

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**  
**PRACTICE DIRECTIONS**  
**AMENDMENT NO. 1 OF 2019**

It is hereby notified for general information that, with effect from 30 April 2019, the State Courts Practice Directions will be amended as follows:

- (a) the existing Practice Direction 40 (*Assessments of Damages*) will be deleted and replaced by the following practice direction:

*New Practice Direction 40*

- (b) the existing Form 9C in Appendix A (*Application for Directions Under O 37 for Personal Injury / Non-Injury Motor Accident Claims*) will be deleted and replaced by the following form:

*New Form 9C*

- (c) the existing Form 9C(A) in Appendix A (*Application for Directions Under Order 37 of the Rules of Court for Magistrate's Court Cases Fixed for Simplified AD Pursuant to Order 108*) will be deleted and replaced by the following form:

*New Form 9C(A)*

- (d) the following form will be inserted in Appendix A immediately after the existing Form 9K:

*New Form 9L*

2. The new Practice Direction 40 —

- (a) re-classifies the various types of pre-Assessment of Damages Alternative Dispute Resolution (“ADR”) conferences conducted in the State Courts;
- (b) introduces a requirement that parties attach a copy of the new Form 9L when filing a Notice of Appointment for Assessment of Damages; and
- (c) sets out in greater detail the expected conduct of the first and subsequent pre-Assessment of Damages ADR conferences.

3. The amendments to Forms 9C and 9C(A) replace specific references to medical experts with references to experts generally for the purpose of obtaining directions for the dispensation of affidavits of evidence-in-chief of expert witnesses and the filing of expert reports.

Dated this 7<sup>th</sup> day of March 2019.

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

JENNIFER MARIE  
REGISTAR  
STATE COURTS

## 40. Assessment of damages

### (1) **Pre-Assessment of Damages Alternative Dispute Resolution (“ADR”) Conferences**

- (a) The Court will convene the first pre-Assessment of Damages ADR conference under Order 34A or Order 108 of the Rules of Court (Cap. 322, R 5) generally within 4 weeks after the filing of the Notice of Appointment for Assessment of Damages (“NOAD”).
- (b) The filing of the NOAD will only be accepted by the Court when —
  - (i) all Affidavits of Evidence-in-Chief and/or expert reports which parties intend to rely on at the Assessment of Damages have been duly exchanged at least 5 working days before the filing of the NOAD; and
  - (ii) the Checklist for Pre-Assessment of Damages ADR Conferences in Form 9L of Appendix A to these Practice Directions has been duly completed by all parties taking part in the proceedings and filed as a supporting document to the NOAD.
- (c) There are 3 types of Pre-Assessment of Damages ADR conferences which will be convened after the filing of the NOAD, namely —
  - (i) **Assessment of Damages Court Dispute Resolution Conferences (“ADCDRs”)**, for all personal injury cases (excluding medical negligence cases) and non-injury motor accident (“NIMA”) matters, where the quantum claimed by the Plaintiff is below the sum of S\$250,000;
  - (ii) **Assessment of Damages Case Management Conferences (“AD-CMCs”)**, for all other civil matters filed in the Magistrate Court; and
  - (iii) **Assessment of Damages Pre-Trial Conferences (“AD-PTCs”)**, for —
    - (A) all other civil matters that are filed in or transferred to the District Court under section 23 or 54C of the State Courts Act; and
    - (B) high value personal injury (including motor accident or “PIMA” cases) and NIMA cases, where the quantum claimed by a plaintiff is above the sum of S\$250,000 and the matter is transferred under the Supreme Court of Judicature (Transfer of Specified Proceedings to District Court) Order 2016.

- (d) At the first pre-Assessment of Damages ADR conference, parties should be in a position to —
  - (i) assess the relative merits of their cases and/or negotiate a settlement with all relevant information at their disposal;
  - (ii) submit to the Court a Quantum Indication Form in Form 9B of Appendix A to these Practice Directions; and
  - (iii) make submissions in order to obtain from the Court an indication of the likely quantum which may be awarded at the Assessment of Damages, so as to assist in the settlement of the case.
- (e) At the pre-Assessment of Damages ADR conferences, the Deputy Registrar will —
  - (i) facilitate settlement between parties;
  - (ii) give indications on liability and/or quantum; and/or
  - (iii) conduct a final check on the status of the proceedings between the parties so to ensure that they are ready for the Assessment of Damages hearing.
- (f) Parties may expect, generally, 3 to 6 sessions for pre-Assessment of Damages ADR conferences.
- (g) If there is no settlement or if the Court thinks fit at any point during the ADR conference, the Court may —
  - (i) direct that the matter should proceed for an Assessment of Damages hearing; or
  - (ii) make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the matter.
- (h) An adjournment of a pre-Assessment of Damages ADR conference 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 State Courts, is away on in-camp training, overseas, or on medical leave.
- (i) A failure to attend a conference or comply with any directions given by the Court including a failure by either party or both parties to complete the checklist in Form 9L and/or to comply with Practice Direction 40(1)(b)(i) above) may result in the

Court making cost orders, peremptory orders and/or any such order as it thinks fit for the just, expeditious and economical disposal of the cause or matter.

- (j) 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 —
  - (i) the parties shall file and serve the Bundle(s) of Documents (whether agreed or otherwise) within 4 weeks from the date of the conference;
  - (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 sub-paragraph (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 as follows:
  - (i) Joint Opening Statement Assessment of Damages for Personal Injury Claims (including dependency Claims) — Form 9D of Appendix A to these Practice Directions;
  - (ii) Joint Opening Statement Assessment of Damages for Non-Injury Motor Accident Claims — Form 9E of Appendix A to these Practice Directions; and
  - (iii) Joint Opening Statement Assessment of Damages for General Claims excluding Personal Injury and Non-Injury Motor Accident Claims — Form 9F of Appendix A to these Practice Directions.
- (c) The Joint Opening Statement must be filed via the Electronic Filing Service.

- (d) 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 NOAD.
- (b) For personal injury matters, 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 a 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.
- (c) 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 of Appendix A to these Practice Directions in Portable Document Format (PDF).
- (d) Form 9G shall only be filed with the consent of all parties involved in the proceedings.
- (e) 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 pre-Assessment of Damages ADR conferences by consent**

- (a) Any request for adjournment of a pre-Assessment of Damages ADR conference shall be made not less than 2 working days before the date of the conference.

- (b) A request for an adjournment of a conference shall be made only by filing a “Request for Re-fixing / Vacation of Hearing Dates” via the Electronic Filing Service.
- (c) The applicant shall obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties failing which no adjournment will be granted.

## Form 9C

Form may be downloaded from <http://www.statecourts.gov.sg> under "Civil Justice Division – Court Dispute Resolution"

<b>APPLICATION FOR DIRECTIONS UNDER O 37</b> <b>FOR PERSONAL INJURY / NON-INJURY MOTOR ACCIDENT CLAIMS</b> <i>Note: Additional prayers (if any) may be listed in a separate sheet of paper to be attached to this Form.</i>					
Case number: DC / MC _____ of _____ Nature of Claim: PIMA / IA / _____ Date (dd/mm/yy) : ____ / ____ / ____	<b>In Chambers before me: -</b>  <b>Deputy Registrar</b>				
<b>Directions Sought By The Plaintiff: -</b> <b>(To be completed by the Plaintiff's Counsel)</b>	<b>Defendant Counsel's proposal (to be completed by Defendant Counsel)</b>		<b>Court Orders:- OIT as per</b>		
	<b>Consent (√)</b>	<b>Proposed Alternative timelines</b>	<b>PC's proposal</b>	<b>DC's proposal</b>	<b>Dates below</b>
<input type="checkbox"/> List of documents and affidavit verifying list of documents to be filed and served within 2 weeks _____ week i.e. by ____ / ____ / _____.		____ weeks i.e.by ____ / ____ / ____			
<input type="checkbox"/> By consent, parties agree to dispense with affidavit verifying list of documents.					
<input type="checkbox"/> Inspection to be done within 3 weeks / _____ weeks i.e. by ____ / ____ / _____.		____ weeks i.e. by ____ / ____ / ____			
<input type="checkbox"/> Plaintiff's witnesses limited to _____ witness(es) of fact and _____ expert witnesses.					
<input type="checkbox"/> Defendant's witnesses limited to _____ witness(es) of fact and _____ expert witnesses.					
<input type="checkbox"/> _____ witnesses limited to _____ witness(es) of fact and _____ expert witnesses.					
<input type="checkbox"/> Parties to exchange AEICs of all witnesses within 8 weeks / _____ weeks i.e. by ____ / ____ / _____. <i>(Note: AEICs should be <u>filed and served</u> for cases involving litigants-in-person)</i>		____ weeks i.e.by ____ / ____ / ____			
<input type="checkbox"/> By consent, AEICs of experts shall be dispensed with. The evidence of the experts shall be given in the form of their respective reports to be exchanged within 8 weeks / _____ weeks i.e. by ____ / ____ / _____.		____ weeks i.e.by ____ / ____ / ____			
<input type="checkbox"/> Parties to file and serve Notice of Objections to AEICs within 9 weeks / _____ weeks i.e. by ____ / ____ / _____.		____ weeks i.e. by ____ / ____ / ____			
<input type="checkbox"/> Plaintiff to file and serve Notice of Appointment for Assessment of Damages for _____ days of hearing within 10 weeks / _____ weeks i.e. by ____ / ____ / _____.		____ weeks i.e.by ____ / ____ / ____			
<input type="checkbox"/> Costs reserved to the Registrar.					
<input type="checkbox"/> Order of Court with the names of the witnesses to be extracted within 3 weeks from the date of the Order i.e. by ____ / ____ / _____.					



## Form 9C(A)

Form may be downloaded from <http://www.statecourts.gov.sg> under "Civil Justice Division – Court Dispute Resolution"

<b>APPLICATION FOR DIRECTIONS UNDER ORDER 37 OF THE RULES OF COURT</b> <b>FOR MAGISTRATE’S COURT CASES FIXED FOR SIMPLIFIED AD</b> <b>PURSUANT TO ORDER 108</b>					
<i>Note: Additional prayers (if any) may be listed in a separate sheet of paper to be attached to this Form.</i>					
Case number: DC / MC _____ of _____  Nature of Claim: PIMA / IA / _____  Date (dd/mm/yy) : ____ / ____ / ____	<b>In Chambers before me: -</b>  <b>Deputy Registrar</b>				
<b>Directions Sought By The Plaintiff: -</b>  <b>(To be completed by the Plaintiff’s Counsel (PC))</b>	<b>Defendant Counsel’s proposal (to be completed by Defendant Counsel)</b>		<b>Court Orders:- OIT as per</b>		
	<b>Consent</b> (√)	<b>Proposed Alternative timelines</b>	<b>PC’s proposal</b>	<b>DC’s proposal</b>	<b>Dates below</b>
<input type="checkbox"/> Supplementary List of documents, if any, to be filed and served within 3 / _____ week(s) i.e. by _____.		_____ weeks i.e. by _____			
<input type="checkbox"/> Inspection to be done within 4 / _____ week(s) i.e. by _____.		_____ weeks i.e. by _____			
<input type="checkbox"/> (For Personal Injury and NIMA cases) AEICs of single joint expert shall be dispensed with. The expert report(s) shall be disclosed within 4/ _____ weeks i.e. by _____.		_____ weeks i.e. by _____			
<input type="checkbox"/> Parties to exchange AEICs of all witnesses within 8 / _____ weeks i.e. by _____. <i>(Note: AEICs should be <u>filed and served</u> for cases involving litigants-in-person)</i>		_____ weeks i.e. by _____			
<input type="checkbox"/> Parties to file and serve Notice of Objections to AEICs within 9 / _____ weeks i.e. by _____.		_____ weeks i.e. by _____			
<input type="checkbox"/> Plaintiff to file and serve Notice of Appointment for Assessment of Damages for _____ days of hearing within 12 / _____ weeks i.e. by _____.		_____ weeks i.e. by _____			
<input type="checkbox"/> Order of Court with the names of the witnesses to be extracted within 4/ _____ weeks from the date of the Order i.e. by _____.		_____ weeks i.e. by _____			
<b>Directions Sought By The Parties:-</b>	<b>Court Orders:</b>			<b>Consent</b> (√)	
<input type="checkbox"/> Plaintiff’s witnesses of fact limited to _____ witness(es).					
<input type="checkbox"/> Defendant’s witnesses of fact limited to _____ witness(es).					
<input type="checkbox"/> _____ Single Joint Expert (SJE) appointed by parties pursuant to O. 108 r. 5(3)(a) as follows:					

<p>(a) _____ (Area of expertise: ) (state name)</p> <p>(b) _____ (Area of expertise: ) (state name)</p> <p><input type="checkbox"/> Where parties are unable to agree on expert to be appointed, the Court shall pursuant to O. 108 r. 5(3)(b) appoint the SJE and fix the amount of remuneration payable to the SJE.</p> <p><input type="checkbox"/> SJE report is to be released by _____</p>		
<p><input type="checkbox"/> Costs reserved to the Registrar.</p>		

**Form 9L**

**CHECKLIST FOR  
PRE-ASSESSMENT OF DAMAGES ADR CONFERENCES**

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

Order 37 directions issued on: \_\_\_\_\_

Date on which Checklist is filed: \_\_\_\_\_

(Please confirm that parties have satisfied the conditions stated below before filing the Notice of Appointment for the Assessment of Damages)

I/We, counsel acting for the Plaintiff and Defendant, Intervener and Third/Fourth party, (\*Delete where applicable), do confirm as follows:

☐ (A) All expert reports that the Plaintiff, the Defendant, Intervener and/or Third/Fourth Party intend to rely on at the Assessment of Damages [including any medical re-examination, clarification report(s) and/or any report(s) necessary to update the evidence available on the Plaintiff's medical condition or Plaintiff's claim for loss and damage **up to the date of this checklist**] are available for parties to tender for an indication on quantum at the first Assessment of Damages ADR conference to be convened OR No expert reports will be tendered at the said conference and the Assessment of Damages (\*Delete where necessary);

☐ (B) All Affidavits of Evidence-in-Chief that the Plaintiff, the Defendant, Intervener and/or Third/Fourth Party intend to rely on at the Assessment of Damages [including any Supplementary Affidavits of Evidence-in-Chief which are required to update the evidence relied on by parties **up to the date of this checklist**] are available for parties to tender for an indication on quantum at the first Assessment of Damages ADR Conference to be convened; and

☐ (C) The Plaintiff has already attended medical re-examination by the Defendant's/Intervener's/Third Party's medical expert OR the Defendant/Intervener/Third Party confirms that no medical re-examination of the Plaintiff is required OR No medical re-examination is applicable in the present matter (\*Delete where necessary).

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

\_\_\_\_\_  
Counsel for the Defendant/Intervener/Third/Fourth Party (Delete where necessary or mark as "N.A")

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.