

**Singapore International Commercial Court Practice Directions**  
**(Amendment No. 3 of 2021)**

**2. Interpretation**

In these Practice Directions, unless the context otherwise requires –

“Advocate and Solicitor” means an advocate and solicitor of the Supreme Court;

“ADR” means alternative dispute resolution;

“Appellate Division” means the Appellate Division of the High Court;

“counsel” means –

- (a) an Advocate and Solicitor;
- (b) a person admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161); or
- (c) a Full Registration Foreign Lawyer;

“Court” means the Singapore International Commercial Court;

“Electronic Filing Service” means the Integrated Electronic Litigation System or eLitigation which is accessible at <[www.elitigation.sg](http://www.elitigation.sg)>;

“Full Registration Foreign Lawyer” means a Registered Foreign Lawyer who is granted full registration under section 36P of the Legal Profession Act (Cap. 161);

“General Division” means the General Division of the High Court;

“Judge” means a Supreme Court Judge, a Judicial Commissioner, a Senior Judge or an International Judge;

“Registered Foreign Lawyer” means a foreign lawyer registered under section 36P of the Legal Profession Act (Cap. 161);

“Registered Law Expert” means a law expert registered under section 36PA of the Legal Profession Act (Cap. 161);

“Restricted Registration Foreign Lawyer” means a Registered Foreign Lawyer who is granted restricted registration under section 36P of the Legal Profession Act (Cap. 161);

“Service Bureau” means the Lawnet & CrimsonLogic Service Bureau, whose addresses and contact details may be found in Appendix A to these Practice Directions;

“SICC Registry” means the Singapore International Commercial Court Division of the Supreme Court Registry;-

“Third-Party Funder” means a Third-Party Funder (as defined in section 5B of the Civil Law Act (Cap. 43)) under a contract mentioned in the definition of “third-party funding contract”;

“third-party funding contract” means a third-party funding contract (as defined in section 5B of the Civil Law Act) entered into on or after 28 June 2021.

## 152. **General**

(1) The costs of and incidental to any application or proceedings shall be in the discretion of the Court and the Court shall have the full power to determine by whom and to what extent the costs are to be paid.

(2) In assessing costs, the Court:

- (a) shall have regard to Order 110, Rule 46(1) of the Rules of Court, which provides that the reasonable costs of any application or proceeding in the SICC be borne by the unsuccessful party to that application or proceeding unless the Court orders otherwise; and
- (b) may, in particular, as set out in Order 110, Rule 46(13):
  - (i) apportion costs between the parties if the Court determines that the apportionment is reasonable, taking into account the circumstances of the case;
  - (ii) take into account such circumstances as the Court considers relevant, including the conduct of the case and the existence, scope, extent and terms of any third-party funding contract;

- (iii) order costs to be paid by counsel, a Restricted Registration Foreign Lawyer, or a Registered Law Expert personally, **by a Third-Party Funder**, or by ~~a~~ **any other** person who is not a party to the application or proceeding;
- (iv) order interest on costs; or
- (v) make any ancillary order, including the time and manner of payment.

(3) In relation to sub-paragraph (2)(b)(ii) above, the circumstances which the Court may take into consideration in ordering reasonable costs of any application or proceeding under Order 110, Rule 46(1) of the Rules of Court include:

- (a) the conduct of all parties, including in particular –
  - (i) conduct before, as well as during the application or proceeding;
  - (ii) whether it was reasonable for a party to raise, pursue or contest a particular allegation or issue; and
  - (iii) the manner in which a party has pursued or contested a particular allegation or issue;
- (b) the amount or value of any claim involved;
- (c) the complexity or difficulty of the subject matter involved;
- (d) the skill, expertise and specialised knowledge involved;
- (e) the novelty of any questions raised;
- (f) the time and effort expended on the application or proceeding.

(4) Costs may be dealt with by the Court at any stage of the proceedings or after the conclusion thereof. In particular, the Court may require parties to provide a costs schedule to be submitted with closing submissions, or to submit cost estimates or budgets in the course of the proceedings. A sample costs schedule is set out in Form 24 of Appendix B to these Practice Directions.

(5) The Court may take into account any payment of money into court or offer to settle and the conduct of the parties in relation to that payment into court or offer to settle.