

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 2 OF 2020

It is hereby notified for general information that, with effect from 20 April 2020, the State Courts Practice Directions will be amended as follows:

- (a) the existing Part V (consisting of Practice Direction 34 (*Video-Conferencing using Skype*)) will be deleted and replaced by the following Part:

New Part V

- (b) the existing Practice Direction 35 (*Overview of the Court Dispute Resolution (CDR) process for civil cases*) will be deleted and replaced by the following practice direction:

New Practice Direction 35

- (c) the existing Form 7A (*Request for CDR Process*) will be deleted and replaced by the following form:

New Form 7A

- (d) the existing Form 8 (*Request for Skype Mediation / Confidentiality Undertaking for Skype Mediation*) will be deleted.

2. These amendments remove references to the conduct of hearings using Skype, which is no longer applicable, and introduce more general provisions on the conduct of hearings by video conferencing or telephone conferencing using an approved remote communication technology.

Dated this 17th day of April 2020.



JENNIFER MARIE
REGISTRAR
STATE COURTS

PART V: REMOTE HEARINGS

34. Video and Telephone Conferencing

Introduction

- (1) This Practice Direction applies to all proceedings in the State Courts, including criminal proceedings.
- (2) The State Courts may conduct hearings by video conferencing or telephone conferencing using an approved remote communication technology. The list of approved remote communication technologies will be published on the State Courts website at <http://www.statecourts.gov.sg> and may be updated from time to time.

Guidelines and Procedures

- (3) The State Courts may prescribe guidelines and procedures on the conduct of hearings by video conferencing or telephone conferencing. These guidelines and procedures will be published on the State Courts website at <http://www.statecourts.gov.sg> and may be updated from time to time.
- (4) The guidelines and procedures prescribed pursuant to paragraph 3 may include (without limitation) the following matters:
 - (a) the types of hearings to be conducted by video conferencing or telephone conferencing;
 - (b) the procedure for parties to submit a request to Court that a particular hearing be conducted by video conferencing or telephone conferencing;
 - (c) the procedure for the Court to notify parties whether or not a particular hearing will be conducted by video conferencing or telephone conferencing;
 - (d) technical instructions on connecting to and participating in a hearing by video conferencing or telephone conferencing;
 - (e) contact details for the submission of any queries or requests for assistance in respect of video conferencing or telephone conferencing to the Court.
- (5) Notwithstanding the guidelines and procedures prescribed pursuant to paragraph 3 above, the Court has full discretion in every case to decide:

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

Dress and etiquette

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

Records of hearing

- (7) Where a hearing is conducted by means of video conferencing or telephone conferencing using an approved remote communication technology, all recordings made of the hearing which have been authorised by the Court using such approved remote communication technology will constitute the official record of hearing for the purposes of O 38A r 1 of the Rules of Court (Cap 322, R 5).
- (8) Unauthorised audio or visual recording of hearings conducted by video conferencing or telephone conferencing is strictly prohibited. In appropriate cases, the Court may require an undertaking that no such recording will be made. Attention is drawn to section 5 of the Administration of Justice (Protection) Act 2016 (Act No. 19 of 2016) regarding contempt of court by unauthorised recordings.

PART VI: ALTERNATIVE DISPUTE RESOLUTION

35. Overview of the Court Dispute Resolution (CDR) process for civil cases

- (1) This Part of the Practice Directions focuses on the CDR process for civil disputes only.
- (2) The CDR process and other appropriate Alternative Dispute Resolution (ADR) processes should be considered at the earliest possible stage. The judge-driven CDR process gives the parties the opportunity to resolve their disputes faster and more economically compared to determination at trial. Mediation, conciliation and neutral evaluation are undertaken as part of the CDR process and, subject to the exception stated in paragraph (7), are provided by the Court without additional charges imposed. CDR sessions are —
 - (a) a type of pre-trial conferences 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”; or
 - (b) conducted pursuant to a referral under Order 108 Rule 3 of the Rules of Court.
- (3) Aside from the CDR process undertaken by the Courts, the Courts also encourage parties to consider using other ADR processes, including the following:
 - (a) Mediation at the Singapore Mediation Centre or Singapore International Mediation Centre;
 - (b) Mediation under the Law Society Mediation Scheme and/or Arbitration under the Law Society Arbitration Scheme; and
 - (c) Mediation and/or Arbitration by private service providers.

The Court Dispute Resolution process

- (4) The CDR process pursuant to Order 34A of the Rules of Court is overseen by the State Courts Centre for Dispute Resolution (SCCDR). During the CDR process, the following dispute resolution mechanisms can be used, namely —
 - (a) Mediation;
 - (b) Conciliation; and

- (c) Neutral Evaluation.

(Solicitors may refer to the State Courts' website at <http://www.statecourts.gov.sg> for more information on these mechanisms.)

Confidentiality

- (5) Pursuant to Order 34A Rule 7 of the Rules of Court, no communication made in the course of a CDR session shall be disclosed to the Court conducting the trial of the action or proceedings if such communication has been stated by any of the parties to be confidential or without prejudice, or has been marked by the Judge at the CDR session as being confidential or without prejudice. For the avoidance of doubt, all communications made in the course of a CDR session shall be marked by the Judge as being confidential or without prejudice, save for the following:
- (a) directions given by the Judge for the purpose of case management (including directions for the filing of pleadings, discovery, exchange of affidavits of evidence in chief, setting down for trial and filing of notice of discontinuance);
 - (b) terms of settlement (unless expressly agreed by all the parties to the settlement as being confidential), consent judgments and consent orders of court.
- (6) If the parties are unable to resolve their dispute during the CDR process, the Judge will give the necessary directions for the action to proceed to trial at the CDR session. The action will be tried by another Judge other than the Judge conducting the CDR session.

Fees

- (7) Hearing fees are not imposed for the CDR process carried out at the State Courts Centre for Dispute Resolution (SCCDR), 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 the CDR process or has been referred for the CDR process pursuant to Order 90A Rule 5A of the Rules of Court 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. For this purpose, the Court —
- (a) encourages parties to consider the appropriate CDR or ADR processes as a “first stop” for resolving the dispute, at the earliest possible stage; and
 - (b) will, as a matter of course, refer appropriate matters to the appropriate CDR or ADR process.

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

- (10) The CDR process will be used for the following cases:
- (a) all non-injury motor accident (NIMA), personal injury cases and actions arising out of an alleged negligent act or omission in the course of medical or dental treatment (“medical negligence claims”) that are filed in the Magistrate's Court and the District Court;
 - (b) all motor accident cases (whether or not involving any claim for personal injuries) and actions for personal injuries arising out of an industrial accident that are commenced in the High Court on or after 1 December 2016 and transferred to the District Court (references to NIMA and personal injury cases would hereinafter include these cases); and

- (c) all claims in negligence, including professional negligence claims that are filed in the District Court.
- (11) The Court will send a notice to the solicitors fixing the date of the first CDR session within 8 weeks of the filing of the memorandum of appearance.
- (12) 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 NIMA and personal injury claims, respectively.
- (13) The procedure and protocols set out in Practice Direction 39 (*Medical Negligence Claims*) shall apply, as appropriate, to medical negligence claims.
- (14) The procedure set out in Practice Direction 39A (*Claims in Negligence (Excluding Medical Negligence, Personal Injury and Non-Injury Motor Accident (NIMA) Claims)*) shall apply, as appropriate, to claims in negligence, including professional negligence claims.

Presumption of CDR/ADR for other cases (excluding NIMA, personal injury, medical negligence cases and claims in negligence):

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

- (15) All cases commenced by writ on or after 1 November 2014 in a Magistrate's Court and any case commenced by writ on or after 1 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.
- (16) 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 to undergo the appropriate CDR or ADR process, where —
 - (a) the parties consent to the case being referred for resolution by the CDR or ADR process; or
 - (b) the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.

- (17) Practice Direction 20 (*Case management conference (CMC)*) sets out details of the case management conference.

B. Cases that are not subject to the simplified process

- (18) In all other cases commenced in a Magistrate’s Court before 1 November 2014, and all cases commenced in a District Court on or after 1 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.
- (19) Such cases shall be automatically referred by the Court to undergo the appropriate CDR or ADR process during the PTC, unless the parties opt out of the CDR or ADR process.
- (20) The procedure for referral to the appropriate CDR or ADR process is set out in Practice Direction 36 (*Mode of referral to CDR/ADR etc.*).
- (21) Parties who wish to undergo the CDR process at an earlier stage must file a “Request for CDR” via the Electronic Filing Service. The “Request for CDR” is set out in Form 7A in Appendix A to these Practice Directions.
- (22) Parties are not required to file a “Request for CDR” in the following cases:
- (a) all NIMA, personal injury, medical negligence claims and claims in negligence, including professional negligence claims, as the parties are automatically notified by the Court to attend CDR sessions;
 - (b) all cases commenced by writ before 1 November 2014 in a Magistrate’s Court, and all cases commenced in a District Court, as the Court will refer the appropriate cases to undergo the CDR process during PTCs or summonses for directions; and
 - (c) all cases commenced by writ on or after 1 November 2014 in a Magistrate’s Court which are subject to the simplified process in Order 108 (excluding NIMA, personal injury and medical negligence claims), as the Court will deal with matters concerning CDR/ADR at the case management conference. (Further details are set out in Part III of these Practice Directions and in Practice

Direction 39A in relation to claims in negligence, including professional negligence claims.)

Request for adjournment of CDR session

- (23) 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, personal injury claims and claims in negligence shall be made *not less than 2 working days* before the date of the CDR session; and
 - (b) for all other cases shall be made *not less than 7 working days* before the date of the CDR session.
- (24) 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 parties.

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

- (25) Where any party is absent without a 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*”.
- (26) 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.”

Form 7A

REQUEST FOR CDR PROCESS

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Case No.: _____

Filed: _____

Between

_____ ...Plaintiff(s)

And

_____ ...Defendant(s)

REQUEST FOR CDR

The Plaintiff requests for a CDR to be fixed.

Other details:

- (a) Nature of Case: _____ **
- (b) Type of CDR: _____ **
- (c) Quantum of claim: _____
- (d) The stage of proceedings in this case: _____ **
- (e) All relevant parties have joined in this action: _____ **
- (f) Consent for CDR has been obtained from all relevant parties: _____ **
- (g) Availability of parties for CDR:

S No.	Party Type and Party Name	Law Firm Name & Reference Number	Solicitor Name	Unavailable Dates

***Input to be selected from the options available on the electronic form.*