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COMMUNITY DISPUTES RESOLUTION ACT 2015 (ACT 7 OF 2015)

COMMUNITY DISPUTES RESOLUTION TRIBUNALS RULES 2015

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

PART 1

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Community Disputes Resolution Tribunals Rules 2015 and come into operation on 1 October 2015.

Application of Rules and Rules of Court

2.—(1) These Rules apply to all proceedings in the Community Disputes Resolution Tribunals.

(2) Subject to the provisions of these Rules, the Rules of Court (Cap. 322, R 5) apply to all proceedings in and appeals from the Community Disputes Resolution Tribunals with the following modifications:

- (a) any reference to a Judge includes a reference to a tribunal judge;
- (b) any reference to a Court includes a reference to a Community Disputes Resolution Tribunal or a tribunal judge;
- (c) any reference to an originating process includes a reference to a claim under rule 5;
- (d) any reference to a pleading does not include a reference to a claim under rule 5;
- (e) Order 18, Rule 19 of the Rules of Court applies to a claim under rule 5 as if the claim were a pleading.

Forms

3.—(1) In these Rules, any reference to a “relevant Form” for any purpose for which a specific form is required to be used is a reference to the current version of the relevant form for that purpose set out in the practice directions.

(2) The forms set out in the practice directions, where applicable, may be used with such variations as the circumstances of the particular case require.

Powers of tribunal or Registrar for purpose of facilitating fair and expedient determination of matter

4. For the purpose of facilitating the fair and expedient determination of any matter in a tribunal —

- (a) the tribunal or the Registrar may make such order or direction as the tribunal or Registrar thinks necessary or appropriate, including —

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- (i) any order or direction as to the procedure for any proceedings in the tribunal; and
 - (ii) any order or direction for the modification or exclusion of any provision of these Rules or the Rules of Court (Cap. 322, R 5) in relation to those proceedings; and
- (b) despite anything to the contrary in these Rules or the Rules of Court, any application may be made in such manner as the tribunal or Registrar may direct.

PART 2

COMMENCEMENT OF PROCEEDINGS

Commencement of action

5.—(1) An action in respect of a tort under section 4 of the Act must be commenced by filing —

- (a) a claim in the relevant Form; and
- (b) any supporting evidence to prove the matters stated in the claim.

(2) The plaintiff must, within 14 days after the date on which the claim and the supporting evidence are filed, serve a copy each of the claim and the supporting evidence on the respondent.

(3) The plaintiff must file a declaration of service in the relevant Form before or at the time of the first pre-trial conference.

(4) A respondent who intends to contest a plaintiff's claim must, within 14 days after being served with the claim and the supporting evidence, file and serve on the plaintiff —

- (a) a reply in the relevant Form; and
- (b) any supporting evidence to prove the matters stated in the reply.

(5) Except with the leave of the Registrar or a tribunal, no other document or evidence may be filed or served for the purposes of the claim.

(6) Despite Order 29, Rule 1(2) of the Rules of Court (Cap. 322, R 5), an application for a grant of an injunction need not be made by summons, and instead may be included in the claim.

Pre-trial conference, etc.

6.—(1) A tribunal or the Registrar (called in this rule the Court) may, at any time after the commencement of any proceedings, of the Court's own motion or on an application by any party to the proceedings, direct any party to those proceedings to appear before the Court, for the Court to make such order or give such directions as the Court thinks fit, for the just, expeditious and economical disposal of the cause or matter.

(2) The orders and directions which the Court may make or give under paragraph (1) include one or more of the following:

- (a) an order that the plaintiff and the respondent attend such mediation or counselling as the Court may direct;
- (b) any direction necessary for and incidental to the proper carrying into effect of an order under sub-paragraph (a);
- (c) an order that all further proceedings in the action be stayed until the plaintiff and the respondent have attended the mediation or counselling (as the case may be).

(3) To avoid doubt —

- (a) Order 34A of the Rules of Court (Cap. 322, R 5) (other than Rule 4 of that Order) applies to all proceedings before the Court; and
- (b) Order 34A, Rule 4 of the Rules of Court applies to proceedings before the Court in any case where any party to those proceedings is represented by a solicitor in accordance with section 29(3) of the Act.

Excluded interlocutory applications

7. No application under any of the following provisions of the Rules of Court (Cap. 322, R 5) is to be made in any case to which these Rules apply:

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- (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).

PART 3

PROCEEDINGS BEFORE TRIBUNAL

Hearing before tribunal

8. Where the Registrar is of the view that the parties to an action in respect of a tort under section 4 of the Act are unable to resolve their dispute in the action without a trial, the Registrar is to —

- (a) fix the case for hearing before a tribunal; and
- (b) give notice in the relevant Form of the time and place of the hearing to the plaintiff and the respondent.

Application for special direction under section 6(1) of Act

9.—(1) An application for a special direction under section 6(1) of the Act must be made by filing the relevant Form and be accompanied by the following supporting materials:

- (a) a copy of the disobeyed order which is the subject of the application;
- (b) any supporting evidence to prove the matters stated in the application.

(2) The applicant must, within 14 days after the date on which the application and the supporting materials are filed, serve the application and the supporting materials on the contravening party.

(3) The applicant must file a declaration of service in the relevant Form within 8 days after the date on which the application and the supporting materials are served on the contravening party.

(4) A contravening party who intends to contest the application must, within 14 days after being served with the application and the supporting materials, file and serve on the applicant —

- (a) a reply in the relevant Form; and
- (b) any supporting evidence to prove the matters stated in the reply.

(5) Except with the leave of the tribunal, no other document or evidence may be filed or served for the purposes of the application.

Application for person to enter into bond under section 6(3) of Act

10.—(1) An applicant who applies under section 6(1) of the Act for a special direction (called in this rule the first application) may at the same time or on a later date apply, in the relevant Form, for an order under section 6(3) of the Act that a person (called in this rule the respondent) enter into a bond to ensure that a contravening party complies with the special direction (called in this rule the second application).

(2) The second application must be accompanied by any supporting evidence to prove the matters stated in that application.

(3) The second application and supporting evidence must be served on the respondent —

- (a) in any case where the second application is filed at the same time as the first application, together with the first application; or
- (b) in any other case, within 14 days after the date on which the second application is filed.

(4) The applicant must file a declaration of service in the relevant Form within 8 days after the date on which the application and the supporting evidence are served on the respondent.

(5) A respondent who intends to contest the second application must, within 14 days after being served with the second application and the supporting evidence, file and serve on the applicant —

- (a) a reply in the relevant Form; and
- (b) any supporting evidence to prove the matters stated in the reply.

(6) Except with the leave of the tribunal, no other document or evidence may be filed or served for the purposes of the second application.

(7) Where the respondent fails to attend the hearing of the second application, the tribunal may adjourn the hearing of that application and issue a subpoena in the relevant Form to compel the respondent to attend the adjourned hearing.

Application for exclusion order under section 9(1) of Act

11.—(1) An application for an exclusion order under section 9(1) of the Act must be made by filing the relevant Form and be accompanied by the following supporting materials:

- (a) a copy of the special direction which is the subject of the application;
- (b) any supporting evidence to prove the matters stated in the application.

(2) The applicant must, within 14 days after the date on which the application and the supporting materials are filed, serve the application and the supporting materials on the contravening party.

(3) The applicant must file a declaration of service in the relevant Form within 8 days after the date on which the application and the supporting materials are served on the contravening party.

(4) A contravening party who intends to contest the application must, within 14 days after being served with the application and the supporting materials, file and serve on the applicant —

- (a) a reply in the relevant Form; and
- (b) any supporting evidence to prove the matters stated in the reply.

(5) Except with the leave of the tribunal, no other document or evidence may be filed or served for the purposes of the application.

Proceedings before tribunal

12. Despite anything in the Rules of Court (Cap. 322, R 5), proceedings before a tribunal are to be conducted in an informal manner, and a tribunal may, in such proceedings —

- (a) give such directions for the proceedings as the tribunal thinks fit;
- (b) conduct the proceedings in such manner as the tribunal thinks fit;
- (c) enquire into any matter which the tribunal may consider relevant to the proceedings (whether or not such matter has been raised by a party); and
- (d) where any party does not appear at a hearing in the proceedings, proceed with the hearing in the absence of that party and make such orders as the tribunal thinks fit.

Directions for and conduct of proceedings

13.—(1) The directions which a tribunal may give under rule 12 include directions on one or more of the following matters:

- (a) the giving of evidence orally or by written statement;
- (b) the time limited for giving oral testimony;
- (c) the calling of a witness to give evidence with a view to assisting in the resolution or disposal of the application, whether or not any party will be calling that witness to give evidence for that party;
- (d) the time limited for oral arguments;
- (e) the length of any written submissions;
- (f) subject to section 62A of the Evidence Act (Cap. 97), the giving of evidence through a live video or live television link;
- (g) subject to any written law or rule of law restricting the disclosure, or relating to the confidentiality, of any document or information —
 - (i) the disclosure of any document or information;

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- (ii) whether any document or information should be treated as confidential; and
 - (iii) whether any party to the proceedings may inspect any document.
- (2) The tribunal may, where it considers it necessary for the just, expeditious or economical disposal of any cause or matter —
- (a) order that a person specified by the tribunal be called as a witness;
 - (b) give directions for —
 - (i) the filing of a written report by the specified person; and
 - (ii) the examination and cross-examination of the specified person; and
 - (c) determine —
 - (i) the sum to be paid to the specified person for each day during which that person is required to be present before the tribunal judge;
 - (ii) who is to pay that sum; and
 - (iii) if the tribunal orders 2 or more persons to pay that sum, how that sum is to be apportioned between those persons.

PART 4

SETTING ASIDE AND APPEALS TO TRIBUNAL

Setting aside of judgment, etc., given in absence of party

14.—(1) A judgment, an order or a direction given or made by a tribunal or the Registrar in the absence of a party may be set aside by a party aggrieved by that judgment, order or direction.

(2) An application under this rule to set aside a judgment, an order or a direction must be —

- (a) made in the relevant Form;

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- (b) made —
- (i) to a tribunal, where the judgment, order or direction was given or made by a tribunal; and
 - (ii) to the Registrar, where the judgment, order or direction was given or made by the Registrar;
- (c) supported by an affidavit in the relevant Form; and
- (d) filed within 14 days after the date of the judgment, order or direction, as the case may be, or within such longer period as the tribunal or Registrar may allow.
- (3) The applicant must, within 7 days after the date on which the application and supporting affidavit are filed, serve the application and supporting affidavit on the respondent.
- (4) A respondent who intends to contest the application must, within 14 days after being served with the application and supporting affidavit, file and serve on the applicant a reply in the relevant Form supported by an affidavit.
- (5) The tribunal or Registrar hearing the application —
- (a) may set aside the judgment, order or direction given or made, on such terms as the tribunal or Registrar thinks just; and
 - (b) may proceed to hear the claim or make any other orders as the tribunal or Registrar thinks just.
- (6) Where any party does not appear at the hearing of the application, the tribunal or Registrar hearing the application may dismiss the application or make such orders as the tribunal or Registrar thinks fit.

Appeals from orders, etc., of Registrar

15.—(1) An appeal is to lie to a tribunal judge from any judgment, order or direction of the Registrar.

(2) Order 55B of the Rules of Court (Cap. 322, R 5) applies to every such appeal with the following modifications:

- (a) any reference in that Order to a District Judge in Chambers is to be construed as a reference to a tribunal judge;

- (b) the reference in Rule 1(3) of that Order to a notice in Form 112 is to be construed as a notice in the relevant Form.

PART 5

APPEALS TO HIGH COURT

Leave to appeal under section 26(2) of Act

16.—(1) An application for leave under section 26(2) of the Act to appeal against a decision, a direction or an order of a tribunal must be made in the relevant Form.

(2) The applicant (called in this rule and rule 17 the appellant) must file the application within 14 days after the date on which the decision, direction or order was given or made.

(3) The appellant must, within 7 days after the date on which the application is filed, serve the application on the respondent.

(4) A respondent who intends to contest the application must, within 14 days after being served with the application, file and serve on the applicant a reply in the relevant Form.

(5) Where any party does not appear at the hearing of the application, the tribunal hearing the application may dismiss the application or make such orders as the tribunal thinks fit.

Appeals to High Court

17.—(1) An appellant who obtains leave to appeal from a tribunal must file and serve a notice of appeal in the relevant Form within 14 days after the date on which such leave is given.

(2) An appeal to the High Court from a tribunal is by way of rehearing.

(3) The appellant must, at the time of filing the notice of appeal, provide security for the respondent's costs of the appeal in the sum of \$2,000, or such other sum as may be fixed from time to time by the Chief Justice, by —

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- (a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in the relevant Form; or
 - (b) procuring an undertaking in the relevant Form from the appellant's solicitor and filing a certificate in the relevant Form.
- (4) Order 55D, Rules 3(2), (3), (4) and (6) to (9) and 5 to 18 of the Rules of Court (Cap. 322, R 5) apply to every appeal from a tribunal to the High Court with the following modifications:
- (a) any reference to the Court below is to be construed as a reference to the tribunal;
 - (b) any reference to a Judge (other than a reference to a Judge of the High Court) is to be construed as a reference to the tribunal judge.
- (5) Order 55D, Rules 1, 2, 3(1) and (5) and 4 of the Rules of Court do not apply to any appeal from a tribunal to the High Court.

PART 6

COSTS AND FEES

Costs

18. For the purposes of section 25 of the Act, costs may only be awarded in any of the following circumstances:

- (a) where the whole or any part of a claim is struck out or dismissed on the ground that the whole or part of the claim is frivolous or vexatious or is otherwise an abuse of the process of the Court;
- (b) where the tribunal or Registrar is of the view that it is just and equitable to do so.

Court fees

19.—(1) The fees in the First Schedule are payable for proceedings in the Community Disputes Resolution Tribunals, in addition to the

fees and percentages in Appendix B to the Rules of Court (Cap. 322, R 5).

(2) The scale of fees and percentages in Appendix B to the Rules of Court which applies to any cause or matter in the Community Disputes Resolution Tribunals is the scale applicable to a District Court.

Hearing fees

20.—(1) The fees in the Second Schedule are payable for any cause or matter for hearing before a tribunal judge.

(2) The plaintiff or applicant, as the case may be, must pay the fees and file a Request in the relevant Form at the time the Registry so requires.

(3) The Registrar may in any case waive or defer the payment of the whole or any part of the fees payable under this rule, with or without conditions.

(4) Any party who is dissatisfied with a decision of the Registrar made under this rule may apply to a tribunal judge for a review of that decision.

(5) An application under paragraph (4) must be made by summons supported by an affidavit, within 14 days of that decision.

(6) Order 90A of the Rules of Court (Cap. 322, R 5) does not apply to any proceedings to which this rule applies.

PART 7

MISCELLANEOUS

Service of claim and applications

21. Every claim, application or document that is required to be served on any person in any proceedings before a tribunal or the Registrar may be served —

- (a) by leaving with that person a copy of the claim, application or document; or

- (b) in accordance with Order 62, Rule 6(1) of the Rules of Court (Cap. 322, R 5).

Transfer of proceedings from tribunal to court under section 20 of Act

22.—(1) An application to an appropriate court under section 20(1) of the Act must be made by originating summons.

(2) Where an order is made by the High Court for the transfer of any proceedings from a tribunal to the High Court —

- (a) the Registrar of the State Courts must send to the Registrar of the Supreme Court the file of the proceedings, all documents and exhibits, and a certified copy of the notes of evidence (if any) of the proceedings; and
- (b) the Registrar of the Supreme Court must give notice of the transfer to every party to the proceedings.

(3) Where an order is made by a District Court or a Magistrate's Court for the transfer of any proceedings from a tribunal to the District Court or Magistrate's Court (as the case may be), the Registrar of the State Courts must give notice of the transfer to every party to the proceedings.

Practice directions

23. The Registrar may issue a separate set of practice directions relating to proceedings to which these Rules apply.

FIRST SCHEDULE

Rule 19

COURT FEES

<i>No.</i>	<i>Item</i>	<i>Fee</i>	<i>Document to be stamped and remarks</i>
1.	On filing a claim under rule 5	\$150	The filed copy.
2.	On filing an application under rule 9 for a special direction, or	\$100	The filed copy.

FIRST SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Fee</i>	<i>Document to be stamped and remarks</i>
	under rule 11 for an exclusion order		
3.	On filing an application under rule 10 for an order for a person to enter into a bond	\$100	The filed copy.
4.	On filing a reply to —	\$20	The filed copy.
	(a) a claim under rule 5		
	(b) an application under rule 9 for a special direction		
	(c) an application under rule 10 for an order for a person to enter into a bond		
	(d) an application under rule 11 for an exclusion order		
	(e) an application under rule 14 to set aside a judgment, an order or a direction given or made by a tribunal or the Registrar		
	(f) an application under rule 16 for leave to appeal against a decision, a direction or an order of a tribunal		
5.	On filing an application under section 29(2) of the Act for a person, or under section 29(3) of the Act for an advocate and solicitor, to represent a party to proceedings before the	\$10	The filed copy.

FIRST SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Fee</i>	<i>Document to be stamped and remarks</i>
	Registrar or a Community Disputes Resolution Tribunal		
6.	On entering or sealing a judgment or an order of the Registrar or a Community Disputes Resolution Tribunal	\$30	Order or Judgment.
7.	On filing an application to set aside a judgment, an order or a direction of the Registrar or a Community Disputes Resolution Tribunal	\$100	The filed copy.
8.	On filing a notice of appeal from the Registrar to a tribunal judge of the Community Disputes Resolution Tribunal	\$100	The Notice.
9.	On filing an application for leave to appeal to the High Court	\$100	The filed copy.
10.	On filing a notice of appeal to the High Court	\$600	The Notice.

SECOND SCHEDULE

Rule 20

HEARING FEES

<i>No.</i>	<i>Description</i>	<i>Fee</i>	<i>Document to be stamped and remarks</i>
1.	For the whole or part of each of the second and third days	\$100	Request.
2.	For the whole or part of each day after the third day	\$250	Request.

Made on 25 September 2015.

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.

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).