

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 12 OF 2020

**DISPENSATION OF ATTENDANCE AT SPECIFIED HEARINGS AND ASYNCHRONOUS HEARING OF SPECIFIED HEARINGS FOR APPLICATIONS FILED UNDER THE PROTECTION FROM HARASSMENT ACT (CAP 256A)**

1. Pursuant to Registrar's Circulars No. 8 and 9 of 2020, it was announced that during the Relevant Period (from 7 April 2020 to 1 June 2020), all civil hearings other than hearings of essential and urgent matters would be re-scheduled till after 1 June 2020.
2. Following the end of the Relevant Period, the Community Justice and Tribunals Division ("CJTD") of the State Courts will be introducing measures relating to applications made under the Protection from Harassment Act (Cap 256A, 2015 Rev Ed) ("POHA") to manage the build-up of hearings as a result of the re-scheduling during the Relevant Period, to reduce physical hearings in the court premises (where possible), to ensure the well-being of our staff as well as court users and to streamline proceedings, by commencing the following pilot programmes for the period from 8 June 2020 to 8 December 2020 (both dates inclusive):
  - (i) the dispensation of attendance of counsel and/or parties at specified hearings; and
  - (ii) the asynchronous processing and hearing of Summonses filed on an *ex parte* basis under the Rules of Court (Cap 322, R 5, 2014 Rev Ed) ("Rules of Court") ("*ex parte* Summons(es)").

**A. DISPENSATION OF ATTENDANCE AT SPECIFIED HEARINGS**

3. With effect from 8 June 2020, the CJTD will pilot the dispensation of attendance of counsel and/or parties at hearings of applications made under POHA where parties are seeking:
  - (i) the withdrawal of, or orders in relation to the prayers of, an Originating Summons, *inter partes* Summons and/or Registrar's Appeal ("RA"), by consent, where:
    - (a) all orders for the full disposal of the relevant application, including costs, are agreed; or
    - (b) all orders (save for costs) have been agreed for the full disposal of the relevant application, and parties agree that the Court may fix costs pursuant to parties' written submissions;
  - (ii) the discharge of a Garnishee Order to Show Cause by consent;
  - (iii) the discharge of an Examination of Judgment Debtor Order;
  - (iv) the withdrawal of *ex parte* Originating Summonses or Summonses, where the applicant does not seek costs or agrees that the Court may fix costs pursuant to the applicant's written submissions;

- (v) directions to be given in Pre-Trial Conferences, where parties consent to the said directions and/or consent to the Court giving directions after considering parties' written submissions on the same; and
  - (vi) orders to be made on any contested interlocutory application, Originating Summons or RA, *where all parties are represented* and agree to have all orders (including costs) for the full disposal of the relevant application determined by the Court, based solely on affidavits and written submissions ("Documents-Only Hearing").
4. For the avoidance of doubt, paragraph 16(1) (on the dispensation of attendance at the hearing of show cause hearings in relation to garnishee orders) of Registrar's Circular 3 of 2009 continues to apply.
  5. To seek any of the orders set out in paragraphs 3(i) to (iv) above, parties are to file a Request through eLitigation, under "Other Hearing Related Request", attaching the form in **Annex A** to the Request. Written submissions on costs, if any, are to be e-filed through eLitigation, on the same day as the filing date of the Request. The Request is to be filed **at least 5 working days** before the next hearing date of the application.
  6. In respect of the directions set out in paragraph 3(v), the parties are to file a Request through eLitigation, under "Other Hearing Related Request", to seek the necessary directions/orders from the Deputy Registrar conducting the relevant Pre-Trial Conference. The Request is to be filed at least **5 working days** before the hearing.
  7. After receipt of any Request referred to in paragraphs 4 and 6 above, the orders sought will be examined by the Judge or Registrar, as the case may be, and if all the requirements have been complied with, the order(s) and/or directions may be granted without the attendance of counsel and/or parties.
  8. In respect of the orders set out in paragraph 3(vi):
    - (i) the applicant's counsel is to file a Request through eLitigation under "Other Hearing Related Request" to seek a Documents-Only Hearing, enclosing documents showing:
      - (a) the consent of all parties to a Documents-Only Hearing; and
      - (b) all parties' counsel's certification that all affidavits, written submissions and bundles of authorities for the application have been filed in eLitigation and that the application is ready for hearing.
    - (ii) the Request is to be filed at least **5 working days** before the next hearing date of the application. The Request shall be rejected in the event of non-compliance with the above conditions in sub-paragraphs 8(i).
    - (iii) Where a Request for a Documents-Only Hearing is allowed, the Court hearing the application may issue further directions for the fair and effective conduct of the hearing. The Court may issue the orders in respect of the application without requiring the attendance of counsel. Alternatively, a Registrar's Notice will be issued informing parties of the hearing for delivery of decision.

9. In all cases where a particular District Judge or a particular Deputy Registrar has been assigned to hear the matter, the Request shall be addressed to the respective District Judge or Deputy Registrar. In all other cases, the Request shall be addressed to the “Registrar”.

**B. ASYNCHRONOUS HEARING OF EX PARTE SUMMONSES**

10. With effect from 8 June 2020, the CJTD will roll out the asynchronous issuance of orders, issuance of directions and/or reception of submissions for all *ex parte* Summonses without requiring the attendance of counsel or parties.
11. Practice Directions 24(2) and 24(3) will continue to apply for the first hearing of an *ex parte* Summons. The application will be examined by the Judge or Registrar as the case may be and if the Judge or Registrar is satisfied that the application is in order and all other requirements have been complied with, the Judge or Registrar may make the order(s) applied for without the attendance of the applicant or his counsel.
12. Where the Judge or Registrar does not make the order(s) applied for, the applicant will receive directions and the date of a “paper” hearing, being a hearing at which the attendance of the applicant and his solicitor is not required. Where a “paper” hearing date is given, the applicant is to file written submissions and/or supplementary affidavit(s) supporting the orders he/she wishes to obtain and/or addressing directions issued by the Court **at least 5 working days** before that date unless the Court directs otherwise. On the “paper” hearing date, the Court will proceed to consider all documents filed by the applicant by the specified deadline. The Court will then proceed either to issue orders (such as approval or dismissal of the application), or to issue further directions and fix the application for a further “paper” hearing.
13. Where a further “paper” hearing is fixed, the same process stated above for the first “paper” hearing date applies.
14. In the event that the applicant does not file any document by the specified deadline before any “paper” hearing date, the *ex parte* Summons **will be struck out**.
15. For the avoidance of doubt, paragraphs 10-14 shall not apply to hearings of applications for expedited protection orders unless otherwise directed by the District Judge.

**C. CONCLUSION**

16. For the avoidance of doubt, the Court will at all times (during the pilot programmes or otherwise) retain the full discretion to issue directions for parties to attend a physical hearing or remote hearing via video conferencing where it deems fit.
17. Please also note that, for the purpose of Order 55B r 1(4) of the Rules of Court (as may be applicable to the above-mentioned categories of hearings and applications), any notice of appeal must be issued within 14 days after the date on which the Registry notifies parties via eLitigation of the judgment, order or decision appealed against. For matters governed by Order 55C of the Rules of Court: (a) the Registry will notify parties via eLitigation of the Court’s judgment, order or decision on the same date that the said judgment, order or decision is given or made by the Court;

and (b) the prevailing appeal timelines starting from the date of judgment, order or decision as stated in the said provision of the Rules of Court shall continue to apply. In all cases, when parties extract the Order of Court, the date of that Order of Court should remain as the date on which the Court had heard the matter as reflected in eLitigation.

Dated this 8<sup>th</sup> day of June 2020.

A handwritten signature in black ink, appearing to read 'Christopher Tan', written in a cursive style.

CHRISTOPHER TAN  
REGISTRAR  
STATE COURTS

## ANNEX A

### DISPENSATION OF ATTENDANCE OF COUNSEL/PARTIES AT HEARING

Case No.:

Sub-Case No.:

Date/Time of Hearing:

To: Registrar/District Judge/ Deputy Registrar [insert name]

We, [insert party/parties], apply for the following order(s):

(i)	Withdrawal of Originating Summons/ <i>inter partes</i> summons/Registrar's Appeal* where:	
	(a) all orders in respect of withdrawal, including costs are agreed: [agreed orders to be listed here]	<input type="checkbox"/>
	(b) all orders (save for costs) in respect of withdrawal are agreed, and parties agree that the Court may fix costs pursuant to parties' written submissions: [agreed orders to be listed here]	<input type="checkbox"/>
(ii)	Orders for Originating Summons/Summons/ <i>inter partes</i> summons/Registrar's Appeal*, by consent, where:	
	(a) all orders (including costs) have been agreed for the full disposal of the relevant application after the filing of the application: [agreed orders to be listed here]	<input type="checkbox"/>
	(b) all orders (save for costs) have been agreed for the full disposal of the relevant application after the filing of the application, and parties agree that the Court may fix costs pursuant to parties' written submissions: [agreed orders to be listed here]	<input type="checkbox"/>
(iii)	Discharge of a Garnishee Order to Show Cause by consent	<input type="checkbox"/>
(iv)	Discharge of an Examination of Judgment Debtor Order	<input type="checkbox"/>
(v)	Withdrawal of <i>ex parte</i> summons, where: (a) the costs order sought is "no order as to costs"	<input type="checkbox"/>
	(b) the applicant agrees that the Court may fix costs pursuant to the applicant's written submissions.	<input type="checkbox"/>

[signatures of parties]

\* delete where applicable