

# **THE SUBORDINATE COURTS PRACTICE DIRECTIONS (2006 Ed.)**

## **TABLE OF CONTENTS**

### **PART I**

#### **INTRODUCTORY**

1. Citation
2. Revocation
3. Commencement
4. Practice Directions to apply to civil proceedings only unless otherwise stated
5. Calculation of time
6. Updating
7. Forms

## **PART II**

### **ORIGINATING PROCESSES AND DOCUMENTS**

8. Originating Summonses
9. Identification numbers to be stated in cause papers
10. Personal service of processes and documents
11. Substituted service
12. Application for substituted service or dispensation of service for originating processes under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)
13. Amendment of documents
14. Endorsements on originating processes and other documents
15. Additional endorsements on cause papers

### **PART III**

#### **INTERLOCUTORY AND OTHER APPLICATIONS**

16. Distribution of applications
17. Summonses
18. Summonses for directions
19. Written Submissions for Contested Inter Partes Applications in Chambers
20. Adjournment and vacation of hearings other than trials
21. Ex parte applications for injunctions
22. Mareva injunctions and search orders
23. Applications for discovery or interrogatories against network service providers
24. Absence of parties
25. Settlement Conferences - Court Dispute Resolution
26. [Alternative Dispute Resolution - Deleted]

### **PART IIIA**

#### **DISCOVERY AND INSPECTION OF ELECTRONICALLY STORED DOCUMENTS**

- 26A. Introduction
- 26B. Time to consider electronic discovery issues during general discovery
- 26C. Requests and applications for the giving of discovery
- 26D. Matters to which regard shall be had in determining whether discovery or inspection is necessary
- 26E. Form of list
- 26F. Inspection of electronically stored documents
- 26G. Supply of copies of electronically stored documents
- 26H. Restriction on use of privileged document, inspection of which has been inadvertently allowed
- 26I. Costs

## **PART IV**

### **EVIDENCE - WITNESSES, AFFIDAVITS AND EXHIBITS**

- 27. Witnesses
- 28. Form of affidavits
- 29. Exhibits to affidavits
- 30. Swearing affidavits electronically
- 31. Swearing or affirming of affidavits, statutory declarations and oaths
- 32. Effect of non-compliance
- 33. Order 41 of the Rules of Court
- 34. Objections to the contents of affidavits of evidence-in-chief
- 34A. Request for Digital Audio Recording and Transcription Service
- 34B. Certification of transcripts
- 34C. Use of electronic and other devices

## **PART V**

### **FIXING OF MATTERS FOR HEARING**

- 35. Waiting time for the hearing of matters
- 36. Filing a document for which a hearing date is required
- 37. Fixing of hearing dates
- 38. Adjournment and vacation of hearing dates and part-heard cases

## **PART VI**

### **JUSTICEONLINE HEARINGS**

- 39. Application
- 40. JOL Guidelines
- 41. Websites
- 42. Use of JOL
- 43. Prescribed Times, Conventions and Queuing Priority
- 44. Court Etiquette
- 45. Adjournment of JOL hearing
- 46. Hearing Records
- 47. Amount allowed as disbursement for using JOL

## **PART VII**

### **DOCUMENTS AND AUTHORITIES FOR USE IN COURT**

- 48. Electronic filing of documents and authorities for use in court
- 49. Bundle of documents filed on setting down
- 50. Documents for use in trials in open Court
- 51. Hearing in Chambers
- 52. Documents for use in trials in open Court of contested matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)
- 53. Citation of written judgments and secondary authorities



## **PART VIII**

### **JUDGMENTS AND ORDERS**

- 54. Draft orders of Court
- 55. Unnecessary extraction of orders of Court
- 56. Judgment in default of appearance
- 57. Judgment Interest

## **PART IX**

### **ELECTRONIC FILING AND SERVICE**

58. Application
59. Establishment of Electronic Filing Service and appointment of network service provider
60. Appointment of agent to establish service bureau
61. Documents which must be filed, served, delivered etc., using the Electronic Filing Service
62. Preparation and submission of a document to the Court
63. Limits on the size and number of documents submitted using the Electronic Filing Service
64. Form of documents
65. Filing of documents
66. Pagination of documents
67. Visible representations of signatures on documents
68. Colour pages
69. Documents which cannot be converted into an electronic format
70. Time for filing
71. Rejection of documents, back-dating and refund of penalty
72. Service of documents
73. Filing of documents in general by way of reference to Document Control Numbers
74. Hearings
75. Filing documents via service bureau
76. Filing of documents to the Subordinate Courts via a Supreme Court service bureau
77. Registered users
78. Hard copies of documents filed electronically
79. Use of Index Search, Extract Service and Service of Documents Facility at the service bureau
80. Filing of records of appeal and written Cases for District Court appeals under Order 55D, Rules 6 and 7, of the Rules of Court and appeals on ancillary matters or custody matters from the Family Court to the High Court under Order 55C of the Rules of Court

## **PART X**

### **PROCEEDINGS IN THE FAMILY COURT: DIVORCE, MATRIMONIAL CAUSES, GUARDIANSHIP OF INFANTS, ADOPTION AND PROCEEDINGS PURSUANT TO SECTION 17A(2) OF THE SUPREME COURT OF JUDICATURE ACT**

81. Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to the Family Court
82. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building
83. Documents to be filed at the sub-registry at the Family and Juvenile Court
84. Particulars of Statement of Claim
- 84A. Amendment of documents originally filed in Court by entering relevant information in an electronic template
85. Appeals
86. Agreed Parenting Plan and Proposed Parenting Plan
87. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan
88. Status conferences for matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)
89. Pre-trial conferences for matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)
90. Mediation
91. Counselling
92. Affidavit of Evidence in Chief for Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353)
- 92A. Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353) where Attendance of Counsel and Parties may be Dispensed With
- 92B. Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353)
93. Arrangements for the welfare of children
94. Examination of children
95. Draft Consent Orders
96. Documents required for the extraction of Certificate of Making Decree Nisi Absolute and Decree Nisi for matrimonial proceedings filed before 15 December 2003
97. Order of Court for Substituted Service or Dispensation of Service for Originating Processes under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) filed before 15 December 2003

98. Applications made at the Family Court pursuant to an order of court empowering the Registrar or Deputy Registrar of the Subordinate Courts to sign documents on behalf of a party to matrimonial proceedings
99. Mareva injunctions and search orders
100. Discovery, inspection and interrogatories in respect of ancillary relief
- 100A. Discovery and inspection in respect of maintenance proceedings under Part VIII of Women's Charter (CAP. 353, 2009 Revised Edition)
101. Affidavit of Assets and Means
- 101A. Forms of Documents to be filed for proceedings under Chapter 4A of Part X of the Women's Charter (CAP. 353, 2009 Revised Edition)
102. Applications under the Guardianship of Infants' Act (Cap. 122, 1985 Revised Edition)
103. Adoption
104. Request for urgent hearing dates or urgent hearings prior to the filing of the application through the Electronic Filing Service
105. Correspondence and request for re-fixing of hearing dates
106. Transfer of Section 17A(2) Supreme Court of Judicature Act Proceedings to the Family Court
107. Documents to be filed at the sub-registry at the Family and Juvenile Court for section 17A(2) proceedings
108. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building for section 17A(2) proceedings
109. Appeals for section 17A(2) proceedings
110. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan for section 17A(2) proceedings
111. Pre-trial conferences for section 17A(2) proceedings
112. Mediation for section 17A(2) proceedings
113. Counselling for section 17A(2) proceedings
114. Draft Consent Orders for section 17A(2) proceedings
115. Correspondence and request for re-fixing of hearing dates for section 17A(2) proceedings
116. [Interim Pre-trial Conferences - Deleted]

## **PART XA**

### **TRANSFER OF MENTAL CAPACITY PROCEEDINGS TO DISTRICT COURT**

- 116A. Transfer of mental capacity proceedings to District Court
- 116B. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building
- 116C. Documents to be filed at the sub-registry at the Family and Juvenile Court
- 116D. Where permission is not required to make an application
- 116E. Where permission is required to make an application
- 116F. Service of application on named defendants and relevant persons
- 116G. Relevant persons
- 116H. Consent of relevant persons
- 116I. Notification of P
- 116J. Responding to an application
- 116K. Applications involving the appointment of deputies
- 116L. Application subsequent to the appointment of deputy
- 116M. Application relating to lasting power of attorney
- 116N. Application for statutory wills
- 116N. Application for statutory wills
- 116O. Litigation Representative in mental capacity proceedings
- 116P. Where P ceases to lack capacity or dies
- 116Q. Applications subsequent to the filing of the originating summons in mental capacity proceedings
- 116R. Order of Court

**PART XB**

**TRANSFER OF PROCEEDINGS UNDER THE INTERNATIONAL CHILD  
ABDUCTION ACT 2010 TO DISTRICT COURT**

- 116S. Transfer of proceedings under the International Child Abduction Act 2010 to the District Court
- 116T. Documents to be filed at the sub-registries at the Family and Juvenile Court
- 116U. Service of application on named defendants
- 116V. The plaintiff's supporting affidavit
- 116W. Applications subsequent to the filing of the originating summons in proceedings under the ICAA
- 116X. Form of Order of Court

## **PART XI**

### **PROBATE AND ADMINISTRATION MATTERS**

- 117. Hearing of Probate and Administration matters (non-contentious probate proceedings)
- 118. Originating Summons for grant of probate or letters of administration
- 119. Applications for dispensation of sureties for grants of letters of administration
- 120. Filing of schedules of property for non-dutiable estates where death occurs before 15 February 2008
- 120A. Filing of schedules of assets for estates where death occurs on or after 15 February 2008
- 121. Caveat searches in non-contentious probate proceedings

## **PART XII**

### **APPEALS**

122. Requests for further arguments before the Judge or Registrar



## **PART XIII**

### **EXECUTION MATTERS**

- 123. Filing of writs of execution through the Electronic Filing Service
- 124. Sale of immovable property
- 125. Writs of Execution & Writs of Distress – movable property
- 126. Directions for Engaging Authorised Bailiffs under Section 15A Subordinate Courts Act (Cap. 321, 1999 Revised Edition)
- 127. Examination of Judgment Debtor

## **PART XIV**

### **BILLS OF COSTS FOR TAXATION**

- 128. Basis of taxation
- 129. Form of bill of costs
- 130. Registrar's Certificate
- 131. Objections
- 132. Amount allowed as disbursement on account of use of electronic transmission
- 133. Taxations involving the Public Trustee or the Director of Legal Aid

## **PART XV**

### **GENERAL MATTERS**

- 134. Attendance of solicitors in Court
- 135. Absence from Court on medical grounds
- 136. Precedence and preaudience of Senior Counsel
- 137. Submissions and examination by leading and assisting counsel
- 138. Court dress
- 138A. Use of electronic and other devices
- 139. Correspondence
- 140. Duty Registrar and Duty Magistrate
- 141. Operating hours of the Subordinate Courts
- 142. Hours for the sittings of the Subordinate Courts
- 142A. Hearing of urgent applications during weekends and public holidays
- 143. Information to be provided in cause papers and documents filed in the Subordinate Courts Registry
- 144. Request for court interpreters
- 145. File inspection and obtaining extracts or certified true copies of documents and conducting searches of information maintained by the Registry
- 146. Authorisation for collection of mail and Court documents
- 147. Filing directions to the Accountant-General for payment into and out of Court
- 148. Stamping of documents
- 149. Noting of appearances of advocates/prosecutors
- 150. Application for court records for civil matters
- 151. Non-injury Motor Accident (NIMA) Claims
- 151A. Medical Negligence Claims
- 151B. The Expedited Writ Track
- 151C. Personal Injury Claims
- 151D. Assessment of Damages
- 152. Use of Expert Witness (in cases other than Non-Injury Motor Accident Claims)
- 153. Benchmark rates for cost of rental and loss of use.

## **PART XVI**

### **CRIMINAL MATTERS**

- 154. Bundles of authorities for criminal proceedings
- 155. Magistrate's complaints (Private summonses)
- 156. Application for court records for criminal matters
- 157. Appearance in Court 26, Subordinate Courts via video link of accused persons who are remanded at Queenstown Remand Prison
- 158. Witnesses giving evidence through live video link

## **APPENDIX A**

### **PRACTICE DIRECTIONS ISSUED TO AMEND THE SUBORDINATE COURTS PRACTICE DIRECTIONS (2006 ED.)**

## **APPENDIX B**

### **FORMS**

Form 1

REQUEST TO FILE DOCUMENT WITHOUT FURNISHING IDENTIFICATION  
NUMBERS

Form 2

NOTICE OF IDENTIFICATION NUMBERS

Form 3

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

Form 4

ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES

Form 5

INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE

Form 6

INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE

Form 6A

ALTERNATIVE DISPUTE RESOLUTION (ADR) FORM

Form 7

REQUEST FOR CDR

Form 8

REQUEST FOR ADJOURNMENT OF CDR

Form 9

[NOTICE OF PRE-TRIAL CONFERENCE - DELETED]

Form 9A

LIABILITY INDICATION

Form 9B

QUANTUM INDICATION

Form 9C

APPLICATION FOR DIRECTIONS UNDER ORDER 37

Form 9D

JOINT OPENING STATEMENT (FOR PERSONAL INJURY CLAIMS)

Form 9E

JOINT OPENING STATEMENT (FOR NON-INJURY MOTOR ACCIDENT CLAIMS)

Form 9F

JOINT OPENING STATEMENT (GENERAL CLAIMS EXCLUDING PERSONAL INJURY AND NON-INJURY MOTOR ACCIDENT CLAIMS)

Form 9G

FAST TRACK ASSESSMENT OF DAMAGES COURT DISPUTE RESOLUTION (ADCDR) APPLICATION FORM

Form 9H

REQUEST FOR ADJOURNMENT OF ASSESSMENT OF DAMAGES COURT DISPUTE RESOLUTION (ADCDR)

Form 10

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

Form 10A

APPLICATION FOR DIGITAL AUDIO RECORDING AND TRANSCRIPTION SERVICE

Form 11

INDEX TO AGREED BUNDLE OF DOCUMENTS

Form 12

CHECKLIST FOR ORIGINATING SUMMONS (PROBATE)

Form 13

LETTER OF AUTHORISATION TO FILE DOCUMENTS AT SERVICE BUREAU

Form 14

APPLICATION TO BE REGISTERED USER OF THE ELECTRONIC FILING SERVICE OR AUTHORISED AGENT OF A REGISTERED USER

Form 15

REQUEST FOR CANCELLATION OF IDENTIFICATION NAME AND AUTHENTICATION CODE

Form 16

LETTER OF AUTHORISATION TO UTILISE SERVICE OF DOCUMENTS FACILITY AT THE SERVICE BUREAU

Form 17

FORM OF RECORD OF APPEAL

Form 18

REQUEST FOR CHECKING ELIGIBILITY OF PROPOSED  
PURCHASER(S)/TRANSFeree(S) UNDER OPTIONS 4 & 5 OF THE AGREED  
MATRIMONIAL PROPERTY PLAN

Form 19

STANDARD QUERY TO HOUSING & DEVELOPMENT BOARD ON HDB  
MATRIMONIAL ASSET (HDB FLAT )

Form 20

STANDARD QUERY TO THE HOUSING & DEVELOPMENT BOARD ON HDB  
MATRIMONIAL ASSET (AGREEMENT FOR LEASE OF HDB FLAT)

Form 21

STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

Form 21(I)

FIRST STATUS CONFERENCE NOTICE TO PLAINTIFF

Form 21(II)

INFORMATION FROM PLAINTIFF TO FAMILY COURT ON STATUS OF WRIT

Form 21(III)

SECOND STATUS CONFERENCE NOTICE TO PLAINTIFF (WHERE THERE IS  
NO REPLY FROM PLAINTIFF)

Form 21A

AFFIDAVIT OF EVIDENCE IN CHIEF (FOR PLAINTIFF PROCEEDING ON THE  
STATEMENT OF CLAIM IN UNCONTESTED MATRIMONIAL PROCEEDINGS)

Form 21B

AFFIDAVIT OF EVIDENCE IN CHIEF (FOR DEFENDANT PROCEEDING ON  
THE COUNTERCLAIM IN UNCONTESTED MATRIMONIAL PROCEEDINGS)

Form 21C

REQUEST FOR DISPENSATION OF PARTIES' ATTENDANCE AT THE  
UNCONTESTED DIVORCE HEARING

Form 21D

REQUEST FOR UNCONTESTED DIVORCE HEARING IN OPEN COURT

Form 22

DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

Form 23

APPLICATION FOR THE APPOINTMENT OF EXPERT IN RESPECT OF

CUSTODY AND ACCESS ISSUES

Form 24

LETTER OF INSTRUCTION TO EXPERT WITNESS

Form 25

COVER LETTER FOR DRAFT CONSENT ORDERS

Form 26

COVER LETTER TO NOTIFY THE COURT OF FILING OF APPLICATION TO  
EXTEND TIME FOR APPEALING AGAINST DECREE NISI/MEMORANDUM OF  
APPEARANCE TO SHOW CAUSE AGAINST DECREE NISI BEING MADE  
ABSOLUTE

Form 27

NOTICE TO PRODUCE DOCUMENTS REFERRED TO IN PLEADINGS OR  
AFFIDAVITS

Form 28

NOTICE WHERE DOCUMENTS MAY BE INSPECTED

Form 29

REQUEST FOR DISCOVERY

Form 30

NOTICE IN RESPONSE TO REQUEST FOR DISCOVERY

Form 31

APPLICATION FOR DISCOVERY

Form 31A

APPLICATION FOR DISCOVERY IN MAINTENANCE PROCEEDINGS UNDER  
PART VIII OF THE WOMEN'S CHARTER

Form 32

REQUEST FOR INTERROGATORIES

Form 33

NOTICE IN RESPONSE TO REQUEST FOR INTERROGATORIES

Form 34

APPLICATION FOR INTERROGATORIES

Form 35

AFFIDAVIT OF ASSETS AND MEANS

Form 35A

ANCILLARY MATTERS FACT AND POSITION SHEET

Form 35B



ORIGINATING SUMMONS FOR LEAVE UNDER SECTION 121D OF THE  
WOMEN'S CHARTER

Form 35C

PLAINTIFF'S AFFIDAVIT FOR LEAVE UNDER SECTION 121D OF THE  
WOMEN'S CHARTER

Form 35D

PLAINTIFF'S AFFIDAVIT FOR APPLICATION UNDER SECTION 121B OF THE  
WOMEN'S CHARTER

Form 36

LETTER FOR NOTIFICATION OF SYARIAH COURT PROCEEDINGS

Form 37

COVER LETTER FOR AMENDED STATEMENT

Form 38

COVER LETTER FOR SUBMISSION OF ORIGINAL BIRTH CERTIFICATE IN  
ADOPTION PROCEEDINGS

Form 39

REQUEST FOR RE-FIXING OF HEARING DATE

Form 39A

ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

Form 39B

PLAINTIFF/APPLICANT'S AFFIDAVIT FOR APPOINTMENT OF DEPUTY

Form 39C

DEPUTY'S AFFIDAVIT

Form 39D

CONSENT TO ORIGINATING SUMMONS AND DISPENSATION OF SERVICE  
OF DOCUMENTS

Form 39E

NOTICE TO RELEVANT PERSONS

Form 39F

CERTIFICATE OF NOTIFICATION

Form 39G

SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

Form 39H

ORDER OF COURT FOR MENTAL CAPACITY PROCEEDINGS

Form 39I

ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 8 OF THE  
INTERNATIONAL CHILD ABDUCTION ACT 2010

Form 39J

ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 14 OF THE  
INTERNATIONAL CHILD ABDUCTION ACT 2010

Form 39K

PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER SECTION  
8 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010

Form 39L

PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER SECTION  
14 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010

Form 39M

SUMMONS UNDER THE INTERNATIONAL CHILD ABDUCTION ACT 2010

Form 39N

ORDER OF COURT UNDER THE INTERNATIONAL CHILD ABDUCTION ACT  
2010

Form 40

PROBATE CHECKLIST

Form 41

SUPPORTING AFFIDAVIT UNDER ORDER 71 RULE 5

Form 41A

SCHEDULE OF ASSETS

Form 42

REQUEST FOR ATTENDANCE OF THE BAILIFF

Form 43

LETTER OF AUTHORITY TO ACT AS AUTHORISED BAILIFF

Form 44

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

Form 45

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

Form 46

BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Form 47

BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

Form 48

BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

Form 49

NOTICE OF DISPUTE ON BILL OF COSTS

Form 50

NOTICE OF AGREEMENT/ DISAGREEMENT ON COSTS FOR BILLS OF COSTS  
INVOLVING THE PUBLIC TRUSTEE

Form 51

NOTICE OF AGREEMENT/ DISAGREEMENT ON COSTS FOR BILLS OF COSTS  
INVOLVING THE DIRECTOR OF LEGAL AID

Form 52

SPECIMEN GOVERNMENT MEDICAL CERTIFICATE

Form 53

SPECIMEN AUTHORISATION CARD

Form 54

REQUISITION FOR IMPRESSED STAMPS

Form 55

NOTING OF APPEARANCE OF ADVOCATES/PROSECUTORS

Form 56

APPLICATION FOR NOTES OF EVIDENCE IN CIVIL PROCEEDINGS

Form 57

REQUEST FOR EARLY EXPERT PRE-TRIAL CONFERENCE

Form 58

NOTE TO EXPERT WITNESS

Form 59

APPLICATION FOR COURT RECORDS IN CRIMINAL PROCEEDINGS

Form 60

APPLICATION TO RESERVE TIME-SLOT FOR PRE-MENTION INTERVIEW

Form 61

MENTION SLIP

## **APPENDIX C**

**MEDIATION GUIDELINES FOR ROAD TRAFFIC ACCIDENT CASES AT  
THE e@dr/PRIMARY DISPUTE RESOLUTION CENTER AT THE  
SUBORDINATE COURTS**

## **APPENDIX D**

### **WAITING TIME (\*) FOR TRIALS OR HEARINGS IN THE SUBORDINATE COURTS**

## **APPENDIX E**

### **INSTRUCTIONS TO DEFENDANT ON HOW TO MAKE THE STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD**

## **APPENDIX F**

### **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 Dispute Resolution Centre Ltd (FIDReC)

#### **Form 1**

Sample Letter of Claim to the Potential Defendant (To Be Copied to the Insurer)

#### **Form 2**

Sample Reply to Letter of Claim

#### **Form 3**

Sample Letter by Claimant before Lodgment of Claim with FIDReC

#### **Annex B**

Pre-action Protocol for Non-Injury Motor Accident Cases

#### **Form 4**

Sample Letter of Claim to Defendant

#### **Form 5**

Sample Acknowledgement of Letter of Claim

#### **Form 6**

Sample Letter by Claimant before issue of Writ of Summons

#### **Form 7**

Sample Statement of Claim

#### **Form 8**

Pre-action Protocol Checklist

## **APPENDIX FA**

## **ANNEXES TO MEDICAL NEGLIGENCE LITIGATION PRACTICE DIRECTION**

### **PRE-ACTION PROTOCOL FOR MEDICAL NEGLIGENCE CLAIMS**

Form 1

Sample Letter of Request for Medical Report

Form 1A

Sample Letter of Authorisation

Form 2

Sample Letter of Request for Discussion

Form 3

Sample Letter by Claimant Before Issue of Writ of Summons

## **APPENDIX FB**

### **PRE-ACTION PROTOCOL FOR PERSONAL INJURY CLAIMS**

Form 1

Sample Letter of Claim to Potential Defendant

Form 2

Sample Acknowledgment of Letter of Claim

Form 3

Sample Letter of Claimant before issue of Writ of Summons

Form 4

Pre-action Protocol Checklist

## **APPENDIX G**

### **BENCHMARK RATES FOR COSTS OF RENTAL AND LOSS OF USE**

## **APPENDIX H**

### **SAMPLE BILLS OF COSTS**

Sample A

SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Sample B

SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

Sample C

**SAMPLE BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS**

**APPENDIX I**

**[DELETED]**

**APPENDIX J**

**GUIDELINES FOR PARTIES USING EARLY EXPERT PRE-TRIAL  
CONFERENCE**

**APPENDIX K**

**SAMPLE DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS**

**APPENDIX L**

**SAMPLE STATEMENT OF CLAIM FOR FIXED SUM CLAIMS OF \$20,000 OR  
BELOW UNDER THE EXPEDITED WRIT TRACK**

**APPENDIX M**

**DISCOVERY AND INSPECTION OF ELECTRONIC DOCUMENTS**

**APPENDIX M PART 1**

**AGREED ELECTRONIC DISCOVERY PROTOCOL**

**APPENDIX M PART 2**

**PROTOCOL FOR INSPECTION OF COMPUTER DATABASES AND  
ELECTRONIC MEDIA OR RECORDING DEVICES**

**APPENDIX M PART 3**

**REASONABLY USABLE FORMATS**

**PART I**  
**INTRODUCTORY**

**1. Citation**

These Directions may be cited as the Subordinate Courts Practice Directions and are issued to consolidate all previous ePractice Directions of the Subordinate Courts.

## **2. Revocation**

### **(1) Revocation of existing Practice Directions**

All existing Practice Directions are revoked from the date of coming into effect of these Directions.

### **(2) Existing Registrar's Circulars to be revoked**

All Registrar's Circulars are revoked from the date of coming into effect of these Directions save for those listed in Appendix I.



**3. Commencement**

These Practice Directions shall come into effect on 1 January 2006.

**4. 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.

**5. Calculation of time**

The provisions in the Rules of Court shall apply to the calculation of time in these Practice Directions. In particular:

- (1) 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.
- (2) The provisions of Order 3 of the Rules of Court shall also apply to the calculation of time.

**6. Updating**

- (1) These Practice Directions are issued in electronic form to ensure a paperless amendment process. Any amending Practice Direction or fresh Practice Direction will be issued by way of an ePractice Direction. These Practice Directions will then be updated accordingly.
- (2) The complete and updated Practice Directions as well as the ePractice Directions can be downloaded from the “Legislation and Directions” section of the Subordinate Court’s website at <http://www.subcourts.gov.sg>.

7. Forms

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

## **PART II**

### **ORIGINATING PROCESSES AND DOCUMENTS**

#### **8. Originating Summonses**

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

##### *Forms for originating summonses*

- (2) The former Form 6 of Appendix A of the Rules of Court (originating summons where appearance is required) has been deleted with effect from 1 January 2006. Solicitors' attention is drawn to Order 12, Rule 9 of the Rules of Court 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**

**(1) Parties named in the title of the documents**

Where a party to any proceedings in the Subordinate 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.

**(2) Parties not named in the title of the documents**

Where a party to any proceedings in the Subordinate 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.

**(3) Documents filed by two or more parties**

Sub-paragraphs (1) and (2) shall apply, *mutatis mutandis*, to documents which are filed by more than one party.

**(4) Identification numbers for non-parties**

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.

(5) **Special cases**

The following Directions shall apply in addition to the Directions contained in sub-paragraphs (1) to (4):

- (a) where a party is represented by a litigation representative\*, sub-paragraphs (1) to (3) shall apply to the litigation representative as if they were parties to the proceedings and the identification numbers of the party, 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, sub-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 shall be stated in any convenient order.

(6) **Identification numbers in electronic template of the Electronic Filing Service**

When entering the identification number in the electronic template of the Electronic Filing Service (EFS), only the 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 template. The maximum allowable length of the identification number in the electronic template

---

\* Formerly known as “next friend” or “guardian ad litem”.



is 15 characters. If any identification number has more than 15 characters, only the first 15 should be entered.

(7) **Guidelines for the selection of identification numbers**

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, 1992 Revised Edition). Only the 7 digit number and the suffix letter should be stated. For example “(NRIC No. 1234567A)”.

(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 (Cap. 201, 1992 Revised Edition), but has been assigned a FIN number under the Immigration Regulations, 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 (Cap. 201, 1992 Revised Edition) 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. The number should be preceded by some descriptive words which will enable the nature of the number given and the authority issuing the identification document to be ascertained. For example, “Japanese Identification Card No.”

(e) **Deceased person**

For a deceased natural person, the identification number shall be as set out in sub-paragraph (7)(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, Rule 1) or the equivalent foreign provisions, where the death is registered abroad. The number should be preceded by the following words: “(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, 1994 Revised Edition), the identification number shall be the company number stated in the certificate of incorporation or the certificate of registration of a foreign company. The number shall be preceded by the following prefix: “RC No.”

(g) **Company registered outside Singapore**

For a company registered outside Singapore which is not registered under the Companies Act (Cap. 50, 1994 Revised Edition), the identification number shall be the registration number of the company in the country of registration. The number shall be preceded by the following prefix: “(Country of registration) RC No.”

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

For a body registered under the Business Registration Act (Cap. 32, 2004 Revised Edition), the identification number shall be the number of the certificate of registration issued under the Business Registration Act (Cap. 32, 2004 Revised Edition). The number shall be preceded by the following prefix: “RB No.”

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

For a limited liability partnership registered under the Limited Liability Partnerships Act 2005 (Act 5 of 2005), the identification number shall be the number of the certificate of registration issued under the Limited Liability Partnerships Act 2005 (Act 5 of 2005). The number shall be preceded by the following prefix: “RP No.”

(j) **Other bodies and associations**

For any other body or association, whether incorporated or otherwise, which does not fall within sub-paragraph (7)(f) to (i) above, the identification number shall be any unique number assigned to the body or association by any authority. The number should be preceded by some descriptive words which will enable the nature of the number given and the authority assigning the number to be ascertained. For example, “Singapore Trade Union Reg. No. 123 A”.

(k) **No identification numbers exist**

Where the appropriate identification numbers prescribed by sub-paragraph (7)(a) to (j) do not exist, the following words should be stated immediately below or after the name of the party, person, entity or property concerned: “(No ID No. exists)”.

(8) **Inability to furnish identification number at the time of filing a document**

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 Paragraph, approval for the document to be filed should be sought by filing a request in Form 1 of Appendix B. The necessary identification numbers will have to be furnished within one month from the filing of Form 1 by filing a notice in Form 2 of Appendix B. After Form 2 has been filed, the identification numbers set out therein should be included in all cause papers filed thereafter.

(9) **Meaning of document**

For avoidance of doubt, the words “document” and “documents” when used in this Paragraph include all originating processes filed in the Subordinate Courts regardless of whether they are governed by the Rules of Court or not.

(10) **Non-compliance**

Any document which does not comply with this Paragraph may be rejected for filing by the Registry.

## **10. Personal service of processes and documents**

- (1) The attention of solicitors is drawn to Order 62, Rule 2(1), of the Rules of Court 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 3 of Appendix B. Notifications under previous editions of the Subordinate Courts Practice Directions will be treated as being notifications under this sub-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 made by way of request, setting out therein 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.

## **11. Substituted service**

- (1) 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.
- (2) An application for substituted service by posting at a residential address 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. 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.

**12. Application for substituted service or dispensation of service for originating processes under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)**

**(1) Application for substituted service by way of posting on the front door at the defendant's last known address in Singapore ("the address")**

- (a) At least two recent attempts at personal service should be made at the address, in accordance with the Directions set out in Paragraph 11 of these Directions. The affidavit should state the dates, times and outcomes of the said attempts.
- (b) If there is no response for both attempts at personal service (i.e. the door was locked and no one came to the door during both attempts), the plaintiff needs to state in the affidavit:
  - (i) that to the best of the plaintiff's knowledge, the defendant is currently residing at the address; and
  - (ii) the grounds for the plaintiff's belief that the defendant is currently residing at the address, for example, that the plaintiff is also residing at the same address, and sees the defendant every day.
- (c) If the plaintiff is not able to state both of the matters set out in sub-paragraph (1)(b)(i)-(ii) above in the affidavit, he or she should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing. The affidavit should then include the following matters:
  - (i) Details of the plaintiff's last contact with the defendant, including the date, the mode of contact (i.e. over the telephone, a letter, or a meeting), and the contents of any communications made, whether written or oral.
  - (ii) Details of the plaintiff's knowledge of the defendant's relatives and friends, and those person(s)' knowledge of his/her whereabouts ("the defendant's contacts"),



including their names, addresses and their relationship to the defendant and whether they live in Singapore or overseas.

- (iii) Details of the plaintiff's attempts to contact the defendant's contacts, including the number of such attempts made, the dates and mode of the said attempts (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral.
  - (iv) The name and address of the defendant's last known employer (if any), and the result of enquiries the plaintiff has made of that employer as to the defendant's whereabouts, including the date of such enquiries, the mode of the said enquiries (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral.
  - (v) Details of the defendant's nationality.
- (d) If the local address at which the defendant is currently residing (not being the matrimonial home) is discovered by the plaintiff pursuant to sub-paragraph (1)(c) above, personal service on the defendant should be attempted at that address in accordance with Paragraph 11 of these Directions. Details of the dates, times and outcomes of the personal service are required in the affidavit.
- (e) If the response to the attempt at personal service is that the process server is told that the defendant "is overseas", evidence is required in the affidavit as to what date the defendant will be back in the country.
- (f) If it appears from the response to the attempt at personal service that the defendant is permanently overseas, evidence is required in the affidavit as to how the documents will come to the defendant's attention by being posted on the front door.
- (g) If the response to the attempt at personal service is that the defendant has "moved away", and the plaintiff is alleging that the

defendant is evading service, evidence is required in the affidavit to support the plaintiff's belief that the defendant is evading service.

(2) **Application for substituted service by way of prepaid registered post/ordinary post**

- (a) An application for substituted service need not be made where an originating process is sent by prepaid registered post to the defendant, and the defendant returns the acknowledgement of service, signed by him, in accordance with Rule 11(4) of the Women's Charter (Matrimonial Proceedings) Rules 2005. In such a situation, the originating process would be deemed to be duly served on the defendant by registered post.
- (b) On an application for substituted service by way of prepaid registered post/ordinary post, the plaintiff must state the following matters in the affidavit:
  - (i) The grounds for the plaintiff's belief that the defendant is *currently* resident at the particular address in respect of which the plaintiff is applying for substituted service by way of prepaid registered post/ordinary post.
  - (ii) If the application for substituted service by way of prepaid registered post/ordinary post is to an overseas address, that the defendant is not ordinarily resident in Singapore.
  - (iii) If the application for substituted service by way of prepaid registered post/ordinary post is to an overseas address, the grounds for the plaintiff's belief as to why the defendant is not ordinarily resident in Singapore.

(3) **Application for substituted service by way of advertisement**

- (a) Before an application for substituted service by way of advertisement can be granted, the plaintiff should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing.

- (b) The affidavit must include the following:
  - (i) The matters set out in sub-paragraph (1)(c)(i)-(v) above.
  - (ii) Details of the defendant's literacy, and in what language.
  - (iii) If the advertisement is to be placed in an overseas newspaper, the grounds for the plaintiff's belief as to why the defendant is thought to be in that particular country.
- (4) **Application for dispensation of service**
  - (a) Before an application for dispensation of service can be granted, the plaintiff should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing.
  - (b) The affidavit must include the following:
    - (i) The matters set out in sub-paragraph (1)(c)(i)-(v) above.
    - (ii) An explanation as to why advertisement would not be effective in bringing the divorce proceedings to the defendant's notice. For example, that it is not known which country the defendant is currently residing in.
- (5) This Paragraph is applicable to proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) filed before 1 April 2006 as if:
  - (a) any reference to the plaintiff and defendant were a reference to the petitioner and respondent respectively; and
  - (b) the reference in sub-paragraph (2)(a) to Rule 11(4) of the Women's Charter (Matrimonial Proceedings) Rules 2005 were a reference to Rule 10(3) of the Women's Charter (Matrimonial Proceedings) Rules 2003.

### **13. Amendment of documents**

#### *Application*

- (1) Subject to sub-paragraph (2), the Directions in this Paragraph shall apply to documents, originating processes and pleadings filed in any proceedings.
- (2) The Directions in sub-paragraphs (4)(b), (6) and (7) shall not apply to the amendment of documents which were originally filed in Court by entering the relevant information in the appropriate electronic template pursuant to Paragraph 62(3)(e)(i), (iii) and (iv) of these Directions. Documents which are filed pursuant to Paragraph 62(3)(e)(i), (iii) and (iv) of these Directions are to be amended in accordance with the following paragraphs of these Directions:
  - (a) Paragraph 103 for documents in adoption proceedings filed pursuant to Paragraph 62(3)(e)(i) of these Directions;
  - (b) Paragraph 84A for documents in matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) commenced on or after 1 April 2006 filed pursuant to Paragraph 62(3)(e)(iii) of these Directions; and
  - (c) Paragraph 118 for documents in probate and administration proceedings filed pursuant to Paragraph 62(3)(e)(iv) of these Directions.

#### *Amendment of any document*

- (3) Where a document is required to be amended and 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.
- (4) The procedure for amending a document is as follows:
  - (a) A fresh amended copy of the document should be produced. The number of times the document has been amended shall be indicated in parentheses after the name of the document. An amended document should be entitled "[document name] (Amendment No. 1)" or "[document name] (Amendment No. 2)", or as appropriate.

- (b) 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.
- (c) When the amended document is forwarded to Court using the Electronic Filing Service (EFS), the appropriate version number corresponding to the amendment must be entered in the electronic template. For example, the document “[document name] (Amendment No. 1)” will have an amendment version number of 1, the document “[document name] (Amendment No. 2)” will have an amendment version number of 2, and so on.

*Amendment of originating processes and pleadings, Decrees Nisi, Certificates of Making Decree Nisi Absolute, and certain orders of Court in proceedings under Part X of these Directions (“the specified documents”)*

- (5) The Directions in sub-paragraphs (3) and (4) also apply to the amendment of originating processes, pleadings, Decrees Nisi, Certificates of Making Decree Nisi Absolute and orders of Court in proceedings under Part X of these Directions (save for those orders of Court to which Paragraph 84A of these Directions applies) (‘the specified documents’). 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)”. The terms “re-amended”, “re-re-amended” etc. should no longer be used.

(6) **Colour scheme for amendments**

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.

Solicitors filing the amended specified documents shall comply with the Directions in Paragraph 68 and indicate if the documents have colour material.

(7) **Amendment for third time or more**

From the *third round* of amendments onwards, the amended specified document should comprise two versions of the document:

- (a) a clean version without the amendments shown; followed in the same document by
- (b) a version showing the amendments in colour.

Only one amended document consisting of these two versions is required to be filed. The fees under Item 4 of Appendix B of the Rules of Court, Item 17 of the Women's Charter (Matrimonial Proceedings - Fees) Rules 2003 and Item 8 of the Second Schedule of Women's Charter (Matrimonial Proceedings) Rules 2005 continue to apply to the filing of the amended specified documents.

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

This sub-paragraph applies to writs and originating summonses that have not been filed using the EFS. In addition to the usual endorsement signed by the solicitors pursuant to Paragraph 14 of these Directions, 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.

**14. Endorsements on originating processes and other documents**

- (1) Where it is necessary to include endorsements on any document, the Directions in this paragraph shall apply.
- (2) Endorsements are normally made on originating processes and other documents to show renewal, amendments 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. The Registrar should therefore not be asked to sign such endorsements.
- (3) Solicitors should draw up the endorsement, stating the date of the order of Court or the Order and Rule in question and should affix their own signature. Where there is an irregularity as regards the endorsement of the document endorsed, it would be for any interested party to apply to have such amendment or renewal set aside.
- (4) 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.
- (5) 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**

- (1) All documents filed for the purposes of open Court or chambers hearings should contain either one of the following endorsements, as appropriate, at the top left-hand corner of the first page:

(a) “Date of hearing: (State the date of the hearing)

*Initial of solicitor / clerk*

(Date of filing)”.

OR

(b) “Date of hearing: No date as at (date of filing)

*Initial of solicitor / clerk*

(Date of filing)”.

- (2) 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.



## **PART III**

### **INTERLOCUTORY AND OTHER APPLICATIONS**

#### **16. Distribution of applications**

- (1) 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.
- (2) The deletion of either “Judge” or “Registrar”, appearing in the first paragraph of such applications in chambers shall only be done by a Registry officer *and not by the applicant or his solicitors*.
- (3) All such deletions shall be in accordance with Order 32, Rule 9, of the Rules of Court and the directions given by the Senior District Judge with the concurrence of the Honourable the Chief Justice thereunder.

## **17. Summonses**

- (1) All interlocutory applications are to be made by way of summons.
- (2) Ordinary summonses shall be endorsed "*ex parte*", "by consent" and when so endorsed 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 by electronic transmission will be routed to the In-Tray of the law firm's computer system. Where the summons is filed via the service bureau, it may be collected at the service bureau. In respect of summonses that are not filed through the Electronic Filing Service (EFS), the applicant or his solicitor may check the notice board at the Civil Registry on the morning of the hearing of the application to ascertain whether an order in terms has been granted. Enquiries by telephone will not be entertained.

## **18. Summonses for directions**

- (1) The principal intention of the summons for directions (SFD) is to ensure that there be a thorough stocktaking relating to the issues in an action and the manner in which the evidence should be presented at a trial with a view to shortening the length of the trial and saving costs generally.

*The ADR Form for summons for direction taken out under Order 25, Rule 1, of the Rules of Court*

- (2) Order 25, Rule 1(1)(b), of the Rules of Court also provides that directions may be given at SFD for the just, expeditious and economical disposal of the case. At the SFD hearing under Order 25, Rule 1 of the Rules of Court, counsel for all the parties should be ready to explore and consider alternative dispute resolution (ADR) options, including mediation and arbitration, for the most effective resolution of the case.
- (3) To facilitate recommendation by the Deputy Registrar of the appropriate mode of dispute resolution, the Alternative Dispute Resolution (ADR) Form (Form 6A of Appendix B) must be completed by both counsel and their clients when taking out or responding to a SFD under Order 25, Rule 1, of the Rules of Court. This requirement does not apply to:-
  - (i) any directions filed under Order 25, Rule 1A or Order 37 of the Rules of Court;
  - (ii) All non-injury motor accident claims;
  - (iii) All personal injury claims 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 medical or dental treatment; and
  - (iv) Any case which has gone through the Court Dispute Resolution process prior to the filing of the SFD under Order 25.
- (4) Counsel for the plaintiff must file the ADR Form through the Electronic Filing Service (EFS) when taking out the SFD. The ADR Form should be filed through the EFS under the document name “Incoming Correspondence – ADR Form (Plaintiff)”. After being served with the SFD, counsel for the defendant must file the ADR Form at least 3

working days before the hearing date for the SFD. This form should 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) Counsel for *all the parties* should be present at the SFD hearing.
- (6) The Deputy Registrar hearing the SFD will make recommendations to the parties for the matter to proceed on one of the three tracks:
  - (a) mediation in the Primary Dispute Resolution Centre of the Subordinate Courts or the Singapore Mediation Centre;
  - (b) the Law Society Arbitration Scheme; or
  - (c) adjudication in the trial courts.

The parties’ consent will be required before the case proceeds for ADR.

**19. 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 Paragraph applies only in the following matters:
  - (a) Application for summary judgment under Order 14, Rule 1 and Rule 5 of the Rules of Court;
  - (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.

**20. Adjournment and vacation of hearings other than trials**

- (1) Before parties write to the Court to request for an adjournment or vacation of any hearings other than trials, 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 letter 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 letter 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.

## 21. *Ex parte* applications for injunctions

- (1) Order 29, Rule 1, of the Rules of Court 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 telex, or, in cases of extreme urgency, orally by telephone. 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 *ex parte* summons should be given to each of the other parties. 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 the attempts that were made to notify the other parties or their solicitors of the making of the application.
- (3) The Directions set out in sub-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.

## 22. Mareva injunctions and search orders<sup>\*</sup>

- (1) Applicants for *Mareva* injunctions and search orders are required to prepare their orders in accordance with the following forms in Appendix B:
  - (a) Form 4: Search order;
  - (b) Form 5: Worldwide *Mareva* injunction; and
  - (c) Form 6: *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.
- (6) **Applications for search orders**
  - (a) 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

---

<sup>\*</sup> Formerly known as “Anton Piller orders”



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.

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

**23. Applications for discovery or interrogatories against network service providers**

- (1) This Paragraph applies to an application made under Order 24, Rule 6(1) or Order 26A, Rule 1(1) of the Rules of Court -
  - (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 sub-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 (2)(a), 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 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, 1999 Revised Edition).

- (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 (Cap 63, 1999 Revised Edition).

**24. 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.

## **25. Settlement Conferences - Court Dispute Resolution**

- (1) In order to minimise the costs of litigation and to promote early resolution of disputes, the court may, upon the request in writing by the parties or of its own motion, convene a Settlement Conference.
- (2) A Settlement Conference involves the use of either mediation or neutral evaluation. Neutral evaluation will be used for cases involving road traffic accidents and industrial accidents. Mediation will be used in other cases. More information on these two processes is available at the Subordinate Courts' website at <http://www.subcourts.gov.sg> under "Civil Justice Division, Court Dispute Resolution".
- (3) A request by parties for a Settlement Conference shall be made in Form 7 of Appendix B. The details of the case and the names of the law firms involved are to be stated on the form. The form is to be faxed to No: 65572187 for EFS cases and to No: 64380774 for non-EFS cases.
- (4) In order for Settlement Conferences to achieve their full potential, solicitors should request for Settlement Conferences only after pleadings have closed.
- (5) Solicitors for the respective parties to the proceedings will be required to submit to the Civil Division their Opening Statement in the same format as that prescribed by Part VII of these Directions not later than two clear days before the Settlement Conference.
- (6) The services of the Court Interpreters, where required, will be provided without charge.
- (7) As the Conference is conducted in chambers, the provisions of Order 90A of the Rules of Court (hearing fees) do not apply to Settlement Conferences.
- (8) Generally, only solicitors are required to attend Settlement Conferences for cases involving road traffic accident or industrial accidents. For all other cases, the parties to the proceedings and their respective principal solicitors must personally attend the Settlement Conference. They are expected to be thoroughly prepared to discuss their respective cases.

- (9) Where there are expert witnesses, these persons are also required to personally attend the Settlement Conference. Wherever necessary, applications for the issue of subpoenas to secure the attendance of such witnesses may be made to the Duty Registrar. In such cases, the application should be made well in advance of the Settlement Conference.
- (10) The Settlement Conference will be conducted on a without prejudice basis. All communication arising out of the Settlement Conference will be treated in strict confidence.
- (11) If the parties are unable to resolve their dispute at the Settlement Conference, the District Judge or Magistrate will give the necessary directions to enable the action to proceed to trial. The action will be tried by another Judge other than the District Judge or Magistrate conducting the Settlement Conference.
- (12) The Registrar shall have the discretion to appoint non-judicial officers such as legal assistants to conduct the Settlement Conference in actions arising out of collision on land where there are no claims for personal injuries and where the issues in dispute are factual and not issues of law.
- (13) For Settlement Conferences of road accident matters parties are to comply with the mediation guidelines at Appendix C.
- (14) A request for an adjournment of a Settlement Conference shall be made via Form 8 of Appendix B. The form shall be faxed to the PDRC no less than 3 working days before the actual CDR date. The fax no. is 65572187 for EFS cases and 64380774 for non-EFS cases.
- (15) It has also been observed that some parties have chosen to absent themselves repeatedly at Settlement Conferences convened upon their request, thereby depriving other parties of such available slots and the expeditious resolution of their disputes. In order to minimise such wastage of judicial time and resources, the Court may exercise its powers under Order 34A, Rule 2(3), of the Rules of Court to dismiss the action or proceedings or strike out the defence or counterclaim or enter judgment or make any such order it deems fit upon the repeated

absence of any party on a second or subsequent occasion a Settlement Conference is convened.

**26.    Alternative Dispute Resolution**

*[Deleted]*



## **PART IIIA**

### **DISCOVERY AND INSPECTION OF ELECTRONICALLY STORED DOCUMENTS**

#### **26A. 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 paragraph(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.

**26B. 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. 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 [Appendix M Part 1](#). 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.

## **26C. 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 paragraph [26F](#).

*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 paragraph [26F](#).
- (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 paragraph [26D](#).
- (8) Nothing in this paragraph 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.

**26D. 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 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.

**26E. 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 sub-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.



**26F. Inspection of electronically stored documents**

- (1) A party required to produce electronically stored documents for inspection under Order 24 of the Rules of Court 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 paragraph [26G](#).

*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 [Appendix M Part 2](#), 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 paragraph [26D](#). 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 paragraph 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.

## **26G. 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 sub-paragraph (1).
- (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 [Appendix M Part 3](#) shall be deemed to be reasonably usable formats for the purpose of this paragraph.

*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.

**26H. Restriction on use of privileged document, inspection of which has been inadvertently allowed**

- (1) Order 24, Rule 19 of the Rules of Court 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.

## **26I. 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 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 IV**

### **EVIDENCE - WITNESSES, AFFIDAVITS AND EXHIBITS**

#### **27. Witnesses**

##### **(1) Issuance of subpoenas**

An application for a subpoena shall be made by way of request.\* Where the subpoena has to be filed through the Electronic Filing Service (EFS), the subpoena and the request should be filed together in the Court. However, the fees payable for the issuance of the subpoena will be paid in relation to the subpoena only, and not in relation to the request.

##### **(2) Release of witness upon completion of evidence**

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 sub-paragraph shall apply to both civil and criminal proceedings.

---

\* Formerly known as “praecipe”.

## **28. Form of affidavits**

### *Affidavits filed electronically*

- (1) This sub-paragraph shall apply to affidavits which are to be filed through the Electronic Filing Service (EFS).
  - (a) Affidavits may be sworn in one of the two ways described in Order 63A, Rule 15, of the Rules of Court.
  - (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;
    - (iv) the date the affidavit is to be filed; and
    - (v) for affidavits filed in respect of proceedings under Section 59 and Part X of the Women's Charter (Cap. 353, 1997 Revised Edition), proceedings under the Administration of Muslim Law Act (Cap. 3, 1999 Revised Edition), section 17A of the Supreme Court of Judicature Act (Cap. 322, 1999 Revised Edition) or the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition):
      - (I) the top right hand corner of the first page of every affidavit shall also state whether the affidavit has been filed in respect of a contested divorce ("CD"), uncontested divorce ("UD"), summons ("SUM"), ancillary matters ("AM") or



originating summons ("OS") hearing, and if the affidavit is filed in respect of a summons hearing, it shall state the number of the said summons, where the number is available.

For example, "Defendant: Tan Ah Kow: 4<sup>th</sup>: 15.4.2000: AM hearing"; and "Defendant: Tan Ah Kow: 4<sup>th</sup>: 15.4.2000: SUM hearing: SUM no. 1234 of 2000"; and

- (II) the document name that is selected in the EFS for an affidavit for ancillary matters hearing shall be "Affidavit for Ancillary Matters Hearing".
- (e) Every page of the affidavit (*including* separators and exhibits) shall be paginated consecutively, and the page number shall be placed at the centre top of the page.
- (f) Sub-paragraph 1(d)(v) is applicable to proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) filed before 1 April 2006 as if:
  - (i) any reference to the defendant were a reference to the respondent; and
  - (ii) any reference to summons ("SUM") were a reference to summons-in-chambers ("SIC")."

*Affidavits that are not filed electronically*

- (2) This sub-paragraph applies to affidavits which are not required to be filed through the EFS.
  - (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 of the paper only.

(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: 23.08.2005”.

(c) **Markings on affidavits filed in respect of family proceedings**

In respect of proceedings filed under Section 59 and Part X of the Women’s Charter (Cap. 353, 1997 Revised Edition), proceedings under the Administration of Muslim Law Act (Cap. 3, 1999 Revised Edition), section 17A of the Supreme Court of Judicature Act (Cap. 322, 1999 Revised Edition) or the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition), at the top right hand corner of the first page of every affidavit, and also on the backing sheet, 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;
- (iv) the date the affidavit is to be filed; and

- (v) whether the affidavit has been filed in respect of a contested divorce (“CD”), uncontested divorce (“UD”), summons (“SUM”), ancillary matters ("AM") or originating summons ("OS") hearing, for example, “Defendant: Tan Ah Kow: 4<sup>th</sup>: 15.4.2006: AM hearing”; and
- (vi) if the affidavit is filed in respect of a summons hearing, to state the number of the said summons, where the number is available, for example, “Defendant: Tan Ah Kow: 4<sup>th</sup>: 15.4.2006: SUM hearing: SUM no. 1234 of 2006”.

(d) **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.

(e) **Pagination of affidavits**

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

(f) Sub-paragraph 2(c) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353, 1997 Revised Edition) filed before 1 April 2006 as if:

- (i) any reference to the defendant were a reference to the respondent; and
- (ii) any reference to summons (“SUM”) were a reference to summons-in-chambers (“SIC”).

## **29. Exhibits to affidavits**

### **(1) Non-documentary exhibits**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

### **(2) Exhibits to affidavits filed electronically**

The Directions in this sub-paragraph shall apply to exhibits to affidavits that are filed through the Electronic Filing Service (EFS):

- (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 that following the number of the last sheet of the affidavit.

- (c) If an affidavit is not sworn electronically within the meaning of Order 63A, Rule 15, sub-paragraph (3)(b) must be complied with.
  - (d) Each exhibit in the affidavit must be separately book-marked.
    - (i) The book-marking should be effected using the book-marking function provided in the Adobe Acrobat Exchange programme.
    - (ii) The names of the book-marks should follow the initials of the deponent of the affidavit, e.g., "TAK-1", "TAK-2".
    - (iii) 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.
    - (iv) Related documents (e.g. correspondence and invoices) may be collected and collectively exhibited as one exhibit and may be arranged in chronological order, beginning with the earliest at the top.
  - (e) If the textual portion of the affidavit refers to anything included in the exhibits to the same affidavit, then a link must be created from that reference in the text of the affidavit to the document or documents referred to. This link should be created using the link function provided in the Adobe Acrobat Exchange.
  - (f) Where a deponent wishes to refer to documents already exhibited to some other deponent's affidavit, he shall not also exhibit it to his own affidavit.
- (3) **Exhibits to affidavits that are not filed electronically**
- This sub-paragraph applies to exhibits to affidavits that are not required to be filed through EFS.
- (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:

<u>Reference in affidavit</u>	<u>Nature of exhibit</u>	<u>Page No.</u>
“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 sub-paragraph (3)(b) above) shall be consecutively numbered at the top right hand corner of each page, taking as its first number that following 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 sub-paragraph 3(d) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

### 30. Swearing affidavits electronically

- (1) Order 63A, Rule 15(3), of the Rules of Court, provides that affidavits may be sworn electronically if certain conditions are met.
- (2) Pursuant to Order 63A, Rule 15(3)(b), the following forms of attestations should be used for the swearing of affidavits by electronic means:
  - (a) Where an affidavit is to be sworn by one deponent and:
    - (i) the deponent understands English; or
    - (ii) the affidavit is interpreted to the deponent by a Court interpreter; or
    - (iii) the commissioner for oaths is an advocate and solicitor and the commissioner for oaths interprets the affidavit to the deponent in a language or dialect in which the commissioner is proficient and which the deponent understands:

“The deponent of this affidavit, (*state the name of the deponent*), has attended before me on (*date*) and (*time*), and has informed me that he is the deponent named in this affidavit.

I, (*name of commissioner for oaths*), have inspected the following identity document of the deponent, namely, (*description of the identity document, stating the number of such document*), and it appears from such inspection that the deponent who attended before me is the person named in the identity document and is also the deponent named in the affidavit.

The deponent of this affidavit has read this affidavit in my presence, (*or I have truly, distinctly and audibly read the contents of the affidavit and explained the nature and effect of the*



*exhibits therein referred to, if any, to him in the \_\_\_\_\_ language), and he has confirmed that he understands the contents of the same, and has sworn (or affirmed) the truth of the contents.*

*(Name of commissioner for oaths)*

Commissioner for Oaths”.

(b) In respect of each deponent, where an affidavit is to be sworn by two or more deponents, and:

- (i) the deponent in question understands English; or
- (ii) the affidavit is interpreted to the deponent in question by a Court interpreter; or
- (iii) the commissioner for oaths is an advocate and solicitor and the commissioner for oaths interprets the affidavit to the deponent in question in a language or dialect in which the commissioner is proficient and which the deponent understands:

*“The (first or second or as the case may be) deponent of this affidavit, (state the name of the deponent), has attended before me on (date) and (time), and has informed me that he is the (first or second or as the case may be) deponent named in this affidavit.*

I, *(name of commissioner for oaths)*, have inspected the following identity document of the deponent, namely, *(description of the identity document, stating the number of such document)*, and it appears from such inspection that the deponent who attended before me is the person named in the identity document and is also the *(first or second or as the case may be)* deponent named in this affidavit.

The deponent of this affidavit has read this affidavit in my presence, (*or I have truly, distinctly and audibly read the contents of the affidavit and explained the nature and effect of the exhibits therein referred to, if any, to him in the \_\_\_\_\_ language*), and he has confirmed that he understands the contents of the same, and has sworn (*or affirmed*) the truth of the contents.

(*Name of commissioner for oaths*)

Commissioner for Oaths”.

- (c) Where an affidavit is to be sworn by a person who does not understand English and the interpreter is not a Court interpreter or a commissioner for oaths:

“The deponent of this affidavit, (*state the name of the deponent*), has attended before me on (*date*) and (*time*), and has informed me that he is the deponent named in this affidavits.

I, (*name of commissioner for oaths*), have inspected the following identity document of the deponent, namely, (*description of the identity document, stating the number of such document*), and it appears from such inspection that the deponent who attended before me is the person named in the identity document and is also the deponent named in the affidavit.

The contents of the affidavit have been read and the nature and effect of the exhibits therein referred to, if any, have been explained to him in the \_\_\_\_\_ language by (*name of the interpreter*), and he has confirmed that he understands the contents of the same, and has sworn (*or affirmed*) the truth of the contents.

The said (*name of the interpreter*) was then sworn that he had truly, distinctly and audibly translated the contents of the affidavit to the deponent and that he did truly and faithfully interpret the oath (*or affirmation*) administered to the deponent.

(*Name of commissioner for oaths*)

Commissioner for Oaths”.

- (3) After the affidavit has been sworn, commissioners for oaths must record the taking of the affidavit in the register kept for this purpose, as required by Order 63A, Rule 15(3)(d).
- (4) Subject to Paragraph 31 of these Directions, affidavits may be sworn electronically before Subordinate Courts commissioners for oaths. However, if there is more than one deponent for an affidavit to be sworn electronically, all the deponents must attend before the Subordinate Courts commissioner for oaths at the same time.
- (5) The forms of attestation prescribed in sub-paragraph (2) may be modified to fit the circumstances, and an affidavit shall not be treated as being irregularly taken simply because the exact form of attestation was not used. It shall be sufficient if the form of attestation used complies in substance with those prescribed in sub-paragraph (2).

### **31. 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 Subordinate 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 Subordinate 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 Subordinate Courts commissioners for oaths to swear or affirm affidavits and statutory declarations. As the Subordinate 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 Subordinate Courts commissioners for oaths.
- (3) Accordingly, solicitors who wish to bring illiterate or blind deponents before Subordinate 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 Subordinate 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 Subordinate 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 Subordinate 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 Paragraph shall apply to both civil and criminal proceedings.

**32. 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.

**33. Order 41 of the Rules of Court**

- (1) For avoidance of doubt, the provisions of Order 41 of the Rules of Court 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.

**34. 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, 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 the Directions contained in this Paragraph 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 B.
- (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.



**34A. Request for Digital Audio Recording and Transcription Service**

- (1) Digital audio recording and transcription of open court proceedings will be made available in the Subordinate Courts, to parties, through a designated service provider 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 the application for digital audio recording and transcription service using Form 10A of Appendix B to the designated service provider at least 8 working days before the commencement of the proceedings. 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.

**34B. 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.

**34C. Use of electronic and other devices**

- (1) In order to maintain the dignity of Court proceedings, the Honourable the Chief Justice has directed that, in all hearings in open Court or Chambers before a Judge or Registrar, video and/or image recording is strictly prohibited.
- (2) Additionally, all communications with external parties and audio recording during a hearing are strictly prohibited without prior approval of the Judge or Registrar hearing the matter.
- (3) Court users are only permitted to use notebooks to take notes of evidence and for other purposes pertaining to the proceedings during hearings, provided that such use does not in any way disrupt or trivialize the proceedings.
- (4) The attention of court users is also drawn to Order 38A, Rule 4, which states:

**Prohibition on unauthorized 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.

## **PART V**

### **FIXING OF MATTERS FOR HEARING**

#### **35. 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 Appendix D. 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 Paragraph shall apply to both criminal and civil proceedings.

**36. Filing a document for which a hearing date is required**

If a document is filed for which the Court is requested to assign a hearing date or a trial date, the number of law firms that are likely to be involved in the hearing or trial should be stated in the appropriate box in the electronic template.

### **37. 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(2), 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]

**38. Adjournment and 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 sub-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 VI**  
**JUSTICEONLINE HEARINGS**

**39. Application**

These Directions apply to hearings conducted by JusticeOnLine (“JOL”), a web-based video conferencing system that allows solicitors to conduct their Court hearings from a remote source.



#### **40. JOL Guidelines**

- (1) A set of Guidelines ("JOL Guidelines") shall govern the scope, use and procedures for JOL hearings, including but not limited to the following matters:
  - (a) Types of matters for which JOL is applicable;
  - (b) Booking and Conduct of and Queuing for JOL hearings; and
  - (c) Service of Documents for JOL hearings.
- (2) The JOL Guidelines may be found at the JOL informational website at <http://www.justiceonline.com.sg>.
- (3) The JOL Guidelines may be amended from time to time by the Subordinate Courts.

**41. Websites**

- (1) Information relating to JOL will be published on the JOL informational website at <http://www.justiceonline.com.sg>
- (2) The JOL service consisting of on-line booking, virtual queuing, conduct of hearings and billing reports for JOL in the Subordinate Courts is available at <http://www.subcourtsvc.com.sg>.

#### **42. Use of JOL**

For hearings for which JOL is available, the requesting party need not obtain the consent of the other party to book or attend the hearing via JOL. Where one party opts for a hearing via JOL, the other party may either attend the hearing via JOL (where this party is a JOL subscriber) or attend Court personally.

**43. Prescribed Times, Conventions and Queuing Priority**

- (1) All timelines and booking conventions prescribed in the JOL Guidelines, including the times for the booking of JOL hearings, and filing of documents by both the requesting party and other party for contentious hearings, shall be strictly observed.
- (2) To facilitate the proper and efficient conduct of JOL hearings, all parties must be punctual for their hearings. If a party attending by JOL is absent at the scheduled time of hearing, he may be regarded as absent for the hearing and the Court may proceed to make such order as it deems fit.
- (3) **Queuing Priority**  
There may be two parallel queue systems in each Court that is enabled for JOL hearings – the normal queue for cases in which neither party has applied for JOL and the JOL queue for cases in which at least one party has opted for JOL hearing. The Court will give priority to cases in the JOL queue.

#### **44. Court Etiquette**

Each JOL hearing shall proceed as if the parties are appearing before the Judge or Registrar in person. Parties must observe all Court rules of etiquette prescribed in the Subordinate Courts Practice Directions and Registrars' Circulars.

**45. Adjournment of JOL hearing**

If the JOL hearing cannot be reasonably conducted, or if the Court decides at any point in time that it is not conducive to deal with the matter by JOL hearing, the Court may adjourn the matter and require parties to attend Court personally at a convenient date and time; or fix the matter for JOL hearing at the earliest suitable opportunity; and/or make any other order that may be appropriate in the circumstances of the case.

**46. Hearing Records**

The JOL proceeding or any part thereof shall not be recorded in video or audio tape or any other form. As in all other court proceedings, where reference to the record of the proceedings is required to be made in any subsequent proceedings or in any other matter or proceedings, reference shall only be made to the Court's notes of the proceedings

**47. Amount allowed as disbursement for using JOL**

- (1) If a party uses JOL to conduct its hearing, \$1.50 for each minute of the hearing shall be allowed as costs between parties to proceedings. Such costs may be claimed by a receiving party from the paying party where the receiving party is entitled to costs of the hearing. These costs shall be allowed in addition to all other disbursements and Court fees.
- (2) This Paragraph shall apply to the taxation of costs as well as cases where the Court fixes a gross sum in lieu of taxation.



## **PART VII**

### **DOCUMENTS AND AUTHORITIES FOR USE IN COURT**

#### **48. Electronic filing of documents and authorities for use in court**

Subject to any Directions in this Part to the contrary, in particular Paragraph 50(3), 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 (EFS) must be filed in Court using the EFS.

**49. Bundle of documents filed on setting down**

- (1) Order 34, Rule 3 of the Rules of Court requires a bundle containing certain documents to be filed together with the request 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 (EFS), 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) A bundle to be filed in Court using the EFS may take 3 different forms:
  - (a) It may comprise a cover page, together with one or more portable document format (PDF) documents.
  - (b) It may comprise a cover page, together with one or more PDF documents. In addition, if a document has already been filed in Court, and a party wishes to include this document in the bundle to be filed in Court, the party need not, if it so chooses, include an actual PDF copy of that document in the bundle. The party may instead, when creating the bundle, include a reference (using the system function in the computer system provided by the network service provider) to the Document Control Number of the document already filed. If this is done, when the bundle is eventually filed and used in Court, a logical view of the

document referred to by way of the Document Control Number will appear to be part of the bundle.

- (c) It may comprise a cover page, together with the Document Control Numbers of the documents already filed.
- (6) The following Directions shall apply to all bundles and opening statements:
- (a) Index pages shall be prepared. However, it will no longer be necessary to include the page number reference in the index.
  - (b) In addition to these index pages, however, where the index refers to more than one document within a single PDF file in a bundle, a book-mark should be created in that 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 book-marking should be effected using the book-marking function provided in the Adobe Acrobat Exchange programme.
  - (d) The name given to each book-mark should be the same as the corresponding reference in the index.
  - (e) If a bundle of documents includes
    - (i) more than one PDF document;
    - (ii) a number of references to Document Control Numbers and also PDF documents; or
    - (iii) a number of references to Document Control Numbers, then the various PDF documents or Document Control Number references, as the case may be, should be arranged chronologically or in some logical order.
- (7) The fees payable for the filing of documents by way of references to their Document Control Numbers are found in items 71D(1)(d), 71D(2)(d) and 71D(2A)(d) of Appendix B to the Rules of Court.

*Documents not filed electronically*

- (8) For proceedings which were not commenced using the EFS, 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.

- (9) 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.

**50. Documents for use in trials in open Court**

- (1) This Paragraph 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 Paragraph 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) Paragraphs 48, 49(2) to (6) 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 PDF format and complying with the provisions of this Paragraph.
- (4) Any court fees payable, pursuant to Appendix B of the Rules of Court, on filing the documents in this Paragraph, 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 Paragraph 148. For the avoidance of doubt, item 71D of Appendix B shall not apply to such 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 EFS website (currently at <http://www.efs.com.sg>), or its equivalent as may be set up from time to time, on the resolution to be used when scanning documents into PDF format.
- (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.
  - (a) An index of contents of each bundle in the manner and form set out in **Form 11** of **Appendix B** 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. The 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. Such flags shall bear the appropriate indicium by which the document is indicated in the index of contents. Flags shall 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. 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 sub-paragraph (8)(c);
  - (c) be paginated consecutively at the top right hand corner of each page. 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 (12)(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 subparagraph (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.

**51. 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 and the requirements of Paragraphs 50(8) to (11) shall, *mutatis mutandis*, 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.

**52. Documents for use in trials in open Court of contested matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)**

- (1) This Paragraph shall apply to trials in open Court of contested matrimonial proceedings. For matrimonial proceedings filed before 1 April 2006, any reference in this Paragraph to the plaintiff and defendant shall be read as a reference to the petitioner and respondent respectively.
- (2) To improve the conduct of contested matrimonial proceedings and to reduce the time taken in the presentation of cases in Court, the following documents shall be prepared by the respective solicitors of the parties:
  - (a) a bundle of documents (an agreed bundle where possible);
  - (b) a bundle of authorities; and
  - (c) an opening statement.
- (3) **Bundle of documents**
  - (a) Documents to be used at trial should be consolidated into bundles paginated consecutively throughout at the top right hand corner. An index of contents of each bundle in the manner and form set out in Form 11 of Appendix B must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.
  - (b) 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) In cases where certain documents cannot be agreed upon, these should be separately bundled as the plaintiff's bundle, the defendant's bundle or such other party's bundle as the case may be.
  - (d) The documents in the bundles should:
    - (i) 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 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 the hearing. Such flags shall bear the appropriate indicium by which the document is indicated in the index of contents. Flags shall 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. Clear legible photocopies 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.
- (e) 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.
  - (f) 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.
  - (g) 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.

(h) The bundles of documents including the agreed bundle and core bundle, if applicable, shall be filed and served on all relevant parties at least 3 days before trial.

(4) **Bundle of authorities**

The requirements set out in Paragraph 50(9) to (11) shall, *mutatis mutandis*, be complied with in respect of proceedings falling within this Paragraph.

(5) **Opening statements**

The requirements set out in Paragraph 50(12) shall, *mutatis mutandis*, be complied with.

(6) **Timeline for tendering documents**

Paragraphs 50(13) and 50(14) shall apply, *mutatis mutandis*, to proceedings to which this Paragraph applies.

### 53. 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

SGJC – Singapore Juvenile 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 VIII**

### **JUDGMENTS AND ORDERS**

#### **54. Draft orders of Court**

##### **(1) Draft orders for *inter partes* applications**

- (a) Order 42, Rules 8(1) and (2), of the Rules of Court 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) On settling such drafts, the parties should proceed to engross the final copy for signature by the Registrar. The Registrar's signature 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) Order 42, Rules 8(3) to (5), of the Rules of Court shall continue to apply.

##### **(2) Draft orders for *ex parte* applications**

- (a) 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.
- (b) The draft order of Court, when approved, will be returned by electronic transmission to the In-Tray of the law firm's computer system or to the service bureau. Draft orders of Court, which are not filed through the Electronic Filing Service (EFS), when approved, may then be collected from the Civil Registry.

**55. 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. 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.

**56. Judgment in default of appearance**

- (1) The present practice of applying for search for appearance and obtaining a certificate of non-appearance before judgment in default of appearance is entered will continue.
- (2) In writs of summons proceedings where the writ is electronically filed, the application to search for appearance and the certificate of non-appearance must be filed using the Electronic Filing Service (EFS).
- (3) After the search has been carried out, the Court will reply to the filing party with the result of the search annotated on the certificate.
- (4) When judgment in default of appearance is later sought, a copy of the certificate endorsed by the Court should be included as an exhibit to the affidavit of service. If no such affidavit is required to be filed in a particular case, a copy of the certificate should be attached to a letter, which should be sent to the Court together with the other documents required to obtain judgment in default of appearance.
- (5) Sub-paragraphs (1) to (4) shall not apply to any proceedings commenced by an originating summons under the Administration of Muslim Law Act (Cap 3, 1999 Revised Edition), section 17A of the Supreme Court of Judicature Act (Cap 322, 1999 Revised Edition), the Guardianship of Infants Act (Cap 122, 1985 Revised Edition), Section 59 of the Women's Charter (Cap 353, 1997 Revised Edition) and to matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition).

## **57. Judgment Interest**

### *Interest rates in default judgments*

- (1) The directions set out in sub-paragraphs (2) to (3) shall be observed when entering judgments in default of appearance or defence under Orders 13 and 19 respectively of the Rules of Court. These directions shall apply to such default judgments entered on or after 1 April 2007. (In respect of post-judgment interest under Order 42, Rule 12 for such default judgments, please refer to sub-paragraph (4) below).

- (2) **Non-contractual interest**

For 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)], 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**

For contractual interest:

- (a) For fixed or constant 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.
  - (iii) The total amount of interest payable need not be specified.
- (b) For fluctuating rate:
  - (i) There shall be an appendix attached to the judgment in the following form:

“Rate of interest	Principal Sum	Period of Interest	Amount of Interest
----------------------	------------------	-----------------------	-----------------------

_____ % p.a.	\$ _____	From _____ _____ to _____	\$ _____
-----------------	----------	---------------------------------	----------

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

(c) **Evidence of agreement on contractual interest**

Evidence of the agreement as to the rate of interest shall be attached to the judgment.

*Post-judgment interest*

- (4) The directions set out in sub-paragraph (5) shall apply to judgments granted on or after 1 April 2007. The directions set out in sub-paragraph (5) shall also apply to judgments entered in default of appearance or defence under Orders 13 and 19 or in default of an order of Court (i.e. “unless” or peremptory orders) on or after 1 April 2007. For the avoidance of doubt, judgments granted or the said default judgments entered prior to 1 April 2007 will carry post-judgment interest at the rate of 6% per annum (or such lower rate as the Court has directed, or an agreed rate) for the entire period of accrual of interest.
- (5) Pursuant to the Chief Justice’s directions as provided for under Order 42, Rule 12, 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 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) The directions set out in sub-paragraph (7) shall apply to costs where the commencement date under Order 59, Rule 37 is on or after 1 April 2007. For the avoidance of doubt, costs with commencement dates which are prior to 1 April 2007 will carry the default interest rate of 6% per annum for the entire period of accrual of interest.
- (7) Pursuant to the Chief Justice's directions as provided for under Order 59, Rule 37(1), 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*

- (8) The directions set out in sub-paragraph (9) shall apply to awards of interest for the period prior to judgment, such orders being made on or after 1 April 2007.
- (9) 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)*

- (10) The directions set out in sub-paragraph (11) shall apply to orders made under Order 30, Rule 6(2) for payment of interest on or after 1 April 2007.
- (11) 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 IX**  
**ELECTRONIC FILING AND SERVICE**

**58. Application**

- (1) The Directions contained in Paragraphs 58 to 80 shall apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court.
- (2) All other Paragraphs in these 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 Paragraphs 58 to 80 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.

**59. 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, the Registrar, with the approval of the Chief Justice, hereby establishes an Electronic Filing Service (EFS) and appoints CrimsonLogic Pte Ltd as the network service provider for this service.



**60. Appointment of agent to establish service bureau**

Pursuant to Order 63A, Rule 4, of the Rules of Court, the Registrar appoints CrimsonLogic Pte Ltd as an agent to establish a service bureau at No. 2 Havelock Road #06-01, Apollo Centre, Singapore 059763.

**61. 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, Rule 47 of the Women's Charter (Matrimonial Proceedings Rules) 2003, and Rule 64 of the Women's Charter (Matrimonial Proceedings) Rules 2005, 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 Paragraph, must be so filed, served, delivered or otherwise conveyed using the Electronic Filing Service (EFS).
- (2) It shall not be necessary to use the EFS in respect of the following proceedings:
  - (a) any proceedings commenced by a writ of summons before 1 March 2000, subject to the provisions in sub-paragraph (2)(b), (c), (d) and (e);
  - (b) any proceedings commenced by an originating summons before 18 December 2001 and before 15 December 2003 for those filed under the Administration of Muslim Law Act (Cap 3, 1999 Revised Edition), section 17A of the Supreme Court of Judicature Act (Cap 322, 1999 Revised Edition), the Guardianship of Infants Act (Cap 122, 1985 Revised Edition) and the Women's Charter (Cap 353, 1997 Revised Edition);
  - (c) any proceedings for taxation commenced by a bill of costs, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;
  - (d) any proceedings commenced by an originating summons or summons for interpleader relief, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;
  - (e) any notices of appeal under Order 55D of the Rules of Court including proceedings resulting or arising from such appeals, filed before 18 December 2001;

- (f) any proceedings commenced by a petition of course filed before 28 May 2002;
  - (g) any proceedings commenced by a petition under the Adoption of Children Act (Cap 4, 1985 Revised Edition) filed before 9 December 2002;
  - (h) any proceedings commenced by a petition under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) filed before 15 December 2003; and
  - (i) any proceedings commenced by a petition under the Probate and Administration Act (Cap 251, 2000 Revised Edition) filed before 15 December 2003.
- (3) 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 EFS, be filed in accordance with the procedure outlined in Paragraph 50(3)-(7).
  - (4) In respect of appeals under Order 55D, it shall not be necessary to file, deliver or convey any document at the High Court using the EFS if its filing, service, delivery or conveyance is not required under Order 55D of the Rules of Court.
  - (5) In respect of all proceedings stipulated in sub-paragraph (2), any application which was previously brought by way of a notice for directions, a notice for further directions or a notice under the summons for directions must be brought by way of a summons.
  - (6) Bundles of authorities can be filed, served, delivered or otherwise conveyed using the EFS. 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.

**62. Preparation and submission of a document to the Court**

- (1) A document must be submitted to the Court in one of two ways, as stated in Order 63A, Rule 8, of the Rules of Court:
  - (a) by electronic transmission; or
  - (b) via a service bureau.
- (2) With effect from 2 July 2001, submission by electronic transmission shall include filing via Internet at the Electronic Filing Service (EFS) website (<http://www.efs.com.sg>).
- (3) A document shall be prepared for submission to Court in the following way:
  - (a) A submission must be created using the computer system provided by the network service provider. This submission can contain more than one document, subject to a number of restrictions. The main restrictions are that:
    - (i) All the documents in the submission must be filed in relation to the same case. For example, a memorandum of appearance for one case and a defence for another case must be included in different submissions.
    - (ii) Each submission, with one exception, can only include one document to which the Court will assign a case number or a document number. The exception is where a fresh writ of summons is filed with a fresh *ex parte* summons for an interim injunction.
    - (iii) All documents in the submission must be processed on the same basis of urgency. For example, documents which are to be processed on the Normal basis and the Urgent basis must be included in separate submissions. In this regard, it should be noted that there are three bases of urgency for submissions to the Court:
      - (I) Normal.
      - (II) Urgent. These submissions will be given a higher priority than Normal submissions. Additional

fees as specified in items 71D(1)(a), 71D(2)(a) and 71D(2A)(a) of Appendix B to the Rules of Court are payable for Urgent submissions.

(III) Immediate. These submissions will be given the highest priority. The approval of the Duty Registrar must be sought before a submission can be submitted as an Immediate submission. Immediate submissions can only be submitted via the service bureau.

(iv) A document cannot be submitted to more than one counter or section of the Court. The counter or section of Court to which the filing party wishes to submit the documents need not be specified. However, if this is specified by the filing party, then all the documents in the submission must be submitted to this one counter or section.

(b) Information and data pertaining to the case, the parties to the case and the documents in the submission are then entered into an electronic template.

(c) Subject to sub-paragraph (3)(e), the actual documents can be created using word processing software or otherwise, and these documents must be converted into an electronic format known as the *Portable Document Format* (PDF) using the Adobe Acrobat Exchange programme.

(d) Subject to sub-paragraph (3)(e), the documents are attached to the submission, and the submission is sent to the Court.

(e) The following documents shall be submitted by entering the relevant information in the appropriate electronic template without attaching the document in the PDF format:

(i) Adoption proceedings

(I) Originating Summonses and Statements;

- (II) Orders for the appointment of Guardian In Adoption under Order 68 of the Rules of Court; and
  - (III) Orders for the dispensation of consent of and/or the service of documents on the natural parent(s) or guardian of an infant under Order 68 of the Rules of Court;
- (ii) Matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) commenced on or after 15 December 2003 and before 1 April 2006
  - (I) Petitions (Forms 3 to 6 of the Women's Charter (Matrimonial Proceedings) Rules 2003) ("the Matrimonial Proceedings Rules 2003"), except petitions for rescission of decrees of judicial separation;
  - (II) Decrees Nisi (Form 21 of the Matrimonial Proceedings Rules 2003);
  - (III) Decrees of Judicial Separation (Form 23 of the Matrimonial Proceedings Rules 2003); and
  - (IV) Certificates of Making Decree Nisi Absolute (Form 22 of the Matrimonial Proceedings Rules 2003).
- (iii) Matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) commenced on or after 1 April 2006
  - (I) Writs (Form 3 of the Women's Charter (Matrimonial Proceedings) Rules 2005) ("the Matrimonial Proceedings Rules 2005");
  - (II) Statements of Claim (Forms 6 to 10 of the Matrimonial Proceedings Rules 2005);
  - (III) Interim Judgments (Form 23 of the Matrimonial Proceedings Rules 2005);

- (IV) Judgments of Judicial Separation (Form 24 of the Matrimonial Proceedings Rules 2005); and
    - (V) Certificates of Making Interim Judgment Final (Form 26 of the Matrimonial Proceedings Rules 2005).
  - (iv) Probate and Administration proceedings
    - (I) Originating Summonses and Statements under the Probate and Administration Act (Cap. 251, 2000 Revised Edition); and
    - (II) Checklists for Originating Summons (Probate) (Form 12 of Appendix B).
- (f) Upon the Court's acceptance of the submission of the documents under sub-paragraph (3)(e) above, the EFS will auto-generate the document in the PDF format, based on the information furnished by the parties in the electronic template, and a copy of the said document will be sent to the party who made the submission.
- (g) An order of Court under sub-paragraph (3)(e)(i)(II) to (III), a decree under sub-paragraph (3)(e)(ii)(II) and (III) and a judgment under sub-paragraph (3)(e)(iii)(III) and (IV) above shall be submitted, at the earliest, after one working day from the date of the making of the order, decree or judgment, unless the Court directs otherwise.
- (h) Save as provided in Paragraph 118 of these Directions, sub-paragraph (3)(e) above will not apply to the filing of an amended document and Paragraph 13 of these Directions will continue to apply.

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

- (1) The following limits currently apply to the filing of documents using the Electronic Filing Service (EFS):
  - (a) The total number of documents in a single submission cannot exceed 99.
  - (b) The total number of pages in a single document cannot exceed 9,999.
  - (c) The size of a single submission cannot exceed 500 mega-bytes.
- (2) The limits described above will apply to filing both by electronic transmission and via the service bureau.
- (3) In the event that any solicitor wishes to file documents which exceed the limits specified in sub-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.



**64. Form of documents**

- (1) All documents shall be in the form prescribed by Order 1, Rule 7 of the Rules of Court.
- (2) The filing party is not required to produce a cover page when filing a document. It is also not necessary for documents that are electronically filed in Court to have a backing sheet.
- (3) 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 on the document information page. Documents with document information pages containing out-of-date or wrong information will be rejected by the Registry and the fee payable shall be that stipulated under Item 71D(3)(a)(iii), (b)(iii) or (c)(iii), as the case may be, of Appendix B to the Rules of Court.
- (4) In the event that the EFS system fails to automatically generate an information page, parties may undertake the procedure outlined in paragraph 71(2).

**65. Filing of documents**

(1) The documents to which the Court will assign a case number or a document number (which will be referred to hereinafter in this part as Main Documents) are the following:

- (a) writs of summons;
- (b) summonses;
- (c) orders of Court;
- (d) judgments;
- (e) notices of appeal under Order 55B of the Rules of Court;
- (f) notices of appeal under Order 55C of the Rules of Court;
- (g) notices of assessment of damages;
- (h) notices of taking of accounts;
- (i) notices of inquiry before the Registrar;
- (j) writs of subpoena;
- (k) warrants for committal;
- (l) orders of arrest;
- (m) writs of execution;
- (n) orders of attachment;
- (o) judgment debtor summonses;
- (p) judgment notices;
- (q) requests for setting down;
- (r) bundles of documents for setting down;
- (s) bundles of documents;
- (t) all originating summonses;
- (u) writs of distress;
- (v) interpleader summonses;
- (w) directions to Accountant-General for payment into and out of Court;
- (x) bills of costs;
- (y) notices of objection;

- (z) originating summonses or summonses under sections 120 or 124 of the Legal Profession Act (Cap 161, 2001 Revised Edition);
- (aa) all requests;
- (bb) notices of hearing of originating summons under Order 68, Rule 8, of the Rules of Court;
- (cc) for matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) commenced on or after 15 December 2003 and before 1 April 2006:
  - (i) memoranda of appearance;
  - (ii) decrees nisi;
  - (iii) decrees nisi absolute (Nullity);
  - (iv) decrees nisi absolute (Divorce)
  - (v) decrees nisi absolute (Presumption of Death and Divorce);
  - (vi) decrees of judicial separation;
  - (vii) notices of proceedings (Respondent);
  - (viii) notices to a co-respondent/party cited/person entitled to intervene/other party;
  - (ix) summonses-in-chambers;
- (dd) for matrimonial proceedings under Part X of the Women's Charter commenced on or after 1 April 2006:
  - (i) memoranda of appearance;
  - (ii) interim judgments;
  - (iii) certificates of making interim judgment final (Nullity);
  - (iv) certificates of making interim judgment final (Divorce);
  - (v) certificates of making interim judgment final (Presumption of Death and Divorce);
  - (vi) judgments of judicial separation;
  - (vii) notices to a co-defendant/defendant in counterclaim/person entitled to intervene/other party;
- (ee) caveats against grant of probate.

- (2) If documents which are related to Main Documents (referred to in this sub-paragraph as related documents) are filed, the following directions will apply:
- (a) If the related documents are filed in the same submission as a Main Document, then the Court's computer system will automatically create a logical link between the Main Document and the related documents.
  - (b) If the related document is filed after the Main Document in a different submission, then the person filing the related document must include the document number of the Main Document as the Reference Document Number in the electronic template of the submission containing the related document. This is to ensure that the documents related to Main Documents may be easily located in the Court's electronic case file.
  - (c) Examples of related documents are:
    - (i) Affidavits filed in support of or in opposition to an application brought by way of summons. If the affidavits are filed in a different submission from the summons, the document number of the summons must be entered as the Reference Document Number of the affidavits in the electronic template of the submission containing the affidavits.
    - (ii) A notice of appeal filed against a decision made upon application brought by way of summons. The document number of the summons must be entered as the Reference Document Number of the notice of appeal in the electronic template of the submission containing the notice of appeal.

**66.    **Pagination of documents****

Every single page of a document *must* be paginated so that the pagination on the actual document (which is subsequently converted to PDF) corresponds with the pagination of the document in the electronic case file. This is to facilitate hearings involving documents.

**67. Visible representations of signatures on documents**

- (1) Order 63A, Rule 9, of the Rules of Court deals with the signing of documents. In essence, the Rule provides that any requirement for signature of a document that is sent to Court using electronic transmission will be satisfied if the identification name and authentication code assigned by the Registrar to the registered user has been applied to the document or the transmission containing the document.
- (2) In some cases, however, parties may require documents to contain a visible representation of a signature. If such visible representations of signatures are required in documents, then it will be sufficient to affix, electronically or otherwise, an image of the manual signature of the solicitor or law firm concerned.
- (3) A visible representation of a signature where required by the Rules of Court or these Directions must continue to appear when a document is filed via the service bureau.

**68. Colour pages**

- (1) Solicitors who file documents using the Electronic Filing Service (EFS) are required to indicate if the documents have colour material in them. This information is needed by the Court in the event that it is ever needed to print out the documents for any reason.
- (2) If solicitors are filing documents to Court by electronic transmission, then the solicitors should indicate in the electronic template the number of pages in the document with colour material in them. If this is not done, the Court will assume that the document contains no such pages, and will accordingly print out the document, if this is ever necessary, using a monochrome printer.
- (3) If solicitors are filing documents to Court via the service bureau, they should request the service bureau to scan those pages which contain colour material using a colour scanner if the material should appear in colour in the Court's file.

**69. 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 Subordinate 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.



**70. Time for filing**

- (1) Users of the Electronic Filing Service (EFS) may file documents in Court at any time when the EFS is operational, even if the Registry of the Subordinate Courts is not open at that time.
- (2) Order 63A, Rule 10, of the Rules of Court prescribes when a document is deemed to be filed when using the EFS.

**71. Rejection of documents, back-dating and refund of penalty**

- (1) Care must be taken to enter correct, complete and accurate information into the electronic template. If the information entered into the electronic template 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 item 71D(3) of Appendix B to the Rules of Court. 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) write in to the network service provider to request for a refund of the penalty.

## **72. Service of documents**

- (1) When a document has been successfully filed in, served on, delivered to, or otherwise conveyed to Court using the Electronic Filing Service (EFS), a notification of acceptance will be sent to the filing party.
- (2) If the document is a Main Document, the notification may comprise the first or more pages of the document that was submitted to the Court. The information that may be annotated on the document may include:
  - (a) the case number and document number;
  - (b) the date and time of filing;
  - (c) the date and time of any hearing;
  - (d) an image of the signature of the Registrar; and
  - (e) an image of the seal of the Subordinate Courts.
- (3) The notification referred to in sub-paragraph (1) should be attached to a copy of the document before it is served on any other party. This attachment can be effected by electronic or manual means, as is appropriate.
- (4) If the document is not a Main Document, then, if the document was sent in using electronic transmission, the status of the document will appear as “Approved” in the In-Tray of the law firm’s computer system. If the document was sent in via the service bureau, a reply indicating acceptance may be collected by the person who submitted the documents to the service bureau. In either case, the filing party may proceed to serve the document on the other parties. It will not be necessary in this case to attach anything to the document that is served.
- (5) The document may be served on a registered user using the Service of Documents Facility. The service can be effected using electronic transmission or via the service bureau. The total number of recipients in each request for service cannot exceed 99. The fees prescribed under item 71E of Appendix B to the Rules of Court will then be payable.

**73. Filing of documents in general by way of reference to Document Control Numbers**

- (1) Where a party wishes to file a document, and the document has already been filed in Court using the Electronic Filing Service (EFS), he may instead of refile the same document include a reference (using the system function in the computer system provided by the network service provider) to the Document Control Number of the document already filed. This facility is available for all types of filings using the EFS and this is in addition to the facility for the creation of a bundle in the manner described in Paragraph 49(5)(b) and (c).
- (2) The Document Control Number of the document referred to in subparagraph (1) above need not be from the same electronic case file nor must the document be previously filed by the same law firm. The status of the document, must however, be “accepted” and it must not be “restricted” or “expunged”.
- (3) The fees payable for the use of the above facility are found in items 71D(1)(d), 71D(2)(d) and 71D(2A)(d) of Appendix B to the Rules of Court.

#### **74. Hearings**

- (1) Hearings, whether in open Court or in chambers, will be conducted in an electronic environment.
  - (a) Solicitors will be given access to the Solicitors' Case Query module at the start of the hearing by the District Judge, Magistrate or the Registrar conducting the hearing.
  - (b) Solicitors should use the Solicitors' Case Query module to access and navigate around the relevant electronic case file. The District Judge, Magistrate or Registrar, and other solicitor, should be referred to relevant documents using the Video Switching Devices. The solicitors may bring their own paper copies of documents to Court for their own reference, but these may not be tendered to the Court save as otherwise provided in this Paragraph. If the solicitors bring electronic copies of their documents, these may not normally be loaded into the Court's personal computer. Instead, these should be read using the solicitor's own notebook or other computers.
  - (c) In the event that the solicitor closes down the Solicitors' Case Query module in the course of the hearing for any reason, the solicitor in question must ask the District Judge, Magistrate or Registrar to give him fresh access to the case file in question.
  - (d) At the end of the hearing, or if the hearing is halted for any significant length of time, solicitors should close down the Solicitors' Case Query module. This will prevent unauthorised access to the electronic case file. If the Solicitors' Case Query module is not closed down, it will be possible for persons not involved in the case to peruse the documents contained in the electronic case file.
  - (e) In the event that a solicitor wishes to refer to case files other than those which have been fixed for hearing, the solicitor should file a request for production of the case file at least one clear day before the day fixed for the hearing. The filing should be done

using the electronic filing service. The case file will then be available for use during the hearing by the District Judge, Magistrate or Registrar, and all solicitors, during the hearing.

- (2) Subject to any Directions in this Part to the contrary, in particular Paragraph 50(3), all documents for use at any hearing should be filed using the Electronic Filing Service (EFS) 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 EFS by the next working day after the hearing. Any document not filed using the EFS will not be included in the Court's case file.
- (3) For very urgent hearings, such as applications for *ex parte* interim injunctions, solicitors should avail themselves of the "Immediate" filing function which is available at the service bureau. Before a document can be presented for "Immediate" filing, the approval of the Duty Registrar must be obtained for the "Immediate" filing to take place. After an "Immediate" filing at the service bureau, the document so filed should be ready for use in Court very shortly after the document is processed by the service bureau.
- (4) In the event that a matter is so urgent that "Immediate" filing is not sufficiently fast, or if the service bureau is not open at the relevant time, then solicitors may still appear before the District Judge, Magistrate or Registrar with paper documents for the urgent hearing. The solicitors so appearing must give an undertaking to file all the documents used at the hearing using the EFS by the next working day after the hearing. Any

document not filed using the EFS will not be included in the Court's case file.

- (5) Notwithstanding anything else in this Paragraph, in the event that a party chooses to use bundles of authorities in paper form for a hearing, the Directions in this sub-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 via the EFS 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 EFS 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.

**75. Filing documents via service bureau**

- (1) Solicitors and law firms are encouraged to acquire the necessary computer system to file documents by electronic transmission using the Electronic Filing Service (EFS). However, in the event that they have not done so or if certain documents cannot be filed using electronic transmission, solicitors and law firms may file documents via the service bureau. Litigants in person may also file documents via the service bureau.

- (2) The operating hours of the service bureau are as follows:

<b>Operating hours</b>	<b>For filing</b>	<b>For collection</b>
Mondays to Fridays (excluding Public Holidays)	9 a.m. to 4.30 p.m.	9 a.m. to 5 p.m.
Saturdays (excluding Public Holidays)	9 a.m. to 12 p.m.	9 a.m. to 12 p.m.
Sundays and Public Holidays	Closed	Closed

- (3) Any document which is accepted for filing outside the time periods specified in sub-paragraph (2) will be treated by the service bureau as having been accepted on the following working day.
- (4) Documents submitted to the service bureau for filing can be submitted on 3 different bases of urgency as set out in Paragraph 62(3)(a)(iii) above.
- (5) The procedure for submitting any document to the service bureau for filing will be as follows:
- (a) Every submission of documents for filing to the service bureau should be accompanied by the following:
- (i) one set of the Paper Filing Templates.
  - (ii) two copies of the Requisition Form.



- (iii) If the person filing is filing on behalf of a law firm, a company or an organisation, a letter of authorisation from the company or organisation for the filing to take place by that person.
  - (iv) The fees payable.
  - (v) The documents listed in the Requisition Form.
- (b) Where multiple sets of submissions are given to the service bureau at the same time, each set of documents must be arranged in the following order:
  - (i) two copies of the Requisition Form.
  - (ii) one set of the Paper Filing Templates.
  - (iii) The documents listed in the Requisition Form.
- (c) The Paper Filing Templates allow the person filing to fill in information on the documents to be filed. This information will later be transcribed into electronic templates for submission to the Court.
  - (i) The Paper Filing Templates may be obtained in paper form from the service bureau. Soft copies of the templates may also be downloaded from the internet at the EFS website (<http://www.efs.com.sg>).
  - (ii) Only one copy of each set of Paper Filing Templates needs to be submitted to the service bureau. However, this copy will be retained by the service bureau, so if the person filing wishes to keep a copy, this should be made before submission to the service bureau.
  - (iii) A separate set of Paper Filing Templates must be filled in for each submission of documents to the service bureau.
  - (iv) A submission of documents can comprise more than one document, subject to the following restrictions:
    - (I) All the documents in the submission must be filed in relation to the same case. For example, a memorandum of appearance for one case and a

defence for another case must be included in different submissions.

- (II) Each submission, with one exception, can only include one Main Document. The exception is where a fresh writ of summons is filed with a fresh *ex parte* summons for an interim injunction.
- (III) All documents in the submission must be processed on the same basis of urgency. For example, documents which are to be processed on the Normal basis must be included in separate submissions from those to be processed on the Urgent basis.
- (IV) The counter or section of the Court to which the person filing wishes to submit the documents need not be specified. However, if this is specified by the person filing, then all the documents in submission must be submitted to this one counter or section.
- (v) Each set of Paper Filing Templates must be signed by the solicitor in charge.
- (vi) The Paper Filing Templates should be filled in carefully and clearly. These documents will be relied on by the service bureau to fill in the electronic template for submission to Court, and illegibility will delay the process of submission. The service bureau may also reject incomplete Paper Filing Templates.
- (vii) When submitting the Paper Filing Templates, the person filing must indicate if he wishes to verify the information transcribed from the Paper Filing Template into the electronic template.
  - (I) If the person filing chooses not to verify the transcription, then the submission will be sent to

Court by the service bureau once the submission has been processed.

- (II) If the person filing chooses to verify the transcription, he should wait his turn until the submission has been processed. He may then verify the submission. It should be noted that once the election to verify the transcription has been made, the service bureau will not submit the documents in question to Court until these have been verified. The person filing must also ensure that he attends to verify the information transcribed within two working days of the submission, including the day of submission. If he does not, the service bureau will treat the submission as having been abandoned, and will delete it. The fees prescribed by item 71D(2)(f) of Appendix B to the Rules of Court will then be payable.
- (d) The Requisition Form allows the person filing to list all the documents being filed in that submission, and to indicate the basis on which the submission should be processed.
  - (i) The Requisition Form may be obtained in paper form from the service bureau. Soft copies of the form may also be downloaded from the Internet via the Subordinate Courts' website (<http://www.subcourts.gov.sg>) or the EFS website (<http://www.efs.com.sg>).
  - (ii) One set of two Requisition Forms must accompany each set of Paper Filing Templates.
  - (iii) The person filing will be required to pay the fee that he has filled into the Requisition Form to the service bureau before the service bureau will accept the submission.

- (e) The letter of authorisation for the person filing should be on the law firm's or organisation's letterhead paper, and should include the name and identification number of the person filing. It should clearly authorise the person filing to file the documents on behalf of the law firm or organisation, and should identify the documents he is authorised to file. A sample of a letter is included as Form 13 of Appendix B. The service bureau will retain this letter, and will also check the particulars stated in the letter against the identification card or document of the person filing.
- (f) Payment to the service bureau can be made in one of three ways:
  - (i) Cash.
  - (ii) Cashier's order made payable to CrimsonLogic Pte Ltd.
  - (iii) Law firm's or company's cheque made payable to CrimsonLogic Pte Ltd.
- (6) The following documents may be filed at the service bureau:
  - (a) Paper documents which can be converted into an electronic form by scanning.
  - (b) Documents in an electronic form.
  - (c) Documents which, in whole or in part, cannot be converted into an electronic form by scanning.
- (7) Affidavits which have not yet been sworn, and which a party wishes to send to a commissioner for oaths to be sworn electronically, may not be filed via a service bureau.
- (8) For paper documents which can be converted into an electronic form by scanning, the following Directions shall apply:
  - (a) The documents submitted must be no larger than A3 in size. Documents which are larger than A3 in size should be reduced to that size before they are submitted to the service bureau.
  - (b) Documents should be printed on one side of the paper only.
  - (c) To facilitate the rapid processing of documents:

- (i) Thin documents not exceeding 30 pages should be stapled.
    - (ii) Documents which comprise more than 30 pages should be submitted loose-leaf in a 2-hole ring binder.
  - (d) Documents which are not in the formats described in subparagraph (8)(a) to (c) above, e.g., double-sided documents, bound or stitched documents, may still be submitted to the service bureau, but the processing of these will be slower.
  - (e) Documents up to A3 in size may be scanned by the service bureau in black-and-white or in colour. If any page is required to be scanned in colour by the service bureau, the service bureau should be informed of this. The fees prescribed by item 71D(2)(d) of Appendix B to the Rules of Court will be payable.
  - (f) Documents should be serially numbered at the top right hand corner of each document. The serial numbers used should correspond to the serial numbers appearing in the Requisition Form.
  - (g) The documents submitted will be returned to the person filing when the Court's reply is collected.
- (9) For documents in an electronic form, the following Directions shall apply:
- (a) The documents must be stored in:
    - (i) 100 Mb Iomega ZIP cartridges.
    - (ii) 1.44 Mb 3 1/2" floppy diskettes.
    - (iii) CD-ROM.
  - (b) The electronic format of the documents must be:
    - (i) Microsoft Word; and
    - (ii) Portable Document Format (PDF).
  - (c) The portable media submitted must be labelled with the name of the law firm or company and the filenames of the documents contained therein. The filenames used in the portable media must match those stated in the Paper Filing Templates submitted with

the media. Unnamed or illegibly named diskettes or other media will be rejected by the service bureau.

- (d) Each set of portable media given to the service bureau must contain only the documents included in the submission. Portable media which contains other documents, or documents from two or more submissions, are liable to be rejected.
  - (e) The portable media submitted will be returned to the person filing when the Court's reply is collected.
- (10) For documents which, in whole or in part, cannot be converted into an electronic form by scanning, the following shall apply:
- (a) All such documents *must* be filed via the service bureau. These documents cannot be filed using electronic transmission.
  - (b) The entire document must be submitted in paper for processing, including the parts that can be converted into an electronic form and those that cannot be so converted.
  - (c) Fees will be payable in respect of all the pages of the document, including those which cannot be scanned.
  - (d) The paper document submitted will be sent to the Court, and will not be returned to the person filing.
- (11) As specified in this part of these Directions, some documents are required to be book-marked and linked. Those directions must be complied with where documents are filed via the service bureau.
- (a) In order to request the service bureau to insert book-marks, the following procedure should be followed:
    - (i) The form for book-marking should be obtained from the service bureau before the submission is given to the service bureau.
    - (ii) The form should be filled in with the following details of the book-marks required:
      - (I) Serial number of the book-mark.
      - (II) Name of the book-mark.
      - (III) Page number of the page to be book-marked.

- (iii) The form should be submitted together with the submission to the service bureau.
  - (b) In order to request the service bureau to insert links, the following procedure should be followed:
    - (i) The form for links should be obtained from the service bureau before the submission is given to the service bureau.
    - (ii) The form should be filled in with the following details of the links required:
      - (I) Serial number of the link.
      - (II) A transcript of the text on which the link is to be created. The text in the document on which the link is to be created should also be highlighted.
      - (III) The page, section or paragraph number from where the link is to start.
      - (IV) The destination of the link. For example, the page number or section number being referred to.
    - (iii) This form should be submitted together with the submission to the service bureau.
  - (c) Book-marking and linking can only be done within the same PDF document, and not across multiple PDF documents.
- (12) If any person filing wishes to seek waiver of the filing fees, either in whole or in part, he should obtain the “Request for Partial/Full Waiver of Court Fees” form from the service bureau. He should then attend before the Duty Registrar. Once the approval of the Duty Registrar has been endorsed on the form, the endorsed form should be included in the submission to the service bureau.
- (13) In the event that any person filing wishes to cancel the sending of a submission to the Court, he must attend in person and tender a letter requesting the cancellation, as well as the Requisition Form he received for the submission. The submission may be cancelled so long as the transmission to the Court has not yet been initiated. The fees

prescribed by item 71D(2)(f) of Appendix B to the Rules of Court will be payable upon cancellation.

- (14) After the submission has been sent to the Court, the documents will be processed, and the Court will send a reply back to the service bureau.
  - (a) In order to collect this reply, the Requisition Form should be produced to the service bureau.
  - (b) As a submission can contain more than one document, and the Court may send a different reply in respect of each document, the Requisition Form must be retained until all the documents included in the submission have been replied to.
  - (c) In the event that the Requisition Form is lost, the person filing must himself attend at the service bureau and produce his identification document.
- (15) As the filing fees are set and charged by the Court, the actual filing fees payable will only be confirmed upon reply by the Court.
  - (a) In the event that the fees paid when giving the submission to the service bureau are lower than the fees charged by the Court, then the person collecting the reply of the Court will be asked to pay the difference before the reply is released to him.
  - (b) If the fees charged by the Court are lower than the fees initially paid, then after the reply to the last document in the submission has been received by the service bureau, the difference will be refunded to the person who produces the Requisition Form to collect that reply.
- (16) If a document filed via the service bureau is rejected by the Court for any reason, the penalty, if any, prescribed by item 71D(3) of Appendix B to the Rules of Court will be payable.
  - (a) In the event that the person filing is of the view that the document was wrongly rejected, he may proceed in accordance with the procedure set out in paragraph 71.



(b) In the event that the person filing is of the view that the rejection of the document is due to the fault of the service bureau, he should inform the service bureau.

(17) If a reply from the Court is lost, and a party requires another copy of the reply, he should produce the Requisition Form to the service bureau within one month of the receipt of the reply and request the copies required. An administrative charge of \$10 will be charged for each copy of each reply given.

**76. Filing of documents to the Subordinate Courts via a Supreme Court service bureau**

Pursuant to Order 63A, Rule 18(4), of the Rules of Court, 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 Subordinate Courts proceedings using the Electronic Filing Service (EFS) 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.

## **77. Registered users**

- (1) Under Order 63A of the Rules of Court, any person who wishes to file documents using electronic transmission or to swear documents electronically must first apply to the Registrar to be a registered user. The Registrar has directed that such applications shall be dealt with by the Subordinate Courts Electronic Filing Service (EFS) Certification Authority.
- (2) The following procedures shall apply to applications to become a registered user or an authorised agent of a registered user:
  - (a) The application to become a registered user or an authorised agent of a registered user must be made to the Subordinate Courts EFS Certification Authority using Form 14 of Appendix B.
  - (b) Any natural person who is accepted as a registered user or an authorised agent of a registered user will be issued with an EFS digital certificate.
  - (c) There are five different types of EFS digital certificate, namely:
    - (i) Court.
    - (ii) Service bureau.
    - (iii) Commissioner for oaths (employed by the Court).
    - (iv) Advocate and solicitor.
    - (v) Commissioner for oaths (not employed by the Court).
  - (d) A person may be issued with more than one EFS digital certificate, but these must all be of different types.
  - (e) An advocate and solicitor EFS digital certificate may be applied for by:
    - (i) any advocate and solicitor who holds a valid practising certificate;
    - (ii) any person who holds a valid practising certificate issued in pursuance of section 26(4) of the Legal Profession Act (Cap 161, 2001 Revised Edition); and

- (iii) any person falling within the descriptions set out in section 29(2) of the Legal Profession Act (Cap 161, 2001 Revised Edition).
- (f) Any person who applies for an advocate and solicitor EFS digital certificate must forward the following documents to the Subordinate Courts EFS Certification Authority:
  - (i) Form 14 of Appendix B, duly stamped at the Subordinate Courts' Cashier's Office with the fee prescribed by item 95 of Appendix B to the Rules of Court. Only 1 EFS digital certificate may be applied for in each copy of Form 14.
  - (ii) A photocopy of the applicant's identification document. This should be the applicant's identity card if he is a Singaporean. If he is not, this should be the applicant's valid passport together with his entry or re-entry permit, or his employment pass; the applicant's FIN must appear in this document.
  - (iii) The original of a letter from the applicant's law firm or organisation, if the applicant is not to be the Registered User, authorising the applicant to apply for an EFS digital certificate.
  - (iv) If the applicant falls within sub-paragraph (2)(e)(i) or (2)(e)(ii), a copy of the applicant's current practising certificate.
- (g) An advocate and solicitor's EFS digital certificate will usually be issued for a period of 3 years. However, if the applicant ceases at any time before the expiry of his certificate to be a person falling within the categories set out in sub-paragraph (2)(e), he must inform the Subordinate Courts EFS Certification Authority of this immediately.
- (h) Only persons who have been appointed as commissioners for oaths may apply for a commissioner for oaths EFS digital

certificate. Any person who applies for a commissioner for oaths EFS digital certificate must forward the following documents to the Subordinate Courts EFS Certification Authority:

- (i) Form 14 of Appendix B, duly stamped at the Subordinate Courts' Cashier's Office with the fee prescribed by item 95 of Appendix B to the Rules of Court. Only 1 EFS digital certificate may be applied for with each Form 14.
  - (ii) A photocopy of the applicant's identification document. This should be the applicant's identity card if he is a Singaporean. If he is not, this should be the applicant's valid passport together with his entry or re-entry permit, or his employment pass.
  - (iii) A copy of the applicant's current certificate of appointment as a commissioner for oaths.
- (i) A commissioner for oaths EFS digital certificate will usually be valid until the date of expiry of the applicant's current certificate of appointment. However, if the applicant ceases to be a commissioner for oaths at any time before that, he must inform the Subordinate Courts EFS Certification Authority of this immediately.
- (3) The attention of registered users and their authorised agents is brought to Order 63A, Rule 6(3) of the Rules of Court which requires the registered user or his authorised agent to inform the Registrar in writing of any change in particulars.
- (4) Order 63A, Rule 6(4) of the Rules of Court requires the registered user to immediately request the Registrar in writing to cancel the identification name and authentication code of an authorised agent when the authority of that authorised agent is revoked or terminated.
- (a) This request should be made in Form 15 of Appendix B.
  - (b) A registered user may not cancel its identification name and authentication code. A registered user should instead request the cancellation of the identification names and authentication codes

of all its authorised agents. When the identification names and authentication codes of all its authorised agents have been cancelled or have expired, the registered user will cease to be a registered user.

- (c) Care should be taken to ensure that requests for cancellation are addressed to the certification authority that actually issued the identification name, authentication code and EFS digital certificate that the requestor is seeking to cancel. In particular, requests for cancellation of Supreme Court EFS certificates should not be addressed to the Subordinate Courts EFS Certification Authority.
- (5) All the forms and documents referred to in this Paragraph should be sent to the Registrar, marked for the attention of the Subordinate Courts EFS Certification Authority. Enquiries may also be directed to the Subordinate Courts EFS Certification Authority:

Subordinate Courts EFS Certification Authority

Subordinate Courts

1 Havelock Square

Singapore 059724

Tel: 65345434

Fax: 64355935

Email: [subct\\_ca@subct.gov.sg](mailto:subct_ca@subct.gov.sg)

**78. 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 (EFS) for such period or periods as he in his discretion thinks fit.

**79. Use of Index Search, Extract Service and Service of Documents Facility at the service bureau**

- (1) Solicitors, law firms and litigants in person who wish to utilise the Index Search, Extract Service and Service of Documents Facility may do so via the service bureau. Unlike a request\* for extract of documents made by way of electronic transmission described in Paragraph 145, a soft copy extract will not be available at the service bureau. Instead, the extract will be made available in hardcopy.
- (2) The procedure for filing of documents via the service bureau as set out in Paragraph 75 continues to apply to the Extract Service. The requests for extract and certified true paper copies of documents can be submitted for filing in Court on three different bases of urgency as set out in Paragraph 62(3)(a)(iii). The relevant fees prescribed by items 71H and 71I of Appendix B to the Rules of Court will then be payable. The fees prescribed by items 71H(3) or 71I(f) of Appendix B to the Rules of Court, as the case may be, shall be payable upon the rejection of the requests by the Court.
- (3) Persons who wish to use the Index Search should have the following with them:
  - (a) One set of the Index Search Request Template.
  - (b) The fees payable under item 71F(b) of Appendix B to the Rules of Court.
- (4) Persons who wish to use the Service of Documents Facility should have the following with them:
  - (a) One set of the Service of Documents Request Template.
  - (b) If the person utilising any of the services above is doing so on behalf of a law firm, a company or an organisation, a letter of authorisation from the law firm, company or organisation for the filing to take place by that person.

---

\* Formerly known as “praecipe”.



- (c) The fees payable under 71E of Appendix B to the Rules of Court.
  - (d) The documents listed in the Service of Documents Request Template.
- (5) The Request Templates allow the person utilising the services to fill in information necessary for the request. The information will be transcribed into electronic templates for submission.
- (a) The Request Templates may be obtained in paper form from the service bureau. Soft copies of the templates may also be downloaded from the Internet at the EFS website (<http://www.efs.com.sg>).
  - (b) Only one copy of each set of Request Templates needs to be submitted to the service bureau. However, this copy will be retained by the service bureau, so if the person serving wishes to keep a copy, this should be made before submission to the service bureau.
  - (c) The Request Templates should be filled in carefully and clearly. These documents will be relied on by the service bureau to fill in the electronic templates for submission and illegibility will delay the process of submission. The service bureau may also reject incomplete Request Templates.
  - (d) When submitting the Request Templates, the person utilising the services must indicate if he wishes to verify the information transcribed from the Request Templates into the electronic template.
    - (i) If the person utilising the services chooses not to verify the transcription, then the transmission will be conducted once it has been processed.
    - (ii) If the person utilising the services chooses to verify the transcription, he should wait his turn until the submission has been processed. He may then verify the submission. It should be noted that once the election to verify the

transcription has been made, the service bureau will not submit the request until the transcription has been verified. The person utilising the services must also ensure that he attends to verify the information transcribed within two working days of the submission, including the day of submission. If he does not, the service bureau will treat the submission as having been abandoned and will delete it.

- (e) The letter of authorisation for the person utilising the Service of Documents Facility should be on the law firm's or organisation's letterhead paper, and should include the name and identification number of the person utilising the services. It should clearly authorise the person to utilise the services on behalf of the law firm or organisation. A sample of the letter is included as Form 16 of Appendix B. The service bureau will retain this letter, and will also check the particulars stated in the letter against the identification card or document of the person utilising the services.
- (f) Payment to the service bureau will be in the same mode as stated in Paragraph 75(5)(f).
- (g) In the event that any person utilising the services wishes to cancel the submission, he must attend in person and tender a letter requesting the cancellation. The submission may be cancelled so long as the transmission has not yet been initiated.

**80. Filing of records of appeal and written Cases for District Court appeals under Order 55D, Rules 6 and 7, of the Rules of Court and appeals on ancillary matters or custody matters from the Family Court to the High Court under Order 55C of the Rules of Court**

- (1) Under Order 55D, Rule 6(1), of the Rules of Court, the appellant is required to file the record of appeal and the Appellant's Case. Under Order 55D, Rule 7(2), of the Rules of Court, the respondent has to file the Respondent's Case.
- (2) Appeals against final orders made by a District Judge in chambers on ancillary matters in matrimonial proceedings under the Women's Charter (Cap. 353, 1997 Revised Edition), custody proceedings under the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition) or proceedings pursuant to section 17A(2) of the Supreme Court of Judicature Act (Cap. 322, 1999 Revised Edition) are governed by Order 55C of the Rules of Court. Pursuant to the Supreme Court Practice Directions (2006 Ed.), the appellant has to file a submission, the record of appeal and where the record of appeal exceeds 1000 pages, a core bundle, and the respondent has to file a submission and a supplemental core bundle, where necessary.
- (3) The following Directions apply to District Court appeals that arise from proceedings which have been commenced using the Electronic Filing Service (EFS) pursuant to Paragraph 61. To avoid repeated filing of documents which already exist in the electronic case file, the Registrar has directed that for the purpose of complying with Order 55D, Rules 6 and 7, of the Rules of Court, the parties are required to file the following documents using the EFS in accordance with the applicable time frames in Order 55D, Rules 6(1) and 7(2), of the Rules of Court:
  - (a) The appellant is required to file a single copy of the following:
    - (i) Form of the record of appeal in lieu of the record of appeal; and
    - (ii) Appellant's Case.

- (b) The respondent is required to file a single copy of the Respondent's Case.
- (4) The form of the record of appeal filed pursuant to sub-paragraph (3) must be in accordance with Form 17 of Appendix B.
- (5) A document which a party intends to list in the form of the record of appeal, either in whole or in part, need not be filed again if the document already exists in the electronic case file. Such documents are deemed to be filed. However, a party is required to provide the following information:
  - (a) document control number (DCN) of the document;
  - (b) filing date of the document;
  - (c) description of the document; and
  - (d) where only a portion of the document is referred to, the specific pages of the document must be stated.
- (6) If a party wishes to rely on a document which does not exist in the electronic case file, he must file the document *together* with the form of the record of appeal. Further, a table of contents must be included for these documents. These documents must be paginated consecutively at the centre top of the page and the solicitor must ensure that the pagination takes into account the pages comprising the form of the record of appeal and the table of contents for these additional documents. For example, if the form of the record of appeal is 5 pages and the table of contents for the additional documents is 2 pages, the first page of the first document should be paginated as page 8.
- (7) When filing the records of appeal for appeals in proceedings commenced on or after 15 December 2003 against final orders referred to in sub-paragraph (2) above, there is no need to file documents which already exist in the electronic case file again. Appellants should take note of Paragraph 73 when filing such records. Appellants should also include in the records of appeal an index page setting out the list of documents in the records of appeal.

- (8) The Registrar further directs that the appellant and the respondent tender the requisite copies of the record of appeal and the written Cases in accordance with Order 55D, Rules 6(1) and 7(2), of the Rules of Court in hard copy form to assist the Judge of the High Court. For the avoidance of doubt, the documents contained in the record of appeal must coincide with the documents listed in the form of the record of appeal.
- (9) The appellant and the respondent are also to tender the requisite hardcopies of the record of appeal, submissions and the core bundle, where applicable, in accordance with the Supreme Court Practice Directions (2006 Ed.) to assist the Judge of the High Court.
- (10) The fees payable for the filing of the written Cases or submissions are found in items 69A, 69B, 71D(1)(c) and 71D(2)(c) of Appendix B to the Rules of Court. The fees payable for the filing of the form of record of appeal are found in items 70A, 71D(1)(c) and 71D(2)(c).
- (11) In the event that a party files a document together with the form of record of appeal which need not be filed pursuant to sub-paragraph (5), the fees under items 71D(1)(c) or 71D(2)(c) of Appendix B to the Rules of Court will be charged on this document and such fees shall not be refundable.
- (12) For District Court appeals that arise from proceedings that were not commenced by the filing of documents through the EFS pursuant to Paragraph 61, the following Directions shall apply. To comply with Order 55D, Rules 6 and 7, of the Rules of Court, the parties are required to file the record of appeal and written Cases using the EFS. The Directions in sub-paragraph (8) continue to apply to these District Court appeals.
- (13) The fees payable for the filing of the written Cases are found in items 69A, 69B, 71D(1)(c) and 71D(2)(c) of Appendix B to the Rules of Court. The fees payable for the filing of the record of appeal using the EFS are found in items 71D(1)(c) and 71D(2)(c).

## **PART X**

### **PROCEEDINGS IN THE FAMILY COURT: DIVORCE, MATRIMONIAL CAUSES, GUARDIANSHIP OF INFANTS, ADOPTION AND PROCEEDINGS PURSUANT TO SECTION 17A(2) OF THE SUPREME COURT OF JUDICATURE ACT**

#### **81. Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to the Family Court**

- (1) The Honourable the Chief Justice has made the following orders under section 28A of the Supreme Court of Judicature Act (Cap. 322):
  - (a) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 1996, which came into operation on 1 April 1996 (“the 1996 Transfer Order”);
  - (b) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2003, which came into operation on 15 December 2003 (“the 2003 Transfer Order”);
  - (c) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2005, which came into operation on 1 April 2006 (“the 2005 Transfer Order”); and
  - (d) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2007, which came into operation on 1 January 2008 (“the 2007 Transfer Order”).
- (2) Pursuant to the 1996 Transfer Order -
  - (a) all proceedings under section 59 and Part X of the Women’s Charter (Cap. 353, 1985 Edition) and the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition) (referred to in this Part as “family proceedings”), commenced in the High Court on or after

1 April 1996, shall be transferred to and be heard and determined by a District Court; and

- (b) all family proceedings commenced before 1 April 1996 as well as any proceedings ancillary thereto shall continue to be heard and determined by the High Court.
- (3) The 2003 Transfer Order and the 2005 Transfer Order provide that proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition), in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more, shall be transferred from the District Court to the High Court to be heard and determined. This "transfer back" to the High Court based on the gross value of assets applied to proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) commenced on or after 15 December 2003.
- (4) The 2007 Transfer Order provides that the net value instead of the gross value shall be used to determine whether the proceedings should be transferred from the District Court to the High Court.
- (5) The new jurisdictional threshold based on net value takes effect from 1 January 2008 and applies to proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) commenced on or after 15 December 2003. Proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) which have already been transferred to the High Court based on the gross value threshold, pursuant to 2003 Transfer Order or the 2005 Transfer Order, will not be affected and will remain in the High Court.
- (6) Pursuant to the 2007 Transfer Order, proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a net value of \$1.5 million or more shall, upon the direction of the Registrar of the Subordinate Courts that the ancillary issues are ready for hearing, be transferred to and be heard and determined by the High Court.

- (7) Solicitors and parties shall be responsible for identifying the correct Transfer Order applicable to their case.
- (8) A sub-registry of the Registry of the Supreme Court (referred to in this Direction as the “sub-registry of the Supreme Court”) and sub-registry of the Registry of the Subordinate Courts (referred to in this Direction as the “sub-registry of the Subordinate Courts”) have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square (“the Family and Juvenile Court”).



**82. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building**

All documents relating to family proceedings which are to be heard and determined by the High Court shall be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:

- (1) all originating processes to commence family proceedings before 1 April 1996;
- (2) all subsequent applications and documents in or ancillary to family proceedings commenced before 1 April 1996;
- (3) all applications and documents in or ancillary to family proceedings commenced on or after 15 December 2003 involving the division of matrimonial assets with a gross value of \$1.5 million or more, which have been transferred to the High Court before 1 January 2008 upon the direction of the Registrar of the Subordinate Courts;
- (4) all applications and documents in or ancillary to family proceedings commenced on or after 15 December 2003 involving the division of matrimonial assets with a net value of \$1.5 million or more, which have been transferred to the High Court from 1 January 2008 upon the direction of the Registrar of the Subordinate Courts; and
- (5) all applications and documents to vary any Order of the High Court in the proceedings referred to in sub-paragraphs (1) to (4).

**83. Documents to be filed at the sub-registry at the Family and Juvenile Court**

All documents relating to family proceedings which are to be heard and determined by the Subordinate Courts shall be filed at the sub-registries at the Family and Juvenile Court.

- (1) All processes to commence family proceedings on or after 1 April 1996 shall be filed at the sub-registry of the Supreme Court and shall bear the title “In the High Court of the Republic of Singapore”.
- (2) As regards the documents accompanying a writ that is filed on or after 1 April 2006:
  - (a) the following documents shall bear the title “In the High Court of the Republic of Singapore”:-
    - (i) Statement of Claim (Forms 6, 7, 8, 9 or 10 of the Women’s Charter (Matrimonial Proceedings) Rules 2005 (“the Matrimonial Proceedings Rules 2005”));
    - (ii) Statement of Particulars (Form 11 of the Matrimonial Proceedings Rules 2005);
    - (iii) Agreed Parenting Plan or Proposed Parenting Plan (By Plaintiff); and
    - (iv) Agreed Matrimonial Property Plan or Proposed Matrimonial Property Plan (By Plaintiff);
  - (b) the following documents shall bear the title “In the Subordinate Courts of the Republic of Singapore”:-
    - (i) Notice to a Co-Defendant/Defendant in Counterclaim/ Person Entitled to Intervene/Other Party (Form 15 of the Matrimonial Proceedings Rules 2005);
    - (ii) Acknowledgment of Service (Defendant) (Form 16 of the Matrimonial Proceedings Rules 2005);
    - (iii) Acknowledgment of Service (Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party) (Form 17 of the Matrimonial Proceedings Rules 2005);

(iv) Memorandum of Appearance (Defendant) (Form 18 of the Matrimonial Proceedings Rules 2005); and

(v) Memorandum of Appearance (Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party) (Form 19 of the Matrimonial Proceedings Rules 2005);

and the references to the “Registrar of the Supreme Court” in these forms shall be replaced by the “Registrar of the Subordinate Courts” and the references to “the High Court” shall be replaced by “the Subordinate Courts”.

(3) Subject to Paragraph 82(3) of these Directions, all subsequent applications and documents in or ancillary to these family proceedings shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”, except for:

(a) any cross-petition or answer and cross-petition in proceedings commenced before 1 April 2006; and

(b) any counterclaim or defence and counterclaim in proceedings commenced on or after 1 April 2006,

which shall be filed at the sub-registry of the Supreme Court and shall bear the title “In the High Court of the Republic of Singapore”.

(4) Subject to Paragraph 82(4) of these Directions, all applications and documents to vary any order of the Subordinate Courts in family proceedings shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.

#### **84. Particulars of Statement of Claim**

- (1) Under Rule 7(2) of the Matrimonial Proceedings Rules 2005, the plaintiff is required to furnish in the statement of particulars the particulars of the facts pleaded in the statement of claim but not the evidence by which they are to be proved.
- (2) Where a statement of claim pleads facts that are based on section 95(3)(d) or (e) of the Women's Charter (Cap. 353, 1997 Revised Edition) (i.e. 3 years' separation with consent and 4 years' separation respectively), the statement of particulars shall specifically contain the following particulars:
  - (a) the date which the plaintiff and the defendant commenced their separation;
  - (b) the length of the separation;
  - (c) the respective residential addresses of each party during the period of separation (if known); and
  - (d) if parties have been living in separate households under the same roof for the period of the separation, to give details on how the parties have been living in separate households.

For the avoidance of doubt, the reasons for the parties' separation need not be particularised.

- (3) This Paragraph is applicable to matrimonial proceedings filed before 1 April 2006 as if:
  - (a) the reference in sub-paragraph (1) to Rule 7(2) of the Matrimonial Proceedings Rules 2005 were a reference to Rule 6(2) of the Matrimonial Proceedings Rules 2003; and
  - (b) any reference to the statement of claim, statement of particulars, plaintiff and defendant were a reference to the petition, affidavit in support of petition, petitioner and respondent respectively.

**84A. Amendment of documents originally filed in Court by entering relevant information in an electronic template**

- (1) This Paragraph applies to documents that are originally filed in Court by entering the relevant information in the appropriate electronic template under Paragraph 62(3)(e)(iii) of these Directions.
- (2) Where such a document is to be amended, whether pursuant to Rule 22 of the Women's Charter (Matrimonial Proceedings) Rules 2005 or with leave of court, the amended document is to be prepared and filed by entering the relevant amendments in the appropriate electronic template. The amended document need not be filed in PDF format. In this respect, Paragraph 13(4)(b), (6) and (7) shall not apply.

## **85. Appeals**

- (1) Any appeal against the decision or order of a District Judge made in family proceedings shall be made to the High Court; and any appeal against the decision or order of the Registrar or a Deputy Registrar of the Subordinate Courts made in family proceedings shall be made to a District Judge in chambers.
- (2) Pursuant to the Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2007, an appeal shall lie to the High Court from a decision of a District Court regardless of the amount in dispute or the value of the subject-matter.
- (3) For family proceedings commenced before 15 December 2003:
  - (a) any document in relation to an appeal against the decision of a District Judge made in family proceedings shall be filed at the Registry of the Subordinate Courts at No. 1 Havelock Square; and
  - (b) any document in relation to an appeal against the decision of the Registrar or a Deputy Registrar of the Subordinate Courts made in family proceedings shall be filed at the sub-registry of the Subordinate Courts at the Family and Juvenile Court.
- (4) All documents in relation to appeals arising from family proceedings commenced on or after 15 December 2003 shall be filed by the Electronic Filing Service.

**86. Agreed Parenting Plan and Proposed Parenting Plan**

Pursuant to Rule 8(3) of the Matrimonial Proceedings Rules 2003, or Rule 8(3) of the Matrimonial Proceedings Rules 2005, as the case may be, parties may seek the assistance of a court counsellor to resolve their dispute relating to the arrangements for the welfare of their children so as to enter into an agreed parenting plan before the commencement of proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition). To make a counselling appointment, parties may write to the Director, Family and Juvenile Justice Centre, or make an application at the Family Court website at <http://www.familycourtofsgov.sg>.

**87. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan**

- (1) Rule 9(3)(b) of the Matrimonial Proceedings Rules 2005 provides that the plaintiff shall serve a copy of the agreed matrimonial property plan on the Housing and Development Board (“HDB”) prior to the filing of the agreed matrimonial property plan.
- (2) Where parties have agreed that the HDB matrimonial asset is to be retained by one party (that is, Option 4 or 5 in Form 35 of the Matrimonial Proceedings Rules 2005), the party seeking to file the agreed matrimonial property plan shall serve the “Request for Checking of Eligibility” in accordance with Form 18 of Appendix B on the HDB in addition to the agreed matrimonial property plan. The agreed matrimonial property plan and Form 18 shall be served on the HDB at:
  - (a) the Branch Office which is in charge of the estate where the HDB flat is located, where the HDB matrimonial asset is an HDB flat; and
  - (b) the Sales Section at HDB Centre, where the HDB matrimonial asset is an Agreement for the Lease of an HDB flat.
- (3) Rule 9(3) of the Matrimonial Proceedings Rules 2005 provides that the CPF standard query and the HDB standard query which are required to be served on the Central Provident Fund (“CPF”) Board and the HDB pursuant to Rule 9(3) itself and Rule 18(9) of the said Rules shall be in such manner as the Registrar may require, and that the replies to the standard queries shall be within such time and such manner as the Registrar may require.
- (4) Where the HDB matrimonial asset is an HDB flat, the HDB standard query shall be in accordance with Form 19 of Appendix B and shall be served on the HDB at the Branch Office which is in charge of the estate in which the HDB flat is located. Where the HDB matrimonial asset is an Agreement for the Lease of an HDB flat, the HDB standard query shall be in accordance with Form 20 of Appendix B and shall be served on the HDB at the Sales Section at HDB Centre. The Housing and



Development Board shall give the written answers to the standard query within one month of the service of the query.

(5) The CPF standard query may be made in the following manner:

(a) *For parties below the age of 55 years:*

(i) by using the Statement Request, an online service provided in the CPF website at <http://www.cpf.gov.sg>, (“the CPF website”) in order to obtain copies of the relevant CPF statements, i.e. statements which show:

(I) the amount of CPF monies and the amount of accrued interest thereon utilised by the party towards the purchase of any property (i.e. the Public Housing Scheme - Withdrawal Statement); and

(II) the amount of CPF monies standing in the party’s ordinary, medisave and special accounts respectively (i.e. the Statement of Account); or

(ii) by attending, either personally or through an authorised representative, at any of the CPF Board offices and making a personal request for the relevant CPF statements. A party or his authorised representative is to produce, for the CPF Board’s verification:

(I) the National Registration Identity Card or passport of the party; and

(II) where applicable, the original letter of authorisation signed by the party (i.e. the CPF member) and the National Registration Identity Card or passport of the authorised representative.

(iii) Where the party using the online service described at sub-paragraph (5)(a)(i) is unable to obtain copies of the relevant CPF statements due to technical faults or any other reason, the party is to use the standard query mode set out in sub-paragraph (5)(a)(ii).

(b) *For parties aged 55 years and above:*

by serving the original copy of Form 21 of Appendix B on the CPF Board at the Public Housing Section, Main Office of the CPF Board. Solicitors who wish to complete Form 21 on behalf of their clients shall annex a covering letter to Form 21 stating that they are the solicitors representing the CPF member for whom the enquiries are made. The CPF Board shall give the respective parties the written answers to the standard query within one month of the service of Form 21.

- (6) The date of the relevant CPF statements obtained must be no earlier than 3 months from the date of the filing of the writ.
- (7) The instructions to a defendant on how to make the standard query to the CPF Board as required by the Writ for Divorce, Judicial Separation or Nullity of Marriage (Form 3 of the Matrimonial Proceedings Rules 2005) shall be in Appendix E of these Practice Directions.
- (8) The replies of the HDB and the CPF Board to the standard queries shall be retained by the parties and shown to the Court at the mediation or hearing of the ancillary matters, if necessary.
- (9) This Paragraph, the Forms prescribed therein, and Appendix E are applicable to divorce, judicial separation or nullity proceedings filed before 1 April 2006 as if:
  - (a) any reference to the plaintiff and defendant were a reference to the petitioner and respondent respectively;
  - (b) the reference in sub-paragraphs (1) and (3) to Rule 9(3)(b) of the Matrimonial Proceedings Rules 2005 were a reference to Rule 9(3)(b) of the Matrimonial Proceedings Rules 2003;
  - (c) the reference in sub-paragraph (3) to Rule 18(9) of the Matrimonial Proceedings Rules 2005 were a reference to Rule 18(7) of the Matrimonial Proceedings Rules 2003;
  - (d) the reference in sub-paragraph (7) to the Writ for Divorce, Judicial Separation or Nullity of Marriage (Form 3 of the Matrimonial Proceedings Rules 2005) were a reference to

Appendix C to the Notice of Proceedings (Form 12 of the Matrimonial Proceedings Rules 2003); and

- (e) any reference in the prescribed Forms or in Appendix E to the writ, plaintiff and defendant were a reference to the petition, petitioner and respondent respectively.

**88. Status conferences for matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)**

- (1) Status conferences will be conducted (pursuant to Order 34A of the Rules of Court) for matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) before the case is set down for hearing.
- (2) Status conferences are conducted for the purposes of ensuring that cases are dealt with and disposed of without delay and to assign time frames for the disposition of cases.
- (3) At the status conference, the matters to be considered include the following:-
  - (a) service of the writ and the affidavit of service;
  - (b) filing of all necessary documents;
  - (c) the likelihood of settlement;
  - (d) the date of setting down; and
  - (e) the dates of the mediation and counseling sessions
- (4) To facilitate a more effective and expedient processing of cases and to reduce the number of court attendances, a Registrar's Notice ("the First Status Conference Notice") in the format as set out in Form 21(I) of Appendix B will be sent to the plaintiff within 6 weeks directing the plaintiff either :-
  - (a) to set down the case for hearing by a stipulated date if the pleadings are closed; or
  - (b) to inform the Court of the status of the matter if the pleadings are not closed. Such information shall be in Form 21(II) of Appendix B and shall be sent to the Court within 7 days of the First Status Conference Notice. Upon receipt of Form 21(II), the Court will consider the reasons stated in the form and may make the appropriate directions for the matter.
- (5) If the plaintiff fails to set down or to reply to the First Status Conference Notice in accordance with sub-paragraph (4) above, a Second Status Conference Notice in Form 21(III) shall be sent directing the plaintiff to

set down the matter by a stipulated date, failing which the plaintiff is to attend a Status Conference .

- (6) Where a case is set down for hearing before a status conference, the status conference will be vacated.

**89. Pre-trial conferences for matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition)**

- (1) Pre-trial conferences will be conducted (pursuant to Order 34A of the Rules of Court) for matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition) after the case is set down, where the case or any of the ancillary relief claimed is contested.
- (2) At the pre-trial conference, the matters to be considered include the following:
  - (a) the likelihood of settlement of the contested issues;
  - (b) directions on the conduct of mediation and counselling;
  - (c) the witnesses who will be called;
  - (d) the filing of affidavits, reports, summonses and any other necessary documents;
  - (e) the net value of the matrimonial assets for division and the necessity to transfer the proceedings to the High Court for hearing and determination; and
  - (f) the number of days required for hearing and the fixing of hearing dates.
- (3) The Deputy Registrar shall, before fixing a date for the hearing of the ancillary matters, ensure that all affidavits, reports and any other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with. The parties or their counsel attending the pre-trial conference shall ensure that such documents have been filed and all such matters dealt with before seeking a date for the hearing of the ancillary matters.
- (4) Unless otherwise directed by the Deputy Registrar, for the purpose of expediting the hearing of contested ancillary matters, the parties or their counsel shall file and exchange an Ancillary Matters Fact and Position Sheet in Form 35A of Appendix B at least 5 working days prior to the hearing of the contested ancillary matters.
- (5) Where the contested ancillary matters include the division of matrimonial assets, the parties or their counsel shall, upon the direction

of the Deputy Registrar, file the Declaration of the Value of Matrimonial Assets in Form 22 of Appendix B stating the net value of the matrimonial assets as at the date of the Declaration, and the status of the proceedings.

- (6) At any time before the commencement of the hearing of the contested ancillary matters, where it is necessary to do so, the parties or their counsel shall, upon the direction of the Deputy Registrar, file another Declaration of the Value of Matrimonial Assets in Form 22 of Appendix B, stating the net value of the matrimonial assets as at the date of the fresh Declaration, and the status of the proceedings.
- (7) A specimen Declaration illustrating the use of Form 22 of Appendix B is included in Appendix K for the guidance of parties and solicitors.
- (8) The principal solicitors having conduct of the case are to personally attend the pre-trial conference. They are expected to be thoroughly prepared to discuss the matters listed in sub-paragraphs (2), (3), (4), (5) and (6) above.
- (9) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the pre-trial conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and/or counselling.
- (10) The Deputy Registrar conducting the PTC will take a holistic approach to the case and consider all relevant pending matters relating to the case.
- (11) The Forms prescribed in this Paragraph are applicable to matrimonial proceedings filed before 1 April 2006 as if any reference therein to the writ, summons, plaintiff and defendant were a reference to the petition, summons-in-chambers, petitioner and respondent, respectively.

**90. Mediation**

- (1) Mediation is conducted (pursuant to section 50(1) of the Women's Charter (Cap. 353, 1997 Revised Edition)) to encourage and assist parties in reaching an agreement or to narrow the issues in contention.
- (2) Counsel and parties must personally attend mediation on the date appointed by the Court. Any request for a change of the mediation appointment shall be made at least 3 working days before the appointed date.
- (3) Counsel and parties are expected to be prepared to discuss their respective cases during the mediation. All relevant documents such as the private investigator's report, medical reports, statements from the Housing and Development Board and the Central Provident Fund Board, salary slips, income tax returns, bank statements and credit card statements shall be produced at the mediation, if necessary.
- (4) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court. If the dispute is not resolved at the mediation session, the District Judge or Deputy Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Deputy Registrar conducting the mediation.



## **91. Counselling**

- (1) Counselling is conducted (pursuant to section 50(2) of the Women's Charter (Cap. 353, 1997 Revised Edition)) for the purpose of exploring the possibility of reconciliation, assisting parties to deal with the emotional aspects of a divorce, facilitating an amicable settlement of the facts supporting the breakdown of a marriage, advising parties on the arrangements which can be made for the welfare of children and facilitating an amicable settlement of the arrangements to be made for the welfare of children.
- (2) Counsel need not attend a counselling session unless their clients desire their attendance.
- (3) Any request for a change of the counselling appointment shall be made at least 3 working days before the appointed date.
- (4) Counselling sessions will be conducted on a without prejudice basis. The outcome after counselling shall be recorded by the counsellor and signed by the parties. A copy of the outcome form shall be given to each party. The outcome form and all communications made in the course of counselling will be treated in strict confidence and shall not be admissible in any court.

**92. Affidavit of Evidence in Chief for Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353)**

- (1) To facilitate the hearings of uncontested matrimonial proceedings under Part X of the Women's Charter (Cap 353) commenced on or after 1 April 2006:
  - (a) where the plaintiff is proceeding on the statement of claim, the plaintiff is required to file an Affidavit of Evidence in Chief in the prescribed format in Form 21A of Appendix B to attest to the veracity of the contents found in the statement of claim and statement of particulars; and
  - (b) where the defendant is proceeding on the counterclaim, the defendant is required to file an Affidavit of Evidence in Chief in the prescribed format in Form 21B of Appendix B to attest to the veracity of the contents found in the counterclaim.
  - (c) where there is a Private Investigator's (PI) report to be adduced as evidence, the PI shall file an Affidavit of Evidence in Chief exhibiting a copy of the PI report.
- (2) The Affidavit of Evidence in Chief shall be filed at the same time as the filing of the Request for Setting Down Action for Trial (Form 22 of the Matrimonial Proceedings Rules 2005).

**92A. Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353) where Attendance of Counsel and Parties may be Dispensed With**

- (1) In uncontested matrimonial proceedings under Section 95, Part X of the Women's Charter (Cap 353), the Court may dispense with the attendance of counsel and parties at the uncontested divorce hearing.
- (2) The party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file the:
  - (a) Affidavit of Evidence in Chief in the prescribed format in either:
    - (i) Form 21A of Appendix B to attest to the veracity of the contents found in the statement of claim and statement of particulars; and/or
    - (ii) Form 21B of Appendix B to attest to the veracity of the contents of the counterclaim,
  - (b) Affidavit of Evidence in Chief of Private Investigator (hereinafter referred to as "PI") exhibiting the PI report, if any;
  - (c) draft consent order incorporating the terms of the agreement, if any, and
  - (d) Form 21C of Appendix B.

A copy of Form 21C of Appendix B shall be sent to the other party at the same time by the filing party.
- (3) Where the documents are in order, the court may proceed to grant the relevant orders in chambers without requiring the attendance of the parties.
- (4) Notwithstanding the above, the Court has the discretion to fix the matter for open court hearing and require the attendance of parties.
- (5) This procedure shall be complied with by counsel acting for the party filing the Request for Setting Down Action for Trial in all applicable cases unless an application for exemption is submitted citing special grounds (for example where parties wish to make any further application related to the grant of an interim judgment, including applications for abridgment of time).

- (6) If parties are applying for an exemption under sub-paragraph (5) above, the party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file Form 21D of Appendix B.

**92B. Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353)**

- (1) For the open court hearings of uncontested matrimonial proceedings under Section 105 and 106 Part X of the Women's Charter (Cap 353) or pursuant to Para 92A(4) and Para 92A(5), there is no need for the plaintiff to be made to confirm every paragraph of the statement of claim and statement of particulars. Counsel will only need to put to the plaintiff in the witness box the questions which will prove the following matters:
  - (a) the marriage;
  - (b) the particulars of children (if any);
  - (c) the ground on which the action is founded; and
  - (d) the relief claimed.
- (2) For this purpose and to facilitate the proceedings, counsel should supply a copy each of the statement of claim and statement of particulars to their respective plaintiffs.
- (3) If parties have reached an ancillary matters agreement, and intend to have it recorded at the open court hearing, counsel shall file the draft consent order incorporating the terms of the said agreement at least 5 working days prior to the open court hearing. The document name selected for the draft consent order in the Electronic Filing Service shall be "Draft Consent Order for Hearing".
- (4) Notwithstanding the adoption of this simplified procedure, counsel will still be expected to bring to the attention of the Court any specific matters in connection with or arising from the proceedings of which the Court should be aware. In particular, if section 123 of the Women's Charter (Cap. 353) is applicable, the Directions set out in Paragraph 93 below shall be complied with.
- (5) Subject to the extent specified in sub-paragraph (3), this Paragraph is applicable to matrimonial proceedings filed before 1 April 2006 as if any reference to the plaintiff, statement of claim and statement of particulars

were a reference to the petitioner, petition and affidavit in support of petition respectively.

**93. Arrangements for the welfare of children**

- (1) Section 123 of the Women's Charter (Cap. 353, 1997 Revised Edition) sets out the restrictions on the making of the interim judgment final for divorce or nullity of marriage before proper arrangements for the welfare of the children have been made.
- (2) To enable the Court to discharge its duty under section 123, counsel should, *at the hearing of the proceedings*, inform the Court:
  - (a) that there are no relevant children to whom the section applies;
  - (b) that arrangements have or have not been made for the welfare of the children and that if arrangements have been made, they are satisfactory or are the best that can be devised in the circumstances;
  - (c) whether or not it is impracticable for the party or parties appearing before the Court to make such agreements; or
  - (d) whether or not the circumstances make it desirable that the interim judgment should be made final without delay.
- (3) This Paragraph is applicable to divorce or nullity proceedings filed before 1 April 2006 as if the references in sub-paragraphs (1) and (2)(d) to the interim judgment being made final were references to the decree nisi being made absolute.

**94. Examination of children**

- (1) Applicants for the leave of the Court for a child to be examined or assessed under Rule 41 of the Matrimonial Proceedings Rules 2005 are required to draft their applications in the prescribed format in Form 23 of Appendix B, with the appropriate modifications to suit the individual case.
- (2) A draft Letter of Instruction to Expert Witness in the prescribed format in Form 24 of Appendix B, together with the relevant Schedules, must be annexed to the application.
- (3) This Paragraph and the Forms prescribed therein are applicable to matrimonial proceedings filed before 1 April 2006 as if:
  - (a) the reference in sub-paragraph (1) to Rule 41 of the Matrimonial Proceedings Rules 2005 were a reference to Rule 26A of the Matrimonial Proceedings Rules 2003; and
  - (b) any reference in the Forms to the Divorce Suit, plaintiff and defendant were a reference to the Divorce Petition, petitioner and respondent respectively.



## **95. Draft Consent Orders**

- (1) If an agreement has been reached between the parties on the custody of children, access to them, maintenance, division of matrimonial assets or other ancillary matters subsequent to the granting of a decree nisi (for proceedings commenced before 1 April 2006) or an interim judgment (for proceedings commenced on or after 1 April 2006) (“the agreement”), counsel shall file a copy of the draft consent order incorporating the agreement at least 5 working days prior to the hearing of the ancillary matters (“the hearing”). The draft consent order shall be accompanied by a cover letter in the prescribed format in Form 25 of Appendix B. For proceedings commenced before 1 April 2006, Form 25 shall be modified so that any references therein to the Divorce Suit, plaintiff and defendant are substituted with references to the Divorce Petition, petitioner and respondent respectively.
- (2) A hard copy of the draft consent order bearing the signature of both parties or their counsel, shall be submitted in court for the approval of the Court during the hearing, if parties are required to attend the hearing.
- (3) The draft consent orders shall be signed:
  - (a) in cases where both parties are represented, by both parties’ counsel; or
  - (b) in cases where any party is unrepresented, by that party personally, and the signature of that party in person must be witnessed by an advocate and solicitor or a commissioner for oaths.
- (4) The Court hearing the ancillary matters may consider and approve the draft consent order submitted by the parties pursuant to sub-paragraph (1) above, and grant an order in terms of the same before the hearing date thus obviating the need for the parties to attend the hearing for the sole purpose of recording the consent order.
- (5) The list of consent orders approved by the Court in the absence of parties will be published on the Family and Juvenile Court website (<http://www.familycourtofsingapore.gov.sg>) and the Family and

Juvenile Court notice board before the day fixed for hearing, to inform the relevant parties that they need not attend Court.

- (6) For proceedings filed before 15 December 2003, an additional copy of the draft consent order bearing the signature of both parties or their counsel, shall be submitted in court for the approval of the Court pursuant to sub-paragraph (1) above.
- (7) For proceedings commenced on or after 15 December 2003, the document name selected for the filing of the draft consent order in the Electronic Filing Service shall be “Draft Consent Order for Hearing”.
- (8) Parties need not submit a further draft consent order for approval after the hearing. Counsel need only file the engrossed copy of the consent order after the draft consent order is approved and returned by the Registry.

**96. Documents required for the extraction of Certificate of Making Decree Nisi Absolute and Decree Nisi for matrimonial proceedings filed before 15 December 2003**

- (1) For matrimonial proceedings filed before 14 April 2003, solicitors are required to submit the following documents when making an application for the Decree Nisi to be made Absolute:
- (a) Certificate of Making Decree Nisi Absolute (three copies, one of which is to be stamped)
  - (b) Affidavit on application to search the court records (applicable only if the decree nisi was granted before 15 February 2003) (one stamped copy)
  - (c) Notice of Application to Make Decree Nisi Absolute (one stamped copy)
  - (d) Parenting Plan (where applicable) (one copy)
  - (e) Order of court granting leave to make Decree Nisi Absolute out of time (where applicable) (one copy)
  - (f) Decree Nisi (one copy)
  - (g) Order(s) of Court on all ancillary matters (where applicable)(one copy).

The documents listed in sub-paragraphs (1)(a) to (e) above must be original documents, and not photocopies. The documents listed in sub-paragraphs (1)(f) and (g) above may be photocopies.

- (2) For matrimonial proceedings filed on or after 14 April 2003 but before 15 December 2003, solicitors are required to submit the following documents when making an application for the Decree Nisi to be made Absolute:
- (a) Certificate of Making Decree Nisi Absolute (three copies, one of which is to be stamped)
  - (b) Order of court granting leave to make Decree Nisi Absolute out of time (where applicable) (one copy)
  - (c) Decree Nisi (one copy)

- (d) Order(s) of Court on all ancillary matters (where applicable)(one copy).

The documents listed in sub-paragraphs (2)(a) and (b) above must be original documents, and not photocopies. The documents listed in sub-paragraphs (2)(c) and (d) above may be photocopies.

- (3) As parties seeking to extract a Certificate of Making Decree Nisi Absolute in respect of a Decree Nisi granted on or after 15 February 2003 no longer have to search the court records, nor file the affidavit on application to search the court records, to facilitate the search of the court records by the Family Registry, whenever any:

- (a) application to extend the time for the appealing against the decree nisi whether made in the Family Court, High Court or Court of Appeal; and/or
- (b) memorandum of appearance stating that a party wishes to show cause against the decree being made absolute

is filed, the party filing it shall send a notification to the Family Court Registry in the prescribed form in Form 26 of Appendix B.

- (4) When seeking for approval of a draft Decree Nisi signed by only one party, solicitors are required to submit the following documents:

- (a) draft Decree Nisi signed by the relevant party/relevant party's solicitor (one copy); and
- (b) draft consent order recorded by the Court at the Decree Nisi hearing (where applicable) (one copy).

The documents listed in sub-paragraph 4(a) and (b) may be photocopies. Upon approval and return of the draft Decree Nisi, two copies of the Decree Nisi in terms of the approved draft (one of which is to be stamped) are to be submitted to the Family Registry for processing.

- (5) When seeking the extraction of Decrees Nisi and Orders of Court endorsed with the signatures of all the relevant parties/relevant parties' solicitors, solicitors are required to submit the following documents:

- (a) draft Decree Nisi/Order of Court signed by all relevant parties/relevant parties' solicitors (one copy); and

- (b) Decree Nisi/Order of Court (two copies, one of which is to be stamped) in terms of the draft Decree Nisi/Order of Court signed by all relevant parties/relevant parties' solicitors.

The document listed in sub-paragraph 5(a) above may be a photocopy.

- (6) This Paragraph is only applicable to matrimonial proceedings filed before 15 December 2003.

**97. Order of Court for Substituted Service or Dispensation of Service for Originating Processes under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) filed before 15 December 2003**

- (1) When filing the draft order of court for Substituted Service or Dispensation of Service, solicitors are required to submit a copy of the summons-in-chambers on which the order in terms was granted by the Court. The above documents may be photocopies.
- (2) Upon approval of the draft order of court, two copies of the order of court in terms of the approved draft (one of which is to be stamped) are to be submitted to the Family Registry for processing.
- (3) This Paragraph is only applicable to originating processes filed before 15 December 2003.

**98. Applications made at the Family Court pursuant to an order of court empowering the Registrar or Deputy Registrar of the Subordinate Courts to sign documents on behalf of a party to matrimonial proceedings**

- (1) When dealing with the ancillary matters the Court may grant orders under section 45 of the Subordinate Courts Act (Cap. 321, 1999 Revised Edition) empowering the Registrar to sign the documents to effect the sale and transfer of matrimonial assets. These orders fall into two categories:
  - (a) an order empowering the Registrar to sign the relevant documents without any pre-conditions (“Category A orders”); and
  - (b) an order empowering the Registrar to sign the relevant documents only in the event of a default by a party in signing the relevant documents (“the other party”) (“Category B orders”).
- (2) Applications to obtain the signature of the Registrar pursuant to Category A orders and Category B orders shall be made before the Duty Registrar in the Family Court. The documents to be signed by the Duty Registrar shall contain the following endorsements:

*“Signed on behalf of {insert name of party in default} by Registrar, Subordinate Courts, pursuant to order of court dated {insert date}”*

Counsel shall furnish the following documents to the Duty Registrar when making such applications:

- (a) For Category A orders
  - (i) The sealed copy of the order of court empowering the Registrar to sign the relevant documents; and
  - (ii) A duplicate copy of each of the documents to be signed by the Registrar, which will be retained by the Court.
- (b) For Category B orders
  - (i) The documents set out in sub-paragraph (2)(a)(i) and (ii) above.

- (ii) An affidavit showing the other party's default in signing the relevant documents.

The sealed copy of the order of court empowering the Registrar to sign will be returned after the signing of the documents.



**99. Mareva injunctions and search orders**

Paragraphs 21 and 22 of these Practice Directions shall be applicable to an application for a *Mareva* injunction and a search order. The order of court for such an application shall contain the text set out in Forms 4 to 6 of Appendix B. However, for those orders made in applications taken out in proceedings by way of a petition under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition), the format of the order shall comply with Form 24 of the Matrimonial Proceedings Rules 2003, and for those orders made in applications taken out in proceedings by way of a writ under Part X of the Women's Charter, the format of the order shall comply with Form 25 of the Matrimonial Proceedings Rules 2005.

**100. Discovery, inspection and interrogatories in respect of ancillary relief**

**(1) Inspection of documents**

- (a) The notice to be served on a party requiring him to produce a document or documents for inspection under Rule 27(1) of the Matrimonial Proceedings Rules 2005 shall be in Form 27 of Appendix B.
- (b) The notice to be served by a party (on whom a notice under Rule 27(1) of the Matrimonial Proceedings Rules 2005 has been served) under Rule 27(2) of the Matrimonial Proceedings Rules 2005 shall be in Form 28 of Appendix B.

**(2) Request or application for discovery and interrogatories**

- (a) In any application for discovery, inspection and interrogatories in respect of ancillary relief, the particular rule, paragraph and sub-paragraph (where applicable) of the Matrimonial Proceedings Rules 2005 under which the application is being taken out shall be stated in the application.
- (b) A request for discovery under Rule 25(4) of the Matrimonial Proceedings Rules 2005 shall be in Form 29 of Appendix B, and a notice under Rule 25(6) of the Matrimonial Proceedings Rules 2005 in response to the request for discovery shall be in Form 30 of Appendix B.
- (c) An application for discovery under Rule 25(1) to (3) of the Matrimonial Proceedings Rules 2005 shall be in Form 31 of Appendix B.
- (d) A request for interrogatories under Rule 31(1) of the Matrimonial Proceedings Rules 2005 shall be in Form 32 of Appendix B, and a notice under Rule 31(3) of the Matrimonial Proceedings Rules 2005 in response to the request for interrogatories shall be in Form 33 of Appendix B.
- (e) An application for interrogatories under Rule 31(5) to (6) of the Matrimonial Proceedings Rules 2005 shall be in Form 34 of Appendix B.

- (f) If more than 5 items are listed in the request (under Rule 25(4) or 31(1) of the Matrimonial Proceedings Rules 2005) or application (under Rule 25(1) to (3) or Rule 31(5) to (6) of the Matrimonial Proceedings Rules 2005) for discovery or interrogatories, the request or application, as the case may be, shall comply with the following requirements:
- (i) The various items under the request or application shall be organised by theme or type (for example, all items relating to bank accounts to be grouped together, all requests relating to companies to be grouped together, all items relating to a particular property to be grouped together). Each group of items under a particular theme or type shall be preceded by a heading.
  - (ii) If there are more than 5 sub-items within each item (for example, if bank statements in relation to more than 5 accounts with the same bank are requested), the sub-items shall be organised in either chronological, numerical, or alphabetical order, or alternatively, by themes (for example, all the sub-items relating to housing loan accounts to be listed together, all the sub-items relating to fixed deposits to be listed together).
  - (iii) The time-frame requested for each discovery item shall be stated (where relevant) (for example, if bank statements for a certain bank account are requested, to state which year(s) and/or month(s) the statements are requested for).
  - (iv) The relevant paragraphs and pages in the affidavit(s) relating to the item shall be stated for each item and sub-item, where applicable.
  - (v) If discovery of bank, trading or investment account statements are being requested, then the relevant account numbers (if known) shall be set out.

- (g) A request (under Rule 25(4) or 31(1) of the Matrimonial Proceedings Rules 2005) or application (under Rule 25(1) to (3) or Rule 31(5) to (6) of the Matrimonial Proceedings Rules 2005) for discovery and interrogatories may be combined into one written request or one application. However, such a combined request or application for discovery and interrogatories shall comply with the requirements set out in sub-paragraph (2)(f) above, as well as with the following requirements:
  - (i) The section containing items relating to discovery shall be separate from the section containing items relating to interrogatories. Each section shall be preceded by a heading stating “Discovery” or “Interrogatories”, as the case may be.
  - (ii) Notwithstanding sub-paragraph (2)(g)(i) above, an item relating to discovery may be listed in the same section as an item relating to interrogatories, provided that the items deal with the same subject matter.
- (3) This Paragraph and the Forms prescribed therein are applicable to matrimonial proceedings filed before 1 April 2006 as if:
  - (a) any reference to Rule 25 of the Matrimonial Proceedings Rules 2005, and sub-paragraphs thereof, were a reference to Rule 24A of the Matrimonial Proceedings Rules 2003, and the corresponding sub-paragraphs thereof;
  - (b) any reference to Rule 27 of the Matrimonial Proceedings Rules 2005, and sub-paragraphs thereof, were a reference to Rule 24C of the Matrimonial Proceedings Rules 2003, and the corresponding sub-paragraphs thereof;
  - (c) any reference to Rule 31 of the Matrimonial Proceedings Rules 2005, and sub-paragraphs thereof, were a reference to Rule 24G of the Matrimonial Proceedings Rules 2003, and the corresponding sub-paragraphs thereof; and

- (d) any reference in the prescribed Forms to the plaintiff, defendant, summons and Form 4 of the Matrimonial Proceedings Rules 2005 were a reference to the petitioner, respondent, summons-in-chambers and Form 25 of the Matrimonial Proceedings Rules 2003 respectively.

**100A. Discovery and inspection in respect of maintenance proceedings under Part VIII of Women's Charter (Cap. 353, 2009 Revised Edition)**

(1) The list of documents to be provided by each of the parties under rule 2A(1) of the Women's Charter (Matrimonial Proceedings) Rules is as follows:

(a) For applications for a maintenance order under section 69 or for the rescission or variation of a maintenance order under section 72 of the Women's Charter:

- i. party's list of monthly expenses for himself or herself;
- ii. party's list of monthly expenses for the parties' children;
- iii. documents and receipts to prove the monthly expenses;
- iv. documents to prove their respective debts;
- v. party's payslips and CPF statements for the last 6 months;
- vi. party's evidence of employment (eg. employer's letter or employment contract);
- vii. party's Notice of Assessment of Income for the past 3 years;
- viii. party's updated bank passbooks and/or updated bank statements (including sole and joint accounts); and
- ix. party's bank deposit slips to show payment/non-payment of maintenance.

(b) For applications to enforce a maintenance order under section 71 of the Women's Charter:

- i. computation of arrears;
- ii. party's updated bank passbooks and/or updated bank statements (especially for the period when the maintenance was not paid);

- iii. respondent's list of monthly expenses for himself or herself;
- iv. respondent's list of monthly expenses for the parties' children;
- v. parties' documents and receipts to prove the monthly expenses;
- vi. parties' documents to prove their respective debts;
- vii. respondent's payslips and CPF statements for the last 6 months;
- viii. respondent's evidence of employment (e.g. employer's letter or employment contract); and
- ix. respondent's Notice of Assessment of Income for the past 3 years.

- (2) An application for discovery under rule 2A(2) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 31A of Appendix B.

**101. Affidavit of Assets and Means**

- (1) The Affidavit of Assets and Means to be filed pursuant to Rule 51 of the Matrimonial Proceedings Rules 2005 shall be in Form 35 of Appendix B.
- (2) This Paragraph and Form 35 of Appendix B are applicable to matrimonial proceedings filed before 1 April 2006 as if:
  - (a) the reference in sub-paragraph (1) to Rule 51 of the Matrimonial Proceedings Rules 2005 were a reference to Rule 37 of the Matrimonial Proceedings Rules 2003; and
  - (b) any reference in Form 35 of Appendix B to the plaintiff and defendant were a reference to the petitioner and respondent respectively.



101A. Forms of documents to be filed for proceedings under Chapter 4A of Part X of the Women's Charter (Cap. 353, 2009 Revised Edition)

- (1) An originating summons for leave under section 121D of the Women's Charter (Cap. 353, 2009 Revised Edition) ("Women's Charter") and rule 4A of the Women's Charter (Matrimonial Proceedings) Rules ("Matrimonial Proceedings Rules") to file an application for financial relief under section 121B of the Women's Charter shall be in Form 35B of Appendix B.
- (2) The plaintiff's affidavit in support of the originating summons for leave under section 121D of the Women's Charter and rule 4A of the Matrimonial Proceedings Rules to file an application for financial relief under section 121B of the Women's Charter shall be in Form 35C of Appendix B.
- (3) The plaintiff's affidavit in support of the originating summons for financial relief under section 121B of the Women's Charter shall be in Form 35D of Appendix B.

**102. Applications under the Guardianship of Infants' Act (Cap. 122, 1985 Revised Edition)**

- (1) Where the parties to an application under the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition) are or were married to each other (whether or not the marriage has subsequently been dissolved), the marriage certificate shall be exhibited in the affidavit filed by the plaintiff in support of the application.
- (2) Pre-trial conferences will be conducted (pursuant to Order 34A of the Rules of Court) for applications under the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition) before a hearing date is given. Pre-trial conferences will be conducted within 4 weeks of the filing of the originating summons.
- (3) At the pre-trial conference, the matters to be considered include the following:
  - (a) service of the originating summons;
  - (b) the likelihood of settlement of the contested issues;
  - (c) directions on the conduct of mediation and counselling;
  - (d) the filing of affidavits, reports and any other necessary documents; and
  - (e) the number of days required for hearing and the hearing dates.
- (4) The principal solicitors having conduct of the case are to personally attend the pre-trial conference. They are expected to be thoroughly prepared to discuss the matters listed in sub-paragraph (3) above.
- (5) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the pre-trial conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and/or counselling.
- (6) Where the parties to an application under the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition) are or were married under the provisions of the Muslim law or are Muslims, both parties shall notify

the sub-registry of the Subordinate Courts at the Family and Juvenile Court, by way of a letter in the prescribed format in Form 36 of Appendix B, a day before each hearing as to whether proceedings involving the same parties have been commenced in the Syariah Court.

### **103. Adoption**

- (1) Despite the fact that the High Court has concurrent jurisdiction to receive such processes, solicitors are requested to file all applications for adoption orders in the Subordinate Courts.
- (2) All applications for adoption orders filed on or after 1 January 2006 shall be made by originating summons in the prescribed format in Form 5 of the Appendix of the Rules of Court.
- (3) There shall be filed together with an application for an adoption order, the Statement in the prescribed format in Form 151 of the Appendix of the Rules of Court, through the Electronic Filing Service (EFS) by entering the relevant information in the appropriate electronic template.
- (4) Within 7 days of the filing of the application for an adoption order, there shall be filed an affidavit which shall:
  - (a) state that the statement exhibited therein is the same statement generated by the EFS, and the contents entered into the EFS, and which now appear in the statement are true and accurate;
  - (b) exhibit the auto-generated Statement in Form 151, which shall be labeled as the first exhibit;
  - (c) exhibit a copy of the birth certificate or other means of identification of the infant, the dependant's pass of the infant, the identity card or other means of identification of the applicant(s), the marriage certificate of the applicants, and the consents, where applicable, and all other documents for proving the averments in the application for an adoption order; and
  - (d) state the grounds in support of the prayer to dispense with the consent of and/or service of documents on the natural parent(s) and/or grandparent(s).
- (5) Where the court makes an order granting the applicant(s) leave to amend the application for an adoption order, and where the amendments relate to the particulars of the applicant(s) and/or infant or any information which also appear in the Statement, the applicant(s) shall within 7 days

amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall within 14 days file an affidavit stating that the amended statement exhibited therein is the same statement generated by the EFS, and the contents entered into the EFS, and which now appear in the statement are true and accurate. The affidavit shall also exhibit the auto-generated amended Statement in Form 151. The amended application for an adoption order and the affidavit (if any) shall be served on the guardian in adoption.

- (6) The applicant(s) may amend the Statement by amending the information in the appropriate electronic template. The following sub-paragraphs shall apply to such amendments of the Statement:
  - (a) Within 7 days of amending the Statement, the applicant(s) shall file an affidavit stating that the amended statement exhibited therein is the same statement generated by the EFS, and the contents entered into the EFS, and which now appear in the amended statement are true and accurate. The affidavit shall also state the grounds for amendments and exhibit the auto-generated amended Statement in Form 151 and all documents proper for proving the averments in the affidavit;
  - (b) Within 3 days of amending the Statement, the applicant(s) shall give written notice to the Family Court in the prescribed format in Form 37 of Appendix B of these Directions unless the Statement was amended pursuant to the directions of the Court; and
  - (c) The affidavit exhibiting the amended Statement shall be served on the guardian in adoption within 7 days of filing of the same.
- (7) To ensure that hearings of application for adoption orders are conducted more expeditiously, the applicant(s) shall generally not be required to file separate summonses for orders such as dispensation of service of documents, dispensation of consent of the natural parents or guardian etc, Such prayers are to be set out in the application for an adoption

order and shall be listed for hearing together with Prayer 1 of the said application.

- (8) The application for an adoption order and the supporting affidavit shall be served on the guardian in adoption.
- (9) Paragraph 12 of these Directions shall be applicable to prayers for substituted service or dispensation of service of documents on a person whose consent is required, save for the case where the person whose consent is required consents to the summons for substituted service or dispensation of service.
- (10) Before dispensation of consent of a person whose consent is required under Section 4 of the Adoption of Children Act (Cap. 4, 1985 Revised Edition) (“the person whose consent is required”), on the basis that the person cannot be found, can be granted, the applicant(s) shall make attempts to locate the person whose consent is required by contacting the person’s relatives, friends and employer(s) (if any), in order to discover the person’s whereabouts. The affidavit in support of the application for an adoption order must include the matters set out in Paragraph 12(1)(c)(i)-(v) of these Directions.
- (11) Where the natural parent(s) is/are below 21 years of age, the written consent of his/her parents or guardians as adapted from the prescribed format in Form 152 of the Appendix of the Rules of Court is required. Where the applicant(s) is unable to obtain the said consent(s), there shall be filed a summons to dispense with the consent of the natural grandparent(s) of the infant, supported by an affidavit explaining why and the efforts made to obtain the said consent(s).
- (12) The original birth certificate and the original translation of the birth certificate (if any) of the infant shall be submitted to the Adoption Counter of the Family Registry at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption accompanied with a cover letter in the prescribed format in Form 38 of Appendix B of these Directions.

- (13) The written consent of the guardian in adoption to be appointed as the guardian in adoption shall be filed at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption.
- (14) The applicant(s) shall ensure that the particulars contained in the infant's birth certificate correspond with those in the Statement, in particular, paragraph 8(c) of the Statement.
- (15) Where the identity of the natural father is unknown, the natural mother of the child shall file an affidavit stating that she is not aware of the identity of the natural father and to give brief reasons as to why that is so.
- (16) It shall not be necessary to apply for the dispensation of consent of the natural parent(s) and for the dispensation of service of documents on the natural parent(s) if the identity of the natural parent(s) is unknown.

**104. Request for urgent hearing dates or urgent hearings prior to the filing of the application through the Electronic Filing Service**

Counsel requesting an urgent hearing before the Duty Registrar or Duty District Judge, or an urgent hearing date, in respect of an application that has not yet been filed through the Electronic Filing Service (EFS), shall submit a hard copy of the proposed application and any supporting affidavit to the Duty Registrar or Duty District Judge for the Court's retention and shall give an undertaking to file the application and supporting affidavit using the EFS by the next working day.



**105. Correspondence and request for re-fixing of hearing dates**

- (1) All correspondence relating to or in connection with any family proceedings shall be addressed to the Registrar and sent to the sub-registry of the Subordinate Courts at the Family and Juvenile Court. For family proceedings commenced on or after 15 December 2003, solicitors are to comply with Paragraph 139 of these Directions.

- (2) In addition, all letters shall be captioned with the number of the cause to which they relate and the names of the parties. For example:

“DIVORCE SUIT 1234 of 2004

Between ABC and DEF”

If the correspondence relates to a particular hearing, the hearing date, time and nature of the hearing should be stated below the parties’ names.

For example:

“PRE-TRIAL CONFERENCE ON 1 JANUARY 2004 AT  
2:30PM.”

- (3) A request for a hearing date to be re-fixed shall be in Form 39 of Appendix B and sent to the sub-registry of the Subordinate Courts at the Family and Juvenile Court.
- (4) Where the reason for re-fixing of the hearing is a conflict of court dates, the following information relating to both court cases must be stated in the request:
- (a) case number;
  - (b) date and time of hearing;
  - (c) nature of hearing;
  - (d) date when the applicant was informed of the hearing date or agreed to accept the hearing date (e.g. date of Registrar’s Notice or date of pre-trial conference or Court mentions when the date was taken).

**106. Transfer of Section 17A(2) Supreme Court of Judicature Act Proceedings to the Family Court**

- (1) In relation to proceedings which may be heard and determined by the High Court pursuant to section 17A(2) of the Supreme Court of Judicature Act (referred to in this Part as “section 17A(2) proceedings”), the Honourable the Chief Justice has made the following orders under section 28A of the Supreme Court of Judicature Act (Cap. 322):
  - (a) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 1999, which came into operation on 1 August 1999 (“the 1999 Transfer Order”);
  - (b) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2004, which came into operation on 1 November 2004 (“the 2004 Transfer Order”); and
  - (c) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2007, which came into operation on 1 January 2008 (“the 2007 Transfer Order for section 17A(2) proceedings”).
- (2) Pursuant to the 1999 Transfer Order, all section 17A(2) proceedings shall be transferred to and be heard and determined by a District Court.
- (3) The 2004 Transfer Order provides that section 17A(2) proceedings, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more, shall be transferred from the District Court to the High Court to be heard and determined. This transfer back to the High Court based on the gross value of assets applies to section 17A(2) proceedings commenced on or after 1 November 2004.
- (4) The 2007 Transfer Order for section 17A(2) proceedings provides that the net value instead of the gross value shall be used to determine whether the proceedings should be transferred from the District Court to the High Court.

- (5) The new jurisdictional threshold based on net value takes effect from 1 January 2008 and applies to section 17A(2) proceedings commenced on or after 1 November 2004. Section 17A(2) proceedings which have already been transferred to the High Court based on the gross value threshold, pursuant to 2004 Transfer Order, will not be affected and will remain in the High Court.
- (6) Pursuant to the 2007 Transfer Order, section 17A(2) proceedings, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a net value of \$1.5 million or more shall, upon the direction of the Registrar of the Subordinate Courts that the proceedings are ready for hearing, be transferred to and be heard and determined by the High Court.
- (7) Solicitors and parties shall be responsible for identifying the correct Transfer Order applicable to their case.

**107. Documents to be filed at the sub-registry at the Family and Juvenile Court for section 17A(2) proceedings**

- (1) All documents relating to section 17A(2) proceedings which are to be heard and determined by the District Court shall be filed at the sub-registries at the Family and Juvenile Court.
- (2) All processes to commence section 17A(2) proceedings (including the Agreed Matrimonial Property Plan or Proposed Matrimonial Property Plan) shall be filed at the sub-registry of the Supreme Court at the Family and Juvenile Court and shall bear the title “In the High Court of the Republic of Singapore”.
- (3) All subsequent applications and documents in or ancillary to these proceedings shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.

**108. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building for section 17A(2) proceedings**

All documents relating to section 17A(2) proceedings which are to be heard and determined by the High Court shall be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:

- (1) all applications and documents in or ancillary to proceedings commenced on or after 1 November 2004 involving the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more, which have been transferred to the High Court before 1 January 2008 upon the direction of the Registrar of the Subordinate Courts;
- (2) all applications and documents in or ancillary to proceedings commenced on or after 1 November 2004 involving the division of matrimonial assets asserted by any party to the proceedings to be worth a net value of \$1.5 million or more, which have been transferred to the High Court from 1 January 2008 upon the direction of the Registrar of the Subordinate Courts;
- (3) all applications and documents to vary any Order of the High Court in the proceedings referred to in sub-paragraphs (1) to (2).

**109. Appeals for section 17A(2) proceedings**

- (1) Any appeal against the decision or order of a District Judge made in the transferred section 17A(2) proceedings shall be made to the High Court; and any appeal against the decision or order of the Registrar or a Deputy Registrar of the Subordinate Courts made in these proceedings shall be made to a District Judge in chambers.
- (2) Pursuant to the Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2007, an appeal shall lie to the High Court from a decision of a District Court regardless of the amount in dispute or the value of the subject-matter.
- (3) Any document in relation to an appeal against the decision of a District Judge made in the transferred section 17A(2) proceedings shall be filed at the Registry of the Subordinate Courts at No. 1 Havelock Square.
- (4) Any document in relation to an appeal against the decision of the Registrar or a Deputy Registrar of the Subordinate Courts made in the transferred section 17A(2) proceedings shall be filed at the sub-registry of the Subordinate Courts at the Family and Juvenile Court.

**110. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan for section 17A(2) proceedings**

- (1) Pursuant to Order 84A Rule 3 of the Rules of Court, Rules 9, 18(9) and 18(10) of the Matrimonial Proceedings Rules 2005 shall apply to section 17A(2) proceedings.
- (2) The Directions set out in Paragraph 87 above (Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan) shall be applicable, with the appropriate modifications, to section 17A(2) proceedings.

**111. Pre-trial conferences for section 17A(2) proceedings**

- (1) Pre-trial conferences will be conducted (pursuant to Order 34A of the Rules of Court) for section 17A(2) proceedings before a hearing date is given. Pre-trial conferences will be conducted within 4 weeks of the filing of the originating summons.
- (2) At the pre-trial conference, the matters to be considered include the following:
  - (a) service of the originating summons;
  - (b) the likelihood of settlement of the contested issues;
  - (c) directions on the conduct of mediation and counselling;
  - (d) the filing of affidavits, reports and any other necessary documents;
  - (e) the net value of the matrimonial assets for division and the necessity to transfer the proceedings to the High Court for hearing and determination; and
  - (f) the number of days required for hearing and the hearing dates.
- (3) The parties or their counsel attending the pre-trial conference shall ensure that all affidavits, reports and any other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with before seeking a date for the hearing of the proceedings.
- (4) Where the contested application includes the division of matrimonial assets on divorce, the parties or their counsel shall, upon the direction of the Deputy Registrar, file the Declaration of the Value of Matrimonial Assets in Form 22 of Appendix B stating the net value of the property as at the date of the Declaration, and the status of the proceedings.
- (5) At any time before the commencement of the hearing of the contested application, where it is necessary to do so, the parties or their counsel shall, upon the direction of the Deputy Registrar, file another Declaration of the Value of Matrimonial Assets in Form 22 of Appendix B, stating the net value of the property as at the date of the fresh Declaration, and the status of the proceedings.



- (6) A specimen Declaration illustrating the use of Form 22 of Appendix B is included in Appendix K for the guidance of parties and solicitors.
- (7) The principal solicitors having conduct of the case are to personally attend the pre-trial conference. They are expected to be thoroughly prepared to discuss the matters listed in sub-paragraphs (2), (3), (4) and (5) above.
- (8) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the pre-trial conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and/or counselling.

112. Mediation for section 17A(2) proceedings

- (1) Mediation is a voluntary process, conducted to encourage and assist parties in reaching an agreement or to narrow the issues in contention. Where a mediation session has been fixed, counsel and parties must personally attend mediation on the date appointed by the Court. Any request for a change or vacation of the mediation appointment shall be made at least 3 working days before the appointed date.
- (2) Counsel and parties are expected to be prepared to discuss their respective cases during the mediation. All relevant documents such as the private investigator's report, medical reports, statements from the Housing and Development Board and the Central Provident Fund Board, salary slips, income tax returns, bank statements and credit card statements shall be produced at the mediation, if necessary.
- (3) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court. If the dispute is not resolved at the mediation session, the District Judge or Deputy Registrar will give the necessary directions to enable the action to proceed to hearing and the originating summons will be heard by a Judge other than the District Judge or Deputy Registrar conducting the mediation.

**113. Counselling for section 17A(2) proceedings**

- (1) Counselling is a voluntary process conducted for the purpose of advising parties on the arrangements which can be made for the welfare of their children and facilitating an amicable settlement of the arrangements to be made for the welfare of the children.
- (2) Counsel need not attend a counselling session unless their clients desire their attendance.
- (3) Any request for a change or vacation of the counselling appointment shall be made at least 3 working days before the appointed date.
- (4) Counselling sessions will be conducted on a without prejudice basis. The outcome after counselling shall be recorded by the counsellor and signed by the parties. A copy of the outcome form shall be given to each party. The outcome form and all communications made in the course of counselling will be treated in strict confidence and shall not be admissible in any court.

**114. Draft Consent Orders for section 17A(2) proceedings**

- (1) If an agreement has been reached between the parties in section 17A(2) proceedings (“the agreement”), Counsel shall file a copy of the draft consent order incorporating the agreement at least 5 working days prior to the hearing of the originating summons (“the hearing”). The draft consent order shall be accompanied by a cover letter in the prescribed format in Form 25 of Appendix B.
- (2) A hard copy of the draft consent order bearing the signature of both parties or their counsel, shall be submitted in court for the approval of the Court during the hearing, if parties are required to attend the hearing.
- (3) The draft consent orders shall be signed:
  - (a) in cases where both parties are represented, by both parties’ counsel; or
  - (b) in cases where any party is unrepresented, by that party personally, and the signature of that party in person must be witnessed by an advocate and solicitor or a commissioner for oaths.
- (4) The Court hearing the originating summons may consider and approve the draft consent order submitted by the parties pursuant to sub-paragraph (1) above, and grant an order in terms of the same before the hearing date thus obviating the need for the parties to attend the hearing for the sole purpose of recording the consent order.
- (5) The list of consent orders approved by the Court in the absence of parties will be published on the Family and Juvenile Court website (<http://www.familycourtofsg.gov.sg>) and the Family and Juvenile Court notice board before the day fixed for hearing, to inform the relevant parties that they need not attend Court.
- (6) For originating summonses filed before 15 December 2003, an additional copy of the draft consent order bearing the signature of both parties or their counsel, shall be submitted in court for the approval of the Court pursuant to sub-paragraph (1) above.

- (7) For originating summonses filed on or after 15 December 2003, the document name selected for the filing of the draft consent order in the Electronic Filing Service shall be “Draft Consent Order for Hearing”.
- (8) Parties need not submit a further draft consent order for approval after the hearing. Counsel need only file the engrossed copy of the consent order after the draft consent order is approved and returned by the Registry.

**115. Correspondence and request for re-fixing of hearing dates for section 17A(2) proceedings**

- (1) All correspondence relating to or in connection with any section 17A(2) proceedings shall be addressed to the Registrar and sent to the sub-registry of the Subordinate Courts at the Family and Juvenile Court.
- (2) 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:

“ORIGINATING SUMMONS NO. 1234 OF 2003

Between ABC and DEF”

If the correspondence relates to a particular hearing, the hearing date, time and nature of the hearing should be stated below the parties’ names.

For example:

“PRE-TRIAL CONFERENCE ON 1 SEPTEMBER 2003 AT  
2:30 PM.”

- (3) A request for a hearing date to be re-fixed shall be in Form 39 of Appendix B and sent to the sub-registry of the Subordinate Courts at the Family and Juvenile Court.

**116. Interim Pre-trial conferences**

*[Deleted]*

**PART XA**  
**TRANSFER OF MENTAL CAPACITY PROCEEDINGS TO**  
**DISTRICT COURT**

**116A. Transfer of mental capacity proceedings to District Court**

- (1) The Honourable the Chief Justice has made the Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010 under section 28A of the Supreme Court of Judicature Act (Cap. 322), which came into operation at 6 a.m. of 1 March 2010 (“the Transfer Order”).
- (2) Pursuant to the Transfer Order -
  - (a) any proceedings under the Mental Capacity Act 2008 (Cap. 177A) (referred to in this Part as “MCA”) commenced in the High Court on or after 1 March 2010 shall be transferred to and be heard and determined by a District Court; and
  - (b) any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) in force before that date, shall be heard and determined by the High Court.
- (3) A sub-registry of the Registry of the Supreme Court (referred to in these Directions as the “sub-registry of the Supreme Court”) and sub-registry of the Registry of the Subordinate Courts (referred to in these Directions as the “sub-registry of the Subordinate Courts”) have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square (“the Family and Juvenile Court”).



**116B. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building**

All documents relating to mental capacity proceedings which are to be heard and determined by the High Court shall be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:

- (1) all applications and documents to vary any Order of the High Court in proceedings under the Mental Disorders and Treatment Act (Cap. 178) commenced before 1 March 2010;
- (2) all documents in or ancillary to any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) in force before that date; and
- (3) all applications and documents to vary any Order of the High Court in proceedings referred to in sub-paragraph (2) above.

**116C. Documents to be filed at the sub-registry at the Family and Juvenile Court**

All documents relating to mental capacity proceedings which are to be heard and determined by the Subordinate Courts shall be filed at the Family and Juvenile Court.

- (1) All processes to commence mental capacity proceedings on or after 1 March 2010 shall bear the title “In the High Court of the Republic of Singapore”.
- (2) An originating summons to commence mental capacity proceedings in the Subordinate Courts shall be in Form 39A of Appendix B.
- (3) The following documents accompanying an originating summons shall bear the title “In the High Court of the Republic of Singapore”:-
  - (a) the plaintiff’s or applicant’s affidavit in support of the Originating Summons (Form 39B of Appendix B);
  - (b) the deputy’s affidavit (Form 39C of Appendix B);
  - (c) the doctor’s affidavit; and
  - (d) the Consent to Originating Summons and Dispensation of Service of Documents (Form 39D of Appendix B).
- (4) All subsequent applications and documents in or ancillary to mental capacity proceedings shall bear the title “In the Subordinate Courts of the Republic of Singapore”.
- (5) All applications and supporting documents to vary any order of the Subordinate Courts in mental capacity proceedings shall be filed at the Family and Juvenile Court and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.

**116D. Where permission is not required to make an application**

- (1) The definition of “P” in Order 99, rule 1 of the Rules of Court shall be applicable in these Practice Directions. “P” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity (within the meaning of the MCA) and to whom any proceedings under the MCA relate.
- (2) Under section 38(1) of the MCA and Order 99, rule 2(3) of the Rules of Court, permission to make an application to the Court for the exercise of its powers is not required where the application is made:-
  - (a) by P and, if P has not attained the age of 21 years, by anyone with parental rights with respect to him;
  - (b) by the donor or a donee of a lasting power of attorney to which the application relates;
  - (c) by a deputy appointed by the Court for P;
  - (d) by a person named in an existing order of the Court, if the application relates to that order;
  - (e) by the Public Guardian where it appears to him that-
    - (i) a person lacks capacity;
    - (ii) no application has been made or is likely to be made for an order under the MCA; and
    - (iii) an order under the MCA is necessary for the protection of the personal welfare, property or affairs of the person;
  - (f) by a person who is related by blood or marriage to P;
  - (g) for an order under section 36 of the MCA (interim orders and directions); and
  - (h) by a person named in a lasting power of attorney under paragraph 2(1)(c)(i) of the First Schedule to the MCA to object to the registration of the said lasting power of attorney.
- (3) If the plaintiff or applicant falls or believes himself to fall within the above categories of persons, this shall be stated at the outset in the supporting affidavit. Relevant documents, such as copies of birth certificates or marriage certificates, of the lasting powers of attorney or of the court orders appointing the deputies shall be exhibited to support

the averment that no permission is required for an application under the MCA.

**116E. Where permission is required to make an application**

- (1) Apart from the categories listed in Paragraph 116D(2) of these Practice Directions, permission is required for an application to the Court under the MCA.
- (2) Where permission is required, that prayer may be included in the main application itself. There is no requirement for a separate application for permission. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit. The Court will decide whether to grant such permission based on the grounds relied upon by the plaintiff or applicant.

**116F. Service of application on named defendants and relevant persons**

- (1) Order 99, rule 5 of the Rules of Court requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings and on each relevant person.
- (2) In a situation where there are no named defendants, the application shall still be served on relevant persons.
- (3) Service on a *named defendant* shall be by way of personal service. Service on *relevant persons* may be by way of ordinary service pursuant to Order 62, rule 6 of the Rules of Court, unless directed otherwise by the Court.
- (4) Subject to the timelines specified under Order 99, rule 5(2) of the Rules of Court, *one affidavit of service* may be filed in respect of service on all the named defendants and relevant persons in any application. The dates, times and manner of service for each of the named defendant and relevant person have to be stated clearly in the affidavit of service.

### **116G. Relevant persons**

- (1) P's immediate family members, by virtue of their relationship to P, are likely to have an interest in being notified that an application has been made to the Court concerning P. 'Relevant persons' for the purposes of Order 99, rule 5 of the Rules of Court will therefore include the following immediate family members:-
  - (a) P's spouse;
  - (b) P's children (aged 21 and above);
  - (c) P's parents or guardians;
  - (d) P's brothers or sisters (aged 21 and above); and
  - (e) P's grandparents or grandchildren (aged 21 and above).
- (2) The plaintiff or applicant should serve the application, the supporting affidavits and the Notice to Relevant Person in Form 39E of Appendix B on relevant persons *in descending order according to the list above* (which is ordered according to the presumed closeness in terms of relationship to P). For example, if P is married, has children aged 21 and above and siblings but has no surviving parents, the plaintiff or applicant should serve on P's spouse, P's children (aged 21 and above) and P's siblings (aged 21 and above).
- (3) The presumption that immediate family members are likely to have an interest in an application concerning P may be rebutted where the plaintiff or applicant is aware of circumstances which reasonably indicate that P's immediate family should not be served but that others should be served instead. For example, where the family member in question has had little or no involvement in P's life and has shown no inclination to do so, that family member need not be served. In some cases, P may be closer to persons who are not immediate family members and if so, it will be appropriate to effect service on them instead of the immediate family members.
- (4) Where the plaintiff or applicant decides that a person listed in one of the categories in sub-paragraph (1) ought to be served, and there are other persons in that category (for example, P has three siblings), the plaintiff or applicant should serve on all persons falling within that category

unless there is a good reason not to do so. For example, it may be a good reason not to serve on every person in the category if one or more of them has had little or no involvement in P's life and has shown no inclination to do so.

- (5) The plaintiff or applicant *must serve on at least three categories of relevant persons* as listed in sub-paragraphs (1) who are likely to have an interest in the application concerning P. Where there are less than three categories of relevant persons, there shall be a statement in the supporting affidavit of the plaintiff or applicant to the effect that there are no other relevant persons apart from those that have been listed in the affidavit (please refer to paragraph 8 of Form 39B of Appendix B).
- (6) Apart from immediate family members, other relevant persons who are likely to have an interest in the application concerning P and who should be served the application, the supporting affidavits and the Notice to Relevant Person in Form 39E of Appendix B include:-
- (a) any other relatives or friends who have a close relationship with P;
  - (b) any person who has a legal duty to support P;
  - (c) any person who will benefit from P's estate; and
  - (d) any person who is responsible for P's care.

If there is no such person to the best of the plaintiff's or applicant's knowledge, he is to state this in his supporting affidavit (please refer to paragraph 8 of Form 39B of Appendix B).

- (7) The details of all relevant persons who should be served are to be listed clearly in the supporting affidavit of the plaintiff or applicant. Where service would not be effected on relevant persons who should be served, the reason why this is so must be stated in the supporting affidavit.
- (8) **Organisations providing residential accommodation to P**
- (a) If P resides at an organisation providing residential accommodation (regardless of whether it also provides care or treatment to P), the plaintiff or applicant shall serve the application, the supporting affidavits and the Notice to Relevant Person in Form 39E of Appendix B on such an organisation as



soon as possible and in any event, not more than 2 working days after the application has been filed. For the purposes of the application, the organisation providing residential accommodation to P shall be considered a relevant person. However, the plaintiff or applicant need not obtain the consent of such an organisation to the application.

- (b) If the organisation providing residential accommodation to P wishes to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, it shall submit a report to the Court within 21 days after the date on which the organisation is served with the application. If such a report is submitted, the Court may require and direct for the attendance of the maker of the report at the hearing of the application.

**116H. Consent of relevant persons**

- (1) If any relevant person to be served has consented to the application and to dispensation of service, the plaintiff or applicant shall file the consent of the relevant person in Form 39D of Appendix B together with the application. The consent given by the relevant person to the application and to dispensation of service must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths.
- (2) The Court may dispense with the service of the application on the relevant person on the application of the plaintiff or applicant. It should be stated clearly in the supporting affidavit that such relevant persons have given their consent to the application and to the dispensation of service.

#### **116L. Notification of P**

- (1) Under Order 99, rule 6 of the Rules of Court, P shall be notified of certain matters by:-
  - (a) the plaintiff, applicant, or appellant (as the case may be); or
  - (b) such other person as the Court may direct.
- (2) Where P is to be notified that an application has been filed, the person effecting notification must explain to P:-
  - (a) who the plaintiff or applicant is;
  - (b) that the application raises the question of whether P lacks capacity in relation to a matter or matters, and what that means;
  - (c) what will happen if the Court makes the order or direction that has been applied for;
  - (d) where the application is for the appointment of a deputy, details of who that person is, and
  - (e) the date on which the application is fixed for hearing.
- (3) Where P is to be notified that an application has been withdrawn, the person effecting notification must explain to P:-
  - (a) that the application has been withdrawn; and
  - (b) the consequences of that withdrawal.
- (4) Where P is to be notified that a notice of appeal has been filed, the person effecting notification must explain to P:-
  - (a) who the appellant is;
  - (b) the issues raised by the appeal;
  - (c) what will happen if the appeal is dismissed or allowed; and
  - (d) the date on which the appeal is fixed for hearing.
- (5) Where P is to be notified that a notice of appeal has been withdrawn, the person effecting notification must explain to P:-
  - (a) that the notice of appeal has been withdrawn; and
  - (b) the consequences of that withdrawal.
- (6) Where P is to be notified that an order which affects P has been made by the Court, the person effecting notification must explain to P the effect of the order.

- (7) In all cases of notification, the person effecting notification must provide P with the information required under Order 99, rule 6 of the Rules of Court and this Part of these Practice Directions in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).
- (8) The person effecting notification must also inform P that he may seek legal advice and assistance in relation to any matter of which he is notified.
- (9) The certificate of notification filed under Order 99, rule 6(5) of the Rules of Court shall be in Form 39F of Appendix B.
- (10) **Dispensing with notification**
  - (a) Under the MCA, notification of P shall be the norm rather than the exception. However, in certain appropriate circumstances, the person required to notify P may apply to Court for an order to dispense with the requirement to notify P. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state, or where notification is likely to cause significant and disproportionate distress to P. The reasons for seeking dispensation of notification shall be stated in the supporting affidavit of the plaintiff or applicant.
  - (b) The Court may, on its own motion, dispense with the notification of P.

**116J. Responding to an application**

- (1) If a relevant person served with an application wishes to object to the application or any part of it, he must apply to the Court to be joined as a party to the proceedings within 21 days after the date on which he was served with the application. The application to be joined as a party to the proceedings shall be in Form 39G of Appendix B and be supported by an affidavit stating his interest in the application and the grounds of his objection.
- (2) If a relevant person served with an application consents to the application, his written consent must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths and must be in Form 39D of Appendix B. The written consent should be filed within 21 days after the date on which he was served with the application by him or by the plaintiff or applicant.
- (3) Where a person who was not served with any application (whether listed as a relevant person or otherwise in the supporting affidavit of the plaintiff or applicant) wishes to be heard in the proceedings, he must apply to be joined as a party to the proceedings in Form 39G of Appendix B.

## **116K. Applications involving the appointment of deputies**

### **(1) The prayers**

- (a) The originating summons to be filed for the appointment of a deputy or deputies shall be in Form 39A of Appendix B.
- (b) It must be stated clearly in the originating summons whether the declaration sought in respect of P's lack of capacity concerns either P's personal welfare or P's property and affairs or both.
- (c) The plaintiff or applicant should ensure that the originating summons, the supporting affidavit and the doctor's affidavit exhibiting the medical report are *consistent* as to whether P lacks capacity in relation to his personal welfare or his property and affairs or both.
- (d) If there is more than one deputy sought to be appointed, the originating summons must state whether the deputies are to act jointly or jointly and severally.
- (e) The powers sought for the deputies are to be drafted appropriately to suit the purpose of each application.
- (f) Any other specific orders or reliefs that are required on the particular facts of each case are to be included.

### **(2) The supporting affidavits by the plaintiff or applicant and the deputy**

- (a) The affidavit to be filed by the plaintiff or applicant in support of the application for the appointment of a deputy or deputies shall be in Form 39B of Appendix B.
- (b) The supporting affidavit must include but not be limited to information about P such as:-
  - (i) his date of birth, marital status and current address;
  - (ii) what type of accommodation he is living in;
  - (iii) what care arrangements he currently has (if any); and
  - (iv) whether he has executed any lasting power of attorney (if so, to exhibit a copy).
- (c) If the application or any part of it is for the appointment of a deputy for the property and affairs of P, the supporting affidavit

must include but not be limited to the following additional information:-

- (i) whether P has executed any will or codicil (if so, to exhibit a copy);
  - (ii) a schedule of all of P's assets and properties, with up to date valuations;
  - (iii) the total value of P's assets and properties;
  - (iv) sources and quantum of P's monthly/annual income;
  - (v) current and projected expenses of caring for and maintaining P, with supporting evidence;
  - (vi) whether P has received or is going to receive any form of compensation or an award of damages (if so, to provide details);
  - (vii) whether P has any outstanding debts (if so, to provide details); and
  - (viii) an up to date report of P's present medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future.
- (d) If the deputy(ies) sought to be appointed is(are) not the applicant(s), then for each of the deputy, a separate affidavit in Form 39C to the Appendix B shall be filed. The supporting affidavit must contain information about the deputy sought to be appointed including but not be limited to the relationship to P, any personal or financial circumstances which will assist the Court in assessing his suitability or otherwise to act as deputy for P. It must also contain the deputy's declarations of his understanding of his responsibilities as a deputy and his undertaking to act in P's best interests and not be in a position of conflict. If the application is for the appointment of a deputy for the property and affairs of P, the deputy's affidavit must also include a declaration of non-indebtedness (please refer to paragraphs 9 and 10 of Form 39C of Appendix B).

- (e) If the plaintiff or applicant and the deputy sought to be appointed is the same person, the information mentioned in sub-paragraph (d) shall be included in the supporting affidavit of the plaintiff or applicant.

(3) **The doctor's affidavit exhibiting the medical report**

- (a) Under Order 40A, rule 3 of the Rules of Court, expert evidence “is to be given in a written report signed by the expert and exhibited in an affidavit sworn to or affirmed by him testifying that the report exhibited is his and that he accepts full responsibility for the report”. The doctor whose medical report is being relied on should affirm or swear to an affidavit and exhibit his medical report and state his qualifications and experience in the area which he is giving the expert evidence on.
- (b) In addition, the doctor should indicate in the affidavit that he is aware that his report is being adduced for the purpose of obtaining a declaration that the person concerned, i.e. P, lacks capacity in relation to matters specified in the application.
- (c) In order to assist the Court, the medical report shall:
  - (i) distinguish clearly between observations or conclusions based on information given to the doctor and those that are based on the doctor's examination of P;
  - (ii) contain a clear opinion as to whether P lacks capacity in relation to the matters specified in the application;
  - (iii) be current and shall not be made more than 6 months before the date of the application; and
  - (iv) contain a clear opinion on P's prognosis and likelihood of requiring increased or reduced medical expenses in the foreseeable future.

(4) **The affidavit by the successor deputy or deputies**

If the plaintiff or applicant seeks to apply for the appointment of successor deputy or deputies, the application must also be accompanied by an affidavit of the proposed successor deputy or deputies in Form 39C of Appendix B.



**116L. Application subsequent to the appointment of deputy**

- (1) An application to vary an order made in mental capacity proceedings shall be made by way of summons supported by affidavit and served on every defendant and every relevant person who had initially been served with the originating summons in accordance with Paragraph 116F of these Practice Directions.
- (2) If an application under sub-paragraph (1) is filed more than 6 months from the date of the order, the application must be served personally on every defendant. If such an application is filed 6 months or less from the date of the order, the service on every party to the proceedings may be by way of ordinary service. Service of an application under sub-paragraph (1) on every relevant person shall be by way of ordinary service, unless directed by the Court. Proof of service on the defendant(s) and the relevant person(s) may be given in a manner provided for by Paragraph 116F(4).
- (3) All applications together with the supporting affidavit shall be served on the Public Guardian within 2 working days after the date on which the application is filed.

**116M. Application relating to lasting power of attorney**

- (1) The originating summons to be filed for any application relating to a lasting power of attorney shall be in Form 39A of Appendix B and supported by an affidavit in Form 39B of Appendix B. Both forms shall be modified accordingly to suit the purpose of the application
- (2) If the plaintiff or applicant knows or has reason to believe that the donor lacks capacity, he shall notify the donor in accordance with Order 99, rule 6 of the Rules of Court and Paragraph 116I of these Practice Directions.

**116N. Application for statutory wills**

- (1) The application for a statutory will under section 23(1)(i) of the MCA shall be in Form 39A of Appendix B and supported by an affidavit in Form 39B of Appendix B. Both forms shall be modified accordingly to suit the purpose of the application.
- (2) The application shall be accompanied by a supporting affidavit which includes the following information and exhibits:-
  - (a) a copy of the draft will;
  - (b) a copy of the existing will or codicil (if any);
  - (c) any consents to act by proposed executors;
  - (d) details of P's family, preferably in the form of a family tree, including details of the full name and date of birth of each person included in the family tree;
  - (e) a schedule showing details of all of P's assets and properties, with up to date valuations;
  - (f) an up to date report of P's medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future, and testamentary capacity; and
  - (g) an explanation as to why it is necessary or desirable for the Court to execute the will on behalf of P.
- (3) The Court may direct that any other material or information is to be filed by the plaintiff and if it does, the material or information is to be set out in a supplementary affidavit.
- (4) The application shall also be accompanied by a doctor's affidavit and medical report; both of which must comply with Paragraph 116K(3) of these Practice Directions.
- (5) The plaintiff must name as a defendant:-
  - (a) any beneficiary under an existing will or codicil who is likely to be materially or adversely affected by the application;
  - (b) any beneficiary under the proposed will or codicil who is likely to be materially or adversely affected by the application;
  - (c) any prospective beneficiary under P's intestacy where P has no existing will; and

- (d) any donee under a lasting power of attorney executed by P or any Court-appointed deputy of P.
- (6) Once an order is made for a statutory will, the applicant must file a copy of the will for sealing by the Court. The statutory will is considered valid only with the seal of Court.

**116O. Litigation Representative in mental capacity proceedings**

- (1) Where P is a party to any mental capacity proceedings with a litigation representative, P should be referred to in the proceedings as “P (by A.B., his litigation representative)”.
- (2) The application to be the litigation representative of P shall be in Form 39G to Appendix B. The supporting affidavit must satisfy the Court of the matters set out in Order 99, rule 8(5)(a) of the Rules of Court.
- (3) Under Order 99, rule 8(2) of the Rules of Court, the Court may, on its own motion or on the application of any person (including P), permit P to conduct any mental capacity proceedings without a litigation representative. An application made to permit P to conduct mental capacity proceedings without a litigation representative must be supported by a medical report stating that P does not lack capacity to conduct proceedings himself.
- (4) The Court may either on its own motion, or on the application of any person –
  - (a) direct that a person may not act as litigation representative;
  - (b) terminate a litigation representative’s appointment, or
  - (c) appoint a new litigation representative in place of an existing one.
- (5) An application for any of the orders in sub-paragraph (4) must be supported by affidavit. If the order sought is the substitution of a new litigation representative for an existing one, the evidence must satisfy the Court of the matters set out in Order 99, rule 8(5)(a) of the Rules of Court.

**116P. Where P ceases to lack capacity or dies**

- (1) Where P ceases to lack capacity or dies, steps may need to be taken to finalise the court's involvement in P's affairs.
- (2) **Application to end proceedings**
  - (a) Where P ceases to lack capacity in relation to the matter or matters to which the proceedings relate, an application may be made by any of the following people to the Court to end the proceedings and discharge any orders made in respect of that person:
    - (i) P;
    - (ii) his litigation representative; or
    - (iii) any other person who is a party to the proceedings.
  - (b) The application should be supported by evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.
- (3) **Applications where proceedings have concluded**
  - (a) Where P ceases to lack capacity after proceedings have concluded, an application may be made to the Court to discharge any orders made (including an order appointing a deputy or an order in relation to security).
  - (b) The affidavit filed in support should exhibit the orders sought to be discharged and contain evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.
- (4) **Procedure to be followed when P dies**

An application for final directions (including discharging an order appointing a deputy or discharging the security) may be made following P's death. The application should be supported by an affidavit exhibiting a copy of P's death certificate.
- (5) **Final report by deputy**

The Public Guardian may require a deputy to submit a final report upon P ceasing to lack capacity or P's death. If security has been ordered by the Court, the Court must be satisfied that the Public Guardian either

does not require a final report or is satisfied with the final report provided by the deputy before the said security can be discharged.

**116Q. Applications subsequent to the filing of the originating summons in mental capacity proceedings**

All applications subsequent to the filing of the originating summons in any mental capacity proceedings shall be made by way of Form 39G of Appendix B.



**116R. Order of Court**

- (1) An order of Court shall be in Form 39H of Appendix B and shall be signed by the Registrar.
- (2) An order of Court shall be drawn up and filed in accordance with Order 42, Rule 10 of the Rules of Court within 7 days after the date on which the order was made.

PART XB

**TRANSFER OF PROCEEDINGS UNDER THE INTERNATIONAL CHILD  
ABDUCTION ACT 2010 TO DISTRICT COURT**

**116S. Transfer of proceedings under the International Child Abduction Act 2010  
to District Court**

- (1) The Honourable the Chief Justice has made the Supreme Court of Judicature (Transfer of International Child Abduction Proceedings to District Court) Order 2011 under section 28A of the Supreme Court of Judicature Act (Cap. 322), which came into operation on 1 March 2011 (“the Transfer Order”).
- (2) Pursuant to the Transfer Order, any proceedings under the International Child Abduction Act 2010 (Act 27 of 2010) (referred to in this Part as “ICAA”) commenced in the High Court on or after 1 March 2011 shall be transferred to and be heard and determined by a District Court.
- (3) A sub-registry of the Registry of the Supreme Court (referred to in these Directions as the “sub-registry of the Supreme Court”) and a sub-registry of the Subordinate Courts (referred to in these Directions as the “sub-registry of the Subordinate Courts”) have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square (“the Family and Juvenile Court”).

**116T. Documents to be filed at the sub-registries at the Family and Juvenile Court**

- (1) All documents relating to proceedings under the ICAA which are to be heard and determined by the Subordinate Courts shall be filed at the sub-registries at the Family and Juvenile Court.
- (2) All processes to commence proceedings under the ICAA on or after 1 March 2011 shall be filed at the sub-registry of the Supreme Court and shall bear the title “In the High Court of the Republic of Singapore”.
- (3) An originating summons to commence proceedings under section 8 of the ICAA in the Subordinate Courts shall be in Form 39I of Appendix B.
- (4) An originating summons to commence proceedings under section 14 of the ICAA in the Subordinate Courts shall be in Form 39J of Appendix B.
- (5) The plaintiff’s or applicant’s affidavit in support of the originating summons under both section 8 (Form 39K of Appendix B) and section 14 (Form 39L of Appendix B) shall bear the title “In the High Court of the Republic of Singapore”.
- (6) All subsequent applications and documents in or ancillary to proceedings under the ICAA shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.
- (7) All applications and supporting documents to vary any order of the Subordinate Courts in proceedings under the ICAA shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.

**116U. Service of application on named defendants**

- (1) Order 102, rule 7 of the Rules of Court requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings.
- (2) Service on a named defendant shall be by way of personal service, unless directed otherwise by the Court.

**116V. The plaintiff's supporting affidavit**

- (1) The affidavit to be filed by the plaintiff or applicant in support of an application under section 8 of the ICAA shall be in Form 39K of Appendix B.
- (2) The affidavit to be filed by the plaintiff or applicant in support of an application under section 14 of the ICAA shall be in Form 39L of Appendix B.

**116W. Applications subsequent to the filing of the originating summons in proceedings under the ICAA**

All applications subsequent to the filing of the originating summons in any ICAA proceedings shall be made by way of Summons in Form 39M of Appendix B.

**116X. Form of Order of Court**

An order of Court in any ICAA proceedings shall be in Form 39N of Appendix B and shall be signed by the Registrar.

## **PART XI**

### **PROBATE AND ADMINISTRATION MATTERS**

#### **117. Hearing of Probate and Administration matters (non-contentious probate proceedings)**

- (1) All originating summonses for probate and summonses filed in non-contentious probate proceedings in the Subordinate Courts (“the application(s)”) will not be given a hearing date in the first instance. The cases that are fixed for hearing will be posted on the Notice Board at the Civil Registry and on the Subordinate Courts’ website (<http://www.subcourts.gov.sg>).
- (2) The originating summons for probate will be accepted if it complies with paragraph 118 of these Directions, and a Probate Number will be assigned to the originating summons for probate. An order-in-terms would be granted subsequently if the supporting affidavit under Order 71 rule 5 is in order.
- (3) If there are errors or missing documents in the originating summons for probate and the statement, the originating summons for probate and the statement will be rejected and returned together with a Probate checklist (see Form 40 of Appendix B) identifying the reason(s) for rejection. The onus is on the solicitor concerned to review the rejected documents, having regard to the comments on the Probate checklist, before in relation to summonses where an order-in-terms is not granted, a hearing will be fixed for the solicitor concerned to attend. The hearing list will be posted on the Notice Board and the Subordinate Courts website as explained at sub-paragraph (1) above.
- (4) Solicitors are also reminded that the identification numbers of the applicant and the deceased must be included in the originating summons pursuant to Paragraph 9 of these Directions.
- (5) In order to minimise disruption to the smooth and expeditious processing of these applications, any enquiry on a pending matter is to



be made by way of a letter to the Registrar. The full name of the deceased and his/her identification number, together with the date of the filing of the application(s), must be included in this letter.

**118. Originating Summons for grant of probate or letters of administration**

- (1) An originating summons for the grant of probate or letters of administration under Order 71, rule 5, of the Rules of Court filed on or after 1 January 2006 shall be submitted together with the statement, through the Electronic Filing Service (EFS) by entering the relevant information in the appropriate electronic template without attaching the document in the *Portable Document Format (PDF)*. Any originating summons filed on or after 1 January 2006 must also be accompanied by a checklist as prescribed in Form 12 of Appendix B to these Directions (“Checklist for OS (Probate)”), which shall also be duly completed and submitted by the filing party by entering the relevant information in the appropriate electronic template.
- (2) The following supporting documents (whichever may be relevant) must be electronically filed in the same submission as related documents, but separately from the originating summons and checklist:
  - (a) in all cases, a certified true copy of the death certificate of the deceased or a certified true copy of the Order of Court for presumption of death of the deceased;
  - (b) where there is a will, a certified true copy of the will;
  - (c) in the case of Muslim estates, a certified true copy of the inheritance certificate; and
  - (d) in relation to deaths occurring on or after 15 February 2008, two copies of Schedule of Assets listing the property comprising the estate of the deceased in accordance with Paragraph 120A of these Directions; and
  - (e) any other documents in support of the originating summons required under the Probate and Administration Act (Cap. 251, 2000 Revised Edition) or the Rules of Court. The administration oath under section 28 of the Probate and Administration Act (Cap. 251, 2000 Revised Edition) may, however, be filed at the same time as the supporting affidavit under Order 71, rule 5, of the Rules of Court as required by sub-paragraph (6).

- (3) Prior to filing the originating summons, the applicant or his solicitor must conduct a litigation search in the record of caveats for both the Supreme Court and the Subordinate Courts to ascertain if there are any caveats in force against the estate of the deceased. The Certificate of Result of Caveat Search (Form 173 of Appendix A to the Rules of Court) together with the search reports for both Courts must be submitted when filing the originating summons.
- (4) If the originating summons and the statement are in order, they will be accepted and a Probate Number will be assigned to the originating summons.
- (5) The original will (if any) must then be submitted to the Probate Counter for verification by 4.30 p.m. of the next working day after the electronic filing of the originating summons. Where the original will has been retained in the custody of a foreign court, a certified true copy of the will by that foreign court must be submitted in place of the original. The original will shall be retained by the Probate Counter in compliance with Order 71, rule 47A, of the Rules of Court.
- (6) Order 71, rule 5(2), of the Rules of Court provides that the statement, which is filed together with an originating summons for the grant of probate or letters of administration, must be verified by an affidavit of the applicant. For originating summonses filed on or after 1 January 2006, the supporting affidavit under Order 71, rule 5 (“the supporting affidavit”) shall be in the prescribed format in Form 41 of Appendix B and state that the applicant deposes to the truth of the contents of the statement and the exhibits thereto required under Order 71, rule 5(2), of the Rules of Court. The exhibits (apart from the statement and the Schedule of Assets which have already been filed with the originating summons) are to be listed in a “Table of Contents of Exhibits” in the supporting affidavit. These exhibits can then be detached and are not required to be filed together with the supporting affidavit. The supporting affidavit must state that the statement exhibited therein is the same statement generated by the EFS, and the contents entered into the EFS, and which now appear in the statement are true and accurate. The

statement bearing the court seal and the Schedule of Assets are to be exhibited as the first and second exhibits respectively in the supporting affidavit filed. In regards to applications by a trust corporation, the supporting affidavit must in addition, state that the applicant company is a trust company and that it has the power to accept grant, and that the officer has been authorised by the applicant company through a resolution of their board of directors, a certified true copy whereof under the seal of the company is exhibited therein. The supporting affidavit shall be filed within 14 days after the filing of the originating summons.

- (7) No hearing date or order-in-terms of an originating summons for the grant of probate or letters of administration will be given until the supporting affidavit has been filed. An order-in-terms of the originating summons will be granted if all the documents are in order and upon acceptance of the supporting affidavit. Otherwise, a date will be fixed for the hearing of the originating summons.
- (8) If there are errors in the originating summons and the statement or missing documents, the entire set of documents will be rejected and the reason(s) for rejection will be indicated on the Checklist. The onus is on the solicitor concerned to review the rejected documents, having regard to the comments on the Checklist, before re-filing a fresh originating summons and statement.
- (9) Where a party seeks to rectify any errors in the originating summons, an application may be made by way of a summons to amend the originating summons. The draft amended originating summons in PDF format, prepared in accordance with Paragraph 13(2)(b) and (c) of these Directions, should be annexed to the affidavit in support of the summons.
- (10) Where a party seeks to rectify any error in the statement, other than errors that also appear in the originating summons prior to the order for the grant, he may do so by amending the information in the appropriate electronic template *without* attaching the amended statement in *PDF* format, and filing a supplementary affidavit, and stating the reason for the amendments. Where it is necessary to amend the information in the

statement after order is made for the grant, an application must be made by way of summons, together with an affidavit in support and the draft amended statement in PDF format must be annexed to the summons. The Registrar may direct that a fresh supporting affidavit under Order 71, rule 5 be filed by the applicant.

- (11) Where an order-in-terms has been made in the originating summons for the grant of probate or letters of administration and a party seeks to substitute the name of the administrator(s) or add in further administrator(s), an application must be made by way of a summons for the order to be revoked and re-granted. The draft amended originating summons and the amended statement in PDF format, prepared in accordance with Paragraph 13(2)(b) and (c) of these Directions, should be annexed to the summons.
- (12) Where an order-in-terms is made of the application, the party shall, within 14 days of the order or such time as may be permitted in the order of court granting leave to amend, or for the order to be revoked and re-granted, as applicable, file the amended originating summons by entering the relevant amendments in the appropriate electronic template *without* attaching the amended originating summons and the amended statement in *PDF* format. In this respect, Paragraph 13(1), (2)(a), (2)(b) and (4) shall not apply. A fresh supporting affidavit under Order 71, rule 5 must be filed by the applicant together with the amended originating summons and the amended statement.
- (13) As per current practice, all summonses in respect of proceedings under Order 71, rule 5, of the Rules of Court will not be given a hearing date in the first instance. A hearing date will only be given where an order-in-terms is not granted. The hearing date will be indicated on the returned summonses.
- (14) The Court may reject any document which does not comply with the above Directions, or any other directions made by the Court.

**119. Applications for dispensation of sureties for grants of letters of administration**

- (1) An application for the dispensation of sureties pursuant to section 29(3) of the Probate and Administration Act (Cap 251, 2000 Revised Edition) shall be made by way of a summons supported by an affidavit deposed to by all the administrators and co-administrators (if any) stating:
  - (a) the efforts made to find sureties and/or why sureties cannot be found;
  - (b) that the estate duty is either paid, not payable, postponed or has otherwise been cleared;
  - (c) who the beneficiaries are, their shares to the estate, ages, whether any of the beneficiaries are minors as at the date of the summons application; and whether the adult beneficiaries consent to the dispensation;
  - (d) where there are minors, the relationship of the administrators and co-administrators (if any) to the minors and the steps that will be taken to protect the interests of such minors;
  - (e) whether the estate has any creditors and the amount of the debt owed to them, and whether the creditors consent to the dispensation; and
  - (f) any other information which may be relevant to the application.
- (2) In cases where estate duty is payable on the estate, a letter or certificate from the Commissioner of Estate Duties confirming the fact stated in sub-paragraph (1)(b) must be exhibited in the supporting affidavit.
- (3) In cases where no estate duty is payable on the estate, the administrator(s) must state in the affidavit that no estate duty is payable and that the Schedule of Property Forms have been forwarded to the Court.
- (4) The consents in writing of all adult beneficiaries to the dispensation of sureties, duly signed in the presence of a solicitor or any person before whom an affidavit can be sworn or affirmed, must be filed not later than the application for dispensation of sureties.

- (5) For originating summonses for probate or letters of administration filed on or after 1 January 2006, an application for the dispensation of sureties must correspondingly be filed using the Electronic Filing Service and all the exhibits to the supporting affidavit must be book-marked and linked in a manner described in Paragraph 29(2).

**120. Filing of schedules of property for non-dutiable estates where death occurs before 15 February 2008**

- (1) In addition to the procedures and Forms SC1 to SC8 issued by the Commissioner of Estate Duties (which are available on the Inland Revenue Authority of Singapore website (<http://www.iras.gov.sg>)), the following Directions shall apply in cases where death occurs before 15 February 2008 and no estate duty is payable:
  - (a) The executor or administrator must first determine, based on the relevant checklist (Form SC2 or SC3), that estate duty is not payable on the estate;
  - (b) Upon confirmation that estate duty is not payable, the executor or administrator shall then file a statutory declaration (Form SC1) together with the checklist (Form SC2 or SC3);
  - (c) The schedule of property must also be sworn or affirmed before a Commissioner for Oaths and filed together with the statutory declaration (Form SC1) and checklist (Form SC2 or SC3). In cases where the deceased died domiciled in Singapore, Form SC4 shall be used. In cases where the deceased died domiciled outside Singapore, Form SC5 shall be used.
  - (d) If a supplementary schedule of property needs to be subsequently filed for additional property or value omitted in the original submission, this shall be in Form SC6 or SC7 (for deceased domiciled in and outside Singapore respectively) and sworn or affirmed before a Commissioner for Oaths, provided that the total value of the estate remains non-dutiable;
  - (e) If there are any amendments to the schedule of property or supplementary schedule of property, this shall be filed in Form SC8.
- (2) All the above Forms SC1 to SC8 must be printed or typed. No supporting documents are to be attached to the above Forms.



**120A. Filing of schedules of assets for estates where death occurs on or after 15 February 2008**

- (1) In relation to deaths occurring on or after 15 February 2008, two copies of Schedule of Assets listing the property comprising the estate of the deceased must be filed. One copy is to be filed under the cover of an affidavit which includes the following averment:

“The contents of the Schedule of Assets exhibited herein as [insert exhibit number] are true and accurate in every particular to the best of my knowledge and belief. The deponent does not know or have any reason to believe that any of the contents of the Schedule of Assets is false.”
- (2) A separate copy of the Schedule of Assets (without an affidavit) is to be filed with the Court. A specimen Schedule of Assets can be found in Form 41A of Appendix B of these Practice Directions.
- (3) The copy of the Schedule of Assets which is required to be filed under the cover of an affidavit may be filed under the cover of the supporting affidavit under Order 71, rule 5, of the Rules of Court. If so included, the supporting affidavit under Order 71, rule 5 shall include the averment referred to in sub-paragraph (1).
- (4) If an applicant is unable to file the Schedule of Assets at the time of the filing of the originating summons or at the time of the filing of supporting affidavit under Order 71, rule 5, the applicant may file the copy of the Schedule of Assets which is required to be filed under the cover of an affidavit under the cover of a supplementary affidavit.
- (5) Where an applicant seeks to amend the Schedule of Assets filed under the cover of an affidavit, a supplementary affidavit exhibiting the amended Schedule of Assets is to be filed with the Court. The applicant must also file a separate copy of the amended Schedule of Assets to be annexed to the grant. The supplementary affidavit shall provide reasons to explain why an amendment is necessary, and shall also include the averment referred to in sub-paragraph (1).

- (6) Where the amendments to the Schedule of Assets are sought following the grant, the applicant must obtain leave of Court to amend the Schedule of Assets.
- (7) No Court fees will be charged for the Schedule of Assets and the affidavits filed pursuant to sub-paragraphs (1) to (5).

**121. Caveat searches in non-contentious probate proceedings**

- (1) The Directions in this Paragraph shall apply to non-contentious probate proceedings under Order 71 of the Rules of Court.
- (2) Every applicant for a grant under Order 71 of the Rules of Court, or his solicitors, are reminded that they must comply with the requirements of Order 71, Rule 5(2A), of the Rules of Court.
- (3) Prior to filing a request to extract a grant, the applicant or his solicitors must conduct a litigation search in the record of caveats for both the Supreme Court and the Subordinate Courts to ascertain if there any caveats in force against the estate of the deceased, and the request for extraction of the grant must contain a certificate in the following terms:  
“It is certified that the Probate record of caveats was searched not more than one day before the date of this request and that there are no caveats in force in respect of the estate of the deceased herein”.
- (4) For the purposes of this Direction, “grant” means a grant of any letters of representation in Singapore.

## **PART XII**

### **APPEALS**

#### **122. Requests for further arguments before the Judge or Registrar**

- (1) All requests for further arguments shall be by way of letter and should:
  - (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 authorities; and
  - (f) include a copy of each of the authorities cited.
- (2) A copy of the request should be furnished to all parties concerned.
- (3) All requests should be addressed to the Registrar.

## **PART XIII**

### **EXECUTION MATTERS**

#### **123. Filing of writs of execution through the Electronic Filing Service**

For writs of execution filed through the Electronic Filing Service (EFS), it is not necessary to attach a copy of the order of court or judgment to the writ of execution. Instead, the Document Number of the relevant order of court or judgment should be included in the Reference Document Number filed in the electronic template for the writ of execution. If this information is not provided in this manner, or cannot be provided in this manner, a copy of the order of court or judgment will then have to be attached to the writ of execution. This should be done by including the fresh writ of execution and the order of court or judgment filed previously in a single portable document format (PDF) file.

#### **124. 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 furnish a written request for sale to the Bailiff 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 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) notwithstanding the first valuation report submitted with Form 95 of Appendix A to the Rules of Court, the Bailiff may require a second valuation report to be submitted by the same or another certified valuer before proceeding with the sale;
  - (b) 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) 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) 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.

**125. 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 practicable, of the date and time of seizure and/or sale, and request that the execution debtor or his authorised representative be present at the premises at the appointed date and time.

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

(a) The execution creditor or his authorised representative shall 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 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, he shall submit a request by filing Form 42 of Appendix B at the Bailiffs Section.

(b) The fees prescribed in Item No. 117 of Appendix B to the Rules of Court shall be payable in respect of any such attendance by the Bailiff.

**(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 executions;
- (b) the Bailiff may, in any case, refuse to effect the entry without assigning any reason thereto; 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 the Bailiff deems appropriate to assist in effecting entry into the premises and the execution process.

(5) **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 appointed by the Bailiff. All costs incurred in connection with the auction shall be borne by the execution creditor.

**126. Directions for Engaging Authorised Bailiffs under Section 15A Subordinate Courts Act (Cap. 321, 1999 Revised Edition)**

- (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 <http://www.subcourts.gov.sg/civil/index.htm>). 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 43 of Appendix B. 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.

## **127. Examination of Judgment Debtor**

- (1) A questionnaire in the recommended format as set out in Form 44 or 45 of Appendix B (whichever is appropriate) shall be annexed to the Order for Examination of Judgment Debtor when the said Order is served on the examination witness. Solicitors may modify the questions according to the circumstances of each case.
- (2) If the examination witness 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 examination hearing.
- (3) At the examination hearing, the answered questionnaire is to be produced to the Deputy Registrar and received as evidence upon the witness' confirmation on oath that his answers provided are true and correct. Counsel for the judgment creditor may then apply to discharge the witness or proceed with further questioning. For matters where the Electronic Filing System is applicable, solicitors will be asked to scan the completed questionnaires into the system.
- (4) The witness need not attend at the examination hearing if:
  - (a) the witness provides 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 against the witness at the examination hearing.

## **PART XIV**

### **BILLS OF COSTS FOR TAXATION**

#### **128. Basis of taxation**

Every bill of costs to be taxed pursuant to a judgment or order of court must be filed together with a copy of the judgment or order of court. Where an order for taxation is not required under the Rules of Court, the bill of costs shall describe succinctly in its heading the basis of taxation. A bill of costs for taxation between a solicitor and his client pursuant to section 120(3) of the Legal Profession Act (Cap 161, 2001 Revised Edition) must be filed together with a copy of the document signifying the consent of the parties to taxation.

## **129. Form of bill of costs**

The attention of solicitors is drawn to Rules 24 and 31 and Appendix 1 of Order 59 of the Rules of Court. In addition, solicitors are to abide by the following requirements.

### **(1) Margins**

A blank margin not less than 10 mm wide on all four sides is required for each page of the bill of costs.

### **(2) Pagination**

Every page of a bill of costs shall be paginated consecutively at the centre of the top of the page. The attention of solicitors is drawn to Paragraph 66 of these Directions in regard to pagination of documents filed using the electronic filing service.

### **(3) Format**

#### **(a) Party-and-party bills**

- (i) A bill of costs drawn up for taxation between one party to proceedings and another should be divided into three separate sections as required by Order 59, Rule 24, of the Rules of Court.
- (ii) Form 46 should be used for contentious business in respect of work done for a trial or in contemplation of a trial.
- (iii) Form 47 should be used for contentious business in respect of, or in contemplation of, work done other than for a trial; such as work done for an appeal or for a specific interlocutory application.

#### **(b) Solicitor-and-own-client bills**

- (i) A bill of costs drawn up for taxation (pursuant to any written law) between a solicitor and his own client should

be drawn up in the same manner described in sub-sub paragraph (a) save as follows:

- (I) A solicitor will be deemed to have indicated that all items included in the bill are in relation to work done or disbursements incurred with the approval of the client.
- (II) Any agreement, whether oral or in writing, between the solicitor and his own client relating to the amount of costs payable either as a global sum or in respect of particular items included in the bill should be indicated on the bill. Any agreement between the solicitor and his own client as to the *rate* to be used to compute the solicitor's costs should also be indicated in the bill.

(ii) Form 48 should be used for non-contentious business.

(c) **Specimen bills**

Specimen bills illustrating the use of Form 46, 47 and 48 are included in Appendix H for the guidance of solicitors.

(d) **Bills of costs required to be taxed under Section 18(3) of the Motor Vehicles (Third Party Risks and Compensation) Act (Cap. 189, 2000 Revised Edition)**

- (i) Whenever a solicitor-and-own-client bill is required to be taxed by virtue of the above-captioned Act, the bill drawn up for taxation between the solicitor and his own client *and* the bill drawn up for taxation between the client and the other party to the proceedings in which the solicitor acted for the client should be included in one composite document.
- (ii) The party-and-party portion of the composite document should precede the solicitor-and-own-client portion.

- (iii) The party-and-party portion and the solicitor-and-own-client portion can be drawn up as described in sub-paragraphs (3)(a) and (3)(b) above with the modification set out in sub-paragraph (3)(d)(iv) below.
- (iv) It is not necessary to repeat serially in the solicitor-and-own-client portion the items which have been serially set out in the party-and-party portion. It is sufficient, ordinarily, to incorporate all such items by reference and proceed to set out in detail any additional items, i.e., items not already set out in the party-and-party portion. However, if a sum claimed for an item of disbursement in the solicitor-and-own-client portion is different from the corresponding sum claimed in the party-and-party portion, it will be necessary to set out serially again in the solicitor-and-own-client portion *all* the items of disbursement already set out in the party-and-party portion (including, where appropriate, the different sum or sums claimed) as well as additional items of disbursement not so set out. In addition, the global sums claimed for sections 1 and 2 of the solicitor-and-own-client portion should be indicated at the end of the respective sections whether or not they are the same sums as those claimed for sections 1 and 2 of the party-and-party portion.

(4) **Particulars**

- (a) Sufficient particulars must be included in the bill of costs so as to enable the Registrar to exercise his discretion under paragraph 1(2) of Appendix 1 to Order 59 of the Rules of Court.
- (b) Without prejudice to sub-paragraph (3), the Registrar may, at the taxation hearing, order the claiming or receiving party to furnish full details in support of the sums claimed under the bill.



(5) **Goods and Services Tax**

A party claiming goods and services tax (hereinafter referred to in this Part as “GST”) in a bill of costs must comply with the Directions set out in this sub-paragraph. A party who fails to comply with the Directions set out in this sub-paragraph will be presumed not to be claiming GST in the bill concerned.

(a) **Registration numbers**

- (i) The GST registration number allocated by the Comptroller of Goods and Services Tax to the solicitors for the receiving party or parties should appear at the top left hand corner of the first page of the bill of costs.
- (ii) The GST registration numbers, if any, allocated to the receiving parties or to any one or more of them, as the case may be, must also appear at the top left hand corner of the first page of the bill of cost.
- (iii) The GST registration numbers should be indicated as follows: “GST Reg. No. (*solicitors for plaintiff/solicitors for 1<sup>st</sup> defendant/2<sup>nd</sup> defendant/(or as the case may be)*): xxxxx.”
- (iv) Where no GST registration number has been allocated to a receiving party, a statement to this effect should be included after the GST registration numbers of the solicitors for the receiving parties, or the receiving parties, as the case may be, in the following manner: “*Solicitors for plaintiff/solicitors for 1<sup>st</sup> defendant/2<sup>nd</sup> defendant/(or as the case may be)*: no GST Reg. No.”

(b) **Input tax allowable**

The proportion of input tax for which the receiving parties, or one or more of them, are not entitled to credit should be stated, as a percentage, in parentheses after the GST registration number of the party or parties concerned. For a person who is not liable to be registered within the meaning of the First Schedule to the

Goods and Services Tax Act (Cap. 117A, 2001 Revised Edition), this proportion should be 100%.

(c) **Apportionment**

- (i) The first section of the bill of costs should set out the work done in the cause or matter except for taxation of costs. The amount of costs claimed for work done should be divided into as many parts corresponding with the different rates of GST applicable pursuant to section 16 of the Goods and Services Tax Act (Cap. 117A, 2001 Revised Edition), its predecessor and any subsequent amendments thereto. Each part should state the global sum of costs claimed and the applicable GST rate for the relevant period.
- (ii) The second section which sets out the work done for and in the taxation of costs should describe the work done, the sum of costs claimed and the applicable GST rate.
- (iii) The third section, which sets out the disbursements made in the cause or matter, should first set out the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party as the case may be. For the disbursements on which GST is chargeable, it shall be divided into as many parts corresponding with the number of different rates of GST applicable pursuant to section 16 of the Goods and Services Tax Act (Cap. 117A, 2001 Revised Edition), its predecessor and any subsequent amendments thereto. Each part should set out the disbursements on which GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be and the applicable GST rate. For example, for a matter which commenced in 1998 and concluded with a judgment in March 2003, with regard to disbursements on which GST is chargeable, the first part will set out the disbursements incurred on or before 1 January 2003 and the

amount claimed for GST at the rate of 3%, while the second part will set out the disbursements incurred on or after 1 January 2003 and the amount claimed for GST at the rate of 4%. If a claim is made for disbursements incurred on or after 1 January 2004, the second part will set out the disbursements incurred on or after 1 January 2003 and before 1 January 2004, the amount claimed for GST at the rate of 4%, followed by a third part which shall set out the disbursements incurred on or after 1 January 2004 and the amount claimed for GST at the rate of 5% (or the applicable rate pursuant to section 16 of the Goods and Services Tax Act (Cap. 117A, 2001 Revised Edition)).

(d) **Summaries of the GST claimed for work done**

The following information as is applicable should be included at the end of the first and of the second sections:

- (i) the global sum of costs claimed for work done during each period for which a different rate of GST applies or no GST applies;
- (ii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit;
- (iii) a quantification of the input tax on the costs claimed in the section concerned for which the receiving parties, or one or more of them, are not entitled to credit; and
- (iv) quantifications of the GST claimed at the applicable rate on the costs claimed in the section concerned.

(e) **Summary of the GST claimed for disbursements**

The following information as is applicable should be included at the end of the third section:

- (i) a summation of the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;

- (ii) a summation of the disbursements on which GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;
  - (iii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit; and
  - (iv) a quantification of the input tax on the disbursements on which GST is chargeable by the solicitors for the receiving party for which the receiving parties, or one or more of them, are not entitled to credit; and
  - (v) quantifications of the GST claimed at the applicable rates on the disbursements.
- (f) **Registrar's certificate**

The total amount of GST allowed on a bill of costs will be indicated as a separate item in the Registrar's certificate.

**130. Registrar's Certificate**

There is no necessity for solicitors to collect the taxed bill of costs from the Registry to prepare the Registrar's Certificate. As solicitors in attendance would be aware of the awards made by the taxing Registrar at the taxation hearing, the receiving party would prepare a draft Registrar's Certificate for the Registry to vet. If it is in order, the receiving party will proceed to file an engrossed copy of the Registrar's Certificate. Should the receiving party not be aware of what has been allowed, the receiving party can make the usual request to either inspect or extract a copy of the taxed bill of costs.

### **131. Objections**

- (1) In any disputed taxation involving party-and-party bills of costs, solicitors presenting the bill for taxation shall observe the following procedure:
  - (a) The respective solicitors shall confer prior to the date appointed for taxation with a view to resolving, limiting or clarifying the items in dispute.
  - (b) Any objections in principle or as to quantum of the items claimed in a bill of costs must be indicated by the filing and service of a Notice of Dispute in Form 49 of Appendix B at least 7 days before the date fixed by the Registrar for the taxation of the bill of costs.
- (2) The Registrar may, in his discretion, make any appropriate orders as to costs if any of the above Directions have not been complied with.

**132. Amount allowed as disbursement on account of use of electronic transmission**

- (1) If a document is filed using the Electronic Filing Service (EFS) by electronic transmission, \$0.40 for each page of the document thus filed shall be allowed as costs between parties to proceedings. Such costs may be claimed by a receiving party from the paying party where the receiving party is entitled to costs for the filing of the document. These costs shall be allowed in addition to all other disbursements and Court fees.
- (2) This Paragraph shall apply to the taxation of costs as well as cases where the Court fixes a gross sum in lieu of taxation.
- (3) This Paragraph shall not apply to any document filed via the service bureau.

**133. Taxations involving the Public Trustee or the Director of Legal Aid**

- (1) The Directions contained in this Paragraph shall be followed in respect of all taxations in which the Public Trustee or the Director of Legal Aid is involved.
- (2) Subject to sub-paragraph (4) below, for all taxations in which the Public Trustee or the Director of Legal Aid is involved:
  - (a) the receiving party must complete Part A of the notice in Form 50 or 51 of Appendix B and serve the notice on the Public Trustee or the Director of Legal Aid, as the case may be, together with the bill of costs within two days after receiving a notice of the date and time appointed for taxation;
  - (b) the Public Trustee or the Director of Legal Aid should complete Part B and return the notice to the receiving party not less than three clear days before the date fixed for the taxation; and the receiving party must then complete Part C of the notice and file the notice not less than two clear days before the date fixed for the taxation. A copy of the notice, with Part C completed, 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 notice is filed.
- (3) If it is indicated in the notice in Form 50 or 51 of Appendix B that the Public Trustee or the Director of Legal Aid has made a recommendation or an offer as to the costs that should be recovered by the receiving party, and the receiving party has indicated that he is agreeable to the recommendation or offer, 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, 2000 Revised Edition):



- (i) where no party-and-party bill of costs has been filed; or
    - (ii) where the solicitor-and-client costs are not claimed in the same document as the party-and-party bill, the receiving party and the Public Trustee need not attend at the taxation and the bill will be taxed in their absence. However, if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct attendance at a later date;
  - (b) for solicitor-and-client bills filed pursuant to the Legal Aid and Advice Act (Cap. 160, 1996 Revised Edition) 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. However, if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct attendance 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 (Cap. 189, 2000 Revised Edition) and these costs are claimed in the same bill of costs as the party-and-party costs pursuant of Paragraph 129(3)(d), 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 attend in relation to a particular bill of costs.

## **PART XV**

### **GENERAL MATTERS**

#### **134. 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.

**135. 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, 1885 Revised Edition) 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 sub-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 52 of Appendix B. 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 52 of Appendix B. 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 52 of Appendix B, 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, Subordinate 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 sub-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 sub-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 Paragraph shall apply to both civil and criminal proceedings in the Subordinate Courts, whether in open Court or in chambers (including proceedings in the Family Court and the Small Claims Tribunals).

**136. Precedence and preaudience of Senior Counsel**

- (1) By virtue of section 31 of the Legal Profession Act (Cap. 161, 2001 Revised Edition) 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 by fax 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 Subordinate 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 Subordinate Courts, subject to the Judge's or Registrar's overriding discretion.

**137. 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 sub-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 sub-paragraph (2), only one counsel will be allowed to make submissions or conduct examination for a party throughout the hearing.

- (5) This Paragraph shall apply to both civil and criminal proceedings.



**138. 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.

### **138A. Use of electronic and other devices**

- (1) In order to maintain the dignity of Court proceedings in the Subordinate 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 only permitted to use notebooks 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 Paragraph shall apply to civil, criminal, family and juvenile proceedings in the Subordinate Courts (including proceedings in the Small Claims Tribunals).
- (5) For the avoidance of doubt, this Paragraph shall also apply to all alternative dispute resolution and counselling sessions conducted in the Subordinate Courts.
- (6) The attention of court users is also drawn to Order 38A, Rule 4, of the Rules of Court 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.

### 139. Correspondence

- (1) All correspondence relating to or in connection with any cause or matter shall be addressed to the Registrar.
- (2) 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 2004**

**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)’

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 2006’**

- (3) Compliance with the Directions in this Paragraph will facilitate the expeditious location of the relevant cause file.

*Cases which have been commenced using the Electronic Filing System*

- (4) For cases which have been commenced using the Electronic Filing Service (EFS), a letter may be sent to the Court by a law firm *only* in one of 2 ways:
  - (a) Using the EFS; or
  - (b) By facsimile transmission.
- (5) If a letter is sent to the Court by a law firm in any way other than those specified in sub-paragraph (4), it is liable to be rejected. Sub-paragraphs (4) and (5) do not apply to litigants in person.
- (6) If a letter is sent to the Court by a law firm without the information specified in sub-paragraph (2), it is also liable to be rejected.

#### **140. 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) granting approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files; and
  - (c) signing and certifying 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:
  - (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 sub-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 (EFS) will be returned to the advocate and solicitor by electronic transmission to the In-Tray 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 EFS 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 EFS 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. 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. 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 marked with "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 Paragraph shall apply to both civil and criminal proceedings.

#### **141. Operating hours of the Subordinate Courts**

The various courts, offices and counters within the Subordinate Courts have different operating hours. These operating hours may be found the Subordinate Courts' website at [http://www.subcourts.gov.sg/loc\\_op\\_hrs.htm#](http://www.subcourts.gov.sg/loc_op_hrs.htm#).

**142. Hours for the sittings of the Subordinate Courts**

- (1) The hours for the sittings of the Subordinate 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 Paragraph shall apply to both civil and criminal proceedings.

**142A. 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 for 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) A signed written undertaking from counsel 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 Subordinate 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 (excluding the Family and Juvenile Justice Division).



**143. Information to be provided in cause papers and documents filed in the Subordinate Courts Registry**

- (1) This Paragraph 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 Subordinate 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 Subordinate 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.

**144. 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 by letter 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 letter should contain the following information:
  - (a) Case number;
  - (b) Parties to the suit;
  - (c) Names of witness(es) requiring an interpreter;
  - (d) Court/Chamber number;
  - (e) Stage of proceedings (e.g. fresh or adjourned hearing);
  - (f) 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) Number of days required; and
  - (h) Language/dialect.
- (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 Paragraph shall apply to both civil and criminal proceedings.

**145. File inspection and obtaining extracts or certified true copies of documents and conducting searches of information maintained by the Registry**

*File inspection*

- (1) In order to inspect a case file containing documents that were filed through the Electronic Filing Service (EFS), the following procedure should be followed:
  - (a) A request\* should be made to obtain leave to inspect the file. This request should be filed using the EFS. Only solicitors and their duly authorised clerks may make searches and inspections of Court records and documents. The request should state the name of the person who is to carry out the search or inspection. If this person is not a solicitor, his identity card number should also be included in the request, after his name. The request should also state the interest the applicant has in the matter, and the reason for the search or inspection.
  - (b) Once approval for inspection has been received from the Court, a copy of the approval should be printed out and be presented at the Records Section of the Subordinate Courts.
  - (c) After verifying the approval that has been presented, the staff of the Records Section will assign a personal computer to the inspecting party for the inspection to be carried out. An inspecting party will usually be allowed only 30 minutes to carry out the inspection. If a longer period is required, the staff of the Records Section should be informed of this, together with the reasons why a longer period is needed. The staff of the Records Section will decide on a case-by-case basis whether a longer period should be allowed.
- (2) Requests in hard copy may be submitted to inspect case files containing documents which were not filed using the EFS. 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

---

\* Formerly known as “praecipe”.

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.

- (3) 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.

*Obtaining extracts or certified true copies of documents*

- (4) Applications to obtain extracts of documents, or certified true paper copies of documents under the Extract Service should continue to be made by way of request.
  - (a) The request should be filed using the EFS, unless the documents concerned have not been filed through the EFS.
  - (b) An Index Search may be conducted to identify the documents for which an applicant intends to request for extracts or certified true paper copies of. Prior approval of the Court is not required. The Index Search will display an index of the electronic case file without displaying the documents themselves. Sub-paragraphs (1) to (3) above continue to apply in respect of the procedure for file inspection.
  - (c) Once approval for obtaining an extract is granted, the soft copy extract will be transmitted electronically to the law firm where the request is made by electronic transmission. If the request is made via the service bureau, the extract will be transmitted electronically to the service bureau and the staff of the service bureau will then print out the extract in paper form for collection.
  - (d) If the document is available in partially electronic form, only the soft copy extract will be transmitted electronically to the law firm or the service bureau. The hard copy portion of the extract is to be collected at the Records Section. Once approval is received from the Court, the applicant should obtain a printed copy of the approved request and present it 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. These fees should then be stamped on the request at the Subordinate Courts Cashier's Office. Upon presentation of this stamped request, the documents will be furnished to the applicant.

- (e) Where the request is made for a certified true paper copy of a document using the EFS, once approval is received from the Court, the applicant should obtain a printed copy of the approved request and present it at the Records Section of the Subordinate Courts. After verifying that the request presented has been approved, the staff of the Records Section will inform the applicant of any additional fees payable. These fees should then be stamped on the request at the Subordinate Courts Cashier's Office. Upon presentation of this stamped request, the documents will be furnished to the applicant.
- (f) The fees prescribed by items 71F, 71G and 71I of 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.

*Conducting searches of information maintained by the Registry*

- (5) 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 found necessary.
- (6) Searches of this information under Order 60 Rule 3 may be conducted through the “Litigation module” in Lawnet at <http://www.lawnet.com.sg>. The fees prescribed by items 71, 71B, 71C and 71D of Appendix B to the Rules of Court will be payable for the searches.

**146. 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 Subordinate Courts on their behalf by providing such person with a card which shall conform with the specimen set out in Form 53 of Appendix B.
- (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 Subordinate 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 Subordinate Courts.

**147. 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 attached to 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, a copy of the judgment or order, or of the notice in Form 32 of 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.



**148. Stamping of documents**

- (1) Only documents filed in the Subordinate Courts will be stamped at the Subordinate 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 54 of Appendix B, 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, Subordinate 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.

**149. Noting of appearances of advocates/prosecutors**

- (1) To facilitate the contacting of advocates having conduct of matters in the Subordinate Courts, advocates appearing in cases must fill in a Form 55 of Appendix B each and hand it to the court officer before their cases are mentioned.
- (2) This practice applies to all civil and criminal trials, mentions courts (Court 23 and 26), special (family, traffic, juvenile and coroner's) and night (Court 25N and 26N) courts.
- (3) The forms will be placed on all bar tables.
- (4) This Paragraph shall apply to civil and criminal proceedings.

**150. Application for court records for civil matters**

- (1) Applications for notes of evidence shall be made on the specimen set out in Form 56 of Appendix B.
- (2) On approval, copies of the court records will be made available upon payment of an appropriate fee.

## **151. 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 is below \$3,000, excluding survey fees, interests, costs and disbursements (“NIMA claims below \$3,000”), claimants are to comply with the FIDReC pre-action protocol at Annex A of Appendix F before commencing court proceedings. The claims will be managed by FIDReC in accordance with FIDReC's Terms of Reference providing for resolution of disputes by mediation and adjudication. The Court will require all parties 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 insofar as they are able.
- (b) Where the claimant has commenced an action in Court, the Court in exercising its discretion as to costs, will take cognisance of compliance with the protocol. The Court will, in particular, have regard to the following instances of non-compliance where applicable:
  - (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; or
  - (iii) the claimant has failed to obtain a judgment that is more favourable than the award of the FIDReC Adjudicator.
- (c) If in the opinion of the Court, non-compliance has led to the commencement of proceedings which might otherwise not have needed to be commenced, or has led to costs being incurred in the proceedings that might otherwise not have been incurred, the orders the Court may make include:

- (i) an order disallowing a party at fault his costs, or some part of his costs, even if he is the successful party;
  - (ii) an order that the party at fault pay the costs of the proceedings, or part of those costs, of the other party or parties; or
  - (iii) an order that the party at fault pay those costs on an indemnity basis.
- (d) The Court will also take cognisance of compliance with the protocol in exercising its discretion when deciding the period of interest. Such orders may include:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period ; or
  - (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 for the claimant to comply with this protocol.

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

- (a) Other than NIMA claims below \$3,000, for all other NIMA claims, claimants are to comply with the NIMA pre-action protocol at Annex B of Appendix F before commencing court proceedings. 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. The Court will require all parties 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 insofar as they are able.

- (b) In exercising its discretion as to costs, the Court will take cognisance of compliance with the protocol. If, in the opinion of the Court, non-compliance has led to the commencement of proceedings which might otherwise not have needed to be commenced, or has led to costs being incurred in the proceedings that might otherwise not have been incurred, the orders the Court may make include:
  - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he is the successful party;
  - (ii) an order that the party at fault pay the costs of the proceedings, or part of those costs, of the other party or parties; or
  - (iii) an order that the party at fault pay those costs on an indemnity basis.
- (c) The Court will also take cognisance of compliance with the protocol in exercising its discretion when deciding the period of interest. Such orders may include:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period ; or
  - (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**

- (a) In all NIMA cases after a writ is filed, the Court will convene the first conference under Order 34A of the Rules of Court approximately eight weeks after the filing of the memorandum of appearance. The Court will, as part of the conference, conduct a Court Dispute Resolution (CDR) session. Parties may expect, generally, three conferences for CDR purposes. If a second or third conference is necessary, these will be held within the

following eight weeks. If the matter is not settled at the third conference, 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.

- (b) At any time during a conference where the parties are agreeable to a settlement on the issue of liability or on both liability and quantum, the Court may enter interlocutory judgment or final judgment (as the case may be) or make such order to give effect to the settlement including an order for -
  - (i) payment of monies payable under the settlement within a specified time; and
  - (ii) filing of the notice of discontinuance of the claim and/or counterclaim (as the case may be) within a specified time after receipt of the said monies.
- (c) A failure to attend this conference may result in a dismissal of the action or interlocutory judgment being granted against the defaulting party. Where interlocutory judgment is granted, the Court may make such orders or give such directions as it thinks fit for the assessment of damages.
- (d) 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. However, any appeal against a judgment, order or direction made in proceedings where both parties were present should be made by filing a Registrar's Appeal under Order 55B of the Rules of Court.

## **151A. 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 FA before commencing court proceedings. The court will require parties 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 insofar as they are able.
- (b) In exercising its discretion as to costs, the Court will take cognisance of compliance with the protocol. If, in the opinion of the Court, non-compliance has led to the commencement of proceedings which might otherwise not have needed to be commenced, or has led to costs being incurred, the orders the Court may make include staying an action for the party in default to comply with the protocol, and those orders and powers provided under Order 34A rule 1 of the Rules of Court. Where there are good reasons for non-compliance, the court will not impose sanctions against the party in default.
- (c) The court will also take cognisance of compliance with the protocol in exercising its discretion when deciding the period of interest. Such orders may include:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; or
  - (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**

To ensure enhanced accessibility, medical negligence cases will be managed differentially in the Civil Justice Division. The Primary Dispute Resolution Centre (PDRC), which provides



court-based alternative dispute resolution, will help to encourage a culture of openness and co-operation between parties from the outset.

## **151B. The Expedited Writ Track**

- (1) Fixed sum claims of \$20,000 or below (for example, actions on unsecured consumer credit loans, dishonoured cheques, outstanding wages and invoice claims for goods and services rendered, actions for refund of deposits or monies had and received) shall be managed under the Expedited Writ Track.
- (2) The provisions under the Rules of Court that apply in relation to a writ and to any order or judgment made therein will continue to apply in relation to an action to be dealt with under the Expedited Writ Track.
- (3) To keep pleadings concise, litigants are encouraged to use the short-form sample statement of claim in Appendix L of these Practice Directions.
- (4) If the defendant does not enter an appearance in the action, the plaintiff should apply for judgment in default of appearance under Order 13 of the Rules of Court in the usual manner.
- (5) If the defendant enters an appearance in the action, an expedited writ conference will be called within 14 days from the date of the entry of appearance. At the first conference, the Court will allow parties the opportunity to settle the dispute. If the defendant wishes to defend the claim, the Court will:
  - (a) direct the defendant to file and serve his defence; and
  - (b) make such orders or give such directions as it thinks fit, for the just, expeditious and economical disposal of the cause or matter.
- (6) **Expedited Writ Conferences**
  - (a) Under the Expedited Writ Track, the Court will notify the parties in writing to attend an early pre-trial conference (known as an “expedited writ conference”) convened under Order 34A of the Rules of Court. Parties should bring the invoices, cheques, contracts, loan agreements, statements of account admitting the debt, settlement agreements, letters of demand and/or

such other relevant documents when they attend the expedited writ conference. A failure to attend this conference may result in a dismissal of the action or judgment being granted against the defaulting party.

- (b) 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. However, any appeal against a judgment, order or direction made in proceedings where both parties were present should be made by filing a Registrar's Appeal under Order 55B of the Rules of Court.
- (c) At any time during the expedited writ conference where the parties are agreeable to a settlement of some or all of the matters in dispute in the action or proceedings, the Court may enter judgment in the action or proceedings or make such order to give effect to the settlement including an order for:
  - (i) payment of monies payable under the settlement within a specified time; and
  - (ii) filing of the notice of discontinuance of the claim and/or counterclaim (as the case may be) within a specified time after receipt of the said monies.

**(7) EFS filing**

To facilitate the proper management of cases that are to be dealt with in accordance with the Expedited Writ Track, the Plaintiff should select the "Expedited Writ Procedure" button under the "Create New Submission" section while filing the writ of summons through the Electronic Filing Service.

## **151C. Personal Injury Claims**

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

- (a) In this paragraph, “personal injury claims” refer 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 medical or dental treatment* . For the avoidance of doubt, “personal injury claims” refer 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 FB before commencing court proceedings. The Court will require all parties 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 insofar as they are able.
- (c) In exercising its discretion as to costs, the Court will take cognisance of compliance with the protocol. If, in the opinion of the Court, non-compliance has led to the commencement of proceedings which might otherwise not have needed to be commenced, or has led to costs being incurred in the proceedings that might otherwise not have been incurred, the orders the Court may make include:
  - (i) an order disallowing a defaulting party his costs, or some part of his costs, even if he is the successful party;
  - (ii) an order that the defaulting party pay the costs of the proceedings, or part of those costs, of the other party or parties; or
  - (iii) an order that the defaulting party pay those costs on an indemnity basis.

- (d) The Court will also take cognisance of compliance with the protocol in exercising its discretion when deciding the period of interest. Such orders may include:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period ; or
  - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be.

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

***Court Dispute Resolution sessions for all personal injury claims***

- (a) In *all personal injury claims* after a writ is filed, the Court will convene the first conference under Order 34A of the Rules of Court approximately 8 weeks after the filing of the memorandum of appearance by the defendant (or the first defendant, where there is more than one defendant), which would approximately correspond with the time for the close of pleadings. The Court will, as part of the conference, conduct a Court Dispute Resolution (CDR) session.
- (b) Where the parties are of the view that a CDR session would not be fruitful, they should write to the Primary Dispute Resolution Centre, at least 5 working days prior to the date of the CDR session, providing reasons for seeking a vacation of the CDR session.
- (c) At any time during a CDR session where the parties are agreeable to a settlement on the issue of liability or on both liability and quantum, the Court may enter interlocutory judgment or final judgment (as the case may be) or make such order to give effect to the settlement including an order for:
  - (i) payment of monies payable under the settlement within a specified time; and
  - (ii) filing of the notice of discontinuance of the claim and/or counterclaim (as the case may be) within a specified time after receipt of the said monies.

- (d) At any time during a conference, the Court may vary the automatic directions provided under Order 25, Rule 8 of the Rules of Court in appropriate circumstances to facilitate settlement of the dispute, pursuant to its powers under O 34A, Rule 1(1) of the Rules of Court.
- (e) A failure to attend any conference may result in a dismissal of the action or interlocutory judgment being granted against the defaulting party under Order 34A, Rule 6 of the Rules of Court. Where interlocutory judgment is granted, the Court may make such orders or give such directions as it thinks fit for the assessment of damages.
- (f) 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. However, any appeal against a judgment, order or direction made in proceedings where both parties were present should be made by filing a Registrar's Appeal under Order 55B of the Rules of Court.

***Court Indications on Liability and Quantum***

- (g) In CDR sessions for all personal injury claims, *except PIMA claims*, the Settlement Judge will provide an indication on *both liability and quantum* of the claim., Solicitors for all the parties should complete a "Quantum Indication Form" (see Form 9B), and submit the same to the Settlement Judge at the first CDR session.
- (h) In respect of PIMA claims, the Settlement Judge will provide an indication on liability as a matter of course. Solicitors for all parties should complete a "Liability Indication Form" (see Form 9A) and submit the same to the Settlement Judge at the first CDR Session. Solicitors have the option to ask the Settlement Judge for an indication on quantum, in addition to an indication on liability. Solicitors who wish to opt for an indication on quantum should obtain each other's consent before the CDR session, complete the Quantum Indication

Form (i.e. Form 9B) and submit it to the Settlement Judge at the first CDR session.

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

- (i) To provide a more seamless transition between the trial on liability and the subsequent assessment of damages, the trial judge, after giving judgment on liability, will give the necessary directions for assessment of damages by the Registrar under Order 37 of the Rules of Court. In such cases, solicitors should complete a “Form for Application for Directions under Order 37” (See Form 9C) and submit it to the trial judge after judgment on liability is given. Solicitors who require any subsequent variation of these directions should file the necessary application with the Civil Registry for further directions.
- (j) Similarly, where solicitors have recorded a consent interlocutory judgment before a Settlement Judge during CDR or before a registrar, the Court would also give the necessary directions under Order 37 of the Rules of Court. Solicitors should also complete the “Form for Application for Directions under Order 37” (i.e. Form 9C) and submit it to the Court upon the recording of a consent interlocutory judgment.
- (k) In addition, where an indication on quantum was not given earlier in a CDR session, the trial judge shall, with the consent of parties, give an indication on quantum after delivery of judgment or after the parties have agreed on liability. In such cases, solicitors should prepare the Quantum Indication Form (i.e. Form 9B) and submit it to the trial judge.

***Forms***

- (l) Soft copies of the “Liability Indication Form” (Form 9A), “Quantum Indication Form” (Form 9B) and “Form for Application for Directions under Order 37” (Form 9C) may be downloaded at <http://www.subcourts.gov.sg> under Civil Justice Division, Court Dispute Resolution.

## **151D. 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, including motor vehicle accidents (“PIMA”) and industrial accidents but excluding medical negligence cases, the Court will convene the first conference under Order 34A of the Rules of Court generally within 3 to 4 weeks after the filing of the notice of appointment for assessment of damages. The Court will, as part of the conference, conduct an Assessment of Damages Court Dispute Resolution (ADCDR) session. The ADCDR session provides for an indication to be given by the Court in respect of damages for such cases.
- (b) Parties may expect, generally, 5 conferences for ADCDR purposes. If there is no resolution on damages by the 4<sup>th</sup> or 5<sup>th</sup> conference, 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 will be granted only for good reasons, for example, the lawyer is engaged in a trial or other hearing in the High Court or the Subordinate Courts, is away on reservist training, overseas, or on medical leave. An ADCDR session where one or all parties are absent without good reason will be counted as 1 session.
- (c) Solicitors for all parties shall duly complete the “Quantum Indication Form” (see Form 9B under Appendix B of the Practice Directions) and submit it to the Court together with any supporting medical report(s) of the Plaintiff at the 1<sup>st</sup> ADCDR session and the Court will provide an indication on quantum of damages as a matter of course.
- (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 3 to 4 weeks after the



filing of the notice of appointment for assessment of damages. At the said conference, 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) At any time during a conference where the parties are agreeable to a settlement on the issue of quantum, the Court may enter final judgment or make such order to give effect to the settlement including an order for:
  - (i) payment of monies payable under the settlement within a specified time; and
  - (ii) filing of the notice of discontinuance of the claim and/or counterclaim (as the case may be) within a specified time after receipt of the same monies.
- (f) A failure to attend a conference or comply with any Court directions may result in the Court dismissing the action or striking out of 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 paragraph 2(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 form for the Joint Opening Statement shall be:
  - (i) Form 9D for Personal Injury claims (including dependency claims);
  - (ii) Form 9E for NIMA cases; and
  - (iii) Form 9F for all other matters.
- (c) The directions and forms shall be modified accordingly if there are more than 2 parties involved in the proceedings.

**(3) Fast Track ADCDR sessions**

- (a) Typically, the Court 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 (including any medical re-examination and/or clarification report(s) are available to all the parties so as to enable them to request for an indication on quantum from the Court;
  - (ii) the Plaintiff has already attended medical re-examination by the Defendant's or Third Party's medical expert, or the Defendant's Third Party confirm 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 in Form 9G.
- (c) At the 1<sup>st</sup> ADCDR session, an indication on quantum will be given by the Court. Solicitors for all parties shall duly complete the “Quantum Indication Form” (ie. Form 9B under Appendix B of the Practice Directions) and submit it to the Court together with any supporting medical report(s) of the Plaintiff at the 1<sup>st</sup> ADCDR session. If there is no resolution of the matter by the 2<sup>nd</sup> or 3<sup>rd</sup> ADCDR session, further directions for Affidavits of Evidence in Chief to be exchanged and notice of appointment for assessment of damages to be filed will be given before the matter is fixed for assessment of damages hearing.
- (d) Parties should not apply for the fast track ADCDR session if the Plaintiff’s injuries have yet to stabilize or if the Plaintiff is still undergoing medical review.

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

- (a) Where an adjournment of the 1<sup>st</sup> or 2<sup>nd</sup> ADCDR session or PADC is sought with the consent of all parties involved in the matter, parties may wish to do so by duly completing and submitting Form 9H within 3 working days prior to the hearing date.
- (b) The request for an adjournment by way of Form 9H shall not apply to the fast track ADCDR sessions.

**152. 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 57 of Appendix B 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 J 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 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 a copy of Form 58 of Appendix B to their intended expert witnesses prior to any appointment.

**153. Benchmark rates for cost of rental and loss of use.**

- (1) When parties attend at the Primary Dispute Resolution Centre before a Settlement Judge and 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 G.
- (2) The Benchmark Rates are to serve as a starting point and adjustments may be made according to the circumstances of each case.

## **PART XVI**

### **CRIMINAL MATTERS**

#### **154. Bundles of authorities for criminal proceedings**

In all criminal proceedings, counsel shall submit their own bundle of authorities. In this regard, Paragraph 50(9) to (11) above shall, *mutatis mutandis*, be complied with.

**155. 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 136 Criminal Procedure Code (Cap 68, 1985 Revised Edition) 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.

**156. Application for court records for criminal matters**

- (1) Applications for complaint forms, criminal charges or notes of evidence shall be made on the specimen set out in Form 59 of Appendix B.
- (2) On approval, copies of the court records will be made available upon payment of an appropriate fee.



**157. Appearance in Court 26, Subordinate Courts via video link of accused persons who are remanded at Queenstown Remand Prison**

The Directions contained herein shall govern the use of and the procedures in connection with the video link facilities available in Court 26 for the use of counsel.

**(1) Application**

- (a) With effect from 2 January 1996, all accused persons remanded at the Queenstown Remand Prison ('QRP') and whose next mention has been fixed in Court 26, will appear before Court 26 for mention through live video link between Court 26 and the QRP Video Room. All other aspects of the proceedings in court will remain unchanged.
- (b) In order to facilitate these proceedings, Court 26 will commence earlier at 8.45 am from Mondays to Fridays. Sittings in Court 26 on Saturdays will be unaffected and will commence at 9.00 am.
- (c) This mode of appearance shall, for the present purpose, apply only to cases mentioned in Court 26 and not to other cases fixed for mention or for hearing in any of the other courts in the Subordinate Courts. However, accused persons who are first charged in Court 26 will continue to appear or be physically produced in Court 26 for the first mention.
- (d) A schedule of the cases where the accused persons are to appear before Court 26 via video link for that day will be made available at the counsel's table in Court 26 by 8.15 am every morning for reference.

**(2) Taking of "last minute" instructions**

- (a) In a case where the accused person is appearing via video link and his counsel wishes to take 'last minute' instructions privately while that matter is being mentioned, his counsel will be able to do so via a

telephone placed at the counsel's table. This is subject to the approval of the presiding District Judge.

- (b) In order not to disrupt the proceedings, such taking of 'last minute' instructions should be restricted only to matters relevant to the mention and be kept as short as practicable.

(3) **Pre-mention interviews**

- (a) Additionally, a new facility will be provided in Court 26 for counsel to conduct pre-mention interviews with the accused person who will be appearing in Court 26 via video link. This will be scheduled between 8.10 am and 8.40 am, prior to the commencement of the court sitting at 8.45 am.
- (b) Arrangements will be made for the accused person to be produced at the QRP Video Room between 8.10 am and 8.40 am on the day that the case is due for mention via video link in Court 26.
- (c) Counsel who have reserved a time slot for a pre-mention interview must be present at Court 26 by 8.05 am to commence the interview via video link. Again, due to the time limitation, each interview has to be limited to three (3) minutes. Similarly, such interviews should be restricted only to matters relevant to the mention and be kept as short as practicable.
- (d) It is important to note that these pre-mention interviews are not designed to replace the taking of full instructions by counsel, who may continue to apply to the Superintendent, QRP, to visit accused persons in prison for an interview.
- (e) If a counsel is absent when his client is ready for the pre-mention interview, the counsel would lose his time slot. The counsel can then apply to the Court to communicate with his client as detailed at sub-

paragraph (2) above when the case comes up for mention in open court.

**(4) Time for submitting application form**

(a) In order that a time slot may be reserved for the pre-mention interview, counsel are required to submit the prescribed application form (Form 60 of Appendix B) as follows:

(i) For video link cases fixed for mention on Mondays, or on such other days where the preceding day is a public holiday, the application form must be submitted personally to the court officer in Court 26 by 10.30 am on the preceding Saturday, or the day preceding the public holiday, as the case may be; and

(ii) for video link cases fixed for mention on Tuesdays to Fridays, the application form must be submitted personally to the court officer in Court 26 by 12.00 noon on the day preceding the mention date.

(b) In view of the time limitation, applications for pre-mention interviews have to be limited to five (5) per day and would be processed on a “first-come-first-serve” basis. All applications by counsel may be deemed approved, unless counsel is otherwise informed by the Court.

**(5) Counsel who are briefed after the first mention in court**

(a) In view of the video link cases, there is a necessity to modify the order of mentions of cases. This will be managed by the court officer in Court 26. Video link cases will be mentioned ahead of all other cases. As far as practicable, cases where the accused person is represented by counsel ('counsel case') will continue to be mentioned first.

- (b) If a counsel is instructed only after the case had been first mentioned in Court 26, the Court's record would not have a mentions slip and would not indicate that the case concerned is a counsel case. In such a case, the counsel must state clearly in the last row of the mentions slip (Form 61 of Appendix B) that the accused person is remanded at the QRP so that the case can be brought forward in the order of mentions. Otherwise, it will be treated as an 'accused-in-person' ('AIP') case and would be mentioned only after all cases represented by counsel have been dealt with.

(6) **Counsel who are absent when their cases are mentioned in court**

Counsel whose clients are to appear in Court 26 via video link should be present in court before 8.45 am. If the counsel is absent when a video link case is mentioned, the case would be stood down until all other cases have been dealt with. If there is a need, a second video link session will be scheduled at 10.30 am on the same morning.

(7) **Instances where the Court may order an accused person remanded at the QRP to be physically produced in Court 26**

The court may order that an accused person who is to appear, or who has previously appeared, via video link in Court 26 to be physically produced in court. These instances include the following:

- (a) when an accused person indicates that he intends to plead guilty;
- (b) when the charge(s) against an accused person is/are withdrawn;
- (c) when the accused person has to be produced in court for bail processing;

- (d) when the Court deems it necessary under section 364A(5) of the Criminal Procedure Code (Cap. 68, 1985 Revised Edition); or
- (e) when the presiding District Judge so orders.

**158. 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 364A(1) and (2) of the Criminal Procedure Code (Cap. 68, 1985 Revised Edition). 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, *mutatis mutandis*, 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 Subordinate 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.

## **APPENDIX A**

### **PRACTICE DIRECTIONS ISSUED TO AMEND THE SUBORDINATE COURTS PRACTICE DIRECTIONS (2006 ED.)**

As at 1 August 2011

*The following Practice Directions are issued to amend The Subordinate Courts Practice Directions (2006 Ed.):*

- |    |               |  |
|----|---------------|--|
| 1. | ePD 1 of 2006 | Change to Mode of Commencement of Matrimonial Proceedings  |
| 2. | ePD 2 of 2006 | Amendment of Originating Processes, Pleadings and Documents  |
| 3. | ePD3 of 2006  | (1) Amendments to the Rules of Court<br>(2) Pre-action Protocol for Medical Negligence Claims  |
| 4. | ePD1 of 2007  | Interest on Judgments, Costs and under Order 30, Rule 6(2)   |
| 5. | ePD2 of 2007  | Request for Digital Audio Recording and Transcription Service  |
| 6  | ePD3 of 2007  | Service, Adjournment/Vacation, Attendance before Duty Registrar & Affidavits for Ancillary Matters Hearing   |
| 7. | ePD4 of 2007  | Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings, and Proceedings Pursuant to Section 17A(2) of the Supreme Court of Judicature Act (Cap. 322) to the District Court |



- |     |              |  |
|-----|--------------|--|
| 8.  | ePD1 of 2008 | (1) FIDREC Pre-action Protocol for the Management and Resolution of Low-value Non-Injury Motor Accident Claims<br>(2) Expedited Writ Track   |
| 9.  | ePD2 of 2008 | Applications for Grants of Probate or Letters of Administration in respect of Deaths occurring on or after 15 February 2008  |
| 10. | ePD1 of 2009 | Discovery and inspection of electronically stored documents  |
| 11. | ePD2 of 2009 | Removal of requirement to submit the original death certificate and inheritance certificate pursuant to the electronic filing of the originating summons; and removal of reference to the caveat book and substitution of term of reference in accordance with Order 71 rule 5(2A) |
| 12. | ePD3 of 2009 | Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) where Attendance of Counsel and Parties may be Dispensed With.   |
| 13. | ePD1 of 2010 | Transfer of Mental Capacity Proceedings to the District Court.   |
| 14. | ePD2 of 2010 | (1) Changes to Status Conference & Pre-Trial Conference Processes in Proceedings in the Family Court<br>(2) Alternative Dispute Resolution (ADR) Form for Summons for Directions Hearing Pursuant to Order 25  |
| 15. | ePD3 of 2010 | (1) Substituted Service<br>(2) Use of electronic and other devices   |
| 16. | ePD4 of 2010 | Uncontested matrimonial proceedings under part X of the Women's Charter (Cap 353, 2009 Revised Edition) where attendance of counsel and parties may be dispensed with  |
| 17. | ePD5 of 2010 | Mental Capacity Proceedings  |
| 18. | ePD1 of 2011 | Transfer of Proceedings under the International Child Abduction Act 2010 to  |

the District Court

19. ePD2 of 2011 Compliance with Personal Injuries Claims Pre-action Protocol; General Case Management for all Personal Injuries Claims in Court; and Amendments relating to Management of Non-Injury Motor Accident Claims
20. ePD3 of 2011 Discovery & Inspection in Maintenance Proceedings; and Applications for Leave under Section 121D of the Women's Charter (CAP 353, 2009 Revised Edition)
21. ePD4 of 2011 Extension of FIDReC Pre-Action Protocol for the Management and Resolution of Lower-Value Non-Injury Motor Accidents to Claims under \$3,000; Assessment of Damages Court Dispute Resolution (ADCDR) and Pre-Assessment Dispute Conference (PADC); Directions to be given for Assessment of Damages Hearings; Fast Track ADCDR; Request for adjournment of ADCDR/PADC by consent; and Hearing of Urgent Applications on Weekdays and Public Holidays
22. ePD5 of 2011 Electronic Practice Directions

## **APPENDIX B**

### **FORMS**

#### **Form 1**

#### **REQUEST TO FILE DOCUMENT WITHOUT FURNISHING IDENTIFICATION NUMBERS**

(Title as in cause or matter).

I, \_\_\_\_\_, of M/s \_\_\_\_\_, solicitors for the (plaintiff or defendant or as the case may be), hereby request that the (describe the document sought to be filed) may be accepted for filing notwithstanding that the necessary identification numbers for

1. (name the parties, persons, entities or properties whose identification numbers have not been stated) \_\_\_\_\_ have not been stated.

If the (describe the document sought to be filed) is accepted for filing, I hereby undertake to furnish the identification numbers for the parties, persons, entities or properties as listed above within 1 month from today by filing a notice in Form 2 of Appendix B to *The Subordinate Courts Practice Directions (2006 Ed.)*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of solicitor

giving undertaking:

M/s (name of firm of signing solicitor).

## **Form 2**

### **NOTICE OF IDENTIFICATION NUMBERS**

(Title as in cause or matter).

Referring to the request to file a document without furnishing identification numbers filed herein on (date), the identification numbers for the parties, persons, entities or properties as listed in the request are as follows:

- 1.
- 2.
- 3.

Dated this       day of       , 20       .

Solicitors for

**Form 3**

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

To the Registrar of the Subordinate Courts.

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

<b>S/No.</b>	<b>NRIC No.</b>	<b>Name</b>	<b>Comments</b> (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 4**

**ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES  
IN THE SUBORDINATE 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]<sup>+</sup> 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.<sup>1</sup>

## 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]<sup>+</sup> [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.
- (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.

---

<sup>+</sup> Where a supervising solicitor is ordered.

<sup>1</sup> This notice is not a substitute for the endorsement of a penal notice.

- (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.]<sup>+</sup> [At least 1 of the persons accompanying him as provided by paragraph 1 of this order shall be a woman.]<sup>2+</sup> [At least 1 of the persons carrying out the order shall be a woman.]<sup>3</sup>
- (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.
- (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.]<sup>+</sup>

---

<sup>+</sup> Where a supervising solicitor is ordered.

<sup>2</sup> 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.

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

<sup>+</sup> Where a supervising solicitor is ordered.



### Obtaining legal advice and applying to the Court

- 3 Before permitting entry to the premises by any person other than [the supervising solicitor and]<sup>+</sup> 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]<sup>+</sup> 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

- 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]<sup>+</sup> 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**

---

<sup>+</sup> Where a supervising solicitor is ordered.

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;
  - (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.]<sup>+</sup>
- (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.
- (7) To insure the items removed from these premises.<sup>4</sup>

---

<sup>+</sup> Where a supervising solicitor is ordered.

<sup>4</sup> In appropriate cases.

#### **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.

## **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.]<sup>+</sup>

---

<sup>+</sup> Where a supervising solicitor is ordered.

**Form 5**

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE  
IN THE SUBORDINATE 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.<sup>1</sup>

---

<sup>1</sup>

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 6**

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE**

**IN THE SUBORDINATE 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.<sup>1</sup>

---

<sup>1</sup> 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 6A

### ALTERNATIVE DISPUTE RESOLUTION (ADR) FORM

*The Subordinate Courts regard Alternative Dispute Resolution (ADR) as crucial in the efficient and cost-effective 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 your Summons for Directions hearing. Information concerning ADR is provided on the second page of this form.*

*This section is to be completed by solicitors*

<b>Case number</b>	MC/DC* _____ / _____ (year)	
<b>SFD number</b>	SUM _____ / _____ (year)	
<b>Nature of claim</b>	Tort	<input type="checkbox"/> Motor accident with injury <input type="checkbox"/> Industrial accident <input type="checkbox"/> Defamation <input type="checkbox"/> Medical Negligence <input type="checkbox"/> Others (specify): _____ _____
	Contract	<input type="checkbox"/> Construction <input type="checkbox"/> Renovation <input type="checkbox"/> Supply of Goods & Services <input type="checkbox"/> Others (specify): _____ _____
	Others (specify)	_____
<b>Value of claim</b>	\$ _____ / Damages to be assessed*	
<b>Projected length of trial</b>	_____ days	
<b>Number of witnesses</b>	Plaintiff	_____
	Defendant	_____
	Third Party	_____

\_\_\_\_\_  
Signature of solicitor

Name of solicitor for Plaintiff/Defendant\*:

Law Firm:

Date:

*\* Delete where inapplicable*

*This section is to be read by your client*

### Mediation in the Subordinate Courts

Mediation is a mode of resolving disputes in which a neutral third party – the mediator – assists the parties in negotiating a possible settlement to their disputes without going to trial. Unlike a judge, the mediator does not determine who is at fault in the dispute. Instead, the focus in mediation is on moving forward in a way that meets the disputing parties' underlying concerns. Mediation services for civil disputes in the Subordinate Courts are provided by the Primary Dispute Resolution Centre. More information can be found at <http://www.subcourts.gov.sg> under the "Quick links – Court Dispute Resolution". Some of the benefits of mediation are as follows:

FACTORS	MEDIATION	TRIAL
<b>Control over outcome</b>	Parties have <i>full control</i> over the outcome of mediation as they make their own decisions with the help of the mediator.	Parties <i>give up control</i> to a judge who will listen to the evidence and make a decision that binds the parties.
<b>Focus on the past or present</b>	The main focus is on resolving the dispute through finding a solution for <i>the future</i> .	The main focus is on <i>the past</i> to allocate blame.
<b>Cost</b>	<i>No court fees are charged</i> for mediation sessions in the Subordinate Courts. When a case is settled at mediation, the parties save legal costs that would be incurred in going for trial.	The <i>court hearing fees</i> after the first day of trial are at least S\$250 per day. Apart from court hearing fees, parties have to incur <i>legal fees</i> in hiring lawyers to go for a trial.
<b>Flexibility</b>	There is <i>more flexibility</i> in the outcome of mediation. The mediator and the parties are not bound by formal legal rules or procedure.	A court trial by comparison is <i>more formal</i> . There has to be strict adherence to court procedures and existing legal principles.
<b>Confidentiality</b>	Mediation proceedings are <i>fully private and confidential</i> . Discussions are not revealed in court in the event that mediation is unsuccessful and the dispute is heard in court.	Court hearings are <i>open to the public</i> .
<b>Time</b>	<i>Usually short</i> . Most disputes are resolved within three or fewer sessions.	<i>Usually longer by comparison</i> . Trials can be long due to the tedious processes of fact-finding.

### The Law Society Arbitration Scheme (LSAS)

Arbitration is another mode of resolving a dispute without going to trial in court. Arbitration resembles a trial because there will be a determination of who is at fault in a dispute. However, the decision is made by a private individual, the arbitrator, instead of a judge.

Since 2007, the Law Society of Singapore has been providing the LSAS for parties to resolve their dispute through arbitration in a speedy and cost-effective way. Under the Law Society Arbitration Rules, parties can expect the arbitration to be heard and an award published within 120 days from the commencement of arbitration. The parties are also free to choose their own arbitrator. If they are unable to agree, the Law Society facilitates the appointment of arbitrators who will then be remunerated according to the LSAS Scale Fees.

The Law Society periodically reviews the LawSoc Arbitration Rules to make them more user-friendly and cost-effective. More information concerning fees and details of the scheme can be found at <http://www.lawsociety.org.sg/lsas>.

***This section is to be completed by your client***

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 alternative dispute resolution.

2. My decision concerning ADR is as follows:

(Please tick the relevant boxes.)

MY DECISION	Mediation	LSAS
I consent to being referred for:	<input type="checkbox"/>	<input type="checkbox"/>
I wish to consider the views of a judge on the suitability of my case for ADR before deciding to attempt:	<input type="checkbox"/>	<input type="checkbox"/>
I do not want to attempt:	<div><input type="checkbox"/> Reason(s) for not attempting mediation: _____ _____ _____ _____ _____</div>	<div><input type="checkbox"/> Reason(s) for not attempting LSAS: _____ _____ _____ _____ _____</div>

\_\_\_\_\_  
Signature of Plaintiff/Defendant\*

Name:

Date:

*\*Delete where inapplicable.*

## Form 7

### REQUEST FOR CDR

# Download form from: [www.subcourts.gov.sg/practice\\_direction.htm](http://www.subcourts.gov.sg/practice_direction.htm)

# Strictly for Primary Dispute Resolution Centre (PDRC) application (not for ADCDR).

# Incomplete forms will be rejected.

Date: \_\_\_\_\_

Case No: MC/DC(Please circle)\_\_\_\_\_ / \_\_\_\_\_(Year)

3. **Type of Case (please circle appropriately):**

**TORT** (a) Road Accident – involving personal injury/property damage/death  
(b) Industrial Accident  
(c) Others (please specify) \_\_\_\_\_

**CONTRACT** (a) Construction/ Renovation/Supply of Goods & Services.  
(b) Others (please specify) \_\_\_\_\_

**OTHERS :** For Clarification /Costs Indication / Enter Judgment etc.

**Remarks :** \_\_\_\_\_

4. Quantum of claim \_\_\_\_\_ Claim is more/less\* than \$5,000

5. Has matter been fixed for CDR before? YES/NO\*

If yes please indicate: a) date : \_\_\_\_\_ b) whether any indication given: \_\_\_\_\_

6. Details of Law firms

**Plaintiff's Solicitors' firm:** \_\_\_\_\_

Solicitor in charge: \_\_\_\_\_

Tel No: \_\_\_\_\_

Fax No: \_\_\_\_\_

Ref No: \_\_\_\_\_

Email : \_\_\_\_\_

Unsuitable dates: \_\_\_\_\_

**Defendant's Solicitors' firm:** \_\_\_\_\_

Solicitor in charge: \_\_\_\_\_

Tel No: \_\_\_\_\_

Fax No: \_\_\_\_\_

Ref No: \_\_\_\_\_

Email: \_\_\_\_\_

Unsuitable dates: \_\_\_\_\_

3<sup>rd</sup> Party's Solicitors' firm (if any): \_\_\_\_\_

Solicitor in charge: \_\_\_\_\_

Tel No: \_\_\_\_\_

Fax No: \_\_\_\_\_

Ref No: \_\_\_\_\_

Unsuitable dates: \_\_\_\_\_

Remarks (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. All relevant parties have been joined in this action. Pleadings have closed and parties have exchanged or will exchange the relevant documents in good time well before the 1<sup>st</sup> CDR session.

8. Consent for CDR has been obtained from all relevant parties. YES/NO\* (not applicable to NIMA and PI cases).

\_\_\_\_\_  
**Signature of Solicitor**

**Name of Requesting Law Firm (Please use law firm's stamp)**

\* Delete where inapplicable

\*\* Please inform the e@dr/Primary Dispute Resolution Centre of any change of fax number

**COURT'S DIRECTION (This part is for PDRC use only.)**

**THE CDR IS SCHEDULED FOR** \_\_\_\_\_ **AT** \_\_\_\_\_ (am/pm)

**Remarks :** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Name & DID :** \_\_\_\_\_ **For Director, PDRC.**

## Form 8

### REQUEST FOR ADJOURNMENT OF CDR

(BY-CONSENT ADJOURNMENT)	
Case Number DC/MC _____ of _____ CDR Date _____ at Chamber _____	
Your reference (state P.C/D.C) _____ Date of Application: _____	
Other party's reference (P.C/D.C/T.P.C) _____	
<b>(A) For adjournment applications</b>  <i>(To circle the relevant parts / delete the irrelevant parts)</i>	(i) I confirm that all parties are agreeable to the adjournment, and that this is the ____CDR <i>(state number of previous CDRs)</i>  (ii) I confirm that the CDR Judge in charge has not directed that there be no further adjournments on this matter.  (iii) I confirm that this application is not necessitated by a failure of any party to obtain instructions.
<b>(B) Reasons for applying for adjournment:</b>  <i>(please circle the relevant parts / delete the irrelevant parts <u>and</u> fill in the necessary information)</i>	(i) Parties need more time for negotiations. State- (a) P/D made offer of \$ ____/____% on _____; (b) P/D made counter offer of \$ ____/____% on _____.  (ii) Pending applications /documents/police action/checking on relating suit (MC/DC_____).  (iii) The Defendant has commenced / intends to commence Third Party Proceedings.  (iv) Solicitor is involved in High Court / Subordinate Courts Suit /MC / DC_____ on / from _____  (v) Lawyer is away on In-Camp Training / Overseas / on Medical Leave (please delete as necessary) till [_____].  (vi) Party / Witness unable to attend because:- _____
<b>(C) Unsuitable dates</b>	
<b>(D) Judicial Officer's Directions</b>	(i) Application for adjournment approved. <b>For Mention/CDR on _____ / _____ / 20__</b>  (ii) This is the final adjournment.  (iii) No further adjournments for this case.  (iv) Other directions _____
<b>(E) Applicant's information</b>	(i) Name of applying solicitor and law firm: _____ DID & Fax No. _____  (ii) _____ _____

**Form 9**

**NOTICE OF PRE-TRIAL CONFERENCE**

*[Deleted]*



## LIABILITY INDICATION FORM

Case No: \_\_\_\_\_ CDR DATE/TIME: \_\_\_\_\_ am/pm

Plaintiff's Counsel (P): \_\_\_\_\_ First Defendant's Counsel \_\_\_\_\_

(D1): \_\_\_\_\_

Second Defendant's Counsel (D2) \_\_\_\_\_ Third Party's Counsel (TPC): \_\_\_\_\_

<p>(1) <b>Case Type</b> (circle) NIMA / PIMA / Chain Collision (For chain collision use pg 2)</p>		<p>(2) <b>Liability</b> P P _____ % D _____ % 2D/TP _____ % D P _____ % D _____ % 2D/TP _____ %</p>	
<p>(3) <b>Standard questions:</b> (i) <b>Quantum: agreed? If not please complete Plaintiff's claim is</b>  Repair \$ _____ Loss of use /Rental \$ _____  General damages \$ _____ Special damages \$ _____ (ii) <b>GLA/Police Reports obtained</b> Y/N _____ (iii) <b>Colour Photographs available/ whose not</b> Y/N _____</p>		<p>(iv) <b>All parties brought/ who's not</b> Y/N _____ (v) <b>Police action taken /against whom</b> Y/N _____ (vi) <b>Related Suit/s / No.</b> Y/N MC/DC _____ (vii) <b>Independent witnesses</b> P:Y/N D: Y/N TP: Y/N _____  <b>Details</b> _____</p>	
<p><b>Plaintiff's account of the accident –please indicate scenario</b>  <input type="checkbox"/> <b>Front to rear collision/ Chain collision(see pg 2)</b>  <input type="checkbox"/> <b>Major-minor road accident</b>  <input type="checkbox"/> <b>Other party cut in/ failed to follow traffic signals</b>  <input type="checkbox"/> <b>Other (please describe):</b></p>		<p><b>Defendant's/Third Party's written account–please indicate scenario</b>  <input type="checkbox"/> <b>Front to rear collision/ Chain collision(see pg 2)</b>  <input type="checkbox"/> <b>Major-minor road accident</b>  <input type="checkbox"/> <b>Other party cut in/ failed to follow traffic signals</b>  <input type="checkbox"/> <b>Other (please describe):</b></p>	
<p><b>(Plaintiff)</b> Sketch what happened please indicate areas of damage to all vehicles.</p>		<p><b>(Defendant/Third Party)</b> Sketch what happened please indicate areas of damage to all vehicles.</p>	
<p><b>PLAINTIFF'S COUNSEL</b></p>		<p><b>D1 COUNSEL</b></p>	
		<p><b>D2/ TP COUNSEL</b></p>	

Chain Collision Accident Summary for CDR

**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.**

Was there a car in front of the first car? —→ YES / NO

<b>Lawyer/Law Firm:</b> Stopped in time Y / N Alleging Prior collision Y / N Photos available Y / N Felt ___impacts from behind Other Facts:	Vehicle. No: Party:	<b>Lawyer/Law Firm:</b> Stopped in time Y / N Alleging Prior collision Y / N Photos available Y / N Felt ___impacts from behind Other Facts:
	Vehicle. No: Party:	
<b>Lawyer/Law Firm:</b> Stopped in time Y / N Alleging Prior collision Y / N Photos available Y / N Felt ___impacts from behind Other Facts:	Vehicle. No: Party:	<b>Lawyer/Law Firm:</b> Stopped in time Y / N Alleging Prior collision Y / N Photos available Y / N Felt ___impacts from behind Other Facts:
	Vehicle. No: Party:	
<b>Lawyer/Law Firm:</b> Stopped in time Y / N Alleging Prior collision Y / N Photos available Y / N Felt ___impacts from behind Other Facts:	Vehicle. No: Party:	<b>Lawyer/Law Firm:</b> 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.subcourts.gov.sg>

<b>QUANTUM INDICATION FORM</b>			
<b>PORTION TO BE COMPLETED BY SOLICITORS</b>			<b>PORTION FOR JO</b>
Case No: DC / MC _____ of _____ Nature of Claim: PIMA/IA/_____		Interlocutory Judgment entered at _____% in Plaintiff's favour	JO's signature
Heads of Claim	Plaintiff's submissions	Defendant's submissions	Indication
<b>(I) Pain and Suffering</b>	<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. <b>Nature of Injury:</b>  <b>Pg. _____ of medical report by</b> _____			
2. <b>Nature of Injury:</b>  <b>Pg. _____ of medical report by</b> _____			
3. <b>Nature of Injury:</b>  <b>Pg. _____ of medical report by</b> _____			

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

## Form 9C

<b>APPLICATION FOR DIRECTIONS UNDER O37– FOR PERSONAL INJURY CLAIMS</b> <i>Note: Additional prayers (if any) may be listed in a separate sheet of paper to be attached to this form.</i>					
Case number: DC / MC _____ of _____  Nature of Claim: PIMA / IA / _____  Date (dd/mm/yy) : ____ / ____ / ____	<b>In Chambers before me:-</b>  <b>Deputy Registrar</b>				
Directions Sought For By The Plaintiff:- (To be completed by the Plaintiff's Counsel)	Defendant Counsel's proposal		Court Orders:- OIT as per		
	Consent (√)	Proposed Alternative timelines	as per PC's proposal	as per DC's proposal	as per dates below
<b>Prayer 1 – Discovery</b>					
<input type="checkbox"/> List of documents and affidavit verifying list of documents to be filed and served within 2 weeks / _____ weeks 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 ____ / ____ / ____			
<b>Prayer 2 – AEICs</b>					
<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"/> Parties to exchange AEICs of all witnesses within 8 weeks / _____ weeks i.e. by ____ / ____ / ____. <i>(Note: AEICs should be <u>filed and served</u> for cases involving litigants-in-person)</i>		_____ 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 ____ / ____ / ____			
<b>Prayer 3 – NOAD</b>					
<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 ____ / ____ / ____			
<b>Prayer 5 – Costs</b>					
<input type="checkbox"/> Costs reserved to the Registrar.					
<b>Other prayers</b>					
<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 9D

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

MC / DC Suit No. \_\_\_\_\_ of 20 \_\_\_\_ / \_\_\_\_

Between

$$\left( \begin{array}{c} \text{ } \\ \text{ } \\ \text{ } \end{array} \right)$$

... Plaintiff

And

$$(\quad)$$

...Defendant

## JOINT OPENING STATEMENT

*(For Personal Injury Claims)*

1. Assessment of damages hearing no. NA ( ) in respect of the present matter is to be heard before the Honourable Court on ( date ) at 9.30am / 2.30pm.
2. Interlocutory judgment was entered at ( ) % in the Plaintiff's favour with damages to be assessed, costs, interests and disbursements to be reserved to the Registrar on ( date ). *[If by consent, to state that IJ was entered by consent of parties]*.
3. A summary of the Plaintiff's Profile is as follows:
  - (a) Date of Accident:
  - (b) Gender of Plaintiff:

(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**

ANNEXURE

<u>NO.</u>	<u>HEAD OF DAMAGES CLAIMED</u>	<u>PLAINTIFF'S CLAIM FOR AWARD</u>	<u>PLAINTIFF'S EXPERT REPORT</u> <i>[Please include pg no. in Bundle of Documents]</i>	<u>PLAINTIFF'S DOCUMENTS IN SUPPORT</u> <i>[Please include pg no. in Bundle of Documents]</i>	<u>DEFENDANT'S ESTIMATE OF AWARD</u>	<u>DEFENDANT'S EXPERT REPORT</u> <i>[Please include pg no. in Bundle of Documents]</i>	<u>DEFENDANT'S DOCUMENTS IN SUPPORT</u>
<u>(I)</u>	<u>PAIN AND SUFFERING</u>						
1	Nature of Injury	\$	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 _____
			Authorities: (1) Case Name Award Given  (2) Case Name Award Given				



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

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

		Award Given		Award Given		
(IV)	FUTURE MEDICAL EXPENSES & TREATMENTS	\$	1) Medical Report by Dr _____ Pg _____ 2) Medical Report by Dr _____ 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) Medical Report by Dr _____ Pg _____ 2) Medical Report by Dr _____ Pg _____	1) _____ Pg _____ 2) _____ Pg _____

[illegible]

[illegible]

**Form 9E**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

MC / DC Suit No. of 20 /

Between

( )

... Plaintiff

And

( )

...Defendant

## JOINT OPENING STATEMENT

*(For Non-Injury Motor Accident Claims)*

1. Assessment of damages hearing no. NA ( ) in respect of the present matter is to be heard before the Honourable Court on ( date ) at 9.30am / 2.30pm.
2. Interlocutory judgment was entered at ( ) % in the Plaintiff's favour with damages to be assessed, costs, interests and disbursements to be reserved to the Registrar on ( date ). *[If by consent, to state that IJ was entered by consent of parties].*
3. This is a summary table of the Plaintiff's and Defendant's respective present positions on quantum.

<b><u>NO.</u></b>	<b><u>HEAD OF DAMAGES CLAIMED</u></b>	<b><u>PLAINTIFF'S CLAIM FOR AWARD</u></b>	<b><u>PLAINTIFF'S SUPPORTING DOCUMENTS</u></b> <i>[Please include pg no. in Bundle of Documents]</i>	<b><u>DEFENDANT'S ESTIMATE OF AWARD</u></b>	<b><u>DEFENDANT'S SUPPORTING DOCUMENTS</u></b> <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

**Form 9F**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

MC / DC Suit No. \_\_\_\_\_ of 20 \_\_\_\_ /

Between

$$\left( \begin{array}{c} \text{ } \end{array} \right)$$

... Plaintiff

And

$$\left( \begin{array}{c} \text{ } \end{array} \right)$$

...Defendant

## JOINT OPENING STATEMENT

(For General Claims excluding Personal Injury and Non-Injury Motor Accident claims)

1. Assessment of damages hearing no. NA ( ) in respect of the present matter is to be heard before the Honourable Court on ( date ) at 9.30am / 2.30pm.
2. Interlocutory judgment was entered at ( ) % in the Plaintiff's favour with damages to be assessed, costs, interests and disbursements to be reserved to the Registrar on ( date ). *[If by consent, to state that IJ was entered by consent of parties].*
3. 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.



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**

**FAST TRACK ADCDR APPLICATION FORM**  
*AFTER INTERLOCUTORY JUDGMENT HAS BEEN ENTERED BUT  
BEFORE AEICs ARE EXCHANGED*

**(BY-CONSENT OF ALL 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)

To: Civil Registry, Subordinate Courts

We, counsels acting for the Plaintiff and Defendant (and Third/Fourth party, where applicable), hereby request for a fast track ADCDR session and do confirm as follows:

☐

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

☐

(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  
Name of law firm:  
DID fax No.:

\_\_\_\_\_  
Counsel for the Defendant  
Name of law firm  
DID fax no.

\*NOTE: The form shall be e-filed by way of EFS.

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

## Form 9H

### REQUEST FOR ADJOURNMENT OF ADCDR

(BY-CONSENT ADJOURNMENT)	
Case Number DC/MC _____ of _____ ADCDR Date _____ at Chamber _____ Your reference (state P.C/D.C) _____ Date of Application: _____ Other party's reference (P.C/D.C/T.P.C) _____	
<b>(A) For adjournment applications</b>  <i>(To circle the relevant parts / delete the irrelevant parts)</i>	(i) I confirm that all parties are agreeable to the adjournment, and that this is the _____ ADCDR <i>(state number of previous ADCDRs)</i> .  (ii) I confirm that the ADCDR Judge in charge has not directed that there be no further adjournments on this matter.  (iii) I confirm that this application is not necessitated by a failure of any counsel to obtain instructions from his/her client.  (iv) I am seeking an adjournment of _____ week(s).
<b>(B) Reasons for applying for adjournment:</b>  <i>(please circle the relevant parts / delete the irrelevant parts and fill in the necessary information)</i>	(i) Parties need more time for negotiations. State- (a) P/D made offer on _____; (b) P/D made counter offer on _____. (ii) Pending applications /supporting documents/medical re-examination or re-inspection (date of medical re-examination or re-inspection on _____). (iii) The Defendant has applied / intends to apply to set aside the interlocutory judgment (Hearing date has been fixed on _____). (iv) Solicitor is involved in High Court / Subordinate Courts Suit /MC / DC _____ on / from _____. (v) Lawyer is away on In-Camp Training / Overseas / on Medical Leave (please delete as necessary) untill [_____]. (vi) Party / Witness is unable to attend because:- _____
<b>(C) Unsuitable dates</b>	
<b>(D) Judicial Officer's Directions</b>	(i) Application for adjournment approved. <b>For Mention/ADCDR on _____ / _____ / 20__</b>  (ii) This is the final adjournment.  (iii) No further adjournments for this case.  (iv) Other directions _____
<b>(E) Applicant's information</b>	(i) Name of applying solicitor and law firm: _____ (ii) DID & Fax No. _____
<b>*NOTE:</b> <ul style="list-style-type: none"> <li>This form is ONLY applicable to the 1<sup>st</sup> or 2<sup>nd</sup> adjournment by consent of parties.</li> <li>The form shall be filed by way of EFS no later than <u>3 working days</u> before the actual ADCDR date.</li> </ul>	

**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 10A**

**APPLICATION FOR  
DIGITAL AUDIO RECORDING AND TRANSCRIPTION SERVICE  
(Subordinate Courts)**

Date: \_\_\_\_\_

**For Official Use Only**

To:

Reg No	
--------	--

Manager

WORDWAVE INTERNATIONAL ASIA LIMITED

1 Coleman Street, #09-05

The Adelphi

Singapore 179803

Tel: 67200103

(Fax number: 67200104)

**APPLICATION FOR AUDIO RECORDING AND DIGITAL TRANSCRIPTION  
SERVICES**

Case number: \_\_\_\_\_

Names of parties: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Hearing dates: \_\_\_\_\_

Court No (if known): \_\_\_\_\_

Party making request or on  
whose behalf request is made: \_\_\_\_\_  
(Plaintiff or Defendant or as the case may be)

Name of law firm and solicitor  
for the requesting party: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Facsimile number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

File reference of law firm: \_\_\_\_\_

1. We hereby apply for a record of the court proceedings as follows:

Format	Number of copies †	Delivery timeline
Transcript in standard size (1 to 1 page)		<b><u>Court Reporting Transcription Services</u></b>  (1) Real time via LiveNote (text in real time and transcript within 3 hours after court day) <input type="checkbox"/>  (a) Please indicate number of real time connections <input type="checkbox"/>  (b) Please indicate number of laptop rentals <input type="checkbox"/>  (2) Daily (within 3 hrs after court day) <input type="checkbox"/>  (3) Next working day <input type="checkbox"/>
Transcript in Min-u-script (4 to 1 page)		
E-Transcript (Non-Printable)		
E-transcript (Printable up to 5 copies per email)		
Transcript in Word Format (optional)		
Transcript in standard size (1 to 1 page)		<b><u>Delayed Transcription Services</u></b>  (1) 3 working days <input type="checkbox"/>  (2) 5 working days <input type="checkbox"/>  (3) 14 working days <input type="checkbox"/>
Transcript in Word Format (optional)		
Audio recording on CD-ROM		

[† Insert the number of copies required. For transcripts in 3, 5 & 14 working day delivery timeline, the minimum order is 3 hard copies (1 copy for the court and 2 copies for the parties). For details of fees payable, please refer to [http://www.wordwave.com.sg/Subordinate\\_Courts\\_Fee\\_Schedule](http://www.wordwave.com.sg/Subordinate_Courts_Fee_Schedule)]

2. We understand that we need to apply for sufficient copies of the transcript to be furnished to the court and all parties.

3. We accept the terms and conditions of this quotation as stipulated by WordWave International Asia Limited and hereby engage their services for the aforementioned case.

\_\_\_\_\_  
For and on behalf of

\_\_\_\_\_  
Date

For Approval (To Be Filled By Trial Judge, Subordinate Courts)	
The request to engage Court Transcription services for the above mentioned hearing is	
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	
Trial Judge:	Court No:
Date:	Signature:
Remarks:	
For Endorsement (To Be Filled By Registrar, Subordinate Courts)	
Request is	
<input type="checkbox"/> Endorsed <input type="checkbox"/> Not Endorsed	
Date:	Signature:
Remarks:	



**Form 11**

**INDEX TO AGREED BUNDLE OF DOCUMENTS**

<b>No. (To be numbered serially)</b>	<b>Description</b>	<b>Original/ Copy</b>	<b>Scope of agreement</b>	<b>Page</b>

## Form 12

### CHECKLIST FOR ORIGINATING SUMMONS (PROBATE)

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

IN THE ESTATE OF \_\_\_\_\_, deceased

#### Originating Summons for Probate & Letters of Administration under the Probate and Administration Act

##### (A) Contents of Originating Summons

- (1) ( ) Correct Originating Summons Template used
- (2) ( ) Particulars of Deceased (i.e., Name, Place of Residence, Death and Domicile Citizenship, Marital Status and Religion) correctly stated
- (3) ( ) Relationship of Applicant to Deceased or Applicant's status correctly stated
- (4) ( ) Value of estate does not exceed \$3 million
- (5) ( ) Affidavit of due execution of Will (Affidavit of person(s) who interpreted contents of Will to Testator)
- (6) ( ) Appointment of Co-Administrator
- (7) ( ) Clearing of parties with prior rights
- (8) ( ) Minority Interests Clause
- (9) ( ) Delay Clause
- (10) ( ) Grant in additional name (Description on Deceased's alias name(s) – to state which is the true name and what part of the property is in the alias name)
- (11) ( ) Interpretation clause (Language / Dialect of Interpretation)

##### (B) Documents to be filed in support of Originating Summons

- (1) ( ) Original Certificate of Extract Deaths or Death Certificate issued by the authority from the country of death (including official translation if the document is not in the English language) or Certified True Copy of the Order of Court for presumption of death of the deceased (*original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day.*)
- (2) ( ) Original Will (including official translation if the document is not in the English language) (*original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day*)

- (3) (    ) Administration Oath
- (4) (    ) Original Inheritance Certificate (for Muslim estates) (*original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day*)
- (5) (    ) Consent of Co-Administrator
- (6) (    ) Renunciation of person(s) with prior rights
- (7) (    ) Renunciation of Executor
- (8) (    ) Certified true copy of Death Certificate of person(s) with prior rights / Beneficiary / Executor / Administrator
- (9) (    ) Affidavit of Foreign Law under Ord 71 r 16 and r 25 (Affidavit to state that Applicant has the right to file Originating Summons Probate or that the Will is valid under the law of the country of domicile of the Deceased)
- (10) (    ) Certified true copy of Power of Attorney
- (11) (    ) Certified true copy of Order of Court appointing Guardian under Ord 71 r 27(1)(a)
- (12) (    ) Nomination by infant under Ord 71 r 27(1)(b)
- (13) (    ) Certified true copy of Order of High Court / Affidavit in respect of Grants in cases of mental or physical incapacity under Ord 71 r 29
- (14) (    ) Certified true copy of resolution under Ord 71 r 30 to be exhibited in supporting affidavit under Ord 71 r 5
- (15) (    ) Certified true copy of Order of Court admitting the Will under Ord 71 r 46
- (16) (    ) Certified true copy of previous Grants of Probate / Letters of Administration (in applications for Letters of Administration for Unadministered Estate)
- (17) (    ) Certified true copy of Will (scanned upright)
- (18) (    ) Supporting affidavit under Ord 71 r 5 (to be submitted within 7 days after the acceptance of the OS Probate and the Statement)
- (19) (    ) Certified true copy of Order of Court for Presumption of Death

I certify that I have checked the Originating Summons and accompanying documents and that they are in order.

**Solicitor for the Applicant(s) / Applicant in Person**

**Form 13**

**LETTER OF AUTHORISATION TO FILE DOCUMENTS AT SERVICE BUREAU**

*(Letterhead of law firm or organisation)*

*(Date)*

EFS Service Bureau  
No. 2 Havelock Road  
#06-01 Apollo Centre  
Singapore 059763.

Dear Sir

**LETTER OF AUTHORISATION TO FILE DOCUMENTS AT SERVICE BUREAU**

We, *(name of law firm or organisation)*, hereby authorise *(name of person filing at the service bureau)*, NRIC/FIN *(NRIC/FIN)*, to file documents in court via the Subordinate Courts EFS Service Bureau on our behalf.

2. Our reference number for the documents which the said *(name of person filing at the service bureau)* is authorised to file is or are *(file reference numbers)*.

Yours faithfully

*(Signature of authorised signatory)*

*(Name and designation of authorised signatory)*

## Form 14

### **APPLICATION TO BE REGISTERED USER OF THE ELECTRONIC FILING SERVICE OR AUTHORISED AGENT OF A REGISTERED USER**

Registrar, Subordinate Courts.  
(Attn: Subordinate Courts EFS Certification Authority)

<b>Application To Be Registered User Of The Electronic Filing Service Or Authorised Agent Of A Registered User</b>
--

<b>General notes to applicants:</b>
-------------------------------------

- |   |
|---|
| <ol style="list-style-type: none"><li>1. This form may be used to apply for one of the following —<ul style="list-style-type: none"><li>➤ For the applicant to become a Registered User of the electronic filing service, and for an EFS digital certificate to be issued to the applicant as the Certificate Owner of that EFS digital certificate.</li><li>➤ For the applicant's law firm or organisation to become a Registered User of the electronic filing service, for the applicant to become an Authorised Agent of the law firm or organisation, and, in that capacity, for an EFS digital certificate to be issued to the applicant as the Certificate Owner of that EFS digital certificate.</li><li>➤ For the applicant to become an Authorised Agent of the law firm or organisation who is already a Registered User of the electronic filing service, and, in that capacity, for an EFS digital certificate to be issued to the applicant as the Certificate Owner of that EFS digital certificate.</li></ul></li><li>2. Only one EFS digital certificate may be applied for with one form.</li><li>3. Only a law firm or an organisation may have an Authorised Agent. A natural person may not have any Authorised Agents.</li><li>4. An EFS digital certificate may be issued to a Registered User only if the Registered User is a natural person.</li><li>5. A Registered User and a Certificate Owner MUST have a Mailbox ID issued to him by the network service provider unless a commissioners for oaths EFS digital certificate is being applied for. The Mailbox ID for a Registered User and a Certificate Owner must be the same if the Registered User is the Certificate Owner or if he has only one Authorised Agent. If a Registered User has more than one Authorised Agent, the Mailbox ID of the Registered User must be the same as that of at least one of the Authorised Agents / Certificate Owners.</li><li>6. Order 63A of the Rules of Court and paragraph 77 of the Subordinate Courts Practice Directions (2006 Ed.) should be read and understood before an application for an EFS digital certificate is made.</li></ol> |
|---|

<b>Part A: Type of EFS digital certificate applied for.</b> <b>Please check (4) the appropriate box.</b>					
<input type="checkbox"/> Court	<input type="checkbox"/> Service bureau	<input type="checkbox"/> Comr for oaths (employed by Court)	<input type="checkbox"/> Advocate and solicitor	<input type="checkbox"/> Comr for oaths (not employed by Court)	
<b>Part B: Type of application.</b>					
<input type="checkbox"/>	Registration of NEW Registered User and for EFS digital certificate to be issued to applicant.				
<input type="checkbox"/>	Application for applicant to become Authorised Agent of EXISTING Registered User, and for EFS digital certificate to be issued to applicant.				
<b>Part C: Registered User's particulars.</b>					
(1)	Mailbox ID issued to Registered User by network service provider:				
(2)	Name of Registered User (fill one letter or character into each box; do not exceed the number of boxes):				
(3)	NRIC/FIN of Registered User (if applicable):				
(4)	Address of Registered User:				
(5)	Telephone number of Registered User:				
(6)	Facsimile number of Registered User:				
<b>Part D: Authorised Agent's / Certificate Owner's particulars.</b>					
(7)	Are the Registered User and the Certificate Owner the same person?		<input type="checkbox"/> Yes  <input type="checkbox"/> No  If the answer to this question is Yes, serial numbers (8) to (13) should be left blank.		
(8)	Mailbox ID issued to Authorised Agent / Certificate Owner by network service provider:				
(9)	Name of Authorised Agent / Certificate Owner (fill one letter or character into each box; do not exceed the number of boxes):				
(10)	NRIC/FIN of Authorised Agent / Certificate Owner:				

(11)	Address of Authorised Agent / Certificate Owner:	
(12)	Telephone number of Authorised Agent / Certificate Owner:	
(13)	Facsimile number of Authorised Agent / Certificate Owner:	
<b>Part E: Other information.</b>		
(14)	If applying for a commissioners for oaths EFS digital certificate, date of expiry of certificate of appointment as commissioner for oaths:	
<b>Part F: Declaration.</b>		
<p>I declare that the information given in Parts A to E of this form is true and correct to the best of my knowledge.</p> <p>I declare that I have read and understood Order 63A of the Rules of Court and paragraph 77 of the Subordinate Court Practice Directions (2006 Ed.).</p> <p>I also declare that I am authorised by the Registered User to make this application on its behalf (delete if not applicable).</p> <p>Please issue to me the EFS digital certificate indicated above.</p>		
<p>_____</p> <p>Signature of applicant</p>		<p>_____</p> <p>Date of application</p>

## Form 15

### REQUEST FOR CANCELLATION OF IDENTIFICATION NAME AND AUTHENTICATION CODE

Registrar, Subordinate Courts.  
(Attn: Subordinate Courts EFS Certification Authority)

<b>Request For Cancellation Of Identification Name And Authentication Code</b>										
<b>Part A: Registered User's particulars.</b>										
(1)	Name of Registered User:									
(2)	NRIC/FIN of Registered User:									
(3)	Address of Registered User:									
(4)	Telephone number of Registered User:									
(5)	Facsimile number of Registered User									
<b>Part B: Requestor's particulars.</b>										
(6)	Name of Requestor:									
(7)	NRIC/FIN of Requestor:									
(8)	Address of Requestor:									
(9)	Telephone number of Requestor:									
(10)	Facsimile number of Requestor:									
<b>Part C: Particulars of Authorised Agent whose identification name and authentication code are to be cancelled.</b>										
(11)	Mailbox ID issued to Authorised Agent by network service provider:									
(12)	Certificate Control No. of Authorised Agent:									
(13)	Type of Certificate to be cancelled:									



(14)	Name of Authorised Agent:								
(15)	NRIC/FIN of Authorised Agent:								
(16)	Address of Authorised Agent:								
(17)	Telephone number of Authorised Agent:								
(18)	Facsimile number of Authorised Agent:								
(19)	Reason for cancellation (one, and ONLY one, of the 4 reasons MUST be selected):	<div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input type="checkbox"/> The Authorised Agent's / Certificate Owner's smart card has been or is suspected to have been tampered with.         </div> <div> <input type="checkbox"/> The Authorised Agent is or will be no longer employed by the Registered User.         </div> <div> <input type="checkbox"/> An application for a new EFS digital certificate has been submitted to replace this identification name and authentication code.         </div> <div> <input type="checkbox"/> Any other reasons.            Please specify: _____            _____         </div> </div>							
<b>Part D: Declaration.</b>									
<p>Please cancel the identification name and authentication code of the Authorised Agent named in Part C.</p> <p>I declare that I am authorised by the Registered User to make this request on its behalf.</p> <div style="display: flex; justify-content: space-between; margin-top: 100px;"> <div style="width: 45%; text-align: center;">           _____            Signature of requestor         </div> <div style="width: 45%; text-align: center;">           _____            Date of application         </div> </div>									

**Form 16**

**LETTER OF AUTHORISATION TO UTILISE SERVICE OF DOCUMENTS  
FACILITY AT THE SERVICE BUREAU**

*(Letterhead of law firm or organisation)*

*(Date)*

EFS Service Bureau  
2 Havelock Road  
#06-01 Apollo Centre  
Singapore 059763

Dear Sir

**LETTER OF AUTHORISATION TO UTILISE SERVICE OF DOCUMENTS FACILITY AT  
THE SERVICE BUREAU**

We, *(name of law firm or organisation)*, hereby authorise *(name of person utilising services at the service bureau)*, *(NRIC/FIN)*, to utilise the Service of Documents Facility provided at the Subordinate Courts EFS Service Bureau on our behalf.

2 Our reference number(s) for the document(s) pursuant to which the said *(name of person utilising services at the service bureau)* is authorised to utilise the services is or are *(file reference numbers)*.

Yours faithfully

*(Signature of authorised signatory)*

*(Name and designation of authorised signatory)*

## Form 17

### FORM OF RECORD OF APPEAL

The documents itemised below are listed in accordance with Paragraph 80(5) of the Subordinate Courts Practice Directions (2006 Ed.). Insofar as these documents have already been filed in the electronic case file in (to state the case no.) or are available in the electronic case file, they are, for the purpose of complying with Order 55D, Rule 6(2), of the Rules of Court, deemed to be filed.

S/N.	DCN	Filing Date	Description of Document	Pages
1.			Notice of appeal	
2.			Certificate of payment of security for costs	
			Record of proceedings : —	
3.			(a) (to be itemised)	
4.			(b) (to be itemised)	
5.			(c) (to be itemised)	
6.			Affidavit of evidence in chief of X	
7.			Affidavit of evidence In chief of Y	
			Pleadings: —	
8.			(a) (to be itemised)	
9.			(b) (to be itemised)	
			Documents relevant to the matter decided and the nature of the appeal: —	
10.			(a) letter dated xx/yy/yyyy	
11.			(b) the affidavit of Z	Eg pages 4 to 15*
12.			Judgment or order appealed from	

*\* Specific pages must be stated if the party only intends to include in the form of record of appeal, a portion of a document which is filed or is available in the electronic case file.*

The format of the separate table of contents under Paragraph 80(6) is as follows:

S/N.	Description of Document	Pages**
1.		
2.		

*\*\* The solicitor's attention is drawn to the Directions in Paragraph 80(6) pertaining to pagination.*

## Form 18

### REQUEST FOR CHECKING ELIGIBILITY OF PROPOSED PURCHASER(S)/TRANSFEREE(S) UNDER OPTIONS 4 & 5 OF THE AGREED MATRIMONIAL PROPERTY PLAN

*Important: To be completed by the proposed purchaser/transferee.  
No space is to be left blank. The word "Nil" or "NA" should be filled where appropriate.*

I ADDRESS OF FLAT: \_\_\_\_\_

☐

Option 4 of the Agreed Matrimonial Property Plan is selected: the Plaintiff's share in the flat will be sold/transferred\* to the Defendant and/or others.

☐

Option 5 of the Agreed Matrimonial Property Plan is selected: the Defendant's/ share in the flat will be sold/transferred\* to the Plaintiff and/or others.

II PARTICULARS OF PROPOSED PURCHASER(S)/TRANSFEREE(S)

	Name	NRIC/ FIN	Relationship	Marital Status	Date of Birth	Age (Years)	Citizen- ship	Occupation	Gross Monthly Income	Contact No
1			Self							
2										
3										
4										

III PARTICULARS OF PROPOSED OCCUPIER(S) IN THE FLAT

	Name	NRIC/ FIN	Relationship	Marital Status	Date of Birth	Age (Years)	Citizen- ship	Occupation	Gross Monthly Income	Contact No
5										
6										
7										
8										

IV OTHER INFORMATION

No

Yes

a Do you have the sole custody of the child, or if joint custody is agreed upon, the care and control of the child?

☐ ☐

b Do you or any person listed above own or have any share or interest in any HDB flat and/or private property# (whether in Singapore or overseas)? (If so state address, property type, share and value):

☐ ☐

c Have you or any person listed above disposed of any private property# (whether in Singapore or overseas) within the last 30 months? (If so state address, property type, share and value)

☐ ☐

d Have you or any person listed above previously sold two or more HDB flats in the open market?

☐ ☐

# Includes HUDC and Executive Condominiums

\* Delete where inapplicable.

\_\_\_\_\_  
Signature of Plaintiff/Defendant \*

## Form 19

### STANDARD QUERY TO HOUSING & DEVELOPMENT BOARD ON HDB MATRIMONIAL ASSET (HDB FLAT )

AT -

\_\_\_\_\_  
(state address of HDB matrimonial asset )

\_\_\_\_\_  
(hereinafter called "the flat")

#### PART 1 – PARTICULARS OF PARTIES

(To be completed by party making the enquiry)

Name of Plaintiff	
NRIC No.	
Name of Defendant	
NRIC No.	
Nature of writ	Writ for Divorce / Annulment *
Name of Solicitor for Plaintiff/ Defendant (specify the name of the solicitor representing the party who is making the enquiry)	
Solicitor's address (if there is no solicitor, state the address of the party who is making the enquiry)	
Fax No. (HDB's replies will be sent by fax or ordinary post to this address and number.)	
Contact No.	

\* Delete where inapplicable.

**Instruction to party making the enquiry: Please complete the address of the flat in subsequent pages.**

Address of the Flat: \_\_\_\_\_

<b>PART 2 - PARTICULARS OF THE FLAT</b> <i>(to be completed by HDB)</i>		
Names of lessee(s)	<i>Name</i>	<i>Relationship with Lessee</i>
	1	Self
	2	
	3	
	4	
Names of permitted occupiers and their relationship with Lessee 1.	<i>Name</i>	<i>Relationship with Lessee</i>
	5	
	6	
	7	
	8	
Holding Type	<input type="checkbox"/> Sole owner/tenant <input type="checkbox"/> Joint Tenancy <input type="checkbox"/> Tenancy in common in the following shares: <div style="text-align: right; margin-right: 20px;"><u>Share</u></div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 1</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 2</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 3</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 4</div> <div>_____</div> </div> <input type="checkbox"/> Others <i>(please specify)</i> : _____	
Type of Flat	<input type="checkbox"/> 1-room <input type="checkbox"/> 2-room <input type="checkbox"/> 3-room <input type="checkbox"/> 4-room <input type="checkbox"/> 5-room <input type="checkbox"/> Executive <input type="checkbox"/> Others <i>(please specify)</i> : _____	

Address of the Flat: \_\_\_\_\_

<b>PART 3 - PARTICULARS OF OWNERSHIP (to be completed by HDB)</b>			
Effective date of ownership		Eligibility scheme under which the flat was purchased/ transferred*	<input type="checkbox"/>
Direct purchase from HDB	<input type="checkbox"/> YES <input type="checkbox"/> NO	Original selling price: \$ _____	
Amount of premium on purchase price (if any)	<input type="checkbox"/> \$ _____ <input type="checkbox"/> Not applicable		
Purchase from resale market	<input type="checkbox"/> YES <input type="checkbox"/> NO	Transacted resale price: \$ _____ Purchased with/without* CPF Housing Grant Amount of Grant: \$ _____	
CPF Housing Grant, if applicable, credited to Lessees' CPF accounts	Lessee 1		Lessee 2
	CPF: \$ _____		CPF: \$ _____
	Lessee 3		Lessee 4
	CPF: \$ _____		CPF: \$ _____
Initial capital payment	Lessee 1	Lessee 2	Cash
	CPF: \$ _____	CPF: \$ _____	\$ _____
	Lessee 3	Lessee 4	
	CPF: \$ _____	CPF: \$ _____	
Conveyancing, stamp, registration and administrative fees	Lessee 1	Lessee 2	Cash
	CPF: \$ _____	CPF: \$ _____	\$ _____
	Lessee 3	Lessee 4	
	CPF: \$ _____	CPF: \$ _____	

\* Delete where inapplicable.

Address of the Flat: \_\_\_\_\_

<b>PART 4 - PARTICULARS OF LOAN</b> <i>(to be completed by HDB)</i>			
Amount of Loan granted	\$ _____		
Amount of outstanding loan	\$ _____ as at _____		
Instalment per month	Lessee 1	Lessee 2	Cash
	CPF: \$ _____	CPF: \$ _____	\$ _____
	Lessee 3	Lessee 4	
	CPF: \$ _____	CPF: \$ _____	

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date



Address of the Flat: \_\_\_\_\_

**PART 5 – SURRENDER OF FLAT TO HDB** *(to be completed by HDB)*

- |  |  |
|--|--|
| <p>1. Are the parties required to surrender the flat to HDB?</p> <p>2. If the flat is surrendered to HDB, what is the compensation upon the surrender of the flat?</p> | <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p> |
|--|--|

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address of the Flat: \_\_\_\_\_

**PART 6 - SALE OF FLAT IN THE OPEN MARKET** *(to be completed by HDB)*

- |  |  |
|--|--|
| <p>(1) Are the parties eligible to sell the flat in the open market?</p> <p>(2) If the answer is “yes”:</p> <p style="padding-left: 20px;">(a) is resale levy, upgrading levy or any other monies payable to HDB?;</p> <p style="padding-left: 20px;">(b) if so, what is the amount of monies payable?</p> <p>(3) If the answer is “no”, state why parties are not eligible to sell the flat in the open market.</p> | <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p> |
|--|--|

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address of the Flat: \_\_\_\_\_

<b>PART 7 - SALE OF INTEREST IN THE FLAT</b>									
<b>Part 7.1 - Sale of interest in the flat from one party to the other</b> <i>(to be completed by the party making the enquiry)</i>									
<p>(i) Where the parties have agreed on custody of the children, state which parent has the sole custody of the children.</p> <p>(ii) Where the parties have agreed on joint custody of the children, state which parent has care and control of the children</p> <p>(iii) If the proposed purchaser(s) of the flat is/are known, furnish the following information:</p>				<p><input type="checkbox"/> Plaintiff.</p> <p><input type="checkbox"/> Defendant.</p> <p><input type="checkbox"/> No agreement has been reached.</p> <p><input type="checkbox"/> Plaintiff.</p> <p><input type="checkbox"/> Defendant.</p> <p><input type="checkbox"/> No agreement has been reached.</p>					
<i>Proposed Purchasers:</i>									
Name	NRIC/ FIN	Relation- ship	Marital status	Date of birth	Age	Citizen- ship	Occupa- tion	In- come@	Contact No.
1		Self							
2									
3									
4									
<i>Proposed occupiers who will be residing in the flat:</i>									
Name	NRIC/ FIN	Relation- ship	Marital status	Date of birth	Age	Citizen- ship	Occupa- tion	In- come@	Contact No.
5									
6									
7									
8									
<p>(iv) Has any of the proposed purchasers or occupiers disposed of any private property#, whether in Singapore or overseas, within the last 30 months? If so, state the address, property type, share and value.</p> <p>(v) Has any of the proposed purchasers or occupiers previously sold two or more HDB flats in the open market?</p> <p>(vi) Has any of the proposed purchasers or occupiers inherited any share/interest in any HDB flat or private property#, whether in Singapore or overseas? If so, state the address, property type, share and value.</p>				<p><input type="checkbox"/> Yes (<i>give details</i>): _____</p> <p>_____</p> <p><input type="checkbox"/> No.</p> <p><input type="checkbox"/> Yes (<i>specify who</i>): _____</p> <p>_____</p> <p><input type="checkbox"/> No.</p> <p><input type="checkbox"/> Yes (<i>give details</i>): _____</p> <p>_____</p> <p><input type="checkbox"/> No.</p>					

@ Gross monthly income

# Includes HUDC and Executive Condominiums

**Part 7.2 – Sale of interest in the flat from one party to the other.**  
*(to be completed by HDB)*

(1) Is the Plaintiff eligible to purchase the Defendant's interest in the flat? If not, what are the eligibility conditions for the Plaintiff to purchase the Defendant's interest in the flat?

- ☐ Yes, based on the information supplied in Part 7.1.  
☐ No, based on the information supplied in Part 7.1 / insufficient information given\*.  
 The general eligibility conditions for the Plaintiff to purchase the Defendant's interest in the flat are set out in: \_\_\_\_\_  
 \_\_\_\_\_

(2) Is the Defendant eligible to purchase the Plaintiff's interest in the flat? If not, what are the eligibility conditions for the Defendant to purchase the Plaintiff's interest in the flat?

- ☐ Yes, based on the information supplied in Part 7.1.  
☐ No, based on the information supplied in Part 7.1 / insufficient information given\*.  
 The general eligibility conditions for the Defendant to purchase the Plaintiff's interest in the flat are set out in: \_\_\_\_\_  
 \_\_\_\_\_

(3) If a party's interest in the flat is sold to the other party:

(a) is any resale levy, upgrading levy or any other monies payable to HDB?

- ☐ Yes, the monies payable are: \_\_\_\_\_  
 \_\_\_\_\_

(b) if so, what is the amount of monies payable?

- ☐ No.

(4) Is the Plaintiff eligible to obtain a loan from HDB? If not, what are the criteria for obtaining a loan?

- ☐ Yes, based on the information supplied in Part 7.1.  
☐ No, based on the information supplied in Part 7.1 / insufficient information given\*.  
 The general eligibility conditions for the Plaintiff to obtain a loan are set out in: \_\_\_\_\_  
 \_\_\_\_\_

(5) Is the Defendant eligible to obtain a loan from HDB? If not, what are the criteria for obtaining a loan?

- ☐ Yes, based on the information supplied in Part 7.1.  
☐ No, based on the information supplied in Part 7.1 / insufficient information given\*.  
 The general eligibility conditions for the Respondent to obtain a loan are set out in: \_\_\_\_\_  
 \_\_\_\_\_

\* Delete where inapplicable.

\_\_\_\_\_  
 Signature, name & designation of HDB officer

\_\_\_\_\_  
 Date

Address of the Flat: \_\_\_\_\_

## PART 8 - TRANSFER OF INTEREST IN THE FLAT

### Part 8.1 – Transfer of interest in the flat from one party to the other

(to be completed by the party making the enquiry)

(i) Where the parties have agreed on custody of the children, state which parent has the sole custody of the children.

(ii) Where the parties have agreed on joint custody of the children, state which parent has care and control of the children.

(iii) If the proposed transferee(s) of the flat is/are known, furnish the following information:

- ☐ Plaintiff.  
☐ Defendant.  
☐ No agreement has been reached.

- ☐ Plaintiff.  
☐ Defendant.  
☐ No agreement has been reached.

#### Proposed Transferee(s):

Name	NRIC/ FIN	Relation- ship	Marital status	Date of birth	Age	Citizen- ship	Occupa- tion	In- come@	Contact No.
1		Self							
2									
3									
4									

#### Proposed occupiers who will be residing in the flat:

Name	NRIC/ FIN	Relation- ship	Marital status	Date of birth	Age	Citizen- ship	Occupa- tion	In- come@	Contact No.
5									
6									
7									
8									

(iv) Has any of the proposed transferee(s) or occupier(s) disposed of any private property#, whether in Singapore or overseas, within the last 30 months? If so, state the address, property type, share and value.

(v) Has any of the proposed transferee(s) or occupier(s) previously sold two or more HDB flats in the open market?

(vi) Has any of the proposed transferee(s) or occupier(s) inherited any share/interest in any HDB flat or private property#, whether in Singapore or overseas? If so, state the address, property type, share and value.

☐ Yes (give details): \_\_\_\_\_

☐ No.

☐ Yes (specify who): \_\_\_\_\_

☐ No.

☐ Yes (give details): \_\_\_\_\_

☐ No.

@Gross monthly income

# Includes HUDC and Executive Condominiums

**Part 8.2 – Transfer of interest in the flat from one party to the other.***(to be completed by HDB)*

(1) Is the Plaintiff eligible to retain the flat? If not, what are the eligibility conditions for the Plaintiff to retain the flat?

- ☐ Yes, based on the information supplied in Part 8.1.
- ☐ No, based on the information supplied in Part 8.1 / insufficient information given\*.

The general eligibility conditions for the Plaintiff to retain the flat are set out in : \_\_\_\_\_

\_\_\_\_\_

(2) Is the Plaintiff eligible to obtain a loan from HDB? If not, what are the criteria for obtaining a loan?

- ☐ Yes, based on the information supplied in Part 8.1.
- ☐ No, based on the information supplied in Part 8.1 / insufficient information given\*.

The general eligibility conditions for the Plaintiff to obtain a loan are set out in : \_\_\_\_\_

\_\_\_\_\_

(3) Is the Defendant eligible to retain the flat? If not, what are the eligibility conditions for the Defendant to retain the flat?

- ☐ Yes, based on the information supplied in Part 8.1.
- ☐ No, based on the information supplied in Part 8.1 / insufficient information given\*.

The general eligibility conditions for the Defendant to retain the flat are set out in : \_\_\_\_\_

\_\_\_\_\_

(4) Is the Defendant eligible to obtain a loan from HDB? If not, what are the criteria for obtaining a loan?

- ☐ Yes, based on the information supplied in Part 8.1.
- ☐ No, based on the information supplied in Part 8.1 / insufficient information given\*.

The general eligibility conditions for the Defendant to obtain a loan are set out in : \_\_\_\_\_

\_\_\_\_\_

(5) Can the party retaining the flat hold the outgoing party's interest in the flat on trust for the children of the marriage?

- ☐ Yes, provided that: \_\_\_\_\_

\_\_\_\_\_

- ☐ No.

\* Delete where inapplicable.

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address of the Flat: \_\_\_\_\_

**PART 9 – OTHER INFORMATION (to be completed by HDB)**

Part 9(1): Purchase of another HDB flat directly from HDB

- (1) Are parties eligible to buy another HDB flat directly from HDB in the event that the flat is:
- (a) surrendered to HDB?
  - (b) sold in the open market?
- (2) Where a party's share in the flat is sold or transferred to the other party, is the outgoing party eligible to buy another HDB flat directly from HDB?

(Please state the eligibility conditions, if any.)

\_\_\_\_\_  
Signature, name and designation of HDB officer

\_\_\_\_\_  
Date

Address of the Flat: \_\_\_\_\_

**PART 9 – OTHER INFORMATION (to be completed by HDB) (cont'd)**

Part 9(2): Purchase of another HDB flat in the open market

- (1) Are parties eligible to buy another HDB flat in the open market in the event that the flat is:
- (a) surrendered to HDB?
  - (b) sold in the open market?
- (2) Where a party's share in the flat is sold or transferred to the other party, is the outgoing party eligible to buy another HDB flat in the open market?

(Please state the eligibility conditions, if any.)

\_\_\_\_\_  
Signature, name and designation of HDB officer

\_\_\_\_\_  
Date



Address of the Flat: \_\_\_\_\_

**PART 9 – OTHER INFORMATION (to be completed by HDB) (cont'd)**

Part 9(3): Rental of HDB flat from HDB

- (1) Are parties eligible to rent an HDB flat from HDB in the event that the flat is:
- (a) surrendered to HDB?
  - (b) sold in the open market?
- (2) Where a party's share in the flat is sold or transferred to the other party, is the outgoing party eligible to rent an HDB flat from HDB?

(Please state the eligibility conditions, if any.)

\_\_\_\_\_  
Signature, name and designation of HDB officer

\_\_\_\_\_  
Date

Address of the Flat: \_\_\_\_\_

**PART 10 – OTHER COMMENTS (to be completed by HDB)**

\_\_\_\_\_  
Signature, name and designation of HDB Officer

\_\_\_\_\_  
Date

**IMPORTANT NOTICE**

*The information provided above is:*

- (1) accurate as at the date stated above and is subject to changes from time to time in accordance with HDB's prevailing policies at the relevant point in time; and*
- (2) based on the information provided by the parties.*

**Form 20**

**STANDARD QUERY TO THE HOUSING & DEVELOPMENT BOARD ON HDB  
MATRIMONIAL ASSET (AGREEMENT FOR LEASE OF HDB FLAT)**

AT –

\_\_\_\_\_  
(state address of the HDB matrimonial asset)  
\_\_\_\_\_

Sales Registration No.: \_\_\_\_\_

(hereinafter called “the flat”)

<b>PART 1 – PARTICULARS OF PARTIES</b> <i>(To be completed by party making the enquiry)</i>	
Name of Plaintiff	
NRIC No.	
Name of Defendant	
NRIC No.	
Nature of writ	Writ for Divorce / Annulment *
Name of Solicitor for Plaintiff /Defendant *	
(specify the name of the solicitor representing the party who is making the enquiry)	
Solicitor's address	
(if there is no solicitor, state the address of the party who is making the enquiry)	
Fax No.	
(HDB's replies will be sent by fax or ordinary post to this address and number.)	
Contact No.	

\* Delete where inapplicable.

**Instruction to party making the enquiry: Please complete the address and sale registration number of the flat in subsequent pages**

Address & sale registration number of the flat: \_\_\_\_\_

**PART 2 - PARTICULARS OF THE FLAT (to be completed by HDB)**

Names of purchaser(s)	<i>Name</i>	<i>Relationship with Purchaser 1</i>
	1	Self
	2	
	3	
	4	
Names of permitted occupiers and their relationship with Purchaser 1.	<i>Name</i>	<i>Relationship with Purchaser 1</i>
	1	
	2	
	3	
	4	
Holding Type	<input type="checkbox"/> Sole owner/tenant <input type="checkbox"/> Joint Tenancy <input type="checkbox"/> Tenancy in common in the following shares: <div style="text-align: right; margin-right: 20px;"><u>Share</u></div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 1</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 2</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 3</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Lessee 4</div> <div>_____</div> </div> <input type="checkbox"/> Others ( <i>please specify</i> ): _____	
Type of Flat	<input type="checkbox"/> 1-room <input type="checkbox"/> 2-room <input type="checkbox"/> 3-room <input type="checkbox"/> 4-room <input type="checkbox"/> 5-room <input type="checkbox"/> Executive <input type="checkbox"/> Others ( <i>please specify</i> ): _____	

Address & sale registration number of the flat: \_\_\_\_\_

<b>PART 3 - PARTICULARS OF THE AGREEMENT FOR LEASE</b> <b>(to be completed by HDB)</b>			
Address of flat			
Selling price			
Date Agreement signed			
Estimated date of physical completion			
Keys available	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Deposit	Purchaser 1	Purchaser 2	Cash paid : \$
	CPF \$	CPF \$	
	Purchaser 3	Purchaser 4	
	CPF \$	CPF \$	
Stamp Fee	Purchaser 1	Purchaser 2	Cash paid: \$
	CPF \$	CPF \$	
	Purchaser 3	Purchaser 4	
	CPF \$	CPF \$	
Conveyancing fee (inclusive of GST)	Purchaser 1	Purchaser 2	Cash paid: \$
	CPF \$	CPF \$	
	Purchaser 3	Purchaser 4	
	CPF \$	CPF \$	

Note:

No loan has been granted by the HDB as the purchasers have not taken possession of the flat.

Address & sale registration number of the flat: \_\_\_\_\_

## PART 4 - TRANSFER OF AGREEMENT FOR LEASE

### Part 4.1 – Transfer of agreement for lease (to be completed by the party making the enquiry)

- |  |  |
|--|--|
| <p>(i) Where the parties have agreed on custody of the children, state which parent has the sole custody of the children.</p> <p>(ii) Where the parties have agreed on joint custody of the children, state which parent has care and control of the children</p> <p>(iii) If the proposed purchaser(s) of the flat is/are known, furnish the following information:</p> | <p><input type="checkbox"/> Plaintiff.</p> <p><input type="checkbox"/> Defendant.</p> <p><input type="checkbox"/> No agreement has been reached.</p><br><p><input type="checkbox"/> Plaintiff.</p> <p><input type="checkbox"/> Defendant.</p> <p><input type="checkbox"/> No agreement has been reached.</p> |
|--|--|

#### Proposed Purchasers:

Name	NRIC/ FIN	Relation- ship	Marital status	Date of birth	Age	Citizen- ship	Occupation	In- come@	Contact No.
1		Self							
2									
3									
4									

#### Proposed occupiers who will be residing in the flat:

Name	NRIC/ FIN	Relation- ship	Marital status	Date of birth	Age	Citizen- ship	Occupation	In- come@	Contact No.
5									
6									
7									
8									

- |   |  |
|---|--|
| <p>(iv) Has any of the proposed purchasers or occupiers disposed of any private property#, whether in Singapore or overseas, within the last 30 months? If so, state the address, property type, share and value.</p> <p>(v) Has any of the proposed purchasers or occupiers previously sold two or more HDB flats in the open market?</p> <p>(vi) Has any of the proposed purchasers or occupiers inherited any share/interest in any HDB flat or private property#, whether in Singapore or overseas? If so, state the address, property type, share and value.</p> | <p><input type="checkbox"/> Yes (give details): _____</p> <p><input type="checkbox"/> No.</p><br><p><input type="checkbox"/> Yes (specify who): _____</p> <p><input type="checkbox"/> No.</p><br><p><input type="checkbox"/> Yes (give details): _____</p> <p><input type="checkbox"/> No.</p> |
|---|--|

@ Gross monthly income

# Includes HUDC and Executive Condominiums

**Part 4.2 – Transfer of the Agreement For Lease  
(to be completed by HDB)**

<p>(1) Can the agreement for lease be transferred to the Plaintiff? If not, what are the eligibility conditions for the Plaintiff to retain the agreement for lease?</p>	<p><input type="checkbox"/> Yes, based on the information supplied in Part 4.1.  <input type="checkbox"/> No, based on the information supplied in Part 4.1 / insufficient information given*.  The general eligibility conditions for the Plaintiff to retain the agreement for lease are set out in: _____  _____</p>
<p>(2) Is the Plaintiff eligible for a loan from HDB when he takes possession of the flat? If not, what are the criteria for obtaining a loan?</p>	<p><input type="checkbox"/> Yes, based on the information supplied in Part 4.1.  <input type="checkbox"/> No, based on the information supplied in Part 4.1 / insufficient information given*.  The general eligibility conditions for the Plaintiff to obtain a loan are set out in: _____  _____</p>
<p>(3) Can the agreement for lease be transferred to the Defendant? If not, what are the eligibility conditions for the Defendant to retain the agreement for lease?</p>	<p><input type="checkbox"/> Yes, based on the information supplied in Part 4.1.  <input type="checkbox"/> No, based on the information supplied in Part 4.1 / insufficient information given*.  The general eligibility conditions for the Defendant to retain the agreement for lease are set out in: _____  _____</p>
<p>(4) Is the Defendant eligible for a loan from HDB when he takes possession of the flat? If not, what are the criteria for obtaining a loan?</p>	<p><input type="checkbox"/> Yes, based on the information supplied in Part 4.1.  <input type="checkbox"/> No, based on the information supplied in Part 4.1 / insufficient information given*.  The general eligibility conditions for the Defendant to obtain a loan are set out in: _____  _____</p>

\* Delete where inapplicable.

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address & sale registration number of the flat: \_\_\_\_\_

**PART 5 – TERMINATION OF AGREEMENT FOR LEASE**

**(to be completed by HDB)**

- |   |  |
|---|--|
| <p>(1) Will the deposit be forfeited? If so, how much will be forfeited?</p> <p>(2) How much will be refunded to each party upon the termination of the agreement for lease?</p> <p>(3) Are there any other payments made by each party which will not be refunded?</p> | <p><input type="checkbox"/> Yes, the amount forfeited will be \$_____.</p> <p><input type="checkbox"/> No.</p> |
|---|--|

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date



Address & sale registration number of the flat: \_\_\_\_\_

**PART 6 – OTHER INFORMATION**  
**(to be completed by HDB)**

Part 6(1): Purchase of another HDB flat directly from HDB

- (1) Are parties eligible to buy another HDB flat directly from HDB in the event that the agreement for lease is terminated?
- (2) Where the agreement for lease is transferred to one party, is the outgoing party eligible to buy another HDB flat directly from HDB?

(Please state the eligibility conditions, if any.)

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address & sale registration number of the flat: \_\_\_\_\_

**PART 6 – OTHER INFORMATION**  
**(to be completed by HDB)**

Part 6(2): Purchase of another HDB flat in the open market

- (1) Are parties eligible to buy another HDB flat in the open market the event that the agreement for lease is terminated?
- (2) Where the agreement for lease is transferred to one party, is the outgoing party eligible to buy another HDB flat in the open market?

(Please state the eligibility conditions, if any.)

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address & sale registration number of the flat: \_\_\_\_\_

**PART 6 – OTHER INFORMATION**  
**(to be completed by HDB)**

Part 6(3): Rental of HDB flat from HDB

- (1) Are parties eligible to rent an HDB flat from HDB in the event that the agreement for lease is terminated?
- (2) Where the agreement for lease is transferred to one party, is the outgoing party eligible to rent an HDB flat from HDB?

(Please state the eligibility conditions, if any.)

\_\_\_\_\_  
Signature, name & designation of HDB officer

\_\_\_\_\_  
Date

Address & sale registration number of the flat: \_\_\_\_\_

**PART 7 – OTHER COMMENTS (to be completed by HDB)**

\_\_\_\_\_  
Signature, name & designation of HDB Officer

\_\_\_\_\_  
Date

**IMPORTANT NOTICE**

*The information provided above is:*

- (1) accurate as at the date stated above and is subject changes from time to time in accordance with prevailing HDB's policies at the relevant point in time; and*
- (2) based on the information provided by the parties.*

## Form 21

### STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

(Applicable for CPF Members aged 55 years and above only)

**Name:** \_\_\_\_\_

**Address :** \_\_\_\_\_

*(Please specify the name and address of the CPF member or his/her solicitors.  
The reply from the CPF Board will be sent to this address.)*

**PART A** (To be completed by CPF Member or his/her solicitors.)

Name of CPF member:	
CPF Account No:	
Name of CPF member's spouse:	
<b>CPF Account No. of CPF member's spouse:</b>	
Date of Birth of CPF member:	
Age of CPF member:	
The HDB matrimonial asset ("the flat")	<div><input type="checkbox"/> <u>(state address)</u></div> <div><input type="checkbox"/> The CPF member has an agreement for lease with the HDB and has not taken possession of the flat.</div>
Name and address of CPF member's solicitors	
<div><div>_____</div><div>Date</div><div>_____</div><div>Name and Signature of CPF member/solicitors</div></div>	

**PART B** (To be completed by the CPF Board)

CPF Account Number: \_\_\_\_\_

<b>Query 1</b>	<b>Were CPF funds used for the purchase of the flat or for financing the purchase of the flat or for the payment of approved upgrading works carried out by HDB? If yes, what is the principal sum utilised and accrued interest on the principal sum utilised?</b>	
Answer:	No.	<input type="checkbox"/>
	Yes, as at ( <i>specify date</i> ): _____	<input type="checkbox"/>
	Principal sum utilised	<u>Amount</u> \$ _____
	Accrued interest on the principal sum utilised	\$ _____
<b>Query 2</b>	<b>Did the CPF member pledge the flat in lieu of setting aside the Minimum Sum or any part thereof in his/her CPF Retirement Account? If yes, what is the pledged Minimum Sum and accrued interest on the pledged Minimum Sum?</b>	
Answer:	No.	<input type="checkbox"/>
	Yes, as at ( <i>specify date</i> ): _____	<input type="checkbox"/>
	Pledged Minimum Sum to be refunded	<u>Amount</u> \$ _____
	Accrued interest to be refunded	\$ _____
<b>Query 3</b>	<b>Does the CPF member have any Minimum Sum deficiency (for bankrupts) and if yes, how much is it?</b>	
Answer:	No.	<input type="checkbox"/>
	Yes, as at ( <i>specify date</i> ): _____	<input type="checkbox"/>
	Minimum Sum deficiency	<u>Amount</u> \$ _____

®Notes:

1. On the refund requirements, please refer to section 21B of the Central Provident Fund Act (Cap. 36, 2001 Revised Edition), the provisions of the Central Provident Fund (Revised Minimum Sum Scheme) Regulations/Central Provident Fund (Minimum Sum Scheme) Regulations and the relevant regulations of the Central Provident Fund (Approved Housing Schemes) Regulations.
2. Please obtain fresh statements from the CPF Board on the amount to be refunded into the CPF member's CPF account when the date of sale/transfer/assignment/otherwise disposal of the flat has been finally determined.

**Other comments**

---

---

---

---

\_\_\_\_\_  
Name and designation of CPF Board officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of CPF Board officer

**Form 21(I)**

**FIRST STATUS CONFERENCE NOTICE TO PLAINTIFF**

Date:

To: Plaintiff's Solicitors

**STATUS OF [case number]**

1. You are directed to set down the above case for hearing by *[date]* if pleadings are closed<sup>2</sup> by then.
2. If pleadings are not likely to be closed by *[date]*, you must inform the Court of the status of the case within 7 days of this Registrar's Notice. Please use the standard status form as prescribed in Form 21(II) of the Subordinate Courts Practice Directions.

Registrar

cc Defendant /Defendant's counsel

---

<sup>2</sup> i.e. when all the written statements regarding the parties' claims/defences have been filed.



**Form 21(II)**

**INFORMATION FROM PLAINTIFF TO FAMILY COURT  
ON STATUS OF WRIT**

To: Registrar  
Family & Juvenile Division  
Subordinate Courts

<b>INFORMATION ON STATUS OF WRIT</b>	
Case Number:	D No.
Date:	
<p>The status of the case is as follows:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> We are attempting personal service of the papers on _____ (<i>name</i>). We will complete our service attempts by _____ (<i>date</i>).</li><li><input type="checkbox"/> We will file our application for substituted service/dispensation of service by _____ (<i>date</i>).</li><li><input type="checkbox"/> Our application for substituted service/dispensation of service has been fixed for hearing on _____ (<i>date</i>).</li><li><input type="checkbox"/> We are negotiating a settlement.</li><li><input type="checkbox"/> We seek a mediation / counselling / joint conference* date. We have exchanged settlement proposals and the parties agree to attend mediation / counselling / joint conference *.</li><li><input type="checkbox"/> The parties are attempting reconciliation.</li><li><input type="checkbox"/> Others (please specify details): _____ _____</li></ul>	

\_\_\_\_\_  
Signature of solicitor  
Name of Solicitor for Plaintiff:  
Name of Law Firm:

cc Defendant / Defendant's solicitors

*\* Delete where inapplicable*

**FOR OFFICIAL USE ONLY**

We note the contents above. The Status Conference is fixed for \_\_\_\_\_  
\_\_\_\_\_  
(*date, time, chamber*). You are required to be present in Court on the above date for directions on the further conduct of the matter.

Deputy Registrar  
Family and Juvenile Justice Division  
Subordinate Courts

cc Defendant / Defendant's counsel

**Form 21(III)**

**SECOND STATUS CONFERENCE NOTICE TO PLAINTIFF  
(WHERE THERE IS NO REPLY FROM PLAINTIFF)**

Date:

To: Plaintiff's Solicitors

**STATUS OF [CASE NUMBER]**

1. We refer to the Registrar's Notice dated \_\_\_\_\_ where you were directed to set down the above case for hearing by *[date]*.
2. We note that the case has not been set down for hearing and you have also not replied to us in the form as directed by the Registrar's Notice.
3. You are directed to set down the said case for hearing by *[date]*, failing which you is required to attend a Status Conference on *[date, time, chamber]*.

Registrar

cc Defendant / Defendant's counsel

**Form 21A**

**AFFIDAVIT OF EVIDENCE IN CHIEF  
(FOR PLAINTIFF PROCEEDING ON THE STATEMENT OF CLAIM IN  
UNCONTESTED MATRIMONIAL PROCEEDINGS)**

(Title as in action)

I, [state *name, address and description of deponent*], make oath/affirm\* and say as follows:

1. I am the Plaintiff in this action.
2. Where the facts set out in this affidavit are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief.
3. I crave leave of this Court to refer to the Statement of Claim and Statement of Particulars filed in this action.
4. I now confirm that the facts pleaded in the Statement of Claim and Statement of Particulars are true and correct.

*[Sworn (or affirmed) as in Form 78 in the Rules of Court.]*

**Form 21B**

**AFFIDAVIT OF EVIDENCE IN CHIEF  
(FOR DEFENDANT PROCEEDING ON THE COUNTERCLAIM IN  
UNCONTESTED MATRIMONIAL PROCEEDINGS)**

(Title as in action)

I, [state *name, address and description of deponent*], make oath/affirm\* and say as follows:

1. I am the Defendant in this action.
2. Where the facts set out in this affidavit are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief.
3. I crave leave of this Court to refer to the Counterclaim filed in this action.
4. I now confirm that the facts pleaded in the Counterclaim are true and correct.
5. Annexed hereto as “A” is a copy of the Marriage Certificate. (*only applicable if proceeding on the Counterclaim solely*)

[Sworn (*or affirmed*) as in Form 78 in the Rules of Court.]

**Form 21C**

**REQUEST FOR DISPENSATION OF PARTIES' ATTENDANCE AT THE  
UNCONTESTED DIVORCE HEARING**

Date

To: Registrar  
Family and Juvenile Court, Singapore

DIVORCE SUIT NO. \_\_\_\_\_ OF \_\_\_\_\_  
*TITLE AS IN ACTION*

**REQUEST FOR DISPENSATION OF PARTIES' ATTENDANCE AT THE  
UNCONTESTED DIVORCE HEARING**

- 1 a) We act for the Plaintiff in the above proceedings. M/s \_\_\_\_\_ acts for the Defendant or Defendant acts in person\*. We write to confirm that the above divorce will proceed on an uncontested basis as (*please tick all the applicable paragraphs*)
- (i) ☐ the Defendant has filed an Memorandum of Appearance indicating the Defendant is not contesting the divorce; or
  - (ii) ☐ an Order for Dispensation of Service on the Defendant was granted on \_\_\_\_\_; or
  - (iii) ☐ Acknowledgment of Service/Affidavit of Service\* has been filed on \_\_\_\_\_ and Defendant did not enter appearance; or
  - (iv) ☐ Defendant had failed to file the Defence within the timelines stated in the Matrimonial Proceedings Rules; or
  - (v) ☐ both parties have agreed that the divorce will proceed on an uncontested basis on the Claim/and Counterclaim\*

*(to use the following paragraph if proceeding on the Counterclaim only)*

- b) We act for the Defendant in the above proceedings. M/s \_\_\_\_\_ acts for the Plaintiff or Plaintiff acts in person\*. We write to confirm that the above divorce shall proceed on an uncontested basis as:-
- (i) ☐ both parties have agreed that the divorce will proceed on an uncontested basis on the Counterclaim; or
  - (ii) ☐ the Plaintiff has failed to file the Defence to Counterclaim within the timelines stated in the Matrimonial Proceedings Rules
- 2 We confirm as follows:
- (a) Grounds of Divorce:
- (i) ☐ adultery by Plaintiff and/or Defendant\*
  - (ii) ☐ unreasonable behaviour by Plaintiff and/or Defendant\*

- (iii) ☐ 2 years' desertion by Plaintiff/Defendant\*
- (iv) ☐ 3 years' separation with consent
- (v) ☐ 4 years' separation.

Ancillary Matters

- (b) (i) ☐ There are no ancillary matters to be adjourned to be heard in Chambers.
- (ii) ☐ All of the ancillary matters have been agreed and the Draft Consent Order has been filed on \_\_\_\_\_(date).
- (iii) ☐ Some of the ancillary matters have been agreed and the Draft Consent Order has been filed on \_\_\_\_\_(date) and Prayers (\_\_) to (\_\_) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
  - \_\_\_ weeks to file and exchange the Affidavit of Assets and Means and an APTC (JOL/non-JOL\*) to be fixed; or
  - A mediation session as both parties have agreed to attend.
- (iv) ☐ The ancillary matters have not been agreed and Prayers (\_\_) to (\_\_) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
  - \_\_\_ weeks to file and exchange the Affidavit of Assets and Means and an APTC (JOL/non-JOL\*) to be fixed; or
  - A mediation session as both parties have agreed to attend.

3 We confirm that parties will not be making any further applications (e.g. abridgment of time, cost, withdrawal or amendment of pleadings etc.).

4 Parties understand that the Court may not make the required orders as requested if any of the papers are not in order, in which case a further hearing (in open court or in chambers with counsels present) will be scheduled.

Signature

Name of Solicitor for the Plaintiff/Defendant\*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person\*

\*Delete where inapplicable

**Form 21D**

**REQUEST FOR UNCONTESTED DIVORCE HEARING  
IN OPEN COURT**

Date

To: Registrar  
Family and Juvenile Court, Singapore

DIVORCE SUIT NO. \_\_\_\_\_ OF \_\_\_\_\_  
*TITLE AS IN ACTION*

**REQUEST FOR SETTING DOWN ACTION FOR TRIAL ON AN  
UNCONTESTED BASIS (FOR HEARING IN OPEN COURT)**

1. We refer to the above divorce which will be heard on an uncontested basis.
2. Parties wish to apply for an exemption pursuant to Paragraph 92A(6) of the Subordinate Courts Practice Directions (2006 Ed.).
  - (a) The special grounds in support of our client's application for exemption are as follows:-
  - (b) The supporting documents (if any) are as follows and attached herein:-
  - (c) Please approve the aforesaid application and fix the matter for Hearing in Open Court.

Signature

Name of Solicitor for the Plaintiff/Defendant\*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person\*

\*Delete where inapplicable

For official use:      Approved/Not approved

Signed:

Date:

## Form 22

### DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

(Title as in action)

- 1 The Plaintiff/Defendant/Other Party (to specify)\* asserts that (to the best of his/her knowledge, information and belief), the net value of the matrimonial assets<sup>#</sup> is:

- ☐ below \$1.5 million.  
☐ \$1.5 million or above.

The Plaintiff/Defendant/Other Party (to specify)\* is aware that the appropriate cost penalties may be imposed should the High Court find the asserted net value to be unjustified.

- 2 The detailed breakdown of the matrimonial assets is as follows:

Assets asserted to be matrimonial assets	Please specify each asset	Current gross value of each asset
	1.	
	2.	
	3.	
	4.	
	5.	
		Total:
Outstanding liabilities due to third parties which should be deducted from value of matrimonial assets	Please specify each liability	Amount for each liability
	1.	
	2.	
	3.	
	4.	
	5.	
		Total:
Net Value of the Matrimonial Assets: _____		

- 3 The Plaintiff/Defendant/Other Party (to specify)\* has/has not\* completed filing the affidavits, reports, interlocutory applications and all other documents necessary for the hearing of the contested ancillary matters.
- 4 There is/is no\* pending interlocutory application\* in the ancillary matters proceedings. There is/is no\* pending appeal from an interlocutory application in the ancillary matters proceedings.

\_\_\_\_\_  
Signature of Plaintiff/Solicitors for the Plaintiff/  
Defendant/Solicitors for the Defendant/  
Other Party/Solicitors for the Other Party (to specify)\*

Name of party making declaration/Solicitors' firm:

NRIC Number \*(for parties who are acting in-person only):

Date:

\* Delete where inapplicable

\_\_\_\_\_  
<sup>#</sup> "Net value of the matrimonial assets" means the total value of the assets, less any outstanding liabilities which are due to third parties. Such liabilities which are due to third parties may include, but are not limited to, outstanding housing and/or mortgage loans, and renovation loans.



**Form 23**

**APPLICATION FOR THE APPOINTMENT OF EXPERT IN RESPECT OF  
CUSTODY AND ACCESS ISSUES**

(Title as in action)

**SUMMONS**

1. Date and Time of Hearing before Judge in Chambers/Registrar\* (*to be completed by the court*)  
Date of Hearing:  
Time of Hearing:
2. Orders Applied For
  - (a) A report is to be prepared by [*to state name of expert*] (“the expert”) to assist the court in resolving the custody and/or access\* issues in this matter (“the report”) in relation to the following child/children\* [*to state names and dates of birth of the children*]:
  - (b) The report is to be filed in court by [*to state date*], or such later time as the court may fix, upon application by any party.
  - (c) The costs of preparation of the report are to be borne by [*to state party bearing costs of preparation of the report and/or other arrangements for payment*].
  - (d) The issues to be addressed in the report, and the documents to be furnished to the expert, are to be as set out in the draft Letter of Instruction to Expert Witness annexed to this application (“the draft Letter”).
  - (e) A letter in the form of the draft Letter shall be sent to the expert by [*to state name of party*] (“the party writing to the expert”) on or before [*to state date*], which letter shall be copied to the court and all other relevant parties [*please specify*] to these proceedings.

(f) To facilitate investigations by the expert in respect of the report:

1. Each party to these proceedings is to furnish to the party writing to the expert, upon request, any information which is necessary in order to enable that party to complete Schedule 1 of the draft Letter. If the contact particulars stated in Schedule 1 change before the report is filed in court, the parties are to update the expert on the same within 3 working days of the said change(s), if this is within their knowledge.
2. The parties are to co-operate with the expert and comply with any and all requests made by the expert in the course of his/her investigations for the purposes of the report, including, but not limited to:
  - (i) allowing the other party free access to the child/children (notwithstanding any current orders for access or interim access) for the purpose of an interview by the expert;
  - (ii) attending all appointments made with the expert punctually;
  - (iii) allowing the child/children to be interviewed alone (i.e. not in the presence of any party), or with any other person as the expert sees fit, and otherwise examined or assessed by the expert; and
  - (iv) providing any information requested by the expert, for example, on one's educational history, family members, living arrangements.

If any of the orders in paragraph (f) above are not complied with, the expert may, unless the court otherwise orders, proceed to prepare the report with details of any party's non-compliance with the said orders, for the court's information, consideration and/or directions.

3. Grounds of application

*[Choose one of the following.]*

- (a) The grounds of the application are set out in the affidavit(s)\* filed in support of this application.
- (b) The grounds of the application are set out herein.

4. Party Filing this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)

5. Party/Parties\* to be Served with this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)\*

6. Consent\*

I/We\* hereby consent to this Summons.

Signature:

Name and NRIC No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons\*:

Date:

This Summons is taken out by [*to state name of party taking out this summons*]

Signed:

Registrar:

Date:

\* Delete where inapplicable

**Form 24**

**LETTER OF INSTRUCTION TO EXPERT WITNESS**

Dear *[To state name of expert]*

**Re:** *[Name of child/children]*  
**Divorce Suit No.** *[to state number]*  
**Order for Custody/Access Evaluation Report**

**Date by which report has been ordered to be filed in court:** *[to state date]*

***Summary of the proceedings and applications***

1. The particulars of the persons concerned in the above proceedings are listed in Schedule 1 annexed to this letter, with the date(s) of birth of the child/children, and the contact numbers of all the relevant parties. The proceedings consist of:
  - ☐ Custody and/or access issues in the ancillary matters in the divorce proceedings *[to state the orders sought by each party]*
  - ☐ Applications for custody and/or access in the divorce proceedings *[to state the numbers of the relevant Summonses and the orders sought by each party]*

***Issues before the Court***

2. The issues before the court are:

*[To state what issues the court has to decide, for example:*

- ☐ *Whether the mother/father/third party [please specify] should have care and control of the child/children*
- ☐ *Whether the mother/father/third party [please specify] should have access/supervised access to the child/children]*

***Orders Currently in Force***

3. The following orders are currently in force:

*[To set out the dates and details of all the court orders currently in force in respect of:*

- ☐ *the custody and access issues;*
- ☐ *any family violence application;*
- ☐ *any maintenance issues.]*

### ***Documents***

4. We enclose with this letter:
  - ❑ Schedule 1 (see paragraph 1 above);
  - ❑ Schedule 2, which contains a list of the documents which you may wish to consider in preparing your report;
  - ❑ A copy of the order giving leave for you to [interview] [examine] the child/children.

### ***Your instructions***

5. You have the leave of the court to interview the child/children and any relevant family member[s].
6. Please address the following issues in your report:

*[Here set out the specific questions approved by the court or agreed with the other parties in an itemised list, for example:*

- (1) What is your assessment of the mother's relationship with the child and her ability to care for the child and meet his emotional needs during his childhood?*
  - (2) Would the child be at risk in the father's care during contact either on daytime visits or overnight stays?]*
7. If there are any other issues which, in your opinion, need to be addressed, please state them and explain why it is necessary for the court to consider these issues.

### ***Contact persons***

8. Please contact the parties directly to arrange for interviews. Please keep a careful record of all pertinent discussions with all the parties. The contact particulars of all the relevant parties are in Schedule 1.
9. If at any time you anticipate that you will not be able to file your report by the deadline stipulated, please inform us promptly so that we may inform the other parties and the court if appropriate.

### ***Factual issues***

10. You should express your opinion regarding your findings on the facts of the case, but you must not seek to resolve disputed facts as this is, of course, to be determined by the judge at the final hearing. Where appropriate, it will be of assistance if you are able to express your opinion on the basis of alternative findings regarding the factual dispute[s].

### ***Your report***

11. The report will be disclosed to the court and to all the other parties. Once your report has been prepared, please send a copy to:

- ☐ The Plaintiff/Plaintiff's solicitors\* at [*to state address*]\*
- ☐ The Defendant/Defendant's solicitors\* at [*to state address*]\*
- ☐ The court at The Family and Juvenile Court, No. 3 Havelock Square, Singapore 059725\*
- ☐ The other party/parties [*please specify*]

Please state the case number and name of the case, i.e. [*to state the case number and name of the case*] in the title on the front page of your report.

### ***Fees***

12. The fees for your report will be borne by [*to state which party will be bearing the fees for the report and any other arrangements for payment*].

Yours etc

\*Delete where inapplicable

**SCHEDULE 1—Name and Contact Particulars of Relevant Parties**  
**CASE NO.: Divorce Suit \* No. [to state number]**

**NAMES AND CURRENT CONTACT PARTICULARS OF THE PARTIES**

**The Plaintiff**

	Name	Identity Card No.	Current address and contact no. during office hours*	Relationship to the child
Plaintiff			Tel:	

**The Defendant**

	Name	Identity Card No.	Current address and contact no. during office hours*	Relationship to the child
Defendant			Tel:	

**The Child/Children for whom the report has been ordered (to be completed by parent having care and control of the child)**

Name of the Child(ren)	Birth Cert. No.	Date of birth	Gender	Current address and contact no. during office hours*
1				Tel:
2				Tel:
3				Tel:

**Other Relevant Persons**

Name	Current address and contact no. during office hours*	Relationship to the child
	Tel:	
	Tel:	
	Tel:	

\* Parties must inform the expert if the contact address or telephone number is changed during investigation.



**SCHEDULE 2—List of Documents**

**CASE NO.: Divorce Suit No [to state number]**

S/No.	Document	Party who had furnished the document (i.e. Plaintiff, Defendant or other party)	Date of document

**Form 25**

**COVER LETTER FOR DRAFT CONSENT ORDERS**

Date \_\_\_\_\_

To: OFFICER-IN-CHARGE  
ANCILLARY MATTERS SECTION

**DIVORCE SUIT NO. \_\_\_\_\_ OF \_\_\_\_\_**  
**TITLE AS IN ACTION**

**ANCILLARY MATTERS HEARING ON \_\_\_\_\_ AT \_\_\_\_\_**  
**DRAFT CONSENT ORDER FOR APPROVAL**

Please find attached two copies of the Draft Consent Order which is to be submitted to the court for its consideration.

2 The Draft Consent Order has been signed by [*please tick one of the following*]:

- (       ) the Plaintiff's Solicitor on behalf of the Plaintiff
- (       ) the Plaintiff-in-person
- (       ) the Plaintiff-in-person witnessed by an advocate and solicitor/a commissioner for oaths\*

AND

- (       ) the Defendant's Solicitor on behalf of the Defendant
- (       ) the Defendant-in-person
- (       ) the Defendant-in-person witnessed by an advocate and solicitor/a commissioner for oaths\*

3 The ancillary matters have been fixed for hearing as follows:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Court: (if known) \_\_\_\_\_

Signature

Name of Solicitor for the Plaintiff

Name of Law Firm

cc Solicitor for the Defendant or Defendant-in-person\*

\*Delete where inapplicable.

**Form 26**

**COVER LETTER TO NOTIFY THE COURT OF FILING OF APPLICATION  
TO EXTEND TIME FOR APPEALING AGAINST DECREE  
NISI/MEMORANDUM OF APPEARANCE TO SHOW CAUSE AGAINST  
DECREE NISI BEING MADE ABSOLUTE**

Date

To: Officer-in-charge,  
Summons Section  
Family Registry,  
Family and Juvenile Court

DIVORCE PETITION NO. \_\_\_\_\_ OF \_\_\_\_\_  
*TITLE AS IN ACTION*

**APPLICATION TO EXTEND TIME FOR APPEALING AGAINST DECREE NISI/  
MEMORANDUM OF APPEARANCE TO SHOW CAUSE AGAINST DECREE NISI  
BEING MADE ABSOLUTE\***

Please be notified that:

- an application to extend the time for appealing against the decree nisi; and/or
- a memorandum of appearance stating that a party wishes to show cause against the decree being made absolute\*

has/have\* been filed today.

Signature

Name of Solicitor/Party (Petitioner/Respondent/Other party [please specify]\*)

Name of Law Firm

cc Solicitor for the Petitioner and/or Solicitor for the Respondent\*

\* Delete where inapplicable

*This Form is applicable only to divorce petitions filed before 15 December 2003.*

**Form 27**

**NOTICE TO PRODUCE DOCUMENTS REFERRED TO  
IN PLEADINGS OR AFFIDAVITS**

(Title as in action)

Take notice that the Plaintiff/Defendant/Other party [*to specify*]\* requires you to produce for his inspection, the following documents referred to in your pleading (or affidavit) namely:

(Describe documents required and set them out in a table).

S/No.	Document	Filing date, name of pleading/ deponent of affidavit and number of affidavit in relation to the deponent*, in which document is referred to	Page and paragraph number of pleading/affidavit* where reference to document is made

\*Delete where inapplicable

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

**Form 28**

**NOTICE WHERE DOCUMENTS MAY BE INSPECTED**

(Title as in action)

Take notice that the following documents mentioned in your notice of [*to state date*] may be inspected at [*to state place of inspection*] on the [*to state date*] between the hours of [*to state times*].\*

(Describe documents which may be inspected and set them out in table form.)

S/No.	Document	Filing date, name of pleading/ deponent of affidavit and number of affidavit in relation to the deponent*, in which document is referred to	Page and paragraph number of pleading/affidavit* where reference to document is made

Take notice that the Plaintiff/Defendant/Other Party [*to specify*]\* objects to giving inspection of the following documents mentioned in your notice of [*to state date*].\*

(Describe documents in respect of which inspection is objected to, and set them out in table form, setting out the grounds of objection in respect of each document).

S/No.	Document	Filing date, name of pleading/ deponent of affidavit and number of affidavit in relation to the deponent*, in which document is referred to	Page and paragraph number where reference to pleading/ affidavit is made	Reasons for objection to inspection

\*Delete where inapplicable

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

**Form 29**

**REQUEST FOR DISCOVERY**

(Title as in action)

The Plaintiff/Defendant/Other Party [*to specify*]\* is requested to state, pursuant to Rule 25(4) of the Matrimonial Proceedings Rules 2005, in respect of each of the following documents, whether he is willing and able to provide discovery of the same, and, if so, to specify in what mode he is willing to provide such discovery (for example, by exhibiting the documents in an affidavit to be filed in court, by forwarding copies of the documents to the other party, by making the documents available to the other party for inspection):

(Describe the documents required and set them out in table form.)

S/No.	Document	Time-frame for which documents are requested (where applicable)	Reason for request	Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)

\*Delete where inapplicable

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

**Form 30**

**NOTICE IN RESPONSE TO REQUEST FOR DISCOVERY**

(Title as in action)

The Plaintiff/Defendant/Other Party [*to specify*]\* is willing and able to provide discovery of the following documents:\*

(Describe the documents to be discovered and set them out in table form.)

S/No.	Document	Time-frame (where applicable)	Mode in which discovery will be provided

The Plaintiff/Defendant/Other Party [*to specify*]\* is not willing and/or not able to provide discovery of the following documents\*:

(Describe the documents which the party is not willing and/or not able to provide discovery of and set them out in table form.)

S/No.	Document	Time-frame (where applicable)	Reason for not being willing and/or able to provide discovery

\*Delete where inapplicable

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

**Form 31**

**APPLICATION FOR DISCOVERY**

(Title as in action)

**SUMMONS**

1. *[Format as in Form 4 of Matrimonial Proceedings Rules 2005]*

2. Orders Applied For

- (a) That the Plaintiff/Defendant/Other Party *[to specify]*\* be required :
- (i) To state on affidavit, pursuant to Rule 25(1) of the Matrimonial Proceedings Rules 2005, in respect of each of the following documents, whether the same is in his possession, custody or power, and if not then in his possession, custody or power, when he parted with it and what has become of it;
  - (ii) To exhibit in the affidavit a copy of each of the said documents stated to be in his possession, custody or power, pursuant to paragraph (a)(i) above; and
  - (iii) In respect of each of the said documents stated not to be in his possession, custody or power, pursuant to paragraph (a)(i) above, to state the reasons why, together with supporting documentation for the explanation (if any).
- (b) That the affidavit under paragraph (a) above is to be filed and served by *[to state date]*.

(Describe the documents required and set them out in table form).

S/No.	Document	Time-frame for which documents are requested (where applicable)	Reason for request	Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)



3. Etc. *[Format as in Form 4 of Matrimonial Proceedings Rules 2005]*

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

\*Delete where inapplicable

**APPLICATION FOR DISCOVERY IN MAINTENANCE PROCEEDINGS  
UNDER PART VIII OF THE WOMEN'S CHARTER**

1. I, \_\_\_\_\_ (NRIC No. \_\_\_\_\_) of  
\_\_\_\_\_ (address), the Complainant/Respondent\*,  
hereby apply for the Court to order \_\_\_\_\_ (NRIC No.  
\_\_\_\_\_) ( “the Other Party”) to provide 3 sets of the following  
documents :-

S/No.	Title or description of Document	Period from which the document is required ( <i>e.g. documents from 2009 to 2011</i> )	Reasons why the document is required	Reasons why you think the other party has the document

Affirmed/Sworn\* by \_\_\_\_\_ )

(to state name and NRIC Number) )

through the interpretation of\*

in [*to state language*]

## Commissioner for Oaths

\* Please delete accordingly.

**Form 32**

**REQUEST FOR INTERROGATORIES**

(Title as in action)

The Plaintiff/Defendant/Other Party [*to specify*]\* is requested to answer the following interrogatories on affidavit, to the best of his knowledge, information and belief, pursuant to Rule 31 of the Matrimonial Proceedings Rules 2005:

(Set out the interrogatories in the form of concise questions. Each interrogatory is to be set out in a separate paragraph and numbered consecutively, in table form.)

S/No.	Interrogatory	Reason for Interrogatory	Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)

\*Delete where inapplicable

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

**Form 33**

**NOTICE IN RESPONSE TO REQUEST FOR INTERROGATORIES**

(Title as in action)

\*The Plaintiff/Defendant/Other Party [*to specify*]\* will answer the following interrogatories on affidavit, to the best of his knowledge, information and belief:

Items [*to specify*] listed in your request for interrogatories dated [*to state date*].

\*The Plaintiff/Defendant/Other Party [*to specify*]\* objects to answering the following interrogatories:

(Set out the interrogatories objected to, in table form.)

S/No.	Interrogatory	Reason for objection to the interrogatory

\*Delete where inapplicable

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

**Form 34**

**APPLICATION FOR INTERROGATORIES**

(Title as in action)

**SUMMONS**

1. *[Format as in Form 4 of Matrimonial Proceedings Rules 2005]*

2. Orders Applied For

- (a) That the Plaintiff/Defendant/Other Party *[to specify]*\* be required to answer the following interrogatories on affidavit, to the best of his knowledge, information and belief, pursuant to Rule 31 of the Matrimonial Proceedings Rules 2005.
- (b) That the affidavit under paragraph (a) above is to be filed and served by *[to state date]*.

(Set out the interrogatories in the form of concise questions. Each interrogatory is to be set out in a separate paragraph and numbered consecutively, in table form.)

S/No.	Interrogatory	Reason for Interrogatory	Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)

3. Etc. *[Format as in Form 4 of Matrimonial Proceedings Rules 2005]*

Dated this      day of      20      .

Solicitor for the

To the Solicitor for

\*Delete where inapplicable

**Form 35**

**AFFIDAVIT OF ASSETS AND MEANS**

(Title as in action)

**A. Party Swearing or Affirming this Affidavit:**

Name:

Age:

Address:

Contact Number:

I am the Plaintiff/Defendant\* in the above matter. I *[make oath and say/affirm that\*]* the contents of this Affidavit of Assets and Means are true and correct to the best of my knowledge, information and belief. All the information stated in this Affidavit of Assets and Means is accurate as at *[to state date]*. I have made full and frank disclosure of my assets and means in this Affidavit of Assets and Means, to the best of my knowledge, information and belief, and have no other assets and means aside from what has been disclosed in this Affidavit.

**B. Financial Issues**

**I. Assets and Means**

1. I am/am not\* an undischarged bankrupt.

*[If you are an undischarged bankrupt, state the date of the bankruptcy order, and the bankruptcy number.]*

**Work Particulars**

2. My occupation is:

3. I am an employee\*.

*[State the following information in respect of each employer.]*

- (a) The name and address of my employer is:

- (b) My designation is:

(c) My gross monthly income (including salary, allowances, commissions and bonuses) is:

(d) My take-home monthly income (including salary, allowances, commissions and bonuses) is:

4. I am self-employed\*.

*[State the following information in respect of each of your businesses.]*

(a) The name and address of my business is:

(b) It is a sole proprietorship/partnership\*.

(c) Nature of business:

(d) My monthly income is:

(e) The estimated value of my business is:

5. I am unemployed\*.

(a) Before becoming unemployed, I was an employee.

(i) My last drawn gross monthly income (including salary, allowances, commissions, benefits and bonuses) on *[to state date]* was:

(ii) The name and address of my previous employer is:

(b) Before becoming unemployed, I was self-employed\*.

(i) The name and address of my business was:

(ii) It was a sole proprietorship/partnership\*.

(iii) Nature of business:

(iv) Status of business *[e.g. whether business terminated at Accounting and Corporate Regulatory Authority (ACRA), and if so, to state date of termination]*:

(v) My monthly income on *[to state date]* was:

6. Aside from my income from my employment/business\*, I have the following/I do not have any additional\* sources of income<sup>1</sup>:

S/No.	Source of Income	Amount (S\$)

**Particulars of my immovable properties situated in Singapore or overseas.**

7. I own the following/do not own any\* immovable properties:

*[State in relation to each property]*

- (a) Address of property owned:
- (b) Whether title to the land is registered or unregistered, and if registered, the Certificate of Title (CT/SSCT/SCT\*) number
- (c) Names of joint-owners (if any) and the manner in which the property is held, i.e. whether as joint tenants or tenants in common:
- (d) Names of mortgagee/chargee (if any), and amounts outstanding to each mortgagee/chargee
- (e) Value/Estimated value\* of property as at *[to state date]*:
- (f) Amount of monthly mortgage payment and how payment is made (i.e. CPF or cash):

**Particulars of motor vehicles in Singapore or overseas\***

8. I own a/do not own any\* motor vehicle/more than one motor vehicle. The particulars of the motor vehicle(s) are as follows:

*[State in relation to each motor vehicle.]*

---

<sup>1</sup> This would include rental income from any immovable property owned by you.



- (a) The registration number and make of the motor vehicle is:
  - (b) The motor vehicle(s) is/are\* on hire purchase.
  - (c) The name of the hire purchase company is:
  - (d) The estimated value of the motor vehicle as at [*to state date*] is:
  - (e) The amount outstanding on the hire purchase agreement is:
9. The motor vehicle is no longer in my possession\*. The reason is that:

**Particulars of my insurance policies in Singapore or overseas\***

10. I have the following/do not have any\* insurance policies:

*[State in relation to each insurance policy.]*

- (a) Name of insurer:
- (b) Type of policy:
- (c) Policy Number:
- (d) Amount insured:
- (e) The beneficiary or beneficiaries under the insurance policy is/are\*:
- (f) Surrender value (if any) as at [*to state date*]:

**Particulars of my shares, unit trusts, etc. in Singapore or overseas\*:**

11. I own/do not own\* shares, warrants, bonds, stock options, and/or\* unit trusts.

- (a) Shares (including shares purchased with Central Provident Fund monies), warrants, bonds, stock options, etc.

The name(s) of the company/companies\* in which I hold shares, warrants, bonds or stock options, and the amount of shares, warrants, bonds or stock options which I hold are as follows:

S/No.	Company Name	No. of Shares, warrants, bonds, stock options, etc.	Estimated value as at: <i>[to state date]</i>

(b) Unit Trusts

The name of the unit trusts, the financial institution managing them, and the number of units I hold are as follows:

S/No.	Unit Trust	Financial Institution	No. of Units	Estimated value as at: <i>[to state date]</i>

**Particulars of my bank accounts in Singapore or overseas\***

12. I have the following/do not have any\* bank accounts (held solely and/or jointly) and/or\* safe deposit boxes:

S/No.	Bank Name and Account Number	Account Type <sup>2</sup>	Balance as at <i>[to state date]</i>	Joint Account Holder's Name (if any)

---

<sup>2</sup> i.e. Savings, Current, Fixed Deposit, Overdraft, Safe Deposit Box, etc.

### **Particulars of my Central Provident Fund (“CPF”) monies**

13. I have the following/do not have any\* amounts in my CPF account as at *[to state date]*:
- (a) Ordinary account:
  - (b) Medisave account:
  - (c) Special account:
14. The details of the amount utilised from my CPF account towards the purchase of immovable property are as follows:
- (a) Address of immovable property:
  - (b) Amount withdrawn as at *[to state date]*:
    - (i) Principal:
    - (ii) Interest:

### **Other Assets**

15. I own the following/do not own any\* other assets:
- [(a) If you own any other assets, savings or investments not listed thus far (e.g. antiques, collectibles, jewellery, paintings), please state the same and the estimated value.*
  - (b) If you are a member (whether in Singapore or overseas) of any golf, social or recreational clubs of value, please state the same and the estimated value.]*

### **My Monthly Expenses**

16. I have the following personal expenses each month (for example):
- (a) Food:
  - (b) Transport:
  - (c) Utilities (water, gas and electricity):
  - (d) Telephone/Internet/mobile phone/pager charges:
  - (e) Rent:
  - (f) Others (please specify):

17. My monthly expenses for the children who are dependent on me are as follows:

*[State in relation to each child.]*

- (a) Name of Child:
- (b) Age of Child:
- (c) Food:
- (d) School Fees:
- (e) Transport:
- (f) Others (please specify):

18. I have the following persons who are financially dependent on me (excluding my children):

*[State in relation to each dependent.]*

- (a) Name of dependent:
- (b) Age:
- (c) Relationship:
- (d) Amount set aside each month for dependent:
- (e) Reason for dependency:
- (f) Names of other persons supporting my dependents:

## **Particulars of my Creditors (i.e. people whom I owe money to)**

19. My creditors<sup>3</sup> are as follows/I do not have any creditors\*:

*[State in relation to each creditor.]*

- (a) Name of creditor:
- (b) Amount owed as at *[to state date]*:

20. Legal proceedings have been commenced against me by the following creditors:

*[State in relation to each creditor.]*

- (a) Name of creditor:
- (b) Suit No.:
- (c) Status of action:

## **II. Contributions to the Matrimonial Assets**

---

<sup>3</sup> Your creditors include government bodies such as the Inland Revenue Authority of Singapore (IRAS), the Central Provident Fund Board (CPF), the Housing Development Board (HDB), etc.

### **Direct financial contributions**

21. I have made the following/I have not made any\* direct financial contributions towards the acquisition or improvement of the matrimonial asset(s) :

*[State in relation to each matrimonial asset.]*

### **Indirect contributions**

22. I have made the following/I have not made any\* indirect financial and non-financial contributions towards the family during the course of the marriage:

*[State the nature of the indirect financial and non-financial contributions made.]*

## **III. Proposal Regarding the Division of Matrimonial Assets and Maintenance**

**Division of Housing Development Board Flat (if applicable) (only to be filled in if you have not filed a Proposed Property Plan, or if you would like to change your proposal from what you have originally set out in your Proposed Property Plan.)**

23. My proposal for the division of the matrimonial HDB flat is as follows:
- ☐ Option 1: The flat will be surrendered to the HDB.
  - ☐ Option 2: The Agreement for Lease with the HDB will be terminated.
  - ☐ Option 3: The flat will be sold in the open market.
  - ☐ Option 4: The other party's share in the flat will be sold/transferred\* to:
    - Myself
    - Myself and *[state name and relationship with yourself]*:
    - A third party *[state name and relationship with yourself/the other party]*:
  - ☐ Option 5: My share in the flat will be sold/transferred\* to:
    - The other party

- The other party and [state name and relationship with the other party]:
  - A third party [*state name and relationship with the other party/yourself*]:
- ☐ Option 6: Others (please state brief details)

Particulars of my proposal are attached to this Affidavit of Means.

*[To fill in Option 1, 2, 3, 4, 5 and/or 6 as set out in Form 35 of the Women's Charter (Matrimonial Proceedings) Rules 2005, and to remove the relevant pages and attach the same to this Affidavit of Means.]*

#### **Division of the matrimonial assets**

24. My proposal on the division of the matrimonial assets is as follows/There are no matrimonial assets:

*[State proposal on the division of the matrimonial assets, giving reasons, if any.]*

#### **Proposal on Maintenance**

25. My proposal on maintenance is as follows:

*[State proposal on maintenance for wife and/or children, giving reasons, if any.]*

#### **IV. Any Other Issues/Information**

26. *[State any further issues and information.]*

**C. Children's Issues**

27. *[State issues and information on custody, care and control of and access to the child/children.]*

**D. Supporting Documents**

28. I am exhibiting the following documents in support of my affidavit<sup>4</sup>:

*[Circle the relevant items and state the relevant exhibit number for each item.]*

- ☐ Pay-slips for *[state time frame]*
- ☐ Contract of employment/Letter from employer confirming salary
- ☐ Notices of Assessment from the Inland Revenue Authority of Singapore (IRAS) dated *[to state date]*
- ☐ ACRA search dated *[to state date]* (in respect of the business(es) I own)
- ☐ Valuation report(s) for immovable property/properties (in respect of properties listed in paragraph 7 above)
- ☐ Tenancy agreement(s)
- ☐ Hire purchase agreement(s) (in respect of the vehicles listed in paragraph 8 above)
- ☐ Insurance policies/letters from insurance companies showing the surrender values of the insurance policies (in respect of insurance policies listed in paragraph 10 above)
- ☐ Central Depository (Pte) Ltd (CDP) statement(s) dated *[to state date]*
- ☐ Central Provident Fund (CPF) Investment account statement(s) dated *[to state date]*
- ☐ Bank statement(s) for *[state time frame]*
- ☐ CPF statement(s) dated *[to state date(s)]* on contribution to purchase of immovable property

---

<sup>4</sup> Please note that the list of documents in this section is intended as a guide only. It is not intended to set a minimum standard, nor to be an exhaustive list, in relation to each party's duty to disclose all relevant information and documents in this matter. The extent of disclosure which must be made in each case will depend on the facts of that case. Parties must exercise their own minds regarding the extent of disclosure to be made in the light of these facts, and in accordance with their duty of disclosure under Rules 25 and 31 of the Women's Charter (Matrimonial Proceedings) Rules 2005.

- ☐ CPF statement(s) dated *[to state date(s)]* on balances in Special, Medisave and Ordinary Accounts
- ☐ Renovation receipt(s)
- ☐ Receipt(s) evidencing payment for furnishings
- ☐ Receipts supporting expenses, e.g. utilities bills, telephone bills, conservancy charges, school fees, etc.
- ☐ Others (please specify)

**VI. Affidavit\*\***

Sworn/Affirmed\* at Singapore on *[to state date]* by *[to state name and NRIC Number]* through the interpretation of\*: *[to state name]* in *[to state language]*

Before me,

Signed:

Commissioner for Oaths

\*Delete where inapplicable

\*\* The form of the jurat should follow the appropriate form in Form 78 of the Rules of Court



**Form 35A**

**ANCILLARY MATTERS FACT AND POSITION SHEET**

(Title as in action)

**Party Filing this Ancillary Matters Fact and Position Sheet:** Plaintiff/Defendant\*

**A. DIVISION OF MATRIMONIAL ASSETS**

**I. Matrimonial Home (See Annex A for Other Real Property)**

Address of matrimonial home:  
[to specify]

S/No.	Item	Information	Affidavit reference or supporting document
1	Valuation/Surrender value		[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]
2	Current outstanding loan (state amount and date on which that amount is outstanding)		
3	Plaintiff's total CPF contributions	Principal: Interest:  Total:	
4	Defendant's total CPF contributions	Principal: Interest:  Total:	
5	Plaintiff's total cash contributions towards purchase		
6	Defendant's total cash contributions towards purchase		
7	Any other contributions towards this property by Plaintiff, e.g. renovations,		

S/No.	Item	Information	Affidavit reference or supporting document
	furniture, etc.		
8	Any other contributions towards this property by Defendant, e.g. renovations, furniture, etc.		

State what party wants in respect of the matrimonial home, and how sale proceeds, if any, are to be split between parties:  
[to specify]

## II. Other Property Owned By This Party (Excluding Real Property)

S/No.	Item	Value of property	Affidavit reference or supporting document
	<i>[In this column, state the nature of the property: i.e. CPF monies in the party's Ordinary Account, insurance policies, etc. For example, ABC Bank account no. 1111111.]</i>	<i>[In this column, also state the date for which the value of the property is given. For example, S\$400 as at 1 January 2006.]</i>	<i>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</i>

State what this party wants as regards above assets:  
[to specify]

## III. Other Property Owned By the Other Party (Plaintiff/Defendant\*)

S/No.	Item	Value of property	Affidavit reference or supporting document
	<i>[In this column, state the nature of the property: i.e. CPF monies in party's Ordinary Account, insurance policies, etc. For example, ABC Bank account no. 1111111.]</i>	<i>[In this column, also state the date for which the value of the property is given. For example, S\$400 as at 1 January 2006.]</i>	<i>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</i>

State what this party wants as regards the other party's above assets:  
[to specify]

**B. MAINTENANCE**

S/No.	Item	Information	Affidavit reference or supporting document
1	Party's income		<i>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</i>
2	Party's occupation		
3	Party's total monthly expenses		<i>[State where the breakdown of the party's expenses can be found.]</i>
4	Children's total monthly expenses	<i>[State sub-total for each child, followed by the total amount for all children.]</i>	<i>[State where the breakdown of the children's expenses can be found.]</i>
5	Existing maintenance order/existing voluntary payment for wife*		
6	Existing maintenance order/existing voluntary payment for children*		
7	Existing maintenance order/existing voluntary payment for household*		

**I. Maintenance of children**

State how the children's total expenses should be divided (i.e. whether parties are to bear them equally, whether one party is to bear all the expenses, whether the expenses are to be divided 70:30, etc.):

*[to specify]*

**II. Maintenance of wife**

State the amount the wife is asking for maintenance: *[to specify]*

State the amount being offered (if any) for the wife's maintenance: *[to specify]*

**C. ISSUES RELATING TO THE CHILDREN**

Number of children: *[to specify]*

Names and ages of each child:

Name of child	Age

**I. Custody**

State what this party wants regarding custody: *[to specify]*

**II. Care and Control**

State what this party wants regarding care and control: *[to specify]*

**III. Access**

1. State what this party wants regarding access if:

a. he/she\* is the parent with care and control

School term access:

School holiday access:

Public holiday access:

Others:

b. he/she\* is not the parent with care and control

School term access:

School holiday access:

Public holiday access:

Others:

2. Proposed handover venue and person to hand over the children: *[to specify]*

3. State the terms of any interim custody and access order/who presently has care and control of children and any existing access arrangements\*: *[to specify]*

\* *Delete where inapplicable.*

**Annex A - Other Real Property**

State, in respect of each property:

Address:

Valuation/Surrender value:

S/No.	Item	Information	Affidavit reference or supporting document
1	Valuation/Surrender value		<i>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</i>
2	Current outstanding loan (state amount and exact date on which that amount is outstanding)		
3	Plaintiff's total CPF contributions	Principal: Interest:  Total:	
4	Defendant's total CPF contributions	Principal: Interest:  Total:	
5	Plaintiff's total cash contributions towards purchase		
6	Defendant's total cash contributions towards purchase		
7	Any other contributions towards this property by Plaintiff, e.g. renovations, furniture, etc.		
8	Any other contributions towards this property by Defendant, e.g. renovations, furniture, etc.		

State what this party wants in respect of the property, and how sale proceeds, if any, are to be divided between parties:

**Form 35B**

**ORIGINATING SUMMONS FOR LEAVE UNDER SECTION 121D OF THE  
WOMEN'S CHARTER (CHAPTER 353)**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.       )  
of 20            )

In the Matter of Section 121D of the Women's  
Charter (Chapter 353)

Between

(ID No.:            )       ... Plaintiff

And

(ID No.:            )       ... Defendant

**ORIGINATING SUMMONS**

To :   The Defendant(s)  
      [*Name*]  
      of [*Address*]

The Plaintiff applies for the following orders :

1.     That leave be granted to the Plaintiff to file an application for financial relief against the Defendant under Section 121B of the Women's Charter;
2.     Any such further or other order as this Honourable Court deems fit;
3.     Costs.

Dated this            day of            20

Registrar

*Memorandum to be subscribed on the summons*

1. *If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 21 days of service after the date on which you were served with this summons.*
2. *If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.*
3. *This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].*  
*(or where the plaintiff sues in person)*  
*This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service [address].*
4. *This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
5. *Unless otherwise provided in any written law, where the plaintiff intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant within 7 days from the service of the originating summons.*



**FORM 35C**

**PLAINTIFF'S AFFIDAVIT FOR LEAVE UNDER SECTION 121D OF THE  
WOMEN'S CHARTER (CHAPTER 353)**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.        )  
of 20            )

In the Matter of Section 121D of the Women's Charter  
(Chapter 353)

Between

(ID No.:                )       ... Plaintiff

And

(ID No.:                )       ... Defendant

**AFFIDAVIT**

I, (Name of deponent), of (address of deponent), do make oath (or affirm)\* and say as follows:

1. I am the Plaintiff and I make this affidavit in support of my application for leave to file an application for financial relief under Section 121B of the Women's Charter.

*Parties' particulars (including details of marriage)*

2. (Please provide parties' particulars and details of their marriage, including date and place of marriage).

*Particulars relating to divorce, annulment or judicial separation*

3. (Please provide particulars relating to the divorce, annulment or judicial separation and evidence that the divorce, annulment or judicial separation is recognised as valid in Singapore under Singapore law).

*Particulars of children (if any)*

4. (Please provide particulars of children including age, gender, and whether children are schooling or working).

*Grounds on which the Court has jurisdiction to hear the application*

5. (Please state which of the parties was domiciled in Singapore on the date of this application or which of the parties was domiciled in Singapore on the date the divorce, annulment or judicial separation was granted in the foreign country. Alternatively, which of the parties was habitually resident in Singapore for a continuous period of 1 year immediately preceding the date of filing this application or was resident in Singapore for a continuous period of 1 year immediately preceding the date on which the foreign divorce, annulment or judicial separation was granted.)

*Foreign orders made and financial relief received by plaintiff and children*

6. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
7. (Please state the extent to which the order or agreement has been complied with by the defendant).
8. (Please state if the plaintiff or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

*Financial relief which had not been dealt with by the foreign order*

9. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order and the reason for the omission.)
10. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G of the Women's Charter in favour of the applicant could be made).

*Grounds for application*

11. (Please state the grounds for application).

*Attachments*

12. I also attach herewith the following documents in support of my application:
  - a. a draft copy of the application to be filed under Section 121B;

- b. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;
- c. any relevant decision or order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either of the parties or to a child of the marriage; and
- d. any relevant agreement relating to financial relief between the parties. I am praying for order in terms of the prayers sought in my application.

13. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED)\* by the )  
 Plaintiff at )  
 on the day of )  
 20 )

Through the interpretation of (name and )  
 designation of person who interpreted) in )  
 (language of interpretation)\* )

Before me,

A Commissioner for Oaths

*\*Delete where inapplicable*

**FORM 35D**

**PLAINTIFF'S AFFIDAVIT FOR APPLICATION UNDER SECTION 121B OF THE  
WOMEN'S CHARTER (CHAPTER 353)**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.        )  
of 20            )

In the Matter of Section 121B of the Women's Charter  
(Chapter 353)

Between

(ID No.:                )       ... Plaintiff

And

(ID No.:                )       ... Defendant

**AFFIDAVIT**

I, [Name of deponent], of [address of deponent], do make oath (or affirm)\* and say as follows:

1. I am the Plaintiff and I make this affidavit in support of my application.

*Parties' particulars (including details of marriage)*

2. (Please provide parties' particulars and details of their marriage (including date and place of marriage)).

*Particulars relating to divorce, annulment or judicial separation*

3. (Please provide particulars relating to the divorce, annulment or judicial separation).

*Particulars of children (if any)*

4. (Please provide particulars of children including age, sex, whether children are schooling or working).

*Connection to Singapore*

5. (Please state connection which the parties to the marriage have with Singapore).

*Connection with country in which marriage was dissolved or annulled or in which judicial separation was obtained*

6. (Please state the connection between parties and the country in which the marriage was dissolved or annulled or judicial separation was obtained).

*Connection that parties have with any other foreign country*

7. (Please state the parties' connection with any other foreign country).

*Foreign orders made and financial relief received by plaintiff and children*

8. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
9. (Please state the extent to which the order or agreement has been complied with by the defendant).
10. (Please state if the applicant or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

*Financial relief which had not been dealt with by the foreign order*

11. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order.)
12. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G in favour of the applicant could be made).

*Extent to which any order under Section 121G is likely to be enforceable*

13. (Please state the extent to which any order under Section 121G is likely to be enforceable).

*Length of time elapsed*

14. (Please state the length of time which has elapsed since the date of the foreign divorce, annulment or judicial separation and the reason for the time taken for this application).

*Grounds for application*

15. (Please state the grounds for application).

*Attachments*

16. I also attach herewith the following documents in support of my application:-
  - a. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;

- b. any relevant decision or order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either of the parties or to a child of the marriage; and
- c. any relevant agreement relating to financial relief between the parties.

17. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED) by the )  
Plaintiff at )  
on the day of )  
20 )

Through the interpretation of (name and )  
designation of person who interpreted) in )  
(language of interpretation)\* )

Before me,

A Commissioner for Oaths

*\*Delete where inapplicable*

**Form 36**

**LETTER FOR NOTIFICATION OF SYARIAH COURT PROCEEDINGS**

Date \_\_\_\_\_

To: Officer-in-charge  
Originating Summons Section  
Family and Juvenile Court

**ORIGINATING SUMMONS NO \_\_\_\_\_ OF \_\_\_\_\_**

**(Plaintiff) v (Defendant)**

**HEARING ON \_\_\_\_\_ AT \_\_\_\_\_**

Pursuant to Paragraph 53(6) of the Practice Direction, I hereby inform the Registry that:-

- (        )        No proceedings for divorce between the Plaintiff and the Defendant in the above application have been commenced in the Syariah Court.
- (        )        Proceedings for divorce between the Plaintiff and the Defendant in the above application have been commenced in the Syariah Court on \_\_\_\_\_. The summons number is \_\_\_\_\_.
- (        )        A decree or order for divorce between the Plaintiff and the Defendant in the above application has been made by the Syariah Court on \_\_\_\_\_.
- (        )        A divorce between the Plaintiff and the Defendant in the above application has been registered under section 102 of the Administration of Muslim Law Act on \_\_\_\_\_.

*Signature*

*Name of Solicitor for Plaintiff/Defendant*

*Name of Law Firm*

**Form 37**

**COVER LETTER FOR AMENDED STATEMENT**

Date:

To: OFFICER-IN-CHARGE  
ADOPTIONS SECTION

**ORIGINATING SUMMONS (ADOPTION) NO \_\_\_\_\_ OF \_\_\_\_\_  
IN THE MATTER OF ( NAME OF INFANT )**

**NOTICE OF AMENDED STATEMENT FILED ON \_\_\_\_\_ ( DATE )**

The applicants have on \_\_\_\_ ( date ) \_\_\_\_ filed an affidavit exhibiting an amended Statement. The nature of the amendments are:-

- (a) Paragraph \_\_\_\_ : \_\_\_\_\_ ( Please state nature of amendment ) \_\_\_\_\_
- (b) Paragraph \_\_\_\_ : \_\_\_\_\_ ( Please state nature of amendment ) \_\_\_\_\_
- (c) Paragraph \_\_\_\_ : \_\_\_\_\_ ( Please state nature of amendment ) \_\_\_\_\_

Signature

Name of Solicitor for the Applicants

Name of Law Firm

cc Director of Social Welfare,  
Ministry of Community Development, Youth and Sports.



**Form 38**

**COVER LETTER FOR SUBMISSION OF  
ORIGINAL BIRTH CERTIFICATE IN ADOPTION PROCEEDINGS**

To: OFFICER-IN-CHARGE  
ADOPTION SECTION

**ADOPTION PETITION NO. \_\_\_\_\_ OF \_\_\_\_\_**

Please find enclosed the original birth certificate of the infant in the above matter.

2 The matter has been fixed for hearing as follows:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Signature

Name of Solicitor for the Petitioner

Name of Law Firm

# Form 39

## REQUEST FOR RE-FIXING OF HEARING DATE

Case No: D/OS* No. _____			
Type of Hearing ( <i>please tick</i> )	<input type="checkbox"/> Contested divorce <input type="checkbox"/> Uncontested divorce <input type="checkbox"/> Ancillary matters <input type="checkbox"/> Recording of consent orders <input type="checkbox"/> OS hearing <input type="checkbox"/> SUM hearing <input type="checkbox"/> Status conference <input type="checkbox"/> Pre-trial conference <input type="checkbox"/> Mediation/Joint conference <input type="checkbox"/> Counselling <input type="checkbox"/> Registrar's Appeal / Taxation / Further arguments*		
Date/Time of Hearing			
<b>A. Particulars of party making the request</b>			
Name of solicitor			
Name of law firm			
Tel No.		Fax No.	
Reasons for request:			
<b>B. Particulars of the other parties</b>			
Name of solicitor			
Name of law firm			
Tel No.		Fax No.	
Name of solicitor			
Name of law firm			
Tel No.		Fax No.	
<b>C. Consent of other parties obtained?</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
FOR OFFICIAL USE ONLY			
Request is approved : <u>Yes</u> / <u>No</u> *			
_____		_____	
Date		Name and Signature of Registry Officer	

**Form 39A**

**ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF No.       )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Cap 177A)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:               ), a person alleged  
to lack capacity (“P”)

Between

(Name and ID No.:               )     ... Plaintiff<sup>+</sup>

And

(Name and ID No.:               )     ... Defendant<sup>#</sup>

To THE DEFENDANT(S) [name]  
of [address]<sup>#</sup>

**ORIGINATING SUMMONS**

The plaintiff/applicant\* prays for the following orders:-

[*Please select the relevant prayer(s) or add prayers as required.*]

1.   Permission

The plaintiff/applicant\* be permitted to make an application under section [*state  
the section of the MCA*] of the Mental Capacity Act (Cap 177A)(“MCA”) to the  
Court.

2. Dispensation

- (i) The notification of [*Name of P*] (“P”) of this originating summons and of the date of the hearing for its final disposal is dispensed with.

*[Note: There is a general requirement to notify P. As such, if the applicant or plaintiff seeks dispensation of notification, an explanation as to why dispensation is sought has to be included in the supporting affidavit.]*

- (ii) The attendance of P at all hearings for this originating summons be dispensed with.
- (iii) The attendance of Dr [*state name of doctor*] (ID No. [*state number*]) of (*state address*) at the hearing for this originating summons is dispensed with.
- (iv) The service of this application on [*state names and ID Numbers*] be dispensed with.

3. That the Court be satisfied that:

- (i) [*Name of P*] (“P”) is unable to make various decisions for himself/herself\* in relation to a matter or matters concerning P’s property and affairs because of an impairment of, or a disturbance in the functioning of, P’s mind or brain;
- (ii) The purpose for which the order is needed cannot be as effectively achieved in a way that is less restrictive of P’s rights and freedom of action.

4. That the Court orders as follows:-

(1) **Appointment of Deputy/Deputies\***

- (a) [*State name*] (ID No. [*state number*]) of [*state address*] is/are\* appointed as deputy/deputies\* to make decisions on behalf of P that P is unable to make for himself/herself\* in relation to his/her\* personal welfare/property and affairs/personal welfare and property and affairs\* subject to any conditions or restrictions set out in this order.

- (b) The appointment will last until further order.
- (c) [The deputies shall act jointly/jointly and severally\* in all matters]\*

*[Note: To also include whether or not the deputies act jointly/jointly and severally at the appropriate paragraphs on the deputies' authority and powers in this Originating Summons.]*

- (d) The deputy/deputies\* must apply the principles set out in section 3 of the MCA and have regard to the guidance in the Code of Practice to the MCA.
- (e) The deputy/deputies\* does/do\* not have authority to make a decision on behalf of P in relation to a matter if the deputy/deputies\* know(s) or has/have\* reasonable grounds for believing that P has capacity in relation to the matter.
- (f) In the event the deputy or any of the deputies (where two or more deputies are appointed) dies, becomes a bankrupt (for a property and affairs deputy) or lacks mental capacity to act as deputy, the following are appointed to succeed that deputy in the stated order:
  - (i) [State name] (ID No. [state number]) of [state address].
  - (ii) [State name] (ID No. [state number]) of [state address] etc.
- (g) Upon the happening of such an event in paragraph (f), the surviving deputy or remaining deputy together with the successor deputy are to inform the Office of the Public Guardian and to apply to Court providing evidence of the event for the Court to confirm the appointment of the successor deputy.

*[Note: The prayer for successor deputy or deputies should only be included if there is a need for a successor deputy or deputies to be appointed, for example, if the proposed deputy is likely to predecease P.]*

**(2) Authority of Deputy/Deputies\* in respect of P's personal welfare:**

- (a) The Court grants authority to the deputy/deputies\* to make the following decisions on behalf of P, that P is unable to make for himself/herself\* when the decision needs to be made:
  - (i) where P should live;
  - (ii) with whom P should live;

- (iii) consenting to medical or dental examination and treatment on P's behalf;
- (iv) making arrangements for the provision of care services; and
- (v) complaints about P's care or treatment.
- (vi) *[to state any other matters for which power is sought for deputy/deputies\* to make decision]*

(b) For the purpose of giving effect to any decision, the deputy/deputies\* may execute or sign any necessary deeds or documents.

(c) The deputy/deputies\* does/do\* not have the authority to make the following decisions or to do the following things in relation to P:

- (i) to prohibit any person from having contact with P;
- (ii) to direct a person responsible for P's health care to allow a different person to take over that responsibility;
- (iii) to consent to specific treatment if P has made a valid and applicable advance decision to refuse that specific treatment; and
- (iv) to do an act that is intended to restrain P otherwise than in accordance with the conditions specified in the MCA.

**(3) Authority of Deputy/Deputies\* in respect of the property and affairs of P**

(a) The court grants general authority to the deputy/deputies\* to take possession or control of the property and affairs of P and to exercise the same powers of management (and investment\*) as P has as beneficial owner, subject to the terms and conditions set out in this order.

(b) The deputy/deputies\* is/are\* authorised to do the following:

*[Note: To include here the relevant powers sought]*

**(4) Authority of Deputy/Deputies\* in respect of CPF monies and accounts of P [where applicable]**

*[Note: Please refer to the sample CPF orders on the website of the Subordinate Courts]*

**(5) Costs and Expenses**

- (a) The deputy/deputies\* is/are\* authorised to make payment of reasonable legal costs and disbursements of and incidental to these proceedings from P's estate.

**(6) Reports**

- (a) The deputy/deputies\* is/are\* (jointly) required to keep a record of any decisions made or acts done for the personal welfare of P pursuant to this order and the reasons for making or doing them.

*[For example, a decision that P will not undergo a medical procedure is to be recorded and the reason to be provided.]*

- (b) The deputy/deputies\* is/are\* (jointly) required to keep statements, vouchers, receipts and other financial records in the administration of P's property and affairs. The deputy/deputies\* is/are\* also (jointly) required to keep a record of decisions made or acts done relating to P's property and affairs.

*[For example, a decision not to expend monies for a medical procedure for P which is medically indicated is to be recorded and the reason to be provided.]*

- (c) The deputy/deputies\* must (jointly) complete and file an annual report relating to P's personal welfare and property and affairs to the Public Guardian and/or at any time as may be required by the Public Guardian, which report must contain such information and be in such form as may be required by the Public Guardian.

- (7) There be liberty to apply.

*Memorandum to be subscribed on the summons<sup>#</sup>*

1. *If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 21 days of service after the date on which you were served with this summons.*
2. *If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.*
3. *This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].*

*(or where the plaintiff sues in person)*

*This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service is [address].*

4. *This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
5. *Unless otherwise provided in any written law, where the plaintiff intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant not later than 7 days after the service of the originating summons.*

<sup>+</sup> To use "Applicant" if this is an ex parte application.

<sup>#</sup> To delete if this is an ex parte application.

\*Delete where inapplicable.



**Form 39B**

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR APPOINTMENT OF DEPUTY**

**IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

OSF No.       )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Cap 177A)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:               ), a person alleged  
to lack capacity ("P")

Between

(Name and ID No.:               )     ...   Plaintiff<sup>+</sup>

And

(Name and ID No.:               )     ...   Defendant<sup>#</sup>

**AFFIDAVIT**

I, [*Name of deponent*], of [*Address of Deponent*], do make oath (or affirm)\* and say  
as follows:

1.     I am the Plaintiff/Applicant\* and make this affidavit in support of my  
application.
2.     The facts contained in this affidavit are within my personal knowledge or are  
based on documents in my possession.
3.     My personal particulars are as follows:
  - (a)     Name:
  - (b)     Date of Birth (Age):

- (c) Identification Number:
- (d) Residential Address:
- (e) Telephone/handphone number:
- (f) Occupation:
- (h) Name and address of employer:
- (i) Monthly nett income:
- (i) Relationship to P (if any):

4. *[If the plaintiff/applicant falls within one of the categories of persons who do not require permission, to state that no permission is required for him to make the application pursuant to the specific provision of the Act. Please ensure that the relevant documents, such as copies of birth certificates or marriage certificates are exhibited in the affidavit. If the plaintiff/applicant is applying for permission, to state so and explain why.]*

5. P's personal particulars are as follows:

- (a) Name:
- (b) Date of Birth (Age):
- (c) Identification Number:
- (d) Residential Address:
- (e) Type of accommodation:
- (f) Marital status:
- (g) Occupation:

6. The particulars of P's children (if there are surviving children) are as follows:

Name	ID No.	Address	Date of Birth (Age)	Nature of Relationship with P	Telephone/ Handphone No.

7. The particulars of relevant persons who may be interested in this application are as follows:

Name	ID No.	Address	Date of Birth (Age)	Nature of Relationship with P	Telephone/ Handphone No.

8. *[Relevant person – If less than three categories of relevant persons are listed in the paragraph above, to state that as far as the plaintiff or applicant is aware, there are no other relevant persons who may be interested in this application. To state also whether there are:]*

- (i) any other relatives or friends who have a close relationship with P;*
- (ii) any other person who has a legal duty to support P;*
- (iii) any other person who will benefit from P's estate; and*
- (iv) any other person who is responsible for P's care.]*

9. *[Consent of relevant person - Paragraph to set out whether the consent of P's children and/or other relevant person's consent has been obtained. If so, the consents are to be filed together with this application. If not, the plaintiff/applicant to explain why such consent has not been obtained.]*
10. *[Statement of belief - The plaintiff/applicant's statement of belief as to P's incapacity to manage himself/herself and his property and affairs.]*
11. *[Nature of incapacity - Paragraph to set out the nature of P's incapacity to manage himself/herself and his property and affairs, with supporting medical evidence and examples of incapacity. An up to date report of P's present medical condition, life expectancy, likelihood of requiring increased expenditure in the foreseeable future must be exhibited.]*
12. *[Notification – Paragraph to state that P will be notified of the proceedings and of the date of hearing (in which case the certificate of notification in Form 39F has to be filed separately thereafter) or to explain why dispensation of notification of P is sought]*
13. *[P's care arrangements and monthly expenses - Paragraph to set out P's current and future care arrangements and the current and projected monthly expenses of caring for and maintaining P, with supporting documentary evidence of the said expenses.]*
14. *[P's income - Paragraph to set out a schedule of P's sources of monthly/annual income and amount of such income.]*
15. *[P's assets - Paragraph to set out a schedule of P's assets with up to date valuations.]*
16. *[Disposal of P's assets - Paragraph to set out the reasons why it is necessary and in the benefit of P to sell, dispose, or otherwise deal with those assets and how the proceeds thereof are to be applied for P's maintenance and well-being.]*

17. *[Compensation or award of damages - Paragraph to set out whether P has received or is going to receive any form of compensation or an award of damages and if so, to give details of such compensation or award.]*
18. *[P's outstanding debts or liabilities - Paragraph to set out whether P has any outstanding debts or liabilities and if so, to give details of such debts or liabilities.]*
19. *[Lasting Power of Attorney - Paragraph to state whether there is a Lasting Power of Attorney which has been made and registered by P and if so, to provide details. If there is no such Lasting Power of Attorney which has been registered, to state whether the plaintiff is aware that P has made an instrument intended to create a Lasting Power of Attorney.]*
20. *[Will or codicil - Paragraph to state whether P has made a will or codicil and if so, to exhibit a copy of the Will.]*
21. *[Paragraph to set out any other relevant facts to support this application.]*
22. There is/is no\* previous or pending application relating to P under the Mental Capacity Act (Cap 177A). *[If there is previous or pending application, to state the Originating Summons number and the status of the application.]*
23. There is/is no\* previous application or order made concerning P under the repealed Mental Disorders and Treatment Act. *[If there is previous application or order, to state the Originating Summons number. To also exhibit the order of court (if any).]*
24. Upon the Court declaring that P has/lacks\* capacity to make decisions about his personal welfare/property and affairs,\* I seek an order in terms of the prayers as set out in my application.

Sworn (or affirmed) by the     )  
abovenamed                    on     )  
this    day of            20        )  
at Singapore                        )

Through the interpretation of (name and  
designation of person who interpreted) in  
(language of interpretation)\*

Before me,

Commissioner for Oaths

<sup>+</sup> *To use “Applicant” if this is an ex parte application.*

<sup>#</sup> *To delete if this is an ex parte application.*

<sup>\*</sup> *Delete where inapplicable.*

**Form 39C**

**DEPUTY'S AFFIDAVIT**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF No.       )  
of 20         )  
(Seal)         )

In the Matter of Section [section no] of the  
Mental Capacity Act (Cap177A)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:                 ), a person alleged  
to lack capacity ("P")

Between

(Name and ID No.:                 )     ... Plaintiff<sup>+</sup>

And

(Name and ID No.:                 )     ... Defendant<sup>#</sup>

**AFFIDAVIT**

I, [*Name of deponent*], of [*Address of Deponent*] do make oath (or affirm)\* and say as follows:

1. I am the Deputy/Successor Deputy\* proposed to be appointed to make decisions and act on P's behalf in respect of P's personal welfare only/property and affairs only/ personal welfare and property and affairs.\*
2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.
3. My personal particulars are as follows:
  - (a) Name:
  - (b) Date of Birth (Age):

- (c) Identification number:
- (d) Residential Address:
- (e) Telephone/handphone number:
- (f) Occupation:
- (g) Name and address of employer:
- (h) Monthly nett income:
- (i) Relationship to P (if any):

4. I am not/am\* an undischarged bankrupt. [*If the proposed Deputy is a bankrupt or is facing bankruptcy action, to state date of bankruptcy order, case details and cause of the bankruptcy action.*]
5. I have not/have\* been convicted of a criminal offence. [*If the proposed Deputy has been convicted of a criminal offence or is facing criminal prosecution, to state date of conviction, case details and sentence pronounced.*]
6. I have not/have\* been sued as a defendant in civil proceedings and have had judgment entered against me. [*If the proposed Deputy has been sued or is facing civil claims, to state date of judgment, case details and judgment details.*]
7. I have not/have\* been appointed as a donee or deputy for someone else. [*To specify the date and details of such appointment and whether such appointment has been revoked or terminated.*]
8. [*Paragraph to set out any other relevant facts to support this application e.g. why a deputy needs to be appointed for P, why the proposed deputy would be a good choice as deputy, what the proposed deputy would do for P if he is appointed.*]
9. (*If the application is for the appointment of a deputy to handle P's property and affairs, a declaration of non-indebtedness is to be included*) I declare that I do not have any outstanding loans or debts, save for:  
[a list of outstanding loans or debts]  
I further declare that I am able to pay my loans and debts as and when they become due and payable.
10. I declare and undertake as follows:
  - (a) I understand my responsibilities if I am appointed as Deputy/Successor Deputy\*. In particular, I understand that I must act with honesty and integrity and ensure that my personal interests do not conflict with my

duties as P's deputy, and I will not use my position for any personal benefit.

- (b) I will have regard to the Mental Capacity Act Code of Practice and act in accordance with the principles of the Mental Capacity Act (Cap 177A). In particular, I will act and make decisions for P in P's best interests.
- (c) I will inform the Public Guardian if I have any reason to believe that P no longer lacks capacity and may be able to make his own decisions about the matters for which a deputy is sought to be appointed. I understand that I will not have the power to make a decision on P's behalf in relation to a matter if I know or have reasonable ground for believing that P has capacity in relation to the matter.

Sworn (or affirmed) by the     )  
abovenamed                   on     )  
this    day of            20        )  
at Singapore                        )

Through the interpretation of (name and  
designation of person who interpreted) in  
(language of interpretation)\*

Before me,

Commissioner for Oaths

<sup>+</sup> To use "Applicant" if this is an ex parte application.

<sup>#</sup> To delete if this is an ex parte application.

\*Delete where inapplicable



**Form 39D**

**CONSENT TO ORIGINATING SUMMONS AND  
DISPENSATION OF SERVICE OF DOCUMENTS**

IN THE HIGH COURT/SUBORDINATE COURTS OF  
THE REPUBLIC OF SINGAPORE\*

OSF No.       )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Cap177A)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:               ), a person alleged  
to lack capacity (“P”)

Between

(Name and ID No.:               )     ... Plaintiff<sup>+</sup>

And

(Name and ID No.:               )     ... Defendant

**CONSENT**

I [*name and ID number of relevant person*], of [*state address*] being the [*state  
nature of relationship with P*] of P state as follows:

OR

We, as the relevant persons whose details are listed in the table below, state as  
follows:

Name	ID No.	Address	Nature of relationship to P

1. I/We\* understand the nature of the order which is applied for in these proceedings.

2. I/We\* consent to:

*[If the relevant person(s) is/are consenting to a part of the Originating summons, to state the prayers in the Originating Summons which the relevant person(s) is/are consenting to.]*

*[If the relevant person(s) is/are consenting to the whole of the application, to state that he/she/they had read and understood all the contents of the Originating Summons and the supporting affidavits and is/are consenting to the Originating Summons filed on (state date on which Originating Summons was filed)].*

3. I/We\* consent to the dispensation of service of the Originating Summons, supporting affidavits and all subsequent documents filed in these proceedings on me/us.\*

Sworn (or affirmed) by the )  
abovenamed on )  
this day of 20 )  
at Singapore )

Through the interpretation of (name and  
designation of person who interpreted) in  
(language of interpretation)\*

Before me,

Commissioner for Oaths

<sup>+</sup> To use “Applicant” if this is an ex parte application

<sup>#</sup> To delete if this is an ex parte application.

\*Delete where inapplicable.

## Form 39E

### NOTICE TO RELEVANT PERSONS

#### APPLICATION UNDER MENTAL CAPACITY ACT (CAP 177A)

1. You have been served with an Originating Summons and the supporting affidavits. The plaintiff/applicant\* is making an application for [*state nature of application*].
2. If you consent to the application, you are required to sign a written consent in Form 39D of Appendix B of the Subordinate Courts Practice Directions before a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths. You may file the written consent using the Electronic Filing Service<sup>#</sup> within 21 days after the date on which you were served with this Originating Summons. Alternatively, you may return the completed and signed consent form to the plaintiff/applicant\* or the plaintiff's /applicant's\* solicitors.

**[Note:** *If the relevant person is an organisation providing residential accommodation to P, the above paragraph 2 is to be deleted and substituted with the following paragraph:-*

If you wish to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, you may prepare a report through one of your representatives. The report shall be submitted to the Family and Juvenile Court with a cover letter addressed to the Registrar of the Subordinate Courts and stating clearly the Originating Summons number (OSF No.) and the names of P and the plaintiff/applicant\*. (You may obtain a template for the cover letter from the Subordinate Court's website at <http://www.subcourts.gov.sg> or from the Help Centre at Level 3 of the Family and Juvenile Court). The report must be submitted within 21 days after the date on which you were served with this Originating Summons. If such a report is submitted, the Court may require and direct for the attendance of the maker of the report at the hearing of the Originating Summons.]

3. If you intend to contest the application or any part of it, you are required to file an application in Form 39G of Appendix B of the Subordinate Courts Practice Directions to seek the permission of the Court to be joined as a party to the proceedings. This application must be supported by an affidavit stating your interest in the application and the grounds of your objection. The application must be filed using the Electronic Filing Service<sup>#</sup> within 21 days after the date on which you were served with this Originating Summons.

**[Note:** *If the relevant person is an organisation providing residential accommodation to P, the above paragraph 3 is to be deleted.]*

4. If you do not attend personally or by your solicitor at the time and place stated in the Originating Summons, such order may be made as the Court may think just and expedient.

*[Note: If the relevant person is an organisation providing residential accommodation to P, the above paragraph 4 is to be deleted.]*

5. This Originating Summons is filed by [name of firm], the plaintiff's/applicant's\* solicitor whose address is *[state address]*.

(or where the plaintiff/applicant\* acts in person)

This Originating Summons is filed by the plaintiff/applicant\* who resides at *[address]* and (if the plaintiff/applicant\* does not reside within the jurisdiction) whose address for service is *[state address]*.

Name and Signature

Plaintiff/Applicant\* OR Solicitors for the Plaintiff/Applicant\*

*\* To delete where inapplicable.*

*# To file a document using the Electronic Filing Service, you may use the Lawnet and Crimsonlogic Service Bureau located at 133 New Bridge Road, Chinatown Point #19-01/02, Singapore 059413. Alternatively, you may file the document at the Lawnet Service Bureau at 1, Supreme Court Lane, Level 1, Supreme Court Building Singapore 178879.*

**Form 39F**

**CERTIFICATE OF NOTIFICATION**

(Title as in cause or matter.)

**CERTIFICATE OF NOTIFICATION**

I, *[name of person effecting the notification]* (ID No. \_\_\_\_\_), certify that I have notified the abovenamed P of this Originating Summons on *[date]* at *[address where notification took place]*. The notification complies with Order 99, rule 6 of the Rules of Court and Paragraph 116I of the Subordinate Courts Practice Directions. In particular, P was notified of *[please specify the matters which P was notified of]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signature and name of person effecting notification

**Form 39G**

**SUMMONS FOR MENTAL CAPACITY PROCEEDINGS**

(Title as in cause or matter.)

**SUMMONS**

1. Orders Applied For: [Set out orders applied for.]
2. Grounds of application  
[Choose one of the following]
  - (a) The grounds of the application are set out in the affidavit(s) filed in support of this application.
  - (b) The grounds of the application are set out herein.
3. Party/Parties\* to be served with this Summons  
[Insert party to be served with summons e.g. spouse, children, parents, etc.]
4. Consent\*  
I/We\* hereby consent to this Summons.

Signature: [Signature of consenting party]

[Name and ID No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons.\*]:

This Summons is taken out by [*to state name of party filing this summons*]

*\*Delete where inapplicable.*

**Form 39H**

**ORDER OF COURT FOR MENTAL CAPACITY PROCEEDINGS**

(Title as in cause or matter.)

**ORDER OF COURT**

1. Parties Present at the Hearing  
[Choose one or more of the following]
  - (a) Plaintiff\*
  - (b) Plaintiff's Counsel\*
  - (c) Defendant\*
  - (d) Defendant's Counsel\*
  - (e) P\*
  - (d) P's Litigation Representative\*
  - (e) Other Party (to specify)\*

2. Orders Made (By Consent\*)

*\*Delete where inapplicable.*

**Form 39I**

**ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 8 OF  
THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.       )  
of 20            )  
(Seal)           )

In the Matter of Section 8 of the International Child  
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*]  
(ID No.:            )

Between

(ID No.:            )       ... Plaintiff/Applicant\*

And

(ID No.:            )       ... Defendant\*

**ORIGINATING SUMMONS**

To :   The Defendant(s)  
      [*Name*]  
      of [*Address*] \*

Let all parties concerned attend before the Judge on                   (date/time), on the  
hearing of an application by the plaintiff/applicant\* that:-

2.     That [*name of child*] be returned to the child's place of habitual residence  
      which is [*country*];



3. That the defendant/[*name of person*]\* do hand over the child to the plaintiff/applicant\* or his or her appointed representative, [*name of representative*], or [*person ordered by the court*] within \_\_\_\_ days from the date of this order;
4. That the defendant/[*name of person*]\* do hand over the child and the child's passport and all relevant travelling documents to the plaintiff/applicant\* or his or her appointed representative, [*name of representative*], or [*person ordered by the court*] within \_\_\_\_ days from the date of this order;
5. Any such further or other order as this Honourable Court deems fit;
5. Costs.

Dated this       day of       20

Registrar

*Memorandum to be subscribed on the summons*

1. This summons is taken out by \_\_\_\_\_ of  
solicitor for the said plaintiff/applicant\* whose address is  
(or where the plaintiff/applicant\* sues in person) This summons is taken out by  
the said plaintiff/applicant\* who resides at \_\_\_\_\_ and is (stated  
occupation) and (if the plaintiff/applicant\* does not reside within the jurisdiction)  
whose address for service is \_\_\_\_\_
2. If you intend to contest the application or any part of it, you are required to file  
an affidavit stating the grounds of your objection within 14 days of service after  
the date on which you were served with this summons.
3. If you do not attend personally or by your counsel or solicitor at the time and  
place stated in this summons, such order may be made as the Court may think  
just and expedient.
6. This summons may not be served more than 6 months after the above date unless  
renewed by order of the Court.
7. Where the plaintiff/applicant\* intends to adduce evidence in support of an  
originating summons he must do so by affidavit, and must file the affidavit or  
affidavits and serve a copy thereof on every defendant together with the service of  
the originating summons.

*\*Delete where inapplicable.*

**Form 39J**

**ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 14 OF  
THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.       )  
of 20            )  
(Seal)          )

In the Matter of Section 14 of the International Child  
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*] (ID No.:                )

Between

(ID No.:                )       ... Plaintiff/Applicant\*

And

(ID No.:                )       ... Defendant\*

**ORIGINATING SUMMONS**

To :   The Defendant(s)  
      [*Name*]  
      of [*Address*]\*

Let all parties concerned attend before the Judge on                (date/time), on the  
hearing of an application by the plaintiff/applicant\* for:-

1. A declaration that the removal of [*name of child*] from Singapore or the retention of [*name of child*] outside Singapore was wrongful within the meaning of the Convention on the Civil Aspects of International Child Abduction (“the Convention”);

2. Any such further or other order as this Honourable Court deems fit; and
3. Costs

Dated this            day of            20

Registrar

*Memorandum to be subscribed on the summons*

1. This summons is taken out by \_\_\_\_\_ of  
solicitor for the said plaintiff/applicant\* whose address is  
(or where the plaintiff/applicant\* sues in person) This summons is taken out by  
the said plaintiff/applicant\* who resides at \_\_\_\_\_ and is (stated  
occupation) and (if the plaintiff/applicant\* does not reside within the jurisdiction)  
whose address for service is \_\_\_\_\_
2. If you intend to contest the application or any part of it, you are required to file  
an affidavit stating the grounds of your objection within 14 days of service after  
the date on which you were served with this summons.
3. If you do not attend personally or by your counsel or solicitor at the time and  
place stated in this summons, such order may be made as the Court may think  
just and expedient.
4. This summons may not be served more than 6 months after the above date unless  
renewed by order of the Court.
5. Where the plaintiff/applicant\* intends to adduce evidence in support of an  
originating summons he must do so by affidavit, and must file the affidavit or  
affidavits and serve a copy thereof on every defendant together with the service of  
the originating summons

*\*Delete where inapplicable.*

**Form 39K**

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER  
SECTION 8 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.       )  
of 20            )  
(Seal)           )

In the Matter of Section 8 of the International Child  
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*]  
(ID No.:            )

Between

(ID No.:            )       ... Plaintiff/Applicant\*

And

(ID No.:            )       ... Defendant\*

**AFFIDAVIT**

I, [*Name of deponent*], of [*address of deponent*], do make oath (or affirm)\* and say as follows:

1. I am the Plaintiff/Applicant\* and I make this affidavit in support of my application.

*Details concerning the child*

2. The child, [*full name*], was born on [*date*].

3. The habitual residence of the child immediately prior to the removal or retention of the child was \_\_\_\_\_, a convention country.
4. The child has been wrongfully removed or retained from the country referred to in Paragraph 3.
5. The child is now residing with [full name], [relationship, if any, to child], at [address].

*Details of parties*

6. [Please state the details of parties and the relationship between the parties and the child.]

*Details concerning child's custodian*

7. The plaintiff/applicant\* has rights of custody in respect of the child by reason of the following factual and legal circumstances :

[Include details of any custody order.]

8. The child was removed or retained on [date] in the following circumstances:  
[Include details of removal or retention.]

9. The following are particulars of pending court proceedings concerning the child :

[Set out brief particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child and of any orders made in any such proceedings (including interim orders) and the court in which the proceedings are conducted.]

Or

There are no pending court proceedings concerning the child.

*Attachments*

10. I attach herewith a copy of the request for the return of the child filed with the Central Authority of Singapore marked “ \_\_\_\_\_ ”.

11. I also attach herewith the following documents in support of my application:-

[Identify, attach and mark relevant documents:]

- (a) *certified copy of relevant order or judgment concerning rights of custody, care and control;*
- (b) *certified copy of any relevant agreement relating to the custody of the child;*
- (c) *certificate or affidavit as to the applicable law;*
- (d) *any other documents relating to the child.]*

*If the child has been removed or retained for more than 12 months*

12. The child was removed or retained more than 12 months ago. The reason for the delay in this application is as follows:

*[State reasons.]*

13. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED)\* by the )  
 Plaintiff/Applicant\* at )  
 on the day of )  
 20 )

Through the interpretation of (name and )  
 designation of person who interpreted) in )  
 (language of interpretation)\* )

Before me,

A Commissioner for Oaths

*\*Delete where inapplicable*

**Form 39L**

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER  
SECTION 14 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.       )  
of 20            )  
(Seal)          )

In the Matter of Section 14 of the International Child  
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*] (ID No.:                )

Between

(ID No.:                )       ... Plaintiff/Applicant\*

And

(ID No.:                )       ... Defendant\*

**AFFIDAVIT**

I, [Name of deponent], of [address of deponent], do make oath (or affirm)\* and say as follows:

18. I am the Plaintiff/Applicant\* and I make this affidavit in support of my application.

*Details concerning the child*

19. The child, (full name), was born on [*date*].

20. The habitual residence of the child immediately prior to the removal or retention of the child was \_\_\_\_\_, a convention country.
21. The child has been wrongfully removed or retained from the country referred to in Paragraph 3.
22. The child is now residing with [full name], [relationship, if any, to child], at [address].

*Details of parties*

23. [Please state the details of the parties and the relationship between the parties and the child.]

*Details concerning child's custodian*

24. The plaintiff has rights of custody in respect of the child by reason of the following factual and legal circumstances :

[Include details of any custody order.]

25. The child was removed or retained on [date] in the following circumstances :

[Include details of removal or retention.]

26. The following are particulars of pending court proceedings concerning the child:

[Set out brief particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child and of any orders made in any such proceedings (including interim orders) and the court in which the proceedings are conducted.]

Or

There are no pending court proceedings concerning the child.

*Attachments*

27. I attach herewith a copy of the request made by the requesting judicial or administrative authorities referred to in Articles 15 of the Convention marked “ \_\_\_\_\_ ”.

28. I also attach herewith the following documents in support of my application:-



*[Identify, attach and mark relevant documents:*

*(a) certified copy of relevant order or judgment concerning rights of custody care and control;*

*(b) certified copy of any relevant agreement relating to the custody of the child;*

*(c) any other documents relating to the child.]*

29. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED) by the )  
Plaintiff/Applicant\* at )  
on the day of )  
20 )

Through the interpretation of (name and )  
designation of person who interpreted) in )  
(language of interpretation)\* )

Before me,

A Commissioner for Oaths

*\*Delete where inapplicable*

**Form 39M**

**SUMMONS UNDER THE INTERNATIONAL CHILD  
ABDUCTION ACT 2010**

(Title as in cause or matter.)

**SUMMONS**

1. Date and Time of Hearing before Judge in Chambers/Registrar\*  
(*to be completed by the court*)  
Date of hearing: [Date]  
Time of hearing: [Time]
2. Orders Applied For: [Set out orders applied for.]
3. Grounds of application  
[*Choose one of the following*]
  - (a) The grounds of the application are set out in the affidavit(s) filed in support of this application.
  - (b) The grounds of the application are set out herein.
4. Party/Parties\* to be served with this Summons  
[Insert party to be served with summons e.g. spouse, parents, etc.]
5. Consent\*  
I/We\* hereby consent to this Summons.

Signature: [Signature of consenting party]

[Name and NRIC No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons.\*]:

This Summons is taken out by [*to state name of party/applicant filing this summons*]

Signed:

Registrar:

Date:

\* Delete where inapplicable.

**Form 39N**

**ORDER OF COURT UNDER THE INTERNATIONAL CHILD ABDUCTION  
ACT 2010**

(Title as in cause or matter.)

**ORDER OF COURT**

1. Date of order
2. Nature of Hearing (in Chambers)  
Summons No./Nos\*: [*to state number*]
3. Name of Registrar/Judge\* Making the Order  
[*to state name*]
4. Parties Present at the Hearing  
[*Choose one or more of the following*]
  - (a) Plaintiff/Applicant\*
  - (b) Plaintiff's/Applicant's Counsel\*
  - (c) Defendant\*
  - (d) Defendant's Counsel\*
  - (e) Other Party (to specify)\*
5. Orders Made (By Consent\*)

Signed:

Registrar:

Date:

\* Delete where inapplicable.

**Form 40**  
**PROBATE CHECKLIST**

IN THE ESTATE OF \_\_\_\_\_  
(NAME OF DECEASED)

IDENTIFICATION NUMBER OF THE DECEASED

Date of Filing:

*Petition for Probate & Letters of Administration under the Probate and Administration Act*

**REASONS FOR REJECTION**

**(A)      *Petition***

- (a)      Name of deceased spelt wrongly..... ( )
- (b)      Non-compliance with Fm 168(a)..... ( )
  - (i)      Domicile..... ( )
  - (ii)      Value of estate..... ( )
  - (iii)      Status of Petitioner..... ( )
  - (iv)      Renunciation by Executor..... ( )
  - (v)      Affidavit of due execution of will ..... ( )
- (c)      Non-compliance with Fm 168(b) ..... ( )
  - (i)      Domicile..... ( )
  - (ii)      Value of estate..... ( )
  - (iii)      Citizenship..... ( )
  - (iv)      Marital status..... ( )
  - (v)      Religion..... ( )
  - (vi)      Relationship of Petitioner to Deceased..... ( )
  - (vii)      Minority interest clause ..... ( )
  - (viii)      Appointment of co-administrator ..... ( )
  - (ix)      Clearing of parties with prior rights ..... ( )
- (d)      Delay clause ..... ( )
- (e)      Grant in additional name ..... ( )
- (f)      Jurat clause wrongly worded ..... ( )
- (g)      Shortage of stamp fee ..... ( )

- (h) No interpretation clause ..... ( )  
(i) Any other reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(B) Documents which have not been filed in support of the  
Petition for Probate & Letters of Administration under the  
Probate and Administration Act**

- (a) Original death certificate ..... ( )  
(b) Original will ..... ( )  
(c) Administration Oath ..... ( )  
(d) Inheritance Certificate..... ( )  
(e) Consent of Co-Administrator ..... ( )  
(f) Renunciation of person(s) with prior rights ..... ( )  
(g) Renunciation of Executor ..... ( )  
(h) Certified true copy of death certificate of person(s) with prior rights ..... ( )  
(i) Affidavit of foreign law - Order 71 Rule 16 and Rule 25..... ( )  
(j) Certified true copy of Power of Attorney..... ( )  
(k) Order of court appointing guardian under Order 71 Rule 27(1)(a) ..... ( )  
(l) Nomination by infant under Order 71 Rule 27(1)(b)..... ( )  
(m) Order 71 Rule 29 - Order of High Court/affidavit - Grants in cases  
of mental or physical incapacity ..... ( )  
(n) Order 71 Rule 30 - certified true copy of resolution..... ( )  
(o) Order 71 Rule 46 - certified true copy of order of court admitting the will ..... ( )  
(p) Certified true copy of previous grants of Probate/Letters of Administration  
(in applications for Letters of Administration De Bonis Non) ..... ( )  
(q) Any other reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Checked by: \_\_\_\_\_

Date: \_\_\_\_\_

**Form 41**

**SUPPORTING AFFIDAVIT UNDER ORDER 71 RULE 5**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

OS Probate No.

In the Estate of \_\_\_\_\_, deceased

**SUPPORTING AFFIDAVIT**

(a) FOR ALL OTHERS:-

I/We\*, (name(s) of applicants) (ID No. \_\_\_\_\_) of (address(es) of applicant(s)), Singapore, do make oath (or affirm) and say that:-

- (1) the Statement under Order 71 rule 5 of the Rules of Court exhibited herein and marked "A" is the same Statement generated by the Electronic Filing Service (EFS), and the contents entered into EFS and which now appear in the Statement, are to the best of my/our\* knowledge and belief in all respects true.
- (2) the documents as stated in the "Table of Contents of Exhibits" exhibited herein and marked "B" have been accepted by the Court and the contents of the documents are to the best of my/our\* knowledge and belief in all respects true.

(b) FOR TRUST CORPORATION:-

I/We\*, (name(s) (ID No. \_\_\_\_\_) of (address(es)), Singapore, an officer of the applicant company (name of company) do make oath (or affirm) and say that:-

- (1) the Statement under Order 71 rule 5 of the Rules of Court exhibited herein and marked “A” is the same Statement generated by the Electronic Filing Service (EFS), and the contents entered into EFS and which now appear in the Statement, are to the best of my/our\* knowledge and belief in all respects true.
- (2) the documents as stated in the “Table of Contents of Exhibits” exhibited herein and marked “B” have been accepted by the Court and the contents of the documents are to the best of my/our\* knowledge and belief in all respects true.

2. I/We\* further state that the applicant company is a trust corporation and that it has power to accept Grant. I/We\* have been authorised by the applicant company through a resolution of their Board of Directors. A certified true copy of the resolution under the seal of the company is filed herewith.

Sworn (or affirmed) by the     )  
abovenamed                   on     )  
this    day of           20        )  
at Singapore                         )

Through the interpretation of (name and  
designation of person who interpreted) in  
(language of interpretation)\*

Before me,

Commissioner for Oaths

*\*Delete where inapplicable*



**Form 41A**

**SCHEDULE OF ASSETS  
[FOR DEATH ON OR AFTER 15 FEBRUARY 2008]<sup>3</sup>**

**(Title as in the action)**

**SCHEDULE OF ASSETS**

<b>A. Deceased's Property in Singapore</b>	<b>Market Value as at Date of Death (S\$) (without deducting the debts due or owing from the deceased)</b>
<b>Gross value<sup>4</sup></b>	
<b>B. Outstanding Debts in Singapore which are Secured by Mortgage</b>	<b>Amount</b>
<b>Net Estate Value<sup>5</sup></b>	
<b>C. Deceased's Movable Property outside Singapore (for deceased person domiciled in Singapore at date of death)</b>	<b>Market Value as at Date of Death (S\$)</b>

<sup>3</sup> This form is to be annexed to an affidavit and filed separately with the Courts as well. It will be annexed to the grant of representation

<sup>4</sup> Please state the total for Section A.

<sup>5</sup> Please deduct the amount for Section B from the total for Section A.

**Form 42**

**REQUEST FOR ATTENDANCE OF THE BAILIFF**

(Title as in cause or matter).

I, (name of person making request), hereby request that the Bailiff do attend at (the address for the attendance) on (the desired date and time of attendance) for the purpose of (the reason for the attendance).

The grounds of my request are as follows:

I undertake to pay the fees prescribed in Item No. 117 of Appendix B to the Rules of Court in respect of the attendance requested above.

Dated this       day of       20   .

*(Signature of party making request)*

*(Name of firm of solicitors*

*(if requesting party is a solicitor))*

**Form 43**

**LETTER OF AUTHORITY TO ACT AS AUTHORISED BAILIFF**

- (a) **Letter of Authority to be filed if the Authorised Bailiff is to be appointed at time of filing of the writ of seizure and sale (WSS) or writ of distress (WD)**

To: (1) (Requesting Law Firm)  
(2) (Authorised Bailiff)

**LETTER OF AUTHORITY TO ACT AS AUTHORISED BAILIFF**

This is to certify that (name) (“the Authorised Bailiff”) of (name and address of law firm) is duly authorised by the Registrar of the Subordinate Courts of the Republic of Singapore pursuant to Section 15A Subordinate Courts Act (Cap. 321, 1999 Revised Edition) to exercise the powers and perform the duties of a bailiff in the execution proceedings in (to insert title as in action).

[\*WSS or WD Number:

Date of issue of WSS or WD: ]

[\*Seal

Signature of Registrar]

\* Denotes auto-generation by EFS upon acceptance of WSS or WD for filing.

- 
- (b) **Letter of Authority to be submitted if the Authorised Bailiff is to be appointed after the writ of seizure and sale (WSS) or writ of distress (WD) has been issued**

To: (1) (Requesting Law Firm)  
(2) (Authorised Bailiff)

(Date of filing)

**LETTER OF AUTHORITY TO ACT AS AUTHORISED BAILIFF**

This is to certify that (name) (“the Authorised Bailiff”) of (name and address of law firm) is duly authorised by the Registrar of the Subordinate Courts of the Republic of Singapore pursuant to Section 15A Subordinate Courts Act (Cap. 321, 1999 Revised Edition) to exercise the powers and perform the duties of a bailiff in the execution proceedings hereunder (WSS or WD No. in {to insert title in action}) issued on (date).

[\*Seal

Signature of Registrar]

\*Denotes auto-generation by EFS upon acceptance of WSS or WD for filing.

---

## **Form 44**

(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 Subordinate Courts on (date and time) to:

- (a) provide answers to the questions set out herein; and
- (b) produce such documents as may be requested by the judgment creditor in addition to the documents set out in the questionnaire.

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. Kindly bring this questionnaire with you at the next Court hearing.

**IMPORTANT NOTICE:** You need not attend the hearing if you can:

- (a) provide your answers to the questions by way of an affidavit or a statutory declaration; and
- (b) obtain the consent of the judgment creditor to dispense with your court attendance and discharge you as a witness.

You may therefore wish to contact the solicitors 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 your dispensation and discharge. You may also choose to engage your own solicitors to advise you on your rights and duties as a witness in these proceedings.

**Personal particulars**

1. Full Name and NRIC/Passport No.:
2. Residential address:
3. Telephone/fax/pager number(s) you can be contacted at:
4. Please identify the persons living with you at your present residential address:

<u>Name</u>	<u>Relationship</u>	<u>Age</u>	<u>Occupation</u>

**Work particulars**

5. Occupation:
6. If you are an employee, please state the following:
  - i) Name and address of employer:
  - ii) Your monthly income including salary, allowances, commissions and bonuses:
  - iii) The date your monthly income is due to you and how you are paid (whether by GIRO or otherwise):
  - iv) Are you willing to direct your employer to pay a portion of your monthly salary to the judgment creditor to settle your outstanding debt (whether by way of GIRO or otherwise)? If so, how much can you pay per month?
7. If you are self-employed, state:
  - i) Name and address of your business (sole proprietorship or partnership):
  - ii) Nature of the business:
  - iii) Your monthly income including salary, allowances, commissions and bonuses:
  - iv) Name and address of your accountants and auditors:
8. If you are unemployed, state:
  - i) Name and address of your previous employer:

- ii) Your last drawn income including salary, allowances, commissions, benefits and bonuses:
9. Aside from your income from your employment, state all your other sources of income and the amount received.

**Particulars of your Debtors**

10. If you have debtors (i.e. people who owe you money), please list them 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>

11. Please state the following if you have commenced legal proceedings against your debtor(s) to recover your debt:

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

**Particulars of your Creditors**

12. If you have creditors (i.e. people whom you owe money to), please list them as follows (your creditors include government bodies such as IRAS, CPF, HDB etc):

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

13. Please state the following if any of your past or present creditors have commenced legal proceedings against you including statutory demands in bankruptcy:

<u>Name of creditor</u>	<u>MC/DC/Suit Bankruptcy No.</u>	<u>Amount claimed</u>	<u>Status of action</u>

**Particulars of your immovable properties situated locally or overseas**

14. Please state the following if you own any immovable property:
- i) Address(es) of property owned:
- ii) Names of joint-owners (if any):

- iii) Names of mortgagee/chargee (if any) and amount outstanding:
15. Please state the following if you are renting any immovable property:
- i) Name of landlord and address of rented property:
- ii) Period of tenancy, amount of monthly rental paid and due date of rental:
- iii) Whether there is any written tenancy agreement:
16. Please state the following if you have any tenants/subtenants in respect of your owned or rented properties:
- i) Name of tenant and address of tenanted property:
- ii) Period of tenancy, amount of monthly rental received and due date of rental:
- iii) Whether there is any written tenancy agreement:

**Particulars of your motor vehicles**

17. Please state the following if you own or had owned any motor vehicle within the past 6 months:
- i) The registration number, make and colour of the motor vehicle(s):
- ii) Whether the motor vehicle(s) is/are on hire purchase:
- iii) If on hire purchase, the name of the finance company and the amount outstanding under the hire purchase agreement:
- iv) If the motor vehicle is no longer in your possession, state the reasons why.

**Particulars of your insurance policies**

18. Please state the following if you have any insurance policies:

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

19. Please identify the beneficiaries under your policies apart from yourself.
20. If applicable, please state the dates when each of your policies will mature and the surrender value as at this date.

21. Particulars of your shares and unit trusts
22. Please state the following if you own any shares and/or unit trusts:
- i) If shares, the name of the company and the number of shares held. If you use a securities broker, please give particulars:
  - ii) If unit trusts, the name of the bank/financial institution managing your unit trusts:
  - iii) The estimated value of the shares/unit trusts:

**Particulars of your bank accounts**

23. Please state the following if you have any bank accounts (held solely and/or jointly) or safe deposit boxes:
- i) Name and branch of the Bank where your account or safe deposit box is maintained:
  - ii) The account number:
  - iii) Type of account held (e.g. current, savings, fixed deposit, overdraft):
  - iv) Name of joint account holder (if any):
  - v) 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 if you have any interest under a trust, will or estate in intestacy**

24. If you are a beneficiary under any trust, will or estate in intestacy, please state the following:
- i) 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):
  - ii) Name of the party leaving you the beneficial interest:
  - iii) The value of your interest:
  - iv) If probate or letters of administration have been granted, the case no. for the grant:



**Particulars of your dependants**

25. Please state the following if you have persons who are financially dependant on you:

<u>Name and age of dependant</u>	<u>Relationship</u>	<u>Amount set aside for dependant</u>	<u>Reason for dependency</u>

26. Please state all other persons supporting your dependants besides you.

**Other Assets**

27. If you own any other assets, savings or investments not listed thus far (e.g. antiques, collectibles, jewellery, paintings), please state the same including the estimated value of each of the assets.
28. If you own or earn any royalties in respect of any intellectual property such as Internet domain names, computer programmes, artwork, designs, literary, dramatic or musical compositions, patents, copyright or trademarks, please state the same including the estimated value of each of the assets.
29. If you are a member (whether in Singapore or overseas) of any country clubs, timeshare holiday clubs, sports clubs, social organisations, fitness centres and discount shopping/dining programmes, please state the same including the estimated value of each of the assets.

**Other Matters**

30. Are there any goods in your premises that do not belong to you but belong to other people? If so, list the goods and how such ownership can be established.
31. How much do you pay in respect of the following outgoings each month:
- i) Utilities (water, gas and electricity):
  - ii) Food:
  - iii) Transport:
  - iv) Telephone/Internet/mobile phone/pager charges:
32. Please state all other persons contributing towards your outgoings each month.

33. If you have disposed of any asset within the past 6 months, please state the following:

<u>Name of recipient</u>	<u>Date of disposal</u>	<u>Item disposed of</u>	<u>Price received for the item disposed of</u>

34. What offer of repayment do you make?
35. Please send the following documents to the solicitors for the judgment creditor within 2 weeks of receipt of this questionnaire. They will be needed at the examination hearing.
- 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 CPF Board.
  - v) Your last 3 statements from the CDP and/or your securities broker or fund manager in respect of your shares, bonds and/or unit trusts.
  - vi) Your passport, credit cards and membership cards.
  - vii) Your insurance policies.
  - viii) Your motor vehicle log book and hire purchase agreement in respect of your motor vehicle.
  - ix) Your title deeds or certificates of title in respect of your properties or rental agreements.

**Additional questions by the judgment creditor**

36. (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

## **Form 45**

(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 Subordinate Courts on (date and time) to:**

- (a) provide answers to the questions set out herein; and
- (b) produce such documents as may be requested by the judgment creditor  
in addition to the documents set out in the questionnaire.

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. Kindly bring this questionnaire with you at the next  
Court hearing.

**IMPORTANT NOTICE:** You need not attend the hearing if  
you can:

- (a) provide your answers to the questions by way of an affidavit or statutory  
declaration; and
- (b) obtain the consent of the judgment creditor to dispense with your court  
attendance and discharge you as a witness.

You may therefore wish to contact the solicitors 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 your  
dispensation and discharge. You may also choose to engage your own  
solicitors to advise you on your rights and duties as a witness in these  
proceedings.

## **Personal particulars**

1. Full Name and NRIC/Passport No.:
2. Residential address:
3. Telephone/fax/pager number(s) you can be contacted at:
4. Are you a Director/Secretary/Shareholder of the Judgment Debtor ("the Company")?

## **Company particulars**

5. Please state the following particulars:
  - i) Is the Company still a going concern? (e.g. is the Company still trading and doing business?)
  - ii) If no, state:
    - 1) When the Company's operations ceased; and
    - 2) Whether the Company was making trading profits or losses at the time that it ceased operations?
  - iii) If yes, state:
    - 1) What business the Company is presently engaged in;
    - 2) Where the Company's business operations are presently being carried out; and
    - 3) Whether the Company is making trading profits or losses?
6. Did the Company declare any dividends this year or the last year? If so, when were the dividends declared, and how much was declared?
7. Who is the managing director of the Company?
8. State the names and designations of the other officers of the Company.
9. How do the officers of the Company, including yourself, receive remuneration for work done for the Company (i.e. salary or director's fees), and how much remuneration does each officer receive?

## Auditors

10. State the name and address of the accountants and auditors of the Company.

11. When was the last time the accounts of the Company were audited?

12. When was the last time the Company filed its Annual Returns with the Registry of Companies and Businesses?

## Particulars of the Company's Debtors

13. If the Company has debtors (i.e. people who owe the Company money), please list them 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>

14. Please state the following if the Company has commenced legal proceedings against its debtor(s) to recover its debt:

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

## Particulars of the Company's Creditors

15. If the Company has creditors (i.e. people to whom the Company owes money), please list them as follows (such creditors include government bodies such as IRAS, CPF, HDB etc):

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

16. Please state the following if any of the Company's past or present creditors have commenced legal proceedings (including any 21 day statutory demand for winding up or winding up petitions) against the Company.

<u>Name of creditor</u>	<u>MC/DC/Suit Winding Up Petition No.</u>	<u>Amount claimed</u>	<u>Status of action</u>

17. Has the Company 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? If so, please state particulars.

**Particulars of immovable properties situated locally or overseas**

18. Please state the following if the Company owns any immovable property:

- i) Address(es) of property owned:
- ii) Names of joint-owners (if any):
- iii) Names of mortgagee/chargee (if any) and amount outstanding:

19. Please state the following if the Company is renting any immovable property:

- i) Name of landlord and address of rented property:
- ii) Period of tenancy, amount of monthly rental paid and due date of rental:
- iii) Whether there is any written tenancy agreement:

20. Please state the following if the Company has any tenants/subtenants in respect of the owned or rented properties:

- i) Name of tenant and address of tenanted property:
- ii) Period of tenancy, amount of monthly rental received and due date of rental:
- iii) Whether there is any written tenancy agreement:

**Particulars of the Company's motor vehicles**

21. Please state the following if the Company owns or had owned any motor vehicle within the past 6 months:

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

- iv) If the motor vehicle is no longer in the Company's possession, state the reasons why.

**Particulars of the Company's insurance policies**

22. Please state the following if the Company has any insurance policies:

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

23. Please identify the beneficiaries under the policies apart from the Company.

24. If applicable, please state the dates when each of the Company's policies will mature and the surrender value as at this date.

**Particulars of the Company's shares in other companies or unit trusts**

25. Please state the following if the Company owns any shares and/or unit trusts:

- i) If shares, the name of the company and the number of shares held. If the Company has a securities broker, please give particulars:
- ii) If unit trusts, the name of the bank/financial institution managing the unit trusts:
- iii) The estimated value of the shares/unit trusts:

**Particulars of the Company's bank accounts**

26. Please state the following if the Company has any bank accounts (held solely and/or jointly) or safe deposit boxes:

- i) Name and branch of the Bank where account or safe deposit box is maintained:
- ii) The account number:
- iii) Type of account held (e.g. current, savings, fixed deposit, overdraft):
- iv) Name of joint account holder (if any):



- v) 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):

### **Other Assets**

27. If the Company owns any other assets, savings or investments not listed thus far (e.g. antiques, collectibles, jewellery, paintings), please state the same including the estimated value of each of the assets.

28. If the Company owns or earns any royalties in respect of any intellectual property such as Internet domain names, computer programmes, artwork, designs, literary, dramatic or musical compositions, patents, copyright or trademarks, please state the same including the estimated value of each of the assets.

29. If the Company is a member (whether in Singapore or overseas) of any country clubs, timeshare holiday clubs, sports clubs, social organisations, fitness centres and discount shopping/dining programmes, please state the same including the estimated value of each of the assets.

### **Other Matters**

30. Are there any goods in the Company's premises that do not belong to the Company but belong to other people? If so, list the goods and how such ownership can be established.

31. How much does the Company pay in respect of the following outgoings each month:

- i) Utilities (water, gas and electricity):
- ii) Rental for office space:
- iii) Transport:
- iv) Telephone/Internet/mobile phone/pager charges:
- v) Staff salaries:

32. If the Company has disposed of any assets within the past 6 months, please state the following:

<u>Name of Recipient</u>	<u>Date of disposal</u>	<u>Item disposed of</u>	<u>Price received for the item disposed of</u>

33. What offer of repayment do you make?

34. Please send the following documents to the solicitors for the judgment creditor within 2 weeks of receipt of this questionnaire. They will be needed at the examination hearing.

- 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 CPF Board.
- iv) The Company's last 3 statements from the CDP and/or its securities broker or fund manager in respect of its shares, bonds and/or unit trusts.
- v) The Company's credit cards and membership cards.
- vi) The Company's insurance policies.
- vii) The Company's motor vehicle log books and hire purchase agreements in respect of the Company's motor vehicles.
- viii) The Company's title deeds or certificates of title in respect of its properties or rental agreements.

**Additional questions by the judgment creditor**

35. (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

**Form 46**

**BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS**

**IN THE SUBORDINATE 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			
No.	Item	Description	Remarks
<b>1.</b>	<b>The claim</b>		
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>
<b>2.</b>	<b>Pleadings</b>		
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>	
<b>3.</b>	<b>Interlocutory attendances</b>		
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>
<b>4.</b>	<b>Discovery</b>		
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>
<b>5.</b>	<b>Trial</b>		
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>	
<b>6.</b>	<b>Complexity of case</b>		

<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>	
<b>7.</b>	<b>Urgency and importance to client</b>		
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>	
<b>8.</b>	<b>Time and labour expended</b>		
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>	



No.	Item	Description	Remarks
8.5	Others	[Set out any other relevant factors for the court's consideration.]	
<b>9.</b>	<b>Counsel and solicitors involved</b>		
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.]	
<b>10.</b>	<b>Costs claimed</b>		
10.1	Amount claimed	<p><b>Amount claimed for</b> [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> <ul style="list-style-type: none"> <li>(a) the amount claimed for work done by the counsel or solicitor;</li> <li>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</li> <li>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</li> <li>(d) the GST claimed for work done, in relation to the periods for which different rates of GST are applicable.]</li> </ul>	
<b>Section 2: Work done for taxation</b>			
No.	Item	Description	Remarks
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><b>Total amount claimed:</b> \$ [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**

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
13.	[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><b>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p><b>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</b></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"> <li><i>(a) the amount claimed for disbursements for Section 3;</i></li> <li><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></li> <li><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></li> <li><i>(d) the GST claimed for disbursements,</i></li> </ul> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p>	

Summary			
		<p><b>Total claimed for bill:</b></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 47**

**BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS**

**IN THE SUBORDINATE 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			
No.	Item	Description	Remarks
1.	<b>The claim</b>		
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.	<b>Application / Proceedings</b>		

<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>	
<b>3.</b>	<b>Interlocutory attendances</b>		
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>
<b>4.</b>	<b>Hearing</b>		
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>	

No.	Item	Description	Remarks
<b>5.</b>	<b>Complexity of case</b>		
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>	
<b>6.</b>	<b>Urgency and importance to client</b>		
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>	
<b>7.</b>	<b>Time and labour expended</b>		
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	[Set out the total number of hours spent on the case by each counsel or solicitor.]	
7.5	Others	[Set out any other relevant factors for the court's consideration.]	
<b>8.</b>	<b>Counsel and solicitors involved</b>		
8.1	Counsel and solicitors	[List all the lawyers acting for each party and their seniority.]	
8.2	Certificate of more than 2 counsel	[Indicate if the court has certified that the costs of more than two counsel are allowed.]	
<b>9.</b>	<b>Costs claimed</b>		
9.1	Amount claimed	<p><b>Amount claimed for</b> [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> <ul style="list-style-type: none"> <li>(a) the amount claimed for work done by the counsel or solicitor;</li> <li>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</li> <li>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit;</li> <li>and</li> <li>(d) the GST claimed for work done, in relation to the periods for which different rates of GST are applicable.]</li> </ul>	
<b>Section 2: Work done for taxation</b>			

No.	Item	Description	Remarks
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><b>Total amount claimed: \$</b> [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>	
<b>Section 3: Disbursements</b>			
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><b>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p><b>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</b></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"> <li><i>(a) the amount claimed for disbursements for Section 3;</i></li> <li><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></li> <li><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></li> <li><i>(d) the GST claimed for disbursements,</i></li> </ul> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p>	

Summary			
		<p><b>Total claimed for bill:</b></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 48**

**BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS**

**IN THE SUBORDINATE 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.]

<b>Section 1: Work done other than for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The work done</b>		
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.]	
<b>2.</b>	<b>Complexity of matter</b>		
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>	
<b>3.</b>	<b>Time and labour expended</b>		
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>	
<b>4.</b>	<b>Counsel and solicitors involved</b>		
4.1	Solicitor	<i>[List all the lawyers acting for each party and their seniority.]</i>	

No.	Item	Description	Remarks
<b>5.</b>	<b>Costs claimed</b>		
5.1	Amount claimed	<p><b>Amount claimed for</b> <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"> <li><i>(a) the amount claimed for work done by the counsel or solicitor;</i></li> <li><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></li> <li><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></li> <li><i>(d) the GST claimed for work done,</i></li> </ul> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p>	
<b>Section 2: Work done for taxation</b>			
No.	Item	Description	Remarks
6.	Work done	<p><i>[Describe the work done for the preparation of the bill of costs and the taxation of the bill.]</i></p>	

No.	Item	Description	Remarks
7.	Amount claimed	<p><b>Total amount claimed:</b> \$ [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>	
<b>Section 3: Disbursements</b>			
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><b>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p><b>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</b></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"> <li><i>(a) the amount claimed for disbursements for Section 3;</i></li> <li><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></li> <li><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></li> <li><i>(d) the GST claimed for disbursements,</i></li> </ul> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p>	

Summary			
		<p><b>Total claimed for bill:</b></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 49**

**NOTICE OF DISPUTE  
ON BILL OF COSTS**

**IN THE SUBORDINATE 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 <b><u>grounds</u></b> 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 <b><u>grounds</u></b> of dispute for each item - Stating that 'amount claimed is excessive' is not sufficient.]

Dated this      day of

(Address of Solicitors)

ABC & CO.

**Form 50**

**NOTICE OF  
AGREEMENT/ DISAGREEMENT ON COSTS  
FOR BILLS OF COSTS INVOLVING THE PUBLIC TRUSTEE**

(Title as in bill of costs)

*Part A*

To the Public Trustee

Solicitors' ref:

Public Trustee's ref:

1. General damages awarded or agreed on :
2. Special damages awarded or agreed on :
3. Party-and-party costs allowed or agreed on  
(excluding disbursements and Public Trustee's fees):
4. Total amount allowed or agreed on for disbursements  
(excluding Public Trustee's fees) :
5. Public Trustee's fees :]<sup>1</sup>

**Take notice that the captioned bill of costs has been lodged by or on behalf of (the plaintiff or the defendant or the former solicitors for the plaintiff as the case may be). In this bill, costs are claimed on the (standard or the indemnity basis as the case may be) as between (party-and-party or solicitor-and-client as the case may be) in the following amounts:**

1. Section 1: \_\_\_\_\_ and GST on this figure in the sum of \_\_\_\_\_.
2. Section 2: \_\_\_\_\_ and GST on this figure in the sum of \_\_\_\_\_.
3. Section 3: \_\_\_\_\_ and GST on this figure in the sum of \_\_\_\_\_.

---

<sup>1</sup> This information must be included where the bill of costs and this notice is to be served on the Public Trustee.

Please indicate below the amount of costs proposed or recommended in respect of the work done in this matter.

Dated this       day of       20       .

*(The (or the solicitors for the) plaintiff  
or the defendant as the case may be)*

**Please note that this part of the notice should be completed and the whole notice should be served on the Public Trustee together with the bill of costs within 2 days after receiving a notice of the date and time appointed for taxation.**

*Part B*

To (the (or the solicitors for the) plaintiff  
or the defendant as the case may be):

We propose or recommend that the following costs be allowed to you in respect of the captioned bill on (the standard or the indemnity basis as the case may be) as between (party-and-party or solicitor-and-client as the case may be):

1.     Section 1: \_\_\_\_\_ and GST.
2.     Section 2: \_\_\_\_\_ and GST.
3.     Section 3: \_\_\_\_\_ and GST.

Dated this       day of       20       .

For and on behalf of the Public Trustee

**Please note that this part of the notice should be completed and the whole notice should be returned to the receiving party not less than 3 clear days before the date fixed for the taxation.**

*Part C*

To the Registrar of the Subordinate Courts.

I am (or we are) agreeable/not agreeable to the proposal or recommendation as to costs made by the Public Trustee as set out in Part B of this notice.

Dated this       day of       20       .

*(The (or the solicitors for the) plaintiff  
or the defendant as the case may be)*

**Please note that this part of the notice should be completed and the whole notice should be filed in Court not less than 2 clear days before the date fixed for the taxation. A copy of the notice should also be served on the Public Trustee on the same day that it is filed.**

**Form 51**

**NOTICE OF  
AGREEMENT/ DISAGREEMENT ON COSTS  
FOR BILLS OF COSTS INVOLVING THE DIRECTOR OF LEGAL  
AID**

(Title as in bill of costs)

*Part A*

To the Director of Legal Aid

Solicitors' ref:

Legal Aid ref:

1. Party-and-party costs allowed or agreed on  
(excluding disbursements) :
2. Total amount allowed or agreed on for disbursements :

**Take notice that the captioned bill of costs has been filed by or on behalf of (the assigned solicitors for the plaintiff or the defendant as the case may be). In this bill, costs are claimed on the indemnity basis as between solicitor-and-client in the following amounts:**

1. Section 1: \_\_\_\_\_ and GST on this figure in the sum of \_\_\_\_\_.
2. Section 2: \_\_\_\_\_ and GST on this figure in the sum of \_\_\_\_\_.
3. Section 3: \_\_\_\_\_ and GST on this figure in the sum of \_\_\_\_\_.

Please indicate below the amount of costs proposed or recommended in respect of the work done in this matter.

Dated this       day of       20       .

*(The assigned solicitors for the plaintiff  
or the defendant as the case may be)*

**Please note that this part of the notice should be completed and the whole notice should be served on the Director of Legal Aid together with the bill of costs within 2 days after receiving a notice of the date and time appointed for taxation.**

*Part B*

To the assigned solicitors for the plaintiff  
or the defendant as the case may be:

We propose or recommend that the following costs be allowed to you in respect of the captioned bill on the indemnity basis as between solicitor-and-client:

1. Section 1: \_\_\_\_\_ and GST.
2. Section 2: \_\_\_\_\_ and GST.
3. Section 3: \_\_\_\_\_ and GST.

Dated this       day of       20       .

For and on behalf of the Director of Legal Aid

**Please note that this part of the notice should be completed and the whole notice should be returned to the receiving party not less than 3 clear days before the date fixed for the taxation.**



*Part C*

To the Registrar of the Subordinate Courts.

I am (or we are) agreeable/not agreeable to the proposal or recommendation as to costs made by the Director of Legal Aid as set out in Part B of this notice.

Dated this       day of       20       .

*(The assigned solicitors for the plaintiff  
or the defendant as the case may be)*

**Please note that this part of the notice should be completed and the whole notice should be filed in Court not less than 2 clear days before the date fixed for the taxation. A copy of the notice should also be served on the Director of Legal Aid on the same day that it is filed.**

**Form 52****SPECIMEN GOVERNMENT MEDICAL CERTIFICATE**

ORIGINAL		MEDICAL CERTIFICATE	Serial No.
Name		NRIC No.	
<p>*This is to certify that the abovenamed is unfit for duty for a period of ..... ..... days from ..... to ..... inclusive.</p>			
<p><b>Type of medical leave granted —</b></p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Hospitalisation Leave</div><div><input type="checkbox"/> Outpatient Sick Leave.</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>Admitted on .....</div><div><input type="checkbox"/> Maternity Leave.</div><div>Delivered on .....</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>Discharged on .....</div><div><input type="checkbox"/> Sterilization Leave.</div><div>Operated on .....</div></div>			
<p>This Certificate is *valid/not valid for absence from court attendance.</p>			
Diagnosis		Surgical Operation (if applicable)	
<p>*Fit for normal/light duty from ..... to .....</p>			
<p>*The abovenamed patient attended my clinic at ..... am/pm and left at ..... am/pm. No medical leave is necessary</p>			
Hospital/Clinic	Ward No.	Signature, Name (In BLOCK LETTERS) and Designation	
	Date		
MD 965		*Delete as necessary	

## Form 53

### 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 54

### REQUISITION FOR IMPRESSED STAMPS

#### SUBORDINATE 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 55**

**NOTING OF APPEARANCE OF  
ADVOCATES/PROSECUTORS**

<b>SUBORDINATE COURTS – COURT NO: ____</b>	
Case No: DC/MC/DAC/MAC/CI/MSS TAC/PS/PSS/PIC/JAC	
Solicitor's Name/ Prosecutor's Name	
Solicitor's Firm/ Prosecutor's Dept	
Telephone No:	
Fax No:	
Name of Accused/Party he represents:	1.  2.  3.

**Form 56**

<b>APPLICATION FOR NOTES OF EVIDENCE IN CIVIL PROCEEDINGS</b>		
Name of Applicant/Name of solicitor and solicitor's firm		Date
Address of Applicant/Solicitor's firm		Solicitor acting for Plaintiff/Defendant/ Appellant/Respondent
File Ref:	Tel:	Fax: Others (specify):
Reasons:		
Case reference: <i>(If matter is related to an Appeal or Summons, please also provide the DCA, RAS, RA or SUM number)</i> DC: MC: OS: Others: (specify)		
Name of Plaintiff / Defendant / Appellant / Respondent:		
Court No:	District Judge / Magistrate / Deputy Registrar:	
Hearing Dates: [including part-heard dates]		
<b>FOR OFFICIAL USE ONLY</b>		
<b>RECEIVED ON:</b>	<input type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>NOT APPROVED</b>
DISTRICT JUDGE / MAGISTRATE / DEPUTY REGISTRAR:	REASONS:	
COURT OFFICER:	REMARKS	
COURT NO:		

**Form 57**

**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 58**

### **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 59

<b>APPLICATION FOR COURT RECORDS IN CRIMINAL PROCEEDINGS</b>	
Name of Applicant/Name of solicitor and solicitor's firm	Date
Address of Applicant/Solicitor's firm	Solicitor acting for Accused/ Complainant / Respondent
File Ref:	Tel: Fax: Others (specify):
<b>DOCUMENTS APPLIED FOR (please tick)</b>	
<input type="checkbox"/> Complaint Form	Notes of Evidence for:
<input type="checkbox"/> Charge(s)	<input type="checkbox"/> Prosecution Witness: _____
<input type="checkbox"/> Statement of Facts	<input type="checkbox"/> Defence Witness: _____
<input type="checkbox"/> Others: (specify)	<input type="checkbox"/> Others: _____
	<input type="checkbox"/> All
	<input type="checkbox"/> Personal Protection Order (PPO)
	<input type="checkbox"/> Summons
Reasons:	
MAC / DAC / Police Summons (PS) / Private Summons (PSS) / Summons (SS) / Coroner's Inquiry*	
No.: _____	
Others: (please specify)	
Name of Accused / Complainant / Respondent / Deceased*:	
Court No: [If transferred, to state when and to which court]	District Judge / Magistrate / Deputy Registrar*:
Hearing Dates: [including part-heard dates]	
<b>FOR OFFICIAL USE ONLY</b>	
<b>RECEIVED ON:</b>	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED
DISTRICT JUDGE / MAGISTRATE / DEPUTY REGISTRAR*:	REASONS:
COURT OFFICER:	REMARKS
COURT NO:	

I/We\* \_\_\_\_\_ the abovenamed applicant, hereby confirm that I/We\* will pay the required fee for such application i.e. \$5.00 **per** document and \$0.30 per page.

I/We\* am/are\* currently applying for \_\_\_\_\_ [number of] documents.

I/We\* understand that no cancellation will be allowed once our application is approved. I/We\* will collect the documents and make payments within one[1] week of notification.

\_\_\_\_\_  
Signature of Applicant  
\* Delete where inapplicable.

\_\_\_\_\_  
Date

**Form 60**

**APPLICATION TO RESERVE TIME-SLOT  
FOR PRE-MENTION INTERVIEW**

SECTION 364A CRIMINAL PROCEDURE CODE, CAP 68

To: DISTRICT JUDGE, COURT 26, SUBORDINATE COURTS

APPLICATION FOR PRE-MENTION INTERVIEW AT 8.10 A.M. VIA VIDEO-  
LINK WITH ACCUSED PERSON HELD AT THE QUEENSTOWN REMAND  
PRISON

Case No. : \_\_\_\_\_  
Name/NRIC No. of Accused : \_\_\_\_\_  
Date of Mention : \_\_\_\_\_  
Name of Counsel : \_\_\_\_\_  
Name of Counsel's Firm : \_\_\_\_\_  
Counsel's Tel. No. : \_\_\_\_\_  
Counsel's Fax No. : \_\_\_\_\_  
Counsel's signature : \_\_\_\_\_  
Date : \_\_\_\_\_

=====

To: Superintendent, Queenstown Remand Prison  
(Attn: OC Registry - Fax No.: 4760147)

**DECISION OF DISTRICT JUDGE**

Approved / Not approved

DISTRICT JUDGE  
COURT 26

Date: \_\_\_\_\_ S/N \_\_\_\_\_

=====

To: District Judge, Court 26 (Fax No.: 4355187)

**CONFIRMATION OF ARRANGEMENT BY  
QUEENSTOWN REMAND PRISON**

Arrangement has been made for the abovenamed Accused to be  
at the Video Room at 8.10 a.m. on \_\_\_\_\_.

Name/Signature of Prison Officer : \_\_\_\_\_ / \_\_\_\_\_  
Date : \_\_\_\_\_

**Form 61**

**MENTION SLIP**

<b>COURT 26, SUBORDINATE COURTS</b>	
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 C**

### **MEDIATION GUIDELINES FOR ROAD TRAFFIC ACCIDENT CASES AT THE PRIMARY DISPUTE RESOLUTION CENTRE AT THE SUBORDINATE COURTS**

#### **1. Introduction**

- 1.1 The Primary Dispute Resolution Centre (PDRC) at the Subordinate Courts provides a Court Dispute Resolution (CDR) service for mediation of court actions including claims arising from road accidents.

#### **2. Benefits of CDR**

- 2.1 Parties using the CDR service save time and costs as the dispute can be resolved with the help of a settlement Judge at an early stage without trial.

#### **3. Pre-requisites for CDR**

- 3.1 Lawyers should write in for a CDR date only after:

- (a) the close of pleadings;
- (b) all the relevant parties have been joined in the action; and
- (c) the parties have exchanged the following documents to enable their lawyers to assess the evidence and render advise:
  - (i) Property Damage Claims
    - I. GIA reports or police reports, including a sketch plan.
    - II. Police investigation result with sketch plan and damage report (if applicable)
    - III. Type-written transcripts of all persons involved in the accident.
    - IV. Repairer's bill and evidence of payment.
    - V. Surveyor's report.
    - VI. Excess bill/receipt.



- VII. Vehicle registration card.
- VIII. COE/PARF certificates.
- IX. Names and addresses of witnesses.
- X. Photographs of damage to all vehicles.
- XI. Photographs of accident scene.
- XII. Invoice and receipt for rental of alternative vehicle.
- XIII. Supporting documents for all other expenses claimed (if any).

(ii) Personal Injury Cases

- I. Medical and Specialist Reports.
- II. Medical Bills and Receipts.
- III. Quantification of special damages;
- IV. general damages, including loss of earning capacity and/or loss of future earnings (with IRA8 forms evidencing the same, salary pay slips and employer's letter ) and authorities to substantiate quantum of general damages claimed;
- V. Photographs of injuries; and
- VI. Additional information for fatal claims – Grant of Letters of Administration or Probate, bill for funeral expenses and costs of LA or Probate. For liability determinations in such cases, Notes of Evidence in the Coroner's Inquiry and the State Coroner's Findings and Verdict should be included.

- 3.2 The plaintiff's lawyer sometimes requests for CDR to compel the defendant into action. Where there is a chain collision, the defendant may want to join a third party. Before writing for CDR, the plaintiff's lawyer should write to the defendant's lawyer to ask if the defendant will be joining a third party to the action and also inform the defendant's lawyer that if there is no reply in 3 weeks, it will be assumed that there will be no third party proceedings. Lawyers should not request for CDR until after the third party has been joined and all the relevant documents have been exchanged.

#### **4. Preparation for CDR**

- 4.1 To optimise the CDR sessions, it is essential that lawyers be well prepared and familiar with their cases. This also applies to duty lawyers assigned by their firms to deal with the firm's cases on a particular day. Duty lawyers must receive their files in good time and with clear instructions from the lawyer 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 opposing counsel). Duty lawyers must after the CDR session, ensure that they convey to the lawyer in charge, the rationale for the settlement 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**

- 5.1 During the first CDR session, the Settlement Judge will provide an indication on liability. Solicitors for all the parties should complete a "Liability Indication Form" (see Form 9A) and submit the same to the Settlement Judge during the first CDR session.

5.2 In respect of PIMA cases, solicitors have the option to request for an indication on quantum, in addition to an indication on liability. Solicitors who wish to opt for an indication on quantum should obtain each other's consent before the CDR session, and be prepared with the Quantum Indication Form (i.e. Form 9B) and submit the same to the Settlement Judge.

5.3 To facilitate CDR, lawyers should ensure that they 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 clients' instructions and mandate and discuss options with the lawyer for the other parties before the next CDR session.

## **6. Number of CDR sessions for road accident cases**

6.1 The PDRC will, for all future cases, restrict the number of CDR sessions for road accident cases (without personal injuries) to 3 sessions with an additional session allowed in exceptional cases where there is good reason.

## **7. Help and Co-operation of Insurers in facilitating Mediation**

7.1 Insurers play a key role in the success of mediation. CDR sessions are intended for substantive discussion of the issues. A CDR is futile and unproductive if:

7.1.1 parties have not exchanged the relevant documents (see Annex A) well before the CDR session to facilitate assessment and discussion of options;

7.1.2 one or more of the lawyers for the parties have not received or are still taking client's instructions; or

7.1.3 parties are still negotiating or are awaiting instructions or mandate upon a counter-offer.

## 7.2 *Documents*

Insurers can help by ensuring that all documents requested by their lawyers are quickly sent to their lawyers 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 Annex A are required, this must be made known to the other party well before the CDR date. If a re-survey is required, re-survey must be conducted and the report exchanged before parties proceed for the first CDR session.

## 7.3 *Instructions*

It is *very* important that insurers give *full* and *complete* instructions before their lawyer attends the CDR. Lawyers 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 or mandate should be given early to enable the other party to consider your position or proposal and respond before the next CDR date.

## 7.4 *Practices to facilitate CDR*

7.4.1 The claims manager or executive to be briefed by the insurer's lawyer on the facts, the insurer's case, as well as the case for the other party before a CDR session.

7.4.2 After evaluation of the documents and reports, the claims manager or executive to give a mandate to the insurer's lawyers. The mandate could be in a range – e.g. – ‘65-70%’, or ‘*to contribute 30-35% for the chain collision*’. Reasons should be given for a position taken so that the lawyer can inform the Settlement 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’.*

7.4.3 As CDRs will be confined to a single session for liability indication and only a second session for CDR mediation, insurers are to have claims managers or executives empowered to approve, negotiate or compromise claims on standby on the date and time of the CDR. These officers should be contactable during that day.

7.5 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 should allow an *Interlocutory Judgment* to be recorded for liability and let their claim for quantum proceed for assessment of damages. A hearing to assess damages is far less costly than a full trial.

## **8. Scheduling of CDR sessions**

8.1 To facilitate the handling of cases, the PDRC has reserved Monday and Wednesday for road accident cases. CDR sessions for non-road accident cases will be held on Tuesday, Thursday and Friday. Law firms handling large volumes of road accident cases will be given a special bloc of time to better manage and co-ordinate the hearing of their cases.

## **9. Adjournments**

9.1 An adjournment of a CDR session will be granted only for good reason e.g. the lawyer is engaged in a trial or other hearing in the High Court or the Subordinate Courts, is away on reservist 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.

9.2 A CDR session from which one or all parties are absent without good reason will be counted as one CDR session.

9.3. *Direct Adjournment Applications*

9.3.1 Counsel need not attend before the Settlement Judge handling the case to seek by-consent adjournments if they satisfy the following conditions:

- (a) There are 3 or less CDRs prior to the application;
- (b) The Settlement Judge has not directed that there be no further adjournments or further direct adjournments;
- (c) The adjournment is not based on the grounds that parties are unable to obtain instructions; **and**
- (b) The adjournment is based on one of the following grounds:
  - (i) Parties require more time for negotiations. Solicitors must update on negotiations by annotating the specific offer on the application form;
  - (ii) Parties are awaiting the results of police action or medical or re-inspection reports or are checking on related suits;
  - (iii) Not all the parties have been added;
  - (iv) Solicitor is involved in another suit;
  - (v) Solicitor is away on ICT / Overseas / Medical leave;
  - (vi) Party / Witness is unable to attend.

9.3.2 Where the conditions in the preceding paragraph are satisfied, parties may submit an Adjournment Form (See Form 8) to the registry staff at the PDRC Administration Counter on the day of the CDR itself. The application will be vetted and handled

administratively by the court staff. The court staff will provide a tentative return date to counsel whose applications fulfil the conditions in the preceding paragraph. If the conditions have not been met, the court staff will direct applicants to attend before the Settlement Judge personally.

- 9.3.3 Court staff will collate the applications for final approval by the Settlement Judge. Where the Settlement Judge disapproves of the application, the PDRC registry will notify the parties by fax within 3 days' of the Direct Adjournment Application, otherwise, the tentative return date is deemed approved.

## APPENDIX D

### WAITING TIME (\*) FOR TRIALS OR HEARINGS IN THE SUBORDINATE 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.	Juvenile Arrest Cases	4 to 6 weeks
6.	Maintenance Cases	3 to 4 weeks
7.	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
8.	Civil Section Summons <sup>6</sup> Summary Judgment Summons for Directions Assessment of Damages Examination of Judgment Debtor Probate Adoption 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 4 to 6 weeks 3 to 4 weeks
9.	Others: Writs of Execution Appeal to a Judge in Chambers against the Registrar's decision	4 to 6 weeks 2 to 4 weeks

(\*) "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.

---

<sup>6</sup> The waiting period for applications for discovery or interrogatories against a network service provider under Paragraph 23 of these Practice Directions is 5 days from the date of filing of the Originating Summons.



## APPENDIX E

### INSTRUCTIONS TO DEFENDANT ON HOW TO MAKE THE STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

#### **Obtaining Answers to the Standard Query on the Central Provident Fund Board**

##### **If you are 55 years and over at the date you receive this document**

You must serve the "Standard Query to the Central Provident Fund Board" (Form 21 of Appendix B of *The Subordinate Courts Practice Directions (2006 Ed.)*) on the Central Provident Fund (CPF) Board at:

Public Housing Section  
Central Provident Fund Board  
79 Robinson Road  
Singapore 068897

A copy of Form 21 may be found at the Subordinate Courts website at [http://www.subcourts.gov.sg/practice\\_dir/PD2006Edition.pdf](http://www.subcourts.gov.sg/practice_dir/PD2006Edition.pdf). The CPF Board shall give you the written answers to the standard query within one month of the service of Form 21 on them.

##### **If you are under 55 years at the date you receive this document.**

You may:

- (i) use the Statement Request, an online service provided at the Central Provident Fund website at <http://www.cpf.gov.sg>, ("the CPF website") in order to obtain the relevant CPF statements, i.e. statements which show:
  - (a) the amount of CPF monies and the amount of accrued interest thereon utilised by you towards the purchase of your HDB flat (i.e. the Public Housing Scheme - Withdrawal Statement); and
  - (b) the amount of CPF monies standing in your special, medisave and ordinary accounts respectively (i.e. the Statement of Account).

If you are not able to obtain the relevant CPF statements from the online service due to technical faults or any other reason connected with the breakdown of the CPF website, you must use the standard query mode set out in paragraph (ii).

- (ii) make the request for the relevant CPF statements by attending, either personally or through an authorised representative, at any of the CPF Board offices. You must produce your National Registration Identity Card (NRIC) or passport for the CPF Board's verification. Your authorised representative must produce the original letter of authorisation signed by you and his NRIC or passport in addition to your NRIC or passport.

**APPENDIX F**  
**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) 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) 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) 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 Sum Settled (excluding interest)	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
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 (Subordinate Courts ePractice Direction No. 2 of 2011)**

- 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.

**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.)



**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.*

*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]

**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]

**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) 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 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 Rental agreement, invoice and receipt for rental of alternative vehicle (if any);
  - 2.1.11 Correspondences with the potential defendant's insurers relating to inspection of the claimant's vehicle prior to the commencement of repairs (if any);
  - 2.1.12 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) 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. If the claim is not admitted in full, the potential defendant must give reasons and send copies of all relevant supporting documents. 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.
- 3.5 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.

- 3.6 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
- (a) that the pre-repair inspection is completed and he may proceed to repair his vehicle; or
  - (b) 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 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. 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 paragraph 3.3 applies, the claimant must give 10 clear days' notice, by letter (see Form 6), 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:

<b>Sum settled (excluding interest if any)</b>	<b>Costs allowed (excluding disbursements)</b>
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). Within 14 days after the memorandum of appearance is served, the plaintiff must take out a summons in Form 46A, 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) duly completed.

**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.)

**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.*

*or*

*On a without prejudice basis, we offer to settle your/your client's claim on the following terms:*

*[Set out the offer]*

Yours faithfully,

cc [Other defendants and their insurers]

**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]

**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.

**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. 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):

☐ GIA reports and type-written transcripts 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.
- ☐ 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 FA**

### **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) 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) 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). 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) 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.

### 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,

**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:

**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]



**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 FB**

### **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 claims relating to motor vehicle accidents and industrial workplace accidents, but excluding medical negligence claims. . For the avoidance of doubt, the protocol also applies to claims for personal injury with or without an additional claim for property damage arising from the same accident.
- 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 compliance with this protocol or lack thereof.
- 1.5 This protocol only governs conduct from the time a claimant decides to file a personal injury claim in court. Prior to such time, parties are at liberty to correspond or negotiate with opposing parties in any manner they see fit.
- 1.6 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 (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;
  - (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 and Ministry of Manpower; and
  - (f) The results of any prosecution or court case in relation to the same accident, including the State Coroner's verdict, where available, in cases where the claimant has passed away.
- 2.3 The claimant must also in the letter of claim, offer the potential defendant and his insurer an opportunity to appoint his own medical expert to examine the claimant. If the claimant is non-resident in Singapore, the letter of claim shall 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 and his insurer an opportunity to arrange for medical re-examination of the claimant prior to his departure from Singapore.

2.4 The claimant must enclose with his letter of claim a copy each of all relevant supporting documents, where available, such as:

2.4.1 For motor vehicle accident cases:

- (a) GIA reports and police reports, together with type-written transcripts of all persons involved in the accident;
- (b) Police 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) Medical reports and specialist reports;
- (h) Certificates for hospitalisation and medical leave;
- (i) Bills for medical treatment and evidence of payment;
- (j) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (k) Supporting documents for all other expenses claimed (if any).

2.4.2 For industrial workplace accident cases:

- (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) Medical reports and specialist reports;
- (f) Certificates for hospitalisation and medical leave;
- (i) Bills for medical treatment and evidence of payment;

- (j) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (k) Supporting documents for all other expenses claimed (if any).

2.4.3 For personal injury claims not involving motor vehicles and industrial accidents:

- (a) The claimant's sketch of the accident;
- (b) Original, coloured copies or scanned photographs of the accident scene;
- (c) Medical reports and specialist reports;
- (d) Certificates for hospitalisation and medical leave;
- (e) Bills for medical treatment and evidence of payment;
- (f) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (g) Supporting documents for all other expenses claimed (if any).

2.4.4 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:

- (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).

2.5. 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 shall be sent directly to the insurer. 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).

- 2.6 Where it is not possible to comply with any of the above requirements in notifying the relevant persons or providing documents, the claimant shall provide the necessary explanation in the letter of claim.

### **3. Potential 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 The potential defendant must send an acknowledgement letter (Form 2) 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 If the potential defendant wishes to arrange for the claimant to undergo a medical examination by his own medical expert, he shall state so in the acknowledgement of receipt. Within **14 days** of the acknowledgement of receipt, the potential defendant must 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.
- 3.4 For personal injury matters arising out of motor vehicle accidents, if the potential defendant wishes to inspect the vehicle, a request for inspection shall be included in the acknowledgement of receipt.

- 3.5 If the claimant does not receive a reply within the requisite 14 days stipulated in paragraph 3.2, he may commence proceedings without any sanction by the court.
- 3.6 If the potential defendant replies to the claimant with only an acknowledgement, the potential defendant must within **6 weeks** from the date of receipt of the letter of claim, reply to the claimant substantively.
- (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 shall be provided.
  - (b) The reply shall state the potential defendant's position on the claim on both liability and quantum, for example, 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 2.4. If the 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.
- 3.7 If the claimant does not receive the potential defendant's substantive reply to his letter of claim within the requisite 6 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 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 **6**

**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, paragraph 2 above applies *mutatis mutandis*.
- 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, paragraph 2 applies *mutatis mutandis*. 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.
- 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 as the case may be.



**6. Fourth parties**

- 6.1 Paragraph 5 shall with the necessary changes apply 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 Any party who receives a medical report from his medical expert must within **7 days** of the receipt send a copy of the report to all other parties or potential parties. For the avoidance of doubts, these are medical reports which the parties intend to rely on for the purpose of litigation.

**8. Other information and documents**

- 8.1 Any party who subsequently receives any information or document(s) that was previously unknown or unavailable, must within **7 days** of the receipt, provide all other parties or potential parties with the information or document(s).

**9. Negotiation**

- 9.1 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 6 weeks** from the date of receipt of the letter of claim, save where paragraphs 3.5 and 9.2 applies, the claimant may commence legal action after:

- (a) Giving 2 clear days' notice (see Form 3) **by fax or e-mail** to the potential defendant, where the potential defendant is an insurer; or
- (b) Giving 7 clear days' notice (see Form 3) by certificate of posting to the potential defendant, where the potential defendant is not an insurer.

- 9.2 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.

## **10. Interim payment**

- 10.1 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 should state in his letter:

- (a) the amount he is seeking as interim payment; or
- (b) where the interim payment is sought specifically for anticipated expenses such as surgery or a course of physiotherapy, an estimate of the expenditure to be incurred.

The claimant shall provide any supporting documents which have not already been furnished to the potential defendant.

- 10.2 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.
- 10.3 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.
- 10.4 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).

## **11. Costs Guidelines**

- 11.1 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.
- 11.2 Where parties have settled both liability and quantum after commencing an action and where the sum settled or awarded (where the plaintiff succeeds) or sum claimed (where the plaintiff fails)(excluding interest if any) is less than \$20,000, the court will, in general award costs based on the guidelines below:

<b>Stage of proceedings</b>	<b>Costs to be allowed</b>
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 <sup>st</sup> 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

The range of costs shown in the table above is exclusive of disbursements.

## **12. Exceptions**

- 12.1 The Court will not impose sanctions on the claimant where there are good reasons for non-compliance with this protocol. Such reasons include for example, attempt(s) made to resolve the claim through the Singapore Mediation Centre, the Law Society of Singapore Arbitration Scheme.
- 12.2. The protocol prescribes that a potential defendant be given 6 weeks to investigate and respond to a claim before proceedings are issued. This may not always be possible where a claimant only consults his lawyer close to the end of

any relevant limitation period. In these circumstances, the claimant shall give as much notice of the intention to issue 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 steps in this protocol are followed.

**13. Early agreement on liability**

- 13.1 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. 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.

**14. Pre-action protocol checklist wherever litigation is necessary**

- 14.1 Where litigation is to commence, the claimant is to file, together with his writ of summons, a Pre-Action Protocol Checklist (Form 4) duly completed. This paragraph applies mutatis mutandis to counterclaims and claims against third, fourth and subsequent parties.

**Sample Letter of Claim to Potential Defendant**

To: [Defendant's Name]  
[Address]

Dear Sir

[Claimant's full name]  
[Claimant's address]

We are instructed by the abovenamed 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 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].]*

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. If you or your insurer wish to have our client examined by your own medical expert, this should be stated in your acknowledgement of receipt. Please also advise within 14 days of the acknowledgement of receipt, where and when the examination of our client is to take place so that we may arrange for him to attend.

*[The plaintiff plans to depart from Singapore by [ ] as his work permit would be expiring or being cancelled.]*

Should you fail to acknowledge receipt of this letter within 14 days, our client can 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 6 weeks of your receipt of this letter.

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.)

**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.*

*or*



*On a without prejudice basis, we offer to settle your/your client's claim on the following terms:*

*[Set out the offer]*

*[In the meantime, we would like to arrange for you/your client to be examined by our own medical expert. We will advise you of the date, time and venue of the medical examination within 14 days from the date of this letter.]*

[To state if a third party is being brought into the proceedings.]

Yours faithfully

cc [Other defendants and their insurers]

**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 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 6 weeks of your acknowledgment of receipt.

We hereby give you [seven clear days' / two 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]

**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. 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):

*Motor vehicle accident cases*

- ☐ GIA reports and type-written transcripts of all persons involved in the accident, including a sketch plan
- ☐ Police Reports
- ☐ Police sketch plan and if unavailable, the claimant'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

- ☐ 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 claimant'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
- ☐ 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 claimant's sketch of the accident
- ☐ Original, coloured copies or scanned photographs of the accident scene
- ☐ 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:*

7 Did the accident involve a chain collision or more than 2 vehicles?

Ans. Yes/No.

8 Has the defendant indicated that he intends to bring in a third party?

Ans. Yes/No.

9 If yes, has the third party indicated that he intends to bring in a fourth party?

Ans. Yes/No.

10 Were there any other parties involved in the accident?

Ans. Yes/No.

If yes, please provide details.

---

## APPENDIX G

### BENCHMARK RATES FOR COSTS OF RENTAL AND LOSS OF USE

TYPE	BENCHMARK RATES		FACTORS TO BE CONSIDERED
	RENTAL (Per day) \$	LOSS OF USE (Per day) \$	
<b><u>PRIVATE CARS</u></b>			
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	
<b><u>MOTOR CYCLES</u></b>			
Under 1400 cc	-	20-30	
Above 1400 cc	-	30-40	
<b><u>TAXIS</u></b>			
Normal Taxis	Included	110-120	* Inclusive of drivers income. If income tax returns show more than \$60 per day, rates can be increased.
London/Mercedes Cab	Included	150-170	* Inclusive of drivers income. If income tax returns show more than \$60 per day, rates can be increased.
<b><u>COMMERCIAL OPERATORS</u></b>			
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	
<b><u>TIB BUSES</u></b>			
Bendy Bus	-	325-350	Official rates are usually higher but these rates are generally accepted.
Single deck (air con)	-	250-275	
Bus Plus	-	150	
<b><u>SBS BUSES</u></b>			
Single deck (air con)	-	250	Rates may change from year to year
Single deck (non air con)	-	200	

Double deck (non air con)	-	170	depending on earnings of the company.
Double deck (air con)	-	200-350	

**APPENDIX H**  
**SAMPLE BILLS OF COSTS**

Sample A

**Sample bill of costs for contentious business – trials**

**IN THE SUBORDINATE 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. (1<sup>st</sup> plaintiff): 67890 (20%)  
2<sup>nd</sup> 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

<b>Section 1: Work done other than for taxation</b>
---



<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The claim</b>		
1.1	Nature of claim	Breach of contract, restraint of trade, breach of confidentiality.	
<b>2.</b>	<b>Pleadings</b>		
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"> <li>• \$200,000 damages plus interest</li> <li>• Permanent injunction</li> </ul> Defendant's counterclaim: <ul style="list-style-type: none"> <li>• \$150,000 damages plus interest</li> <li>• Declaration</li> </ul>	
2.5	Affidavits deemed or ordered to stand as pleadings	Not applicable	
<b>3.</b>	<b>Interlocutory attendances</b>		

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
3.1	Interlocutory applications - costs fixed by court	<p>(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.</p> <p>(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.</p>	<p>20 F&amp;BPs requested and 15 successful. Hearing before Deputy Registrar for 1 hour on [date].</p> <p>Hearing before Deputy Registrar for 1 hour on [date].</p>
3.2	Interlocutory applications – costs not fixed by court	<p>(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.</p> <p>(2) SIC 456/05: Plaintiffs' summons for directions on discovery, exchange of affidavits of evidence in chief ("AEIC") and setting down. Orders made.</p>	<p>Hearing before District Judge ABC from 5.15 to 6.30 p.m. on [date].</p> <p>Heard together with PTC on [date].</p>
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.	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>4.</b>	<b>Discovery</b>		
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 <sup>st</sup> day of trial.
4.2	Total number of documents disclosed	Plaintiffs: 55 documents, 800 pages Defendant: 40 documents, 300 pages	Overlap of 234 pages.
<b>5.</b>	<b>Trial</b>		
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 <sup>st</sup> day and dispensed with 2 witnesses.
5.3	Part heard	2 week break after 2 <sup>nd</sup> day.	
5.4	Affidavits of evidence in chief – text and exhibits	Plaintiffs: 3 affidavits <ul style="list-style-type: none"> <li>• 50 pages of text</li> <li>• 30 exhibits running to 500 pages</li> </ul> Defendant: 2 affidavits <ul style="list-style-type: none"> <li>• 40 pages of text</li> <li>• No exhibits, affidavits cross-referenced to agreed bundle of documents; 20 documents referred to in the affidavits.</li> </ul>	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.

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
5.6	Witnesses at trial	<p>Plaintiffs: 3 (2 of fact; 1 expert)</p> <p>Defendant: 3 (2 of fact; 1 expert)</p>	<p>2 of the Plaintiffs' witnesses only spoke Russian. Plaintiffs' expert not cross-examined.</p> <p>1 of the defendant's witnesses gave oral evidence.</p>
5.7	Closing submissions and authorities cited	<p>Plaintiffs: 40 pages and 10 cases</p> <p>Defendant: 30 pages and 6 cases</p>	
5.8	Submissions in reply and authorities cited	<p>Plaintiffs: 10 pages and 2 cases</p> <p>Defendant: 6 pages and 5 cases</p>	
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.	
<b>6.</b>	<b>Complexity of case</b>		
6.1	Legal issues	<p>(1) Whether acceptance of an offer in an email forms a binding contract in the absence of a formal contract.</p> <p>(2) ...</p>	
6.2	Factual issues	<p>(1) Whether the defendant sent the email that forms the basis of a binding contract between the parties;</p> <p>(2) ...</p>	
6.3	Complexity	<ul style="list-style-type: none"> <li>• Novel point of law involving... [summary of the points];</li> <li>• Consideration of multiple alternative defences;</li> <li>• Major factual disputes in respect of definition of confidential information.</li> </ul>	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
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.	
<b>7.</b>	<b>Urgency and importance to client</b>		
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.	
<b>8.</b>	<b>Time and labour expended</b>		
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 <sup>nd</sup> and 3 <sup>rd</sup> day of trial.	
8.4	Time spent	100 hours	
8.5	Others	Not applicable.	
<b>9.</b>	<b>Counsel and solicitors involved</b>		

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
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.	
<b>10.</b>	<b>Costs claimed</b>		
10.1	Amount claimed	<p><b>Work done on or before 1<sup>st</sup> January 2003: \$ <i>a</i></b></p> <p><b>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>b</i></b></p> <p><b>Work done on or after 1 January 2004: \$ <i>c</i></b></p> <p>Percentage of input tax for which the 1<sup>st</sup> Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1<sup>st</sup> Plaintiff is not entitled credit in respect of –</p> <p>Work done on or before 1<sup>st</sup> January 2003: \$ <i>d</i></p> <p>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>e</i></p> <p>Work done on or after 1 January 2004: \$ <i>f</i></p> <p>Percentage of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled credit in respect of –</p> <p>Work done on or before 1<sup>st</sup> January 2003: \$ <i>g</i></p> <p>Work done on or after 1 January 2003</p>	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
		<p>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>	
<b>Section 2: Work done for taxation</b>			
<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>\$ <i>p</i></p> <p>Percentage of input tax for which the 1<sup>st</sup> Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1<sup>st</sup> Plaintiff is not entitled credit : \$ <i>q</i></p> <p>Percentage of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled credit : \$ <i>r</i></p> <p>GST for work done: \$ <i>s</i></p>	

Section 3: Disbursements			
No.	Date	Description and amount claimed	Remarks
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.]	
17.	-	<b>Total amount claimed for disbursements on which GST is not chargeable: \$ t</b>  <b>Total amount claimed for disbursements on which GST is chargeable: \$ u</b>  Percentage of input tax for which the 1 <sup>st</sup> Plaintiff is not entitled to credit: 20%.  Amount of input tax for which the 1 <sup>st</sup> Plaintiff is not entitled credit: \$ v  Percentage of input tax for which the 2 <sup>nd</sup> Plaintiff is not entitled to credit: 100%.  Amount of input tax for which the 2 <sup>nd</sup> Plaintiff is not entitled credit: \$ w  GST claimed for disbursements on which GST is chargeable: \$ x	



Summary			
		<p><b>Total claimed for bill:</b></p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1:</p> <p>130 Work done on or before 1<sup>st</sup> 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>GST for work done or before 1 January 2003: \$ <i>j</i></p> <p>GST for work done on or after 1 January 2003 and before 1 January 2004: \$ <i>k</i></p> <p>GST for work done on or after 2004: \$ <i>l</i></p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: \$ <i>p</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): \$ <i>t</i></p> <p>Section 3 (Disbursements on which GST is chargeable): \$ <i>u</i></p> <p>GST on Section 3 (Disbursements on which GST is chargeable): \$ <i>x</i></p>	

Dated this                      day of                      20                      .

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

To:

Sample B

**Sample bill of costs for contentious business other than trials**

**IN THE SUBORDINATE 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.

<b>Section 1: Work done other than for taxation</b>
---

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The claim</b>		
1.1	Nature of claim	For injunction under section 32(10) of the Building Maintenance and Strata Management Act 2004.	
<b>2.</b>	<b>Application / Proceedings</b>		
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.	
<b>3.</b>	<b>Interlocutory attendances</b>		
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.	
<b>4.</b>	<b>Hearing</b>		
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 ages including 6 exhibits).	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
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.	
<b>5.</b>	<b>Complexity of case</b>		
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.	
<b>6.</b>	<b>Urgency and importance to client</b>		
6.1	Urgency	Breach is continuing.	
6.2	Importance to client	To deter other subsidiary proprietors against breach of bye-laws.	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
6.3	Amount involved	Not applicable.	
<b>7.</b>	<b>Time and labour expended</b>		
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.	
<b>8.</b>	<b>Counsel and solicitors involved</b>		
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.	
<b>9.</b>	<b>Costs claimed</b>		
9.1	Amount claimed	[Please refer to the sample used for trials and modify as appropriate.]	
<b>Section 2: Work done for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>

No.	Item	Description	Remarks
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.]	
<b>Section 3: Disbursements</b>			
No.	Date	Description and amount claimed	Remarks
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	<b>Total amount claimed for disbursements on which GST is not chargeable: \$ aaa.</b>  <b>Total amount claimed for disbursements on which GST is chargeable: \$ bbb</b>  [Please refer to the sample used for trials and modify as appropriate.]	
<b>Summary</b>			
		<b>Total claimed for bill:</b> [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 SUBORDINATE 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			
No.	Item	Description	Remarks
<b>1.</b>	<b>The work done</b>		
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.	
<b>2.</b>	<b>Complexity of matter</b>		
2.1	Legal issues	Whether client can sue XYZ on the agreement.	



<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
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.	
<b>3.</b>	<b>Time and labour expended</b>		
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.	
<b>4.</b>	<b>Counsel and solicitors involved</b>		

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
4.1	Solicitor	Mr GHI, 18 years standing	
<b>5.</b>	<b>Costs claimed</b>		
5.1	Amount claimed	\$ _____ [Please refer to the sample used for trials and modify as appropriate.]	
<b>Section 2: Work done for taxation</b>			
<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.]	
<b>Section 3: Disbursements</b>			
<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.]	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
10.	-	<b>Total amount claimed: \$ ____</b> [Please refer to the sample used for trials and modify as appropriate.]	
<b>Summary</b>			
		<b>Total claimed for bill:</b> [Please refer to the sample used for trials and modify as appropriate.]	

Dated this                      day of                      20                      .

*[Applicant].*

To:

**APPENDIX I**

**REGISTRAR'S CIRCULARS ISSUED**

**AND IN FORCE**

*[Deleted]*

## **APPENDIX J**

### **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 44 of Appendix B 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 K

### SAMPLE DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

Divorce No. 9999 of 2007

Between

ABC ... Plaintiff

And

DEF ... Defendant

- 1 The Plaintiff/~~Defendant/Other Party (to specify)~~\* asserts that (to the best of his/~~her~~ knowledge, information and belief), the net value of the matrimonial assets<sup>#</sup> is:

- ☒ below \$1.5 million  
☐ \$1.5 million or above

The Plaintiff/~~Defendant/Other Party (to specify)~~\* is aware that the appropriate cost penalties may be imposed should the High Court find the asserted net value to be unjustified.

- 2 The detailed breakdown of the matrimonial assets is as follows:

Assets asserted to be matrimonial assets	Please specify each asset	Current gross value of each asset
	1. Matrimonial Home at 22 Cross Road, Singapore	\$1,000,000
	2. Apartment at 33, Hay Street, #01-01, Singapore	\$400,000
	3. Family Car SAA 1234B	\$60,000
	4. Joint Bank Account at XYZ Bank, account no. 12345	\$80,000
	5. Defendant's Bank Account, particulars unknown	\$300,000
	Total:	\$1,840,000
Outstanding liabilities due to third parties which should be deducted from value of matrimonial assets	Please specify each liability	Amount for each liability
	1. Outstanding Mortgage Loan for 22 Cross Road, Singapore	\$700,000
	2. Outstanding Renovation Loan for 33 Hay Street, #01-01, Singapore	\$60,000
	3. Outstanding Car Loan for SAA 1234B	\$30,000
	4. Overdraft of Plaintiff with ABC Bank, account no. 6789	\$50,000
	Total:	\$840,000

<sup>#</sup> "Net value of the matrimonial assets" means the total value of the assets, less any outstanding liabilities which are due to third parties. Such liabilities which are due to third parties may include, but are not limited to, outstanding housing and/or mortgage loans, and renovation loans.

**Net Value of the Matrimonial Assets: \$1,000,000** [total gross value of \$1,840,000 less total liabilities of \$840,000]

- 3 The Plaintiff/~~Defendant/Other Party (to specify)\*~~ has/~~has not~~\* completed filing the affidavits, reports, interlocutory applications and all other documents necessary for the hearing of the contested ancillary matters.
- 4 There ~~is~~/is no\* pending interlocutory application\* in the ancillary matters proceedings. There is/is no\* pending appeal from an interlocutory application in the ancillary matters proceedings.

(signed) \_\_\_\_\_

Signature of Plaintiff/Solicitors for the Plaintiff/

~~Defendant/Solicitors for the Defendant/~~

~~Other Party/Solicitors for the Other Party (to specify)\*~~

Name of ~~party making declaration~~/Solicitors' firm: M/S PQR

NRIC Number ~~\*(for parties who are acting in person only):~~

Date: 01/01/2008

\* Delete where inapplicable



## APPENDIX L

### SAMPLE STATEMENT OF CLAIM FOR FIXED SUM CLAIMS OF \$20,000 OR BELOW UNDER THE EXPEDITED WRIT TRACK

#### Statement of Claim

1. The Plaintiff claims \$ \_\_\_\_\_ as a fixed sum due and payable (*or if applicable, the balance sum due and payable*) by the Defendant.
2. This fixed sum arose from: (*select accordingly*)
  - a. For (*describe the goods sold or services rendered*) pursuant to an invoice no. \_\_\_\_\_ dated \_\_\_\_\_ for \$ \_\_\_\_\_.
  - b. A dishonoured cheque issued by the Defendant for \$ \_\_\_\_ (*state cheque particulars i.e. bank, cheque number, date issued, date presented, the reason for cheque dishonour*).
  - c. For salary/wages/commission outstanding under a contract made on (*date*).
  - d. A consumer credit loan drawn on a ( *state whether credit card/overdraft facility/ hire purchase/credit purchase agreement or such other facility*) comprising
    - (i) Principal loan amount \$ \_\_\_\_\_
    - (ii) Contractual interest \$ \_\_\_\_\_
    - (ii) Late payment/Administrative charges \$ \_\_\_\_\_(*or late payment interest at \_\_\_\_ % per month*)
  - e. A friendly loan given to the Defendant on (*date*).

f. A settlement/compromise agreement by the Defendant dated \_\_\_\_.

g. A security deposit given to the Defendant on (*date*).

h. (*Or such other brief description of the fixed sum*).

3. The Defendant has failed to make payment of the sum of \$\_\_\_\_\_.

4. The Plaintiff prays for:

(a) (principal sum owed)

(b) Interest at [ ]\*% per annum on the principal sum from date of writ to date of judgment.

*(OR if interest is contractually agreed)*

Interest at the contractual rate of (insert) from date of writ to date of payment.)

*(OR for dishonoured cheque claims)*

Interest from date of presentment to date of judgment pursuant to Section 57 (a)(ii) Bills of Exchange Act (Cap. 23)

(c) Further late payment/administrative charges at (rate agreed).

(d) Costs (or if contractually agreed, costs on an indemnity basis).

*\* To insert rate as provided for under Paragraph 57 of these Directions.*

## **APPENDIX M**

### **DISCOVERY AND INSPECTION OF ELECTRONIC DOCUMENTS**

- Part 1. Agreed electronic discovery protocol
- Part 2. Protocol for inspection of computer databases and electronic media or recording devices
- Part 3. Reasonably usable formats

## APPENDIX M PART I

### 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 (Appendix M Part 2) 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.

## APPENDIX M 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*

- (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. 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.

- (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 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.

## APPENDIX M 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	ASCII or Unicode
Portable Document Format (PDF)	PDF 1.7 or ISO 32000-1:2008
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)	PDF 1.7 or ISO 32000-1:2008

### *Audio*

MPEG-1 Audio Layer 3 (MP3)	ISO/IEC 11172-3
Advanced Audio Coding (AAC)	ISO/IEC 14496-3:2001

### *Video*

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

### *Multimedia container formats*

Audio Video Interleave	
QuickTime File Format	
MPEG-4 Part 14	ISO/IEC 14496-14:2003