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SMALL CLAIMS TRIBUNALS ACT (CHAPTER 308)

SMALL CLAIMS TRIBUNALS (AMENDMENT) RULES 2017

In exercise of the powers conferred on us by section 47 of the Small Claims Tribunals Act, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Small Claims Tribunals (Amendment) Rules 2017 and come into operation on 10 July 2017.

Deletion and substitution of rules 3 and 4 and new rule 4A

2. Rules 3 and 4 of the Small Claims Tribunals Rules (R 1) (called in these Rules the principal Rules) are deleted and the following rules substituted therefor:

“Definitions

3. In these Rules, unless the context otherwise requires —

“ACRA” means the Accounting and Corporate Regulatory Authority established under section 3 of the Accounting and Corporate Regulatory Authority Act (Cap. 2A);

“CorpPass” means the identity authentication service, known as Singapore Corporate Access, by which an entity authenticates its identity in order to carry out an online transaction with the Government or a statutory board;

“CorpPass credential” means any username, password or 2-factor authentication detail required to authenticate, using CorpPass, the identity of an entity;

“electronic system” means the electronic filing and case management system established under rule 8A(1);

“Form” means —

- (a) the current version of a form, as set out on the Internet website of the electronic system, in the Schedule or in the practice directions; and
- (b) in the case of any reference to a Form by a number — the current version of the form bearing that number, as set out on the Internet website of the electronic system or in the Schedule;

“messaging system” means any system that enables the transmission of short text messages or electronic mail —

- (a) from a digital mobile telephone to another digital mobile telephone; or
- (b) from an electronic mail address to a digital mobile phone, and the other way around;

“practice directions” means the practice directions issued by the Registrar under rule 4A;

“SingPass” means the identity authentication service, known as Singapore Personal Access, by which an individual authenticates the individual’s identity in order to carry out an online transaction with the Government or a statutory board;

“SingPass credential” means any username, password or 2-factor authentication detail required to authenticate, using SingPass, the identity of an individual.

Forms and documents

4.—(1) Every Form or document relating to proceedings before a tribunal must be submitted through the electronic system, unless —

- (a) it is a claim; or
- (b) the Registrar directs otherwise.

(2) For the purposes of section 15(6) of the Act, the Registrar may permit a claim to be lodged by submitting the claim through the electronic system.

(3) Every Form must contain such particulars, and be accompanied by such documents, as may be specified by the tribunal, by the Registrar or in the Form.

(4) Any Form set out in the Schedule or the practice directions may be used in any particular case with such variations as the circumstances of that case require.

Practice directions

4A. The Registrar may issue practice directions for the purposes of these Rules, and for any proceedings to which these Rules relate.”.

New Part IIA

3. The principal Rules are amended by inserting, immediately after rule 8, the following Part:

“PART IIA

ELECTRONIC SYSTEM

Electronic system

8A.—(1) An electronic filing and case management system is established for the tribunals.

(2) The purposes of the electronic system are as follows:

- (a) to facilitate the submission of Forms and documents;
- (b) to facilitate the service of documents;
- (c) to facilitate the settlement of disputes, the conduct of a consultation before the Registrar, and the conduct of proceedings before a tribunal, by electronic means.

(3) The practice directions may provide guidance on the following matters:

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- (a) the types of consultation that the Registrar may, under section 18 of the Act, permit to be conducted through the electronic system;
 - (b) the types of proceedings that a tribunal may, under section 25 of the Act, permit to be conducted through the electronic system;
 - (c) the practice and procedure for the use of the electronic system, and any matters incidental or relating to such practice and procedure.

Authentication

8B.—(1) Subject to paragraph (3), an individual must authenticate the individual's identity using SingPass in order to access the electronic system to carry out an online transaction involving the individual.

(2) Subject to paragraph (3), a person, who is authorised by an entity to carry out through the electronic system an online transaction involving the entity, must authenticate the identity of the entity using CorpPass in order to access the electronic system to carry out that transaction for the entity.

(3) The Registrar may, on application by a party that is unable to authenticate the party's identity using SingPass or CorpPass, issue the party with a username and a password to enable the party to access the electronic system to carry out an online transaction involving the party.

(4) A party that is issued a username and a password under paragraph (3) —

- (a) must ensure the confidentiality and security of the username and password; and
- (b) must not —
 - (i) divulge the username and password to any other person; or
 - (ii) permit any other person to use the username and password.

(5) An individual must not facilitate the use, by any other person, of the individual's SingPass credentials to access the electronic system.

(6) An entity must not facilitate the use, by any unauthorised person, of the CorpPass credentials of the entity to access the electronic system.

Information on party

8C. Every party to proceedings before a tribunal must —

- (a) enter, through such means as may be provided by the electronic system for the recording of information on the party's profile, such information on the party as the electronic system may require; and
- (b) if there is any change to that information, update that information by entering, through such means as may be provided by the electronic system, the details of the change.

Time of lodging of claim, or filing of Form or document, submitted through electronic system

8D.—(1) If a claim is submitted through the electronic system, the claim is treated as lodged on the date and at the time the first part of the transmission of the claim is received in the electronic system.

(2) Despite paragraph (1), where the submission of a claim through the electronic system is unsuccessful or delayed because of a failure or inability of the electronic system to transmit or process the claim, the Registrar may —

- (a) on the application of the claimant (or a representative of the claimant), make an order for the claim to be treated as lodged on an earlier date than that on which the first part of the transmission of the claim is actually received in the electronic system; and
- (b) in the case of an unsuccessful submission, require the claim to be resubmitted through the electronic system.

(3) Every application under paragraph (2)(a) must be accompanied by proof, to the satisfaction of the Registrar, of the matters relied on to support the application.

(4) If a Form or document (other than a claim) is submitted through the electronic system, the Form or document is treated as filed on the date and at the time the first part of the transmission of the Form or document is received in the electronic system.

Time of service of document through electronic system

8E.—(1) Where the Registrar gives to a claimant, a respondent, or a person specified in section 19(1)(b)(ii) of the Act, a notice under rule 13(1) through the electronic system, the notice is treated as served on the claimant, respondent or person (as the case may be) 24 hours after the time the Registrar sends the notice to the claimant, respondent or person (as the case may be) through the electronic system.

(2) Except as provided in paragraph (1), after the Registrar has notified a party to any proceedings before a tribunal that the party has been given the right to access the electronic system to view any document served on the party in relation to those proceedings —

- (a) any document required to be served on the party in relation to those proceedings may be served on the party by submitting that document through the electronic system; and
- (b) that document is treated as served on the party 24 hours after the time that document is treated under rule 8D as filed.

Negotiation through electronic system

8F. The parties to any proceedings before a tribunal may use the negotiation module in the electronic system to facilitate a settlement acceptable to all of those parties.”.

Amendment of heading to Part III

4. Part III of the principal Rules is amended by inserting, immediately after the word “CLAIMS” in the Part heading, the words “AND AMENDMENT OF DOCUMENTS”.

New rule 11A

5. The principal Rules are amended by inserting, immediately after rule 11, the following rule:

“Amendment of documents

11A.—(1) A claimant may, without the leave of a tribunal or the Registrar, amend a claim at any time before the claim is served on a respondent.

(2) Where a respondent makes a counterclaim against a claimant, the respondent may, without the leave of a tribunal or the Registrar, amend the counterclaim at any time before the counterclaim is served on the claimant.

(3) A tribunal or the Registrar may, at any stage of the proceedings and on the application of a party in the appropriate Form, allow that party to amend that party’s claim or counterclaim (as the case may be) in such manner as the tribunal or Registrar may direct.

(4) Despite paragraphs (1), (2) and (3), a party may, at any stage of the proceedings, amend that party’s claim or counterclaim (as the case may be) in such manner as is agreed to by the other party.

(5) A tribunal may on its own motion or on the application of a party in the appropriate Form, correct any clerical mistake, or error arising from an accidental slip or omission, in an order of a tribunal or the Registrar.

(6) The Registrar may on its own motion or on the application of a party in the appropriate Form, correct any clerical mistake, or error arising from an accidental slip or omission, in an order of the Registrar.”.

Deletion of Parts IIIA and IIIB

6. Parts IIIA and IIIB of the principal Rules are deleted.

Amendment of heading to Part IV

7. Part IV of the principal Rules is amended by deleting the word “SERVICE” in the Part heading and substituting the words “COMMUNICATION, SERVICE OF DOCUMENTS”.

Deletion and substitution of rule 12 and new rule 12A

8. Rule 12 of the principal Rules is deleted and the following rules substituted therefor:

“Communication between Registrar and party

12.—(1) The Registrar may communicate with any party (or representative of a party) —

- (a) through the electronic system;
- (b) by sending electronic mail to an electronic mail address designated by that party (or representative);
- (c) through any messaging system that is agreed between the Registrar and that party (or representative); or
- (d) by any other means that is agreed between the Registrar and that party (or representative).

(2) Where any party (or representative of a party) agrees to communicate with the Registrar by a means of communication mentioned in paragraph (1), that party (or representative) must monitor that means of communication for any communication from the Registrar to that party (or representative), until the conclusion of the proceedings involving that party (or representative).

Service of documents

12A.—(1) Any document that is to be served on any person in any proceedings before a tribunal or the Registrar must be served —

- (a) by delivering that document personally to that person;

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- (b) by sending that document by registered post addressed to that person at —
- (i) that person’s last known residential address;
 - (ii) that person’s registered address; or
 - (iii) the address of that person’s principal place of business, as notified to ACRA; or
- (c) if that person is a party to those proceedings, and has been notified by the Registrar of that person’s right to access the electronic system to view any document served on that person in relation to those proceedings — as an alternative to serving that document in accordance with sub-paragraph (a) or (b) — by submitting the document through the electronic system.

(2) Despite paragraph (1), a tribunal or the Registrar may, in any particular case, order that a document be served on a person by any other means that the tribunal or Registrar considers proper.”.

Amendment of rule 13

9. Rule 13 of the principal Rules is amended —

(a) by deleting the words “set out in the Schedule” in paragraph (1)(b);

(b) by deleting paragraph (2) and substituting the following paragraph:

“(2) The Registrar may give the notice under paragraph (1) through the electronic system or by any other means that the Registrar considers proper.”; and

(c) by inserting, immediately after paragraph (3), the following paragraphs:

“(4) The Registrar may, as part of the consultation, fix a time and place for the mediation of the dispute between the parties.

(5) The Registrar may, in accordance with section 18 of the Act, permit the mediation to be conducted —

(a) through the electronic system; or

(b) by any other electronic means.

(6) The Registrar may give the parties such directions relating to the mediation as the Registrar thinks fit.”.

Miscellaneous amendments

10. The principal Rules are amended by deleting the words “set out in the Schedule” in the following provisions:

Rules 9(1), 10(1), 11(1), 14(1)(b), 15(1) and (3)(b), 16, 19(1) and (4), 20, 20A, 20C(c), 20F(1), 20H(c), 21(1), 23(1) and (4), 25(1), 26(4), 27(6) and 28.

Saving and transitional provisions

11.—(1) These Rules do not apply to or in relation to any proceedings under the Act that are commenced before 10 July 2017.

(2) Despite these Rules, the principal Rules as in force immediately before 10 July 2017 continue to apply to or in relation to any proceedings under the Act that are commenced before that date.

[G.N. Nos. S 74/2006; S 342/2006; S 129/2014]

Made on 19 June 2017.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
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Presiding Judge of the State Courts.

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