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COMMUNITY DISPUTES RESOLUTION ACT 2015
(ACT 7 OF 2015)

COMMUNITY DISPUTES RESOLUTION
TRIBUNALS (AMENDMENT) RULES 2018

In exercise of the powers conferred by section 32 of the Community Disputes Resolution Act 2015, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Community Disputes Resolution Tribunals (Amendment) Rules 2018 and come into operation on 1 February 2018.

Amendment of rule 2

2. Rule 2(2) of the Community Disputes Resolution Tribunals Rules 2015 (G.N. No. S 565/2015) (called in these Rules the principal Rules) is amended by deleting the full-stop at the end of sub-paragraph (e) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:

“(f) Orders 62 and 63A of the Rules of Court do not apply to any proceeding in the Community Disputes Resolution Tribunals.”.

New rule 2A

3. The principal Rules are amended by inserting, immediately after rule 2, the following rule:

“Definitions

2A. In these Rules, unless the context otherwise requires —

“ACRA” means the Accounting and Corporate Regulatory Authority established by 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 4A(1);

“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 telephone, and the other way around;

“relevant Form”, in relation to any purpose for which a specific form is required to be used, means the current version of the relevant form for that purpose, as set out on the Internet website of the electronic system or in the practice directions;

“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.”.

Deletion and substitution of rule 3

4. Rule 3 of the principal Rules is deleted and the following rule substituted therefor:

“Forms and documents

3.—(1) Unless the Registrar directs otherwise, every relevant Form or document relating to proceedings before a tribunal or the Registrar must be submitted through the electronic system.

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

(3) Any relevant Form may be used in any particular case with such variations as the circumstances of that case require.”.

New Part 1A

5. The principal Rules are amended by inserting, immediately after rule 4, the following Part:

“PART 1A**ELECTRONIC SYSTEM****Electronic system**

4A.—(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 relevant Forms and documents;

(b) to facilitate the service of relevant Forms and documents;

(c) to facilitate, by electronic means, the settlement of disputes and the conduct of proceedings before a tribunal or the Registrar.

Authentication

4B.—(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 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

4C. Every party to proceedings before a tribunal or the Registrar must —

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- (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 filing of relevant Form or document submitted through electronic system

4D.—(1) If a relevant Form or document is submitted through the electronic system, the relevant Form or document is treated as filed on the date and at the time the first part of the transmission of the relevant Form or document is received in the electronic system.

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

- (a) on the Registrar's own motion or on the application of the party who submitted the relevant Form or document, make an order for the relevant Form or document to be treated as filed on an earlier date than that on which the first part of the transmission of the relevant Form or document is actually received in the electronic system; and
- (b) in the case of an unsuccessful submission, require the relevant Form or document 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.

Time of service of document through electronic system

4E.—(1) Where the Registrar gives, through the electronic system, a notice under these Rules to —

- (a) a party to proceedings before a tribunal or the Registrar; or
- (b) any other person who carries out an online transaction through the electronic system,

the notice is treated as served on the party or person (as the case may be) 24 hours after the time the Registrar sends the notice to the party 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 or the Registrar 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 4D as filed.

Negotiation through electronic system

4F. The parties to any proceedings before a tribunal or the Registrar may use the negotiation module in the electronic system to facilitate a settlement acceptable to all of those parties.”.

Amendment of rule 6

6. Rule 6(3) of the principal Rules is amended —

- (a) by deleting the word “and” at the end of sub-paragraph (a); and

(b) by deleting the full-stop at the end of sub-paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(c) where the Court has made an order under paragraph (2)(a) that the plaintiff and the respondent attend mediation, the Court may direct that the mediation be conducted —

(i) through the electronic system; or

(ii) by any other electronic means.”.

New rule 11A

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

“Amendment of documents

11A.—(1) A tribunal or the Registrar may, at any stage of the proceedings and on the application of a party in the relevant Form, allow the party to amend the party’s claim, application, reply or other document in such manner as the tribunal or Registrar may direct.

(2) Despite paragraph (1), a party may, at any stage of the proceedings, amend that party’s claim, application or reply in such manner as is agreed to by the other party.

(3) A tribunal or the Registrar may, on the tribunal’s or Registrar’s own motion or on the application of a party in the relevant Form, correct any clerical mistake, or error arising from an accidental slip or omission, in an order of a tribunal or the Registrar.”.

Deletion and substitution of rule 21 and new rule 21A

8. Rule 21 of the principal Rules is deleted and the following rules substituted therefor:

“Service of documents

21.—(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;
- (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 that 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.

Communication between Registrar and party

21A.—(1) The Registrar may communicate with any party —

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

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

Saving and transitional provisions

9.—(1) These Rules do not apply to or in relation to any proceedings under the Act that are commenced before 1 February 2018.

(2) Despite these Rules, the principal Rules as in force immediately before 1 February 2018 continue to apply to or in relation to any proceedings under the Act that are commenced before that date.

Made on 24 January 2018.

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
Judge.

SEE KEE OON
Presiding Judge of the State Courts.

TAN PUAY BOON
District Judge.

CAVINDER BULL, SC
Advocate and Solicitor.

ANG CHENG HOCK, SC
Advocate and Solicitor.

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(To be presented to Parliament under section 32(4) of the
Community Disputes Resolution Act 2015).