

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE  
REGISTRAR'S CIRCULAR NO. 3 of 2020**

**ASYNCHRONOUS HEARINGS UNDER THE  
SPECIALLY MANAGED CIVIL LIST**

1. In 2006, the then Subordinate Courts introduced the Specially Managed Civil List (SMCL), in recognition that certain categories of cases take a significantly longer time to be resolved due to their complexity. These cases would benefit from a dedicated and rigorous pre-trial management process in order to bring about an expeditious resolution of the dispute. Upon the close of pleadings, these cases will be tracked by a designated team of Judicial Officers who will deal with all the pre-trial applications and give directions to facilitate the timely disposal of the dispute whether through mediation or any other appropriate ADR process.

2. Currently, civil claims exceeding \$150,000 in the following categories are included in the SMCL:

- (a) Banking;
- (b) Corporate Finance;
- (c) Company Law;
- (d) Intellectual Property;
- (e) Securities;
- (f) Equity and Trust;
- (g) Professional Negligence;
- (h) Construction Disputes;
- (i) Medical Law; and
- (j) Cases which do not fall within the above categories but which, pursuant to the application of the parties, are included in the SMCL by the Registrar or PTC Judge for special reasons.
- (k) All cases that are transferred to the State Courts from the High Court;
- (l) Consolidated suits where the total claim exceeds \$150,000;
- (m) Representative proceedings under Order 15 Rule 12;
- (n) Defamation actions commenced in the District Court; and
- (o) Any case deemed suitable for the SMCL at the discretion of the Registrar.

3. The Civil Justice Division of the State Courts has reviewed the categories of cases under SMCL and has determined that not all cases under paragraph 2(k) above are of the complexity that would merit management under SMCL. In particular, as motor and industrial accident cases undergo the Court Dispute Resolution process at the State Courts Centre for Dispute Resolution, it would not be necessary for such cases to fall under SMCL, even if they were transferred to the State Courts from the High Court. With immediate effect, all motor and industrial accident cases will no longer be identified for SMCL.

4. In order to better utilise court resources, as well as save time for counsel attending SMCL Pre-Trial Conferences (PTCs), in general, SMCL PTCs shall be conducted asynchronously as follows:

**First SMCL PTC**

- a. If your case is identified for SMCL after the close of pleadings, the parties will be notified of this and directed to provide the Court within a prescribed time:

- i. a status update, and
  - ii. a list of directions sought including the timeframe for each direction.
- b. For construction disputes, parties will be directed to provide a Scott Schedule setting out the respective parties' positions on each item of claim.
- c. For defamation actions, parties will be directed to state whether the Pre-Action Protocol for Defamation Actions has been complied with and if not, the outstanding steps to be taken.
- d. Upon receiving the status update and list of directions sought, the Court will proceed to give directions to the parties and the parties are to comply with the directions given.

### **Subsequent SMCL PTCs**

- e. Following from these directions, the Court may notify parties to provide further status updates to ascertain compliance with these directions and to give further directions, if necessary.

### **Parties are to agree on directions, as far as possible**

- f. As far as possible, parties are to agree on the directions that they are seeking from the Court. If parties are unable to agree, they are to inform the Court of the items of disagreement and their respective positions on each item.
- g. The Court may require the parties to provide submissions explaining the reasons for the directions sought, if:
  - i. there is a dispute between the parties on the directions sought, or
  - ii. if the Court determines that such submissions are necessary, before the Court proceeds to give its directions.

### **Non-compliance by parties**

- h. A party who fails to comply with the directions given and is seeking an extension of time to comply, shall inform the Court of:
  - i. the reasons for the directions not having been complied with and for seeking an extension of time, and
  - ii. whether the other party is agreeable to the extension of time sought.
- i. If any party fails to provide the status update or list of directions sought or fails to comply with the Court's directions, the Court may proceed to give the necessary directions to the parties, to facilitate the progress of the action.

### **Communication**

- j. All updates and request for directions by the parties, as well as directions given by the Court, shall be through correspondence via e-Litigation, unless the Court determines that it is necessary for the parties or their counsel to attend court, for such directions to be dealt with.

- k. In deciding whether it is necessary for parties or their counsel to attend court, the Court will take into consideration:
    - i. the complexity of the directions sought,
    - ii. whether the directions sought are proportionate to the value of the claim,
    - iii. whether the directions sought are disputed and whether such disputes are better resolved through correspondence or a hearing in court,
    - iv. the parties' compliance with the directions given, and
    - v. any other factor that may persuade the Court that the attendance of parties or their counsel in court will better facilitate the expeditious case management of the matter.
5. This circular is to take effect from 1 April 2020.

Dated this 23rd day of March 2020.



JENNIFER MARIE  
REGISTRAR  
STATE COURTS