

# Supreme Court Practice Directions (Amendment No. 2 of 2015)

## Part I: Introduction

### 7A. Business of the Registry

(1) Pursuant to section 71(1) of the Supreme Court of Judicature Act and Order 60, Rule 1(1) of the Rules of Court, the Chief Justice has directed that the Registry shall comprise the Division for the Court of Appeal, the Division for the High Court and the Division for the Singapore International Commercial Court.

(2) There shall be a Divisional Registrar for the Court of Appeal, the High Court and the Singapore International Commercial Court. The Divisional Registrar shall have control and supervision of the affairs of each division of the Registry. Overall control and supervision of the Registry shall remain with the Registrar.

(3) The Chief Justice may designate the Deputy Registrar, any Senior Assistant Registrar or Assistant Registrar as Divisional Registrar. The Chief Justice may also designate any Assistant Registrar as Senior Assistant Registrar.

~~(4) The list of Divisional Registrars and the list of Senior Assistant Registrars are set out in Appendix G. Appendix H sets out the names of the Registrar, Deputy Registrar, Divisional Registrars and Senior Assistant Registrars.~~

~~(45)~~ Pursuant to Order 60, Rule 1(3) of the Rules of Court, the business of the Registry is governed by the Rules of Court and these Practice Directions. For the avoidance of doubt, it is hereby declared that any instruction manuals which may be issued from time to time by the Government are not applicable to the business of the Registry.

## Part IV: Interlocutory Applications

### 43. Applications for discovery or interrogatories against network service providers

(1) This paragraph applies to applications made under Order 24, Rule 6(1) or Order 26A, Rule 1(1) of the Rules of Court:

(a) by 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 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 sub-paragraph (1) shall:

~~(a) be made in Form 4 (originating summons) of Appendix A of the Rules of Court; and~~

~~(b) when made in accordance with sub-paragraph (2)(a), be fixed for hearing within 5 days from the date of filing of the application.~~

(3) ~~If the applicant requires an urgent hearing date, t~~The onus shall lie on the applicant to attend before the Duty Registrar to highlight the nature of the application ~~to the Legal Registry of the Supreme Court~~ and to request that the application be fixed for hearing ~~within 5 dayson an urgent basis.~~

(4) In sub-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 sub-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.

## Part XII: Taxation Matters and Costs

### 99B. Costs Guidelines

(1) Solicitors making submissions on party-and-party costs (whether at taxation hearings or otherwise) or preparing their costs schedules pursuant to paragraph 99A of these Practice Directions may have regard to the costs guidelines set out in Appendix G of these Practice Directions (the “Costs Guidelines”).

(2) The Costs Guidelines are to serve only as a general guide for party-and-party costs awards in the Supreme Court. The precise amount of costs awarded remains at the discretion of the Court making the award and the Court may depart from the amounts set out in the Costs Guidelines depending on the circumstances of each case.

(3) For the avoidance of doubt, nothing in the Costs Guidelines is intended to guide or influence the charging of solicitor-and-client costs.

## APPENDIX B

Para. 64(1)

### WAITING PERIODS

<del>S/N</del> — <del>TYPE OF PROCEEDINGS</del>	<del>Target</del>
<b>Pre-trial conferences</b>	
1. — <del>Pre-Trial Conferences in Suits:</del>	
(a) — <del>Where the writ has not been served.</del>	<del>10 weeks from the date of commencement of writ</del>
(b) — <del>Where the writ has been served or memorandum of appearance has been entered.</del>	<del>7 weeks from the date of service of writ/memorandum of appearance</del>
<b>High Court — Original Civil Jurisdiction</b>	
2. — <del>Trials in Suits</del>	<del>8 weeks from the date of setting down</del>
3. — <del>Bankruptcy Originating Summonses</del>	
— <del>Application for bankruptcy order</del>	<del>6 weeks from the date of filing</del>
— <del>Other originating summonses</del>	<del>2 weeks from the date of filing</del>
4. — <del>Probate Originating Summonses</del>	<del>5 weeks from the date of filing</del>
5. — <del>Companies Winding Up and Judicial Management Originating Summonses</del>	
<b>Before Registrar / Judge</b>	
6. — <del>Originating Summons</del>	
(a) — <del>Inter Partes Originating Summons</del>	<del>6 weeks from the date of filing</del>
(b) — <del>Ex parte Originating Summons</del>	<del>3 weeks from the date of filing</del>
(c) — <del>Originating Summons for O-69 r 6 on arbitration</del>	<del>13 weeks from the date of filing (statutory minimum of 3 months)</del>

<del>(d) — Application for discovery or interrogatories against a network service provider under paragraph 43 of these Practice Directions</del>	<del>5 days from the date of filing</del>
<del>7. — Summonses before Judge and Registrar other than applications for summary judgment</del>	<del>3 weeks from the date of filing</del>
<del>8. — Applications for summary judgment pursuant to Order 14</del>	<del>5 weeks from date of filing (statutory minimum period)</del>
<del>9. — Summonses for Directions</del>	<del>3 weeks from the date of filing</del>
<del>10. — Bankruptcy Application (summonses)</del>	
<del>— Application for Discharge</del>	<del>4 weeks from the date of filing</del>
<del>— Other applications</del>	<del>2 weeks from the date of filing</del>
<del>11. — Summonses in Probate proceedings</del>	<del>4 weeks from the date of filing</del>
<del>12. — Taxation: General bills</del>	<del>3 weeks from the date of filing</del>
<del>13. — Review of Taxation before Judges</del>	<del>3 weeks from the date of filing</del>
<del>14. — Assessment of Damages</del>	<del>3 weeks from date of filing [Includes time taken to subpoena witness to court]</del>
<del>15. — Examination of Judgment Debtors</del>	<del>3 weeks from the date of filing of request* for hearing date</del>
<b><del>High Court — Appellate Civil Jurisdiction</del></b>	
<del>16. — Registrar’s Appeals (from High Court)</del>	<del>4 weeks from the date of filing for appeals involving assessment of damages</del>
	<del>3 weeks from the date of filing for other appeals</del>

~~\* — Formerly known as “praecipe”.~~

~~17. — Appeals in civil matters from the State Courts (District Court Appeals and Small Claims Tribunals Appeals) 4 weeks from the of receipt of the record of proceedings from the State Courts~~

~~**High Court — Criminal Jurisdiction**~~

~~18. — Pre trial conference in Criminal Cases 12 weeks from date accused is first charged in the State Courts.~~

~~19. — Trials of Criminal Cases 4 weeks from date of preliminary inquiry~~

~~20. — Appeals in criminal matters from the State Courts (Magistrate's Appeals) 8 weeks from the date of receipt of the record of proceedings~~

~~**Court of Appeal**~~

~~21. — Civil Appeals Appeals before 3 or more Judges: Ready to be heard in 19 weeks from date of Notification to collect Records of Proceedings\*~~

~~Appeals before 2 Judges:  
Ready to be heard in 15 weeks from date of Notification to collect Records of Proceedings~~

~~22. — Criminal Appeals 8 weeks after the week of receipt of the last confirmation of the Record of Proceedings~~

~~\*Counsel should note that in appropriate appeals, including appeals of public importance or jurisprudential significance, the time period may be extended to 25 weeks from date of Notification to collect Records of Proceedings~~

## APPENDIX B

Para. 64(1)

### WAITING PERIODS

<u>S/N</u>	<u>TYPE OF PROCEEDINGS</u>	<u>Target</u>
<b><u>Pre-trial conferences</u></b>		
1.	<u>Pre-Trial Conferences in Suits:</u>	
(a)	<u>Where the writ has not been served.</u>	<u>6 weeks from the date of commencement of writ</u>
(b)	<u>Where the writ has been served or memorandum of appearance has been entered.</u>	<u>8 weeks from the date of service of writ/memorandum of appearance</u>
<b><u>High Court – Original Civil Jurisdiction</u></b>		
2.	<u>Trials in Suits</u>	<u>8 weeks from the date of setting down</u>
3.	<u>Bankruptcy Originating Summonses</u>	
	- <u>Application for bankruptcy order</u>	<u>6 weeks from the date of filing</u>
	- <u>Other originating summonses</u>	<u>2 weeks from the date of filing</u>
4.	<u>Companies Winding-Up Originating Summonses</u>	<u>4 weeks from the date of filing</u>
<b><u>Before Registrar / Judge</u></b>		
5.	<u>Originating Summons</u>	
(a)	<u>Inter Partes Originating Summons</u>	<u>6 weeks from the date of filing</u>
(b)	<u>Ex parte Originating Summons</u>	<u>3 weeks from the date of filing</u>

- |  |   |
|--|---|
| <u>6. Summons before Judge and Registrar other than applications for summary judgment</u>                          | <u>3 weeks from the date of filing</u>  |
| <u>7. Applications for summary judgment pursuant to Order 14</u>   | <u>5 weeks from the date of filing (statutory minimum period)</u>                                   |
| <u>8. Bankruptcy Applications (summonses)</u><br>- <u>Application for Discharge</u><br>- <u>Other applications</u> | <u>4 weeks from the date of filing</u><br><u>2 weeks from the date of filing</u>                    |
| <u>9. Taxation: General bills</u>  | <u>3 weeks from the date of filing</u>  |
| <u>10. Review of Taxation before Judges</u>  | <u>3 weeks from the date of filing</u>  |
| <u>11. Assessment of Damages</u>   | <u>3 weeks from the date of filing</u><br><u>[Includes time taken to subpoena witness to court]</u> |
| <u>12. Examination of Judgment Debtors</u>   | <u>3 weeks from the date of filing of request* for hearing date</u>                                 |

**High Court – Appellate Civil Jurisdiction**

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|--|--|
| <u>13. Registrar’s Appeals (from High Court)</u> | <u>4 weeks from the date of filing for appeals involving assessment of damages</u> |
|  | <u>3 weeks from the date of filing for other appeals</u>                           |

\* Formerly known as “praecipe”.



14. Appeals in civil matters from the State Courts (District Court Appeals and Small Claims Tribunals Appeals) 4 weeks from the date of receipt of the record of proceedings from the State Courts

### **High Court – Criminal Jurisdiction**

15. Pre-trial conference in Criminal Cases 12 weeks from date accused is first charged in the State Courts

16. Trials of Criminal Cases 6 weeks from date of the final Criminal Case Disclosure Conference or Pre-trial Conference before trial (whichever is later)

17. Appeals in criminal matters from the State Courts (Magistrate's Appeals) 8 weeks from the date of receipt of the record of proceedings

### **Court of Appeal**

18. Civil Appeals Appeals before 3 or more Judges:  
Ready to be heard in 19 weeks from date of Notification to collect Records of Proceedings\*

Appeals before 2 Judges:  
Ready to be heard in 15 weeks from date of Notification to collect Records of Proceedings

19. Criminal Appeals 8 weeks after the week of receipt of the last confirmation of the Record of Proceedings

\*Counsel should note that in appropriate appeals, including appeals of public importance or jurisprudential significance, the time period may be extended to 25 weeks from date of Notification to collect Records of Proceedings

## **APPENDIX G**

Para. 99B

### **GUIDELINES FOR PARTY-AND-PARTY COSTS AWARDS IN THE SUPREME COURT OF SINGAPORE**

#### **I. Use of the Costs Guidelines**

1. This Appendix provides guidelines for party-and-party costs in the Supreme Court (the “Costs Guidelines”).
2. These Costs Guidelines have been approved for publication by the Judges of the Supreme Court. It is intended to provide a general indication on the quantum and methodology of party-and-party costs awards in specified types of proceedings in the Supreme Court, taking into account past awards made, internal practices and general feedback.
3. The precise amount of costs awarded remains at the discretion of the judicial officer making the award, who may depart from the amounts set out in these Costs Guidelines depending on the particular circumstances of each case (see in particular Order 59, Appendix 1 of the Rules of Court). Nothing in these Costs Guidelines is intended to guide or influence the charging of solicitor-and-client costs.
4. Litigants in person should take note of Order 59, Rule 18A of the Rules of Court, the application of which shall remain unaffected by these Costs Guidelines.
5. It should further be noted that in the event of an appeal, costs awards made by the court of first instance may be supplemented or otherwise modified by the appellate court as appropriate.
6. The Supreme Court may from time to time review these Costs Guidelines.

## II. Costs Guidelines for Summonses

### A. General Guidelines

<u>Nature of Application</u>	<u>Costs (\$)</u> <i>(excl disbursements)</i>
<u>Uncontested</u>	<u>500 – 1,000</u>
<u>Contested</u> <ul style="list-style-type: none"><li>• <u>Application on normal list lasting less than 45 mins</u></li><li>• <u>Application on normal list lasting 45 mins or longer</u></li><li>• <u>Complex or lengthy application fixed for special hearing (duration of 3 hrs)</u></li></ul>	<u>1,000 – 3,000</u> <u>2,000 – 6,000</u> <u>4,000 – 15,000</u>

### B. Specific Summonses

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

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

#### A. Section 1 Costs

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

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

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

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

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

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

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

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

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

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

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

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

**IV. Costs Guidelines for AD**

**A. Section 1 Costs**

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

<u>Daily Tariff</u>	
<u>\$5,000</u>	<u>\$8,000 to \$12,000</u>
<u>Motor accident</u>	<u>Non-motor accident</u>

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

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

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

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

(iii) Party-and-Party Costs for Appeals

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

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

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

## **APPENDIX GH**

Para. 7A

	<b><u>Name</u></b>	<b><u>Appointment date</u></b>
<b><u>Registrar</u></b>	<b><u>Mr Vincent Hoong</u></b>	<b><u>1 April 2015</u></b>
<b><u>Deputy Registrar</u></b>	<b><u>Ms Teh Hwee Hwee</u></b>	<b><u>1 January 2012</u></b>

### **LIST OF DIVISIONAL REGISTRARS**

<b>Divisional Registrar</b>	<b>Name</b>	<b>Appointment date</b>
Court of Appeal	Ms Teh Hwee Hwee	1 January 2015
High Court	Ms Cornie Ng	1 January 2015
Singapore International Commercial Court	Ms Teh Hwee Hwee	1 January 2015

### **LIST OF SENIOR ASSISTANT REGISTRARS**

<b>Senior Assistant Registrar</b>	<b>Appointment date</b>
Ms Cornie Ng	15 April 2011
Ms Wendy Yap	1 September 2011
Mr Christopher Tan	1 November 2014