

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE  
PRACTICE DIRECTIONS  
AMENDMENT NO 8 OF 2013**

It is hereby notified for general information that, with effect from 30 September 2013, the Subordinate Courts Practice Directions will be amended —

- (a) by deleting each of the Paragraphs or Forms listed in the first column of the Schedule below and, where applicable, by replacing that Paragraph or Form (as the case may be) with the new Paragraph (or Paragraphs) or new Form that is specified opposite thereto in the second column of the Schedule; and
- (b) by inserting, immediately after the existing Paragraph 127, the new Paragraph 127A as specified in the second column of the Schedule.

2. These amendments to the Subordinate Courts Practice Directions relate to the implementation of the new integrated Electronic Litigation System (eLitigation) in the Civil Justice Division of the Subordinate Courts with effect from 30 September 2013.

**THE SCHEDULE**

<i>First column: Existing Paragraphs/Forms to be deleted</i>	<i>Second column: New Paragraphs/Forms to be inserted</i>
Paragraph 9	<a href="#"><u>New Paragraph 9</u></a>
Paragraph 10	<a href="#"><u>New Paragraph 10</u></a>
Paragraph 11	<a href="#"><u>New Paragraph 11</u></a>
Paragraph 13	<a href="#"><u>New Paragraph 13</u></a>
Paragraph 14	<a href="#"><u>New Paragraph 14</u></a>
Paragraph 15	<a href="#"><u>New Paragraph 15</u></a>
Paragraph 16	<a href="#"><u>New Paragraph 16</u></a>
Paragraph 17	<a href="#"><u>New Paragraph 17</u></a> <a href="#"><u>New Paragraph 17A</u></a>
Paragraph 18	<a href="#"><u>New Paragraph 18</u></a>
Paragraph 20	<a href="#"><u>New Paragraph 20</u></a>
Paragraph 25	<a href="#"><u>New Paragraph 25</u></a>
Paragraph 25A	<a href="#"><u>New Paragraph 25A</u></a>
Paragraph 25B	<a href="#"><u>New Paragraph 25B</u></a>
Paragraph 25C	<a href="#"><u>New Paragraph 25C</u></a>
Paragraph 25E	<a href="#"><u>New Paragraph 25E</u></a>

<i>First column: Existing Paragraphs/Forms to be deleted</i>	<i>Second column: New Paragraphs/Forms to be inserted</i>
Paragraph 25F	<a href="#"><u><i>New Paragraph 25F</i></u></a>
Paragraph 25G	<a href="#"><u><i>New Paragraph 25G</i></u></a>
Paragraph 27	<a href="#"><u><i>New Paragraph 27</i></u></a>
Paragraph 28	<a href="#"><u><i>New Paragraph 28</i></u></a>
Paragraph 29	<a href="#"><u><i>New Paragraph 29</i></u></a>
Paragraph 30	—
Paragraph 36	<a href="#"><u><i>New Paragraph 36</i></u></a>
Paragraph 37	<a href="#"><u><i>New Paragraph 37</i></u></a>
Paragraph 38	<a href="#"><u><i>New Paragraph 38</i></u></a>
Paragraph 48	<a href="#"><u><i>New Paragraph 48</i></u></a>
Paragraph 49	<a href="#"><u><i>New Paragraph 49</i></u></a>
Paragraph 50	<a href="#"><u><i>New Paragraph 50</i></u></a>
Paragraph 54	<a href="#"><u><i>New Paragraph 54</i></u></a>
Paragraph 56	<a href="#"><u><i>New Paragraph 56</i></u></a>
Paragraph 57	<a href="#"><u><i>New Paragraph 57</i></u></a>
Paragraph 58	<a href="#"><u><i>New Paragraph 58</i></u></a>
Paragraph 59	<a href="#"><u><i>New Paragraph 59</i></u></a>
Paragraph 60	<a href="#"><u><i>New Paragraph 60</i></u></a>
Paragraph 61	<a href="#"><u><i>New Paragraph 61</i></u></a>
Paragraph 62	—
Paragraph 63	<a href="#"><u><i>New Paragraph 63</i></u></a>
Paragraph 64	<a href="#"><u><i>New Paragraph 64</i></u></a>
Paragraph 65	—
Paragraph 66	<a href="#"><u><i>New Paragraph 66</i></u></a>
Paragraph 67	—
Paragraph 68	—
Paragraph 70	—
Paragraph 71	<a href="#"><u><i>New Paragraph 71</i></u></a>
Paragraph 72	—
Paragraph 73	—

<i>First column: Existing Paragraphs/Forms to be deleted</i>	<i>Second column: New Paragraphs/Forms to be inserted</i>
Paragraph 74	<a href="#"><u><i>New Paragraph 74</i></u></a>
Paragraph 75	<a href="#"><u><i>New Paragraph 75</i></u></a>
Paragraph 76	<a href="#"><u><i>New Paragraph 76</i></u></a>
Paragraph 77	<a href="#"><u><i>New Paragraph 77</i></u></a>
Paragraph 78	<a href="#"><u><i>New Paragraph 78</i></u></a>
Paragraph 79	<a href="#"><u><i>New Paragraph 79</i></u></a>
Paragraph 80	<a href="#"><u><i>New Paragraph 80</i></u></a>
Paragraph 117	<a href="#"><u><i>New Paragraph 117</i></u></a>
Paragraph 118	<a href="#"><u><i>New Paragraph 118</i></u></a>
Paragraph 119A	<a href="#"><u><i>New Paragraph 119A</i></u></a>
Paragraph 120	<a href="#"><u><i>New Paragraph 120</i></u></a>
Paragraph 121	<a href="#"><u><i>New Paragraph 121</i></u></a>
Paragraph 121A	<a href="#"><u><i>New Paragraph 121A</i></u></a>
Paragraph 122	<a href="#"><u><i>New Paragraph 122</i></u></a>
Paragraph 123	<a href="#"><u><i>New Paragraph 123</i></u></a>
Paragraph 124	<a href="#"><u><i>New Paragraph 124</i></u></a>
Paragraph 125	<a href="#"><u><i>New Paragraph 125</i></u></a>
—	<a href="#"><u><i>New Paragraph 127A</i></u></a> <i>(to be inserted immediately after the existing Paragraph 127)</i>
Paragraph 129	<a href="#"><u><i>New Paragraph 129</i></u></a>
Paragraph 130	<a href="#"><u><i>New Paragraph 130</i></u></a>
Paragraph 131	<a href="#"><u><i>New Paragraph 131</i></u></a>
Paragraph 132	<a href="#"><u><i>New Paragraph 132</i></u></a>
Paragraph 133	<a href="#"><u><i>New Paragraph 133</i></u></a>
Paragraph 136	<a href="#"><u><i>New Paragraph 136</i></u></a>
Paragraph 138A	<a href="#"><u><i>New Paragraph 138A</i></u></a>
Paragraph 139	<a href="#"><u><i>New Paragraph 139</i></u></a>
Paragraph 140	<a href="#"><u><i>New Paragraph 140</i></u></a>
Paragraph 142A	<a href="#"><u><i>New Paragraph 142A</i></u></a>

<i>First column: Existing Paragraphs/Forms to be deleted</i>	<i>Second column: New Paragraphs/Forms to be inserted</i>
Paragraph 144	<a href="#"><i><u>New Paragraph 144</u></i></a>
Paragraph 145	<a href="#"><i><u>New Paragraph 145</u></i></a>
Paragraph 147	<a href="#"><i><u>New Paragraph 147</u></i></a>
Paragraph 150	<a href="#"><i><u>New Paragraph 150</u></i></a>
Paragraph 153	—
Form 7 in Appendix B	—
Form 8 in Appendix B	—
Form 9G in Appendix B	<a href="#"><i><u>New Form 9G in Appendix B</u></i></a>
Form 9I in Appendix B	<a href="#"><i><u>New Form 9I in Appendix B</u></i></a>
Form 9J in Appendix B	<a href="#"><i><u>New Form 9J in Appendix B</u></i></a>
Form 9K in Appendix B	<a href="#"><i><u>New Form 9K in Appendix B</u></i></a>
Form 12 in Appendix B	—
Form 14 in Appendix B	<a href="#"><i><u>New Form 14 in Appendix B</u></i></a>
Form 17 in Appendix B	—
Form 41 in Appendix B	<a href="#"><i><u>New Form 41 in Appendix B</u></i></a>
Form 41A in Appendix B	<a href="#"><i><u>New Form 41A in Appendix B</u></i></a>
Form 56 in Appendix B	—

Dated this 2<sup>nd</sup> day of September 2013.



JENNIFER MARIE  
REGISTRAR  
SUBORDINATE COURTS

## **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 he were parties to the proceedings and the identification numbers of the party and the litigation representative must be stated below or after the name of each, as appropriate;
- (b) where parties are involved in any proceedings as the personal representatives of the estate of a deceased person, 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 the identification numbers shall be stated in any convenient order.

(6) **Identification numbers**

When entering the identification number in the Electronic Filing Service, the full identification number should be entered, including any letters or characters that appear in, at the beginning of, or at the end of the number. Descriptive text which is required to be entered into the actual document, such as “Japanese Identification Card No.”, should not be entered into the electronic form.

(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). The 7 digit number as well as the letters at the front and end should be stated. For example: “(NRIC No. S1234567A)”.

(b) **Natural person with FIN number**

For a natural person, whether a Singapore citizen or permanent resident or not, who has not been issued with an identity card under the National Registration Act, but has been assigned a FIN number under the Immigration Regulations (Cap. 133, Rg 1), the identification number shall be the FIN number. The number should be preceded by the prefix “FIN No.”

(c) **Natural person: birth certificate or passport number**

For a natural person, whether a Singapore citizen or permanent resident or not, who has not been issued with an identity card under the National Registration Act or assigned a FIN number, the identification number shall be the birth certificate or passport number. The number should be preceded by either of the following, as appropriate, “(Issuing country) BC No.” or “(Issuing country) PP No.”

(d) **Natural person: other numbers**

For a natural person who is not a Singapore citizen or permanent resident and has not been assigned a FIN number and does not have a birth certificate or passport number, the identification number shall be the number of any identification document he may possess. Both the number as well as some descriptive words which will enable the nature of the number given and the authority issuing the identification document to be ascertained, should be stated. For example: “Japanese Identification Card No.”

(e) **Deceased person**

For a deceased natural person, the identification number shall be as set out in subparagraph (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, R 1) or the equivalent foreign provisions, where the death is registered abroad. The number as well as the following words should be stated: “(Country or place of registration of death) Death Reg. No.”

(f) **Company registered under the Companies Act**

For a company registered under the Companies Act (Cap. 50), the identification number shall be the Unique Entity Number (UEN).

(g) **Company registered outside Singapore**

For a company registered outside Singapore which is not registered under the Companies Act, the identification number shall be the registration number of the company in the country of registration.

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

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

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

For a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), the identification number shall be the UEN.

(j) **Other bodies and associations**

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

(k) **No identification numbers exist**

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

(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, the party may indicate “(ID Not Known)” at the time of filing. However, when the necessary identification numbers have been obtained, the party must furnish the necessary identification numbers to the Civil Registry through the Electronic Filing Service.

(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 Civil 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 in 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 filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, the documents for service should be presented at the counter designated for this purpose. A process server will then be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.
- (5) On the appointed date, the person accompanying the process server should call at the Civil Registry. The amount required for the transport charges of the process server (a record of which will be kept) should be tendered, or, alternatively, the process server in question should be informed that transport for him will be provided. The Civil Registry will then instruct the process server to effect service.
- (6) Under no circumstances should any payment be made directly to the process server.

## **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.
- (3) For the avoidance of doubt, posting on the Notice Board of the Registry of the Subordinate Courts will no longer be available as a proposed mode of substituted service.

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

#### *General requirements for amendment of any document*

- (1) Except as otherwise provided by the provisions of this Paragraph, where any document (inclusive of any pleading) that has been filed in any proceedings is required to be amended and re-filed in Court, a fresh copy of the document with the amendments included must be prepared, regardless of the number and length of the amendments sought to be made.
- (2) The procedure for amending a document is as follows:
  - (a) A fresh amended copy of the document should be produced.
  - (b) The number of times the document has been amended shall be indicated in parentheses after the name of the document. For this purpose, an amended document should be entitled “[document name] (Amendment No. 1)” or “[document name] (Amendment No. 2)”, or as appropriate. For example, a Statement of Claim which is amended for the first time should be filed as “Statement of Claim (Amendment No. 1)”, and a Defence that is amended for the second time should be filed as “Defence (Amendment No. 2)”.
  - (c) The changes made in the document from the latest version of the document filed in Court should be indicated in the following way:
    - (i) deletions shall be made by drawing a single line across the words to be deleted; and
    - (ii) insertions shall be underlined.
- (3) For the avoidance of doubt, the directions in sub-paragraphs (1) and (2) above apply also 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 Practice Directions (save for those orders of Court to which Paragraph 84A of these Practice Directions applies).
- (4) **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.

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

From the *third* round of amendments onwards, the amended specified document should comprise two versions of the document, i.e. —

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

(6) Only one amended document consisting of these two versions is required to be filed.

*Cases to which the requirements in sub-paragraphs (1) and (2) do not apply*

(7) The directions in sub-paragraph (2)(b) above shall not apply to any originating summons or summons that has been amended from an *inter partes* application to an *ex parte* application or *vice versa*.

(8) The directions in sub-paragraphs (2)(c) above shall not apply to any originating process, summons or other electronic form that is composed online through the Electronic Filing Service.

(9) **Amendment endorsements on electronic forms**

Order 20, Rule 10(2) of the Rules of Court requires that an amended pleading or other document be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date thereof, and if no such order was made, the number of the Rule in Order 20 of the Rules of Court in pursuance of which the amendment was made.

(10) Where electronic forms are amended, the amendment endorsement shall take either one of the following forms:

- (a) “By order of court made on [date order was made]”; or
- (b) “Pursuant to Order 20, Rule [cite specific rule number]”.

(11) The amendment endorsement shall be appended to the title of the electronic form, after the amendment number as required under sub-paragraph (2)(b) above. Where an electronic form is amended more than once, the endorsement need only cite the basis for the most recent amendment. For example —

- (a) “Originating Summons (Amendment No. 3, by order of court made on 1 January 2013)”;
- (b) “Writ of Summons (Amendment No. 1, pursuant to O. 20, r 3)”.

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

**(13) 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 Electronic Filing Service. In addition to the usual endorsement signed by the solicitors pursuant to Paragraph 14 of these Practice 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) Amendment of case title to add a party**

Where leave of Court has been obtained to add a party to the main case title of a matter, for example, an intervener, a garnishee or any party that was previously a non-party, the applicant or his solicitor is to file a Request through the Electronic Filing Service to add that specific party to the main case title.

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

- (1) 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 the renewal of, amendments to, and authorisation for service of, the document in question. Such endorsements on originating processes and other documents do not require the Registrar's signature. This is because such endorsements are pursuant to either an order of Court or the Rules of Court. The Registrar should therefore not be asked to sign such endorsements.
- (3) For documents that are filed through the Electronic Filing Service as electronic forms composed online, the following requirements apply:
  - (a) Solicitors should select the appropriate endorsement and check the accuracy of the electronic form in the preview stage before filing the originating process or other document. The acceptance by the Registry of electronic forms composed online does not affect the regularity of any endorsements on the document.
  - (b) Where endorsements can be made prior to the filing or issuance of a document, those endorsements shall be incorporated into the document before the document is filed or issued.
  - (c) Where endorsements must be made on a document which has already been filed or issued, a fresh copy of the document containing the relevant endorsements shall be prepared, and the document must be re-filed or re-issued, as the case may be. An example of this would be renewals of writs of summons.

## **15. Additional endorsements on cause papers**

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

## **16. Distribution of applications**

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



## **17. Summonses**

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

### **17A. Consolidated or transferred cases in civil proceedings**

Where leave of Court has been obtained to consolidate cases or transfer a case from the Supreme Court to the Subordinate Courts, the applicant or his solicitor must inform the Civil Registry of the order for consolidation or transfer by way of an appropriate Request through the Electronic Filing Service.

## **18. Summonses for Directions**

- (1) Order 25, Rule 1(1)(b), of the Rules of Court provides that directions may be given at the Summons For Direction (SFD) hearing for the just, expeditious and economical disposal of the case. At the SFD hearing, solicitors should be ready to consider Alternative Dispute Resolution (ADR) options, including mediation and arbitration, for the most effective resolution of the case. *The Court will refer cases for ADR during the SFD hearing, and/or make any other directions for the purpose of case management.*
- (2) The Deputy Registrar may recommend the appropriate mode of dispute resolution at the SFD hearing. To facilitate a considered decision on the ADR options, the ADR Form (Form 6A in Appendix B of these Practice Directions) must be read and completed by the solicitors for all parties and their clients when taking out or responding to an SFD application. A party who is not represented shall also complete the relevant sections of the ADR Form.
- (3) The parties shall file the ADR Form through the Electronic Filing Service not less than 3 working days before the SFD hearing under the document name “ADR Form”. No court fees will be charged for the filing of the ADR Form.
- (4) This requirement does not apply to —
  - (a) motor accident claims;
  - (b) personal injury claims other than claims in medical negligence; or
  - (c) any case which has gone through Court Dispute Resolution before the SFD is filed.
- (5) The solicitors for *all the parties* shall be present at the SFD hearing.

## **Presumption of ADR**

- (6) All cases shall be automatically referred by the Court for the most appropriate mode of ADR during the SFD hearing, unless any or all of the parties opt out of ADR. A party who wishes to opt out of ADR should indicate his/her decision in the ADR Form. Where the Judge is of the view that ADR is suitable, and the party/parties have opted out of ADR for unsatisfactory reasons, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:

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

- (7) The Deputy Registrar hearing the SFD may make recommendations to the parties for the matter to proceed for —
- (a) Mediation in the Primary Dispute Resolution Centre (PDRC) of the Subordinate Courts;
  - (b) Neutral Evaluation in the PDRC;
  - (c) Arbitration under the Law Society's Arbitration Scheme; or
  - (d) Mediation by private mediation service providers.

## **20. Adjournment or vacation of hearings other than trials**

- (1) Before parties write to the Court to request an adjournment or vacation of any hearing other than a trial, they should seek the consent of the other party or parties to the matter. Unilateral requests made without first seeking the consent or views of the other party or parties to the matter will not be entertained, except in the most exceptional circumstances.
- (2) The request should be made at least 2 working days before the hearing date, setting out the reasons for the request.
- (3) If the consent of all other parties to the matter is obtained, the request should state that all parties have consented to the request for the adjournment or vacation. However, this does not mean that the request will be granted as a matter of course. The Court will still evaluate the merits of the request before making its decision.
- (4) If the consent of one or more of the other parties is not obtained, the request should set out the reasons for the other parties' objections, or explain why the consent of one or more of the other parties cannot be obtained. Any relevant correspondence between the parties should also be annexed. The Court will then evaluate the contents of the request and the relevant correspondence before deciding whether the request should be allowed.

## **25. Overview of Alternative Dispute Resolution (ADR) for civil cases**

- (1) ADR should be considered at the earliest possible stage. Court-sponsored ADR services give the parties the opportunity to resolve their disputes faster and more cheaply compared to litigation. These services are collectively termed “Court Dispute Resolution” (CDR) and are provided by the Court for free. CDR sessions are convened under Order 34A of the Rules of Court, which empowers the Court to convene pre-trial conferences for the purpose of the “just, expeditious and economical disposal of the cause or matter”.
- (2) This Part of the Practice Directions focuses on ADR for *civil* disputes only.

### **Processes used for Court Dispute Resolution sessions**

- (3) CDR is provided by the Primary Dispute Resolution Centre in the Subordinate Courts (PDRC). There are 2 processes used:
  - (a) Mediation; and
  - (b) Neutral Evaluation.

Solicitors may refer to the Subordinate Courts’ website at <http://www.subcourts.gov.sg> under “Civil Justice Division, Court Dispute Resolution”, for more information on these processes.

- (4) CDR sessions are conducted on a “without prejudice” basis. All communications at CDR sessions, except terms of settlement or directions given for trial, are confidential pursuant to Order 34A, Rule 7 of the Rules of Court, and shall not be disclosed in any court document or at any court hearing.
- (5) If the parties are unable to resolve their dispute at the CDR session, the Judge will give the necessary directions for the action to proceed to trial. The action will be tried by another Judge other than the Judge conducting the CDR session.

### **Presumption of ADR for non-injury motor accident (NIMA) claims and personal injury claims**

- (6) All *non-injury motor accident claims and personal injury claims filed in court* will be fixed for CDR unless any party opts out of CDR.
- (7) The Court will send a notice to the solicitors fixing the date of the first CDR session approximately 8 weeks after the memorandum of appearance is filed. Where any or all of the parties wishes to opt out of CDR, he/she should write to PDRC *not less than 2 working days prior to the date of the CDR session*, providing reasons for opting out.
- (8) The Judge will use *the process of Neutral Evaluation* and *indicate the likely apportionment of liability of the parties at trial*. The parties may then negotiate using

the indication as a basis. The procedure and protocols set out in paragraphs 25B and 25C of these Practice Directions apply for these claims.

### **Presumption of ADR for all other cases**

- (9) In all other cases, the Court will fix a Pre-Trial Conference (PTC) approximately 6 months after the filing of the writ if a summons for directions has not been filed and the Defence has been filed. *These cases shall be automatically referred by the Court for the most appropriate mode of ADR during the PTC, unless the parties opt out of ADR.* The available ADR options are Mediation, Neutral Evaluation and Arbitration under the Law Society's Arbitration Scheme. The procedure for this referral is set out in paragraph 25A of these Practice Directions.

### **Request for CDR**

- (10) A Request for CDR *need not be filed for NIMA and personal injury claims* as the parties would automatically be notified to attend CDR. A Request for CDR need not be filed for all other cases as the Court will refer the cases for CDR during PTCs or at a summons for directions hearing. A Request for CDR may be filed *when the parties wish to attempt CDR at an earlier stage.* The "Request for CDR" must be filed via the Electronic Filing Service.

### **Request for adjournment of CDR session**

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

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

- (13) Where any party is absent without valid reason for the CDR session, the Court may exercise its powers under Order 34A, Rule 6 of the Rules of Court to "dismiss such action or proceedings or strike out the defence or counterclaim or enter judgment or make such order as it thinks fit".

- (14) Where any party is late for the CDR session, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:

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



**25A. Presumption of ADR: Pre-Trial Conference and Summons for Directions hearing to consider ADR options**

- (1) This paragraph applies to all civil claims except motor accident and personal injury claims that —
  - (a) are filed on or after 28 May 2012; or
  - (b) have been filed before 28 May 2012, but in respect of which a summons for directions application is heard on or after 28 May 2012.
- (2) To encourage the use of Alternative Dispute Resolution (ADR) at an early stage, the Court will convene a Pre-Trial Conference (PTC) approximately 6 months after the writ is filed for every case where —
  - (a) the Defence has been filed; and
  - (b) no Summons for Directions (SFD) has been taken out for the case,  
except that the parties will not be asked to attend a PTC in the event that they have earlier filed an SFD application.
- (3) Parties may file an SFD application prior to the PTC, and Paragraph 18 of these Practice Directions applies accordingly.
- (4) The solicitors for *all the parties* shall be present at the PTC.
- (5) The Judge hearing the PTC may recommend the appropriate mode of dispute resolution. To facilitate a considered decision on the ADR options, the ADR Form (Form 6A in Appendix B to these Practice Directions) *must be read and completed by the solicitors for all parties and their clients*. A party who is not represented shall also complete the relevant sections of the ADR Form.
- (6) The parties shall file the ADR Form through the Electronic Filing Service not less than 3 working days before the PTC under the document name “ADR Form”. No court fees will be charged for the filing of the ADR Form.
- (7) Cases are classified under one of the 2 tracks set out in the ADR Form: the Recommended ADR Track or the General Track. Cases falling under the Recommended ADR track are generally lower value claims which benefit most from a faster and quicker resolution through ADR.
- (8) All cases *shall be automatically referred by the Court for the most appropriate mode of ADR during the PTC unless any or all of the parties opt out of ADR*. Any party who wishes to opt out should indicate his/her decision in the ADR Form. For cases falling under the Recommended ADR track, a party may opt out only for the stipulated or other good reasons.

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

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

- (10) The following ADR options are available for the parties:
- (a) Mediation in the Primary Dispute Resolution Centre (PDRC) of the Subordinate Courts;
  - (b) Neutral Evaluation in the PDRC;
  - (c) Arbitration under the Law Society's Arbitration Scheme; or
  - (d) Mediation by private mediation service providers.

## **25B. Non-injury Motor Accident (NIMA) Claims**

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

- (a) For NIMA claims where the quantum of damages claimed, before apportionment of liability and excluding survey fees, interests, costs and disbursements, is below \$3,000 (“NIMA claims below \$3,000”), claimants are to comply with the FIDReC pre-action protocol at Annex A in Appendix F of these Practice Directions before commencing court proceedings. The claims will be managed by FIDReC in accordance with FIDReC's Terms of Reference providing for mediation and adjudication of disputes. All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties from following the protocol as far as they are able.
- (b) Where the claimant has commenced an action in Court, the Court will consider compliance with the protocol in exercising its discretion as to costs. In particular, the Court will consider the following situations as non-compliance with the protocol by the claimant:
  - (i) commencement of Court proceedings before adjudication of the claim by FIDReC;
  - (ii) a finding by the Court that the quantum of damages before apportionment of liability is less than \$3,000 and the pleaded claim is for an amount exceeding \$3,000; and
  - (iii) the claimant has failed to obtain a judgment that is more favourable than the award of the FIDReC Adjudicator.
- (c) If non-compliance with the protocol has led to incurring unnecessary costs, the Court may make the following orders:
  - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he succeeds;
  - (ii) an order that the party at fault pay the other party or parties their costs of the proceedings, or part of those costs; and
  - (iii) an order that the party at fault pay those costs on an indemnity basis.
- (d) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and

- (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.
- (e) The Court will not impose sanctions on the claimant where there are good reasons for non-compliance.
- (f) Where the claimant has commenced Court proceedings before adjudication of the claim by FIDReC, the Court may stay the action under Order 34A of the Rules of Court to require the claimant to comply with the protocol.

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

- (a) For NIMA claims of \$3,000 and above, claimants are to comply with the NIMA pre-action protocol at Annex B in Appendix F of these Practice Directions before commencing court proceedings.
- (b) For NIMA claims below \$3,000, claimants are also to comply with the NIMA pre-action protocol before commencing court proceedings unless paragraphs 3 and 8 of the FIDReC pre-action protocol providing for discovery of documents and negotiation have already been complied with.
- (c) All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol so far as they are able.
- (d) The Court will consider compliance with the protocol in exercising its discretion as to costs. If non-compliance with the protocol has led to incurring unnecessary costs, the Court may make the following orders:
  - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he succeeds;
  - (ii) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and
  - (iii) an order that the party at fault pay those costs on an indemnity basis.
- (e) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
  - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

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

- (a) The Court will convene the first CDR session for all NIMA cases under Order 34A of the Rules of Court approximately 8 weeks after the filing of the memorandum of appearance. Parties may expect, generally, 3 sessions of CDR. If the matter is not settled at the third session, the Court may make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the action, including directions for trial.
- (b) Where the parties are of the view that a CDR session would not be fruitful, they shall write to the Primary Dispute Resolution Centre (PDRC), *not less than 2 working days prior to the date of the CDR*, providing reasons to opt out of CDR. Any request for adjournment shall be made *only* by filing a “Request for Refixing / Vacation of Hearing Dates” via the Electronic Filing Service and also submitted *not less than 2 working days* prior to the date of the CDR.
- (c) The Judge will provide an indication on liability during the CDR session. The solicitors for all parties should complete a “Liability Indication Form” (see Form 9A) and submit it to the Judge at the first CDR Session.
- (d) If the parties settle the issue of liability or quantum or both, they shall submit Form 9I to the Court to record the settlement terms or to enter a consent judgment.

**Directions made after entering consent interlocutory judgment**

- (e) Where the solicitors record a consent interlocutory judgment before the Court, they shall submit the “Form for Application for Directions under Order 37” (i.e. Form 9C). The Court shall give the necessary directions under Order 37 of the Rules of Court.

**Forms**

- (f) Soft copies of the “Liability Indication Form” (Form 9A), “Form for Application for Directions under Order 37” (Form 9C) and “Recording Settlement/Entering Judgment by Consent (Form 9I) may be downloaded at <http://www.subcourts.gov.sg> under “Civil Justice Division, Court Dispute Resolution”.

**Guidelines on CDR in Appendix C**

- (g) Solicitors shall comply with the relevant CDR guidelines in Appendix C of these Practice Directions when preparing for and attending CDR sessions for NIMA claims.

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

- (a) When parties attend at the Primary Dispute Resolution Centre before a 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 of these Practice Directions.
- (b) The Benchmark Rates are to serve as a starting point and adjustments may be made according to the circumstances of each case.

## 25C. Personal Injury Claims

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

(a) In this paragraph —

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

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

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

(b) Claimants in personal injury claims are to comply with the Pre-Action Protocol for Personal Injury Claims at Appendix FB to these Practice Directions before commencing court proceedings. All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol so far as they are able.

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

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

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

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

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

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

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

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

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

- (a) *For all personal injury claims*, the Court will convene the first CDR session under Order 34A of the Rules of Court approximately 8 weeks after the filing of the memorandum of appearance.
- (b) Where the parties are of the view that a CDR session would not be fruitful, they shall write to the Primary Dispute Resolution Centre, *not less than 2 working days prior to the date of the CDR session*, providing reasons to opt out of CDR. Any request for adjournment shall be made *only* by filing a “Request for Refixing / Vacation of Hearing Dates” via the Electronic Filing Service and also submitted *not less than 2 working days* prior to the date of the CDR.
- (c) During a CDR session, the Court may vary the automatic directions provided under Order 25, Rule 8 of the Rules of Court to facilitate settlement of the dispute, pursuant to its powers under O 34A, Rule 1(1) of the Rules of Court.

**Court Indications on Liability and Quantum**

- (d) In CDR sessions for personal injury claims, *except PIMA claims*, the Judge will provide indications on *both liability and quantum* of the claim. The solicitors for all the parties shall submit a “Quantum Indication Form” (see Form 9B) to the Judge at the first CDR session.
- (e) *For all PIMA claims*, the Judge will provide an indication on liability. The solicitors for all parties shall submit a “Liability Indication Form” (see Form 9A) to the Judge at the first CDR session. The solicitors may also seek an indication on quantum, in addition to an indication on liability. If so, they should obtain each other’s consent before the CDR session, and submit the Quantum Indication Form (i.e. Form 9B) to the Judge at the first CDR session.

**Recording of terms of settlement or judgment**

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

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

- (g) Where solicitors record a consent interlocutory judgment before the Court, they shall submit the “Form for Application for Directions under Order 37” (i.e. Form 9C). The Court shall give the necessary directions under Order 37 of the Rules of Court. Alternatively, pursuant to Paragraph 25E(3) of these Practice Directions, where solicitors wish to request for a fast track ADCDR session after recording an interlocutory judgment, they shall file Form 9G in place of Form 9C.



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

### **Forms**

- (j) 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), “Fast Track ADCDR Application Form” (Form 9G) and “Recording Settlement/Entering Judgment by Consent” (Form 9I) may be downloaded at <http://www.subcourts.gov.sg> under “Civil Justice Division, Court Dispute Resolution”.

### **Guidelines on CDR in Appendix C**

- (k) Solicitors shall comply with the relevant CDR guidelines in Appendix C to these Practice Directions when preparing for and attending CDR sessions for personal injury claims.

## **25E. Assessment of damages**

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

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

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

- (a) When an assessment of damages hearing date is given at a conference, the parties will be directed to do the following:
  - (i) to file and serve the Bundle(s) of Documents (whether agreed or otherwise) within 4 weeks from the date of the ADCDR/PADC;

- (ii) the Plaintiff shall, within 3 weeks prior to the date of the assessment of damages hearing, serve on the Defendant a draft Joint Opening Statement (referred to in 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 format to be used for the Joint Opening Statement shall be —
- (i) Joint Opening Statement Assessment of Damages for Personal Injury Claims (including dependency Claims);
  - (ii) Joint Opening Statement Assessment of Damages for Non-Injury Motor Accident Claims; and
  - (iii) Joint Opening Statement Assessment of Damages for General Claims excluding Personal Injury and Non-Injury Motor Accident Claims.
- (c) The Joint Opening Statement is to be filed via the Electronic Filing Service. The directions and forms shall be modified accordingly if there are more than 2 parties in the proceedings.

**(3) Fast Track ADCDR sessions**

- (a) The Court generally will only convene an ADCDR session after the Plaintiff has filed the notice of appointment for assessment of damages. Parties can however make an application for a fast track ADCDR session to be convened after interlocutory judgment has been entered and before affidavits of evidence-in-chief are exchanged if the following requirements are satisfied:
- (i) all medical reports of the Plaintiff required for a considered indication on quantum of damages are available to all the parties;
  - (ii) the Plaintiff has already attended medical re-examination by the Defendant's or Third Party's medical expert, or the Defendant or Third Party confirms that no medical re-examination of the Plaintiff is required;
  - (iii) no indication on quantum for loss of future earnings and/or loss of earning capacity is required; and
  - (iv) all parties consent to such an application being made.

- (b) An application for the fast track ADCDR session shall be made by filing, via the Electronic Filing Service, a “Request for Fast track ADCDR” in Form 9G in Appendix B of these Practice Directions in Portable Document Format (PDF).
- (c) Form 9G shall only be filed with the consent of all parties involved in the proceedings. When the Plaintiff or his solicitor writes to the Defendant or his solicitor and any other parties in the proceedings for his/their consent, and the Plaintiff does not receive any reply of his letter from any party within 14 days, the Defendant and/or the other parties shall be deemed to have consented for the matter to be referred to a fast track ADCDR session.

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

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

## **25F. Mediation**

### **Opening statements**

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

### **Attendance at mediation**

- (4) All parties shall attend the mediation in person.
- (5) The solicitor who has primary conduct over the case shall be present throughout the mediation.
- (6) In the case of corporations and other entities, the representative who has the authority to settle shall attend the mediation. In the event that only a board or body has authority to settle on behalf of the entity, the entity shall send the person who is the most knowledgeable about the case and who is able to recommend a settlement to the representative’s board or body.

### **Mediators**

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

### **Procedure at Mediation**

- (8) Information on the mediation process is set out at the Subordinate Courts’ website at <http://www.subcourts.gov.sg> under “Civil Justice Division, Court Dispute Resolution”. Unlike a trial, the primary aim of mediation is not to determine who is at fault in the dispute. The mediator’s role is to assist the parties in negotiating and agreeing on a possible settlement to their dispute. The parties will attend the mediation with their solicitors, and have the opportunity to communicate with each other as well as the mediator.
- (9) The procedure for mediation is more informal than a trial. The mediator will exercise his or her discretion in structuring the mediation, with a view to guiding the parties in arriving at a joint solution.

## **25G. Neutral Evaluation**

- (1) A brief form of Neutral Evaluation is used as a matter of practice in all motor accident and personal injury claims. The procedure for such CDR sessions is set out above in Paragraphs 25B and 25C, and Appendix C, of these Practice Directions.
- (2) The procedure in this paragraph applies only to civil cases other than motor accident cases or personal injury cases where parties have requested for Neutral Evaluation.

### **Procedure in Neutral Evaluation**

- (3) Information on the Neutral Evaluation process is set out at the Subordinate Courts' website at <http://www.subcourts.gov.sg> under "Civil Justice Division, Court Dispute Resolution". Neutral Evaluation involves the parties and their solicitors making presentations of their claims and defences, including the available evidence, followed by the PDRC Judge giving an assessment of the merits of the case. This process is also useful for helping parties to arrive at areas of agreement and to discuss methods of case management to save costs and time. The details of the structure and ambit of this process may be agreed between the parties at the preliminary conference referred to in sub-paragraph (4).

### **Preliminary conference with solicitors**

- (4) When parties request a Neutral Evaluation, the Court will convene a preliminary conference with the solicitors alone to discuss and agree on several options regarding the process before the date for Neutral Evaluation is fixed, i.e. —
  - (a) whether the Neutral Evaluation is to be binding or non-binding;
  - (b) whether the witnesses are to attend and be assessed by the court; and
  - (c) whether affidavits of evidence-in-chief of witnesses are to be filed and used for the neutral evaluation, without witnesses' attendance.
- (5) If the option referred to in sub-paragraph (4)(b) above is chosen, the Judge may use the "witness conferencing" approach to adduce expert evidence. Witness Conferencing involves the concurrent hearing of all expert witnesses in the presence of one another. Each party's expert witness would be afforded the opportunity to question, clarify or probe any contending views proffered by the other expert.

### **Opening Statements**

- (6) Each party must submit to PDRC, and serve on all other parties, a written opening statement not less than 2 working days before the date of the Neutral Evaluation. The opening statement shall be submitted in hard copy and not filed via the Electronic Filing Service.

- (7) The opening statement shall be in the format prescribed in Form 9K in Appendix B to these Practice Directions. A soft copy of this form may be downloaded at <http://www.subcourts.gov.sg> under “Civil Justice Division, Court Dispute Resolution”.
- (8) The opening statement shall be concise and not exceed 10 pages.

**Attendance at Neutral Evaluation**

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

## **27. Witnesses**

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

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

### **(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.



## 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.
  - (a) When filing affidavits for use during a hearing of an interlocutory application, the summons number of the interlocutory application must be provided in the Electronic Filing Service in addition to the case number of the suit or matter.
  - (b) Affidavits shall have a blank margin of not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and must be double-spaced.
  - (c) The textual portion of the affidavits, as opposed to the exhibits, must be white.
  - (d) At the top right hand corner of the first page of every affidavit there shall be typed or printed in a single line the following:
    - (i) the party on whose behalf the affidavit is filed;
    - (ii) the name of the deponent;
    - (iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent;
    - (iv) the date the affidavit is filed; and
    - (v) for affidavits filed in respect of proceedings under Section 59 and Part X of the Women's Charter (Cap. 353), the Administration of Muslim Law Act (Cap. 3), section 17A of the Supreme Court of Judicature Act (Cap. 322) or the Guardianship of Infants Act (Cap. 122):
      - (A) 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: 4th: 15.4.2013: AM hearing"; and  
"Defendant: Tan Ah Kow: 4th: 15.4.2013: SUM hearing: SUM no. 1234 of 2013"; and
      - (B) the document name that is selected in the Electronic Filing Service 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 top right hand corner of the page.
- (f) Sub-paragraph 1(d)(v) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353) 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 Electronic Filing Service.

- (a) **Form of affidavits generally**

- (i) Affidavits shall be on A4-ISO paper of durable quality with a blank margin not less than 35 mm wide on all 4 sides of the page.
- (ii) The paper used shall be white.
- (iii) Affidavits shall be produced by printing, lithography or typewriting, and in any case not by carbon copying. A document produced by a photographic or similar process giving a positive and permanent representation free from blemishes will be treated, to the extent that it contains a facsimile of matter produced by one of the above processes, as if it were so produced. Photographic copies which are not clearly legible will be rejected.
- (iv) Affidavits shall be printed or typed, double-spaced, on one side or both sides of the paper.

- (b) **Markings on affidavits**

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

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

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

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

In respect of proceedings under Section 59 and Part X of the Women's Charter (Cap. 353), the Administration of Muslim Law Act (Cap. 3), section 17A of the Supreme Court of Judicature Act (Cap. 322) or the Guardianship of Infants Act (Cap. 122), 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 filed;
- (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: 4th: 15.4.2013: AM hearing"; and
- (vi) if the affidavit is filed in respect of a summons hearing, the number of the said summons, where the number is available, for example, "Defendant: Tan Ah Kow: 4th: 15.4.2013: SUM hearing: SUM no. 1234 of 2013".

(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 top right hand corner of the page.

- (f) Sub-paragraph 2(c) is applicable to proceedings under Part X of the Women's Charter (Cap. 353) 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:

- (a) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be interleaved in appropriate places.
- (b) Every page of the exhibits, *including dividing sheets or separators between exhibits*, shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.
- (c) Each exhibit in the affidavit must be separately book-marked in the Portable Document Format document that is filed. For this purpose —
  - (i) the names of the book-marks should follow the initials of the deponent of the affidavit, e.g., "TAK-1", "TAK-2"; and
  - (ii) where a deponent deposes to more than one affidavit to which there are exhibits in any one action, cause or proceedings, the numbering of the exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit.

- (d) Where a deponent wishes to refer to documents already exhibited to some other deponent's affidavit, he must exhibit them to his own affidavit pursuant to Order 41 Rule 11 of the Rules of Court.

(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 the Electronic Filing Service.

- (a) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be interleaved in appropriate places.
- (b) All documentary exhibits in an affidavit shall be prefaced by a dividing sheet in a light colour other than white, marked, typed or stamped clearly with an exhibit mark as follows:

“This is the exhibit marked      *[letter of the alphabet or a number]* referred to in the affidavit of                      *[name of the deponent]* and sworn/affirmed before me this                      *[date on which the affidavit is sworn or affirmed]* .

Before me,

SGD

A Commissioner for Oaths”

- (c) When there are more than 10 different documentary exhibits in an affidavit, there shall be —
- (i) a table of contents of the documentary exhibits inserted before the first of such exhibits enumerating every exhibit in the affidavit in the manner of the example set out below:

<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 subparagraph (3)(b) above) shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.

(e) **Numbering**

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

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

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

(g) **Related documents**

Related documents (e.g., correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with subparagraph 3(d) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

### **36. Requesting a hearing date through the Electronic Filing Service**

- (1) When filing applications through the Electronic Filing Service, solicitors may make a request for a preferred hearing date for any interlocutory application to be heard before a Deputy Registrar.
- (2) Solicitors should confer with all parties to the application before selecting a preferred hearing date. Every counsel arguing the application should be available to attend the hearing on the date selected.
- (3) In the event that it is not possible to confer with opposing counsel on a preferred hearing date, whether due to the nature or urgency of the application or otherwise, solicitors must select a date when counsel arguing the application for the applicant will be available.
- (4) Solicitors are reminded to satisfy the requirements of subparagraph 17(6) of these Practice Directions.



### **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 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 or vacation of hearing dates and part-heard cases**

- (1) Where dates have been fixed for the trial of any cause or matter, any request for an adjournment or vacation of the trial dates shall be made to a Judge or Registrar by way of summons with a supporting affidavit even in those cases where counsel for the other party or parties consent to the adjournment.
- (2) Subject to any directions of the Judge or Registrar, when a case is adjourned, the Registrar will assign such days as are available for the hearing of the case, and counsel will be expected to take the dates at short notice. Where counsel is unable for any reason to take the dates, he shall apply to the Judge or Registrar for an adjournment in accordance with 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.

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

- (1) 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 must be filed in Court using the Electronic Filing Service.
- (2) In the event that it is not possible to file the documents in advance of the hearing, counsel may apply to the Judge or Registrar conducting the hearing for leave to use paper documents during the hearing. The paper documents may be printed on one side or both sides of each paper. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must give an undertaking to file using the Electronic Filing Service all the documents used at the hearing by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

#### **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 notice for setting down. The documents in the bundle should be included in the order in which these appear in Order 34, Rule 3 (1).

##### *Documents filed electronically*

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

*Documents not filed electronically*

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

## **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) of these Practice Directions 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 of these Practice Directions.
- (5) It is emphasised that payment of the court fees on such documents should be made before the documents are tendered to Court in compliance with Order 34, Rule 3A of the Rules of Court. The hardcopy of documents tendered to Court should show, on the front page, the amount of court fees paid on the document.
- (6) The electronic copy must tally in all respects with the hardcopy, as it will be uploaded into the case file by the Registry staff and will form part of the electronic case file. The importance of not submitting unnecessarily large electronic files is emphasised. To this end, parties are to adhere as far as possible to the guidelines set out on the Electronic Filing Service website (currently at [www.elitigation.sg](http://www.elitigation.sg)), or its equivalent as may be set up from time to time, on the resolution to be used when scanning documents into 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 and may be printed on one side or both sides of each page.
- (a) An index of contents of each bundle in the manner and form set out in Form 11 in Appendix B to these Practice Directions must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.
  - (b) Under Order 34, Rule 3A (3) of the Rules of Court it is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.
  - (c) The documents in the bundles should —
    - (i) be firmly secured together with plastic ring binding or plastic spine thermal binding, and such rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;
    - (ii) have flags to mark out documents to which repeated references will be made in the course of hearing, and such flags shall —
      - (A) bear the appropriate indicium by which the document is indicated in the index of contents; and
      - (B) be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another; and
    - (iii) be legible (for which purpose clear legible photo-copies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing).
  - (d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.
  - (e) Only documents which are relevant or necessary for the trial shall be included in the bundles. In cases where the Court is of the opinion that costs have been

wasted by the inclusion of unnecessary documents, the Court will have no hesitation in making a special order for costs against the relevant person.

- (f) A core bundle should (unless clearly unnecessary) also be provided containing the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should normally be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

#### *Bundle of authorities*

- (9) The bundle of authorities to be prepared by each party should:
  - (a) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;
  - (b) be properly bound with plastic ring binding or plastic spine thermal binding in accordance with the requirements set out in sub-paragraph (8)(c);
  - (c) be paginated consecutively at the top right hand corner of each page (for which purpose the pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle); and
  - (d) contain an index of the authorities in that bundle and be appropriately flagged for easy reference.
- (10) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.
- (11) The bundle of authorities shall be filed and served on all relevant parties at least 3 working days before trial.

#### *Opening statements*

- (12) A proper opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It enables the Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. Opening statements also help to clarify issues between the parties, so that unnecessary time is not spent on trying to prove what is not disputed or irrelevant.
  - (a) In the light of these objectives, opening statements will be required in all cases from all parties, except where dispensation has been granted by the trial Judge



and in running down actions. Statements submitted may be taken as read by the trial Judge.

- (b) The plaintiff's statement as provided for in sub-paragraph (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 sub-paragraph (13) above, the party who has failed to file or serve his documents within the prescribed time or at all or who seeks to tender a document or supplement thereto except for supplements to the opening statement may be ordered by the Court to bear the costs of the adjournment.

## 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) The Registrar's signature on a judgment or order is only for the purpose of validity and does not in any way affect the regularity or irregularity of the contents of any judgment or order.
- (c) Subject to sub-paragraph (d), parties in *inter partes* applications should proceed to engross a final copy of the draft judgment for signature by the Registrar *after* agreeing on the draft. Draft orders of Court for *ex parte* applications (except probate matters) may be submitted with the summons and the supporting affidavit when these are filed.
- (d) For draft orders in electronic form that are composed online through the Electronic Filing Service, the process for extracting judgments and orders shall be as follows:
  - (i) Parties have the option of filing a system-generated order of court through the Electronic Filing Service.
  - (ii) Before filing the system-generated order of court, the party extracting the order must review and edit the order of court electronic form to ensure that it accurately reflects the orders made by the Court and obtain the approval of all other parties to the application and provide evidence of such approval when filing the draft order of court, for example, a Portable Document Format (PDF) copy of a draft order of court signed by the solicitors of all parties to the application.
- (e) Where parties disagree over one or more terms of the order of court, the party filing the draft order of court shall be responsible for including in the order of court electronic form all versions of the disputed terms by editing the order of court electronic form. All relevant correspondence concerning the dispute must be provided when filing the draft order of court.
- (f) The Registry will seal and issue an engrossed order of court once its terms are approved.
- (g) Order 42, Rules 8(3) to (5) of the Rules of Court shall continue to apply.

## **56. Judgment in default of appearance or service of defence**

- (1) The previous practice of applying for search for appearance and obtaining a certificate of non-appearance before judgment in default of appearance is entered is discontinued.
- (2) In writs of summons proceedings where the writ is electronically filed, the procedure for applying for judgment in default of appearance or service of defence will be by way of filing a Request to enter judgment in Form 79A together with the judgment in Form 79 in Appendix A to the Rules of Court. Solicitors' attention is drawn to Order 13, Rule 7(1) and Order 19, Rule 8A of the Rules of Court.
- (3) For Requests to enter judgment electronic forms composed online through the Electronic Filing Service, a signed hard copy of the Request to enter judgment electronic form shall be retained by the solicitor concerned and produced to the Court when required by the Court to do so.
- (4) In order to satisfy itself that a defendant is in default of appearance or service of defence, the Court may require an affidavit to be filed stating the time and manner service of the Writ of Summons was effected on the defendant, as well as the steps taken to ascertain that the defendant had failed to enter an appearance or serve a defence, as the case may be.
- (5) For the avoidance of doubt, Requests for entry of default judgment shall be filed as a Portable Document Format (PDF) document for suits where the memorandum of service has been filed before 30 September 2013. For all other cases, the Request for entry of default judgment electronic form shall be composed online through the Electronic Filing Service.
- (6) Sub-paragraphs (1) to (5) shall not apply to any proceedings commenced by an originating summons under the Administration of Muslim Law Act (Cap 3), section 17A of the Supreme Court of Judicature Act (Cap 322), the Guardianship of Infants Act (Cap 122), Section 59 of the Women's Charter (Cap 353) and to matrimonial proceedings under Part X of the Women's Charter (Cap 353).

## 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 service of defence under Orders 13 and 19 respectively of the Rules of Court. (In respect of post-judgment interest under Order 42, Rule 12 of the Rules of Court for such default judgments, please refer to sub-paragraph (4) below).

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

- (a) Pursuant to the Chief Justice's directions as provided for under Order 13, Rule 1(2) and Order 19, Rule 2(2) of the Rules of Court, the rate of interest shall be 5.33% per annum until further notice.
- (b) The period of interest shall be from the date of the writ to the date of the judgment.
- (c) The total amount of interest payable need not be specified.

#### (3) **Contractual Interest**

- (a) For a fixed or constant interest rate —
  - (i) the rate of interest provided for shall be specified;
  - (ii) the period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment; and
  - (iii) the total amount of interest payable need not be specified.
- (b) For a fluctuating interest rate —
  - (i) there shall be an appendix attached to the judgment in the following form:

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

- (ii) the period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment; and
  - (iii) the total amount of interest payable shall be specified in the judgment.
- (c) Evidence of the agreement as to the rate of contractual interest shall be attached to the judgement.

*Post-judgment interest*

- (4) The directions set out in sub-paragraph (5) apply to judgments entered in default of appearance or service of defence under Orders 13 and 19 of the Rules of Court or in default of an order of Court (i.e. an “unless” order or a peremptory order).
- (5) Pursuant to the Chief Justice’s directions as provided for under Order 42, Rule 12 of the Rules of Court, unless it has been otherwise agreed between the parties, interest payable after the date of judgment shall be 5.33% per annum until further notice and calculated to the date the judgment is satisfied. The Court retains the discretion under Order 42, Rule 12 of the Rules of Court to revise the default rate of interest to such other rate not exceeding the default rate on the facts of the individual case.

*Interest on costs*

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

*Pre-judgment interest*

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

*Interest under Order 30, Rule 6(2)*

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

## **58. Application**

- (1) The directions contained in this Part 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 Practice Directions shall also apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court, except and to the extent that the contrary is specified.
- (3) If anything in this Part has the effect of modifying any other direction, whether expressly or impliedly, then such other direction shall apply in relation to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court with such modification.
- (4) Where the words and phrases set out in Order 63A, Rule 1 of the Rules of Court are used in this Part, they shall have the same meaning as defined in Order 63A, Rule 1 of the Rules of Court, unless otherwise specified.

**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 —

- (a) establishes an Electronic Filing Service known as the Integrated Electronic Litigation System or eLitigation and accessible at [www.elitigation.sg](http://www.elitigation.sg); and
- (b) appoints CrimsonLogic Pte Ltd as the Electronic Filing Service provider for this service, with the Electronic Litigation Systems Committee of the Singapore Academy of Law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).



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

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

## **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 and rule 64 of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4), the Registrar hereby specifies that all documents to be filed with, served on, delivered or otherwise conveyed to the Registrar in all proceedings, subject to the exceptions which appear later in this Paragraph, must be so filed, served, delivered or otherwise conveyed using the Electronic Filing Service.
- (2) Parties are to note that the documents which are to be filed pursuant to Order 34, Rule 3A(1) of the Rules of Court may, instead of being filed through the Electronic Filing Service, be filed in accordance with the procedure outlined in Paragraph 50(3)-(7).
- (3) In respect of appeals under Order 55D of the Rules of Court, it shall not be necessary to file, deliver or convey any document at the High Court using the Electronic Filing Service if its filing, service, delivery or conveyance is not required under Order 55D of the Rules of Court.
- (4) Where documents are served using the Electronic Filing Service, a Certificate of Service will be automatically generated and stored in the electronic case file.
- (5) Bundles of authorities can be filed, served, delivered or otherwise conveyed using the Electronic Filing Service. A party may also choose not to file bundles of authorities and may instead use hardcopies for hearings in accordance with the Directions contained in this Part.

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

- (1) The following limits apply to the filing of documents using the Electronic Filing Service:
  - (a) the total number of documents in a single submission must not exceed 99;
  - (b) the total number of pages in a single document must not exceed 9,999; and
  - (c) the size of a single submission must not exceed 500 mega-bytes.
- (2) The limits described above apply to filing both online through the Electronic Filing Service and the service bureau.
- (3) The resolution for scanning, unless otherwise directed by the Court, must be no more than 300 DPI.
- (4) In the event that any solicitor wishes to file documents which exceed the limits specified in 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) It is not necessary for documents that are electronically filed in Court to have a cover page or backing sheet.
- (2) Parties are reminded that they must, at all times, ensure that the information stored in the front end system is up-to-date and free from errors as the same information will be reproduced in electronic forms that are generated by the Electronic Filing Service.
- (3) Documents generated by the Electronic Filing Service containing out-of-date or wrong information will be rejected by the Registry and the fee payable shall be that stipulated in Appendix B of the Rules of Court.
- (4) In the event that the Electronic Filing Service fails to automatically generate an information page, parties may undertake the procedure outlined in Paragraph 71(2) of these Practice Directions.
- (5) If a document generated by the Electronic Filing Service is in respect of an Originating Summons or Petition for Probate or Letters of Administration where the parties are described as “Petitioner” and “Respondent”, parties should first write to the Civil Registry by way of a Request through the Electronic Filing Service to request the convening of a Pre-trial Conference (PTC) in respect of the matter. At the PTC, appropriate directions will be given to change the references to “Petitioner” and “Respondent” in the case title to “Plaintiff” and “Defendant” or such other party description as appropriate.

## **66. Pagination of documents**

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

## **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 form. If the information entered into the electronic form and the actual document differ, the document is likely to be rejected by the Court. If a document is rejected by the Court for any reason, a penalty may nonetheless be payable in respect of the document as specified in Appendix B of the Rules of Court. In this regard, solicitors' attention is also drawn to Order 63A, Rule 17 of the Rules of Court.
- (2) In the event however that any document is rejected through no fault of the filing party, a solicitor may —
  - (a) re-file the document with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to Order 63A, Rule 10 of the Rules of Court; and
  - (b) request a refund of the penalty by filing the requisite electronic form through the Electronic Filing Service.
- (3) Where leave of Court has been obtained to expunge parts of a document or affidavit from the Court record, an applicant or his solicitor must re-file the document or affidavit with the expunged parts redacted and with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to Order 63A, Rule 10 of the Rules of Court.
- (4) For the avoidance of doubt, a filing fee will be payable in respect of the re-filed document or affidavit as specified in Appendix B of the Rules of Court and the filing fee paid on the earlier filing of that document or affidavit will not be refunded.

## 74. Hearings

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

## 75. Filing documents through service bureau

- (1) Solicitors and law firms are encouraged to file documents through the Electronic Filing Service. However, in the event that certain documents cannot be filed through the Electronic Filing Service, solicitors and law firms may file documents through the service bureau. Litigants in person may also file documents through the service bureau.
- (2) The operating hours of the service bureau are as follows:

<b>Operating hours</b>	<b>Filing Time</b>	<b>Collection Time</b>
Mondays to Fridays	9am to 5pm	9am to 5pm
Saturdays	9am to 12.30 pm	9am to 12.30pm

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



**76. Filing of documents to the Subordinate Courts through 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 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 and authorised users**

- (1) Under Order 63A of the Rules of Court, any entity may apply to be a registered user and a registered user may designate one or more of its partners, directors, officers or employees to be an authorised user. Such applications shall be dealt with by the eLitigation Project Director. For the purpose of Order 63A of the Rules of Court, the identification code of an authorised user shall be his or her SingPass ID.
- (2) The following procedures shall apply to applications to become a registered user and for designating authorised users:
  - (a) The application to become a registered user must be made to the eLitigation Project Director using Form 14 in Appendix B to these Practice Directions. In Form 14, the registered user must nominate at least one authorised user. Form 20 must be accompanied by the following:
    - (i) a recent business profile report from the Accounting and Corporate Regulatory Authority (ACRA) of the registered user;
    - (ii) an application form including the subscriber agreement for subscription to the Electronic Filing Service; and
    - (iii) two sets of GIRO application forms for the electronic payment of filing and hearing fees and electronic filing and other charges.
  - (b) After the application to become a registered user has been approved, the application forms for subscription to the Electronic Filing Service and GIRO electronic payment will be forwarded to the Electronic Filing Service provider.
  - (c) After the Electronic Filing Service provider has processed the applications and made arrangements for GIRO electronic payments, the registered user will be provided access to his or her Electronic Filing Service account. The initial authorised user may designate additional authorised users by providing the identification code of each authorised user to be added through the administration module of the Electronic Filing Service.
- (3) Registered users approved hereunder shall be deemed to be approved by the Registrar of the Supreme Court and the Registrar of the Subordinate Courts. Registered users shall be responsible for all transactions conducted and liable for all fees and charges incurred by any of their designated authorised users in the Electronic Filing Service.
- (4) The registered user shall be responsible for ensuring that the list of designated authorised users is kept updated at all times through the administration module of the Electronic Filing Service and for updating the eLitigation Project Director of any changes in the list of its advocates and solicitors in accordance with the procedure stated in sub-paragraph (5) below.

- (5) A registered user shall submit to the eLitigation Project Director on an annual basis, and in any event by the end of May each year, a list of its advocates and solicitors as at the 1<sup>st</sup> of May of each year.
- (6) Additionally, a registered user may at any time submit to the eLitigation Project Director an updated list of its advocates and solicitors in the event of any significant change in the number of its advocates and solicitors.

**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 for such period or periods as he in his discretion thinks fit.

## **79. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service**

- (1) The solicitor having the conduct of any cause or matter may delegate the task of filing originating processes and documents in Court to an assistant or a suitably experienced law clerk or secretary, provided always that the solicitor shall personally satisfy himself as to the accuracy and completeness of the information submitted to the Court, and shall personally bear responsibility for any errors or deficiencies.
- (2) In particular, solicitors should ensure the following:
  - (a) that the title of the action generated using the Electronic Filing Service is accurate and correct;
  - (b) where an action is commenced by way of a writ of summons, that at least one nature of claim is selected that adequately represents the subject matter of the action; and
  - (c) where an action is commenced by way of an originating summons, that either the relevant legislation under which the action is brought is provided or at least one nature of claim is selected that adequately represents the subject matter of the action.

**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), custody proceedings under the Guardianship of Infants Act (Cap. 122) or proceedings pursuant to section 17A(2) of the Supreme Court of Judicature Act (Cap. 322) are governed by Order 55C of the Rules of Court. Pursuant to the Supreme Court Practice Directions, 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 appellant and the respondent should, in accordance with the Supreme Court Practice Directions, tender the requisite copies of the record of appeal, the written Cases, submissions and other requisite bundles in hard copy form to assist the Judge of the High Court.

## **117. Applications for grant of probate or letters of administration**

### *Filing of originating summons and supporting documents*

- (1) An application for the grant of probate or letters of administration made under Order 71, Rule 5 of the Rules of Court shall be made by originating summons with supporting affidavit. The supporting affidavit shall exhibit a Statement in Form 172 in Appendix A of the Rules of Court, a certified true copy of the will and other supporting papers.
- (2) Prior to filing the originating summons, the applicant must conduct a litigation search in the record of caveats and the record of probate applications for both the Supreme Court and the Subordinate Courts and endorse a certificate in Form 173 in Appendix A to the Rules of Court on the originating summons. The search reports for both Courts shall be annexed to the originating summons.
- (3) The originating summons and the Statement shall be submitted by entering the relevant information in the appropriate electronic form. The following documents shall be submitted at the same time as the originating summons and Statement –
  - (a) 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; and
  - (b) where there is a Will, a certified true copy of the Will.
- (4) Once the originating summons, Statement, certified true copy of the death certificate and certified true copy of the Will are filed, an electronic filing checklist will be generated and a provisional reference number will be issued. The following supporting documents (whichever may be relevant) must then be filed using the electronic filing checklist:
  - (a) in the case of Muslim estates, a certified true copy of the inheritance certificate;
  - (b) in relation to deaths occurring on or after 15 February 2008, a Schedule of Assets listing the property comprising the estate of the deceased in accordance with Paragraph 119A of these Practice Directions (if available); and
  - (c) any other documents in support of the originating summons required under the Probate and Administration Act (Cap. 251), the Rules of Court or by the Court.

(The administration oath under section 28 of the Probate and Administration Act 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 (9).)

- (5) The electronic filing checklist will indicate the status of the documents filed. It will be the means by which the Court indicates whether any further or corrective action is required on the part of the applicant. The provisional reference number allows for the easy referencing and monitoring of the electronic filing checklist during the initial phase of filing.
- (6) The original Will (if any) must be submitted to the Probate Counter by 4.30 p.m. of the next working day after the 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.
- (7) When the Court is satisfied that the originating summons, Statement and the supporting documents have been properly filed and verified, a probate number will be issued in place of the provisional reference number. This probate number will be tied to the same electronic filing checklist.

*Additional information required for statement*

- (8) In addition to the information required under Form 172 in Appendix A to the Rules of Court, applicants for grants of letters of administration, whether with or without a Will annexed, shall specify the following in the Statement:
  - (a) whether there are beneficiaries of the estate who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A) or are subject to orders made under the repealed Mental Disorders and Treatments Act (Cap. 178); and
  - (b) the names of such beneficiaries (if any).

*Filing of supporting affidavit*

- (9) 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. The supporting affidavit under Order 71, Rule 5 of the Rules of Court (hereafter referred to as the “supporting affidavit”) shall be in the prescribed format in Form 41 in Appendix B of these Practice Directions.
- (10) The following documents must be exhibited to the supporting affidavit:
  - (a) the Statement bearing the court seal, which shall be the first exhibit;
  - (b) the Schedule of Assets referred to in sub-paragraph (4)(b) above (if available) which shall be the second exhibit; and



- (c) other supporting documents referred to in sub-paragraphs (3) and (4) above.
- (11) Administration oaths, affidavits, consents of co-administrators and renunciations which have been filed are not required to be exhibited to the supporting affidavit.
- (12) The supporting affidavit shall be filed using the electronic filing checklist within 14 days after the filing of the originating summons.

*Rejection of documents*

- (13) The Court may reject any document through the electronic filing checklist or through any other means if there are errors or if the document does not comply with the above directions, or any other directions made by the Court.

### **118. Amendment of originating summons or statement**

- (1) Where a party seeks to rectify any error 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 shall be annexed to the summons.
- (2) Prior to the order for the grant, where a party seeks to rectify, without leave of court, any error in the Statement, and corresponding amendments are not required to be made to the originating summons, he may do so by amending the information in the electronic form of the Statement. An affidavit stating the reason(s) for the amendment shall be filed with the amended Statement.
- (3) Where it is necessary to amend the information in the Statement after an order is made for the grant, an application must be made by way of summons. The draft amended Statement in PDF format shall be annexed to the summons.
- (4) Where an order has been made for the grant of 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 —
  - (a) the order to be set aside and for a re-grant where a grant has not been issued, or
  - (b) the grant to be revoked and for a re-grant where a grant has been issued.
- (5) The draft amended originating summons and the draft amended Statement in PDF format must be annexed to the summons.
- (6) When preparing a draft amended originating summons or draft amended Statement in PDF format, the changes to be made to the latest version of the document filed in Court should be indicated by —
  - (a) drawing a single line across the words to be deleted; and
  - (b) underlining the words to be inserted.
- (7) An application by way of summons for the amendment of an originating summons or a Statement must be supported by an affidavit stating the reason(s) for the amendment.
- (8) Where an order-in-terms is made of the application for leave to amend or for setting aside or revocation, the party shall, within 14 days of the order or such time as may be permitted in the order, file the amended originating summons and the amended Statement by entering the date of the order and the relevant amendments in the appropriate electronic forms. A fresh supporting affidavit under Order 71, Rule 5 of the Rules of Court verifying the amended Statement must be filed by the applicant within 14 days of the order or within the time directed by the Court.

- (9) The new grant shall not be extracted until after the filing of the amended originating summons, amended Statement and supporting affidavit.

**119A. Filing of schedule 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, a Schedule of Assets listing the property comprising the estate of the deceased must be filed by entering the relevant information into the electronic form.
- (2) A specimen Schedule of Assets can be found in Form 41A in Appendix B of these Practice Directions.
- (3) If the Schedule of Assets is filed at the time of the filing of the originating summons or at the time of the filing of the supporting affidavit under Order 71, Rule 5 of the Rules of Court (hereafter referred to as the “supporting affidavit”), the Schedule of Assets may be included as an exhibit to the supporting affidavit. If so included, the supporting affidavit shall include 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.”
- (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, the applicant may subsequently file the Schedule of Assets and an affidavit containing the averment referred to in sub-paragraph (3) above. The affidavit should be filed under the document title “Schedule of Assets – Supplementary Affidavit”.
- (5) Prior to the issuance of a grant, an applicant may file an amended Schedule and a supplementary affidavit exhibiting the amended Schedule of Assets. The supplementary affidavit shall provide reasons to explain why an amendment is necessary, and shall also include the averment referred to in sub-paragraph (3) above.
- (6) Where the amendments to the Schedule of Assets are sought after the issuance of a grant, the applicant must obtain leave of Court to amend the Schedule of Assets. The application for leave to amend shall be made by way of summons. The draft amended Schedule of Assets in PDF format shall be annexed to the summons. The changes to be made to the latest version of the Schedule of Assets filed in Court should be indicated by —
  - (a) drawing a single line across the words to be deleted; and
  - (b) underlining the words to be inserted.

## **120. 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) shall be made by way of a summons supported by an affidavit deposed to by all the administrators and co-administrators (if any) stating the following:
  - (a) the date of the death of the deceased;
  - (b) the efforts made to find sureties and/or why sureties cannot be found;
  - (c) where death occurred before 15 February 2008, that estate duty has been paid, is not payable, has been postponed or has otherwise been cleared;
  - (d) who the beneficiaries are, their shares to the estate, ages, and whether the adult beneficiaries consent to the dispensation;
  - (e) whether there are beneficiaries who are minors or beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A) or who are subject to orders made under the repealed Mental Disorders and Treatments Act (Cap. 178), the names of such beneficiaries, the relationship of the administrators and co-administrators (if any) to such beneficiaries and the steps that will be taken to protect the interests of such beneficiaries;
  - (f) whether the estate has any creditors for debts not secured by mortgage, the amount of the debt owed to them, and whether these creditors consent to the dispensation; and
  - (g) 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)(c) must be exhibited in the supporting affidavit.
- (3) In cases where death occurred before 15 February 2008 and 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, shall be filed with the application for dispensation of sureties.

**121. Caveat and probate application searches to be conducted when requesting to extract grant**

- (1) Prior to filing a request to extract a grant, the applicant or his solicitors must conduct a litigation search in the record of caveats and the record of probate applications for both the Supreme Court and the Subordinate Courts to ascertain if there are any caveats in force or pending probate applications in respect of the estate of the deceased.
- (2) The search reports for both Courts shall be annexed to the request to extract a grant.
- (3) The request to extract a grant shall contain the certificate in accordance with Order 71, Rule 35(2) of the Rules of Court.

### **121A. Amended grants and re-grants**

- (1) For a petition for the grant of probate or letters of administration filed before 15 December 2003, where an order has been made for —
  - (a) the amendment of a grant; or
  - (b) a grant to be revoked and re-granted,the grantee shall file 2 copies of a fresh grant for signing and sealing at the Registry.
- (2) The fresh grant shall be printed on good quality beige coloured paper (100 gsm). The grantee shall indicate on the fresh grant “Grant (Amendment No. 1)” or “Grant (Re-grant No. 1)” or as appropriate.
- (3) The practice of releasing the original grant in the court file for the grantee to make amendments thereon shall be discontinued.
- (4) In all cases where an order is made for a grant to be revoked and re-granted, the grantee shall bring into and leave at the Registry the original grant.

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

- (1) All requests for further arguments shall be made by way of Request electronic form and filed through the Electronic Filing Service.
- (2) The party filing the Request must, either in the Request or a document attached thereto —
  - (a) state the party making the request;
  - (b) identify the Judge or Registrar who heard the matter in question;
  - (c) specify when the order concerned was made;
  - (d) state the provision of law under which the request is made;
  - (e) set out the proposed further arguments briefly, together with any supporting authorities; and
  - (f) include a copy of each of the authorities cited.
- (2) A copy of the request must be furnished to all parties concerned.
- (3) All requests must be addressed to the Registrar.



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

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

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

## **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 is practicable, of the impending seizure and/or sale.

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

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

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

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

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

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

### **(4) Effecting entry into premises**

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

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

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

(c) the execution creditor shall at his expense, upon the direction of the Bailiff, engage any security personnel, locksmith or any other person or facility as the Bailiff deems appropriate to assist in effecting entry into the premises and the execution process.

### **(5) Valuation Report**

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

(6) **Auctions**

(a) **Scheduled auctions**

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

(b) **Sale by auctioneer**

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

**127A. Committal proceedings**

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

## **129. Form of bills 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 in relation to the form of bills of costs.

(1) **Margins**

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

(2) **Pagination**

Every page of a bill of costs must be paginated consecutively at the centre of the top of the page. The attention of solicitors is drawn to Paragraph 66 of these Practice 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 in Appendix B to these Practice Directions should be used for contentious business in respect of work done for a trial or in contemplation of a trial.
- (iii) Form 47 in Appendix B to these Practice Directions 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) above save as follows:
  - (A) 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.
  - (B) 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.

(C) 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 in Appendix B to these Practice Directions should be used for non-contentious business.

(c) **Specimen bills**

Specimen bills illustrating the use of Forms 46, 47 and 48 in Appendix B to these Practice Directions 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)**

(i) Whenever a solicitor-and-own-client bill is required to be taxed by virtue of the above-captioned Act, a bill should be drawn up for taxation between the solicitor and his own client *and* another bill drawn up for taxation between the client and the other party to the proceedings in which the solicitor acted for the client. A waiver of the filing fees for the solicitor-and-own-client bill may be requested for when this bill is filed.

(ii) The party-and-party bill should be filed first and the solicitor-and-own-client should reference the first bill.

(iii) The party-and-party bill and the solicitor-and-own-client bill 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 bill the items which have been serially set out in the party-and-party bill. 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 bill. However, if a sum claimed for an item of disbursement in the solicitor-and-own-client bill is different from the corresponding sum claimed in the party-and-party bill, it will be necessary to set out serially again in the solicitor-and-own-client bill all the items of disbursement already set out in the party-and-party bill (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 bill 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 bill.

(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) in 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.
- (c) Each bill of costs submitted to the Court through the Electronic Filing Service must —
  - (i) be in Portable Document Format (PDF);
  - (ii) comply with these Practice Directions; and
  - (iii) be accompanied by a bill of costs composed online through the Electronic Filing Service.
- (d) The information required by the Electronic Filing Service to compose the bill of costs summary includes the costs claimed under Sections 1, 2 and 3 of the bill of costs.

(5) **Goods and Services Tax**

A party claiming goods and services tax (hereinafter referred to 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) **GST registration number**

- (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 1st defendant/2nd 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 1st defendant/2nd 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), 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, 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, 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).

**(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;
- (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. Solicitors are responsible for ensuring that the GST figures accurately reflect the sums allowed by the Registrar.

### **130. Registrar's Certificate**

- (1) There is no necessity for solicitors to collect the taxed bill of costs from the Registry to prepare the Registrar's Certificate.
- (2) As the Registrar's Certificate of costs under Order 59 Rule 32 of the Rules of Court will be composed online based on the summary in the bill of costs, solicitors should ensure that the information contained in the summary in the bill of costs accurately reflects the information contained in the bill of costs submitted.
- (3) Solicitors should also ensure that the amounts claimed for goods and services tax (GST) in the Registrar's Certificate are correct.
- (4) The procedure for the preparation of draft orders set out in these Practice Directions shall, with the necessary modifications, apply to the preparation of the Registrar's Certificate.
- (5) For the avoidance of doubt —
  - (a) the Registrar's Certificate shall be filed as a Portable Document Format (PDF) document for bills of costs filed before 30 September 2013; and
  - (b) for all other cases, the Registrar's Certificate shall be composed online through the Electronic Filing Service.

### **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; and
  - (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 in Appendix B to these Practice Directions 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.
- (3) The Notice of Dispute shall be filed through the Electronic Filing Service in Portable Document Format (PDF) and be accompanied by a Notice of Dispute summary, the electronic form of which will be composed online through the Electronic Filing Service.
- (4) The information required by the Electronic Filing Service to compose the Notice of Dispute summary includes the amounts of costs to be awarded under Sections 1, 2 and 3 of the bill of costs according to the respondent.

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

- (1) If a document is filed using the Electronic Filing Service, \$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 through the service bureau.

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

- (1) The directions contained in this Paragraph shall be complied with in respect of all taxations in which the Public Trustee or the Director of Legal Aid is involved.
- (2) Subject to 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, prior to the filing of the bill of costs in Court through the Electronic Filing Service, send the bill of costs to be filed to the Public Trustee or the Director of Legal Aid, as the case may be;
  - (b) the Public Trustee or the Director of Legal Aid should then inform the receiving party whether he/she agrees or disagrees with the amounts claimed in the bill of costs;
  - (c) when filing the bill of costs in Court through the Electronic Filing Service, the receiving party must state whether the Public Trustee or the Director of Legal Aid agrees or disagrees with the amounts claimed in the bill of costs; and
  - (d) the bill of costs should also be served on the Public Trustee or the Director of Legal Aid, as the case may be, on the same day that the bill of costs is filed.
- (3) If the Public Trustee or the Director of Legal Aid (as the case may be), agrees with the amounts claimed in the bill of costs, then —
  - (a) for solicitor-and-client costs required to be taxed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) —
    - (i) where no party-and-party bill of costs has been filed; or
    - (ii) where the solicitor-and-client costs are not referenced to a party-and-party bill filed earlier,

the receiving party and the Public Trustee need not attend at the taxation and the bill will be taxed in their absence, except that if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Public Trustee at a later date;

- (b) for solicitor-and-client bills filed pursuant to the Legal Aid and Advice Act (Cap. 160) where the Director of Legal Aid is the respondent, the receiving party and the Director of Legal Aid need not attend at the taxation and the bill will be taxed in their absence, except that if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Director of Legal Aid at a later date.
- (4) If solicitor-and-client costs are required to be taxed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act and the bill of costs claiming the same is referenced to an earlier party-and-party bill filed pursuant to

Paragraph 129(3)(d) of these Practice Directions, the Public Trustee need not attend the taxation of the bill and the party-and-party and solicitor-and-client costs will be taxed in the absence of the Public Trustee. However, the Public Trustee may attend at the taxation if he so wishes, and shall attend if an express direction is made by the taxing Registrar that he should attend in relation to a particular bill of costs.



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

- (1) By virtue of section 31 of the Legal Profession Act (Cap. 161) and existing custom and usage, Senior Counsel are given precedence and the right of preaudience.
- (2) In order to give substance to the principle of precedence and preaudience to Senior Counsel, Senior Counsel who intend to appear before Judges or Registrars for summonses hearings should inform the Registrar in writing not later than two clear days before the scheduled hearing date. Matters involving Senior Counsel will thereafter be listed first, in the order of their precedence. If Senior Counsel do not appear at the time their matters come on for hearing according to the list, they will have to wait for their turn in accordance with their queue numbers given by the Queue Management System in the 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.

### **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 permitted to use notebooks, tablets and other electronic devices to take notes of evidence and for other purposes pertaining to the proceedings during hearings or sessions, provided that such use does not in any way disrupt or trivialise the proceedings.
- (4) This 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. Requests and other Correspondence**

- (1) All Requests relating to or in connection with any pending cause or matter are to be made using the electronic forms available through the Electronic Filing Service.
- (2) Where an electronic form is available through the Electronic Filing Service for the Request that is sought, the Registrar has the discretion to refuse acceptance of other forms of written correspondence (including letters or facsimiles) and to refuse to act on such correspondence.
- (3) Apart from Requests coming within the description of sub-paragraph (1), all correspondence relating to or in connection with any cause or matter shall be addressed to the Registrar.
- (4) In addition, all letters should be captioned with the number of the cause to which they relate and the names of the parties. For example:

‘**DC SUIT** (if a writ action) **NO. 12345 OF 2013 Between AB** (and **ANOR** or **ORS**, if there are 2 or more plaintiffs, as the case may be) and **CD** (and **ANOR** or **ORS**, if there are 2 or more defendants, as the case may be)’

- (5) If the correspondence relates to an interlocutory application or applications, the reference number of that application or those applications should be stated in the caption below the parties' names. For example:

‘**SUMMONS NO. 98765 OF 2013**’

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

#### *Cases which have been commenced using the Electronic Filing Service*

- (7) For cases which have been commenced using the Electronic Filing Service, a letter is liable to be rejected if it is sent to the Court by a law firm in any way other than by filing the applicable Request through the Electronic Filing Service.
- (8) Sub-paragraph (7) does not apply to litigants in person.
- (9) If a letter is sent to the Court by a law firm without the information specified in sub-paragraph (4), it is also liable to be rejected.
- (10) Registrar’s Directions and Notices from the Registry will be sent to law firms who are registered users of the Electronic Filing Service through the Electronic Filing Service.
- (11) Registered users are to ensure that the inbox of their Electronic Filing Service account(s) are checked and cleared regularly.

#### **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) to grant approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files; and
  - (c) to sign and certify documents.
- (2) The duties of the Duty Magistrate shall include the examination of complainants when they file a Magistrate's Complaint.
- (3) The duty hours shall be as follows:
  - (a) Mondays to Fridays - 9.30 a.m. to 1.00 p.m., and 2.30 p.m. to 5.30 p.m.;
  - (b) Saturday - 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 subparagraph (8), the filing of the relevant documents will be sufficient for the Duty Registrar's disposal of any application or matter. Documents which are filed using the Electronic Filing Service will be returned to the advocate and solicitor through the Electronic Filing Service to the inbox of the law firm's computer system or through the service bureau. Documents which are not electronically filed shall be collected from the Civil Registry not earlier than one clear day after the documents have been filed.
- (6) All documents which are not required to be filed using the Electronic Filing Service should be duly stamped before presentation to the Duty Registrar for his signature and/or decision.
- (7) A solicitor who wishes to attend before a Duty Registrar and to refer him to documents filed using the Electronic Filing Service must either —
  - (a) file the document sufficiently far in advance before attending before the Duty Registrar such that the documents are already included in the electronic case file for the Duty Registrar's reference (and in this regard, solicitors should only attend before the Duty Registrar after they have received notification from the Court that the document has been accepted); or
  - (b) attend before the Duty Registrar with the paper documents, if these exist (and in this regard, the Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day after the attendance before dealing with the matter).

- (8) The advocate and solicitor's attendance is compulsory only:
- (a) when he is requesting an early or urgent date for hearing before the Registrar or Judge;
  - (b) when an application or document is returned with the direction "solicitor to attend" ; or
  - (c) when so required by any provision of law.
- (9) A solicitor may, if he wishes to expedite matters, attend before the Duty Registrar even if his attendance is not ordinarily required.
- (10) This 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 the urgent hearing of such applications, the applicant should contact the Duty Judicial Officer at 9654 0072 during the operating hours of 1 p.m. to 6.00 p.m. on Saturdays and 8.30 a.m. to 6:00 p.m. on Sundays and Public Holidays. The Duty Judicial Officer will only arrange for the hearing of applications which are so urgent that they cannot be heard the next working day.
- (2) All the necessary papers required for the application must be prepared together with the appropriate draft orders of Court.
- (3) An undertaking from counsel shall be given to have all the documents (including the originating process) filed in Court the next available working day must be furnished to the Judicial Officer processing the application.
- (4) The hearing may take place in the Civil Registry of the 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).

#### **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 in writing no later than 2 working days from the date of the PTC or other proceeding at which the hearing date is fixed or 2 weeks before the day when the interpreter is required, whichever is earlier. This practice is to be followed for all fresh and adjourned hearings, whether in open Court or in chambers.
- (2) Where an interpreter is required and the Registrar has not been so informed, any deployment of an interpreter will be subject to availability.
- (3) The Request should contain the following information:
  - (a) the Case number;
  - (b) the parties to the suit;
  - (c) the names of witness(es) requiring an interpreter;
  - (d) the Court/Chamber number;
  - (e) the stage of the proceedings (e.g. fresh or adjourned hearing);
  - (f) the date and time of hearing (in the event the hearing is fixed for more than 1 day, the date and time on which the interpreter's services are required);
  - (g) the number of days for which the interpreter's services are required; and
  - (h) the language/dialect spoken by the witness(es) requiring the services of the interpreter.
- (4) Where the services of the interpreter requested are no longer required prior to the start of the hearing, such as in the event of a settlement prior to the trial, the party who has requested the services of the interpreter must inform the Registrar in writing immediately.
- (5) This directions in this Paragraph shall apply to both civil and criminal proceedings, except that for civil proceedings, the requesting party must file a "Request for Hearing Administrative Support" through the Electronic Filing Service.

## **145. Access to case file, inspection and taking copies of documents and conducting searches**

### *Access by parties to a case file*

- (1) All parties to a case who are registered users of the Electronic Filing Service may, subject to this paragraph and any directions of the Court, access the online case file made available through the Electronic Filing Service and may inspect, download soft copies or print hard copies of documents accessible to the parties in the online case file.
- (2) Where a party to a case is not a registered user and is unable to access the electronic case file through the Electronic Filing Service, the procedure governing file inspection by non-parties to a case in sub-paragraph (5) below shall be followed.
- (3) All parties to a case shall have the liberty to make amendments at will to administrative details contained in the electronic case file through the Electronic Filing Service, and for this purpose —
  - (a) administrative details include the contact details of solicitors, the identities of the solicitors, and the nature of the claim; and
  - (b) where a party to a case is not a registered user of the Electronic Filing Service, he may attend at the service bureau to seek assistance to amend the administrative details contained in the electronic case file.
- (4) The Registry may require parties to a case to provide supporting documents to substantiate proposed amendments to other details of the electronic case file before the amendment is approved (e.g. amendments to add or remove a party to the case have to be supported by an order of court, and amendments to change the name, gender, identification number, or marital status of a party to the case have to be substantiated by documentary proof).

### *File inspection by non-parties*

- (5) In order to inspect a case file containing documents that were filed through the Electronic Filing Service, the following procedure should be followed:
  - (a) A Request should be made to obtain leave to inspect the file, which request should —
    - (i) be filed using the Electronic Filing Service;
    - (ii) state the name of the person who is to carry out the search or inspection (and if this person is not a solicitor, his identity card number should also be included in the request, after his name);
    - (iii) state the interest the applicant has in the matter, and the reason for the search or inspection; and



- (iv) if the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.
  - (b) Once approval for inspection has been received from the Court, a copy of the approval should be presented at the service bureau.
  - (c) After verifying the approval that has been presented, the service bureau will assign a personal computer to the inspecting party for the inspection to be carried out.
- (6) An inspecting party will usually be allowed only 60 minutes to carry out the inspection. If a longer period is required, the service bureau may impose a charge for use of the computer. The service bureau may impose additional charges for downloading soft copies or printing hard copies of documents from the case file being inspected.
- (7) Requests in hard copy may be submitted to inspect case files containing documents which were not filed using the Electronic Filing Service. The Civil Registry will only accept requests which are printed or typewritten on paper of good quality and signed by the solicitors concerned. Requests which have any erasure marks on them will be rejected. Requests which are double stamped, that is, if the requests were originally short stamped and later stamped to add up to the correct fee, may be rejected.
- (8) 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.
- (9) For the avoidance of doubt, a non-party who has obtained approval to inspect a case file may take and retain a soft copy of any document that is available for inspection. All copies of documents taken in the course of inspection should not be used for purposes other than those stated in the Request to inspect. Solicitors shall be responsible for informing their clients of this.

*Obtaining certified true copies of documents*

- (10) Applications to obtain certified true paper copies of documents should be made by way of filing a Request through the Electronic Filing Service, unless the documents concerned have not been filed through the Electronic Filing Service.
- (11) The intended use of the certified true copies should be clearly stated in the Request. The relevance and necessity of the certified true copies in relation to their intended use should also be clearly described.
- (12) Once approval is received from the Court, the applicant should present a printed copy of the approved Request at the Records Section. After verifying that the Request presented has been approved, the staff of the Records Section will inform the applicant

of any additional fees payable. Where additional fees are 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.

- (13) The fees prescribed by Appendix B to the Rules of Court will be payable for the above services without prejudice to additional printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

*Conducting searches of information maintained by the Registry*

- (14) Order 60 Rule 2 of the Rules of Court provides that the Registry shall maintain information prescribed or required to be kept by the Rules of Court and practice directions issued by the Registrar. In addition to any provisions in the Rules of Court, the Registrar hereby directs that the following information shall be maintained by the Registry:

- (a) details of all originating processes, including:
  - (i) details of interlocutory applications;
  - (ii) details of appeals filed therein; and
  - (iii) details of probate proceedings, including wills and caveats filed therein;
- (b) details of writs of execution, writs of distress and warrants of arrest; and
- (c) any other information as may from time to time be deemed necessary.

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

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

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

- (1) For civil proceedings which have been commenced using the Electronic Filing Service, every application for the court records in those proceedings (including notes of evidence, certified transcripts or grounds of decision) must be made by way of filing the appropriate Request in the Electronic Filing Service.
- (2) On approval, copies of the court records will be made available upon payment of an appropriate fee.

**Form 9G**

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

**(BY-CONSENT OF BOTH PARTIES ONLY)**

Case Number DC/MC \_\_\_\_\_ of \_\_\_\_\_ Interlocutory judgment entered on \_\_\_\_\_

Plaintiff's reference \_\_\_\_\_ Date of Application: \_\_\_\_\_

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

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

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

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

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

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

(D) All parties consent to this application.

\_\_\_\_\_  
Counsel for the Plaintiff

\_\_\_\_\_  
Counsel for the Defendant

Name of law firm:

Name of law firm

DID fax No.:

DID fax no.

\*NOTE: The form shall be filed via the Electronic Filing Service in PDF format.

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

**Form 9I#**

**RECORDING SETTLEMENT / ENTERING JUDGMENT BY CONSENT**

Case Number: DC/MC \_\_\_\_\_ of \_\_\_\_\_ Date of application: \_\_\_\_\_

Plaintiff's Law Firm / Lawyer: \_\_\_\_\_

Defendant's Law Firm / Lawyer: \_\_\_\_\_

Other party's Law Firm(s) / Lawyer(s): \_\_\_\_\_

**Section A:  
Terms of  
Settlement /  
Judgment**

**Terms of Settlement:**  
By consent, and in full & final settlement of the \_\_\_\_\_'s claim, the \_\_\_\_\_ shall pay the following to the \_\_\_\_\_:

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

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

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

\$ \_\_\_\_\_ as \_\_\_\_\_

Payment is to be made within \_\_\_\_\_ weeks from today.

(Insert any other terms not provided for above) \_\_\_\_\_

\_\_\_\_\_

In default of payment, the party entitled to payment pursuant to the settlement is at liberty to extract the Order of Court for enforcement.

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

This is a tentative settlement and the parties will write in within \_\_\_\_\_ weeks, i.e. by \_\_\_\_\_, if they are unable to reach a final settlement. Otherwise this tentative settlement recorded shall be deemed to be a final settlement between them.

**Consent Interlocutory Judgment:**

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

By consent, interlocutory judgment is entered for the \_\_\_\_\_ against the \_\_\_\_\_ on the following terms:  
\_\_\_\_\_

**Consent Final Judgment:**  
By consent, final judgment is entered for the \_\_\_\_\_ against the \_\_\_\_\_ whereby the \_\_\_\_\_ shall pay the following to the \_\_\_\_\_:

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

\$ \_\_\_\_\_ as special damages and \_\_\_\_\_ as general damages (inclusive of interest)\*.

\$ \_\_\_\_\_ as interest\*.

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

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

The Usual Consequential Orders shall apply.

**Indication on costs:**  
Plaintiff Counsel: \$ \_\_\_\_\_ / Defence Counsel: \$ \_\_\_\_\_ / \_\_\_\_\_ Counsel: \$ \_\_\_\_\_

**Section B:  
Judge's Order  
/ Directions  
Judgment**

**Settlement is recorded / Judgment is entered as per terms stated in Section A.**

**Costs indicated at \$ \_\_\_\_\_ / plus reasonable disbursements\* / plus GST\*.**

**Other directions \_\_\_\_\_**

**Judge's Signature &  
Stamp**

# This Form may be downloaded from: <http://www.subcourts.gov.sg> under "Civil Justice Division – Court Dispute Resolution"  
\*delete where appropriate

**Form 9J\***

*Confidential and Without Prejudice*

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[CASE NUMBER]**

**OPENING STATEMENT FOR PLAINTIFF/DEFENDANT (MEDIATION)**

**1. Parties attending the mediation session**

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

*Where party is a corporate entity,*

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

**2. Brief summary of facts**

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

**3. Claim/Defence/Counterclaim/Defence to Counterclaim**

[Summarise your legal claim or Defence.]

**4. Evidence supporting claim**

**A. Essential documents**

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

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

(b)

...

**B. Essential witnesses**

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

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

(b)

...

**5. Negotiation history**

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

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

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

(b)

**6. Other relevant information for settlement**

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

Dated this [-] day of [-] 20\_\_

---

**SOLICITORS FOR THE [PLAINTIFF/DEFENDANT]**



**SAMPLE OPENING STATEMENT FOR MEDIATION**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[CASE NUMBER]**

**OPENING STATEMENT FOR PLAINTIFF (MEDIATION)**

**1. Parties attending the mediation session on 7 May 2012**

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

**2. Brief summary of facts**

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

**3. Claim and Defence to Counterclaim**

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

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

**4. Evidence supporting claim**

**A. Essential documents**

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

(a) Course brochure

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

**B. Essential witnesses**

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

(a) Ms Chloe See

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

(b) Ms Denise Bo

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

**5. Negotiation history**

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

(a) The Defendant suggested on 2 April 2012 that the parties settle on a "drop hands" basis. The Plaintiff declined as she thinks that the Counterclaim has no merit.

(b) The Plaintiff made a counter-proposal on 4 April 2012 that the Defendant give a \$5,000 refund. This was declined by the Defendant without any reasons.

*Confidential and Without Prejudice*

**6. Other relevant information for settlement**

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

Dated this 2<sup>nd</sup> day of May 2012

\_\_\_\_\_  
**[SIGNED]**

**SOLICITORS FOR THE PLAINTIFF**

**Form 9K\***

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[CASE NUMBER]**

**OPENING STATEMENT FOR PLAINTIFF/DEFENDANT (NEUTRAL EVALUATION)**

**1. Parties attending the Neutral Evaluation**

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

*Where party is a corporate entity,*

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

**2. Brief summary of facts**

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

**3. Claim/Defence/Counterclaim/Defence to Counterclaim**

[Summarise your legal claim or Defence.]

**4. Issues for Neutral Evaluation Evidence supporting claim**

**A. Legal issues in dispute**

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

**B. Disputes of Fact and supporting evidence**

- (a) [Summarise dispute of fact.]

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

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

- (b)
- (c)

Dated this [-] day of [-] 20\_\_

---

**SOLICITORS FOR THE [PLAINTIFF/DEFENDANT]**

**SAMPLE OPENING STATEMENT FOR NEUTRAL EVALUATION**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[CASE NUMBER]**

**OPENING STATEMENT FOR PLAINTIFF (NEUTRAL EVALUATION)**

**1. Parties attending the Neutral Evaluation on 7 May 2012**

*Where party is a corporate entity,*

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

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

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

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

**2. Brief summary of facts**

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

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

**3. Claim/Defence to Counterclaim**

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

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

**4. Issues for Neutral Evaluation Evidence supporting claim**

**A. Legal issues in dispute**

Nil.

**B. Disputes of Fact and supporting evidence**

(a) Whether there were defects

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

(b) If there were defects, cost of rectification

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

Dated this 2<sup>nd</sup> day of May 2012

[SIGNED]

\_\_\_\_\_

**SOLICITORS FOR THE PLAINTIFF**



**Form 14**

**APPLICATION TO BE REGISTERED USER OF THE  
ELECTRONIC FILING SERVICE**

[Letterhead of law firm or organisation]

[Date]

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

Dear Sir

**APPLICATION TO BE REGISTERED USER OF THE ELECTRONIC FILING SERVICE**

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

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

Yours faithfully

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

For Official Use Only	
<input type="checkbox"/> Approved	<input type="checkbox"/> Rejected
<hr/>	
Signature/Date	

**Form 41**

**SUPPORTING AFFIDAVIT UNDER ORDER 71, RULE 5  
OF THE RULES OF COURT**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

OS Probate No.

In the Matter of the Probate and Administration Act (Chapter 251),

and

In the Estate of (ID No. ), deceased,

and

In the Matter of an Application by

...Applicant(s)

**SUPPORTING AFFIDAVIT**

I/We\*, (name(s) of applicants) (ID No. ) of (address(es) of applicant(s)), Singapore, do make oath (or affirm) and say as follows:

- (1) The Statement exhibited herein as “A” is the same Statement that was generated by the Electronic Filing Service and no changes have been made. The contents entered into the Electronic Filing Service, which now appear in the Statement, are true and accurate to the best of my/our\* knowledge and belief.
- (2) The documents 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.

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>1</sup>**

**(Title as in the action)**

**[Note: This form is to be annexed to an affidavit and filed separately with the Court as well. It will be annexed to the grant of representation.]**

**SCHEDULE OF ASSETS**

<b>A. Deceased's Property in Singapore</b>	<b>Market Value as at Date of Death (S\$)</b> <i>(without deducting the debts due or owing from the deceased)</i>
<b>Gross value<sup>2</sup></b>	
<b>B. Outstanding Debts in Singapore which are Secured by Mortgage</b> <i>(For immovable property only)</i>	<b>Amount</b>
<b>Net Estate Value<sup>3</sup></b>	
<b>C. Deceased's Property outside Singapore</b> <i>(for deceased person domiciled in Singapore at date of death)</i>	<b>Market Value as at Date of Death (S\$)</b>

<sup>1</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>2</sup> Please state the total for Section A.

<sup>3</sup> Please deduct the amount for Section B from the total for Section A.