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EMPLOYMENT CLAIMS ACT 2016 (ACT 21 OF 2016)

EMPLOYMENT CLAIMS RULES 2017

ARRANGEMENT OF RULES

PART 1

PRELIMINARY

Rule

1. Citation and commencement
2. Application of Rules
3. Forms

PART 2

REGISTRY FOR TRIBUNALS

4. Registry for tribunals
5. Office hours
6. Records, etc.
7. Searches, etc.

PART 3

PROCEEDINGS BEFORE TRIBUNAL

8. Lodging of claim
9. Serving of claim on respondent
10. Response to claim by respondent
11. Counterclaim against claimant
12. Joinder of parties
13. Amendment of claim before service
14. Amendment of claim or response after service
15. Withdrawal and discontinuance
16. Order for discovery and production of documents
17. Case management conference
18. Hearing before tribunal

Rule

- 19. Representation before tribunal
- 20. Directions for and conduct of proceedings

PART 4

WITNESSES

- 21. Form and issue of summons
- 22. Service of summons on witness

PART 5

SETTING ASIDE ORDER OF TRIBUNAL

- 23. Setting aside of decision, direction or order given in absence of party

PART 6

APPEALS TO TRIBUNAL FROM ORDER OF REGISTRAR

- 24. Appeals from decision, direction or order of Registrar

PART 7

APPEALS TO HIGH COURT

- 25. Leave to appeal under section 23(2) of Act
- 26. Notice of appeal to High Court
- 27. Fees for appeal
- 28. Security for costs
- 29. Record of proceedings
- 30. Appellant's case
- 31. Respondent's case
- 32. Record of appeal
- 33. Stay of execution pending appeal
- 34. Judgment or order on appeal to be sent to Registrar

PART 8

OTHER PROCEEDINGS

- 35. Transfer of proceedings from tribunal to court under section 17 of Act
- 36. Referral to mediation by tribunal

PART 9

SETTLEMENT AGREEMENT

Rule

- 37. Form of settlement agreement
- 38. Period within which settlement agreement must be registered
- 39. Application for registration of settlement agreement
- 40. Duration and renewal of registration
- 41. Setting aside of registration of settlement agreement
- 42. Register of settlement agreements

PART 10

COSTS AND FEES

- 43. Costs
- 44. Fees
- 45. Hearing fees
- 46. Waiver, refund or remission of fees

PART 11

MISCELLANEOUS

- 47. Service of claim, summons or document
 - 48. Time
 - 49. Extension and abridgement of time
 - 50. Correction of order of tribunal under section 22(9) of Act
 - 51. Seal of State Courts
 - 52. Compliance with Court Practice Directions
 - 53. Rejection of earlier documents
 - 54. Effect of non-compliance
- The Schedules
-

In exercise of the powers conferred by section 33 of the Employment Claims Act 2016, we, the Rules Committee, make the following Rules:

PART 1
PRELIMINARY

Citation and commencement

1. These Rules are the Employment Claims Rules 2017 and come into operation on 1 April 2017.

Application of Rules

2.—(1) These Rules apply to —

- (a) all proceedings under Part 3 of the Act; and
- (b) every application to a District Court under section 7(2) or (4) of the Act.

(2) Subject to paragraph (3), the Rules of Court (Cap. 322, R 5) do not apply to the following:

- (a) any proceedings before a tribunal or the Registrar;
- (b) any procedure for proceedings in the High Court (arising from an order of a tribunal) for which provision is made in these Rules (such as the procedure for an appeal to the High Court against an order of a tribunal).

(3) Order 46, Rule 11 (read with Order 52, Rule 9(4)) and Order 52 of the Rules of Court apply to committal proceedings before a tribunal.

Forms

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

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

PART 2

REGISTRY FOR TRIBUNALS

Registry for tribunals

4. The Registry is situated at the Registry of the State Courts.

Office hours

5. The Registry is open on the same days and at the same times as the Registry of the State Courts.

Records, etc.

- 6.—(1) The Registrar must keep a record of all proceedings before the tribunals.

(2) The record required by this rule is kept in such form and manner as the Registrar may determine.

Searches, etc.

- 7.—(1) After an order has been made under section 22 of the Act in any proceedings before a tribunal, any person may, with the leave of the Registrar, search, inspect and take a copy of any part of the record relating to those proceedings.

(2) Despite paragraph (1), a party to any proceedings before a tribunal or the Registrar may, at any stage of the proceedings, with the leave of the Registrar, search, inspect and take a copy of any part of the record relating to those proceedings.

(3) For the purposes of section 29(1) of the Act, the Registrar may permit any person authorised by a law enforcement agency or public agency to search, inspect or take a copy of any part of the record relating to any proceedings before a tribunal.

(4) The applicable fee specified in item 16(a), (b) and (c) of the First Schedule is payable to the Registrar at the time of the request to search, inspect or take a copy of the record under paragraph (1), (2) or (3).

PART 3
PROCEEDINGS BEFORE TRIBUNAL

Lodging of claim

8.—(1) Every claim must be made in the relevant Form.

(2) At the time of lodging any claim, the claimant must pay the fee specified in item 1 of the First Schedule.

(3) For the purposes of section 13(2)(b)(ii) of the Act, every claim must be accompanied by every document on which the claimant relies or will rely.

Serving of claim on respondent

9.—(1) The claimant must, within 7 days after the date on which the claim and each document mentioned in rule 8(3) are filed, serve a copy each of the claim and that document on the respondent.

(2) The claimant must file a declaration of service in the relevant Form within 4 weeks after the date on which the claim is filed and, in any event, before the first case management conference.

Response to claim by respondent

10.—(1) A respondent who intends to file a response to a claim must, within 7 days after being served with the claim and the claimant's documents, file and serve on the claimant —

(a) a response in the relevant Form; and

(b) every document on which the respondent relies or will rely.

(2) At the time of filing the response, the respondent must pay the fee specified in item 2 of the First Schedule.

(3) The respondent must file a declaration of service in the relevant Form within 4 weeks after the date on which the response is filed and, in any event, before the next case management conference.

Counterclaim against claimant

11.—(1) Every counterclaim must be made in the relevant Form.

(2) At the time of lodging any counterclaim, the respondent must pay the fee specified in item 3 of the First Schedule.

(3) At the time of filing a response to a counterclaim, the claimant must pay the fee specified in item 4 of the First Schedule.

(4) These Rules (except rules 8(1) and (2) and 10(2)) apply to a counterclaim as they apply to a claim, but with the following modifications:

(a) any reference to a claimant is a reference to a person making the counterclaim;

(b) any reference to a respondent is a reference to a person against whom the counterclaim is made.

(5) Where a counterclaim is lodged in accordance with this rule, the Registrar must fix a case management conference or hearing, as appropriate, for both the claim and the counterclaim.

(6) A counterclaim may be proceeded with regardless whether the claim is granted, stayed, discontinued, withdrawn, dismissed or settled.

(7) Where the whole or part of a counterclaim by a respondent is relied on as a response to the whole or part of a claim made by the claimant, a tribunal may —

(a) set-off the amount of that whole or part of the counterclaim against the amount of that whole or part of the claim; and

(b) proceed to make an appropriate order.

Joinder of parties

12. A tribunal or the Registrar may allow the joinder of parties and order that 2 or more claims involving 2 or more persons be heard together, if —

(a) it appears to the tribunal or Registrar that —

(i) doing so is convenient;

(ii) a common question of law or fact arises in all the claims; or

- (iii) all rights to relief claimed (whether they are joint, several or alternative) are in respect of or arise out of the same transaction or series of transactions; and
- (b) such a joinder does not prejudice any party to any of those claims.

Amendment of claim before service

13.—(1) A claimant may, without the leave of a tribunal or the Registrar, amend the claim once at any time before service of the claim on the respondent by filing the amended claim in the Registry and serving the amended claim on the respondent.

(2) These Rules (except paragraph (1)) apply to an amended claim filed under paragraph (1) as they apply to a claim.

Amendment of claim or response after service

14.—(1) A claimant may amend a claim after it is served on the other party, and a respondent may amend a response after it is served on the other party, only if the claimant or respondent (as the case may be) —

- (a) has obtained the consent of the other party to do so; or
- (b) is allowed by a tribunal or the Registrar to do so.

(2) A tribunal or the Registrar may at any stage of the proceedings allow the claim or response to be amended —

- (a) on such terms as to costs or otherwise as may be just; and
- (b) in such manner as the tribunal or Registrar may direct.

(3) The claimant or respondent must, within 7 days after obtaining the consent of the other party under paragraph (1)(a) or being allowed by the tribunal or Registrar under paragraph (1)(b), cause the amended claim or amended response (as the case may be) —

- (a) to be filed in the Registry; and
- (b) to be served on the other party.

(4) These Rules (except rule 13) apply to an amended claim or amended response filed under paragraph (3) as they apply to a claim or response.

Withdrawal and discontinuance

15.—(1) A claimant may, without the leave of a tribunal or the Registrar, at any time before serving the claim on the respondent, discontinue the claim, or withdraw any specified employment dispute for which the claim is lodged, by filing a notice in the relevant Form with the Registry.

(2) Where a claim has been served on the respondent, a claimant may not discontinue the claim, or withdraw any specified employment dispute for which the claim is lodged, unless the claimant —

(a) files in the Registry —

(i) the written consent of the respondent to do so; and

(ii) a notice in the relevant Form; or

(b) obtains the leave of a tribunal or the Registrar to do so.

(3) A respondent may, without the leave of a tribunal or the Registrar, at any time before serving the response on the claimant, withdraw the response by filing a notice in the relevant Form in the Registry.

(4) Where a response has been served on the claimant, a respondent may not withdraw the response, unless the respondent —

(a) files in the Registry —

(i) the written consent of the claimant to do so; and

(ii) a notice in the relevant Form; or

(b) obtains the leave of a tribunal or the Registrar to do so.

(5) A claim is deemed to be discontinued if the claimant fails to file a declaration of service in accordance with rule 9(2).

(6) A response is deemed to be withdrawn if the respondent fails to file a declaration of service in accordance with rule 10(3).

(7) A tribunal or the Registrar may, at any stage of the proceedings, allow a claimant to discontinue a claim, or withdraw any specified employment dispute for which the claim is lodged, on such terms as to costs or otherwise as may be just, by filing a notice in the relevant Form with the Registry.

(8) A tribunal or the Registrar may, at any stage of the proceedings, allow a respondent to withdraw a response, on such terms as to costs or otherwise as may be just, by filing a notice in the relevant Form with the Registry.

Order for discovery and production of documents

16.—(1) At any stage of the proceedings before a tribunal or the Registrar, the tribunal or Registrar may order the discovery and production of any document, if the tribunal or Registrar is of the opinion that such an order is necessary either for the fair disposal of the claim or for the saving of costs.

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

(a) inspect the document for the purpose of determining whether the claim of privilege or the objection made is valid; and

(b) order the production of the document, unless the tribunal or Registrar upholds the claim of privilege or the objection.

(3) If any party fails to comply with this rule, or with any order made by a tribunal or the Registrar to give discovery of any document or to produce any document, a tribunal or the Registrar may make such orders as the tribunal or Registrar thinks fit, including an order that —

(a) the claim be dismissed or the response be struck out (as the case may be); and

(b) the defaulting party is liable to committal.

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

Case management conference

17.—(1) A tribunal or the Registrar may, at any time after a claim is lodged, direct any party to the proceedings to appear before the tribunal or Registrar, for the tribunal or Registrar to make such order or give such directions as the tribunal or Registrar thinks fit for the just, expeditious and economical disposal of the cause or matter.

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

- (a) an order that the claimant and the respondent attend such mediation, conciliation or counselling as the tribunal or Registrar 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 claimant and the respondent have attended the mediation, conciliation or counselling (as the case may be).

(3) All parties must be informed of the date and time appointed to appear before the tribunal or Registrar by way of a notice in accordance with the relevant Form, and each party must comply with any directions contained in such notice.

(4) Where any party fails to comply with any order made or direction given by the tribunal or Registrar under paragraph (1), the tribunal or Registrar may dismiss the claim, strike out the response or make such other order as the tribunal or Registrar thinks fit, including an order that the defaulting party is liable to committal.

(5) If the parties agree, during the case management conference, to settle some or all of the matters in dispute in the claim or proceedings, the tribunal or Registrar may record a consent order or make an order or a direction to give effect to the settlement.

Hearing before tribunal

18. Where the Registrar is of the view that the claimant and the respondent are unable to resolve their dispute without a hearing before a tribunal, the Registrar must —

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

Representation before tribunal

19. A party must file the relevant Form if the party wishes to be represented by an individual under section 19(2)(e) or (3) of the Act.

Directions for and conduct of proceedings

20.—(1) The directions which a tribunal may give under section 20(3) of the Act include directions on one or more of the following matters:

- (a) the giving of evidence, whether orally or in writing, on oath or affirmation;
- (b) the calling of a witness to give evidence with a view to assisting in the determination of the claim, whether or not any party will be calling that witness to give evidence for that party;
- (c) the length of written submissions (if any);
- (d) subject to section 62A of the Evidence Act (Cap. 97), the giving of evidence through a live video or live television link;
- (e) 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;
 - (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 following time limits apply in the conduct of proceedings before a tribunal:

- (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.
- (3) A tribunal may vary any time limit under paragraph (2) as the tribunal deems fit.

PART 4

WITNESSES

Form and issue of summons

21.—(1) A tribunal or the Registrar may, on the tribunal's or Registrar's own initiative or at the request of any party to the proceedings, by a summons in the relevant Form, summon any person —

- (a) to attend before the tribunal at the time and place specified in the summons;
 - (b) to give evidence at the hearing; and
 - (c) to produce to the tribunal such documents in the person's possession, custody or control as are specified in the summons.
- (2) The fee specified in item 5 or 6 of the First Schedule is payable on sealing a summons to a witness under paragraph (1).

Service of summons on witness

22.—(1) Every summons issued under rule 21 must be served on the person to whom it is directed in accordance with rule 47.

(2) A summons must not be served on any witness outside Singapore.

(3) The obligation on a witness summoned under rule 21 to attend any hearing extends to any time and place to which the hearing may be adjourned.

(4) A tribunal or the Registrar may direct a party who served the summons to file a declaration of service in the relevant Form.

PART 5

SETTING ASIDE ORDER OF TRIBUNAL

Setting aside of decision, direction or order given in absence of party

23.—(1) A decision, direction or order given or made by a tribunal or the Registrar in the absence of a party may be set aside on the application of that party.

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

(a) made in the relevant Form;

(b) made —

(i) to a tribunal, if the decision, direction or order was given or made by a tribunal; or

(ii) to the Registrar, if the decision, direction or order was given or made by the Registrar; and

(c) made within 7 days after the date of the decision, direction or order, or within such longer period as the tribunal or Registrar (as the case may be) may allow.

(3) The applicant must, at the time the application is filed, pay the fee specified in item 7 of the First Schedule.

(4) The applicant must, within 7 days after the date on which the application and the relevant Form containing the facts and evidence in support of the application are filed, serve them on the respondent.

(5) A respondent who intends to oppose the application must, within 7 days after being served with the application and the relevant Form containing the facts and evidence in support of the application, file

and serve on the applicant the relevant Form containing the facts and evidence in reply.

(6) The tribunal or Registrar hearing the application —

- (a) may set aside the decision, direction or order 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 or directions as the tribunal or Registrar thinks just.

(7) Where any party does not appear at the hearing of the application, the tribunal or Registrar may hear the application and make a decision in the absence of that party, even if the interests of that party may be prejudicially affected by the decision.

PART 6

APPEALS TO TRIBUNAL FROM ORDER OF REGISTRAR

Appeals from decision, direction or order of Registrar

24.—(1) An appeal lies to a tribunal from any decision, direction or order of the Registrar.

(2) The appeal must be brought by filing, and serving on every other party to the proceedings in which the decision, direction or order was given or made, a notice in the relevant Form to attend before the tribunal on a day specified in the notice.

(3) The applicant must, at the time the notice is filed, pay the fee specified in item 8 of the First Schedule.

(4) Unless a tribunal or the Registrar otherwise orders, the notice must be —

- (a) filed within 7 days after the decision, direction or order appealed against was given or made; and
- (b) served on all other parties within 7 days after the notice is filed.

(5) Unless a tribunal or the Registrar directs otherwise, an appeal under this rule does not operate as a stay of the proceedings in which the appeal is brought.

PART 7

APPEALS TO HIGH COURT

Leave to appeal under section 23(2) of Act

25.—(1) An application for leave from a District Court under section 23(2) of the Act to appeal against an order of a tribunal must be made in the relevant Form.

(2) The applicant must file the application within 7 days after the date on which the order being appealed against was given or made.

(3) The applicant must, at the time the application is filed, pay the fee specified in item 9 of the First Schedule.

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

(5) A respondent who intends to oppose the application must, within 7 days after being served with the application, file and serve on the applicant a response in the relevant Form.

(6) Where any party does not appear at the hearing of the application, a District Court may hear the application and make a decision in the absence of that party, even if the interests of that party may be prejudicially affected by the decision.

Notice of appeal to High Court

26.—(1) A party who obtains leave from a District Court under section 23(2) of the Act to appeal against an order of a tribunal must file and serve a notice of appeal in the relevant Form within 7 days after the date on which such leave is given.

(2) When leave is given to appeal against an order of a tribunal, a notice of appeal may be filed either in respect of the whole, or in respect of any specified part, of the order of the tribunal.

(3) Every notice of appeal must state the order complained of, contain an address for service, and be signed by the appellant.

(4) The Registrar must assign a number to the notice of appeal and enter the appeal on the list of appeals.

(5) The notice of appeal must be served on all parties to the proceedings who are directly affected by the appeal.

Fees for appeal

27. An appellant must, at the time of filing a notice of appeal under rule 26 —

- (a) pay the fee specified in item 10 of the First Schedule; and
- (b) deposit with the Registrar such sum as the Registrar may require towards the fee for making copies of the record of proceedings.

Security for costs

28.—(1) The appellant must, at the time of filing the notice of appeal —

- (a) provide security for the respondent's costs of appeal in the sum of \$500 by submitting the relevant Form to, and depositing that sum with, the Accountant-General; and
- (b) obtain from the Accountant-General a certificate of deposit of security for costs.

(2) The appellant must pay the fees specified in item 11 of the First Schedule at the time of depositing the sum of \$500 with the Accountant-General.

(3) The High Court may at any time, in any case where it thinks fit, order further security for costs to be given.

(4) Where under rule 30(5) or 32(4) the appeal is deemed to be withdrawn, any sum deposited as security for costs under this rule must be paid out —

- (a) if all the parties to the appeal consent to the payment of that sum to the appellant, and the document signifying the consent is filed — to the appellant; or

(b) in accordance with an order of the tribunal.

(5) Every application for an order under paragraph (4)(b) must be in the relevant Form.

Record of proceedings

29.—(1) When a notice of appeal has been filed, the tribunal which made the order must certify in writing the grounds of the order; but any delay or failure so to certify will not prevent the appellant from proceeding with the appeal.

(2) As soon as possible after the notice of appeal has been filed, the Registrar must cause to be served on the appellant, at the appellant's address for service specified in the notice of appeal, a notice that a copy of the record of proceedings is available.

(3) The record of proceedings consists of a certified copy of the grounds of the order and a certified copy of the notes of proceedings taken at the hearing of the claim.

Appellant's case

30.—(1) Within 21 days after the appellant is served the notice mentioned in rule 29(2), the appellant must, if the appellant desires to proceed with the appeal —

(a) file with the Registrar the appellant's case in the relevant Form; and

(b) serve a copy of the appellant's case on every respondent to the appeal.

(2) The appellant's case must —

(a) be signed by the appellant; and

(b) contain concisely and under distinct heads, without argument or narrative, particulars of the matters in which the tribunal is alleged to have erred, such particulars to be numbered consecutively.

(3) At the time of filing the appellant's case, the appellant must pay the fee specified in item 12 of the First Schedule.

(4) Except with the leave of the High Court, the appellant cannot at the hearing of the appeal rely on any ground of appeal other than those set out in the appellant's case.

(5) If the appellant's case is not filed within the time specified in paragraph (1) (including that time as extended under paragraph (6)), the appeal is deemed to have been withdrawn.

(6) The High Court may extend the time specified in paragraph (1) for filing and serving the appellant's case.

Respondent's case

31.—(1) A respondent who, not having appealed from an order of the tribunal, desires to contend on the appeal that the order of that tribunal should be varied, either in any event or in the event of the appeal being allowed in whole or in part, must state so in the respondent's case and specify the grounds of that contention.

(2) A respondent who desires to contend on the appeal that the order of the tribunal should be affirmed on grounds other than those relied upon by that tribunal must state so in the respondent's case and specify the grounds of that contention.

(3) Except with the leave of the High Court, a respondent is not entitled, on the hearing of the appeal —

- (a) to contend that the order of the tribunal should be varied upon any ground not specified in the respondent's case;
- (b) to apply for any relief not so specified; or
- (c) to support the order of the tribunal upon any ground not relied upon by that tribunal or specified in the respondent's case.

(4) A respondent must, within 7 days after the service on the respondent of the appellant's case —

- (a) file with the Registrar the respondent's case in the relevant Form;
- (b) pay the fee specified in item 13 of the First Schedule; and

- (c) serve a copy of the respondent's case on each of the appellant and every other party to the proceedings who is directly affected by the contentions of the respondent.

(5) The High Court may extend the time specified in paragraph (4) for filing and serving the respondent's case.

Record of appeal

32.—(1) Within 14 days after the filing of the appellant's case under rule 30(1), the appellant must file with the Registrar 3 copies of the record of appeal, and serve a copy of the record of appeal on each respondent in the appeal or the respondent's solicitor.

(2) The record of appeal consists of a copy of each of the following:

- (a) the notice of appeal;
- (b) the certificate of deposit of security for costs;
- (c) the appellant's case (if any);
- (d) the respondent's case (if any);
- (e) the record of proceedings mentioned in rule 29(3);
- (f) the order appealed from;
- (g) any other documents necessary for showing the matter decided and the nature of the appeal.

(3) Where the appellant omits to comply with paragraph (1), any respondent who has filed a respondent's case may proceed with the appeal, if the respondent, within such time as may be allowed by the Registrar —

- (a) files with the Registrar 3 copies of the record of appeal; and
- (b) serves a copy of the record of appeal on each of the appellant and every other respondent in the appeal.

(4) The appeal is deemed to be withdrawn —

- (a) where no respondent has filed a respondent's case, and the appellant omits to comply with paragraph (1); or
- (b) where the appellant omits to comply with paragraph (1) after a respondent has filed a respondent's case, and every

respondent who filed a respondent's case omits to comply with paragraph (3).

(5) The High Court may extend —

- (a) the time for an appellant to comply with paragraph (1); and
- (b) the time for a respondent to comply with paragraph (3).

(6) The Registrar must, on receiving the 3 copies of the record of appeal, transmit 2 of those copies, together with the exhibits put in evidence at the hearing, to the Registrar of the Supreme Court, and give notice to the parties to the appeal in the relevant Form.

Stay of execution pending appeal

33. Where a notice of appeal has been filed against an order of a tribunal, a District Court or the High Court may, on application filed by the appellant in the relevant Form and in accordance with section 24 of the Act, order a stay of execution of the order on such terms as the District Court or High Court thinks just.

Judgment or order on appeal to be sent to Registrar

34. Whenever an appeal is decided by the High Court, the Registrar of the Supreme Court must send to the Registrar a certified copy of the judgment or order.

PART 8

OTHER PROCEEDINGS

Transfer of proceedings from tribunal to court under section 17 of Act

35.—(1) An application to an appropriate court under section 17 of the Act must be made by originating summons under Order 5 of the Rules of Court (Cap. 322, R 5).

(2) The court hearing the application may order the proceedings in the tribunal to be stayed until after the final determination of the application.

(3) 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 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.

(4) 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.

Referral to mediation by tribunal

36.—(1) Despite rule 15, where —

- (a) a tribunal refers, under section 22(7) of the Act, any specified employment dispute for which a claim is lodged for mediation under Part 2 of the Act or tripartite mediation; and
- (b) either of the following is resolved through the mediation:
 - (i) the entire claim;
 - (ii) any such specified employment dispute,

the claimant must discontinue the claim or withdraw the specified employment dispute mentioned in sub-paragraph (b)(ii), as the case may be, by filing a notice in the relevant Form with the Registry.

(2) Where a tribunal refers, under section 22(7) of the Act, any specified employment dispute for which a claim is lodged for mediation under Part 2 of the Act or tripartite mediation, and any such specified employment dispute is not resolved through mediation, the approved mediator must issue to the claimant a claim referral certificate in respect of every such unresolved specified employment dispute.

(3) Where paragraph (2) applies —

- (a) the claimant must, if the claimant intends to pursue any unresolved specified employment dispute mentioned in that paragraph, file the claim referral certificate mentioned in that paragraph within 7 days after receiving it; and
- (b) if the claimant fails to comply with sub-paragraph (a), the claim is deemed to be discontinued.

PART 9

SETTLEMENT AGREEMENT

Form of settlement agreement

37. Where a specified employment dispute is settled at a mediation under Part 2 of the Act, or at a tripartite mediation conducted by an approved mediator, the parties to the settlement must enter into a settlement agreement in the Form set out in the Second Schedule.

Period within which settlement agreement must be registered

38. For the purposes of section 7(2) of the Act, a District Court may refuse to register a settlement agreement if the application to register the settlement agreement is not made within 4 weeks after the date on which the settlement agreement is signed by all parties to the settlement agreement.

Application for registration of settlement agreement

39.—(1) Any party to a settlement agreement may, within 4 weeks after the date on which the settlement agreement is signed by all parties to the settlement agreement, apply ex parte to a District Court for registration of the settlement agreement —

- (a) by filing the relevant Form with a true copy of the settlement agreement certified by the approved mediator who conducted the mediation; and
- (b) by paying the fee specified in item 14 of the First Schedule.

(2) On registering a settlement agreement, the registrar of the State Courts must serve on the party who made an application under paragraph (1) a notice of registration.

(3) A party to a settlement agreement must, on receiving the notice of registration under paragraph (2), immediately send a copy of that notice, together with a copy of the registered settlement agreement, to each of the other parties to the settlement agreement.

Duration and renewal of registration

40.—(1) The registration of a settlement agreement is valid in the first instance for a period of 3 years beginning on the date of the registration.

(2) A District Court may by order extend the validity of the registration of a settlement agreement for a period, not exceeding 3 years at any one time, beginning on the day immediately after that on which the registration would otherwise expire, if an application for the extension is made to the District Court before that day or such later day (if any) as the District Court may allow.

(3) An application under paragraph (2) is made —

(a) by filing the relevant form; and

(b) by paying the fee specified in item 14 of the First Schedule.

Setting aside of registration of settlement agreement

41.—(1) Every application to a District Court to set aside the registration of a settlement agreement under section 7(4) of the Act must be made —

(a) by filing the relevant Form within 7 days after the applicant receives the notice of registration mentioned in rule 39(3); and

(b) by paying the fee specified in item 15 of the First Schedule.

(2) The application must be served by the applicant on the respondent within 7 days after the date on which the application is filed.

-
-
- (3) Each party to the application —
- (a) must be informed by the registrar of the State Courts of the date and time for the hearing of the application by way of a notice in the relevant Form; and
 - (b) must comply with any directions contained in that notice.

Register of settlement agreements

42.—(1) The registrar of the State Courts must maintain in such form and manner as that registrar thinks fit, a register of every settlement agreement registered under section 7(2) of the Act.

(2) The registrar of the State Courts may do any of the following in relation to the register under paragraph (1):

- (a) correct any error in the register;
- (b) make any necessary alteration to the register as a result of any change in circumstances or particulars;
- (c) upon the setting aside of the registration of a settlement agreement under section 7(5)(a) of the Act, remove the particulars of the registration of that settlement agreement from the register.

(3) The registrar of the State Courts may on a written request of any person allow the person to search, inspect and take a copy of any settlement agreement contained in the register.

(4) The applicable fee specified in item 16(d), (e) and (f) of the First Schedule is payable to the registrar of the State Courts at the time of making the written request mentioned in paragraph (3).

PART 10

COSTS AND FEES

Costs

43.—(1) In deciding whether to make an order under section 22(1)(c) of the Act, or to award costs for any part of the proceedings, a tribunal or the Registrar may, in addition to taking into

account any matter listed in section 22(2) of the Act, take into account any of the following matters:

- (a) whether the whole or any part of a claim —
 - (i) discloses no reasonable cause of action;
 - (ii) is struck out or dismissed for being scandalous, frivolous or vexatious;
 - (iii) may prejudice, embarrass or delay the fair hearing of the proceedings before the tribunal; or
 - (iv) is otherwise an abuse of the process of the tribunal;
- (b) whether it is just and equitable to make the order or award the costs;
- (c) the parties' conduct in relation to any attempt at resolving the claim by mediation;
- (d) the extent to which the parties have followed any applicable rules, pre-action protocol or practice direction for the time being issued by the registrar of the State Courts.

(2) A tribunal or the Registrar may, at any stage of the proceedings, order any party to the proceedings to pay, to any other party to the proceedings, such costs and disbursements (including filing fees) as the tribunal or Registrar thinks fit.

(3) Unless a tribunal or the Registrar directs otherwise, any costs and disbursements awarded must be paid within 7 days after the decision of a tribunal or the Registrar as to costs and disbursements.

Fees

44. The fees specified in the First Schedule are payable for any proceedings before a tribunal, any appeal against an order of a tribunal, and any proceedings before a District Court under rule 25 or Part 9 (including any search, inspection or taking of a copy of a record or document related to any such proceedings or appeal).

Hearing fees

45.—(1) The hearing fees specified in the Third Schedule are payable for any hearing before a tribunal.

(2) The claimant or applicant (as the case may be) must pay the hearing fees, and file a written request in the relevant Form, at a time determined by the Registrar.

Waiver, refund or remission of fees

46.—(1) The Registrar may, in any case, on such terms and conditions as the Registrar deems fit, waive, refund or remit the whole or any part of any fee relating to any proceedings before a tribunal.

(2) The registrar of the State Courts may, in any case, on such terms and conditions as the registrar of the State Courts deems fit, waive, refund or remit the whole or any part of any fee relating to —

- (a) any proceedings before a District Court under rule 25 or Part 9; or
- (b) any appeal against an order of a tribunal.

(3) The Registrar —

- (a) must refund the whole of the hearing fees paid under rule 45 if the Registrar is notified in writing, not later than 14 days before the first date fixed for the hearing, that the claim has been settled, discontinued or withdrawn; and
- (b) may, in any other case, as the Registrar deems fit, refund the whole or any part of the hearing fees paid under rule 45.

(4) Any party requesting a refund of the whole or any part of the hearing fees under paragraph (3)(b) must make a written request to the Registrar within 4 weeks after the last date fixed for the hearing.

PART 11

MISCELLANEOUS

Service of claim, summons or document

47.—(1) Any claim, summons or document that is to be served on any person in any proceedings before a tribunal or the Registrar may be served on the person —

- (a) by delivering it to the person at the person's last known place of residence;
- (b) by sending it by registered post to the person's last known place of residence or business in an envelope addressed to the person; or
- (c) where the person is a body of persons or a body corporate —
 - (i) by delivering it to the director, manager, secretary or other like officer of the body of persons or body corporate at its registered office or principal place of business; or
 - (ii) by sending it by registered post addressed to the body of persons or body corporate at its registered office or principal place of business.

(2) A claim or summons must not be served on any person outside Singapore.

(3) Any claim, summons or document sent by registered post to any person in accordance with paragraph (1) is to be treated as duly served on the person at the time when the claim, summons or document, as the case may be, would in the ordinary course of post be delivered.

(4) In proving service of any claim, summons or document sent by registered post to any person in accordance with paragraph (1), it is sufficient to prove that the envelope containing the claim, summons or document, as the case may be, was properly addressed, stamped and posted by registered post.

(5) A tribunal or the Registrar may, in any particular case, order that a claim, summons or document be served on a person by any means that the tribunal or Registrar considers proper (including by facsimile transmission or electronic mail).

Time

48.—(1) For the purposes of these Rules, the word “month”, where it occurs in any decision, direction or order of a tribunal or the Registrar, means a calendar month unless the context otherwise requires.

(2) Any period of time fixed by these Rules, or by a decision, direction or order of a tribunal or the Registrar, for doing any act is to be reckoned as follows:

- (a) where the act is required to be done within a specified period after a specified date, the period begins immediately after that date;
- (b) where the act is required to be done not later than a specified period before a specified date, the period ends immediately before that date;
- (c) where, apart from this sub-paragraph, the period in question, being a period of 7 days or less, would include a day other than a working day, that day is excluded.

(3) Where the time mentioned in these Rules, in a decision, direction or order of the tribunal or Registrar, or in a decision, direction or order of a District Court or the High Court made in any proceedings under these Rules, for doing any act expires on a day other than a working day, the act is in time if done on the next working day.

Extension and abridgement of time

49.—(1) A tribunal or the Registrar may, on such terms as the tribunal or Registrar thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules, or by any decision, direction or order of a tribunal or the Registrar, to do any act in any proceedings before a tribunal.

(2) A tribunal or the Registrar may extend the period mentioned in paragraph (1) although the application for extension is not made until after the expiration of that period.

(3) The period within which a person is required by these Rules, or by any decision, direction or order of a tribunal or the Registrar, to serve, file or amend any claim or other document in any proceedings before a tribunal may be extended by consent (given in writing) without an order of a tribunal or the Registrar being made for that purpose, unless a tribunal or the Registrar specifies otherwise.

- (4) This rule does not apply to any of the following periods:
- (a) the period under rule 25(2) for filing an application for leave to appeal against an order of a tribunal;
 - (b) the period under rule 26(1) for filing and serving a notice of appeal;
 - (c) the period under rule 39(1) for filing an application for the registration of a settlement agreement;
 - (d) the period under rule 41(1)(a) for filing an application to set aside the registration of a settlement agreement;
 - (e) the period under rule 46(3)(a) for notifying the Registrar in writing that a claim has been settled, discontinued or withdrawn;
 - (f) the period under rule 46(4) for making a written request to the Registrar for a refund of the whole or any part of the hearing fees paid under rule 45.

Correction of order of tribunal under section 22(9) of Act

50.—(1) An application under section 22(9) of the Act to correct an order of a tribunal must be made in the relevant Form.

(2) The applicant must file and serve the application within 3 days after the date on which the order was given or made.

(3) A respondent who intends to oppose the application must, within 3 days after being served with the application, file and serve on the applicant a response in the relevant Form.

Seal of State Courts

51. Every document issued by the Registry for a relevant Form marked with the word “seal” must bear the seal of the State Courts.

Compliance with Court Practice Directions

52. Every document must comply with such requirements and contain such information and particulars of parties or other persons as may be laid down by or specified in any practice directions for the time being issued by the registrar of the State Courts.

Rejection of earlier documents

53.—(1) A document may be rejected by the Registrar if the document does not comply with these Rules or with any practice directions mentioned in rule 52.

(2) Where a document rejected under paragraph (1) is refiled, the document is treated as filed only on the date on which it is subsequently accepted for filing by the Registrar, and not before.

Effect of non-compliance

54.—(1) Subject to paragraph (2), where, in any proceedings before a tribunal or the Registrar, there has been a failure to comply with any requirement of these Rules, the failure is to be treated as an irregularity and does not nullify the proceedings, any step taken in the proceedings, or any decision, direction or order given by the tribunal or Registrar.

(2) A tribunal may, on the ground that there has been a failure mentioned in paragraph (1), and on such terms as to costs or otherwise as the tribunal thinks just —

- (a) set aside either wholly or in part the proceedings in which the failure occurred, any step taken in those proceedings, or any document, decision, direction or order in those proceedings; or
- (b) exercise the tribunal's powers under these Rules to allow such amendments (if any) to be made and to make such order (if any) dealing with the proceedings generally as the tribunal thinks fit.

(3) The Registrar may exercise any power of a tribunal under paragraph (2), but cannot set aside a decision, direction or order made by a tribunal magistrate.

FIRST SCHEDULE

Rules 7(4), 8(2), 10(2), 11(2) and (3),
21(2), 23(3), 24(3), 25(3), 27(a),
28(2), 30(3), 31(4)(b), 39(1)(b),
40(3)(b), 41(1)(b), 42(4) and 44

FEES

| <i>No.</i> | <i>Item</i> | <i>Fee</i> | <i>Document to be stamped and remarks</i> |
|------------|--|------------|---|
| 1. | On lodging a claim under rule 8(2) — | | The filed copy |
| | (a) where the total value of the claim does not exceed \$10,000 | \$30 | |
| | (b) where the total value of the claim exceeds \$10,000 | \$60 | |
| 2. | On filing a response to a claim under rule 10(2) — | | The filed copy |
| | (a) where the total value of the claim does not exceed \$10,000 | \$30 | |
| | (b) where the total value of the claim exceeds \$10,000 | \$60 | |
| 3. | On lodging a counterclaim under rule 11(2) — | | The filed copy |
| | (a) where the total value of the counterclaim does not exceed \$10,000 | \$30 | |

FIRST SCHEDULE — *continued*

| <i>No.</i> | <i>Item</i> | <i>Fee</i> | <i>Document to be stamped and remarks</i> |
|------------|---|------------|---|
| | (b) where the total value of the counterclaim exceeds \$10,000 | \$60 | |
| 4. | On filing a response to a counterclaim under rule 11(3) — | | The filed copy |
| | (a) where the total value of the counterclaim does not exceed \$10,000 | \$30 | |
| | (b) where the total value of the counterclaim exceeds \$10,000 | \$60 | |
| 5. | On sealing a summons to a witness | \$10 | Summons |
| 6. | On sealing an urgent summons to a witness | \$20 | Summons |
| 7. | On making an application to set aside a decision, direction or order given in the absence of a party under rule 23(2) | \$30 | The filed copy |
| 8. | On filing a notice under rule 24(2) to attend before a tribunal on an appeal from any decision, direction or order of a Registrar | \$100 | The Notice |
| 9. | On filing an application for leave to appeal against an order of a tribunal under rule 25(1) | \$100 | The filed copy |
| 10. | On filing a notice of appeal under rule 26(1) | \$600 | The Notice |

FIRST SCHEDULE — *continued*

| <i>No.</i> | <i>Item</i> | <i>Fee</i> | <i>Document to be stamped and remarks</i> |
|------------|--|------------|---|
| 11. | Providing security for the respondent's costs of appeal under rule 28(1): | | |
| | (a) on submitting the relevant Form to, and depositing \$500 as security for the respondent's costs of appeal with, the Accountant-General | \$10 | The filed copy |
| | (b) on filing a notice of payment into Court | \$10 | The Notice |
| | (c) on obtaining a certificate of deposit of security for costs | \$10 | The Certificate |
| 12. | On filing an appellant's case under rule 30 | \$600 | The Case |
| 13. | On filing a respondent's case under rule 31 | \$300 | The Case |
| 14. | On filing an application to register a settlement agreement under rule 39, or to extend the validity of the registration of a settlement agreement under rule 40 | \$10 | The filed copy |
| 15. | On filing an application under rule 41 to set aside the registration of a settlement agreement | \$30 | The filed copy |

FIRST SCHEDULE — *continued*

| <i>No.</i> | <i>Item</i> | <i>Fee</i> | <i>Document to be stamped and remarks</i> |
|------------|--|---|---|
| 16. | Search/Inspection/Copies: | | |
| | (a) On filing a request to take a certified copy of the record (other than an order of the tribunal) | \$8 per document plus \$5 per page | Request |
| | (b) On filing a request to search or inspect the record | \$20 | Request |
| | (c) On filing a request for a second or subsequent copy of an order of the tribunal | \$10 | Request |
| | (d) On filing a request to search the register of settlement agreements | \$20 | Request |
| | (e) On filing a request for a copy of a settlement agreement | \$10 | Request |
| | (f) On filing a request for a second or subsequent copy of a settlement agreement | \$5 per document plus 15 cents per page | Request |

SECOND SCHEDULE

Rule 37

FORM

EMPLOYMENT CLAIMS ACT 2016
(ACT 21 OF 2016)

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made on (date)

SECOND SCHEDULE — *continued*

BETWEEN

(Name) (NRIC/FIN/UEN* _____), of (Address) (in this Settlement Agreement “Party A”);

AND

(Name) (NRIC/FIN/UEN* _____), of (Address) (in this Settlement Agreement “Party B”).

IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

- (1) In full and final settlement of the specified employment dispute(s) set out in the table below:

| <i>Nature of specified employment dispute</i> | <i>Date on which amount alleged to be payable began to be payable</i> | <i>Date on which amount alleged to be payable ceased to be payable</i> | <i>Length of period during which amount alleged to be payable accrued</i> | <i>Amount alleged to be payable</i> |
|---|---|--|---|-------------------------------------|
| | | | | |

(a) Party A will pay Party B the sum of \$_____ (before/after* deduction of the Central Provident Fund (CPF) Contributions by employer* and employee* and income tax*, if any); and

(b) Party B will pay Party A the sum of \$_____ (before/after* deduction of the Central Provident Fund (CPF) Contributions by employer* and employee* and income tax*, if any).*

- (2) The sum stated in clause (1)(a) will be paid by Party A to Party B on or before (date) / in the following instalments:*

| <i>To pay on or before (Date)</i> | <i>Amount (S\$)</i> |
|-----------------------------------|---------------------|
| | |
| | |

SECOND SCHEDULE — *continued*

- (3) The sum stated in clause (1)(b) will be paid by Party B to Party A on or before (date) / in the following instalments:*

| <i>To pay on or before (Date)</i> | <i>Amount (S\$)</i> |
|-----------------------------------|---------------------|
| | |
| | |

- (4) Where a party (called in this Settlement Agreement the defaulting party) fails to pay in accordance with clause (2) or (3) (as the case may be), the other party may proceed to enforce this Settlement Agreement against the defaulting party by registering this Settlement Agreement with a District Court under section 7(2) of the Employment Claims Act 2016.
- (5) Where the defaulting party fails to pay any instalment of the sum stated in clause (1)(a) or (1)(b) (as the case may be) on the date specified in this Agreement, the outstanding balance of the entire sum stated in clause (1)(a) or (1)(b) (as the case may be) becomes immediately due and payable.

| | |
|--|--|
| <p>_____ Signature</p> <p>Party A/ (Designation of Representative) of Party A*</p> <p>Name:</p> <p>NRIC/FIN:</p> | <p>_____ Signature</p> <p>Party B/ (Designation of Representative) of Party B*</p> <p>Name:</p> <p>NRIC/FIN:</p> |
|--|--|

SECOND SCHEDULE — *continued*ON *(insert date)*

IN THE PRESENCE OF:

(insert name of Approved mediator)

*To delete as appropriate.

THIRD SCHEDULE

Rule 45(1)

HEARING FEES

| <i>Description</i> | <i>Fee</i> | <i>Document to be stamped and remarks</i> |
|---|------------|---|
| 1. For each day or part of a day after the first day — | | Request |
| (a) where the total value of the claim does not exceed \$10,000 | \$30 | |
| (b) where the total value of the claim exceeds \$10,000 | \$60 | |

Made on 15 March 2017.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

BELINDA ANG SAW EAN
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.

[SUPCT.RJW.013.0400; AG/LEGIS/SL/91C/2015/2 Vol. 2]

(To be presented to Parliament under section 33(4) of the
Employment Claims Act 2016).