instructions: Please indicate the area of damage to the front and rear of each vehicle. Use a separate sheet of paper to represent accident if not a straight line front to rear collision.

First vehicle cut in from another lane, causing chain collision → YES /NO

| | |
|-------------------------------|-----|
| Stopped in time | Y/N |
| Alleging Prior Collision | Y/N |
| Photos Available | Y/N |
| Felt ____ impacts from behind | |
| Other Facts: | |

Vehicle No:
Party:

| | |
|-------------------------------|-----|
| Stopped in time | Y/N |
| Alleging Prior Collision | Y/N |
| Photos Available | Y/N |
| Felt ____ impacts from behind | |
| Other Facts: | |

Vehicle No:
Party:

| | |
|-------------------------------|-----|
| Stopped in time | Y/N |
| Alleging Prior Collision | Y/N |
| Photos Available | Y/N |
| Felt ____ impacts from behind | |
| Other Facts: | |

Vehicle No:
Party:

| | |
|-------------------------------|-----|
| Stopped in time | Y/N |
| Alleging Prior Collision | Y/N |
| Photos Available | Y/N |
| Felt ____ impacts from behind | |
| Other Facts: | |

Vehicle No:
Party:

| | |
|-------------------------------|-----|
| Stopped in time | Y/N |
| Alleging Prior Collision | Y/N |
| Photos Available | Y/N |
| Felt ____ impacts from behind | |
| Other Facts: | |

Vehicle No:
Party:

| | |
|-------------------------------|-----|
| Stopped in time | Y/N |
| Alleging Prior Collision | Y/N |
| Photos Available | Y/N |
| Felt ____ impacts from behind | |
| Other Facts: | |

Vehicle No:
Party:

Form 9B

NOTE: Actual Form is in landscape orientation and may be downloaded at <http://www.statecourts.gov.sg>

| QUANTUM INDICATION FORM | | | |
|---|--|---|-----------------------|
| PORTION TO BE COMPLETED BY SOLICITORS | | | PORTION FOR JO |
| Case No: DC / MC _____ of _____ | | Interlocutory Judgment entered at _____ % in Plaintiff's favour | |
| Nature of Claim: PIMA/IA/_____ | | JO's signature | |
| Heads of Claim | Plaintiff's submissions | Defendant's submissions | Indication |
| (I) Pain and Suffering | <i>Please state:-</i> - <i>The severity/treatment applied to the injuries. State residual disabilities (if any);</i> - <i>The relevant sections of the Guidelines for Assessment of General Damages in Personal Injury Cases (2010).</i> | | |
| 1. Nature of Injury: Pg. ____ of medical report by _____ | | | |
| 2. Nature of Injury: Pg. ____ of medical report by _____ | | | |
| 3. Nature of Injury: Pg. ____ of medical report by _____ | | | |

| | | | |
|--|---|---|--|
| (II) Loss of future earnings / Loss of earning capacity | Multiplier: _____ Multiplicand: _____ Plaintiff's pre-accident age / occupation / salary: _____ Plaintiff's current age / occupation / salary: _____ | Multiplier: _____ Multiplicand: _____ | |
| (III) Loss of Dependency | (State dependants' age / relationship to the Deceased and the proposed multiplier and multiplicand) | (State the proposed multiplier and multiplicand for each dependant) | |
| (IV) _____ <i>(other items of claim)</i> | | | |
| (V) _____ <i>(other items of claim)</i> | | | |

Form 9C

Form may be downloaded from: <http://www.statecourts.gov.sg> under "Civil Justice Division – Court Dispute Resolution"

APPLICATION FOR DIRECTIONS UNDER O37
FOR PERSONAL INJURY / NON-INJURY MOTOR ACCIDENT CLAIMS
Note: Additional prayers (if any) may be listed in a separate sheet of paper to be attached to this Form.

| | | | | | |
|--|--|------------------------------------|----------------------------------|---------------|-------------|
| Case number: DC / MC _____ of _____ Nature of Claim: PIMA / IA / _____ Date (dd/mm/yy) : ___/___/___ | In Chambers before me:- Deputy Registrar | | | | |
| Directions Sought For By The Plaintiff:- (To be completed by the Plaintiff's Counsel) | Defendant Counsel's proposal (to be completed by Defendant Counsel) | | Court Orders:- OIT as per | | |
| | Consent (√) | Proposed Alternative timelines | PC's proposal | DC's proposal | Dates below |
| <input type="checkbox"/> List of documents and affidavit verifying list of documents to be filed and <input type="checkbox"/> served within 2 weeks <input type="checkbox"/> _____ week <input type="checkbox"/> i.e. by ___/___/___ | | _____ weeks i.e. by ___/___/___ | | | |
| <input type="checkbox"/> By consent, parties agree to dispense with affidavit verifying list of documents. | | | | | |
| <input type="checkbox"/> Inspection to be done within 3 weeks / _____ weeks i.e. by ___/___/___ | | _____ weeks i.e. by ___/___/___ | | | |
| <input type="checkbox"/> Plaintiff's witnesses limited to _____ witness(es) of fact and _____ expert witnesses. | | | | | |
| <input type="checkbox"/> Defendant's witnesses limited to _____ witness(es) of fact and _____ expert witnesses. | | | | | |
| <input type="checkbox"/> _____ witnesses limited to _____ witness(es) of fact and _____ expert witnesses. | | | | | |
| <input type="checkbox"/> Parties to exchange AEICs of all witnesses within 8 weeks / _____ weeks i.e. by ___/___/___ (Note: AEICs should be filed and served for cases involving litigants-in-person) | | _____ weeks i.e. by ___/___/___ | | | |
| <input type="checkbox"/> By consent, AEICs of medical experts shall be dispensed with. The evidence of the medical experts shall be given in the form of their respective medical reports to be exchanged within 8 weeks / _____ weeks i.e. by ___/___/___ | | _____ weeks i.e. by ___/___/___ | | | |
| <input type="checkbox"/> Parties to file and serve Notice of Objections to AEICs within 9 weeks / _____ weeks i.e. by ___/___/___ | | _____ weeks i.e. by ___/___/___ | | | |
| <input type="checkbox"/> Plaintiff to file and serve Notice of Appointment for Assessment of Damages for _____ days of hearing within 10 weeks / _____ weeks i.e. by ___/___/___ | | _____ weeks i.e. by ___/___/___ | | | |
| <input type="checkbox"/> Costs reserved to the Registrar. | | | | | |
| <input type="checkbox"/> Order of Court with the names of the witnesses to be extracted within 3 weeks from the date of the Order i.e. by ___/___/___ | | | | | |

Form 9C(A)

Form may be downloaded from: <http://www.statecourts.gov.sg> under "Civil Justice Division – Court Dispute Resolution"

| APPLICATION FOR DIRECTIONS UNDER ORDER 37 OF THE RULES OF COURT FOR MAGISTRATE'S COURT CASES FIXED FOR SIMPLIFIED AD PURSUANT TO ORDER 108 | | | | | |
|---|--|-----------------------------------|-------------------------------------|---------------|-------------|
| <i>Note: Additional prayers (if any) may be listed in a separate sheet of paper to be attached to this Form.</i> | | | | | |
| Case number: MC _____ of _____ Nature of Claim: PI / NIMA/Others _____ Date (dd/mm/yy) : ____ / ____ / ____ | In Chambers before me:- Deputy Registrar | | | | |
| Directions Sought By The Plaintiff:- (To be completed by the Plaintiff's Counsel (PC)) | Proposal by Defendant's Counsel (to be completed by Defendant's Counsel (DC)) | | Court Orders: OIT as per | | |
| | Consent (√) | Proposed Alternative timelines | PC's proposal | DC's proposal | Dates below |
| <input type="checkbox"/> Supplementary List of documents, if any, to be filed and served within 3 / _____ week(s) i.e. by _____. | | ____ weeks i.e. by _____ _____ | | | |
| <input type="checkbox"/> Inspection to be done within 4 / _____ week(s) i.e. by _____. | | ____ weeks i.e. by _____ _____ | | | |
| <input type="checkbox"/> (For Personal Injury cases) AEICs of single joint expert (medical) shall be dispensed with. The medical report(s) shall be disclosed within 4/ _____ weeks i.e. by _____. | | ____ weeks i.e. by _____ _____ | | | |
| <input type="checkbox"/> Parties to exchange AEICs of all witnesses within 8 / _____ weeks i.e. by _____. <i>(Note: AEICs should be filed and served for cases involving litigants-in-person)</i> | | ____ weeks i.e. by _____ _____ | | | |
| <input type="checkbox"/> Parties to file and serve Notice of Objections to AEICs within 9 / _____ weeks i.e. by _____. | | ____ weeks i.e. by _____ _____ | | | |
| <input type="checkbox"/> Plaintiff to file and serve Notice of Appointment for Assessment of Damages for _____ days of hearing within 12 / _____ weeks i.e. by _____. | | ____ weeks i.e. by _____ _____ | | | |
| <input type="checkbox"/> Order of Court with the names of the witnesses to be extracted within 4/ _____ weeks from the date of the Order i.e. by _____. | | ____ weeks i.e. by _____ _____ | | | |
| Directions Sought By The Parties:- | Court Orders: | | Consent (√) | | |
| <input type="checkbox"/> Plaintiff's witnesses of fact limited to _____ witness(es). | | | | | |
| <input type="checkbox"/> Defendant's witnesses of fact limited to _____ witness(es). | | | | | |
| <input type="checkbox"/> _____ Single Joint Expert (SJE) appointed by parties pursuant to O. 108 r. 5(3)(a) as follows: (a) _____ (Area of expertise : _____) (state name) (b) _____ (Area of expertise : _____) (state name) | | | | | |
| <input type="checkbox"/> Where parties are unable to agree on expert to be appointed, the Court shall pursuant to O. 108 r. 5(3)(b) appoint the SJE and fix the amount of remuneration payable to the SJE. | | | | | |
| <input type="checkbox"/> SJE report is to be released by _____. | | | | | |
| <input type="checkbox"/> Costs reserved to the Registrar. | | | | | |

(c) Plaintiff's Age at time of accident:

(d) Plaintiff's Occupation at time of accident:

(e) Plaintiff's Income per month at time of accident:

(f) Plaintiff's Present Age:

(g) Plaintiff's Present Occupation:

(h) Plaintiff's Present Income per month:

4. A summary table of the Plaintiff's and Defendant's respective present positions on quantum is annexed herewith as an "Annexure" to the opening statement.

5. Item number(s) () and () of the Plaintiff's claim has/have been agreed between the parties.

Dated this ()

SOLICITORS FOR THE PLAINTIFF

SOLICITORS FOR THE DEFENDANT

| | | | | | | | |
|---|------------------|---|---|---|---|---|---|
| 2 | Nature of Injury | <p>\$</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> | <p>\$</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> |
| 3 | Nature of Injury | <p>\$</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> | <p>\$</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> |

| | | | | | | | |
|--------------|--------------------------|--|---|---|---|---|---|
| <u>(II)</u> | LOSS OF EARNING CAPACITY | <p>\$</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> | <p>\$</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> |
| <u>(III)</u> | LOSS OF FUTURE EARNINGS | <p>Multiplier: _____ years</p> <p>x</p> <p>Multiplicand: \$ _____ = \$ _____</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> | <p>Multiplier: _____ years x</p> <p>Multiplicand: \$ _____ = \$ _____</p> <p><u>Authorities:</u> (1) Case Name Award Given</p> <p>(2) Case Name Award Given</p> | <p>1) Medical Report by Dr _____ Pg _____</p> <p>2) Medical Report by Dr _____ Pg _____</p> | <p>1) _____ Pg _____</p> <p>2) _____ Pg _____</p> |

| | | | | | | | |
|------|--|----|--|--|----|--|--|
| (IV) | FUTURE MEDICAL EXPENSES & TREATMENTS | \$ | 1) Medical Report by Dr _____ Pg _____ _____ 2) Medical Report by Dr _____ Pg _____ _____ | 1) _____ Pg _____ _____ 2) _____ Pg _____ _____ | \$ | 1) Medical Report by Dr _____ Pg _____ _____ 2) Medical Report by Dr _____ Pg _____ _____ | 1) _____ Pg _____ _____ 2) _____ Pg _____ _____ |
| | | | | | | | |
| (V) | OTHER ITEMS OF GENERAL DAMAGES [Includes Dependency Claims] | \$ | 1) Medical Report by Dr _____ Pg _____ _____ 2) Medical Report by Dr _____ Pg _____ _____ | 1) _____ Pg _____ _____ 2) _____ Pg _____ _____ | \$ | 1) Medical Report by Dr _____ Pg _____ _____ 2) Medical Report by Dr _____ Pg _____ _____ | 1) _____ Pg _____ _____ 2) _____ Pg _____ _____ |
| | | | | | | | |

| (VI) | SPECIAL DAMAGES | | | | | | |
|------|----------------------------|--|--|--|--|--|--|
| 1 | Medical Expenses | \$ | | 1) _____ Pg _____ 2) _____ Pg _____ | \$ | | 1) _____ Pg _____ 2) _____ Pg _____ |
| 2 | Transport Expenses | \$ | | 1) _____ Pg _____ 2) _____ Pg _____ | \$ | | 1) _____ Pg _____ 2) _____ Pg _____ |
| 3 | Pre-Trial Loss of Earnings | \$_____ per month for _____ month = \$ | | 1) _____ Pg _____ 2) _____ Pg _____ | \$_____ per month for _____ month = \$ | | 1) _____ Pg _____ 2) _____ Pg _____ |

| | | | | | | | |
|---|--------------------------------------|----------|--|-------------|----------|--|-------------|
| 4 | Other items of Special Damages | \$ | | 1) _____ | \$ | | 1) _____ |
| | | | | Pg _____ | | | Pg _____ |
| | | | | 2) _____ | | | 2) _____ |
| | | | | Pg _____ | | | Pg _____ |
| | TOTAL | \$ | | | \$ | | |
| | (at _____%) | \$ _____ | | | \$ _____ | | |

| <u>NO.</u> | <u>HEAD OF DAMAGES CLAIMED</u> | <u>PLAINTIFF'S CLAIM FOR AWARD</u> | <u>PLAINTIFF'S SUPPORTING DOCUMENTS</u> <i>[Please include pg no. in Bundle of Documents]</i> | <u>DEFENDANT'S ESTIMATE OF AWARD</u> | <u>DEFENDANT'S SUPPORTING DOCUMENTS</u> <i>[Please include pg no. in Bundle of Documents]</i> |
|------------|--------------------------------|---|--|---|--|
| 1. | Costs of Repairs | \$ _____ | 1) Pg _____ 2) Pg _____ | \$ _____ | 1) Pg _____ 2) Pg _____ |
| 2. | Loss of Use | \$____ per day for ____ days = \$ _____ | | \$____ per day for ____ days = \$ _____ | |
| 3. | Costs/Loss of Rental | \$____ per day for ____ days = \$ _____ | | \$____ per day for ____ days = \$ _____ | |
| 4. | Loss of Earnings | \$____ per day for ____ days = \$ _____ | | \$____ per day for ____ days = \$ _____ | |
| | TOTAL (at ____%) | \$ _____ \$ _____ | | \$ _____ \$ _____ | |

4. Item number(s) () and () of the Plaintiff's claim has/have been agreed between the parties.

Dated this ()

SOLICITORS FOR THE PLAINTIFF

SOLICITORS FOR THE DEFENDANT

4. Item number(s) () and () of the Plaintiff's claim has/have been agreed between the parties.

Dated this ()

SOLICITORS FOR THE PLAINTIFF

SOLICITORS FOR THE DEFENDANT

ANNEXURE

| <u>NO.</u> | <u>DESCRIPTION OF ITEM CLAIMED BY PLAINTIFF</u> | <u>QUANTUM CLAIMED BY PLAINTIFF</u> | <u>PLAINTIFF'S SUPPORTING DOCUMENTS INCLUDING ANY EXPERT REPORT</u> <i>[Please include pg no. in Bundle of Documents]</i> | <u>DEFENDANT'S COMMENTS ON ITEM CLAIMED</u> | <u>DEFENDANT'S SUBMISSION ON QUANTUM</u> | <u>DEFENDANT'S SUPPORTING DOCUMENTS INCLUDING ANY EXPERT REPORT</u> <i>[Please include pg no. in Bundle of Documents]</i> |
|-------------------|--|--|---|--|---|---|
| | | | | | | |
| 1 | | \$ | 1) _____ Pg _____ 2) _____ Pg _____ | | \$ | 1) _____ Pg _____ 2) _____ Pg _____ |
| 2 | | | | | | |
| | | | | | | |
| | TOTAL | \$ | | | \$ | |
| | (at _____%) | \$ | | | \$ | |

Form 9G

REQUEST FOR FAST TRACK ADCDR
*AFTER INTERLOCUTORY JUDGMENT HAS BEEN ENTERED BUT
BEFORE AEICs ARE BEING FILED AND EXCHANGED*

(BY-CONSENT OF BOTH PARTIES ONLY)

Case Number DC/MC _____ of _____ Interlocutory judgment entered on _____

Plaintiff's reference _____ Date of Application: _____

Defendant's/Third Party's reference (D.C/T.P.C) _____

(Please confirm that parties have satisfied the conditions stated below before making the application)

We, counsel acting for the plaintiff and defendant (and Third/Fourth party, where applicable), do confirm as follows:

(A) All medical reports of the Plaintiff [including any medical re-examination and/or clarification report(s)] are available for parties to request for an indication on quantum;

(B) The Plaintiff has already attended medical re-examination by the Defendant's/Third Party's medical expert or the Defendant/Third Party confirms that no medical re-examination of the Plaintiff is required;

(C) No indication on quantum for loss of future earnings and/or loss of earning capacity is required; and

(D) All parties consent to this application.

Counsel for the Plaintiff

Counsel for the Defendant

Name of law firm:

Name of law firm

DID fax No.:

DID fax no.

*NOTE: The Form shall be filed via the Electronic Filing Service in PDF Format.

A date for a fast track ADCDR session shall generally be given within 3 weeks from date of application. Please ensure that parties are ready for indication on the day of the ADCDR hearing with the completed Form 9B under Appendix A of the Practice Directions duly completed.

RECORDING SETTLEMENT / ENTERING JUDGMENT BY CONSENT (NIMA/PI/PIMA)

Case Number: DC/MC _____ of _____ Date : _____

Plaintiff's Law Firm / Solicitor: _____

Defendant's Law Firm / Solicitor : _____

Other party's Law Firm(s) / Solicitor(s): _____

(I)
Settlement
(a)NIMA / PI
AND
(b)PIMA
matters where
the "relevant
amount"
relating to
damages for
death / bodily
injury does not
exceed \$5,000

Terms of Settlement:
By consent, and in full & final settlement of the Plaintiff's claim, the _____ shall pay the following to the Plaintiff / _____:

\$ _____ as damages inclusive of costs, disbursements, interest*.

\$ _____ as costs.* / Costs to be taxed if not agreed*.

\$ _____ as disbursements.* / Disbursements to be taxed if not agreed*.

\$ _____ as interest from _____

Payment is to be made within _____ weeks from the date this settlement is recorded.

In default of payment, the Plaintiff is at liberty to extract the Order of Court for enforcement.

The Plaintiff / _____ shall file the Notice of Discontinuance within _____ days of receiving final payment from the _____.

This is a tentative settlement and the parties will write in to Court within _____ weeks, i.e. by _____, if they are unable to proceed with the settlement. If not, this tentative settlement recorded shall be deemed to be a final settlement.

Person Under Disability

As the Plaintiff/dependant is a person under disability pursuant to Order 76 of the Rules of Court (Cap. 322, R 5), this settlement agreed upon by parties is hereby approved by the Court.

As the Plaintiff/dependant is a person under disability pursuant to Order 76 of the Rules of Court, payment is to be made to the litigation representative on trust for the Plaintiff for his/her maintenance or otherwise for his/her benefit.

(Insert any other terms not provided for above) _____

(II)
Interlocutory Judgment

Consent Interlocutory Judgment:

By consent, interlocutory judgment is entered for the Plaintiff against the _____ for [____% of the]* damages to be assessed and costs reserved to the Registrar assessing the damages.

By consent, the Third Party is to indemnify the Defendant for [____% of the]* damages, costs, reasonable disbursements and interests payable to the Plaintiff.

By consent, interlocutory judgment is entered for the Plaintiff against the _____ on the following terms: _____

(III) Final Judgment

(a)NIMA / PI
AND
(b)PIMA
matters where
the "relevant
amount"
relating to
damages for
death / bodily
injury exceeds
\$5,000

Consent Final Judgment:
By consent, final judgment is entered for the Plaintiff against the _____ whereby the _____ shall pay the following to the _____:

\$ _____ as damages inclusive of costs, disbursements, interest*.

\$ _____ as general damages, \$ _____ as injury related special damages and \$ _____ as non-injury related special damages (inclusive of interest)*.

The claim being a fatal accident claim, general damages comprises \$ _____ for bereavement for the benefit of [_____], \$ _____ for loss of dependency for the benefit of [_____], \$ _____ for loss of dependency for the benefit of [_____] and \$ _____ for loss of dependency for the benefit of [_____].

\$ _____ in special damages (excluding the sum for funeral expenses) to [_____] and \$ _____ for funeral expenses to [_____].

\$ _____ as interest from _____.

\$ _____ as costs* / Costs to be taxed if not agreed*.

\$ _____ as disbursements* / Disbursements to be taxed if not agreed*.

| | | | | | |
|---|---|--|--------------------------------------|---|--|
| | <input type="checkbox"/> (Insert any other terms not provided for above) _____ _____ | | | | |
| Usual Consequential Orders ONLY For PIMA cases where the "relevant amount" relating to damages for death / bodily injury exceeds \$5,000 | <input type="checkbox"/> Usual Consequential Orders when entering Final Judgment for PIMA Cases <input type="checkbox"/> <u>Usual Consequential Orders (Where Plaintiff is NOT a Specified Person)</u> "....And it is ordered that — 1. the Plaintiff's costs and disbursements of this action payable to his/her solicitor shall be as determined in accordance with section 18(3) of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) and be deducted from the judgment sums and paid by the Defendant to the Plaintiff's solicitor; and 2. the balance of the judgment sums due to the Plaintiff shall be paid by the Defendant to the Plaintiff. <input type="checkbox"/> <u>Usual Consequential Orders where Plaintiff / dependant is a Specified Person AND a Person Under Disability</u> "....And it is ordered that — 1. the Plaintiff's costs and disbursements of this action payable to his/her solicitor shall be as determined in accordance with section 18(3) of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) and be deducted from the judgment sums and paid by the Defendant to the Plaintiff's solicitor; and 2. as the Plaintiff / dependant is a person under disability pursuant to Order 76 of the Rules of Court, the balance of the judgment sums shall be paid by the Defendant to: <input type="checkbox"/> the litigation representative of the Plaintiff / dependant; OR <input type="checkbox"/> the Public Trustee as trustee on trust for the Plaintiff / dependant for his/her maintenance or otherwise for his/her benefit." <input type="checkbox"/> <u>Usual Consequential Orders where Plaintiff is a Specified Person BUT NOT a Person Under Disability</u> "...And it is ordered that — 1. the Plaintiff's costs and disbursements of this action payable to his/her solicitor shall be as determined in accordance with section 18(3) of the Motor Vehicles (Third-Party Risks and Compensation) Act and be deducted from the judgment sums and paid by the Defendant to the Plaintiff's solicitor; and 2. as the Plaintiff is <i>not represented by a public officer or an advocate and solicitor / isolated in a hospital or other place under section 15(1) or (2) of the Infectious Diseases Act (Cap. 137) / a person under legal custody or in a place of detention</i> , the balance of the judgment sums shall be paid by the Defendant to: <input type="checkbox"/> the Public Trustee as trustee on trust for the Plaintiff OR; <input type="checkbox"/> the Plaintiff in the following manner: _____ <input type="checkbox"/> (Insert any other terms of payment not provided for above) _____ | | | | |
| Public Trustee's Fee | <input type="checkbox"/> The Plaintiff's disbursements shall include \$ _____ as the Public Trustee's fee*/ (where payment is to be made to Public Trustee on trust) the Public Trustee's fee to be determined by the Public Trustee in accordance with the rules for the time being in force*. | | | | |
| Costs | <input type="checkbox"/> Indication on costs: Plaintiff's Counsel: \$ _____; Defendant's Counsel: \$ _____; _____ Counsel: \$ _____ | | | | |
| Judge's Orders / Directions | <table border="1"> <tr> <td data-bbox="231 1798 1236 1865"> <input type="checkbox"/> Settlement is recorded / Judgment is entered as per terms stated in Section A. </td> <td data-bbox="1236 1798 1541 1984" rowspan="3" style="text-align: center; vertical-align: middle;"> Judge's Signature & Stamp </td> </tr> <tr> <td data-bbox="231 1865 1236 1933"> <input type="checkbox"/> Costs indicated at \$ _____ / plus reasonable disbursements* / plus GST*. </td> </tr> <tr> <td data-bbox="231 1933 1236 1984"> <input type="checkbox"/> Other directions _____ </td> </tr> </table> | <input type="checkbox"/> Settlement is recorded / Judgment is entered as per terms stated in Section A. | Judge's Signature & Stamp | <input type="checkbox"/> Costs indicated at \$ _____ / plus reasonable disbursements* / plus GST*. | <input type="checkbox"/> Other directions _____ |
| <input type="checkbox"/> Settlement is recorded / Judgment is entered as per terms stated in Section A. | Judge's Signature & Stamp | | | | |
| <input type="checkbox"/> Costs indicated at \$ _____ / plus reasonable disbursements* / plus GST*. | | | | | |
| <input type="checkbox"/> Other directions _____ | | | | | |

* This Form may be downloaded from: <http://www.statecourts.gov.sg> under "Civil Justice Division – Court Dispute Resolution"

*delete where appropriate

Form 9J*

Confidential and Without Prejudice

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[CASE NUMBER]

OPENING STATEMENT FOR PLAINTIFF/DEFENDANT (MEDIATION)

1. Parties attending the mediation session

- (a) Plaintiff/Defendant/other party to suit
- (b) [Name of any other party attending; reason for attending]
- (c)

Where party is a corporate entity,

- (a) [Name and position of authorised representative of Plaintiff/Defendant]

2. Brief summary of facts

[Summarise your version of facts that gave rise to your claim/defence.]

3. Claim/Defence/Counterclaim/Defence to Counterclaim

[Summarise your legal claim or Defence.]

4. Evidence supporting claim

A. Essential documents

The following *essential* documents are currently being relied on to support our claim/defence (without prejudice to modification after discovery):

(a) [Provide very brief details on how document supports your case. Append a copy of document to opening statement.]

(b)

...

B. Essential witnesses

We currently intend to rely on the following *essential* witnesses if the case goes to court (without prejudice to modification after extracting order of court containing court's directions for exchange of affidavits of evidence-in-chief):

(a) [Provide very brief outline of what you believe each essential witness will say.]

(b)

...

5. Negotiation history

The parties have not engaged in any negotiations to settle the dispute OR

The parties have been engaging in discussions to attempt to settle the dispute privately. The parties have made the following offers on a "without prejudice" basis:

(a) [Provide details on the offer, and why it was not accepted.]

(b)

6. Other relevant information for settlement

[Provide any other information that may be beneficial in reaching a settlement.]

Dated this [-] day of [-] 20__

SOLICITORS FOR THE [PLAINTIFF/DEFENDANT]

SAMPLE OPENING STATEMENT FOR MEDIATION

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[CASE NUMBER]

OPENING STATEMENT FOR PLAINTIFF (MEDIATION)

1. Parties attending the mediation session on 7 May 2012

- (a) The Plaintiff, Ms Sharon Lee
- (b) Ms Chloe See, a key witness

2. Brief summary of facts

The Plaintiff enrolled for a business course in the Defendant school on 10 December 2011. The course brochure stated that the course would be taught by a highly qualified lecturer from a renowned business school and would include lectures by prominent guest speakers from the business field. After attending 6 weeks of the course since 3 January 2012, the Plaintiff found the lecturer unimpressive and did not have the requisite qualifications. In addition, she saw in the course schedule that there were to be no guest lecturers. Her request for a refund from the Defendant on 14 February was declined. The Plaintiff commenced this present suit seeking a refund of her course fees of \$8,000. The Defendant lodged a counterclaim in defamation for the Plaintiff's postings on her blog referring to the Defendant as a "scam operation".

3. Claim and Defence to Counterclaim

The Plaintiff's claim lies in misrepresentation. She was induced by statements in the course brochure and statements made by the Defendant's Principal on 10 December to enrol for the course. Both statements concerning the credentials of the lecturer and the inclusion of guest lecturers in the course were untrue. The Plaintiff seeks rescission of the contract and refund of the entire course fees. In the alternative, the Plaintiff claims that there were breaches of contract entitling her to damages.

With regard to the Defendant's counterclaim, the Plaintiff has pleaded the defence of justification. The Plaintiff has sufficient evidence to show that there have been many instances of the Defendant's dishonest dealings with other students.

4. Evidence supporting claim

A. Essential documents

The following *essential* documents are currently being relied on to support our claim (without prejudice to modification after discovery):

- (a) Course brochure

This brochure was given to the Plaintiff by the Defendant's Principal. It contained the alleged statements inducing the Plaintiff to enrol for the course. A copy of the brochure is appended to this statement as "Annex A".

B. Essential witnesses

We currently intend to rely on the following *essential* witnesses if the case goes to court (without prejudice to modification after extracting order of court containing court's directions for exchange of affidavits of evidence-in-chief):

- (a) Ms Chloe See

Ms See was with the Plaintiff when she enrolled for the course at the Defendant school. She heard the statements made by the principal concerning the promises made in the course brochure.

- (b) Ms Denise Bo

Ms Bo enrolled for a similar course with the Defendant school and was similarly disappointed by the Defendant's misrepresentation.

5. Negotiation history

The parties have been engaging in discussions to attempt to settle the dispute privately. The parties have made the following offers on a "without prejudice" basis:

- (a) The Defendant suggested on 2 April 2012 that the parties settle on a "drop hands" basis. The Plaintiff declined as she thinks that the Counterclaim has no merit.
- (b) The Plaintiff made a counter-proposal on 4 April 2012 that the Defendant gave a \$5,000 refund. This was declined by the Defendant without any reasons.

Confidential and Without Prejudice

6. Other relevant information for settlement

The Plaintiff and the Defendant's Principal were involved in a previous suit (MC00/2011). This was a claim by the Defendant's Principal against the Plaintiff for defamation concerning a separate incident. The matter was settled in 2011.

Dated this 2nd day of May 2012

[SIGNED]

SOLICITORS FOR THE PLAINTIFF

Form 9K*

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[CASE NUMBER]

OPENING STATEMENT FOR PLAINTIFF/DEFENDANT (NEUTRAL EVALUATION)

1. Parties attending the Neutral Evaluation

- (a) Plaintiff/Defendant/other party to suit
- (b) [Name of any other party attending; reason for attending]
- (c)

Where party is a corporate entity,

- (a) [Name and position of authorised representative of Plaintiff/Defendant]

2. Brief summary of facts

[Summarise your version of facts that gave rise to your claim/defence.]

3. Claim/Defence/Counterclaim/Defence to Counterclaim

[Summarise your legal claim or Defence.]

4. Issues for Neutral Evaluation Evidence supporting claim

A. Legal issues in dispute

- (a) [Summarise legal issue and refer to relevant legal authorities supporting your submission.]
- (b)
- (c)

B. Disputes of Fact and supporting evidence

- (a) [Summarise dispute of fact.]

Refer to *essential* documents you are currently relying on to support your position. This is without prejudice to modification after discovery. Append a copy of the relevant documents to the Opening Statement.

Refer to *essential* witnesses you are relying on, and provide brief outline of what you believe the witnesses will say. This is without prejudice to modification after extracting order of court containing directions for exchange of affidavits of evidence-in-chief.]

- (b)
- (c)

Dated this [-] day of [-] 20__

SOLICITORS FOR THE [PLAINTIFF/DEFENDANT]

SAMPLE OPENING STATEMENT FOR NEUTRAL EVALUATION

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[CASE NUMBER]

OPENING STATEMENT FOR PLAINTIFF (NEUTRAL EVALUATION)

1. Parties attending the Neutral Evaluation on 7 May 2012

Where party is a corporate entity,

(a) Mr See Chin Chong, director of Plaintiff company Z Renovation Pte Ltd

Ms See is authorised by the Defendant to settle the dispute.

(b) Mr Ho Xin Xin, designer of Plaintiff company Z Renovation Pte Ltd

Mr Ho was directly involved in the renovation of the Defendant's premises.

2. Brief summary of facts

The Defendant Mr Koh Xin Bok engaged the Plaintiff company to carry out renovation works of their property at 20 XX Street, Singapore on 3 January 2012. In a written agreement signed by the parties, the required works were specified in detail and it was stated that \$70,000 to be paid to the Plaintiff in 4 payments. By 2 March 2012, the Defendant had paid a total sum of \$40,000. The last payment of \$30,000 was due on 3 April 2012.

On 15 March, the Plaintiff contacted Mr Ho, alleging that there were defects that had to be repaired before he would make payment. Mr Ho arranged to rectify the alleged defects on 16 March. However, by 21 March, the Defendant told Mr Ho that the rectification was not done satisfactorily. On 22 March, Mr Ho and the Plaintiff's workers were unable to enter the premises as the Defendant had changed the lock. In a heated conversation, the Defendant told Mr Ho that he was terminating the renovation works and would not pay the balance due. The Plaintiff commenced this suit on 2 April 2012 to claim for the sum of \$30,000 due under the contract. The Defendant has counterclaimed for the estimated cost of \$35,000 that is required to rectify the alleged defects.

3. Claim/Defence to Counterclaim

The Plaintiff claims that the Defendant had wrongfully terminated the renovation contract by preventing the Defendant from entering the premises to rectify the defects when they were willing and ready to do so. The specified works in the written agreement were completed by the Plaintiff according to the Defendant's instructions. The Plaintiff now claims for the balance sum due under the written contract, as well as loss of profits caused by the Defendant's wrongful termination.

The Defendant has hired a surveyor to list the alleged defects that were not rectified satisfactorily by the Plaintiff, and to provide the estimated cost of rectification. The Plaintiff avers that many of these items were not defects, and that the cost of rectification in any case would be lower than the Plaintiff's estimated sum of \$35,000.

4. Issues for Neutral Evaluation Evidence supporting claim

A. Legal issues in dispute

Nil.

B. Disputes of Fact and supporting evidence

(a) Whether there were defects

| Alleged Defects | Plaintiff's evidence | Defendant's evidence |
|---|--|-----------------------------------|
| Uneven floor tiles in kitchen | Plaintiff's photo 1 showing satisfactory quality (photos are appended to this statement) Plaintiff's surveyor report pg 3. | Defendant's surveyor report pg 2. |
| Damaged doors for kitchen cabinet | Plaintiff's photo 2 showing satisfactory quality (photos are appended to this statement) Plaintiff's surveyor report pg 4 | Defendant's surveyor report pg 3. |
| Defective false wall in living room | Plaintiff's photo 3-5 showing satisfactory quality (photos are appended to this statement) Plaintiff's surveyor report pg 6 | Defendant's surveyor report pg 5. |
| Defective design for study room cabinet | Plaintiff's photo 6-9 showing satisfactory quality (photos are appended to this statement) Plaintiff's surveyor report pg 8 | Defendant's surveyor report pg 7. |

(b) If there were defects, cost of rectification

| Alleged item of defect | Plaintiff's evidence for cost of rectification | Defendant's evidence for cost of rectification |
|---|---|---|
| Uneven floor tiles in kitchen | \$3,000 Plaintiff's surveyor report pg 3. | \$10,000 Defendant's surveyor report pg 2. |
| Damaged doors for kitchen cabinet | \$2,000 Plaintiff's surveyor report pg 4. | \$8,000 Defendant's surveyor report pg 3. |
| Defective false wall in living room | \$2,000 Plaintiff's surveyor report pg 6 | \$5,000 Defendant's surveyor report pg 5. |
| Defective design for study room cabinet | \$5,000 Plaintiff's surveyor report pg 8 | \$12,000 Defendant's surveyor report pg 7. |

Dated this 2nd day of May 2012

[SIGNED]

SOLICITORS FOR THE PLAINTIFF

Form 10

**NOTICE OF OBJECTIONS TO CONTENTS OF AFFIDAVITS OF
EVIDENCE-IN-CHIEF**

(Title as in cause or matter).

Take notice that the (plaintiff or defendant or as the case may be) intends to object to the contents of the several affidavits hereunder specified (or the identified portions thereof) at the trial or hearing of the cause or matter for which these were filed for the reasons stated below.

1. The first (or second or as the case may be) affidavit of (name of deponent) filed on (date) on behalf of the (plaintiff or defendant or as the case may be).

OR

1. Paragraphs 1, 2 and 3, and exhibits AB-1 and AB-2 of the first (or second or as the case may be) affidavit of (name of deponent) filed on (date) on behalf of the (plaintiff or defendant or as the case may be).

The grounds for this objection are (state the grounds).

Dated this day of , 20 .

Solicitors for

Form 11

REQUEST FOR EARLY EXPERT PRE-TRIAL CONFERENCE

[Suit Number]

1. We act for the *[Plaintiff(s)/Defendant(s)/Other Party]* in the above suit, and *[Name of law firm(s)]* act for the *[Plaintiff(s)/Defendant(s)/Other Party]*.
2. We wish to request an Early Expert Pre-Trial Conference as our client is likely to rely on the opinion of an expert witness should the matter proceed for trial. Memorandum of Appearance(s) has/have been entered by the *[Defendant(s)/Other Party]* on *[date]*.
3. We are *[requesting/not requesting]* that the hearing be conducted via video-conferencing *[JusticeOnLine/VOLE]*.

Yours faithfully,

Cc: *[Names of all parties to the proceedings]*

Form 12

NOTE TO EXPERT WITNESS

If you have been approached to act as an expert witness in court proceedings or asked to prepare an expert's report for court proceedings, you should be aware of

- Your Duties to the Court as an Expert Witness; and
- The Mandatory Requirements in Expert Reports.

These requirements are prescribed in greater detail in Order 40A of the Rules of Court. Please check with the person instructing you if you require further clarification.

Note: Your evidence may be discredited or rejected by the Court if you do not comply with Order 40A of the Rules of Court.

Your Duties to the Court as an Expert Witness

1. It is the duty of the expert to familiarise himself with the general duties set out herein before accepting an appointment to provide an expert report or to give expert evidence.
2. It is the duty of the expert to assist the Court on matters within his expertise. This duty is paramount and overrides any obligation to the person from whom the expert has received instructions or by whom he is paid.
3. It is the duty of the expert to be independent and unbiased in the formation of his opinion. In this context, an expert will be independent if he would give the same opinion if given the same instructions by the opposing party.
4. In expressing his opinion, it is the duty of the expert to consider all relevant and material facts, including those which might detract from his opinion.

5. The expert should clearly state the literature or any other materials on which he has relied upon in forming his opinion and in the case when he is not able to reach a definite opinion, for example because he has insufficient information, the extent to which such opinion may be provisional or qualified by further information or facts.
6. When the opinion is based upon experiments or joint inspections, the expert should clearly state the methodology, results and conclusions of these experiments and joint inspections and the extent to which such information has been relied upon for his opinion.
7. It is the duty of the expert to only confine his opinion to matters which are material to the dispute between the parties and to provide opinions in relation only to matters that lie within his own expertise. An expert should make it clear when a question or issue falls outside his expertise.
8. If after producing a report, an expert changes his view on any material matter, such a change of view should be communicated to all parties without delay, and when appropriate, to the Court.

Mandatory Requirements in Expert Reports

You must comply with the mandatory requirements of Order 40A, Rule 3, of the Rules of Court if you are preparing an expert's report for purposes of Court proceedings. To avoid inadvertent non-compliance with Order 40A, Rule 3, of the Rules of Court your report should follow the following format:

1. Please state your qualifications – Order 40A, Rule 3(2)(a), of the Rules of Court.
 - Relevant professional or academic qualifications;
 - Specific training and experience;
 - The number of times you appeared as an expert witness in litigation proceedings and the number of occasions for plaintiffs and defendants.

2. Please state the issues you were asked to consider and the basis upon which evidence is given - Order 40A, Rule 3(2)(c), of the Rules of Court.
 - What were the complete instructions given to you;
 - A statement of facts leading to your opinion;
 - What were the facts known by you to be true;
 - What were the facts you were instructed to assume;
 - What were the facts you have assumed.

3. Please state a one-paragraph summary of your conclusions reached – Order 40A, Rule 3(2)(f), of the Rules of Court.
4. If you had to rely on the work of others - Order 40A, Rule 3(2)(b), of the Rules of Court.
 - Identify the literature or other material you relied on in making this report;
 - State whether you had the opportunity to verify the report;
 - State the identity and qualifications of the author of the report;

5. If you are aware of experiments, tests, examinations, inspections or surveys conducted – Order 40A, Rule 3(2)(d) of the Rules of Court.
 - Identify the person(s) conducting those tests etc;
 - State the qualifications of such person(s);
 - State whether those tests were conducted under your instruction or supervision;
 - State whether you relied on those tests etc;
 - State the extent to which your opinion may be qualified by inaccuracies or mistakes in such tests etc.

6. If there is a range of differing opinions amongst experts on the matters dealt with in your report - Order 40A, Rule 3(2)(e), of the Rules of Court.
 - Summarise the range you consider to be acceptable and the reasons why;
 - Summarise the range you consider unacceptable and the reasons why.

After completing your report

7. You must make the following declaration which is
 - a statement of belief of correctness of your opinion; and

- a statement that you understand that in giving this report, your duty is to the Court, and that you have complied with that duty.

“I confirm that insofar as the facts stated in my report are within my own knowledge I have made clear they are and I believe them to be correct, and that the opinions I have expressed represent my accurate and complete professional opinion.

I also confirm that in preparing this report, I am aware that my primary duty is to the Court and not the person(s) from whom I have received my instructions or by whom I am paid”.

Form 13

INDEX TO AGREED BUNDLE OF DOCUMENTS

| No. (To be numbered serially) | Description | Original/ Copy | Scope of agreement | Page |
|--|--------------------|---------------------------|-------------------------------|-------------|
| | | | | |

Form 14
APPLICATION TO BE REGISTERED USER OF THE
ELECTRONIC FILING SERVICE

[Letterhead of law firm or organisation]

[Date]
The Registrar
Supreme Court
1 Supreme Court Lane
Singapore 178879
(Attn: eLitigation Project Director)

Dear Sir

APPLICATION TO BE REGISTERED USER OF THE ELECTRONIC FILING SERVICE

I, [name of managing partner of law practice], am the managing partner of [name of law practice], [law practice UEN], and I am duly authorised to make this application on behalf of [name of law practice].

2. The law practice of [name of law practice] hereby applies to be a registered user of the electronic filing service, eLitigation, established under Order 63A of the Rules of Court.
3. As required under Order 63A, I hereby designate (name of appointed administrator), NRIC/FIN (NRIC/FIN number of appointed administrator), as an authorised user to administer the service on behalf of my law practice. The SingPass identification code of the said authorised user is his NRIC/FIN number.
4. The duly completed application form and subscriber agreement with the designated electronic filing service provider, CrimsonLogic Pte Ltd, for the use of the electronic filing service, eLitigation, and the duly completed application form for interbank GIRO payment facilities for the payment of all fees and charges incurred by my law practice's use of the electronic filing service are annexed hereto.

Yours faithfully

[Signature of authorised signatory]
[Name and designation of authorised signatory]

For Official Use Only

Approved | Rejected

Form 16

(Title as in the action)

**QUESTIONNAIRE FOR THE EXAMINATION OF
(NAME OF INDIVIDUAL JUDGMENT DEBTOR)**

Please be informed that you, (name of judgment debtor), have been summoned by the abovementioned judgment creditor to attend at the State Courts on (date and time) to —

- (a) provide answers to the questions set out herein; and
- (b) produce documents set out below:
 - (i) your bank statements for the past 6 months;
 - (ii) your payslips for the past 3 months;
 - (iii) your income tax returns and Form IR8A for the last period of assessment;
 - (iv) your last 3 statements from the Central Provident Fund (CPF) Board;
 - (v) your last 3 statements from the Central Depository (CDP) and/or your securities broker or fund manager in respect of your shares, bonds and/or unit trusts;
 - (vi) your motor vehicle log card/printout of your vehicle registration details and hire purchase agreement in respect of your motor vehicle;
 - (vii) your lease agreements, title deeds or certificates of title in respect of your properties, or your rental agreements.

Please answer these questions carefully as the Court will require you to confirm on oath that your answers are true to the best of your knowledge, information and belief. Please bring this completed questionnaire and the documents with you at the Court hearing.

IMPORTANT NOTICE: You are required to attend the hearing unless you have obtained the consent of the judgment creditor to dispense with your attendance in Court or to discharge the Order requiring your attendance. If you fail to attend the hearing without obtaining the consent of the judgment creditor, the judgment creditor may commence committal proceedings against you for your failure to attend Court. The penalty that may be imposed by Court for such failure is fine and/or imprisonment.

You may therefore wish to contact the solicitor for the judgment creditor (name of law firm and solicitor having conduct of the case) at (address and telephone contact no.) to obtain the consent of the judgment creditor for the necessary dispensation and discharge. You may also choose to engage your own solicitor to advise you on your rights and duties in relation to these proceedings.


Personal particulars

| | |
|----|--------------------|
| 1. | Full Name: |
| 2. | NRIC/Passport No.: |
| 3. | Home Address: |
| 4. | Mobile Number: |
| 5. | Email Address: |

Work particulars

| | |
|----|-------------|
| 6. | Occupation: |
|----|-------------|

| | |
|-----|--|
| 7 | If you are an employee, please state the following: |
| (a) | the name and address of your employer; |
| (b) | your monthly income; and |
| (c) | when your monthly income is paid to you and how you are paid (whether by GIRO or otherwise). |

 Income includes salary, allowances, commissions and bonuses

| | |
|-----|---|
| 8. | If you are self-employed, please state the following: |
| (a) | the name and address of your business (sole proprietorship or partnership); |
| (b) | the nature of the business; and |
| (c) | your monthly income including salary, allowances, commissions and bonuses. |

9. Aside from your income from your employment, please state all your other sources of income and the amount received.

i Sources of income includes rental, dividends, royalties from intellectual property.

Particulars of your Debtors

10. Please state whether you have any debtors.
Yes / No. If yes, please provide the details in Annex A

i Debtors are people who owe you money.

Particulars of your immovable properties situated locally or overseas

11. Please state the following if you own any immovable property locally or overseas:

(a) the address(es) of property owned;

(b) the names of joint-owners (if any); and

(c) the names of mortgagee/chargee (if any) and the amount outstanding.

i Immoveable property means houses, apartments etc.


12. Please state if you are leasing any immovable property.
Yes / No. If yes, please provide the details in Annex B.

13. Please state if you have any tenants/subtenants in respect of your owned or leased properties.
Yes/No. If yes, please provide the details in Annex B.

Particulars of your motor vehicles

| |
|--|
| 14. Please state if you own a motor vehicle. Yes/No. If yes, please provide the details in Annex B. |
|--|

Particulars of your bank accounts

| | |
|--|---|
| 15. Please state the following if you have any bank accounts or safe deposit boxes: |  Bank accounts include accounts held in your sole name or jointly with others. |
| (a) name and branch of the Bank where your account or safe deposit box is maintained; | |
| (b) the account number; | |
| (c) type of account held (e.g. current, savings, fixed deposit, overdraft); | |
| (d) name of joint account holder (if any); | |
| (e) the balance due to you at this date (for fixed deposits, please state the date of maturity and the amount due to you at that date) | |

Particulars of your other assets

| |
|---|
| 16. Please state if you have any insurance policies. Yes/No. If yes, please provide details in Annex C |
| 17. Please state if you own any shares and/or unit trusts. Yes/No. If yes, please provide details in Annex C |
| 18. Please state if you are a beneficiary under any trust, will or estate in intestacy. Yes/No. If yes, please provide details in Annex C |
| 19. Please state if you are a member (whether in Singapore or overseas) of any country clubs, timeshare holiday clubs. Yes/No. If yes, please provide details in Annex C |

20. Please state if you own any other assets, savings or investments not listed thus far (e.g. antiques, collectibles, jewellery, paintings).
Yes/No. If yes, please provide details in Annex C

21. What offer of repayment do you wish to make to the judgment creditor?

Additional questions by the judgment creditor

22. (Please state additional questions if any.)

Confirmation statement

I, _____ (name of judgment debtor and NRIC No.) confirm that my answers to the questions above are true to the best of my knowledge, information and belief.

(Signature of judgment debtor)

Dated this day of 20

ANNEX A

Particulars of Debtors and Creditors

(From Question 10)

(1) Please list the names of your **debtors** (i.e. people who owe you money) as follows:

| <u>Name</u> | <u>Contact Particulars</u> | <u>Amount owed</u> | <u>Due date for payment</u> | <u>How did the debt arise?</u> |
|-------------|----------------------------|--------------------|-----------------------------|--------------------------------|
| | | | | |
| | | | | |

(2) Please state the following if you have commenced legal proceedings against your **debtors** to recover your debt:

| <u>Name of Debtor</u> | <u>MC/DC/Suit No.</u> | <u>Amount claimed</u> | <u>Status of action</u> |
|-----------------------|-----------------------|-----------------------|-------------------------|
| | | | |
| | | | |

ANNEX B

Particulars of Property Owned or Rented

(From question 12)

Please provide details of the immovable property that you have leased out:

- (3) Name of landlord:
- (4) Address of rented property:
- (5) Period of tenancy:
- (6) Amount of monthly rental paid and due date of rental:
- (7) Whether there is any written tenancy agreement:

(From question 13)

Please provide details of the tenancy of any immovable property that you own:

- (8) Name of tenant:
- (9) Address of tenanted property:
- (10) Period of tenancy:
- (11) Amount of monthly rental received and due date of rental:
- (12) Whether there is any written tenancy agreement:

(From question 14)

Please provide details of any motor vehicles that you own:

- (13) The registration number of the motor vehicle(s):
- (14) The colour and make of the motor vehicle(s):
- (15) Whether the motor vehicle(s) is/are on hire purchase:
- (16) If on hire purchase, the name of the finance company and the amount outstanding under the hire purchase agreement:

ANNEX C

Particulars of Other Assets Insurance Policies (From Question 16)

| <u>Name of Insurer</u> | <u>Type of policy/ Policy No.</u> | <u>Amount insured</u> | <u>Monthly premium payable</u> |
|------------------------|-----------------------------------|-----------------------|--------------------------------|
| | | | |
| | | | |
| | | | |

- (17) Please identify the beneficiaries under your insurance policies apart from yourself:
- (18) If applicable, please state the dates when each of your insurance policies will mature and the surrender value as at this date:

Shares (From Question 17)

- (19) If you own shares, please state the name of the company and the number of shares held. If you use a securities broker, please give particulars:
- (20) If you own unit trusts, please state the name of the bank/financial institution managing your unit trusts:
- (21) Please state the estimated value of the shares/unit trusts:

Beneficiary of trust, will or estate in intestacy (From Question 18)

- (22) Please state the name of the person managing your beneficial interest i.e. your trustee, executor (where the deceased left a will) or administrator (where the deceased left no will):
- (23) Please state the name of the party leaving you the beneficial interest:
- (24) Please state the value of your interest:
- (25) If probate or letters of administration have been granted, please state the case no. for the grant:

Other Assets (From Question 20)

- (26) Please provide details of the assets listed in Question 20 and state the estimated value of each asset and the basis for the estimation:

Form 17

(Title as in the action)

**QUESTIONNAIRE FOR THE EXAMINATION OF
(NAME OF OFFICER OF JUDGMENT DEBTOR)**

Please be informed that you, (name of officer of judgment debtor), have been summoned by the abovementioned judgment creditor to attend at the State Courts on (date and time) to:

- (a) provide answers to the questions set out herein; and
- (b) produce documents set out below:
 - (i) the Company's bank statements for the past 6 months;
 - (ii) the Company's audited returns for the last period of assessment;
 - (iii) the Company's last 3 statements from the Central Provident Fund (CPF) Board;
 - (iv) the Company's last 3 statements from the Central Depository (CDP) and/or its securities broker or fund manager in respect of its shares, bonds and/or unit trusts;
 - (v) the Company's motor vehicle log card/printout of its motor vehicle registration details and hire purchase agreement in respect of the Company's motor vehicle;
 - (vi) the Company's lease agreements, title deeds or certificates of title in respect of its properties, or its rental agreements.

Please answer these questions carefully as the Court will require you to confirm on oath that your answers are true to the best of your knowledge, information and belief. Please bring this completed questionnaire and the documents with you at the Court hearing.

IMPORTANT NOTICE: You are required to attend the hearing unless you have obtained the consent of the judgment creditor to dispense with your attendance in Court or to discharge the Order requiring your attendance. If you fail to attend the hearing without obtaining the consent of the judgment creditor, the judgment creditor may commence committal proceedings against

you for your failure to attend Court. The penalty that may be imposed by Court for such failure is fine and/or imprisonment.

You may therefore wish to contact the solicitor for the judgment creditor (name of law firm and solicitor having conduct of the case) at (address and telephone contact no.) to obtain the consent of the judgment creditor for the necessary dispensation and discharge. You may also choose to engage your own solicitor to advise you on your rights and duties in relation to these proceedings.

Personal particulars

| | |
|----|--------------------|
| 1. | Full Name: |
| 2. | NRIC/Passport No.: |
| 3. | Home Address: |
| 4. | Mobile Number: |
| 5. | Email Address: |

| | |
|----|---|
| 6. | Please state the position you are holding in the Judgment Debtor (“the Company”). |
|----|---|

Company particulars

| | |
|-------|--|
| 7. | Please state if the Company is still carrying on business: |
| (a) | Yes/No. If yes, please state: |
| (i) | the business that the Company is presently engaged in; |
| (ii) | the present location of the Company’s business operations; and |
| (iii) | whether the Company is making trading profits or losses. |

| |
|--|
| 8. Please state whether the Company declared any dividends this year or the last year: Yes/ No. If yes, please state when the dividends were declared, and how much was declared. |
|--|

Remuneration

| |
|---|
| 9. Please state if the officers of the Company, including yourself, receive remuneration for work done for the Company (i.e. salary or director's fees). Yes/No. If yes, please state how much remuneration each officer receives. |
|---|

Auditors

| |
|--|
| 10. Please state the name and address of the accountants and auditors of the Company. |
| 11. Please state the date when the accounts of the Company were last audited. |
| 12. Please state the date when the Company last filed its Annual Returns with the Accounting and Corporate Regulatory Authority. |


Particulars of the Company's Debtors

| |
|---|
| 13. Please state whether anyone owes the Company money. Yes / No. If yes, please provide the details in Annex A |
| 14. Please state whether the Company has taken any steps to apply or is it in the process of applying to Court for a Scheme of Arrangement to compromise its debts with its creditors under the Companies Act. Yes/No. If yes, please state particulars. |

| |
|--|
| |
|--|

Particulars of immovable properties situated locally or overseas

| |
|---|
| 15. Please state whether the Company owns any immovable property locally or overseas. Yes/No. If yes, please provide details in Annex B. |
|---|

 Immoveable property means houses, apartments etc.

| |
|--|
| 16. Please state the following if the Company is leasing any immovable property: |
| (a) name of landlord and address of rented property; |
| (b) period of tenancy, amount of monthly rental paid and due date of rental; and |
| (c) whether there is any written tenancy agreement. |

| |
|---|
| 17. Please state whether the Company has any tenants/subtenants in respect of the owned or leased properties. Yes/No. If yes, please provide details in Annex B. |
|---|

Particulars of the Company's motor vehicles

| |
|---|
| 18. Please state if the Company owns any motor vehicle. Yes/No. If yes, please provide the details in Annex B. |
|---|

Particulars of the Company's bank accounts

| | |
|-----|--|
| 19. | Please state the following if the Company has any bank accounts (held solely and/or jointly) or safe deposit boxes: |
| (a) | name and branch of the Bank where the account or safe deposit box is maintained; |
| (b) | the account number; |
| (c) | type of account held (e.g. current, savings, fixed deposit, overdraft); |
| (d) | name of joint account holder (if any); |
| (e) | the balance due to the Company at this date (for fixed deposits, please state the date of maturity and the amount due to the Company at that date) |

Particulars of the Company's other assets

| | |
|-----|---|
| 20. | Please state if the Company has any insurance policies. Yes/No. If yes, please provide details in Annex C |
| 21. | Please state if the Company owns any shares and/or unit trusts, Yes/No. If yes, please provide details in Annex C |

| | |
|-----|--|
| 22. | Please state if the Company owns any other assets, savings or investments not listed thus far. Yes/No. If yes, please provide details in Annex C |
|-----|--|

 Assets include antiques, collectibles, jewellery, paintings, royalties from intellectual property, club membership etc.

Other Matters

| |
|--|
| 23. Are there any goods on the Company's premises that do not belong to the Company but belong to other people or are jointly owned with others? If so, please list the goods and how such ownership can be established. |
| 24. What offer of repayment do you wish to make to the judgment creditor? |

Additional questions by the judgment creditor

25. (Please state additional questions if any.)

Confirmation statement

I, _____ (name of officer of judgment debtor and NRIC No.) confirm that my answers to the questions above are true to the best of my knowledge, information and belief.

(Signature of officer of judgment debtor)

Dated this day of 20

ANNEX A

Particulars of Debtors

(From Question 13)

- (1) Please list the names of the Company's **debtors** (i.e. people who owe the Company money):

| <u>Name</u> | <u>Contact Particulars</u> | <u>Amount owed</u> | <u>Due date for payment</u> | <u>How did the debt arise?</u> |
|-------------|----------------------------|--------------------|-----------------------------|--------------------------------|
| | | | | |

- (2) Please state the following if the Company has commenced legal proceedings against its debtors to recover its debt:

| <u>Name of debtor</u> | <u>MC/DC/Suit No.</u> | <u>Amount claimed</u> | <u>Status of action</u> |
|-----------------------|-----------------------|-----------------------|-------------------------|
| | | | |

ANNEX B

Particulars of Property Owned or Leased

(From Question 15)

- (3) Please provide details of the properties owned by the Company:
- (a) Addresses of properties owned:
 - (b) Names of joint-owners (if any):
 - (c) Names of mortgagee/chargee (if any) and amount outstanding:

(From Question 17)

- (4) Please provide details of the tenancy of any immovable property that the Company owns:
- (a) Name of tenant and address of tenanted property:
 - (b) Period of tenancy, amount of monthly rental received and due date of rental:
 - (c) Whether there is any written tenancy agreement:

(From Question 18)

- (5) Please provide details of the vehicles the Company owns:
- (a) The registration number, make and colour of the motor vehicle(s):
 - (b) Whether the motor vehicle(s) is/are on hire purchase:
 - (c) If on hire purchase, the name of the finance company and the amount outstanding under the hire purchase agreement:

ANNEX C

Particulars of Other Assets

Insurance Policies (From Question 20)

| <u>Name of insurer</u> | <u>Type of policy/ Policy No.</u> | <u>Amount insured</u> | <u>Monthly premium payable</u> |
|------------------------|---------------------------------------|-----------------------|--------------------------------|
| | | | |

- (6) Please identify the beneficiaries under the policies apart from the Company.
- (7) If applicable, please state the dates when each of the Company's policies will mature and the surrender value as at this date.

Shares/Unit Trusts (From Question 21)

- (8) If the Company owns shares in another company, please state the name of the company and the number of shares held. If the Company has a securities broker, please provide particulars of the same:
- (9) If the Company owns unit trusts, please state the name of the bank/financial institution managing the unit trusts:
- (10) Please state the estimated value of the shares/unit trusts and the basis for estimation:

Other Assets (From Question 22)

- (11) Please provide details of the assets listed in Question 22 and state the estimated value of each asset and the basis of the estimation.

Form 18

BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

DC/MC No. of 20
Bill of Costs No. of 20

GST Reg. No. (solicitors for *[state the party]*): *[Set out the GST number]*
GST Reg. No. (*state the party*): *[Indicate the GST number or "No GST No." and the percentage of input tax applicable to each party entitled to costs.]*

Between

..... Plaintiff(s)

And

..... Defendant(s)

BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Applicant: *[State the party for whom the bill is filed.]*
Nature of bill: *[State whether the bill is a party-and-party or solicitor-and-client bill.]*
Basis of taxation: *[State the basis of taxation, that is, standard or indemnity basis.]*
Basis for taxation: Judgment dated _____ ordering *[set out the order on costs under which the bill is to be taxed, including such details as the party who is ordered to pay costs and the party entitled to claim costs.]*

| Section 1: Work done other than for taxation | | | |
|---|------------------|---|----------------|
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 1. | The claim | | |
| 1.1 | Nature of claim | <i>[Give a brief description of the nature of claim.]</i> | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---|--|--|
| 2. | Pleadings | | |
| 2.1 | Writ & statement of claim | <i>[Set out the number of pages in each pleading.]</i> | |
| 2.2 | Defence & counterclaim | <i>[Set out the number of pages in each pleading.]</i> | |
| 2.3 | Reply & defence to counterclaim | <i>[Set out the number of pages in each pleading.]</i> | |
| 2.4 | Relief claimed | <i>[Set out succinctly the reliefs claimed in the statement of claim and counterclaim, if any.]</i> | |
| 2.5 | Affidavits deemed or ordered to stand as pleadings | <i>[Set out the number of pages in each affidavit.]</i> | |
| 3. | Interlocutory attendances | | |
| 3.1 | Interlocutory applications - costs fixed by court | <i>[Set out in relation to each interlocutory application, the application number, the nature of the application, the number of affidavits filed, the orders made on costs and the amount of costs awarded.]</i> | <i>[Set out the amount of time taken for the hearing and other relevant information.]</i> |
| 3.2 | Interlocutory applications – costs not fixed by court | <i>[Set out in relation to each interlocutory application, the application number, the number of affidavits filed, the nature of the application and the orders made on costs.]</i> | <i>[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the application.]</i> |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---------------------------------------|---|---|
| 3.3 | Appeals to District Judge in chambers | <i>[Set out in relation to each appeal, the appeal number, the nature of the appeal, the orders made on costs and the amount of costs awarded, if any.]</i> | <i>[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the appeal.]</i> |
| 3.4 | Pre-trial conferences | <i>[Set out the dates of the PTCs.]</i> | <i>[Provide details if a substantial application is heard during a PTC and the amount of time taken.]</i> |
| 3.5 | Other attendances | <i>[Set out the dates and the nature of hearings if there are other attendances in court which should be taken into consideration.]</i> | <i>[Set out the amount of time taken for the hearing and such other relevant information as will enable the court to determine the costs to award for the hearing.]</i> |
| 4. | Discovery | | |
| 4.1 | Number of lists of documents | <i>[Set out the number of lists of documents, including supplementary lists, filed by each party.]</i> | |
| 4.2 | Total number of documents disclosed | <i>[Set out the number of documents, with the total number of pages, disclosed by each party.]</i> | <i>[Provide such information as is relevant, such as the number of pages that overlap.]</i> |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---|---|--|
| 5. | Trial | | |
| 5.1 | Opening statement | <i>[Set out the number of pages of opening statement filed by each party.]</i> | |
| 5.2 | Number of days and date(s) of trial | <i>[Indicate the total number of days fixed for trial, the actual number of days taken and the date(s) of the trial.]</i> | <i>[Provide such information as is relevant, such as whether digital or mechanical recording was used during the trial.]</i> |
| 5.3 | Part heard | <i>[Set out the period of time between each tranche of hearing, if any.]</i> | |
| 5.4 | Affidavits of evidence in chief – text and exhibits | <i>[Set out the number of affidavits filed by each party and the total number of pages of text and exhibits of all affidavits filed.]</i> | |
| 5.5 | Bundle of documents | <i>[Set out the number of volumes and the total number of pages in each bundle filed in respect of the trial.]</i> | |
| 5.6 | Witnesses at trial | <i>[Set out the number of witnesses of fact and expert witnesses for each party.]</i> | |
| 5.7 | Closing submissions and authorities cited | <i>[Set out the number of pages and authorities cited in the closing submissions, if any, of each party.]</i> | |
| 5.8 | Submissions in reply and authorities cited | <i>[Set out the number of pages and authorities cited in the reply submissions, if any, of each party.]</i> | |
| 5.9 | Orders made at trial | <i>[Set out succinctly the orders made.]</i> | |
| 5.10 | Other post-trial filings/matters | <i>[Set out the number of pages and authorities cited in any other documents filed by each party.]</i> | |
| 6. | Complexity of case | | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---|---|----------------|
| 6.1 | Legal issues | <i>[Set out succinctly all the legal issues raised.]</i> | |
| 6.2 | Factual issues | <i>[Set out succinctly all the factual issues raised.]</i> | |
| 6.3 | Complexity | <i>[Set out succinctly the matters that affect the complexity of the case.]</i> | |
| 6.4 | Grounds of decision | <i>[Set out the number of pages in the grounds of decision and highlight the paragraph(s) where the court commented on the complexity of the case or the novelty of the issues raised.]</i> | |
| 7. | Urgency and importance to client | | |
| 7.1 | Urgency | <i>[Set out the factors that rendered the suit one of urgency for the party entitled to claim costs.]</i> | |
| 7.2 | Importance to client | <i>[Set out the factors that rendered the suit one of importance for the party entitled to claim costs.]</i> | |
| 8. | Time and labour expended | | |
| 8.1 | Number of letters/ faxes/emails exchanged between the parties | <i>[Set out the total amount of correspondence exchanged between the parties and also between the parties and the court.]</i> | |
| 8.2 | Number of letters/ faxes/emails to client | <i>[Set out the total amount of correspondence between the party entitled to claim costs and counsel.]</i> | |
| 8.3 | Meetings with opposing counsel | <i>[Set out the total number of meetings, and the time taken for them.]</i> | |
| 8.4 | Time spent | <i>[Set out the total number of hours spent on the case by each counsel or solicitor.]</i> | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|--|--|---|----------------|
| 8.5 | Others | [Set out any other relevant factors for the court's consideration.] | |
| 9. | Counsel and solicitors involved | | |
| 9.1 | Counsel and solicitors | [List all the lawyers acting for each party and their seniority.] | |
| 9.2 | Certificate of more than 2 counsel | [Indicate if the court has certified that the costs of more than two counsel are allowed.] | |
| 10. | Costs claimed | | |
| 10.1 | Amount claimed | <p>Amount claimed for [specify name of counsel or solicitor]: \$ [insert amount].</p> <p>[Set out in relation to each counsel or solicitor, the amount of costs claimed for Section 1, with a breakdown of –</p> <p>(a) the amount claimed for work done by the counsel or solicitor;</p> <p>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</p> <p>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</p> <p>(d) the GST claimed for work done, in relation to the periods for which different rates of GST are applicable.]</p> | |
| Section 2: Work done for taxation | | | |
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 11. | Work done | [Describe the work done for the preparation of the bill of costs and the taxation of the bill.] | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|----------------|--|----------------|
| 12. | Amount claimed | <p>Total amount claimed: \$ <i>[insert amount]</i>.</p> <p><i>[Set out the amount of costs claimed for Section 2, with a breakdown of –</i></p> <p style="padding-left: 40px;"><i>(a) the amount claimed for work done for Section 2;</i></p> <p style="padding-left: 40px;"><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></p> <p style="padding-left: 40px;"><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></p> <p style="padding-left: 40px;"><i>(d) the GST claimed for work done.]</i></p> | |

Section 3: Disbursements

| <i>No.</i> | <i>Date</i> | <i>Description and amount claimed</i> | <i>Remarks</i> |
|------------|--|---|----------------|
| 13. | <i>[Set out in different rows the dates or period of time when each disbursement is incurred.]</i> | <p><u>Disbursements on which GST is not chargeable</u></p> <p><i>[Set out the amount of each disbursement claimed.]</i></p> <p><u>Disbursements on which GST is chargeable</u></p> <p><i>[Set out the amount of each disbursement claimed.]</i></p> | |

| No. | Date | Description and amount claimed | Remarks |
|-----|------|---|---------|
| [] | - | <p>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is chargeable with a breakdown of—</i></p> <ul style="list-style-type: none"> <i>(a) the amount claimed for disbursements for Section 3;</i> <i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i> <i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i> <i>(d) the GST claimed for disbursements,</i> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p> | |

| Summary | | | |
|----------------|--|---|--|
| | | <p>Total claimed for bill:</p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1: <i>[Insert sum claimed.]</i></p> <p>GST on Section 1:</p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: <i>[Insert sum claimed.]</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): <i>[Insert sum claimed.]</i></p> <p>Section 3 (Disbursements on which GST is chargeable): <i>[Insert sum claimed.]</i></p> <p>GST on Section 3:</p> | |

Dated this day of 20 .

Solicitors for
[State the party for whom the bill is filed].

To:

Form 19

BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

DC/MC No. of 20

Bill of Costs No. of 20

GST Reg. No. (solicitors for *[state the party]*): *[Set out the GST number]*

GST Reg. No. (*state the party*): *[Indicate the GST number or "No GST No." and the percentage of input tax applicable to each party entitled to costs.]*

Between

..... Plaintiff(s)

And

..... Defendant(s)

BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

Applicant: *[State the party for whom the bill is filed.]*

Nature of bill: *[State whether the bill is a party-and-party or solicitor-and-client bill.]*

Basis of taxation: *[State the basis of taxation, that is, standard or indemnity basis.]*

Basis for taxation: Judgment dated _____ ordering *[set out the order on costs under which the bill is to be taxed, including such details as the party who is ordered to pay costs and the party entitled to claim costs.]*

| Section 1: Work done other than for taxation | | | |
|---|----------------------------------|--|----------------|
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 1. | The claim | | |
| 1.1 | Nature of claim | <i>[Give a brief description of the nature of claim, such as whether the substantive claim is for breach of contract or negligence.]</i> | |
| 2. | Application / Proceedings | | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---|--|--|
| 2.1 | Nature of application or proceedings for taxation | <i>[Give a brief description of the nature of proceedings or application to which the bill relates, e.g., for an appeal or interlocutory application.]</i> | |
| 3. | Interlocutory attendances | | |
| 3.1 | Interlocutory applications - costs fixed by court | <i>[Set out in relation to each interlocutory application, the application number, the nature of the application, the number of affidavits filed, the orders made on costs and the amount of costs awarded.]</i> | <i>[Set out the amount of time taken for the hearing and other relevant information.]</i> |
| 3.2 | Interlocutory applications – costs not fixed by court | <i>[Set out in relation to each interlocutory application, the application number, the nature of the application, the number of affidavits filed and the orders made on costs.]</i> | <i>[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the application.]</i> |
| 3.3 | Appeals to District Judge in chambers | <i>[Set out in relation to each appeal, the appeal number, the nature of the appeal, the orders made on costs and the amount of costs awarded, if any.]</i> | <i>[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the appeal.]</i> |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|--|---|---|
| 3.4 | Other attendances | <i>[Set out the dates and the nature of hearings if there are other attendances in court which should be taken into consideration.]</i> | <i>[Set out the amount of time taken for the hearing and such other relevant information as will enable the court to determine the costs to award for the hearing.]</i> |
| 4. | Hearing | | |
| 4.1 | Number of days/hours and date(s) of hearing | <i>[Indicate the total number of days or hours fixed for the hearing, the actual number of days or hours taken and the date(s) of the hearing.]</i> | <i>[Provide such information as is relevant, such as whether digital or mechanical recording was used.]</i> |
| 4.2 | Documents (apart from written submissions and authorities) | <i>[Set out the number of volumes and the total number of pages in each bundle filed in respect of the hearing.]</i> | |
| 4.3 | Witnesses (if any) | <i>[Set out the number of witnesses of fact and expert witnesses for each party, if any.]</i> | |
| 4.4 | Written submissions | <i>[Set out the number of pages of the submissions, if any, filed by each party.]</i> | |
| 4.5 | Authorities cited | <i>[Set out the number of authorities cited by each party.]</i> | |
| 4.6 | Orders made | <i>[Set out succinctly the orders made.]</i> | |
| 4.7 | Other post-hearing filings | <i>[Set out the number of pages and authorities cited in any other documents filed by each party.]</i> | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|--|---|----------------|
| 5. | Complexity of case | | |
| 5.1 | Legal issues | <i>[Set out succinctly all the legal issues raised.]</i> | |
| 5.2 | Factual issues | <i>[Set out succinctly all the factual issues raised.]</i> | |
| 5.3 | Complexity | <i>[Set out succinctly the matters that affect the complexity of the case.]</i> | |
| 5.4 | Grounds of decision | <i>[Set out the number of pages in the grounds of decision and highlight the paragraph(s) where the court commented on the complexity of the case or the novelty of the issues raised.]</i> | |
| 6. | Urgency and importance to client | | |
| 6.1 | Urgency | <i>[Set out the factors that rendered the suit one of urgency for the party entitled to claim costs.]</i> | |
| 6.2 | Importance to client | <i>[Set out the factors that rendered the suit one of importance for the party entitled to claim costs.]</i> | |
| 6.3 | Amount involved | <i>[Set out the amount involved in the substantive dispute between the parties.]</i> | |
| 7. | Time and labour expended | | |
| 7.1 | Number of letters/faxes/emails exchanged between the parties | <i>[Set out the total amount of correspondence exchanged between the parties and also between the parties and the court.]</i> | |
| 7.2 | Number of letters/faxes/emails to client | <i>[Set out the total amount of correspondence between the party entitled to claim costs and counsel.]</i> | |
| 7.3 | Meetings with opposing counsel | <i>[Set out the total number of meetings, and the time taken for them.]</i> | |

| No. | Item | Description | Remarks |
|---|------------------------------------|---|---------|
| 7.4 | Time spent | <i>[Set out the total number of hours spent on the case by each counsel or solicitor.]</i> | |
| 7.5 | Others | <i>[Set out any other relevant factors for the court's consideration.]</i> | |
| 8. Counsel and solicitors involved | | | |
| 8.1 | Counsel and solicitors | <i>[List all the lawyers acting for each party and their seniority.]</i> | |
| 8.2 | Certificate of more than 2 counsel | <i>[Indicate if the court has certified that the costs of more than two counsel are allowed.]</i> | |
| 9. Costs claimed | | | |
| 9.1 | Amount claimed | <p>Amount claimed for <i>[specify name of counsel or solicitor]: \$ [insert amount].</i></p> <p><i>[Set out in relation to each counsel or solicitor, the amount of costs claimed for Section 1, with a breakdown of –</i></p> <ul style="list-style-type: none"> <i>(a) the amount claimed for work done by the counsel or solicitor;</i> <i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i> <i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit;</i> <p><i>and</i></p> <ul style="list-style-type: none"> <i>(d) the GST claimed for work done,</i> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p> | |

| No. | Item | Description | Remarks |
|--|---|--|---------|
| Section 2: Work done for taxation | | | |
| No. | Item | Description | Remarks |
| 10. | Work done | [Describe the work done for the preparation of the bill of costs and the taxation of the bill.] | |
| 11. | Amount claimed | <p>Total amount claimed: \$ [insert amount].</p> <p>[Set out the amount of costs claimed for Section 2, with a breakdown of –</p> <p>(a) the amount claimed for work done for Section 2;</p> <p>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</p> <p>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</p> <p>(d) the GST claimed for work done.]</p> | |
| Section 3: Disbursements | | | |
| No. | Date | Description and amount claimed | Remarks |
| 12. | [Set out in different rows the dates or period of time when each disbursement is incurred.] | <p><u>Disbursements on which GST is not chargeable</u></p> <p>[Set out the amount of each disbursement claimed.]</p> <p><u>Disbursements on which GST is chargeable</u></p> <p>[Set out the amount of each disbursement claimed.]</p> | |

| No. | Date | Description and amount claimed | Remarks |
|-----|------|---|---------|
| [] | - | <p>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is chargeable with a breakdown of—</i></p> <ul style="list-style-type: none"> <i>(a) the amount claimed for disbursements for Section 3;</i> <i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i> <i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i> <i>(d) the GST claimed for disbursements,</i> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p> | |

| Summary | | | |
|----------------|--|---|--|
| | | <p>Total claimed for bill:</p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1: <i>[Insert sum claimed.]</i></p> <p>GST on Section 1:</p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: <i>[Insert sum claimed.]</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): <i>[Insert sum claimed.]</i></p> <p>Section 3 (Disbursements on which GST is chargeable): <i>[Insert sum claimed.]</i></p> <p>GST on Section 3:</p> | |

Dated this day of 20 .

Solicitors for
[State the party for whom the bill is filed].

To:

Form 20

BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Bill of Costs No. of 20

GST Reg. No. (solicitors for [state the party]): [Set out the GST number]
GST Reg. No. (state the party): [Indicate the GST number or "No GST No." and the percentage of input tax applicable to each party entitled to costs.]

In the matter of ...

BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

Applicant: [State the party for whom the bill is filed].
Nature of bill: *Solicitor-and-client bill*
Basis of taxation: *Indemnity basis*
Basis for taxation: [Set out the basis under which the bill of costs may be taxed.]

| Section 1: Work done other than for taxation | | | |
|---|--|---|----------------|
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 1. | The work done | | |
| 1.1 | Nature of work | [Give a brief description of the nature of work to which the bill relates.] | |
| 1.2 | Scope of brief (including relevant court orders, if any) | [Give a brief description of the scope of the brief.] | |
| 1.3 | Period of work | [State the period(s) of time in which the work was done.] | |
| 2. | Complexity of matter | | |
| 2.1 | Legal issues | [Set out succinctly all the legal issues raised.] | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---|---|----------------|
| 2.2 | Factual issues | <i>[Set out succinctly all the factual issues raised.]</i> | |
| 2.3 | Complexity | <i>[Set out succinctly the matters that affect the complexity of the work.]</i> | |
| 2.4 | Amount involved | <i>[Set out the amount involved in relation to the work done.]</i> | |
| 3. | Time and labour expended | | |
| 3.1 | Number of letters/ faxes/emails exchanged with others | <i>[Set out the total amount of correspondence exchanged between the parties and also between the parties and the court.]</i> | |
| 3.2 | Number of letters/ faxes/emails to client | <i>[Set out the total amount of correspondence.]</i> | |
| 3.3 | Meetings with client | <i>[Set out the total number of meetings and the time taken.]</i> | |
| 3.4 | Meetings with other parties (by class) | <i>[Set out the total number of meetings and the time taken.]</i> | |
| 3.5 | Documents (including legal opinions) | <i>[Set out the total number of pages of documents perused and legal opinions rendered.]</i> | |
| 3.6 | Time spent | <i>[Set out the total number of hours spent on the case by each counsel or solicitor.]</i> | |
| 3.7 | Other relevant work | <i>[Set out any other relevant factors for the court's consideration.]</i> | |
| 4. | Counsel and solicitors involved | | |
| 4.1 | Solicitor | <i>[List all the lawyers acting for each party and their seniority.]</i> | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|--|----------------------|--|----------------|
| 5. | Costs claimed | | |
| 5.1 | Amount claimed | <p>Amount claimed for <i>[specify name of counsel or solicitor]: \$ [insert amount].</i></p> <p><i>[Set out in relation to each counsel or solicitor, the amount of costs claimed for Section 1, with a breakdown of –</i></p> <ul style="list-style-type: none"> <i>(a) the amount claimed for work done by the counsel or solicitor;</i> <i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i> <i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i> <i>(d) the GST claimed for work done, in relation to the periods for which different rates of GST are applicable.]</i> | |
| Section 2: Work done for taxation | | | |
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 6. | Work done | <i>[Describe the work done for the preparation of the bill of costs and the taxation of the bill.]</i> | |

| No. | Item | Description | Remarks |
|-----|----------------|--|---------|
| 7. | Amount claimed | <p>Total amount claimed: \$ [insert amount].</p> <p>[Set out the amount of costs claimed for Section 2, with a breakdown of –</p> <p>(a) the amount claimed for work done for Section 2;</p> <p>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</p> <p>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</p> <p>(d) the GST claimed for work done.]</p> | |

Section 3: Disbursements

| No. | Date | Description and amount claimed | Remarks |
|-----|---|---|---------|
| 8. | [Set out in different rows the dates or period of time when each disbursement is incurred.] | <p><u>Disbursements on which GST is not chargeable</u></p> <p>[Set out the amount of each disbursement claimed.]</p> <p><u>Disbursements on which GST is chargeable</u></p> <p>[Set out the amount of each disbursement claimed.]</p> | |

| No. | Date | Description and amount claimed | Remarks |
|-----|------|---|---------|
| [] | - | <p>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is chargeable with a breakdown of—</i></p> <ul style="list-style-type: none"> <i>(a) the amount claimed for disbursements for Section 3;</i> <i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i> <i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i> <i>(d) the GST claimed for disbursements,</i> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p> | |

| Summary | | | |
|---------|--|---|--|
| | | <p>Total claimed for bill:</p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1: <i>[Insert sum claimed.]</i></p> <p>GST on Section 1:</p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: <i>[Insert sum claimed.]</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): <i>[Insert sum claimed.]</i></p> <p>Section 3 (Disbursements on which GST is chargeable): <i>[Insert sum claimed.]</i></p> <p>GST on Section 3:</p> | |

Dated this day of 20 .

Solicitors for
[State the party for whom the bill is filed].

To:

Form 21

NOTICE OF DISPUTE
ON BILL OF COSTS

IN THE STATE COURTS
THE REPUBLIC OF SINGAPORE

Suit No. of

Bill of Costs
No. of

Between

.... Plaintiff

And

.... Defendant

Take notice that the solicitors for the intend to dispute the bill of costs No. of lodged in the abovenamed cause or matter.

NOTICE OF DISPUTE

| | ITEM | P/Q | GROUNDS OF DISPUTE |
|----|--|-----|---|
| 1. | <u>Section 1</u> (Party & Party) [List items disputed] | | [Specify grounds of dispute for each item - Stating that 'amount claimed is excessive' is not sufficient.] |
| 2. | <u>Section 2</u> (Work done for taxation) | | |
| 3. | <u>Section 3</u> (Disbursements) [List items disputed] | | [Specify grounds of dispute for each item - Stating that 'amount claimed is excessive' is not sufficient.] |

Dated this day of

(Address of Solicitors)

ABC & CO.

Form 22

SPECIMEN GOVERNMENT MEDICAL CERTIFICATE

| ORIGINAL | | MEDICAL CERTIFICATE | | Serial No. |
|---|--|------------------------------------|---|------------|
| Name | | NRIC No. | | |
| *This is to certify that the abovenamed is unfit for duty for a period of days from to inclusive. | | | | |
| Type of medical leave granted — <input type="checkbox"/> Hospitalisation Leave <input type="checkbox"/> Outpatient Sick Leave. Admitted on <input type="checkbox"/> Maternity Leave. Delivered on Discharged on <input type="checkbox"/> Sterilization Leave. Operated on | | | | |
| This Certificate is *valid/not valid for absence from court attendance. | | | | |
| Diagnosis | | Surgical Operation (if applicable) | | |
| *Fit for normal/light duty from to | | | | |
| *The abovenamed patient attended my clinic at am/pm and left at am/pm. No medical leave is necessary | | | | |
| Hospital/Clinic | | Ward No. | Signature, Name (In BLOCK LETTERS) and Designation | |
| | | Date | | |
| MD 965 | | *Delete as necessary | | |

Form 23

SPECIMEN AUTHORISATION CARD

AUTHORISATION CARD FOR COLLECTION
OF MAIL AND COURT DOCUMENTS

The holder of this card (*Name*)
(*NRIC No.*) is authorised to collect mail and Court documents
for M/s for the year ending
31 December 2004.

AUTHORISATION CARD NO.

(*Seal, signature and date*)

M/s

Advocates and solicitors

Form 24

REQUISITION FOR IMPRESSED STAMPS

**STATE COURTS, SINGAPORE
REQUISITION FOR IMPRESSED STAMPS**

| Name of Applicant | | | | | Telephone No. | |
|--|------------------|------------------------------|-----------------------|---|---------------|---|
| Address | | | | | | |
| Description of document(s) to be stamped | No. of documents | No. of pages (if applicable) | Duty on each document | | Total | |
| | | | \$ | C | \$ | C |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 7 | | | | | | |
| 8 | | | | | | |
| 9 | | | | | | |
| 10 | | | | | | |
| Total no. of documents | | | Total amount payable | | | |

BANK:

CHEQUE NO.:

Receipt No.

Cashier

Date

Form 25

**NOTING OF APPEARANCE OF
ADVOCATES/PROSECUTORS**

| | |
|--|----------------|
| STATE COURTS COURT NO: ____ | |
| Case No: | |
| Advocate's Name/ Prosecutor's Name | |
| Advocate 's Firm/ Prosecutor's Department | |
| Telephone No.: | |
| Email Address: | |
| Name of Accused/Party: | 1. 2. 3. |

Form 26

APPLICATION FOR RECORDS OF CRIMINAL PROCEEDINGS FOR NON-ICMS CASES

| | |
|---|--|
| Name of Applicant / Solicitor's Firm : NRIC No. : Address : File Reference No: Email: Telephone No: Facsimile No: | Date of Application Solicitor Acting For :- (✓ where applicable) <input type="checkbox"/> Complainant <input type="checkbox"/> Respondent <input type="checkbox"/> Others: (please specify) |
|---|--|

| |
|--|
| DOCUMENTS APPLIED FOR CRIMINAL JUSTICE DIVISION |
|--|

NRIC/ Name of Accused / Complainant / Respondent / Deceased:

Case No:
 (Please specify Case Reference No.)

DAC/MAC No(s):

Coroner's Inquiry No:

Others:

Type of Document (✓ where applicable)

Charges

Complaint Form

Notes of Evidence:
 (please specify hearing dates)

Registrar's Certificate

Statement of Facts

Others:
 (please specify)

Reasons For Application (✓ where applicable)

Misplaced Original Copy of the Order/Charge/Others

To seek legal advice/ representation

For reference

Others :

 (please specify)

(1) I understand that I am to pay the required fees for the above in accordance with regulation 2(1)(a) (ii), (1)(b) and (2) of the Criminal Procedure Code (Prescribed Fees) Regulations 2013 or paragraph 3 of the Fees (State Courts – Criminal Jurisdiction) Order 2014, as applicable, upon submission of the application Form. I also understand that the document(s) applied for can only be collected after the stipulated payment has been made.

(2) I also understand that the Court, upon approval of the application, will only release the document(s) applied for to parties named in the action or their solicitors.

(3) I also understand that my application will be deemed as lapsed if the document(s) applied for is/are not collected within 21 days from the date I am informed on the availability thereof. I also understand that I am required to provide a **Letter of Authorisation** for another person to collect the requested document(s) on my behalf if I am unable to collect them personally.

_____ Signature of Applicant _____ Date

| |
|------------------------------|
| FOR OFFICIAL USE ONLY |
|------------------------------|

The application is: Approved Not approved
 (✓ where applicable) Reasons for rejection (where applicable):

Name and Signature of District Judge/Magistrate/Deputy Registrar

| | | |
|---|--|---|
| - Total Fees payable : _____ - Minimum Fees payable (\$15 x no. of document types applied): _____ - Paid on: _____ Receipt No: _____ - Balance Fees payable (\$0.50 per page, where applicable): _____ - Paid on: _____ Receipt No: _____ | No. of documents collected: _____ No. of Pages: _____ | Document(s) collected by: Name & Signature of Collector NRIC/Passport/ FIN No: Date: |
|---|--|---|

1. All requests for copies of the records of any criminal proceedings are subject to the approval of the court.
2. Once the request has been approved and the applicant has been informed on the availability of the requested document(s) and the cost (where applicable), the said documents will be available for collection for a period of 21 days. Any document(s) not collected within the stipulated period will be destroyed and a fresh request must be submitted thereafter if the applicant still requires the document(s).
3. An application for copies of the records of any criminal proceedings will only be processed after the stipulated payment has been made.

Prescribed Fees

4. The fees payable are as follows:

| Document Type | Fee Amount | Remarks |
|---|--|--|
| Registrar's Certificate ² | \$20 | Payable upon Application |
| All other documents (including a copy of any Judgment, Sentence, Order, Deposition or other part of the record of any criminal proceedings ³ | \$5 for each type of document requested in the application and \$0.50 per page thereof, subject to a minimum of \$15 per document. | Minimum of \$15 (per document) payable upon Application <i>*Any additional amount (based on number of pages) may be payable before collection of the document(s).</i> |
| Application for an additional copy of the record of any criminal proceedings or the Grounds of Decision ⁴ | \$0.50 for each page thereof, subject to a minimum of \$10 for each copy of the record of proceedings and grounds of decision | Minimum of \$10 (per document) payable upon Application <i>*Any additional amount (based on number of pages) may be payable before collection of the document(s).</i> |

5. There is a \$5 non-refundable application fee for each type of document applied for. A fee of \$0.50 for each page of the document, subject to a minimum fee of \$15 for each type of document requested is also payable. The total sum of \$15 is payable when the application for the records is submitted.
6. The additional amount of fee (based on the actual number of pages provided) is payable before the document(s) can be collected.

Refund of Fees Paid

7. The \$5 application fee is non-refundable.
8. A refund of the minimum fee already collected will only be made through directly crediting the applicant's bank account. The applicant must furnish the photocopies of the following:
 - a. applicant's NRIC or Passport; and
 - b. applicant's bank statement or savings passbook (reflecting his name and the account number)

Payment Modes

9. Local Applicants: Cash, NETS or local Solicitor's cheque
[For cheque payment, please make the cheque payable to "Registrar, State Courts" and indicate the Case Number at the back of the cheque]
10. Overseas Applicants: Bank Draft in Singapore Currency (payable to Registrar, State Courts)
Payment should also include all bank charges

Contact Us

For enquiries pertaining to Criminal Justice matters, please email us at STATECOURTS_CRIME_REGISTRY@statecourts.gov.sg or contact us at (65) 6435 5095

² Pursuant to section 45A(4) of the Evidence Act (Cap. 97).

³ Pursuant to paragraph 3 of the Fees (State Courts – Criminal Jurisdiction) Order 2014, and regulation 2(2) of the Criminal Procedure Code (Prescribed Fees) Regulations 2013, read with section 426(1) of the Criminal Procedure Code (Cap. 68).

⁴ Pursuant to regulation 2(1)(b) of the Criminal Procedure Code (Prescribed Fees) Regulations 2013, read with section 377(6) of the Criminal Procedure Code (Cap. 68).

Form 27

MENTION SLIP

| | |
|---|------------------------|
| Case No.: PIC / DAC / MAC / PS | |
| Solicitor's Name / Prosecutor's Name | |
| Telephone No.: | |
| Fax No.: | |
| Name of Accused / Party he represents: | 1. 2. 3. |
| Accused on bail/ Remanded at * | |

indicate place of remand

APPENDIX B

GUIDELINES FOR COURT DISPUTE RESOLUTION FOR NON-INJURY MOTOR ACCIDENT CLAIMS AND PERSONAL INJURY CLAIMS

1. Introduction

- 1.1 The State Courts Centre for Dispute Resolution provides Court Dispute Resolution (CDR) services for all civil matters. Two main processes – mediation and neutral evaluation – are used.
- 1.2 According to the State Courts' Practice Directions 37 and 38, all non-injury motor accident claims and personal injury claims are to proceed for CDR within 8 weeks after the Memorandum of Appearance has been filed.
- 1.3 Neutral evaluation will be used in the CDR sessions for these cases. This appendix sets out the guidelines to be followed by solicitors.

2. Date of CDR

- 2.1 As stated in Practice Direction 37(3) and 38C(2), solicitors in these cases will receive a notice from the Court fixing the first CDR session.
- 2.2 A request for an adjournment of a CDR session shall be made **only** by filing a “Request for Refixing / Vacation of Hearing Dates” via the Electronic Filing Service.
 - 2.2.1 The applicant must obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties.
 - 2.2.2 The request must be made *not less than 2 working days before the date of the CDR*.
 - 2.2.3 An adjournment of a CDR session will be granted only for good reason e.g. the solicitor is engaged in a trial or other hearing in the High Court or the State Courts, is away on in camp training, overseas, or on medical leave; or the party or his witness, if asked to attend, is out of the country or otherwise unavailable for good reason.
 - 2.2.4 A CDR session from which one or all parties are absent without good reason will be counted as one CDR session.

3. Attendance at CDR

3.1 Only solicitors are required to attend CDR sessions. Their clients need not be present unless the Judge directs for their attendance.

3.2 In certain cases, the Judge may direct the parties to attend subsequent CDR sessions. For instance, the drivers of the vehicles involved in a motor accident and eyewitnesses may be asked to be present at a later CDR session for the purpose of a more accurate neutral evaluation or to facilitate in negotiating a settlement.

4. Preparation for CDR

4.1 Documents to be exchanged prior to CDR:

4.1.1 For CDRs for **motor accident claims**, the following documents should be exchanged between solicitors before the first CDR session:

- (a) Full and complete GIA reports and police reports including the names, identity card numbers and addresses of all persons involved in the accident, together with type-written transcripts of their factual accounts of the accident;
- (b) sketch plan and if unavailable, the claimant's sketch of the accident;
- (c) Results of police investigations or outcome of prosecution for traffic offence(s);
- (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;
- (h) Repairer's bill and evidence of payment;
- (i) Surveyor's report;
- (j) Excess bill or receipt;
- (k) Vehicle registration card;
- (l) COE/PARF certificates;
- (m) Rental agreement, invoice and receipt for rental of alternative vehicle (if any);
- (n) Supporting documents for all other expenses claimed (if any).

4.1.2 Where **personal injury forms part of the motor accident claim**, the following documents should also be exchanged:

- (a) Medical reports and specialist reports;
- (b) Certificates for hospitalisation and medical leave;
- (c) Bills for medical treatment and evidence of payment;

- (d) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (e) Supporting documents for all other expenses claimed (if any).

4.1.3 For CDRs for **industrial workplace accidents**, the following documents should be exchanged between solicitors before the first CDR session:

- (a) The claimant's sketch of the accident;
- (b) Ministry of Manpower investigation reports;
- (c) Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any);
- (d) Original, coloured copies or scanned photographs of the accident scene;
- (e) Video recording of the accident;
- (f) Medical reports and specialist reports;
- (g) Certificates for hospitalisation and medical leave;
- (h) Bills for medical treatment and evidence of payment;
- (i) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (j) Supporting documents for all other expenses claimed (if any).

4.1.4 For CDRs for **any personal injury claim not involving motor accidents or industrial workplace accidents**, the following documents should be exchanged before the first CDR session:

- (a) The claimant's sketch of the accident;
- (b) Original, coloured copies or scanned photographs of the accident scene;
- (c) Video recording of the accident;
- (d) Medical reports and specialist reports;
- (e) Certificates for hospitalisation and medical leave;
- (f) Bills for medical treatment and evidence of payment;
- (g) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (h) Supporting documents for all other expenses claimed (if any).

4.2 To make the full use of CDR sessions, it is essential that solicitors be well prepared and familiar with their cases. This also applies to duty solicitors assigned by their firms to deal with the firm's cases on a particular day. Duty solicitors must receive their files in good time and with clear instructions from the solicitor in charge so that they can familiarise themselves with the cases, understand the basis of instructions (i.e. why a certain position is taken) and to act on them (e.g. to convey the clients' offer on quantum or liability to the opposing solicitor). Duty solicitors must after the CDR session, ensure that they convey to the solicitor in charge, the rationale for the Judge's indication,

the discussion at CDR sessions, and the follow-up action to be taken before the date of the next CDR session.

5. CDR Session

Claims subject to the simplified process under Order 108 of the Rules of Court

- 5.1 All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).
- 5.2 The requirement for upfront discovery under Order 108 Rule 2(4) of the Rules of Court (Cap. 322, R 5) and Practice Direction 19 (Upfront discovery) apply to such cases.
- 5.3 These claims will continue to be called for CDR within 8 weeks after the filing of the memorandum of appearance. There will be no case management conference convened. The rest of the guidelines in Appendix B also apply to CDRs for these claims.
- 5.4 Where parties are unable to resolve the case through CDR, the Court will manage the case, having regard to the provisions in Order 108 Rule 5 of the Rules of Court, by, inter alia, —
 - (a) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence-in-Chief and setting the matter down for trial);
 - (b) fixing timelines to manage and control the progress of the case; and
 - (c) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

Indications on liability and quantum

- 5.5 For NIMA and PIMA cases, the Judge will provide an indication on liability at the first CDR session 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 Guide; or
 - (b) despite the parties' reasonable efforts in resolving the question of liability through negotiation with reference to the Motor Accident Guide before the CDR session, no settlement has been reached.
- 5.6 Solicitors for all the parties seeking an indication on liability shall submit a "Liability Indication Form" (see Form 9A) to the Judge at the first CDR session. Except where no corresponding scenario is provided for in the *Motor Accident Guide*, solicitors must specify in the Liability Indication Form the scenario(s) in the *Motor Accident Guide* that is/are relevant to the parties' factual accounts of the accident and state their respective proposals on liability.
- 5.7 In CDR sessions for all personal injury claims, *except PIMA claims*, the Judge will provide an indication on *both liability and quantum* of the claim., Solicitors for all the parties shall submit a "Quantum Indication Form" (see Form 9B) to the Judge at the first CDR session.
- 5.8 In respect of PIMA cases, whether or not an indication on liability is given, the Judge may, at his own discretion in appropriate cases or at solicitors' request, provide an indication on quantum. Solicitors requesting for an indication on quantum shall obtain each other's consent before the CDR session, and be submit the Quantum Indication Form (i.e. Form 9B) to the Judge.

Follow-up action after CDR

- 5.9 To facilitate settlement, solicitors shall brief their clients thoroughly on all the relevant aspects of the case, inform their clients quickly on the outcome of the CDR session where indications of liability and/or quantum are given, get their clients' instructions and discuss options with the solicitors for the other parties before the next CDR session.

6. Help and Co-operation of Insurers in facilitating CDR

- 6.1 Insurers play a key role in the success of CDR. CDR sessions are intended for substantive discussion of the issues. A CDR is unproductive if:
- 6.1.1 parties have not —
 - (a) exchanged the relevant documents listed in paragraph 4; or

- (b) identified the scenario(s) in the *Motor Accident Guide* that is/are relevant to their respective factual accounts of the accident

well before the CDR session to facilitate assessment and discussion of options;

6.1.2 one or more of the solicitors for the parties have not received or are still taking client's instructions; or

6.1.3 parties are still negotiating or are awaiting instructions upon a counter-offer.

6.2 ***Documents***

Insurers shall endeavour to send all documents requested by their solicitors in good time for exchange between parties before CDR. Insurers should also check that all documents needed for consideration of their claim are ready. If any *additional* documents apart from those at paragraph 4 are required, this shall be made known to the other party well before the CDR date. If a re-survey is required, it shall be conducted and the report exchanged before the first CDR session.

6.3 ***Instructions***

It is *very* important that insurers give *full* and *complete* instructions before their solicitor attends the CDR. Solicitors must inform their clients of the outcome of a CDR session quickly and remind their clients to revert with their instructions well before the next CDR session. The instructions shall be given early to enable the other party to consider their position or proposal and respond before the next CDR date.

6.4 ***Practices to facilitate CDR***

6.4.1 The claims manager or executive shall be briefed by the insurer's solicitor on the facts, the insurer's case, and the other party's case before a CDR session.

6.4.2 After evaluation of the documents and reports and consideration of the relevant liability indication in the *Motor Accident Guide*, the claims manager or executive shall give a mandate to the insurer's solicitors. The mandate could be in a range – e.g. – '65-70%', or '*to contribute 30-35% for the chain collision*'. Reasons shall be given for the position taken so that the solicitor can inform the Judge of the basis for the mandate. E.g. '*we are relying on the statements of the independent witnesses here*', '*the plaintiff has been charged for inconsiderate driving*' or '*the photographs suggest that this is a side-swipe*'.

- 6.5 Insurers sometimes insist on tying the issues of liability and quantum, i.e. that agreement on liability is *contingent* on quantum being settled at a particular sum. If parties are able to agree on the issue of liability but not quantum, parties shall consider allowing an *Interlocutory Judgment* to be recorded for liability and proceed for assessment of damages. A hearing to assess damages is far less costly than a full trial.

APPENDIX C

ANNEXES TO NON INJURY MOTOR ACCIDENT LITIGATION PRACTICE DIRECTION

Annex A

Pre-action Protocol for the Management of Low-Value Non-injury Motor Accident Cases by the Financial Industry Disputes Resolution Centre Ltd (FIDReC)

1. General

- 1.1 This protocol prescribes a regime for the management and resolution of low-value non-injury motor accident claims by the Financial Industry Disputes Resolution Centre Ltd (FIDReC). For the purpose of this protocol FIDReC includes the mediator or adjudicator appointed by FIDReC. It is also the object of this protocol to describe reasonable conduct for low-value non-injury motor accident claims.
- 1.2 In the interest of saving time and costs, parties are expected to comply in substance and spirit with the terms of this protocol which include rendering to FIDReC their full co-operation from the lodgment of the claim until the proceedings under this protocol have been completed. In exercising its discretion and powers, the court will have regard to compliance with this protocol or lack thereof: see, for example, Order 34A rule 1 and Order 59 rule 5.
- 1.3 This protocol only governs conduct from the time a claimant decides to lodge a claim for resolution by the FIDReC. Prior to such time, parties are at liberty to correspond or negotiate with opposing parties in any manner they see fit.
- 1.4 This protocol does not affect any privilege that may apply to communication between parties undertaken in compliance with it.

2. Application

2.1 This protocol shall apply to non-injury motor accident claims where —

- (a) the quantum of damages claimed before apportionment of liability is below \$3,000 excluding survey fees, interests, costs and disbursements; and
- (b) the party against whom the claim is made ('the defendant') is claiming under his policy in which case, such party shall be referred to as "the insurer" in this protocol.

3. Letter of Claim

3.1 The claimant must send a letter of claim (see Form 1 below) each to the potential defendant and his insurer. Where, for example, there is a multi-party collision, and the claimant wishes to join more than 1 defendant, he must send the letter of claim to each of the potential defendants and their insurers. The letter of claim must set out the full particulars of his claim and enclose a copy each of all relevant supporting documents, where available, such as —

- (a) GIA reports and type-written transcripts of all persons involved in the accident, including a sketch plan;
- (b) Repairer's bill and evidence of payment;
- (c) Surveyor's report;
- (d) Excess bill/receipt;
- (e) Vehicle registration card (if any);.
- (f) COE/PARF certificates;
- (g) Names and addresses of witnesses;
- (h) Original or coloured copies of scanned photographs of damage to all vehicles;
- (i) Original or coloured copies of scanned photographs of accident scene;

(j) Rental agreement, invoice and receipt for rental of alternative vehicle (if any); and

(k) Supporting documents for all other expenses claimed (if any).

3.2 The claimant must also state in his letter of claim whether he had notified the insurer of the accident and allowed the insurer an opportunity to inspect the damage to his vehicle prior to the commencement of repairs (“pre-repair inspection”). If, to the claimant’s knowledge, the insurer had waived the requirement for pre-repair inspection of the vehicle, he should state so accordingly in the letter of claim.

3.3 The letter of claim must also expressly advise the potential defendant to immediately pass the letter and the documents to his insurer if he wishes to claim under his insurance policy. The letters to the parties are to be copied to the other parties. The letters to the potential defendants are to be sent by way of certificate of posting. The letters to insurers are to be sent by way of AR Registered mail or by hand (in which case an acknowledgement of receipt should be obtained).

4. **Insurer’s response**

4.1 If, after receipt of the letter of claim, the insurer wishes to inspect the claimant’s vehicle or to conduct a second inspection, a request for such inspection should be made to the claimant within 7 days of receipt of the letter of claim. The insurer shall state in the letter of request why a second inspection is required, or if the opportunity for pre-repair inspection had earlier been waived, why an inspection is sought.

4.2 The insurer must reply (see Form 2 below) to the claimant within 6 weeks from receipt of the letter stating its position on the claim, for example, whether the claim is admitted or denied or make an offer of settlement. If the claim is not admitted in full, the insurer must give reasons and send copies of all relevant supporting documents. The reply should 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.

- 4.3 If the insurer does not reply to the claimant stating its position within 6 weeks from the date of receipt of the letter of claim or within 14 days after inspecting the vehicle, whichever is later, the claimant may lodge his claim with FIDReC forthwith, without further notice to the insurer or the potential defendant.
- 4.4 If the insurer has a counterclaim, the insurer is to include it in its reply giving full particulars of the counterclaim together with all relevant supporting documents. If the insurer has already furnished particulars in a separate letter of claim, the insurer need only refer to that letter of claim in its reply.
- 4.5 Where the counterclaim is for a sum of \$3,000 or more, the insurer will have the option of requiring the claimant to file a writ in court instead of lodging his claim with FIDReC. An election in favour of court proceedings is to be made within 6 weeks of the letter of claim, either in the insurer's reply or in a separate letter to the claimant.
- (For the avoidance of doubt, even if the insurer should elect in favour of court proceedings, the claimant is not precluded from lodging his claim with FIDReC in accordance with FIDReC's Terms of Reference, independently of this protocol.)
- 4.6 If the election is not made within the requisite period of 6 weeks and a settlement cannot be reached after negotiations pursuant to paragraph 8 of this protocol, the claimant, if he intends to pursue his claim, should then lodge the claim with FIDReC. The insurer should in turn, lodge its counterclaim with FIDReC, notwithstanding that the counterclaim is for a sum of \$3,000 or more. This protocol shall in the circumstances, apply to the counterclaim and references to the "claim" and the "claimant" shall, where applicable, include the counterclaim and the insurer by whom the counterclaim is brought, respectively.
- 4.7 In this protocol, "counterclaim" refers to the defendant's uninsured losses as well as the insurer's subrogated claim for damages.

5. Third parties

5.1 Where an insurer wishes to bring in a third party, the insurer must inform the claimant by letter within 14 days of receipt of the claimant's letter of claim. The insurer is also to send to the third party and his insurer a letter each setting out full particulars of its 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 insurer's letter to the third party must also expressly advise 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 is to be copied to the claimant.

5.2 The protocol set out in paragraphs 3 and 4 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, the potential defendant.

6. Fourth parties

6.1 Paragraph 5 shall with the necessary changes apply to fourth party proceedings and so on. All correspondence between the parties are to be copied to all the other parties involved in the accident.

7. Insurer to bear claimant's loss of use arising from pre-repair inspection

7.1 The insurer must compensate the claimant for the loss of use of his vehicle computed from the date of receipt of the claimant's notification of the accident until the date the claimant is notified in writing —

(a) that the pre-repair inspection is completed and he may proceed to repair his vehicle; or

(b) that the insurer is waiving the requirement for pre-repair inspection and he may proceed to repair his vehicle

as the case may be, inclusive of any intervening Saturday, Sunday or public holiday. The notification regarding the completion or waiver of pre-repair inspection must be given to the claimant not more than 2 working days from

the date of receipt of the claimant's notification of the accident, excluding Saturdays, Sundays and public holidays.

7.2 Where an insurer fails to respond to the claimant within 2 working days of receipt of the notification of accident as to whether he wishes to carry out or waive a pre-repair inspection, the claimant may proceed to repair the vehicle and the insurer 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.

7.3 For avoidance of doubt, compensation payable to the claimant for loss of use in the instances enumerated in paragraphs 7.1 and 7.2 above is additional to any other claim for loss of use which the claimant may make against the insurer.

8. Negotiation

8.1 After all the relevant information and documents have been exchanged, the parties should negotiate with a view to settling the matter at the earliest opportunity. A claim should not be lodged with FIDReC if there are reasonable prospects for a settlement. 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 6 weeks from the date of receipt of the letter of claim, the claimant must give 10 clear days' notice, by letter (see Form 3 below) to the insurer and the potential defendant of his intention to lodge his claim with FIDReC. He is also to inform the insurer and the potential defendant of the names of all the parties against whom the claim will be brought.

9. **Lodgment of claim with FIDReC**

9.1 Except in the cases expressly provided for in paragraph 16 of this protocol, the claimant shall, in every case where the quantum of damages claimed does not exceed \$3,000, lodge the claim with FIDReC at first instance.

10. **Claimant and insurer to present its own case before FIDReC**

10.1 In line with FIDReC's Terms of Reference, the claimant and insurer will present its own case in proceedings before FIDReC, without representation by an advocate and solicitor. For the avoidance of doubt, in-house counsel employed by the insurer may present the insurer's case before FIDReC in his capacity as an employee of the insurer.

10.2 A claimant may be assisted in the presentation of his case before FIDReC by a nominee of his choice as may be approved by FIDReC and provided that the nominee is not an advocate and solicitor, in the following circumstances:

- (a) if the claimant is below the age of 21 at the time of lodgment of the claim with FIDReC;
- (b) if the claimant is, in FIDReC's opinion, unable to present his own case by reason of old age, illiteracy or infirmity of mind or body; or
- (c) in any other case, subject to FIDReC's approval upon application by the claimant.

11. **Resolution by mediation and adjudication**

11.1 In line with FIDReC's Terms of Reference providing for resolution of a dispute by mediation and adjudication —

- (a) FIDReC will proceed to mediate the claim with a view to resolving the claim on an amicable basis; and
- (b) if a settlement cannot be reached after mediation, the claim will proceed to adjudication by an Adjudicator to be appointed by FIDReC.

11.2 To facilitate the mediation and where necessary, the adjudication, FIDReC may issue such rules and directions as it deems necessary. This includes rules and directions pertaining to matters such as inspection and/or re-survey of the damaged vehicle, submission and exchange of relevant documents, personal attendance of the claimant, the insurer and their witnesses, if any, in any proceedings before FIDReC.

12. Effect of Adjudicator’s decision

12.1 In line with Rule 26 of FIDReC’s Terms of Reference —

- (a) the determination and/or award of the Adjudicator is binding on the insurer;
- (b) the claimant is free to choose whether to accept the determination and/or award; and
- (c) where the claimant accepts the determination and/or award by executing a Settlement Agreement with the insurer in accordance with the determination and/or award, both the claimant and the insurer are bound by the determination and/or award.

13. Insurer’s contribution to legal fees incurred by the claimant

13.1 A claimant who has retained a solicitor for advice and/or assistance in bringing a claim in accordance with the provisions of this protocol will have incurred legal costs. The amount payable by the insurer as a contribution towards the legal fees excluding disbursements incurred by the claimant is as follows:

| | | Stage of proceedings | |
|--|--|--|--|
| | | Where liability and quantum are settled before lodgment of the claim with FIDReC | Where liability and quantum are resolved whether through mediation or adjudication after lodgment of the claim with FIDReC |

| | | | |
|--|-----------------------|-------|-------|
| Sum Settled (excluding Interest) | Less than \$1,000 | \$300 | \$350 |
| | \$1,000 to \$2,999 | \$400 | \$500 |

A letter from the solicitor confirming that he has been retained by the claimant for the purpose as aforesaid will suffice.

13.2 FIDReC has full discretion to disallow the claimant the contribution towards his legal fees or part thereof if —

- (a) the claim is dismissed by the Adjudicator; or
- (b) the claimant has failed to comply with this protocol or has acted unreasonably in the conduct of his claim, even if he is the successful party.

14. Time for payment by the insurer

14.1 Payment of damages and any contribution towards the claimant’s legal fees should be made by the insurer within 14 days from the date of the execution of the Settlement Agreement or in the absence of a Settlement Agreement, within 14 days from the date of settlement of the claim.

14.2 If the claimant had retained a solicitor for advice and/or assistance in bringing a claim in accordance with the provisions of this protocol, payment as specified herein should be made by the insurer directly to the solicitor.

15. Exemption from the pre-writ stages of the Pre-Action Protocol for Non-Injury Motor Accident Cases

15.1 Where Court proceedings are to commence, a claimant who has complied with paragraphs 3 and 8 of this protocol prior to lodgment of his claim with FIDReC will not be required to take the steps prescribed in paragraphs 2 and 7 of the Pre-Action Protocol for Non-Injury Motor Accident Cases but may file his Writ of Summons in Court upon giving the potential defendant and the insurer 10 clear days’ notice by letter of his intention to do so. He is also to

inform the potential defendant and the insurer the names of all the parties he is suing.

16. **Exceptions**

16.1 In any case where —

- (a) the claimant is a body corporate or a partnership;
- (b) one or more of the vehicles involved in the accident is a government, a foreign-registered or a diplomatic vehicle;
- (c) the insurer has a counterclaim of \$3,000 or more and has elected in favour of court proceedings to be commenced on the claim pursuant to paragraph 4.5 of this protocol;
- (d) the claimant has lodged his claim directly with FIDReC independently of this protocol;
- (e) the claimant is not claiming under his own insurance policy in respect of a counterclaim which may otherwise be lodged with FIDReC;
- (f) the insurer for the claim or the counterclaim (if any) has repudiated liability;
- (g) an allegation is made 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 produced;
- (h) proceedings are still ongoing before FIDReC after a lapse of 6 months from the date when all relevant documents pertaining to the accident requested by FIDReC have been submitted and the claimant has attended the first interview at FIDReC, whichever is later; or
- (i) there is other good and sufficient reason shown to the Court why the claim ought not to have been lodged or the proceedings ought not to have been continued at FIDReC,

the claimant may commence an action in Court directly and all proceedings (if any) before FIDReC shall be abated forthwith, unless the Court directs otherwise.

17. Costs in relation to pre-repair inspection

17.1 Where the claimant has without good reason repaired or caused repairs to be carried out to his vehicle without first notifying the insurer of the accident or without giving the insurer an opportunity to inspect the damage to the vehicle during the next two (2) working days excluding Saturdays, Sundays and public holidays following the notification, then on account of such omission and in exercise of their discretion –

- (a) FIDReC may disallow the claimant the insurer's contribution towards his legal costs or part thereof; or
- (b) where an action in Court is commenced, the Court may impose sanctions as to costs against the claimant.

17.2 Where the insurer disputes the damage to the claimant's vehicle and/or requests an inspection of the claimant's vehicle after the insurer had without good reason waived the requirement for a pre-repair inspection, the Court may impose sanctions as to costs against the insurer.

18. Sanctions for breach of this protocol

18.1 Where the claimant 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 less than \$3,000 and the pleaded 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 of the Adjudicator.

18.2 The Court will not impose sanctions on the claimant where there are good reasons for non-compliance, including for example, attempt(s) made to

resolve the claim through the Singapore Mediation Centre or the Law Society of Singapore Arbitration Scheme.

18.3 Where the claimant has commenced Court proceedings before adjudication of the claim by FIDReC, the Court may stay the action under Order 34A of the Rules of Court for the claimant to comply with this protocol.

19. **Application of Limitation Act (Cap. 163)**

19.1 Nothing in this protocol shall be construed to operate as a stay of the time limited for the doing of any act as prescribed by the Limitation Act (Cap. 163).

19.2 Should court proceedings be commenced to prevent the operation of the time bar under the Limitation Act (Cap. 163), the Court may nevertheless stay the action thereafter for the claimant to comply with this protocol.

Form 1
Sample Letter of Claim to the Potential Defendant (To Be Copied to the Insurer)

To: [Defendant's Name]
[Address]

Dear Sir

We are instructed by [name of claimant] to claim damages against you in connection with a road traffic accident on [date] at about [time] at [place of accident which must be sufficiently detailed to establish location] involving our client's vehicle registration number [] and vehicle registration number [] driven by you at the material time.

We are instructed that the accident was caused by your negligent driving and/or management of your vehicle. As a result of the accident, our client's vehicle was damaged and our client has been put to loss and expense, particulars of which are as follows:

[Set out the loss and expenses claimed.]

A copy each of the following supporting documents is enclosed:

[List the documents as required in the protocol.]

We have [have not] on [date of notification] notified your insurer [name of insurer] of the accident and [a pre-repair inspection of our client's vehicle was carried out by your insurer on [date]] [to the best of our knowledge, your insurer had waived the requirement for pre-repair inspection].

[We have also sent a letter of claim to [name of the other defendant] and a copy of that letter is enclosed. We understand that his insurer is [name and address of insurer if known].]

Please note that if you are insured and you wish to claim under your insurance policy, you should immediately pass this letter and all the enclosed documents to your insurer.

Please note that your insurer should state its position on our client's claim, for example, whether the claim is admitted or denied or make an offer, within 6 weeks of your receipt of this letter, failing which our client will have no alternative but to lodge his claim with the Financial Disputes Resolution

Centre (FIDReC) without further notice to you or your insurer. If the claim is not admitted in full, your insurer must give reasons and send to us a copy each of all relevant supporting documents.

Please also note that if you have a counterclaim against our client arising out of the accident, your insurer is also required to send to us a letter giving full particulars of the counterclaim together with all relevant supporting documents within 6 weeks of your receipt of this letter.

If your counterclaim is for a sum of \$3,000 or more, your insurer should also inform us in writing within 6 weeks of your receipt of this letter, whether your insurer requires our client to commence court proceedings instead of lodging his claim with FIDReC in the event that a settlement cannot be reached. Our client will lodge his claim with FIDReC if your insurer does not elect in favour of court proceedings within the requisite period of 6 weeks.]

Yours faithfully

encs

cc [Defendant's insurer]

[Other defendant and his insurer]

(Note: This sample letter, with the necessary modifications, can also be used as a sample letter to the defendant's insurer.)

Form 2
Sample Reply to Letter of Claim

To: [Claimant or claimant's lawyer]
[Address]

Dear Sirs

[Heading, if any e.g. as per letter of claim]

We acknowledge receipt of your letter dated [] and the enclosures on [*date of receipt*].

We admit both liability and quantum and will be making full payment of your/your client's claim within 14 days.

or

We admit liability and are investigating quantum and will reply to you on quantum soon.

or

We admit quantum and are investigating liability and will reply to you on liability soon.

or

On a without prejudice basis, we offer to settle your/your client's claim on the following terms:

[Set out the offer]

The particulars of the insurance officer in charge of the matter are as follows:

Name:

Telephone number:

Fax number:

File reference number:

Yours faithfully

cc [Other defendants and their insurers]

Form 3
Sample Letter by Claimant before Lodgment of Claim with FIDReC

To: [Defendant and his insurer]
[Address]

Dear Sir

[Heading, if any e.g. as per letter of claim]

We regret that despite reasonable effort having been made to settle our client's claim, there does not appear to be any reasonable prospects of settlement.

We hereby give you 10 clear days' notice that our client intends to lodge a claim with the Financial Industry Disputes Resolution Centre (FIDReC) against you/your insured.

[Please note that our client will also be joining [names of other defendants] as co-defendants in the intended action.]

Yours faithfully

cc: [Other defendants and their insurers]

APPENDIX C

Annex B

Pre-action Protocol for Non-Injury Motor Accident Cases

1. Application

1.1 The object of this protocol is to describe reasonable conduct for non-injury motor accident claims. In exercising its discretion and powers, the court will have regard to compliance with this protocol or lack thereof; see, for example, Order 25, rules 1, 1A and 8, Order 34A, rule 1, Order 59, rule 5, and Order 59, Appendix 2.

1.2 This protocol only governs conduct from the time a claimant decides to file a non-injury motor accident claim in court. Prior to such time, parties are at liberty to correspond or negotiate with opposing parties in any manner they see fit.

1.3 This protocol does not affect any privilege that may apply to communication between parties undertaken in compliance with it.

2. Letter of Claim

2.1 The claimant must send a letter of claim (see Form 4 below) each to the potential defendant and his insurer. Where, for example, there is a multi-party collision, and the claimant wishes to join more than one defendant, he must send the letter of claim to each of the potential defendants and their insurers. The letter of claim must set out the full particulars of his claim and enclose a copy each of all relevant supporting documents, where available, such as:

2.1.1 Full and complete GIA reports and type-written transcripts of all persons involved in the accident, including a sketch plan;

2.1.2 Repairer's bill and evidence of payment;

2.1.3 Surveyor's report;

2.1.4 Excess bill/receipt;

2.1.5 Vehicle registration card;

- 2.1.6 COE/PARF certificates;
- 2.1.7 Names and addresses of witnesses;
- 2.1.8 Original or coloured copies of scanned photographs of damage to all vehicles;
- 2.1.9 Original or coloured copies of scanned photographs of accident scene;
- 2.1.10 Video recording of the accident;
- 2.1.11 Rental agreement, invoice and receipt for rental of alternative vehicle (if any);
- 2.1.12 Correspondences with the potential defendant's insurer relating to inspection of the claimant's vehicle prior to the commencement of repairs (if any);
- 2.1.13 Supporting documents for all other expenses claimed (if any).

2.2 The claimant must also state in his letter of claim whether he had notified the potential defendant's insurer of the accident and allowed the insurer an opportunity to inspect the damage to his vehicle prior to the commencement of repairs ("pre-repair inspection"). If, to the claimant's knowledge, the potential defendant's insurer had waived the requirement for pre-repair inspection of the vehicle, he should state so accordingly in the letter of claim.

2.3 The letter of claim must also expressly advise the potential defendant to immediately pass the letter and documents to his insurer if he wishes to claim under his insurance policy. The letters to the parties are to be copied to the other parties. The letters to the potential defendants are to be sent by way of certificate of posting. The letters to insurers are to be sent by way of A.R. Registered mail or by hand (in which case an acknowledgement of receipt should be obtained).

3. Defendant's response

3.1 References to "the potential defendant" hereafter shall mean the potential defendant if he is not claiming under his insurance policy, or to his insurer if he is claiming under his policy.

3.2 If, after receipt of the letter of claim, the potential defendant wishes to inspect the claimant's vehicle or to conduct a second inspection, a request for such inspection should be made to the claimant within 7 days of receipt of the letter of claim. If the potential defendant had earlier waived the opportunity for pre-repair inspection, he shall state in the letter of

request why an inspection is sought or, why a second inspection is required, as the case may be.

3.3 The potential defendant must reply (see Form 5 or Form 5A below) to the claimant within 14 days from receipt of the letter of claim. If he is ready to take a position on the claim, he should state his position. If not, he should first send an acknowledgement. If a reply is not received by the claimant within the requisite 14 days, the claimant may commence proceedings without any sanction by the court.

3.4 If the potential defendant replies to the claimant with only an acknowledgement, 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 (on both liability and quantum), stating the potential defendant's position on the claim, for example whether the claim is admitted or denied or making an offer of settlement (see Form 5 or Form 5A below).

3.5 If the claim is not admitted in full, the potential defendant must

3.5.1 give reasons and send copies of all relevant supporting documents, including full and complete GIA reports showing the names, identity card numbers and addresses of all persons involved in the accident and typewritten transcripts of their factual accounts of the accident; and

3.5.2 specify the particular scenario in the *Motor Accident Guide* that is applicable to his account of the accident and, except where the claim is denied, make an offer on liability (see Form 5A below). He should enclose with his reply a copy of the relevant page of the *Motor Accident Guide*.

3.6 If the insurer is the party replying to the claimant, the reply should 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.

3.7 If the potential defendant has a counterclaim, he is to 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, i.e. his insurer is only handling his defence but not his counterclaim, the potential defendant is to 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 defendant has already furnished particulars in a separate letter of claim, he need only refer to that letter of claim in his reply.

3.8 The letter of claim and the responses are not intended to have the effect of pleadings in an action.

4. Third parties

4.1 Where a potential defendant wishes to bring in a third party, he must inform the claimant by letter within 14 days together with his acknowledgement of receipt of the claimant's letter of claim. The potential defendant is also to 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 advise 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 is to be copied to the claimant.

4.2 The protocol set out in paragraphs 2 and 3 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, the potential defendant.

5. Fourth parties

5.1 Paragraph 4 shall with the necessary changes apply to fourth party proceedings and so on. All correspondence between the parties are to be copied to all the other parties involved in the accident.

6. Potential defendant to bear claimant's loss of use arising from pre-repair inspection

6.1 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 notification of the accident until the date the claimant is notified in writing

6.1.1 that the pre-repair inspection is completed and he may proceed to repair his vehicle;
or

6.1.2 that the potential defendant is waiving the requirement for pre-repair inspection and he may proceed to repair his vehicle

as the case may be, inclusive of any intervening Saturday, Sunday or public holiday. The notification regarding the completion or waiver of pre-repair inspection must be given to the claimant not more than 2 working days from the date of receipt of the claimant's notification of the accident, excluding Saturdays, Sundays and public holidays.

6.2 Where a potential defendant fails to respond to the claimant within 2 working days of receipt of the notification of accident as to whether he wishes to carry out or waive a pre-repair inspection, 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.

6.3 For avoidance of doubt, compensation payable to the claimant for loss of use in the instances enumerated in paragraphs 6.1 and 6.2 above is additional to any other claim for loss of use which the claimant may make against the potential defendant.

7. **Negotiation**

7.1 Where the claimant's position on liability differs from the potential defendant's, the claimant must within 2 weeks from the date of receipt of the potential defendant's reply to the letter of claim, make a counter-offer on liability. The claimant should specify the particular scenario in the *Motor Accident Guide* that is applicable to his account of the accident and enclose a copy of the relevant page of the *Motor Accident Guide* (Form 5A below may be used with the necessary modifications).

7.2 After all the relevant information and documents have been exchanged, the parties should negotiate with a view to settling the matter at the earliest opportunity. When negotiating the question of liability, the parties should make reference to the relevant liability indications set out in the *Motor Accident Guide*. Litigation should not be commenced prematurely if there are reasonable prospects for a settlement.

7.3 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 paragraph 3.3 applies, the claimant must give 10 clear days' notice, by letter (see Form 6 below), to the potential defendant of his intention to proceed with a writ. He is also to inform the potential defendant of the names of all the parties he is suing.

8. Pre-action costs

8.1 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 would have incurred legal costs. A guide to the costs to be paid is as follows:

Sum settled

(excluding interest if any) Costs allowed

(excluding disbursements)

Less than \$1,000 \$300

\$1,000 to \$9,999 \$300 to \$700

\$10,000 and above \$500 to \$900

9. Costs sanctions in relation to pre-repair inspection

9.1 Where the claimant has without good reason repaired or caused repairs to be carried out to his vehicle without first notifying the potential defendant of the accident or without giving the potential defendant an opportunity to conduct a pre-repair inspection during the next 2 working days excluding Saturdays, Sundays and public holidays following the notification, then on account of the omission, the court may impose sanctions as to costs against the claimant.

9.2 Where the potential defendant disputes the damage to the claimant's vehicle and/or requests for an inspection of the claimant's vehicle after he had without good reason waived the requirement for a pre-repair inspection, the court may impose sanctions as to costs against the potential defendant.

10. Early agreement on liability

10.1 Where parties have agreed on the issue of liability prior to the commencement of proceedings and wish to issue a writ in order for damages to be assessed, the plaintiff is to file a writ endorsed with a simplified statement of claim (see Form 7 below). Within 14 days after the memorandum of appearance is served, the plaintiff must take out a summons in accordance with Order 25, rule 1A, Rules of Court.

11. Pre-action Protocol Checklist wherever litigation necessary

11.1 Where litigation is to commence, the claimant is to file, together with his writ of summons, a Pre-action Protocol Checklist (see Form 8 below) duly completed.

Form 4

Sample Letter of Claim to Defendant

To: [Defendant's Name]

[Address]

Dear Sir

[Claimant's full name]

[Claimant's address]

We are instructed by the above named to claim damages against you in connection with a road traffic accident on [date] at [place of accident which must be sufficiently detailed to establish location] involving our client's vehicle registration number [] and vehicle registration number [] driven by you at the material time.

We are instructed that the accident was caused by your negligent driving and/or management of your vehicle. As a result of the accident, our client's vehicle was damaged and our client has been put to loss and expense, particulars of which are as follows:

[Set out the loss and expenses claimed.]

A copy each of the following supporting documents is enclosed:

[List the documents as required in the pre-action protocol.]

We have [have not] on [date of notification] notified your insurer [name of insurer] of the accident and [a pre-repair inspection of our client's vehicle was carried out by your insurer on [date]] [to the best of our knowledge, your insurer had waived the requirement for pre-repair inspection].

[We have also sent a letter of claim to [name of the other defendant] and a copy of that letter is enclosed. We understand that his insurer is [name and address of insurer if known].]

Please note that if you are insured and you wish to claim under your insurance policy, you should immediately pass this letter and all the enclosed documents to your insurer.

Please note that you or your insurer should send to us an acknowledgement of receipt of this letter within 14 days of your receipt of this letter, failing which our client will have no alternative but to commence proceedings against you without further notice to you or your insurer.

Please also note that if you have a counterclaim against our client arising out of the accident, you are also required to send to us a letter giving full particulars of the counterclaim together with all relevant supporting documents within 8 weeks of your receipt of this letter.

Yours faithfully,

encs

[Defendant's insurer]

[Other defendant and his insurer]

(Note: This sample letter, with the necessary modifications, can also be used as a sample letter to the defendant's insurer.)

Form 5
Sample Acknowledgement of Letter of Claim

To: [Claimant]

[Address]

Dear Sir,

[Heading e.g. as per letter of claim]

We acknowledge receipt of your letter dated [] and the enclosures on [date of receipt].

[We are investigating your/your client's claim and will reply to you substantively soon.]

[or, if the defendant is ready to take a position on the claim, to state his position, e.g. We admit both liability and quantum and will be making full payment of your/your client's claim within 14 days.

or

We admit liability and are investigating quantum and will reply to you on quantum soon.

or

We admit quantum and are investigating liability and will reply to you on liability soon.]

Yours faithfully,

cc [Other defendants and their insurers]

Form 5A
Sample Letter of Offer

(For Offer on Liability with reference to the *Motor Accident Guide*)

To: [Claimant]

WITHOUT PREJUDICE SAVE AS TO

COSTS

[Address]

Dear Sir,

[Heading e.g. as per letter of claim]

We acknowledge receipt of your letter dated [] and the enclosures on [date of receipt].

Or

We refer to your letter dated [] and our letter of acknowledgement dated [].

We offer to settle your/your client's claim on the following terms:

[Set out the offer, [e.g. *We propose that liability be resolved at []% in your/your client's favour.*] We are of the view that Scenario [serial number of scenario] on page [] of the *Motor Accident Guide* applies to the facts of the accident because [state reasons]. A copy of the relevant page of the *Motor Accident Guide* is enclosed.]

Yours faithfully,

Cc [Other defendants and their insurers]

Form 6
Sample Letter by Claimant before Issue of Writ of Summons

To: [Defendant or his insurer as the case may be]

[Address]

Dear Sir

[Heading e.g. as per letter of claim]

We regret that despite reasonable effort having been made to settle our client's claim, there does not appear to be any reasonable prospects of settlement.

We hereby give you 10 clear days' notice that our client intends to proceed with the issue of a writ of summons against you/your insured. In this regard, please let us know if you are instructing solicitors to accept service of process on your/your insured's behalf.

[Please note that our client will also be joining [names of other defendants] as co-defendants in the intended action.]

Yours faithfully,

cc. [Other defendants and their insurers]

Form 7
WRIT OF SUMMONS

(As per the Form prescribed in the Rules of Court)

Sample Statement of Claim

1. On [date] at about [time] at [place of accident], the motor vehicle registration number [] was involved in a collision with the motor vehicle registration number [] driven by the defendant. [If there are other defendants joined, for example on grounds of contributory negligence or vicarious liability, to give brief particulars, without giving particulars of negligence.]

2. [On [date], the plaintiff and the defendant agreed that the defendant will bear [full liability] for the accident.]

3. As a result of the accident, the plaintiff's vehicle was damaged and the plaintiff was put to loss and expense.

Particulars

[set out the loss and expenses claimed.]

And the plaintiff claims:

- (1) damages to be assessed;
- (2) interest;
- (3) costs; etc.

Form 8
(To be filed with Writ of Summons)

1. Has the defendant or his insurer acknowledged receipt of the plaintiff's letter of claim?

Ans. Yes/No.

2. Have attempts been made to settle the matter?

Ans. Yes/No.

If no, please give reasons.

3. Is the question of liability agreed?

Ans. Yes/No.

4. Is the question of quantum agreed?

Ans. Yes/No.

5. Has the defendant indicated that he has a counterclaim?

Ans. Yes/No.

6. The following documents/information have been exchanged between the plaintiff and the defendant (please tick accordingly):

Full and complete GIA reports and type-written transcripts of the factual accounts of all persons involved in the accident, including a sketch plan.

Repairer's bill and evidence of payment.

Surveyor's report.

Excess bill/receipt.

Vehicle registration card.

COE/PARF certificates.

- Names and addresses of witnesses.
- Photographs of damage to all vehicles.
- Photographs of accident scene.
- Video recording of the accident.
- Invoice and receipt for rental of alternative vehicle.
- Whether the insurer has been notified of the accident and allowed to carry out a pre-repair inspection of the claimant's vehicle.

Remarks (if any)

7(a) Did the accident involve a chain collision or more than 2 vehicles?

Ans. Yes/No.

7(b) If yes, has the defendant indicated that he intends to bring in a third party?

Ans. Yes/No.

7(c) If yes, has the third party indicated that he intends to bring in a fourth party?

Ans. Yes/No.

7(d) Were there any other parties involved in the accident?

Ans. Yes/No.

If yes, please provide details.

APPENDIX D

ANNEXES TO MEDICAL NEGLIGENCE LITIGATION

PRACTICE DIRECTION

Annex A

PRE-ACTION PROTOCOL FOR MEDICAL NEGLIGENCE CLAIMS

1. Application

- 1.1 The general aims of this protocol are to prescribe a framework for pre-writ exchange of information and communication with a view to resolve medical negligence disputes arising out of a negligent act or omission in the course of medical or dental treatment without litigation and to maintain/restore the patient/healthcare provider relationship.
- 1.2 The protocol will apply only from the time a potential claimant contemplates to file a medical negligence claim in court. Prior to such time, either party is at liberty to communicate, correspond or negotiate with the opposing party in any manner they see fit.
- 1.3 This protocol does not affect any privilege that may apply to communication between parties undertaken in compliance with it (including medical reports furnished to the claimant's solicitor by the doctor pursuant to this protocol).
- 1.4 For avoidance of doubt, this protocol equally applies to actions arising from dental treatments.

2. Letter of request for medical report and related documents

- 2.1 Generally, to enable the claimant to consider whether he has a viable cause of action against the doctor and the hospital for medical negligence, a medical report from the doctor is essential. The application for the medical report, and such other documents that may be necessary to determine if there is a cause of

action, should be made by letter (see Form 1 below) setting out briefly the basis of the claim and the nature of the information sought, including:

- (a) symptoms presented by the claimant or the deceased (where the patient has passed away and the claimant is the deceased's next-of-kin) prior to treatment;
- (b) clinical findings;
- (c) diagnosis;
- (d) treatment prescribed, risks in such treatment (if any) and when and how such risks were conveyed to the claimant or the deceased;
- (e) whether alternatives to treatment were disclosed to the claimant and if so, why the treatment prescribed was preferred over these alternatives;
- (f) assessment of the claimant's present condition and the cause of such condition or the cause of the deceased's death;
- (g) prognosis and recommended future treatment.

The application for the medical report should be accompanied by the claimant's letter (see Form 1A below) authorising the hospital to release the medical report to his solicitors.

- 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 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 The medical report 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 doctor on any aspect of the report, in which case, the doctor should respond within 6 weeks of the further request.

3. **Letter of request for discussion**

- 3.1 Upon receipt of the medical report and before commencement of legal proceedings, the claimant is to write to the hospital and to each of the doctors against whom he intends to pursue his claim, to arrange for a without prejudice discussion with them (see Form 2 below). The hospital and/or the doctor must respond within 14 days after receipt of the letter, proposing a date and time for the meeting which should be held within 2 months from the date of the letter of request. This important step opens additional channels of communication between doctor and claimant, affording the doctor an opportunity to explain medical procedures to the claimant and for the claimant to clarify with the doctor any doubts which he may have. Quite often, legal proceedings are taken because of miscommunication between doctor and patient or because the patient interprets a perceived lack of information and empathy as lack of due care and attention on the part of the doctor. Hence, such discussions may pave the way to an amicable resolution of the claim. To facilitate the discussion, either party may in suitable cases, engage a separate or joint third party medical opinion on the medical management provided.
- 3.2 The letter to the hospital and the doctors is to be sent by way of A R Registered mail or by hand (in which case an acknowledgment of receipt should be obtained).
- 3.3 If the hospital or doctor fails to propose a date and time for the meeting within the requisite 14 days or if without reasonable cause, the meeting is not held within the requisite 2 months, the claimant may commence proceedings without any sanction by the court.

4. **Negotiation**

- 4.1 After the initial discussion, the parties are at liberty to correspond or negotiate with each other in any manner they see fit with a view to resolving the matter amicably at the earliest opportunity. Litigation should not be commenced prematurely if there are reasonable prospects for resolution. Where reasonable effort has been made without reasonable prospects of resolution,

and after the expiry of 2 months from the date of request for a without prejudice discussion, save where paragraph 3.3 applies, the claimant must give 10 clear days' notice, by letter (see Form 3 below) to the potential defendants of his intention to proceed with a writ. He is also to inform each potential defendant, to the best of his knowledge, the names of all the parties he is contemplating to sue.

- 4.2 Where the claim is affected by limitation and/or the claimant's position needs to be protected by the early commencement of an action, the claimant need only comply with this protocol as far as he is able.

5. Compliance with pre-action protocol

- 5.1 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. Parties must comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol insofar as they are able.
- 5.2 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 Order 34A rule 1 and Order 59 rule 5 of the Rules of Court.
- 5.3 Where there are good reasons for non-compliance, the court will not impose sanctions against the party in default.

Form 1

Sample Letter of Request for Medical Report

To: Medical Records Officer
[Name of hospital]
[Address]

Dear Sir

[Patient's full name]
[Patient's NRIC or passport number]

We are instructed by the abovenamed patient who received medical treatment *[underwent an operation]* at your hospital on [date] *[from [date] to [date]]*.

[We are instructed by [name of claimant], the [relationship] of the abovenamed deceased and executor/administrator of his estate. The deceased received medical treatment [underwent an operation] at your hospital on [date] [from [date] to [date]].

Following the medical treatment *[operation]*, our client instructs that he is [briefly describe the client's present physical and/or mental condition or symptoms] *[the deceased passed away on [date]]*. In the light of our client's present condition *[In view of the death of the deceased]*, our client is contemplating a claim for damages against the attending doctor(s) and your hospital.

Please let us have a comprehensive medical report stating:

- (a) the symptoms presented by our client *[the deceased]* prior to treatment;
- (b) clinical findings;
- (c) the diagnosis;
- (d) the treatment prescribed, whether there are risks in such treatment and if so, when and how those risks were conveyed to our client *[the deceased]*;
- (e) whether alternatives to treatment were disclosed to the claimant and if so, why the treatment prescribed was preferred over these alternatives;

- (f) assessment of our client's present condition and the cause of such condition
[the cause of the deceased's death];
- (g) prognosis and recommended future treatment.

Please let us have the medical report within the next six (6) weeks upon receipt of the requisite charges for the medical report. The letter of authorisation is enclosed.

Yours faithfully,

Form 1A

Sample Letter of Authorisation

Date:

[Patient's full name]

[Patient's NRIC or passport number]

I, [full name and NRIC or passport number] being the abovenamed patient *[being the [state relationship] of the abovenamed deceased and the executor/administrator of his estate]* hereby authorise the Medical Records Officer, [name of hospital] to furnish my medical report *[the medical report on the abovenamed deceased]* to my solicitors [name of firm] pursuant to their letter of request.

Signature:

Form 2

Sample Letter of Request for Discussion

To: Head *without prejudice save as to costs*
[Name] Department
[Name of hospital]
[Address]

Dear Sir

[Patient's full name]

[Patient's NRIC or passport number]

Thank you for the medical report on the abovenamed written by Dr. [name].

Our client *[together with us as his solicitors]* proposes to meet the doctor(s) involved in his treatment *[the treatment of the abovenamed deceased]* on a **without prejudice** basis so that he may have a better understanding of the management of his *[the deceased's]* illness *[injury / disability]*.

Please reply within 14 days of receipt of this letter stating the date, time and venue of the meeting at your hospital. The meeting should be held no later than two (2) months from the date of this letter.

Please note that unless we hear from you within the requisite 14 days, our client will have no alternative but to commence proceedings against the relevant doctor(s).

All communications arising out of this meeting will be treated in strict confidence and will not be disclosed to the Court in the event that legal proceedings are commenced.

Yours faithfully,

cc. [names of the defendant doctors]

Form 3

Sample Letter by Claimant Before Issue of Writ of Summons

To: Head
[Name] Department
[Name of hospital]
[Address]

Dear Sir,

[Patient's full name]
[Patient's NRIC or passport number]

We regret that despite reasonable effort having been made to meet the doctors as proposed in our letter of [date] [*to resolve our client's claim*], there does not appear to be any reasonable prospects of an amicable resolution.

We hereby give you ten (10) clear days' notice that our client intends to proceed with the issue of a writ of summons against Dr [name(s)] and your hospital for damages for medical negligence in the treatment of our client [*the abovenamed deceased*]. In this regard, please let us know if you are instructing solicitors to accept service of process on your behalf.

Yours faithfully,

cc. [names of the defendant doctors]

APPENDIX E

PRE-ACTION PROTOCOL FOR PERSONAL INJURY CLAIMS

1. Application

- 1.1 The object of this protocol is to streamline the management of personal injury claims and promote early settlement of such claims. It prescribes a framework for pre-writ negotiation and exchange of information.
- 1.2 This protocol applies to all personal injury claims including —
 - (a) claims arising from motor vehicle accidents and industrial workplace accidents;
 - (b) personal injury claims with or without an additional claim for property damage arising from the same accident; and
 - (c) claims arising from fatal accidents,but does not apply to medical negligence claims.
- 1.3 Any reference to an “insurer” in this protocol refers to an insurer that is known or could be reasonably known to the plaintiff’s solicitors.
- 1.4 In the interest of saving time and costs, parties are expected to comply in substance and spirit with the terms of this protocol. In exercising its discretion and powers as to costs as well as under section 116 of the Evidence Act (Cap. 97), the Court will have regard to the extent to which this protocol has been complied with by the parties.
- 1.5 This protocol only governs the conduct of the parties from the time a claimant decides to file a personal injury claim in Court. Prior to such time, the parties are at liberty to correspond or negotiate with each other in any manner they see fit.
- 1.6 This protocol does not affect any privilege that may apply to any communication between the parties that is undertaken in compliance with it.
- 1.7 This protocol encourages the parties to jointly select medical experts before proceedings commence.

2. Letter of Claim

2.1 The claimant must send a letter of claim (Form 1) each to the potential defendant and his insurer notifying them of the claimant's intention to seek damages for his injuries. Where, for example, there is a multi-party collision, and the claimant wishes to join more than one defendant, he must send the letter of claim to each of the potential defendants and their insurers.

2.2 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 any injuries suffered by the claimant;
- (c) an estimate of the claimant's 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 proceeding arising from the same accident and in cases where the claimant has passed away, the State Coroner's verdict, where available.

2.3 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 medical expert(s) in each relevant specialty in his letter of claim. The claimant should preferably include the doctors who provided him treatment and/or review of his medical condition in his proposed list.

2.4 In respect of claims which are estimated to exceed the quantum specified in paragraph 2.3, the claimant and the potential defendant and/or their respective insurers shall

endeavour, as a matter of best practice, to follow the procedure set out in this protocol for the appointment of a mutually agreed medical expert. The claimant's treating and/or reviewing doctor may, by consent, be appointed as the medical expert mutually agreed by both parties.

2.5 If the claimant is non-resident in Singapore, the letter of claim shall 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.

2.6 The claimant must enclose with his letter of claim a copy each of all relevant supporting documents, where available, such as the following:

For motor vehicle accident cases:

- (a) full and complete GIA reports 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 same 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;
- (h) medical reports and specialist reports;
- (i) certificates for hospitalisation and medical leave;
- (j) bills for medical treatment and evidence of payment;
- (k) income tax notices of assessment and/or other evidence of income and loss thereof; and
- (l) supporting documents for all other expenses claimed (if any).

For industrial workplace accident cases:

- (a) claimant's sketch of the accident;
- (b) original, coloured copies or scanned photographs of the accident scene;
- (c) video recording of the accident;
- (d) Ministry of Manpower's investigation reports;
- (e) Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any);
- (f) medical reports and specialist reports;
- (g) certificates for hospitalisation and medical leave;
- (h) bills for medical treatment and evidence of payment;
- (i) income tax notices of assessment and/or other evidence of income and loss thereof; and
- (j) supporting documents for all other expenses claimed (if any).

For personal injury claims not involving motor vehicles and industrial accidents:

- (a) claimant's sketch of the accident;
- (b) original, coloured copies or scanned photographs of the accident scene;
- (c) video recording of the accident;
- (d) medical reports and specialist reports;
- (e) certificates for hospitalisation and medical leave;
- (f) bills for medical treatment and evidence of payment;
- (g) income tax notices of assessment and/or other evidence of income and loss thereof; and
- (h) supporting documents for all other expenses claimed (if any).

2.7 Where the claim is for both personal injury and property damage arising from a motor vehicle accident, the claimant must in addition, enclose with his letter of claim a copy each of the relevant documents supporting the claim for property damage, such as the following:

- (a) repairer's bill and evidence of payment;
- (b) 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 alternative vehicle (if any); and
- (g) supporting documents for all other expenses claimed (if any).

- 2.8 The letter of claim must also expressly advise 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 party must be copied to each of the other parties. The letter(s) to the potential defendant(s) must be sent by way of certificate of posting. The letters to insurers must be sent by way of AR Registered mail or by hand (in which case an acknowledgement of receipt should be obtained).
- 2.9 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 the necessary explanation in the letter of claim.

3. Potential Defendant's response

Acknowledgment letter

- 3.1 In this protocol, "the potential defendant" means the potential defendant if he is not claiming under his insurance policy, or his insurer if he is claiming under his insurance policy.
- 3.2 The potential defendant must send an acknowledgement letter (Form 2 or Form 2A) 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.
- 3.3 For any personal injury claim arising from a motor vehicle accident, if the potential defendant wishes to inspect the claimant's vehicle, a request for inspection shall be included in the acknowledgement of receipt.
- 3.4 If the claimant does not receive an acknowledgement letter from the potential defendant within the requisite **14 days** stipulated in paragraph 3.2, he may commence proceedings without any sanction by the Court.

Joint selection of medical experts

3.5 In respect of claims where paragraph 2.3 is applicable, 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 any of the medical experts named in the claimant's letter of claim. For this purpose, the following provisions will apply:

- (a) If the potential defendant agrees to any of the named medical experts stated in the claimant's letter of claim, the claimant shall instruct a mutually agreeable medical expert in each of the relevant specialty by sending the expert a letter of instruction within **14 days**. The medical expert mutually agreed upon by both parties and instructed by the claimant shall be referred to as the 'single joint expert'.
- (b) The letter of instruction referred to in sub-paragraph (a) above must be copied to the potential defendant. As a matter of best practice, a medical report form (Form 5A) may be sent to the single joint expert for claims in which the estimated quantum falls within the jurisdiction of a Magistrate's Court before apportionment of liability and excluding interest and a letter in Form 5 may be sent to the single joint expert for higher value and/or more complex claims.
- (c) If the potential defendant objects to all the listed medical experts in the claimant's letter of claim for any relevant specialty, the potential defendant shall state a list of the name(s) of one or more medical experts in each relevant specialty whom he considers as suitable to instruct. 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 one or more of the named medical experts stated in the potential defendant's letter of reply.
- (d) If the claimant agrees to any of the named medical experts stated in the potential defendant's letter of reply referred to in sub-paragraph (c) above, the claimant shall instruct a mutually agreeable medical expert in each of the relevant specialty by sending the expert a letter of instruction within **14 days** in accordance with sub-paragraph (a) above. The letter of instruction must be copied to the potential defendant and the claimant may as a matter of best practice, comply with sub-paragraph (b) above on the use of Form 5 or Form 5A. The medical expert mutually agreed upon by both parties and instructed by the claimant shall be referred to as the 'single joint expert'.

- (e) If the claimant objects to all the listed medical experts in the potential defendant's letter of reply (referred to in sub-paragraph (c) above) for any of the relevant specialty, both parties may then instruct medical experts of their own choice for each relevant specialty that parties are unable to agree upon.
- (f) If the claimant or the potential defendant 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 stated in the other party's letter 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 costs as part of his claim for reasonable disbursements.
- (h) Either party may send to the single joint expert written questions relevant to the issues or matters on which the medical report is sought. The questions are to be copied to the other party.
- (i) In the event that there is no agreement by the claimant and the potential defendant on the appointment of a medical expert and the potential defendant wishes 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 send a letter to the claimant proposing a date and time on which the claimant is to be examined by the potential defendant's medical expert. The address at which the claimant must present himself for the medical examination must also be provided.

Substantive reply to claimant

3.6 If the potential defendant replies to the claimant with only an acknowledgement of receipt, then, subject to paragraph 3.5, the potential defendant shall within **8 weeks** from the date of receipt of the letter of claim, reply to the claimant substantively. For this purpose, the following provisions will apply:

- (a) The reply shall also 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 (e.g. 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 send copies of all relevant supporting documents.
- (c) The potential defendant must also provide any of the relevant documents listed under paragraph 2.6. If the potential defendant's insurer is the party replying to the claimant, the reply shall 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.
- (d) Pending the receipt of the medical report from the medical expert appointed under paragraph 3.5 and/or inspection report of the claimant's vehicle pursuant to paragraph 3.3 (as the case may be), the reply shall 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 inspection report of the claimant's vehicle, the potential defendant must state his position on quantum (e.g. whether the quantum claimed is admitted or denied) or make an offer of settlement.

3.7 If the claimant does not receive the potential defendant's substantive reply to his letter of claim within the requisite **8 weeks** stipulated in paragraph 3.6, he may commence proceedings without any sanction by the Court.

4. Counterclaim

4.1 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, i.e. 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 defendant has already furnished particulars in a separate letter of claim, he need only refer to that letter of claim in his reply.

4.2 Where the counterclaim includes a personal injury, paragraphs 2 and 3 above shall apply with the necessary modifications.

4.3 The letter of claim and the responses are not intended to have the effect of pleadings in the action.

5. Third parties

5.1 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 the receipt of the letter of claim, together with his acknowledgement 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. If the claim against the prospective third party includes personal injuries, paragraphs 2 and 3 shall apply with the necessary modifications. The potential defendant's letter to the third party must also expressly advise 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.

5.2 The protocol set out in paragraphs 2, 3 and 4 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 were the potential defendant, as the case may be.

6. Fourth parties

6.1 Paragraph 5 shall apply with the necessary modifications to fourth party proceedings and so on. All correspondences between the parties are to be copied to all the other parties involved in the accident.

7. Medical reports

7.1 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 all other parties or potential parties. 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 the other medical reports that he is not relying on.

8. Other information and documents

- 8.1 Any party who subsequently receives any information or document that was previously unknown or unavailable must, within **7 days** of the receipt, provide each of the other parties or potential parties with that information or document.

9. Right of parties to appoint another medical expert after a single joint expert has been appointed

- 9.1 For the avoidance of doubt and subject to paragraph 13 of this protocol, the appointment of a single joint expert or the deemed consent to the appointment of a single joint expert under paragraph 3.5(f) does not preclude any party from subsequently obtaining and/or relying on a report of a separate medical expert of his choice.

10. Negotiation

- 10.1 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. Litigation should not be commenced prematurely if there are reasonable prospects for a settlement. 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 3.4 and 10.2 apply, the claimant may commence legal action after giving —
- (a) 2 clear days' notice (in Form 3) **by fax or e-mail** to the potential defendant, where the potential defendant is an insurer; or
 - (b) 7 clear days' notice (in Form 3) by **certificate of posting** to the potential defendant, where the potential defendant is not an insurer.
- 10.2 Where the claimant has earlier given notice that a final offer was being made, and legal proceedings would be commenced in the event that the potential defendant did not accept it within a given time period, Form 3 need not be sent.

11. Interim payment

11.1 The claimant may in his letter of claim or in a letter sent at any time subsequent thereto, seek an interim payment of damages from the potential defendant. The claimant must state the in his letter —

- (a) the amount he is seeking as interim payment; or
- (b) where the interim payment is sought specifically for anticipated expenses (e.g. 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.

11.2 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. 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.

11.3 Notwithstanding the making of or the refusal to make an interim payment, a further or subsequent request may be made to the potential defendant and/or a subsequent application may be made to Court for interim payment under the provisions of the Rules of Court.

11.4 Where the claimant has commenced an action in Court, the Court may in exercising its powers and discretion (including but not limited to costs), have regard to the reasonableness of any pre-writ request for interim payment, the potential defendant's response thereto and the adequacy of such payment (if any).

12. Costs Guidelines

12.1 Where parties have settled both liability and quantum before any action is commenced, a claimant who has sought legal advice and assistance to put forward his claim will have incurred costs. As a guide, where the sum settled (excluding interest if any) is less than \$20,000, the pre-trial costs should be between \$1,500 and \$2,500.

12.2 Where after commencing an action, both liability and quantum are settled by the parties or decided by the Court (as the case may be) and the sum that is —

- (a) settled;
 - (b) awarded, where the Plaintiff is successful; or
 - (c) claimed, where the Plaintiff is unsuccessful,
- is less than \$20,000 (excluding interest, if any), the Court will, in general award costs based on the guidelines below:

| Stage of proceedings | Costs allowed (exclusive of disbursements) |
|---|---|
| Upon filing of writ | \$1,800-\$2,800 |
| Upon signing of affidavits of evidence-in-chief | \$2,500-\$4,200 |
| Upon setting down for trial | \$3,000-\$4,500 |
| 1 st day of trial or part thereof | \$4,000-\$5,000 |
| Subsequent day of trial or part thereof/ Assessment of damages | Up to \$1,000 per day or part thereof |

13. Costs in respect of appointment of medical experts

13.1 If, notwithstanding the provisions of this protocol, the claimant and the potential defendant or the insurer of the potential defendant choose to —

- (a) appoint separate medical experts; or
- (b) appoint a separate medical expert even though a single joint expert has been appointed,

the Court shall decide whether the costs of and incidental to the appointment of any of the additional medical experts should be recoverable.

13.2 In exercising its discretion in cases where the settled sum or the Court’s adjudication on quantum falls within the jurisdiction of a Magistrate’s Court before the apportionment of liability (but excluding interests), the Court shall have regard to all the relevant factors including but not limited to any or all of the following factors:

- (a) the complexity of the injuries;
- (b) the complexity of the claim in respect of loss of earning capacity and/or loss of future earnings;

- (c) whether a party has acted unreasonably in objecting to the other party's proposed medical expert;
- (d) whether a party had incurred unnecessary costs in appointing a separate medical expert even though a single joint expert has been appointed.

14. Exceptions

- 14.1 The Court will not impose sanctions on the claimant where there are good reasons for non-compliance with any of the provisions of this protocol. Such good reasons include, but are not limited to, the fact that attempts were made by the parties to resolve the claim through the Singapore Mediation Centre or the Law Society of Singapore's Arbitration Scheme.
- 14.2. 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.

15. Early agreement on liability

- 15.1 Where parties have agreed on the issue of liability prior to the commencement of proceedings and wish to issue a writ in order for damages to be assessed, the plaintiff must file a writ endorsed with a simplified statement of claim. If no appearance is entered after the writ is served, the plaintiff may, in the manner prescribed under the Rules of Court, proceed to enter default interlocutory judgment and take out a summons for directions for the assessment of damages. If an appearance is entered, the plaintiff may take out a summons for interlocutory judgment to be entered and for directions for the assessment of damages.

16. Pre-action protocol checklist wherever litigation is necessary

- 16.1 Where litigation is to commence, the claimant must file, together with his writ of summons, a Pre-Action Protocol Checklist (in Form 4) duly completed. This paragraph

applies with the necessary modifications to any counterclaim or any claim against any third, fourth and subsequent parties.

Form 1

Sample Letter of Claim to Potential Defendant

To: [Potential Defendant's Name]

[Address]

Dear Sir

[Claimant's full name]

[Claimant's address]

We are instructed by the abovenamed Claimant, who is our client, to claim damages against you in connection with [provide brief details of all relevant facts upon which claim is based. (E.g. a road traffic accident on [date] at about [time] at [place of accident, which must be sufficiently detailed to establish location]), involving our client [our client's vehicle registration number] and vehicle registration number [] driven by you at the material time.]

We are instructed that the accident was caused by your negligence [provide details. (E.g. negligent driving and/or management of your vehicle)]. As a result of the accident, our client has suffered personal injuries. His injuries are set out in the medical report[s] annexed to this letter. He has been put to loss and expense, particulars of which are as follows:

[Provide brief description of nature of injuries.]

[Set out the quantification of general damages and special damages, wherever possible, and the loss and expenses claimed.]

[Provide names of all witnesses where possible to disclose.]

[Provide details of any officer in charge of investigation, or result of any prosecution concerning the same accident.]

A copy each of the following supporting documents is enclosed:

[List the documents as required in the pre-action protocol.]

[We have also sent a letter of claim to [name of other defendant] and a copy of that letter is enclosed. We understand that his insurer is [name and address of insurer, if known].]

In compliance with the pre-action protocol under the State Courts' Practice Direction 38, we propose using one of the following medical experts as a single joint expert:

[List names of proposed medical experts including the Claimant's treating and reviewing doctors and their relevant specialties.]

Please note that if you are insured and you wish to claim under your insurance policy, you should immediately pass this letter and all the enclosed documents to your insurer.

Please note that you or your insurer should send to us an acknowledgement of receipt of this letter to us within 14 days of your receipt of this letter. Please also inform us, within 14 days of your acknowledgement of receipt of this letter, whether you have any objections to our proposed medical experts or whether you wish to propose other medical experts.

[The Claimant plans to depart from Singapore by [] as his work permit would be expiring or cancelled.]

Should you fail to acknowledge receipt of this letter within 14 days, our client may commence Court proceedings against you without further notice to you or your insurer.

Please also note that if you have a counterclaim against our client arising out of the accident, you are required to send to us a letter giving full particulars of the counterclaim together with all relevant supporting documents within 8 weeks of your receipt of this letter.

Yours faithfully

encs

cc [Potential Defendant's insurer]

[Other potential defendant and his insurer]

(Note: This sample letter, with the necessary modifications, can also be used as a sample letter to the potential defendant's insurer.)

Form 2

Sample Acknowledgement of Letter of Claim

(To be sent within 14 days of date of receipt of letter of claim)

To: [Claimant]

[Address]

Dear Sir,

[Heading e.g. as per letter of claim]

We acknowledge receipt of your letter dated [] and the enclosures on [date of receipt].

We are investigating your/your client's claim and will reply to you substantively soon.

[or, if the defendant is ready to take a position on the claim, to state his position, (e.g.

We admit both liability and quantum and will be making full payment of your/your client's claim within 14 days.

or

We admit liability and are investigating quantum and will reply to you on quantum soon.

or

We admit quantum and are investigating liability and will reply to you on liability soon.

[To state if a third party is being brought into the proceedings.]

We agree to use Dr XX as single joint expert. You may proceed to send Dr XX a letter of instruction.

[or

We object to all the listed medical experts in your letter of claim. We propose using one of the following medical experts:

[Set out proposed list of medical experts and their relevant specialties.]

Please notify us within 14 days of receipt of this letter if you have any objections to the above list.]

Yours faithfully

cc [Other potential defendants and their insurers]

Form 2A

Sample Letter of Offer

(including Offer on Liability with reference to the *Motor Accident Guide* for Personal Injury Claims arising from Motor Vehicle Accidents)

To: [Claimant]

WITHOUT PREJUDICE SAVE AS TO COSTS

[Address]

Dear Sir,

[Heading as per Letter of Claim]

We acknowledge receipt of your letter dated [] and the enclosures on [date of receipt].

Or

We refer to your letter dated [] and our acknowledgement dated [].

We offer to settle your/your client's claim on the following terms:

[Set out the offer, [e.g. *We propose that liability be resolved at []% in your/your client's favour.*]

We are of the view that Scenario [serial number of scenario] on page [] of the *Motor Accident Guide* applies to the facts of the accident because [state reasons]. A copy of the relevant page of the *Motor Accident Guide* is enclosed.]

[To state if a third party is being brought into the proceedings.]

We agree to use Dr XX as a single joint expert. You may proceed to send Dr XX a letter of instruction.

[Or,

We object to all the listed medical experts in your letter of claim. We propose using one of the following medical experts:

[Set out proposed list of medical experts and their relevant specialties.]

[Please notify us within 14 days of receipt of this letter if you have any objections to the above list.]

Yours faithfully,

cc [other potential defendants and their insurers]

Form 3

Sample Letter by Claimant before issue of Writ of Summons

To: [Potential Defendant or his insurer as the case may be]

[Address]

Dear Sir

[Heading e.g. as per letter of claim]

We regret that despite reasonable effort having been made to settle our client's claim, there does not appear to be any reasonable prospect of settlement and/or we have not obtained an acknowledgement of our letter of claim within 14 days from the service of our letter of claim and/or we have not obtained a substantive reply to our letter of claim within 8 weeks of your acknowledgment of receipt.

We hereby give you [7 / 2 clear days'] notice that our client intends to proceed with the issue of a writ of summons against [you/your insurer]. In this regard, please let us know if you are instructing solicitors to accept service of process on [your/your insurer's] behalf.

[Please note that our client will also be joining [names of other potential defendants] as co-defendants in the intended action.]

Yours faithfully

cc [Other potential defendants and their insurers]

Form 4

Pre-action Protocol Checklist

(To be filed with Writ of Summons)

1. Has the defendant or his insurer acknowledged receipt of the plaintiff's letter of claim?

Ans. Yes/No.

2. Have attempts been made to settle the matter?

Ans. Yes/No.

If no, please give reasons.

3. Is the question of liability agreed?

Ans. Yes/No.

4. Is the question of quantum agreed?

Ans. Yes/No.

5. Have the parties agreed on a single joint medical expert?

Ans. Yes/No.

6. Has the defendant indicated that he has a counterclaim?

Ans. Yes/No.

7. The following documents/information have been exchanged between the plaintiff and the defendant (please tick accordingly):

Motor vehicle accident cases

Full and complete GIA reports and type-written transcripts of the factual accounts of all persons involved in the accident, including a sketch plan.

Police Reports.

Police sketch plan or, if that is unavailable, the plaintiff's sketch of the accident.

Results of police investigations or outcome of prosecution for traffic offence.

- Police vehicle damage reports.
- Original, coloured copies or scanned photographs of damage to all vehicles.
- Original, coloured copies or scanned photographs of the accident scene.
- Video recording of the accident;
- Medical reports and specialist reports.
- Certificates for hospitalisation and medical leave.
- Bills for medical treatment and evidence of payment.
- Income tax notices of assessment and/or other evidence of income and loss thereof.
- Supporting documents for all other expenses claimed (if any).

Industrial workplace accident cases

- The plaintiff's sketch of the accident.
- Ministry of Manpower investigation reports.
- Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any) .
- Original, coloured copies or scanned photographs of the accident scene.
- Video recording of the accident;
- Medical reports and specialist reports.
- Certificates for hospitalisation and medical leave.
- Bills for medical treatment and evidence of payment.
- Income tax notices of assessment and/or other evidence of income and loss thereof.
- Supporting documents for all other expenses claimed (if any).

For personal injury claims not involving motor vehicles and industrial accidents

- The plaintiff's sketch of the accident.

- Original, coloured copies or scanned photographs of the accident scene.
- Video recording of the accident.
- Medical reports and specialist reports.
- Certificates for hospitalisation and medical leave.
- Bills for medical treatment and evidence of payment.
- Income tax notices of assessment and/or other evidence of income and loss thereof.
- Supporting documents for all other expenses claimed (if any).

Where claim includes property damage arising from a motor vehicle accident

- Repairer's bill and evidence of payment.
- Surveyor's report.
- Excess bill or receipt.
- Vehicle registration card.
- COE/PARF certificates.
- Rental agreement, invoice and receipt for rental of alternative vehicle (if any) .
- Supporting documents for all other expenses claimed (if any).

Remarks (if any)

This question is only in respect of motor vehicle accident cases:

8. Did the accident involve a chain collision or more than 2 vehicles?

Ans. Yes/No.

9. Has the defendant indicated that he intends to bring in a third party?

Ans. Yes/No.

10. If yes, has the potential third party indicated that he intends to bring in a fourth party?

Ans. Yes/No.

11. Were there any other parties involved in the accident?

Ans. Yes/No.

If yes, please provide details.

Form 5

Letter of Instruction to Medical Expert

(where estimated quantum exceeds the jurisdiction of a Magistrate's court before apportionment of liability and excluding interest)

Dear Sir,

Re: (Name and IC No. of Claimant)

D.O.B. –

Date of Accident –

We are acting for the abovenamed Claimant in connection with injuries sustained in an accident which occurred on the above date. (Name of Insurer) are the insurers for the potential defendant. The main injuries appear to have been (description of main injuries).

We should be obliged if you would examine our Client and let us have a full and detailed report dealing with any relevant pre-accident medical history, the injuries sustained, treatment received and present condition, dealing in particular with the capacity to work and giving a prognosis. In the prognosis section we request that you specifically comment on any areas of continuing complaint or disability or impact on daily living. If there is such continuing disability, please comment upon the level of suffering or inconvenience caused and, if you are able, please give your view as to when or if the complaint or disability is likely to resolve.

Please fix an appointment for our Client to see you for this purpose. We confirm that we shall be responsible for your reasonable fees.

We are obtaining the notes and records from our Client's GP and/or Hospitals attended and shall forward them to you as soon as they are available to us. (Or when they have been obtained: We have obtained the notes and records from our Client's GP and/or Hospitals attended and have enclosed them herewith for your reference).

In order to comply with Order 40A rule 3 of the Rules of Court, we would be grateful if your report could contain the following:

- (a) details of your professional qualifications;
- (b) details of any literature or other material which you have relied on in making the report;
- (c) a statement setting out the issues which you have been asked to consider and the basis upon which the evidence was given;
- (d) where applicable, the name and qualifications of the person who carried out any test or experiment which you have used for the report and whether or not such test or experiment has been carried out under your supervision;
- (e) where there is a range of opinions on the matters dealt with in the report — a summary of the range of opinions and the reasons for your opinion;
- (f) a summary of the conclusions reached;
- (g) a statement of belief of correctness of your opinion; and
- (h) a statement that you understand that in giving your report, your duty is to the Court and that you have complied with that duty.

In order to avoid further correspondence we can confirm that on the evidence we have there is no reason to suspect we may be pursuing a claim against a doctor, hospital or their staff.

We look forward to receiving your report within _____ weeks. If you will not be able to prepare your report within this period please contact us upon receipt of these instructions.

When acknowledging these instructions, it would assist us if you could give an estimate as to the likely time scale for the provision of your report and also an indication as to your fee.

Please copy to the potential defendant and/or his insurer any correspondence from you to us.

Yours faithfully

cc Potential defendant and/or his insurer

Form 5A

Medical Report

(where estimated quantum falls within the jurisdiction of a Magistrate before apportionment of liability and excluding interest)

Section A: Claimant's Details

(i) Full Name

(ii) NRIC / Passport No

(iii) Date of Report

Section B: Background History

(i) The Claimant's injuries were sustained on ____ / ____ / ____ (dd/mm/yyyy) through a:

road traffic accident workplace accident Others i.e. _____

(ii) Brief description of the accident and manner/mechanism of injuries (where possible):

(Please state the dates seen and the source(s) of the information e.g. Claimant's, eyewitness's account(s), police, accident report(s), clinical notes etc., where applicable)

(iii) Symptoms reported by the Claimant immediately after the accident:

(if the symptoms were reported by another person on behalf of the Claimant, please state by whom _____)

(a)

(b)

(c)

Section C: Claimant's Medical Condition On Physical Examination

(i) On examination, the observations were:

(Each injury to be described with site, type and functional impact, even if normal. Number each injury separately.)

(a)

(b)

(c)

(ii) Results of relevant investigations carried out:

(iii) My diagnosis(es) of the Claimant's injuries:

(a)

(b)

(c)

(iv) Treatments administered on the Claimant are as follows:

(Including types of medication prescribed and procedures carried out)

(a)

(b)

(c)

(v) The Claimant was given:

_____ days of medical / hospitalisation leave from _____ to _____

_____ days leave for light duty from _____ to _____

[SECTION D SHOULD ONLY BE COMPLETED BY SPECIALISTS, IF AVAILABLE]

Section D: Prognosis / Outcomes, if known

(Include opinion on whether the Claimant requires future treatment and if so, what kind)

I would recommend the Claimant to:

Return for follow up on _____ / _____ / _____ (dd/mm/yy)

Obtain a further medical report from a specialist medical practitioner of a different discipline i.e. _____
_____ For the following reason(s): _____

Section E: Whether injuries sustained are consistent with the mechanism of assault / injury as described by the Claimant

(include other concluding remark, if any)

Section F: Details of Registered Medical Practitioner Completing The Form

Name _____

Qualifications _____

Appointment _____

Hospital / Department /Medical Clinic _____

Signature _____

Date: _____

EXPLANATORY NOTES FOR DOCTORS PREPARING MEDICAL REPORT FOR THE PURPOSE OF / IN CONTEMPLATION OF COURT PROCEEDINGS

The doctor as an independent medical expert

In conducting the physical examination and writing the medical report for a claimant in any proceedings before the Court, the doctor undertakes the role of an independent medical expert. He is to conduct an independent examination and give an independent opinion on the claimant as to the nature and extent of the injury as well as the prognosis of recovery.

The doctor as a single joint expert

The claimant and the opposing party may by mutual agreement, appoint one doctor as a single joint expert, instead of each appointing their own separate medical experts. They may choose to appoint the doctor who had treated or reviewed the claimant's injury as the single joint expert. Where the claimant's injury has been managed by doctors of different specialties, the parties may by mutual agreement, appoint one doctor in each of the relevant specialties as a single joint expert. It is intended that by the appointment of a single joint expert, the parties will find common ground that will enable the claim to be amicably resolved as early as possible without the need for doctors to give expert testimony in court hearings.

The duty of the single joint expert, like any other medical expert, is similarly to give an independent opinion as to the nature and extent of the injury, as well as the prognosis of recovery. Additionally, the single joint expert may be requested to provide answers to questions from the claimant and/or the opposing party pertaining to the claimant's medical condition and/or causation of injury.

Duties and requirements pertaining to the doctor's medical report

- (a) As an independent medical expert, the doctor's paramount duty is to assist the Court on matters within his expertise. This duty overrides any obligation to the person from whom the doctor has received instructions or by whom he is paid.
- (b) If, notwithstanding the appointment of the doctor as a single joint expert, the matter proceeds for a contested hearing in court, the doctor may be required to give evidence on the stand and answer questions posed to him by **both** the claimant's lawyer and the potential defendant's lawyer.
- (c) The doctor will have fulfilled his duty to be independent and unbiased in the formation of his opinion if he would have given the same opinion if given the same instructions by the opposing party.
- (d) In expressing his opinion, the doctor should consider all relevant and material facts, including those which might detract from his opinion.
- (e) A doctor may only provide opinions in relation to matters that lie within his own expertise and make it clear when a question or issue falls outside his expertise. In the case when he is not able to reach a definite opinion, for example, because he has insufficient information, he should state the extent to which any opinion given by him is provisional or qualified by further information or facts.

APPENDIX F

BENCHMARK RATES FOR COST OF RENTAL AND LOSS OF USE

| TYPE | BENCHMARK RATES | | FACTORS TO BE CONSIDERED |
|---------------------|---------------------------|--------------------------------|---|
| | RENTAL (Per day) \$ | LOSS OF USE (Per day) \$ | |
| <u>PRIVATE CARS</u> | | | |
| Under 1800 cc | 100 | 50-60 | 1. Usage eg. travelling salesman 2. Rental receipts, consider possibility that they may be inflated. 3. Luxury cars eg. Porsche, Ferrari 4. Above 1800 eg. Mercedes, BMWs 5. No. of days: To refer to surveyor's reports. |
| 1800 cc & above | 120-180 | 80-100 | |
| Luxury Cars | 200 or more | 120-180 | |
| <u>MOTOR CYCLES</u> | | | |
| Under 1400 cc | - | 20-30 | |
| Above 1400 cc | - | 30-40 | |
| <u>TAXIS</u> | | | |
| Normal Taxis | Included | 110-120 | *Inclusive of drivers income. If income tax returns show more than \$60 per day, rates can be increased. |

| TYPE | BENCHMARK RATES | | FACTORS TO BE CONSIDERED |
|------------------------------------|---------------------------|--------------------------------|--|
| | RENTAL (Per day) \$ | LOSS OF USE (Per day) \$ | |
| London/Mercedes Cab | Included | 150-170 | *Inclusive of drivers income. If income tax returns show more than \$60 per day, rates can be increased. |
| <u>COMMERCIAL OPERATORS</u> | | | |
| Vans+pick ups | 60-100 | 60-100 | Consider the size of vehicle and type of usage. |
| Private Non hire Bus | 200-250 | 90-150 | |
| Lorry | 200-250 | 90-150 | |
| <u>SMRT BUSES</u> | | | |
| Bendy Bus | - | 325-350 | Official rates are usually higher but these rates are generally accepted |
| Single deck (air con) | - | 250-275 | |
| Bus Plus | - | 150 | |
| <u>SBS BUSES</u> | | | |
| Single deck (air con) | - | 250 | Rates may change from year to year depending on earnings of the company. |
| Single deck (non air con) | - | 200 | |
| Double deck (non air con) | - | 170 | |

| TYPE | BENCHMARK RATES | | FACTORS TO BE CONSIDERED |
|-----------------------|------------------------------------|---|-------------------------------------|
| | RENTAL (Per day) \$ | LOSS OF USE (Per day) \$ | |
| Double deck (air con) | - | 200-350 | |

APPENDIX G
SAMPLE BILLS OF COSTS

Sample A
Sample bill of costs for contentious business - trials

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

DC/MC No. of 20
Bill of Costs No. of 20

GST Reg. No. (solicitors for plaintiffs): 12345
GST Reg. No. (1st plaintiff): 67890 (20%)
2nd plaintiff: No GST Reg. No. (100%)

Between

(1) AAA
(2) BBB

..... Plaintiffs

And

CCC

..... Defendant

SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Applicant: Solicitors for the plaintiffs
Nature of bill: Party and party
Basis of taxation: Standard basis
Basis for taxation: Judgment dated _____ ordering the defendant to pay plaintiffs' costs

| |
|---|
| Section 1: Work done other than for taxation |
|---|

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|--|---|--|
| 1. | The claim | | |
| 1.1 | Nature of claim | Breach of contract, restraint of trade, breach of confidentiality. | |
| 2. | Pleadings | | |
| 2.1 | Writ & statement of claim | Writ: 3 pages Statement of claim: 15 pages | |
| 2.2 | Defence & counterclaim | Defence: 10 pages Counterclaim: 2 pages | |
| 2.3 | Reply & defence to counterclaim | Reply: 5 pages Defence to counterclaim: 2 pages | |
| 2.4 | Relief claimed | Plaintiffs' claim: <ul style="list-style-type: none"> • \$200,000 damages plus interest • Permanent injunction Defendant's counterclaim: <ul style="list-style-type: none"> • \$150,000 damages plus interest • Declaration | |
| 2.5 | Affidavits deemed or ordered to stand as pleadings | Not applicable | |
| 3. | Interlocutory attendances | | |
| 3.1 | Interlocutory applications - costs fixed by court | (1) SIC 123/04: Plaintiffs' application for further and better particulars on [date]. 2 affidavits filed (total 25 pages including 4 exhibits). Costs awarded to plaintiffs fixed at \$500. (2) SIC 234/04: Defendant's application for specific discovery. 1 affidavit filed (10 pages including 2 exhibits). No order on application with no order on costs. | 20 F&BPs requested and 15 successful. Hearing before Deputy Registrar for 1 hour on [date]. Hearing before Deputy Registrar for 1 hour on [date]. |

| No. | Item | Description | Remarks |
|-----------|---|---|---|
| 3.2 | Interlocutory applications – costs not fixed by court | (1) SIC 345/03: Plaintiffs' <i>ex-parte</i> application for interlocutory injunction on [date]. 2 affidavits filed (total 100 pages including 10 exhibits). Written submissions of 20 pages with 7 cases cited. Order in terms with costs in the cause. (2) SIC 456/05: Plaintiffs' summons for directions on discovery, exchange of affidavits of evidence in chief ("AEIC") and setting down. Orders made. | Hearing before District Judge ABC from 5.15 to 6.30 p.m. on [date]. Heard together with PTC on [date]. |
| 3.3 | Appeals to District Judge in chambers | RA 1/05: appeal on defendant's discovery application. Appeal dismissed with costs fixed at \$800 to the Plaintiffs. | Hearing before District Judge XYZ from 9.30 to 10.30 a.m. on [date]. |
| 3.4 | Pre-trial conferences | 4 PTCs on [dates] | By consent application for extension of time to exchange AEIC with costs in the cause heard during PTC on [date]. |
| 3.5 | Other attendances | Not applicable. | |
| 4. | Discovery | | |
| 4.1 | Number of lists of documents | Plaintiffs: list + 1 supplementary list Defendant: list + 1 supplementary list All verified by affidavits. | Plaintiffs' supplementary list filed on 1 st day of trial. |
| 4.2 | Total number of documents disclosed | Plaintiffs: 55 documents, 800 pages Defendant: 40 documents, 300 pages | Overlap of 234 pages. |
| 5. | Trial | | |
| 5.1 | Opening statement | Plaintiffs: 8 pages Defendant: 6 pages | |
| 5.2 | Number of days and date(s) of trial | Number of days fixed: 5 days Number of days of actual hearing: 4 days Dates of trial: 4-5 April 2005, 25-26 April 2005 | Parties negotiated on the 1 st day and dispensed with 2 witnesses. |
| 5.3 | Part heard | 2 week break after 2 nd day. | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|---|---|---|
| 5.4 | Affidavits of evidence in chief – text and exhibits | Plaintiffs: 3 affidavits <ul style="list-style-type: none"> • 50 pages of text • 30 exhibits running to 500 pages Defendant: 2 affidavits <ul style="list-style-type: none"> • 40 pages of text • No exhibits, affidavits cross-referenced to agreed bundle of documents; 20 documents referred to in the affidavits. | Overlap of 20 exhibits. |
| 5.5 | Bundle of documents | Core bundle: 1 volume, 150 pages Agreed bundle: 1 volumes, 200 pages Plaintiffs’ bundle: 1 volume, 300 pages Defendant’s bundle: Documents in agreed bundle | Exhibits P1 to P4 and D1 to D2 introduced during trial; 30 pages. |
| 5.6 | Witnesses at trial | Plaintiffs: 3 (2 of fact; 1 expert) Defendant: 3 (2 of fact; 1 expert) | 2 of the Plaintiffs’ witnesses only spoke Russian. Plaintiffs’ expert not cross-examined. 1 of the defendant’s witnesses gave oral evidence. |
| 5.7 | Closing submissions and authorities cited | Plaintiffs: 40 pages and 10 cases Defendant: 30 pages and 6 cases | |
| 5.8 | Submissions in reply and authorities cited | Plaintiffs: 10 pages and 2 cases Defendant: 6 pages and 5 cases | |
| 5.9 | Orders made at trial | Judgment entered for Plaintiffs for \$150,000, interests and costs. Counterclaim dismissed with costs. | |
| 5.10 | Other post-trial filings/matters | Not applicable. | |
| 6. | Complexity of case | | |
| 6.1 | Legal issues | (1) Whether acceptance of an offer in an email forms a binding contract in the absence of a formal contract. (2) ... | |
| 6.2 | Factual issues | (1) Whether the defendant sent the email that forms the basis of a binding contract between the parties; (2) ... | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|------------|--|---|----------------|
| 6.3 | Complexity | <ul style="list-style-type: none"> • Novel point of law involving... [summary of the points]; • Consideration of multiple alternative defences; • Major factual disputes in respect of definition of confidential information. | |
| 6.4 | Grounds of decision | 30 pages. In particular, District Judge commented on the complexity of case or novelty of issues at paragraph [highlight relevant paragraphs in the grounds of decision]. 5 authorities cited in the grounds. | |
| 7. | Urgency and importance to client | | |
| 7.1 | Urgency | Preparation for interlocutory injunction was made over the Chinese New Year. | |
| 7.2 | Importance to client | The Plaintiffs have invested approximately \$250,000 into research and it is critical that confidentiality of the information is maintained. | |
| 8. | Time and labour expended | | |
| 8.1 | Number of letters/faxes/emails exchanged between the parties | Plaintiffs to defendant: 50 Defendant to plaintiffs: 30 Plaintiffs to court: 3 | |
| 8.2 | Number of letters/faxes/emails to client | 70 | |
| 8.3 | Meetings with opposing counsel | 3 meetings comprising in total approximately 10 hours during part-heard break between 2 nd and 3 rd day of trial. | |
| 8.4 | Time spent | 100 hours | |
| 8.5 | Others | Not applicable. | |
| 9. | Counsel and solicitors involved | | |

| No. | Item | Description | Remarks |
|--------------------------|------------------------------------|---|---------|
| 9.1 | Counsel | Plaintiffs: Mr ABC, 15 years standing Ms DEF, 2 years standing Defendant: Ms GHI, 10 years standing | |
| 9.2 | Certificate of more than 2 counsel | No. | |
| 10. Costs claimed | | | |
| 10.1 | Amount claimed | <p>Work done on or before 1st January 2003: \$ <i>a</i></p> <p>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>b</i></p> <p>Work done on or after 1 January 2004: \$ <i>c</i></p> <p>Percentage of input tax for which the 1st Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st Plaintiff is not entitled credit in respect of –</p> <p>Work done on or before 1st January 2003: \$ <i>d</i> Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>e</i> Work done on or after 1 January 2004: \$ <i>f</i></p> <p>Percentage of input tax for which the 2nd Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2nd Plaintiff is not entitled credit in respect of –</p> <p>Work done on or before 1st January 2003: \$ <i>g</i> Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>h</i> Work done on or after 1 January 2004: \$ <i>i</i></p> <p>GST for work done or before 1 January 2003: \$ <i>j</i> GST for work done on or after 1 January 2003 and before 1 January 2004: \$ <i>k</i> GST for work done on or after 2004: \$ <i>l</i></p> | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|--|----------------|--|----------------|
| Section 2: Work done for taxation | | | |
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 11. | Work done | Drawing up bill of costs, perusing documents and vouchers, attending taxation and drawing up Registrar's certificate. | |
| 12. | Amount claimed | <p>\$ p</p> <p>Percentage of input tax for which the 1st Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st Plaintiff is not entitled credit : \$ q</p> <p>Percentage of input tax for which the 2nd Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2nd Plaintiff is not entitled credit : \$ r</p> <p>GST for work done: \$ s</p> | |
| Section 3: Disbursements | | | |
| <i>No.</i> | <i>Date</i> | <i>Description and amount claimed</i> | <i>Remarks</i> |
| 13. | 15/5/03 | <u>Disbursements on which GST is not chargeable</u> Writ of summons (court fees): \$ xxx | |
| 14. | 3/6/03 | Reply and defence to counterclaim (court fees): \$ yyy | |
| 15. | 3/6/03 | SIC 123/05 (court fees): \$ zzz | |
| 16. | xxxx | <u>Disbursements on which GST is chargeable</u> [State nature of each disbursement and the amount claimed.] | |

| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
|----------------|-------------|---|----------------|
| 17. | - | <p>Total amount claimed for disbursements on which GST is not chargeable: \$ <i>t</i></p> <p>Total amount claimed for disbursements on which GST is chargeable: \$ <i>u</i></p> <p>Percentage of input tax for which the 1st Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st Plaintiff is not entitled credit: \$ <i>v</i></p> <p>Percentage of input tax for which the 2nd Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2nd Plaintiff is not entitled credit: \$ <i>w</i></p> <p>GST claimed for disbursements on which GST is chargeable: \$ <i>x</i></p> | |
| Summary | | | |

Sample B

Sample bill of costs for contentious business other than trials

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Originating Summons No. _____ of 20
Bill of Costs No. _____ of 20

GST Reg. No. (solicitors for plaintiff): 12345
GST Reg. No. (Plaintiff): 67890 (20%)

Between

AAA

..... Plaintiff

And

BBB

..... Defendant

SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

Applicant: Solicitors for Plaintiff
Nature of bill: Party and party
Basis of taxation: Standard basis
Basis for taxation: Judgment dated _____ ordering Defendant to pay the Plaintiff's costs.

| Section 1: Work done other than for taxation | | | |
|---|---|--|----------------|
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 1. | The claim | | |
| 1.1 | Nature of claim | For injunction under section 32(10) of the Building Maintenance and Strata Management Act 2004. | |
| 2. | Application / Proceedings | | |
| 2.1 | Nature of application or proceedings for taxation | Application for mandatory injunction against subsidiary proprietor to remove encroachments onto common property in breach of bye-laws by the management corporation. | |

| | | | |
|-----------|--|--|------------------------|
| 3. | Interlocutory attendances | | |
| 3.1 | Interlocutory applications - costs fixed by court | Not applicable. | |
| 3.2 | Interlocutory applications – costs not fixed by court | SIC 123/04: Plaintiff’s application for substituted service. Order in terms with costs in the cause. | Order given on [date]. |
| 3.3 | Appeals to District Judge in chambers | Not applicable. | |
| 3.4 | Other attendances | Not applicable. | |
| 4. | Hearing | | |
| 4.1 | Number of days/hours and date(s) of hearing | Number of days/hours fixed: Half day Number of days/hours of actual hearing: 3 hours Date of hearing: 24 May 2005 | |
| 4.2 | Documents (apart from written submissions and authorities) | Plaintiff: 3 affidavits filed (total 60 pages including 10 exhibits). Defendant: 2 affidavits filed (total 30 pages including 6 exhibits). | |
| 4.3 | Witnesses (if any) | Not applicable. | |
| 4.4 | Written submissions | Plaintiff: 30 pages Defendant: 25 pages | |
| 4.5 | Authorities cited | Plaintiff: 8 cases Defendant: 4 cases | |
| 4.6 | Orders made | Mandatory injunction granted requiring Defendant to remove encroachment onto common property in breach of bye-laws. Defendant to pay Plaintiff’s costs. | |
| 4.7 | Other post-hearing filings | Not applicable. | |
| 5. | Complexity of case | | |

| | | | |
|-----------|---|---|--|
| 5.1 | Legal issues | Whether the Plaintiff is entitled to a mandatory injunction against the Defendant requiring the Defendant to remove encroachments onto common property in breach of bye-laws of the management corporation. | |
| 5.2 | Factual issues | Whether there was a breach of the bye-laws. | |
| 5.3 | Complexity | Question of fact whether there was encroachment onto the common property. | |
| 5.4 | Grounds of decision | 30 pages. In particular, District Judge commented on the complexity of case or novelty of issues at paragraph [highlight relevant paragraphs in the grounds of decision]. 5 authorities cited in the grounds. | |
| 6. | Urgency and importance to client | | |
| 6.1 | Urgency | Breach is continuing. | |
| 6.2 | Importance to client | To deter other subsidiary proprietors against breach of bye-laws. | |
| 6.3 | Amount involved | Not applicable. | |
| 7. | Time and labour expended | | |
| 7.1 | Number of letters/ faxes/emails exchanged between the parties | Plaintiff to Defendant: 15 Defendant to Plaintiff: 10 Plaintiff to court: 2 | |
| 7.2 | Number of letters/ faxes/emails to client | 30 | |
| 7.3 | Meetings with opposing counsel | Not applicable. | |
| 7.4 | Time spent | 40 | |
| 7.5 | Others | Not applicable. | |
| 8. | Counsel and solicitors involved | | |

| | | | |
|--|------------------------------------|--|----------------|
| 8.1 | Counsel and solicitors | Plaintiff: Mr ABC, 15 years standing Defendant: Ms GHI, 10 years standing | |
| 8.2 | Certificate of more than 2 counsel | No. | |
| 9. | Costs claimed | | |
| 9.1 | Amount claimed | [Please refer to the sample used for trials and modify as appropriate.] | |
| Section 2: Work done for taxation | | | |
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 10. | Work done | Drawing up bill of costs, perusing documents and vouchers, attending taxation and drawing up Registrar's certificate. | |
| 11. | Amount claimed | [Please refer to the sample used for trials and modify as appropriate.] | |
| Section 3: Disbursements | | | |
| <i>No.</i> | <i>Date</i> | <i>Description and amount claimed</i> | <i>Remarks</i> |
| 12. | 15/5/04 | <u>Disbursements on which GST is not chargeable</u> Originating Summons (court fee): \$ xxx | |
| 13. | 15/5/04 | Affidavit (court fee): \$ yyy | |
| | | <u>Disbursements on which GST is chargeable</u> [State nature of disbursement and amount claimed.] | |
| [] | xxxx | Total amount claimed for disbursements on which GST is not chargeable: \$ aaa. Total amount claimed for disbursements on which GST is chargeable: \$ bbb [Please refer to the sample used for trials and modify as appropriate.] | |
| Summary | | | |

| | | | |
|--|--|--|--|
| | | Total claimed for bill: [Please refer to the sample used for trials and modify as appropriate.] | |
|--|--|--|--|

Dated this day of 20 .

Solicitors for
[*State the party for whom the bill is filed.*]

To:

Sample C

Sample bill of costs for non-contentious business

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Bill of Costs No. of 20

GST Reg. No. : 12345

In the matter of

SAMPLE BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

Applicant: Solicitors for ABC
Nature of bill: Solicitor and client
Basis of taxation: Indemnity basis
Basis for taxation: Pursuant to the written consent from the client vide letter dated [] annexed hereto under section 120(3) of the Legal Profession Act

| Section 1: Work done other than for taxation | | | |
|---|--|---|----------------|
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 1. | The work done | | |
| 1.1 | Nature of work | Advice on client's claim for damages against XYZ. | |
| 1.2 | Scope of brief (including relevant court orders, if any) | To ascertain the terms of the agreement between client and XYZ and to give advice on what remedies are available to client and the amount of damages. | |
| 1.3 | Period of work | From 5 June 2004 to 30 August 2004. | |
| 2. | Complexity of matter | | |
| 2.1 | Legal issues | Whether client can sue XYZ on the agreement. | |
| 2.2 | Factual issues | What are the terms of the agreement and whether XYZ has breached the agreement. | |
| 2.3 | Complexity | As the agreement was partly oral and partly written, applicant had to ascertain the terms of the agreement from the correspondence and instructions. | |

| | | | |
|--|--|---|----------------|
| 2.4 | Amount involved | Client wanted to claim \$200,000 as damages. | |
| 3. | Time and labour expended | | |
| 3.1 | Number of letters/faxes/emails exchanged with others | 4 letters to XYZ 2 letters from XYZ | |
| 3.2 | Number of letters/faxes/emails to client | 20 emails from applicant to client. 20 emails from client to applicant. | |
| 3.3 | Meetings with client | 2 meetings: 1 hour on [date]. 2 hours on [date]. | |
| 3.4 | Meetings with other parties (by class) | Not applicable. | |
| 3.5 | Documents (including legal opinions) | Letter of Demand – 1 page Draft Pleadings - 6 pages Opinion – 3 pages | |
| 3.6 | Time spent | 10 hours | |
| 3.7 | Other relevant work | Not applicable. | |
| 4. | Counsel and solicitors involved | | |
| 4.1 | Solicitor | Mr GHI, 18 years standing | |
| 5. | Costs claimed | | |
| 5.1 | Amount claimed | \$ ____ [Please refer to the sample used for trials and modify as appropriate.] | |
| Section 2: Work done for taxation | | | |
| <i>No.</i> | <i>Item</i> | <i>Description</i> | <i>Remarks</i> |
| 6. | Work done | Drawing up bill of costs, perusing documents and vouchers, attending taxation and drawing up Registrar's certificate. | |

| | | | |
|---------------------------------|----------------|--|----------------|
| 7. | Amount claimed | \$ _____ [Please refer to the sample used for trials and modify as appropriate.] | |
| Section 3: Disbursements | | | |
| <i>No.</i> | <i>Date</i> | <i>Description and amount claimed</i> | <i>Remarks</i> |
| 8. | xxxx | <u>Disbursements on which GST is not chargeable</u> [Nature of each disbursement and the amount claimed.] | |
| 9. | xxxx | <u>Disbursements on which GST is chargeable</u> [Nature of each disbursement and the amount claimed.] | |
| 10. | - | Total amount claimed: \$ _____ [Please refer to the sample used for trials and modify as appropriate.] | |
| Summary | | | |
| | | Total claimed for bill: [Please refer to the sample used for trials and modify as appropriate.] | |

Dated this day of 20 .

[Applicant].

To:

APPENDIX H

GUIDELINES FOR PARTIES USING EARLY EXPERT PRE-TRIAL CONFERENCE

1. An EPTC can be held for the following non-exhaustive list of common areas in dispute:
 - 1.1 In relation to damage to property, the cause, the extent of damage, and costs of replacement or repair.
 - 1.2 In relation to contracts for the sale and supply of goods and services, the amount of goods and services supplied, the assessment of defects, and the costs of replacement or repair.
 - 1.3 In relation to injuries or death to persons, the cause, the extent of injuries, and the costs of medical needs.
2. Expert witnesses commonly appearing in Court include:
 - 2.1 Medical experts – personal injuries and medical negligence claims;
 - 2.2 Architects, engineers, quantity surveyors, building surveyors, land valuers – Property, building and renovation contracts;
 - 2.3 Accountants and auditors – company and directors claims, claims relating to the taking of accounts;
 - 2.4 Foreign lawyers – On issues concerning foreign law;
 - 2.5 Industry professionals – On issues concerning standards and trade practices in specific industries;
 - 2.6 Handwriting experts – On issues relating to forgery
3. The letter of request in Form 11 of Appendix A of the State Courts' Practice Directions should be copied to all relevant parties. Within 7 days after receiving the

request, the Court will as far as practicable inform all parties of the EPTC hearing date.

4. The EPTC hearing may be conducted through such video conferencing systems approved for use by the Court. Parties are expected to address the Court on the following issues:
 - 4.1 A summary of the facts of the case;
 - 4.2 The legal issues;
 - 4.3 The issues requiring expert proof;
 - 4.4 Relevance of expert evidence; and
 - 4.5 The type of intended expert.
5. At the EPTC hearing, the Court may pursuant to Order 34A of the Rules of Court exercise all powers to make orders and give directions for the just, expeditious and economical disposal of proceedings. Such orders may include extensions of time to file and serve pleadings, the appointment of a single joint expert, the appointment of a limited number of experts for each party and such other orders necessary for the effective management of expert issues.

APPENDIX I

DISCOVERY AND INSPECTION OF ELECTRONIC DOCUMENTS

Part 1

Agreed electronic discovery protocol

(1) Scope of electronic discovery

- (a) General discovery of the following class or classes of electronically stored documents shall be given:

[eg Electronic mail, correspondence, letters, *etc.*]

- (b) The party giving discovery shall take reasonable steps to decrypt encrypted files or encrypted storage locations, media or devices in order to identify discoverable electronically stored documents. This may include taking reasonable steps to obtain the decryption code and/or using reasonable technical means to perform decryption of the encrypted files or encrypted storage locations, media or devices.
- (c) For the avoidance of doubt, electronically stored documents residing in folders or directories in storage locations, media or devices, including folders or directories where temporarily deleted files are located (for example the Recycle Bin folder or Trash folder) are within the scope of general discovery; deleted files or file fragments containing information which are recoverable through the use of computer forensic tools or techniques during a forensic inspection of the unallocated file space or file slack are **not** within the scope of general discovery.

- (d) **Reasonable search.** The search terms or phrases specified in the first column will be used in the conduct of a reasonable search for relevant electronically stored documents. The reasonable search will be limited by the scope described in the second column.

| <i>Search term or phrase</i> | <i>Scope</i> |
|------------------------------|--|
| [Specify the keyword(s).] | [Describe the scope of the search by reference to physical or logical storage locations, media or devices, the period during which the requested electronically stored document was created, modified or received, <i>etc.</i>] |

(2) **Format of list**

The list of documents shall categorise and list electronically stored documents separately from documents in printed or other form. The list of documents enumerating electronically stored documents shall include the following columns:

[*eg* description of the electronically stored document, the name of the corresponding soft copy file, the file format (and its version) of the electronic document, the hash value of the file, *etc*]

An index of documents enumerated in the list of documents shall be provided in an electronic spreadsheet in the [*eg* Excel 2007 Binary (.xls), Comma Separated Value (.csv), *etc*] file format.

(3) **Review for privileged material**

Nothing in this protocol shall prevent the party giving discovery from reviewing the documents in any list provided hereunder for the purpose of claiming privilege. If the party giving discovery claims privilege over any document or record, he shall list the electronic documents or class of electronic documents over which privilege is claimed in the list of documents.

(4) **Inspection and copies**

- (a) **Arrangements for inspection.** The place for inspection of discoverable electronic documents should be stated separately if it is different from the place

for inspection of other discoverable documents. If the party entitled to inspect intends to inspect through or with the assistance of its appointed computer expert, such computer expert shall provide an undertaking of confidentiality to the party giving inspection before he commences his inspection.

- (b) **Supply of copies.** During inspection, copies shall not be taken. If copies are required, a request should be made. Electronic copies of discoverable documents will be supplied in their native format and in read-only optical discs upon request. Electronic copies of discoverable documents where privilege is claimed only with respect to their internally stored metadata information will be supplied in the Tagged Image File Format (or TIFF) with privileged metadata information removed. For each of the read-only optical discs supplied, a further list stating the storage format (and its version) of the optical disc and enumerating the list of electronic documents stored therein shall be provided.

(5) Inspection of computer databases and electronic media or recording devices

Parties agree that the protocol for inspection of computer databases and electronic media or recording devices (Part 2 of Appendix I to these Practice Directions) shall apply for the inspection of the following:

[List the computer databases, electronic media or recording devices]

(6) Inadvertent disclosure of privileged documents

Notwithstanding compliance with the procedures in this protocol, nothing in this protocol is intended to be or shall be taken to amount to a waiver of privilege.

(7) Discovery and production only if necessary

For the avoidance of doubt, nothing in this protocol shall compel any party to give discovery of any document or produce any document for inspection which is not otherwise discoverable under Order 24, Rules 7 or 13 of the Rules of Court.

Part 2

Protocol for Inspection of Computer Databases and Electronic Media or Recording Devices

(1) Appointment of computer experts

(a) Joint appointment.

The party producing the computer database, electronic medium or recording device for inspection (“**the Producing Party**”) and the party entitled to inspection of the computer database, electronic medium or recording device (“**the Inspecting Party**”), may jointly appoint a computer expert (“**the Joint Expert**”) for the purpose of making a forensic copy of such computer database, electronic medium or recording device (“**the Original Acquired Image**”). The Joint Expert’s role shall be restricted to the acquisition of the Original Acquired Image and the performance of a reasonable search on a copy of the Original Acquired Image in accordance with the terms of this protocol. Before the Joint Expert commences his appointment, he shall provide an undertaking of confidentiality to the Court and to all parties concerned in the inspection. He shall also procure a similar undertaking from each of his employees, representatives, agents or sub-contractors involved in the engagement.

(b) Costs and expenses of Joint Expert.

All costs and expenses relating to the appointment of the Joint Expert under this protocol shall initially be borne equally between the Producing Party and the Inspecting Party. Nothing in this protocol is intended to or shall be taken to prevent any party to the cause or matter from seeking the recovery of such costs and expenses in accordance with the Rules of Court.

(c) Individual appointments.

Nothing in this protocol shall prevent the Producing Party, the Inspecting Party and any other party concerned in the inspection from appointing his own computer expert.

(2) Acquisition of the Original Acquired Image

(a) Where Joint Expert appointed.

The Joint Expert shall acquire the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts. Sufficient copies of the Original Acquired Image shall be made as necessary in order that the Producing Party and each Inspecting Party may be supplied with an electronic copy of the Original Acquired Image. The Joint Expert shall provide sufficient information with the copy of the Original Acquired Image to enable the party's computer expert to access the copy supplied. The Original Acquired Image shall be sealed and delivered to the custody of the Producing Party, who shall enumerate it in a list of documents to be filed under Order 24 of the Rules of Court.

(b) Where Joint Expert not appointed.

The Producing Party's computer expert shall be responsible for acquiring the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts. Sufficient copies of the Original Acquired Image shall be made as necessary for the purposes of inspection and reasonable search to be provided under this protocol. The Original Acquired Image shall be sealed and delivered to the custody of the Producing Party, who shall enumerate it in a list of documents to be filed under Order 24 of the Rules of Court.

(c) Original Acquired Image to be produced when ordered by Court.

The party to whose custody the sealed Original Acquired Image has been delivered shall not tamper with or break the seal, and shall produce the Original Acquired Image to the Court or such other person(s) as the Court may direct.

(3) Safeguards for reasonable search

This paragraph applies in situations where a reasonable search is conducted on the contents of a copy of the Original Acquired Image.

Where Joint Expert appointed

(a) Conduct of reasonable search.

The Inspecting Party shall specify or describe the search terms or phrases to be used in a reasonable search to be conducted on the contents of a copy of the Original Acquired Image to the Producing Party and the Joint Expert.

If the Producing Party does not object to the search terms or phrases so specified or described, he shall communicate his consent to the Joint Expert and the Inspecting Party. The Joint Expert shall make arrangements for the conduct of the reasonable search on a copy of the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts.

If the Producing Party objects to any or all of the search terms or phrases so specified or described, he shall forthwith inform the Joint Expert. The parties shall resolve such objections before any further steps are taken for the conduct of the reasonable search. The Joint Expert shall not take any further steps for the conduct of the reasonable search until:

- (i) he is informed by the Producing Party of his consent to the original search terms or phrases; or
- (ii) the Inspecting Party specifies or describes a new set of search terms or phrases and to which the Producing Party provides his consent in accordance with this sub-paragraph.

A copy of the documents or records that are the results of the reasonable search (“**the Search Results**”) shall be made and released to the Producing Party.

(b) Review for privileged material.

The Producing Party shall be at liberty to review the Search Results for the purpose of claiming privilege. If the Producing Party claims privilege over any

document or record from the Search Results, he shall list the electronic documents or records over which privilege is claimed.

(c) **Release for inspection.**

Thereafter, the Joint Expert shall remove copies of any documents or records over which privilege is claimed from the Search Results (“**the Redacted Search Results**”). The Joint Expert may maintain a separate privilege log which records the documents or records which are thus removed and the reasons given for doing so. For the avoidance of doubt, the privilege log shall not be included in the Joint Expert’s report but the Joint Expert shall produce the privilege log to the Court if so directed by the Court. The Redacted Search Results shall be released to the Inspecting Party for inspection together with the list of electronic documents or records over which privilege is claimed.

Where Joint Expert not appointed

(d) **Conduct of reasonable search.**

The Inspecting Party shall specify or describe the search terms or phrases to be used in a reasonable search to be conducted on the contents of a copy of the Original Acquired Image to the Producing Party. If the Producing Party objects to any or all of the search terms or phrases so specified or described, parties shall resolve such objections before any further steps are taken for the conduct of the reasonable search. Upon resolution of any objections or if the Producing Party consents to the specified or described search terms or phrases, he shall make arrangements for his computer expert to conduct the requested reasonable search on a copy of the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts.

(e) **Review for privileged material.**

The Producing Party shall be at liberty to review the Search Results for the purpose of claiming privilege. If the Producing Party claims privilege over any document or record from the Search Results, he shall list the electronic documents or records over which privilege is claimed.

(f) **Release for inspection.**

Thereafter, the Producing Party shall remove copies of any documents or records over which privilege is claimed from the Search Results. The Redacted Search Results shall be released to the Inspecting Party for inspection together with the list of electronic documents or records over which privilege is claimed.

(4) **Safeguards for forensic examination**

This paragraph applies to the forensic examination of a copy of the Original Acquired Image for the purpose of identifying electronically stored documents thereon or for the recovery of deleted files or file fragments from the unallocated file space or file slack using computer forensic tools or techniques. A Joint Expert shall be appointed for the purpose of such forensic examination.

- (a) **Conduct of forensic examination.** The Inspecting Party shall specify or describe the search terms or phrases to be used in the forensic examination to be conducted on the contents of a copy of the Original Acquired Image to the Joint Expert. The Joint Expert shall not at any time disclose to the Producing Party the search terms or phrases specified or described by the Inspecting Party and shall not include the search terms or phrases in his report. For the avoidance of doubt, the Joint Expert shall disclose the search terms or phrases to the Court if so directed by the Court. The Joint Expert shall make arrangements for the conduct of the forensic examination on a copy of the Original Acquired Image. Neither the Inspecting Party nor the Producing Party, or any of their solicitors, computer experts, employees, representatives or agents shall be present during the conduct of the forensic examination. A copy of the documents or records that are the results of the reasonable search (“the Search Results”) shall be made and released to the Producing Party. The Producing Party is not entitled to a copy,

and shall not request the Joint Expert for a copy, of the search terms or phrases specified or described by the Inspecting Party.

(b) Review for privileged material.

The Joint Expert and the Producing Party shall jointly review the Search Results for the purpose of permitting the Producing Party to identify electronically stored documents, deleted files or file fragments over which he claims privilege. If the Producing Party claims privilege over any electronically stored documents, deleted files or file fragments from the Search Results, he shall identify them to the Joint Expert. The Producing Party shall list the electronic documents, deleted files or file fragments over which privilege is claimed.

(c) Release for inspection.

Thereafter, the Joint Expert shall remove copies of any electronic documents, deleted files or file fragments over which privilege is claimed from the Search Results (“the Redacted Search Results”). The Joint Expert may maintain a separate privilege log which records the electronic documents, deleted files or file fragments which are thus removed and the reasons provided for the removal. For the avoidance of doubt, the privilege log shall not be included in the Joint Expert’s report but the Joint Expert shall produce the privilege log to the Court if so directed by the Court. The Redacted Search Results shall be released to the Inspecting Party for inspection together with the Producing Party’s list of electronic documents, deleted files or file fragments over which privilege is claimed.

(5) Inadvertent disclosure of privileged documents

Notwithstanding compliance with the procedures in this protocol, nothing in this protocol is intended to be or shall be taken to amount to a waiver of privilege.

(6) Discovery and production only if necessary

For the avoidance of doubt, nothing in this protocol shall compel any party to give discovery of any document or produce any document for inspection which is not otherwise discoverable under Order 24, Rules 7 or 13 of the Rules of Court.

Part 3

Reasonably Usable Formats

| File Format | Version |
|---|--|
| | |
| <i>Office Documents</i> | |
| Hypertext Markup Language | HTML 4.01 or ISO/IEC 15445:2000 |
| Extensible Hypertext Markup Language | XHTML 2.0 |
| Rich Text Format (RTF) | RTF 1.9.1 |
| Plaintext Format | |
| Portable Document Format (PDF) | |
| Microsoft Office file Formats | Word 97 - 2007 Binary File Format (.doc) Specification PowerPoint 97 - 2007 Binary File Format (.ppt) Specification Excel 97 - 2007 Binary File Format (.xls) Specification Excel 2007 Binary File Format (.xlsb) Specification Office Drawing 97 - 2007 Binary Format Specification |
| | |
| <i>Electronic Mail</i> | |
| Multipurpose Internet Mail Extension (MIME) | RFC 5322 |
| .eml | Mozilla Thunderbird, Windows Mail and Microsoft Outlook Express e-mail messages |
| .msg | Microsoft Office Outlook e-mail messages |
| | |
| <i>Images</i> | |
| Joint Photographic Experts Group (JPEG) | ISO/IEC 10918-1 |
| JPEG 2000 | ISO/IEC 15444-1:2000 |
| Portable Network Graphics (PNG) | ISO/IEC 15948:2004 |
| Tagged Image File Format | TIFF or ISO 12639:1998 |
| Portable Document Format | PDF 1.7 or ISO 32000-1:2008 |
| | |
| <i>Audio</i> | |

| | |
|--|-----------------------|
| MPEG-1 Audio Layer 3 (MP3) | ISO/IEC 11172-3 |
| Advanced Audio Coding (AAC) | ISO/IEC 14496-3:2001 |
| | |
| <i>Video</i> | |
| Moving Picture Experts Group (MPEG-1) | ISO/IEC-11172 |
| H.264 | ITU-T H.264 |
| MPEG-4 Part 10 or MPEG-4 AVC (Advanced Video Coding) | ISO/IEC 14496-10:2003 |
| | |
| <i>Multimedia container Formats</i> | |
| Audio Video Interleave | |
| QuickTime File Format | |
| MPEG-4 Part 14 | ISO/IEC 14496-14:2003 |