

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**  
**PRACTICE DIRECTIONS**  
**AMENDMENT NO. 4 OF 2018**

It is hereby notified for general information that, with effect from 12 December 2018, the State Courts Practice Directions will be amended as follows:

- (a) the following new Practice Direction 22A (*“Documents-only” Civil Trials and Assessments of Damages*) will inserted immediately after the existing Practice Direction 22 in a new Part IIIA”:

*New Part IIIA and Practice Direction 22A*

- (b) the following new Form 4C will be inserted in Appendix A immediately after the existing Form 4B:

*New Form 4C*

2. Following from the success of a pilot project conducted from 11 December 2017 to 11 December 2018, the new Practice Direction 22A and its related Form 4C implement the conduct of Trials and Assessments of Damages (“Assessments”) in the Civil Justice Division on a Documents-Only basis as a new, efficient and cost-effective option for court users to consider in the conduct of their matters in the State Courts of Singapore.

3. The new Practice Direction 22A —

- (a) specifies the cases designated as suitable for Documents-Only Trials and Assessments;
- (b) sets out the time frames at which parties should consider if their matter is suitable for a Documents-Only Trial or Assessment;
- (c) states the process through which parties may submit a request for their matter to be determined on a Documents-Only basis; and
- (d) highlights additional directions which may be given at a Documents-Only Trial or Assessment.

4. The new Form 4C is to be used by parties when requesting a Documents-Only Trial or Assessment.

Dated this 7<sup>th</sup> day of November 2018.

A handwritten signature in black ink, appearing to read 'Jm', is positioned above the printed name.

JENNIFER MARIE  
REGISTRAR  
STATE COURTS

## PART IIIA: “DOCUMENTS-ONLY” PROCEEDINGS

### 22A. “Documents-only” Civil Trials and Assessments of Damages

- (1) This Practice Direction applies when parties **elect** to apply for a “Documents-Only” Civil Trial or Assessment of Damages (“Assessment”).
- (2) Essentially, “Documents-Only” Civil Trials and Assessments are hearings in which the final determination of the case will be conducted entirely on the basis of —
  - (a) evidence tendered by way of Affidavits of Evidence-in-Chief (“AEICs”); and/or
  - (b) documents and/or written submissions.
- (3) Where the option of “Documents-Only” Civil Trials and Assessments is requested by parties and approved by the Courts pursuant to the procedures below, except as otherwise specifically provided for in this Practice Direction, all pre-trial processes/applications and appeal processes/applications available to parties in their relevant Suit as stated under the Rules of Courts (Cap. 322, R 5) and these Practice Directions will continue to apply to the relevant proceedings.
- (4) The types of cases that are designated as suitable for “Documents-Only” Civil Trials or Assessments and the additional steps and procedures that will apply for such cases are set out below.

#### *Designated cases*

- (5) The following Magistrate’s Court and District Court cases are designated as suitable for “Documents-Only” Civil Trials or Assessments:
  - (a) cases where the issues in dispute centre on the interpretation of documents;
  - (b) cases where the cross-examination of witnesses is not necessary either because there are no disputes of fact, and/or the parties agree to admit Affidavits of Evidence-in-Chief without the attendance of the witnesses (e.g. due to the simplicity of issues in dispute, the small value of the claim, or any other valid reason);
  - (c) cases where the Court may determine the dispute based on the existing contemporaneous documents without the testimony of witnesses;

- (d) cases where the cross-examination of witnesses is not an option for the dispute in question (i.e. where the relevant witnesses are not willing and/or available to give evidence, for example, where an ex-employee is no longer with the relevant company, a third party witness refuses to provide evidence or attend court, or a witness can no longer be located or is ill or has died); and/or
- (e) cases where the issues between parties can be determined entirely by legal submissions/arguments.

***Consideration of the suitability of a “Documents-Only” Civil Trial or Assessment of Damages***

- (6) Counsel should consider the suitability of their case for a “Documents-Only” Civil Trial or Assessment and obtain their respective clients’ instructions prior to attending the following sessions:
  - (a) in the case of Magistrates’ Courts cases to which Order 108 of the Rules of Court applies, the first Case Management Conference (“CMC”);
  - (b) in the case of all other civil matters, the first Pre-Trial Conference (“PTC”) convened under Order 34A of the Rules of Court after setting down; or
  - (c) in the case of civil matters in the Assessment of Damages phase of proceedings, the first Assessment of Damages Court Dispute Resolution Conference (“ADCDR”), Pre-Trial Conference for Assessment of Damages (“AD-PTC”) and/or Case Management Conference for Assessment of Damages (“AD-CMC”) convened after the filing of the Notice of Appointment for Assessment of Damages.
- (7) The CMC/PTC/ADCDR/AD-PTC/AD-CMC judicial officer will discuss with parties the suitability of the case for a “Documents-Only” Civil Trial or Assessment.
- (8) Where parties agree to a “Documents-Only” Civil Trial or Assessment, they must personally execute and file the Request Form set out in Form 4C (Request for the Conduct of Documents-Only Trial) in Appendix A to these Practice Directions. Any Request Form that is executed by the solicitors on behalf of their clients will not be accepted.
- (9) In every case, a “Documents-Only” Civil Trial or Assessment will only be ordered if —
  - (a) all parties consent to the adoption of this mode of conduct of the Civil Trial or Assessment;
  - (b) all parties personally execute and file the Request Forms recording their consent; and

- (c) the CMC/PTC/ADCDR/AD-PTC/AD-CMC judicial officer deems the case to be suitable for a “Documents-Only” Civil Trial or Assessment.
- (10) Where requested by the parties, a hearing date will be fixed for them to make oral submissions in support of their respective cases before a decision is delivered. This request for a hearing date can be made in the Request Form. In the case of Trials, such submissions will be made in Open Court before the Trial Judge and in the case of Assessments, such submissions will be made in Chambers before the judicial officer hearing the Assessment.

***Additional directions for a “Documents-Only” Civil Trial or Assessment***

- (11) Where parties agree to a “Documents-Only” Civil Trial or Assessment, except as specifically provided herein, there are no changes to the pre-trial or pre-assessment applications and/or processes which may be undertaken by parties as provided for under the Rules of Court or Practice Directions until —
- (a) the PTC convened after setting down; and/or
  - (b) the ADCDR, AD-PTC and AD-CMC convened after parties have filed their Notice of Appointment for the Assessment for Damages.
- (12) At the PTC convened after setting down, in addition to the usual directions given to parties for the filing of bundles, directions will be given for parties to file their respective written submissions and Bundles of Authorities. Where requested by the parties, a half-day hearing slot will also be given for them to make any oral submissions they wish to before the Trial Judge in Open Court.
- (13) At the ADCDR, AD-CMC and/or AD-PTC, in addition to the usual directions given to parties for the filing of bundles, directions will be given for parties to file their respective written submissions and Bundles of Authorities. Where requested by the parties, a half-day hearing slot will also be given for parties to make any oral submissions they wish to before the judicial officer hearing the Assessment in Chambers.
- (14) In certain cases, where necessary, the Trial Judge or the judicial officer hearing the Assessment may issue further directions for the fair and effective conduct of the Civil Trial or Assessment, including directions for the following matters:
- (a) that a further PTC be convened for counsel to address the Court on certain issues;
  - (b) that further submissions and/or authorities be submitted by counsel/parties in writing or in person;

- (c) that the Civil Trial or Assessment not be conducted on a documents-only basis as it appears on a review of the documents submitted that certain factual or expert witnesses will need to be called; and/or
  - (d) any other matter that the Trial Judge or the judicial officer hearing the Assessment thinks necessary to be dealt with.
- (15) When the Trial Judge or the judicial officer hearing the Assessment is ready to deliver judgment, a Registrar’s Notice will be issued informing parties to appear in Court to receive the judgment. For Civil Trials, judgments will be delivered in Open Court and for Assessments, judgments will be delivered in Chambers.
- (16) After a decision is delivered in a Civil Trial or Assessment conducted on a “Documents-Only” basis, all appeal processes applicable to the relevant matter will apply as provided for under the Rules of Courts and these Practice Directions.

**Form 4C**

**REQUEST FORM FOR CIVIL TRIAL OR ASSESSMENT OF DAMAGES TO  
BE CONDUCTED ON A DOCUMENTS-ONLY BASIS**

<b>Case details</b>	MC/DC* _____ / ____ (year)		SUM _____ / _____ (year)	
<b>Parties</b>	Plaintiff		Defendant	
<b>Nature of claim</b>	Tort	Defamation / Medical Negligence*		
	Contract	Construction / Renovation / Supply of Goods & Services*		
	Others (Specify)			
<b>Particulars supporting request for Documents- Only Civil Trial/Assessment of Damages</b>	<p><i>(Tick where applicable)</i></p> <p><input type="checkbox"/> Issues in dispute centre on the interpretation of documents</p> <p><input type="checkbox"/> Cross-examination is not necessary as:</p> <ul style="list-style-type: none"> <li>▫ There are no disputes of fact</li> <li>▫ Parties have agreed to admit AEICs without the attendance of witnesses due to <i>inter alia</i> the simplicity of the issues in dispute and/or the small value of the claim in dispute;</li> <li>▫ The determination of existing disputes of fact can be made based on contemporaneous documentation alone; and/or</li> <li>▫ Any other reasons:</li> </ul> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Cross-Examination is not an option for the present dispute because:</p> <ul style="list-style-type: none"> <li>▫ Relevant witnesses are not willing to give evidence;</li> <li>▫ Relevant witnesses are not able to give evidence as they cannot be located/have passed away/are ill; and/or</li> <li>▫ Any other reasons:</li> </ul>			

		<p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> The issues between parties can be resolved by legal submissions/arguments; and/or</p> <p><input type="checkbox"/> Any other good reasons:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<b>Oral Submissions at Documents-Only Civil Trial or Assessment</b>		<p><i>(Tick where applicable)</i></p> <p><u>Parties:</u></p> <p><input type="checkbox"/> Confirm that they do not require oral submissions to be made before the judicial officer hearing the Civil Trial/Assessment for the present claim and will be proceeding on the basis of written submissions at Trial/Assessment; OR</p> <p><input type="checkbox"/> Request that a date be fixed for oral submissions to be made before the judicial officer hearing the Civil Trial/Assessment for the present claim in addition to written submissions at Civil Trial/Assessment.</p>

This document is filed:

- (a) To certify that we wish to conduct the Civil Trial/Assessment of Damages in this present Suit on a Documents-Only basis as provided for in Practice Direction No. 22A; and
- (b) To submit a request to the Court for the present dispute to be resolved solely by documents.

Having considered the nature and specific features of this dispute, it appears desirable and possible that our arguments be expressed only in writing and the facts which support them be proven only by the production of documents and/or Affidavits of Evidence in Chief.

We confirm that we are choosing not to exercise (our right to be personally heard, our right to have witnesses heard and/or our right to oral submissions)\* before this Court at the Civil Trial or Assessment of Damages in the present Suit.

However, we do reserve the right at the appropriate juncture to make the necessary application to Court (if necessary) for the withdrawal of this Request and the waivers made in this Request should any of the factors listed above and/or the relevant facts or circumstances in the present dispute materially change as the present matter proceeds.

(\*Delete where not applicable)



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Signature of Plaintiff(s)/Defendant(s)\*

Name(s):

Date:

*\*Delete where inapplicable*