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## **No. S 714**

### **SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)**

#### **RULES OF COURT (AMENDMENT NO. 4) RULES 2014**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, hereby make the following Rules:

#### **Citation and commencement**

1. These Rules may be cited as the Rules of Court (Amendment No. 4) Rules 2014 and shall come into operation on 1 November 2014.

#### **New Order 108**

2. The Rules of Court (R 5, 2014 Ed.) are amended by inserting, immediately after Order 107, the following Order:

#### **“ORDER 108**

#### **SIMPLIFIED PROCESS FOR PROCEEDINGS IN MAGISTRATE’S COURT OR DISTRICT COURT**

#### **Application and purpose of, and powers of Court under, Order (O. 108, r. 1)**

- 1.—(1) This Order applies only to —
- (a) all civil proceedings begun on or after 1 November 2014 by writ which are before a Magistrate’s Court; and
  - (b) any civil proceedings begun on or after 1 November 2014 by writ —
    - (i) which are before a District Court; and
    - (ii) to which paragraph (2) applies.

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(2) Where any civil proceedings begun on or after 1 November 2014 by writ are before a District Court, and all parties to those proceedings file their consent in Form 233 for this Order to apply to those proceedings, this Order shall, upon the filing of that consent, apply to those proceedings.

(3) The purpose of this Order is to facilitate the fair, expedient and inexpensive determination of all civil proceedings to which this Order applies, in a manner which is proportionate to —

- (a) the amount of the claim;
- (b) the number of parties;
- (c) the complexity of the issues;
- (d) the amount of costs likely to be incurred by each party;  
and
- (e) the nature of the action.

(4) For the purpose of facilitating the fair, expedient and inexpensive determination of any civil proceedings to which this Order applies, the Court may make such orders or give such directions as the Court thinks necessary or appropriate, including —

- (a) orders or directions as to the procedure for those proceedings; and
- (b) orders or directions for the modification or exclusion of the application of any of the provisions of these Rules in relation to those proceedings.

### **Upfront discovery (O. 108, r. 2)**

**2.—**(1) The purpose of this Rule is to ensure that every party has the fullest possible particulars of every other party's case at an early stage of the proceedings, in order to facilitate effective negotiations towards a resolution of the dispute between all of the parties.

(2) The negotiations referred to in paragraph (1) include —

- (a) direct negotiations between the parties themselves; and

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(b) negotiations facilitated by a judge or mediator, or by any other suitable person (not being a party).

(3) Every pleading served by a party under Order 18 must be accompanied by a list of documents which are or have been in that party's possession, custody or power.

(4) The list of documents referred to in paragraph (3) —

(a) must be filed in Form 234;

(b) must set out —

(i) every document referred to in the pleading which the list accompanies;

(ii) every document on which the party serving the list relies or will rely; and

(iii) any other document which could —

(A) adversely affect that party's own case;

(B) adversely affect another party's case; or

(C) support another party's case; and

(c) must set out the documents in a convenient order and as shortly as possible, but also describe each document sufficiently to enable the document to be identified.

(5) Where a party who has served a list of documents on any other party receives from that other party a request for a copy of any document on the list, the party who has served the list of documents must, within 7 days after receiving the request, provide that other party with a copy of that document.

(6) If an amended pleading is filed by any party, this Rule shall apply to the amended pleading if the amended pleading —

(a) pleads any additional fact; or

(b) refers to any document that was not referred to in any other pleading filed by that party.

(7) The Court may at any stage of the proceedings order the production of any document, if the Court is of the opinion that

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such an order is necessary either for the fair disposal of the case or for the saving of costs.

(8) Where any privilege is claimed, or any objection is made, by any party in relation to the production of any document, the Court may, if the Court deems fit —

- (a) inspect the document for the purpose of determining whether the claim or objection is valid; and
- (b) order the production of the document, unless the Court upholds the claim or objection.

(9) If any party fails to comply with any provision of this Order, or with any order made by the Court by which that party is required to give discovery of any document or to produce any document, the Court may make such order as the Court thinks just, including an order that —

- (a) the action be dismissed or the defence be struck out (as the case may be), and judgment be entered accordingly; and
- (b) the defaulting party shall be liable to committal.

### **Case management conference (O. 108, r. 3)**

3.—(1) The Court shall, within such time as the Court thinks appropriate after the filing of the defence in a case to which this Order applies, convene a case management conference under Order 34A for the purpose of assisting the parties in the management of the case from an early stage of the proceedings.

(2) During the case management conference, the Court may —

- (a) make such orders or give such directions as it thinks fit for the fair, expedient and inexpensive management of the case; and
- (b) assist the parties in considering and determining whether any ADR process can be used to resolve the dispute between the parties.

(3) The Court may make an order directing that a case be referred for resolution by an ADR process if —

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- (a) the parties consent to the case being referred for resolution by the ADR process; or
- (b) the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.
- (4) The Court may, upon referring a case for resolution by an ADR process under paragraph (3), adjourn the case management conference.
- (5) Where there is a settlement of a case on the issue of liability only —
- (a) the parties may enter a consent interlocutory judgment leaving the damages to be assessed; and
- (b) the Court shall make such further orders or give such further directions to facilitate the progress of the case for the assessment of damages.
- (6) Where interlocutory judgment has been entered, whether before or after the Court has convened any case management conference, the Court shall convene a case management conference after the filing of the notice of appointment for the assessment of damages, for the purpose of facilitating a resolution of the issue of damages between the parties.
- (7) If one or more of the parties fails to attend the case management conference, the Court may —
- (a) give judgment or dismiss the case; or
- (b) make any other order, or give any direction, as the Court thinks just and expedient in the circumstances.
- (8) This Rule shall not apply to any case referred to in the following sub-paragraphs, and the parties to any such case shall instead comply with any relevant pre-action protocol or practice direction for the time being issued by the Registrar:
- (a) any non-injury motor accident action (as defined in Order 59, Appendix 2 Part V);
- (b) any action for personal injuries (including any action where the pleadings contain an allegation of a negligent

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act or omission in the course of medical or dental treatment).

(9) In this Rule, “ADR process” means an alternative dispute resolution process, that is, a method of resolving disputes that does not use the normal trial process, such as mediation, neutral evaluation or arbitration.

**Excluded interlocutory applications (O. 108, r. 4)**

4. Notwithstanding any other provision in these Rules, no application under any of the following Orders shall be made in any case to which this Order applies:

- (a) Order 14 (summary judgment and disposal of case on point of law);
- (b) Order 24 (discovery and inspection of documents);
- (c) Order 26 (interrogatories).

**Simplified trial (O. 108, r. 5)**

5.—(1) If the Court is satisfied that the parties to a case are unable to resolve their dispute without a trial, the Court shall as soon as practicable direct that the case be set down for such of the following as the Court deems fit:

- (a) a simplified trial under this Rule;
- (b) a full trial.

(2) In deciding the appropriate mode of trial, the Court may have regard to the following matters:

- (a) the number of parties involved;
- (b) the complexity of the issues;
- (c) the amount of the claim and the amount of the counterclaim (if any);
- (d) whether the costs which may be incurred will be proportionate to the amount of the claim and the amount of the counterclaim (if any);
- (e) the nature of the action;

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(f) any other matter that the Court considers relevant.

(3) If any question requiring the evidence of an expert witness arises in any case which the Court has directed to be set down for a simplified trial —

(a) the parties must jointly appoint one independent expert to give the expert evidence in a written report; and

(b) if the parties are unable to agree on the expert to be appointed —

(i) the Court shall —

(A) make such orders or give such directions, in relation to the appointment of the expert, as the Court deems fit, including an order appointing the expert; and

(B) fix the amount of remuneration payable to the expert; and

(ii) the parties shall be jointly and severally liable to pay the expert the amount of remuneration fixed by the Court.

(4) Paragraph (3)(b)(ii) does not affect the discretion of the Court to make an order providing for the amount of remuneration payable to the expert to be part of the costs of the matter.

(5) The conduct of a simplified trial is governed by Order 35 (proceedings at trial), but the following time limits shall apply:

(a) for the examination in chief of a witness — 10 minutes per witness;

(b) for the cross-examination of a witness — 60 minutes per witness;

(c) for the re-examination of a witness — 10 minutes per witness;

(d) for closing submissions — 30 minutes per party.

(6) The Court may extend any time limit under paragraph (5) as the Court deems fit.

(7) In every case to which this Order applies, where interlocutory judgment has been entered for damages to be assessed, this Rule shall apply with the necessary modifications to the assessment of damages.”.

### **Amendment of Appendix A**

3. Appendix A to the Rules of Court is amended by inserting, immediately after Form 232, the following Forms:

“233.

O. 108, r. 1(2)

CONSENT

UNDER ORDER 108, RULE 1(2)

(Title as in action)

Pursuant to Order 108, Rule 1(2) of the Rules of Court, the Plaintiff(s) and the Defendant(s) hereby agree that Order 108 of the Rules of Court shall apply to these proceedings, and that the District Court shall hear these proceedings using the simplified process under that Order.

Dated this        day of        20        .

*Solicitors for the Plaintiff(s)*        *Solicitors for the Defendant(s)*

234.

O. 108, r. 2(4)

LIST OF DOCUMENTS

(Title as in action)

The following is a list of the documents relating to the matters in question in this action which are or have been in the possession, custody or power of the abovenamed plaintiff (or defendant) and/or are referred to in the (state the type of pleading), which is served in compliance with Order 108, Rule 2 of the Rules of Court.

1. The plaintiff (or defendant) has in his possession, custody or power the documents relating to the matters in question in this action set out in Schedule 1 to this list of documents.

2. The plaintiff (or defendant) had, but does not now have, in his possession, custody or power the documents relating to the matters in question in this action set out in Schedule 2 to this list of documents.

3. Of the documents in Schedule 2, those numbered \_\_\_\_\_ in the Schedule were last in the plaintiff's (or defendant's) possession, custody or power on (state when) and the remainder on (state when).

(State what has become of the documents in Schedule 2 and who has possession of those documents now.)

4. Other than the documents set out in Schedules 1 and 2 to this list of documents, neither the plaintiff (or defendant), nor his solicitor nor any other person on his behalf, has now, or at any time in the past ever had, in his possession, custody or power any document of any description whatever relating to any matter in question in this action.

#### **SCHEDULE 1**

(Set out in a convenient order the documents (or bundles of documents, if of the same nature, such as invoices) in the possession, custody or power of the party in question, with a short description of each document or bundle sufficient to identify it.)

#### **SCHEDULE 2**

(Set out as stated above the documents which have been, but at the date of service of the list are not, in the possession, custody or power of the party in question.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

*Solicitor for the*

To the defendant (or plaintiff) and his solicitor.

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[G.N. Nos. S 299/2014; S 390/2014; S 671/2014]

Made on 21 October 2014.

**SUNDARESH MENON**  
*Chief Justice.*

V K RAJAH SC  
*Attorney-General.*

BELINDA ANG SAW EAN  
*Judge.*

TAY YONG KWANG  
*Judge.*

QUENTIN LOH  
*Judge.*

STEVEN CHONG  
*Judge.*

VINODH COOMARASWAMY  
*Judge.*

SEE KEE OON  
*Presiding Judge of the State Courts.*

FOO TUAT YIEN  
*District Judge.*

CAVINDER BULL SC  
*Advocate and Solicitor.*

ANG CHENG HOCK SC  
*Advocate and Solicitor.*

[RSCS R7/7 Vol. 15; AG/LLRD/SL/322/2010/1 Vol. 11]

(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act).