



IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 3 OF 2009

ENHANCEMENT OF THE SPECIALLY MANAGED CIVIL LIST; CHECKLIST FOR CIVIL TRIAL; WITHDRAWAL OF REGISTRAR'S APPEAL/ INTERLOCUTORY APPLICATION BY CONSENT; AND DISPENSATION OF ATTENDANCE AT THE HEARING OF THE GARNISHEE ORDER TO SHOW CAUSE IN CERTAIN INSTANCES

(I) ENHANCEMENT OF THE SPECIALLY MANAGED CIVIL LIST

1 In 2006, the Subordinate Courts introduced the Specially Managed Civil List ("SMCL") in which cases that involved a claim exceeding \$200,000 in certain categories of cases were placed in a separate list for closer management by a specially designated Pre-Trial Conference (PTC) Judge. The categories were expanded in January 2007.

Categories of Cases

2 Currently, civil claims exceeding \$200,000 in the following categories are included in the SMCL:

- (1) Banking;
- (2) Corporate Finance;
- (3) Company Law;
- (4) Intellectual Property;
- (5) Securities;
- (6) Equity and Trust; and
- (7) Professional Negligence.

Expansion of Categories

3 In order to further assist members of the Bar and their clients towards better management of larger claims and claims involving more complex issues, the Subordinate Courts have enhanced the SMCL to:

- (1) reduce the monetary limit to \$150,000 for cases in the SMCL categories;
- (2) expand the SMCL to include the following types of cases:-

- (a) Construction Disputes;
- (b) Medical Law; and
- (c) upon the application by parties and subject to paragraph 4, cases involving claims of at least \$150,000 even if they do not fall within the categories in the SMCL.

Cases not within list

4 Parties may write in to the Registrar requesting that their case be included in the SMCL even though the case does not meet the SMCL criteria provided special reasons are given. Whether or not the request is acceded to shall be entirely at the discretion of the Registrar or the PTC Judge. Special reasons to justify a request for inclusion of a case in the SMCL include the following:

- (1) Complex issues of law;
- (2) Novel points of law (eg. an action under a new statutory provision or a new Act);
- (3) Complicated factual issues and the trial will involve the testimony of a large number of witnesses.

5 A request under paragraph 4 must be made no later than 30 days after close of pleadings.

(II) CHECKLIST FOR CIVIL TRIAL

6 In the interest of the effective administration of justice, it is desirable that all affidavits and other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with before a date for the hearing of a civil trial is fixed.

7 Before obtaining a date for trial, the parties or their counsel shall ensure that such documents have been filed and all such matters dealt with.

8 Unless otherwise directed by the Court, for the purpose of expediting the hearing of a civil case, the parties or their counsel shall submit a jointly-completed Checklist for Civil Trial [see **Annex A**] at the Pre-Trial Conference before a hearing date for the trial is obtained.

(III) WITHDRAWAL OF REGISTRAR'S APPEAL/ INTERLOCUTORY APPLICATION BY CONSENT

9 Currently, withdrawals by consent of registrar's appeals and interlocutory applications are often done by solicitors attending court and informing the court.

10 In order to obviate the need for parties to incur expense and to dispense with physical attendance of solicitors, a withdrawal by consent in the attached format [see **Annex B**] may instead be utilised.

11 In the case of a withdrawal of a registrar's appeal ("RA"), it shall be addressed to the RA Judge in the respective court. In the case of a withdrawal of an interlocutory application, it shall be addressed to the Registrar.

12 The withdrawal shall be endorsed "by consent" and when so endorsed must bear a certificate to that effect signed by all the solicitors concerned.

13 The withdrawal shall also state whether, by consent:

- (1) there shall be no order as to costs of the application; or
- (2) a party shall have the costs of the application fixed at a certain sum; or
- (3) a party shall have the costs of the application to be taxed, if not agreed.

14 After receipt, the withdrawal will be examined by the Judge or Registrar as the case may be. If satisfied that all the requirements have been complied with, the Judge or Registrar may make the order(s) applied for without the attendance of the solicitor.

(IV) DISPENSATION OF ATTENDANCE AT THE HEARING OF THE GARNISHEE ORDER TO SHOW CAUSE IN CERTAIN INSTANCES

15. Currently, the Judgment Creditor's solicitors are required to attend the show cause hearing even when the outcome is to have the matter adjourned as the Order to Show Cause has yet to be served; or there are no monies with the garnishee and the show cause is to be discharged.

16. In order to assist members of the Bar and their clients towards better management in such outcomes, where Judgment creditors are represented by solicitors, their solicitors can write to the Registrar [see **Annex C**] for a dispensation of attendance, and to seek:

- (1) a fresh date if the request is to have the matter adjourned as the Order to Show Cause has yet to be served; or
- (2) with the consent of parties, a discharge of the Order as there are no monies with the garnishee.

(V) COMMENCEMENT DATE OF THE ARRANGEMENTS IN THIS CIRCULAR

17. The above arrangements shall take effect from 16 September 2009

Dated this 16th day of September 2009

A handwritten signature in black ink, appearing to read 'Hoo Sheau Peng'. The signature is written in a cursive style with a long vertical stroke extending downwards from the end.

HOO SHEAU PENG
REGISTRAR
SUBORDINATE COURTS

CHECKLIST FOR CIVIL TRIAL

DC/MC Suit No. of

Date :

Witnesses / Affidavits	Plaintiff		Defendant	
	Yes	No	Yes	No
No. of affidavits of evidence-in-chief filed (not less than 5 days before trial)				
Affidavit(s) served on other party	<input type="checkbox"/>		<input type="checkbox"/>	
Objections (if any) filed and served	<input type="checkbox"/>		<input type="checkbox"/>	
Expert witnesses (if any)	<input type="checkbox"/>		<input type="checkbox"/>	
All witnesses are available	<input type="checkbox"/>		<input type="checkbox"/>	
Overseas witnesses	<input type="checkbox"/>		<input type="checkbox"/>	
Interpreter required (Mandarin/Malay/Tamil/ others)	<input type="checkbox"/>		<input type="checkbox"/>	
Previous attempts to settle	<input type="checkbox"/>		<input type="checkbox"/>	
Any outstanding interlocutory applications				
Documents filed <i>(please mark X in applicable column or indicate N.A. if not applicable)</i>				
Opening statement				
Bundle of Pleadings				
Bundle of Affidavits				
Agreed /Core Bundle of Documents				
Bundle of Documents (Plaintiff's / Defendant's)				
Bundle of Authorities (Plaintiff's / Defendant's)				
CD-rom in PDF format of documents filed under O34 r3A(1)				

Plaintiff's counsel / law firm:

Defendant's counsel / law firm:

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

LETTER OF WITHDRAWAL OF

REGISTRAR'S APPEAL/INTERLOCUTORY APPLICATION

BY CONSENT

Case No: DC/MC Suit/BC No.¹

Court No. /Civil Registry (Before DJ/DR)²

Date of Hearing:

To: District Judge/Registrar

We, the solicitors appearing for the parties in RA/Sum No. xx/2009/M³, **DO HEREBY CERTIFY** as follows:

1. The Plaintiff/Defendant do hereby apply for the leave of court to withdraw their appeal/application in RA/Sum No. xx/2009/M.
2. The Defendant/Plaintiff consents to the application by the Plaintiff/Defendant.
3. By consent,⁴
 - (a) there shall be no order as to the costs of the Registrar's Appeal/Application; or
 - (b) Plaintiff/Defendant shall have the costs of the Registrar's Appeal/Application fixed at \$ []⁵; or
 - (b) Plaintiff/Defendant shall have the costs of the Registrar's Appeal/Application to be taxed, if not agreed.

¹ Complete accordingly

² Delete and complete accordingly

³ Delete and complete accordingly

⁴ Select (a), (b) or (c)

⁵ Insert the agreed costs figure

M/s ABC Law Corporation

M/s XYZ & Company

#[Please affix the Official Stamp of the respective Law Firms]

Date:

Decision of the Court:

Leave is granted and Order in Terms / Counsels to appear at the Hearing.⁶

District Judge/Deputy Registrar:

Date:

⁶ Court will indicate its Order accordingly.

**GARNISHEE ORDER TO SHOW CAUSE HEARING:
DISPENSATION OF ATTENDANCE IN CERTAIN INSTANCES**

Case No. MC / DC / OS/ DCP No.			
SUM/ DCP/ NOA No:			
Date / Time of Hearing			
A. Particulars of party making the request			
Name of solicitor			
Name of law firm			
Tel No.		Fax No.	Ref No.
Reasons for request: <input type="checkbox"/> Order to Show Cause yet to be served <input type="checkbox"/> Parties consent to dispensation as no monies accruing with garnishee and Order to Show cause to be discharged.			
B. Particulars of the Garnishee/ solicitors			
Name of Garnishee/ their solicitor [where applicable]			
Name of law firm [where applicable]			
Tel No.		Fax No.	Ref No.
Date of Consent:			
FOR OFFICIAL USE ONLY			
Request is approved : <u>Yes</u> * / <u>No</u> *			
Further date [if applicable] : _____			
Discharge given [if applicable] : (a) <u>Yes</u> * / <u>No</u> *			
(b) No order as to costs.			
_____		_____	
Date		Name and Signature of Registry Officer For Deputy Registrar	