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**No. S 924**

SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)

SINGAPORE INTERNATIONAL COMMERCIAL COURT  
RULES 2021

ARRANGEMENT OF RULES

ORDER 1

GENERAL MATTERS

Rule

*PRELIMINARY*

1. Citation and commencement (O. 1, r. 1)
2. Application of Rules (O. 1, r. 2)
3. General Principles (O. 1, r. 3)
4. Definitions (O. 1, r. 4)
5. Time (O. 1, r. 5)
6. Mode of application (O. 1, r. 6)
7. Language of documents (O. 1, r. 7)
8. Use of foreign documents under Apostille Convention or Civil Procedure Convention (O. 1, r. 8)
9. Forms (O. 1, r. 9)

*THE COURT*

10. Constitution of Court and Court of Appeal (O. 1, r. 10)
11. General powers of Court (O. 1, r. 11)
12. Claim for declaration without other relief (O. 1, r. 12)

*THE REGISTRY AND ADMINISTRATION*

13. Jurisdiction and powers of Registrar (O. 1, r. 13)
14. Practice directions (O. 1, r. 14)
15. Registry records (O. 1, r. 15)

## ORDER 2

## JURISDICTION AND TRANSFER

Rule

Rule

1. Jurisdiction (O. 2, r. 1)
2. Effect of agreement to submit to Court's or High Court's or General Division's jurisdiction (O. 2, r. 2)
3. Court may consider jurisdiction and exercise of jurisdiction (O. 2, r. 3)
4. Transfer of case to or from Court (O. 2, r. 4)
5. Variation of exclusive choice of court agreement (O. 2, r. 5)
6. Dispute as to service (O. 2, r. 6)
7. Procedure for applications under this Order (O. 2, r. 7)

## ORDER 3

## LEGAL REPRESENTATION

1. Representation in Court (O. 3, r. 1)
2. Representation in Court of Appeal (O. 3, r. 2)
3. Definition of "offshore case" (O. 3, r. 3)
4. When case may be treated as offshore case (O. 3, r. 4)
5. Offshore case declaration (O. 3, r. 5)
6. Decision that case is offshore case (O. 3, r. 6)
7. Decision that case is not offshore case (O. 3, r. 7)
8. Validity of acts done by registered foreign lawyer or by solicitor registered under section 36E of Legal Profession Act (O. 3, r. 8)
9. Entities to be represented by counsel (O. 3, r. 9)
10. Appointment, change and discharge of counsel (O. 3, r. 10)
11. Warrant to act or power of attorney (O. 3, r. 11)

## ORDER 4

COMMENCEMENT AND DEFENCE  
OF PROCEEDINGS*MODE OF COMMENCING PROCEEDINGS*

1. Originating Application (O. 4, r. 1)
2. Issue of Originating Application (O. 4, r. 2)
3. Duration and renewal of Originating Application (O. 4, r. 3)
4. Claimant's Statement (O. 4, r. 4)

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*MODE OF DEFENDING PROCEEDINGS*

Rule

5. Defendant's Statement (O. 4, r. 5)

*ADJUDICATION TRACKS*

6. Adjudication tracks (O. 4, r. 6)  
7. First case management conference (O. 4, r. 7)

*COMMENCING PROCEEDINGS  
WITHOUT NOTICE*

8. Originating Applications without notice (O. 4, r. 8)

ORDER 5

SERVICE

1. Service of Originating Applications and other documents (O. 5, r. 1)
2. Personal service (O. 5, r. 2)
3. Ordinary service (O. 5, r. 3)
4. Substituted service (O. 5, r. 4)
5. Dispensing with service (O. 5, r. 5)
6. Permission for service out of Singapore (O. 5, r. 6)
7. Methods of service out of Singapore (O. 5, r. 7)
8. Service of Originating Application on person in Malaysia or Brunei Darussalam (O. 5, r. 8)
9. Service of Originating Application on High Contracting Party to Warsaw Convention (O. 5, r. 9)
10. Service of Originating Application on foreign State (O. 5, r. 10)
11. Undertaking to pay expenses of service (O. 5, r. 11)
12. Certificate of service (O. 5, r. 12)

ORDER 6

PLEADINGS

1. General (O. 6, r. 1)
2. Form and service of Statement of Claim (O. 6, r. 2)
3. Form and service of Defence (O. 6, r. 3)
4. Form and service of Counterclaim (O. 6, r. 4)
5. Form and service of Reply (O. 6, r. 5)
6. Form and service of Defence to Counterclaim (O. 6, r. 6)

## Rule

7. Form and service of Reply to Defence to Counterclaim (O. 6, r. 7)
8. Further pleadings (O. 6, r. 8)
9. Close of pleadings (O. 6, r. 9)
10. Compliance with requirements for pleadings (O. 6, r. 10)
11. Pleadings to be verified by statement of truth (O. 6, r. 11)
12. Admissions and denials (O. 6, r. 12)
13. Further and better particulars (O. 6, r. 13)
14. Setting aside judgment in default (O. 6, r. 14)

## ORDER 7

## STATEMENTS

1. General (O. 7, r. 1)

*PART 1**CLAIM OR COUNTERCLAIM TO BE  
DECIDED BY STATEMENTS  
ADJUDICATION TRACK*

2. Application of Rules (O. 7, r. 2)
3. Service of witness statement of claimant (O. 7, r. 3)
4. Service of witness statement of defendant (O. 7, r. 4)
5. Counterclaim (O. 7, r. 5)
6. Mode of hearing (O. 7, r. 6)

*PART 2**ORIGINATING APPLICATION WITHOUT  
NOTICE MADE PURSUANT TO  
ORDER 4, RULE 8*

7. Application of Rules (O. 7, r. 7)
8. Filing of witness statement of claimant (O. 7, r. 8)
9. Mode of hearing (O. 7, r. 9)

## ORDER 8

## MEMORIALS

1. Proceedings by way of memorials, and powers of Court (O. 8, r. 1)
2. Memorial and Counter-Memorial (O. 8, r. 2)

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ORDER 9  
CASE MANAGEMENT CONFERENCE

Rule

1. General matters (O. 9, r. 1)
2. Conduct of case management conferences (O. 9, r. 2)
3. Preparation for case management conferences (O. 9, r. 3)
4. Case Management Bundle (O. 9, r. 4)
5. Alternative dispute resolution (O. 9, r. 5)
6. Compliance with case management directions (O. 9, r. 6)

ORDER 10  
COUNTERCLAIMS AND PARTIES

*COUNTERCLAIMS*

1. Counterclaim against claimant (O. 10, r. 1)
2. Counterclaim against additional parties (O. 10, r. 2)
3. Court may order separate trials, etc. (O. 10, r. 3)
4. Transfer of proceedings under a counterclaim to General Division (O. 10, r. 4)

*ADDITION AND SUBSTITUTION OF PARTIES  
(INCLUDING THIRD PARTIES)*

5. Joinder of persons as parties (O. 10, r. 5)
6. Addition, removal and substitution of parties (O. 10, r. 6)
7. Procedure for adding, removing and substituting parties (O. 10, r. 7)
8. Where 2 or more persons are jointly entitled to remedy (O. 10, r. 8)
9. Misjoinder and nonjoinder of parties (O. 10, r. 9)
10. Third-party notice (O. 10, r. 10)
11. Applications for permission to issue third-party notice (O. 10, r. 11)
12. Default of third party, etc. (O. 10, r. 12)
13. Judgment between defendant and third party (O. 10, r. 13)
14. Transfer of proceedings under third-party notice to the General Division (O. 10, r. 14)
15. Claims by third and subsequent parties (O. 10, r. 15)
16. Notice of case to non-parties (O. 10, r. 16)

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*REPRESENTATIVE PARTIES*

## Rule

17. Proceedings against estates (O. 10, r. 17)
18. Representation of parties who die or become insolvent or are otherwise incapacitated (O. 10, r. 18)
19. Representative proceedings (O. 10, r. 19)

## ORDER 11

## INTERPLEADER

1. Entitlement to relief by way of interpleader (O. 11, r. 1)
2. Mode of application (O. 11, r. 2)
3. Witness statement (O. 11, r. 3)
4. Reply witness statement (O. 11, r. 4)
5. Powers of the Court hearing the application (O. 11, r. 5)

## ORDER 12

## DOCUMENT DISCLOSURE AND INTERROGATORIES

1. Production of documents (O. 12, r. 1)
2. Request to produce (O. 12, r. 2)
3. Objection to production (O. 12, r. 3)
4. Application for Court to order production (O. 12, r. 4)
5. Additional or alternative modes of disclosure (O. 12, r. 5)
6. Pre-action production (O. 12, r. 6)
7. Power of Court to inspect documents (O. 12, r. 7)
8. Production of copies instead of originals (O. 12, r. 8)
9. Continuing obligation of disclosure (O. 12, r. 9)
10. Admissions as to authenticity of documents (O. 12, r. 10)
11. Failure to disclose document (O. 12, r. 11)
12. Use of documents in other proceedings (O. 12, r. 12)
13. Production of electronically-stored documents (O. 12, r. 13)
14. Interrogatories (O. 12, r. 14)

## ORDER 13

## EVIDENCE

1. Evidence in trials (O. 13, r. 1)
2. Evidence in hearings other than trials (O. 13, r. 2)
3. Mode of evidence (O. 13, r. 3)
4. Use of witness statements for other purposes (O. 13, r. 4)

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**Rule**

5. Witness statement (O. 13, r. 5)
6. Statement of truth (O. 13, r. 6)
7. Safeguards for persons not fluent in English or unable to read or sign (O. 13, r. 7)
8. Contents of witness statement (O. 13, r. 8)
9. Alteration of witness statement (O. 13, r. 9)
10. Documents referred to in witness statement (O. 13, r. 10)
11. Affidavit (O. 13, r. 11)
12. False statements (O. 13, r. 12)
13. Pre-trial examination (O. 13, r. 13)
14. Evidence by live video or live television link where person to be examined is out of jurisdiction (O. 13, r. 14)
15. Court may specify applicable rules of evidence (O. 13, r. 15)

**ORDER 14****EXPERT EVIDENCE, ASSESSORS AND  
INDEPENDENT COUNSEL**

1. Expert (O. 14, r. 1)
2. Court to grant permission for use of expert evidence (O. 14, r. 2)
3. Issues and common set of facts (O. 14, r. 3)
4. Expert's report (O. 14, r. 4)
5. Meeting and clarification on report (O. 14, r. 5)
6. Panel of experts (O. 14, r. 6)
7. Assessors (O. 14, r. 7)
8. Independent counsel (O. 14, r. 8)

**ORDER 15****REFERRALS ON ISSUES OF LAW**

1. Definitions (O. 15, r. 1)
2. General (O. 15, r. 2)
3. Order for reference of questions of foreign law to foreign courts on application of parties (O. 15, r. 3)
4. Referral of questions of foreign law on Court's own motion (O. 15, r. 4)
5. Order for referral of questions of foreign law (O. 15, r. 5)
6. Determination of issues arising in foreign court proceedings (O. 15, r. 6)
7. Specified foreign countries (O. 15, r. 7)
8. Specified courts (O. 15, r. 8)

## ORDER 15A

REQUESTS FOR OPINIONS ON QUESTIONS OF  
FOREIGN LAW

## Rule

1. Definitions (O. 15A, r. 1)
2. Transmission to foreign court of request for opinion on question of foreign law and for clarification (O. 15A, r. 2)
3. Request for opinion on question of foreign law and for clarification (O. 15A, r. 3)
4. Specified foreign country (O. 15A, r. 4)
5. Specified court (O. 15A, r. 5)

## ORDER 16

## OTHER INTERLOCUTORY MATTERS

1. General (O. 16, r. 1)
2. Security for costs (O. 16, r. 2)
3. Amendment of Originating Application, pleading or memorial, etc. (O. 16, r. 3)
4. Striking out of documents (O. 16, r. 4)
5. Judgment on admission of fact (O. 16, r. 5)
6. Summary judgment (O. 16, r. 6)
7. Decision on questions of law or construction of documents (O. 16, r. 7)
8. Foreign law (O. 16, r. 8)
9. Confidentiality, etc. (O. 16, r. 9)
10. Consolidation, etc., of causes or matters (O. 16, r. 10)
11. Separate hearings for separate questions or issues (O. 16, r. 11)

## ORDER 17

## WITHDRAWAL AND DISCONTINUANCE

1. Withdrawal of Defendant's Statement (O. 17, r. 1)
2. Discontinuance without permission (O. 17, r. 2)
3. Discontinuance with permission (O. 17, r. 3)
4. Stay of subsequent action until costs paid (O. 17, r. 4)
5. Discontinuance of application (O. 17, r. 5)



## ORDER 18

INJUNCTIONS, SEARCH ORDERS AND  
OTHER INTERIM RELIEF

## Rule

1. Application for injunction or search order (O. 18, r. 1)
2. Detention, preservation, etc., of subject matter of action (O. 18, r. 2)
3. Transfer or handing over of property held as security (O. 18, r. 3)
4. Use of property for income before substantive hearing or trial (O. 18, r. 4)
5. Sale and dealings with immovable property before substantive hearing or trial (O. 18, r. 5)
6. Interim payments (O. 18, r. 6)
7. Receivers (O. 18, r. 7)
8. Order for early trial (O. 18, r. 8)

## ORDER 19

## PRE-TRIAL PREPARATION

1. General matters (O. 19, r. 1)
2. Setting down action for trial (O. 19, r. 2)
3. Opening statement (O. 19, r. 3)
4. Trial bundle (O. 19, r. 4)
5. Core bundle (O. 19, r. 5)
6. Preparation of trial bundle and core bundle (O. 19, r. 6)
7. Confidential bundle (O. 19, r. 7)
8. Provision of bundles (O. 19, r. 8)
9. Provision of identical bundle (O. 19, r. 9)

## ORDER 20

## TRIALS, HEARINGS, JUDGMENTS AND ORDERS

1. Hearings in open Court and in chambers (O. 20, r. 1)
2. Attendance of parties (O. 20, r. 2)
3. Attendance of witnesses (O. 20, r. 3)
4. Trials and hearings generally (O. 20, r. 4)
5. Trials (O. 20, r. 5)
6. Hearings other than trials (O. 20, r. 6)
7. Questions and inspection by Court (O. 20, r. 7)
8. Exhibits of hearings (O. 20, r. 8)
9. Record of hearings (O. 20, r. 9)

## Rule

10. Delivery of Court's judgment and consequential orders (O. 20, r. 10)
11. Judgments and orders generally (O. 20, r. 11)
12. Preparation of orders (O. 20, r. 12)
13. Redaction and prohibition of inspection or copying of judgments or orders (O. 20, r. 13)
14. Interest on money payable under orders (O. 20, r. 14)
15. Death of party (O. 20, r. 15)
16. Death or incapacity of Judge or Registrar (O. 20, r. 16)
17. Assessment of damages or value and taking of accounts (O. 20, r. 17)

## ORDER 21

## APPEALS

*GENERAL*

1. General matters (O. 21, r. 1)
2. Meaning of applications in proceedings (O. 21, r. 2)
3. One appeal for each application (O. 21, r. 3)
4. When time for appeal starts to run (O. 21, r. 4)
5. Permission to intervene (O. 21, r. 5)
6. Stay of enforcement, etc. (O. 21, r. 6)
7. Expedited appeal (O. 21, r. 7)
8. Absence of parties (O. 21, r. 8)

*PART 1**APPEALS FROM REGISTRAR TO A JUDGE  
IN PROCEEDINGS IN COURT*

9. Bringing of appeal (O. 21, r. 9)
10. Written judgment by Registrar (O. 21, r. 10)
11. Documents to be filed (O. 21, r. 11)
12. Further arguments (O. 21, r. 12)

*PART 2**APPEALS FROM COURT TO  
COURT OF APPEAL*

13. Definitions (O. 21, r. 13)
14. Bringing of appeal (O. 21, r. 14)
15. Further arguments (O. 21, r. 15)
16. Permission to appeal (O. 21, r. 16)

## Rule

17. Application of domestic Rules of Court as in force before 1 April 2022 to determine timelines for appeal and Originating Application (O. 21, r. 17)
18. Security for costs (O. 21, r. 18)
19. Related appeals (O. 21, r. 19)
20. Documents to be filed where appeal is against decision of Court in relation to application in proceedings (O. 21, r. 20)
21. Documents to be filed where appeal is against decision of Court made on trial or hearing on merits of proceedings, etc. (O. 21, r. 21)
22. Appellant's Case, respondent's Case and appellant's Reply (O. 21, r. 22)
23. Powers of Court of Appeal (O. 21, r. 23)
24. Withdrawal of appeal or application (O. 21, r. 24)
25. Judgment (O. 21, r. 25)
26. Consent judgment or order (O. 21, r. 26)
27. Further arguments (O. 21, r. 27)
28. Powers in section 58(1) of Supreme Court of Judicature Act exercisable by Registrar (O. 21, r. 28)
29. Payment out of security for costs and release of undertaking (O. 21, r. 29)
30. Applications to Court of Appeal (O. 21, r. 30)
31. Written submissions for applications to Court of Appeal (O. 21, r. 31)
32. Application for permission under section 58(4)(b) of Supreme Court of Judicature Act (O. 21, r. 32)
33. Compliance with provisions in Appendix C provided under this Order, etc. (O. 21, r. 33)
34. Application for permission under section 36P(1A)(a) of Legal Profession Act 1966 or rule 14(1A)(a) of Legal Profession (Regulated Individuals) Rules 2015 (O. 21, r. 34)

## ORDER 22

## COSTS

1. Definition and general matters (O. 22, r. 1)
2. Powers of Court (O. 22, r. 2)
3. Entitlement to costs and assessment of costs (O. 22, r. 3)
4. Costs for litigant not legally represented (O. 22, r. 4)
5. Power of appellate court to decide costs (O. 22, r. 5)
6. Interest on costs (O. 22, r. 6)

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ORDER 23  
INTERNATIONAL ARBITRATION ACT  
PROCEEDINGS

## Rule

1. Definitions (O. 23, r. 1)
2. Application of Rules and adjudication track for IAA proceedings (O. 23, r. 2)
3. Jurisdiction (O. 23, r. 3)
4. Commencement of IAA proceedings (O. 23, r. 4)
5. Service out of jurisdiction of Originating Application and order made in IAA proceedings (O. 23, r. 5)
6. Defence of IAA proceedings (O. 23, r. 6)
7. Matters to be heard by Judge only (O. 23, r. 7)
8. Matters to be heard by Judge or Registrar (O. 23, r. 8)
9. Enforcement of interlocutory orders or directions (O. 23, r. 9)
10. Enforcement of awards or foreign awards (O. 23, r. 10)
11. Transfer from General Division to Court (O. 23, r. 11)
12. Order to attend court and order to produce documents (O. 23, r. 12)
13. Taking of evidence (O. 23, r. 13)

ORDER 23A  
PROCEEDINGS RELATING TO CORPORATE  
INSOLVENCY, RESTRUCTURING OR DISSOLUTION

1. Definitions (O. 23A, r. 1)
2. Jurisdiction (O. 23A, r. 2)
3. Application of IRDA, CIR Rules and these Rules (O. 23A, r. 3)
4. Transfer of insolvency proceedings from General Division to Court (O. 23A, r. 4)
5. Application for permission under section 36P(1A)(a) of Legal Profession Act 1966 or rule 14(1A)(a) of Legal Profession (Regulated Individuals) Rules 2015 (O. 23A, r. 5)

ORDER 24  
ENFORCEMENT OF JUDGMENTS OR  
ORDERS OF COURT

1. Applications relating to enforcement of judgments or orders of Court in Singapore (O. 24, r. 1)
2. Application for stay of enforcement (O. 24, r. 2)

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ORDER 25  
CONTEMPT OF COURT

Rule

1. Definitions (O. 25, r. 1)
2. Committal order for contempt of court (O. 25, r. 2)
3. Disapplication of parts of Order 4 (O. 25, r. 3)
4. Application for permission of Court (O. 25, r. 4)
5. Application for committal order after permission of Court granted (O. 25, r. 5)
6. Power to commit without application (O. 25, r. 6)
7. Provisions as to hearing (O. 25, r. 7)
8. Power to suspend execution of committal order (O. 25, r. 8)
9. Discharge of committal respondent (O. 25, r. 9)
10. Saving for other powers (O. 25, r. 10)
11. Form of committal order (O. 25, r. 11)
12. Order to arrest committal respondent (O. 25, r. 12)
13. Sheriff may engage auxiliary police officer or other security agency (O. 25, r. 13)

ORDER 26  
FEES AND DEPOSITS

1. Application (O. 26, r. 1)
2. Definition (O. 26, r. 2)
3. Milestone fees (O. 26, r. 3)
4. Hearing fees (O. 26, r. 4)
5. Miscellaneous fees (O. 26, r. 5)
6. Court powers in relation to fees (O. 26, r. 6)
7. Deposit (O. 26, r. 7)
8. Registrar may refuse to administer proceedings if fees or deposits unpaid (O. 26, r. 8)

ORDER 27  
OTHER MATTERS

*ADMIRALTY PROCEEDINGS AND  
MARINE INSURANCE CLAIMS*

1. Admiralty causes and matters in Court (O. 27, r. 1)

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*PARTNERS*

Rule

2. Actions by and against firms within jurisdiction (O. 27, r. 2)
3. Disclosure of partners' names (O. 27, r. 3)
4. Service of Originating Application and other documents (O. 27, r. 4)
5. Defendant's Statement in action against firm (O. 27, r. 5)
6. Application to person carrying on business in another name (O. 27, r. 6)

*SHERIFF*

7. Powers and duties of Sheriff of Supreme Court (O. 27, r. 7)

*FINANCIAL MATTERS AND PAYMENT INTO  
AND OUT OF COURT*

8. Financial matters and payment into and out of Court (O. 27, r. 8)

*ELECTRONIC FILING SERVICE*

9. Electronic filing service (O. 27, r. 9)
10. Electronic filing (O. 27, r. 10)
11. Service of document through electronic filing service (O. 27, r. 11)
12. Foreign law practices and full registration foreign lawyers (O. 27, r. 12)

ORDER 28

TECHNOLOGY, INFRASTRUCTURE AND  
CONSTRUCTION LIST

*PRELIMINARY*

1. Application and definitions (O. 28, r. 1)
2. TIC Claim (O. 28, r. 2)

*PROCEDURE FOR PLACING CASE IN  
TECHNOLOGY, INFRASTRUCTURE AND  
CONSTRUCTION LIST*

3. Placement in TIC List (O. 28, r. 3)

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*EXPERT EVIDENCE*

## Rule

4. General matters concerning expert evidence (O. 28, r. 4)
5. Parties to seek permission for expert evidence (O. 28, r. 5)
6. Joint statement and joint report by experts (O. 28, r. 6)
7. Court may convene case management conference with experts (O. 28, r. 7)

*EVIDENCE AND DISCLOSURE*

8. Witness statements (containing evidence-in-chief) to be filed before document disclosure (O. 28, r. 8)

*SUBMISSIONS*

9. Presentation of parties' cases using Scott Schedules (O. 28, r. 9)

*SIMPLIFIED ADJUDICATION PROCESS*

10. Simplified adjudication process protocol (O. 28, r. 10)

*ALTERNATIVE DISPUTE RESOLUTION*

11. Alternative dispute resolution (O. 28, r. 11)
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In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

## ORDER 1

## GENERAL MATTERS

*PRELIMINARY***Citation and commencement (O. 1, r. 1)**

1. These Rules are the Singapore International Commercial Court Rules 2021 and come into operation on 1 April 2022.

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**Application of Rules (O. 1, r. 2)**

2.—(1) These Rules apply to —

- (a) every case commenced in the Court on or after 1 April 2022 (unless the case is transferred out of the Court);
- (b) every case commenced in the General Division on or after 1 April 2022 and transferred from the General Division to the Court;
- (c) any proceedings (either upon application or on the General Division’s own motion) for the transfer of a case from the General Division to the Court, where the case is commenced on or after 1 April 2022;
- (d) every appeal to the Court of Appeal, filed on or after 1 April 2022, from a judgment or an order of the Court; and
- (e) every originating application to the Court of Appeal, filed on or after 1 April 2022, in relation to a judgment or an order of the Court.

(2) If all parties concerned consent in writing, these Rules apply with necessary modifications to —

- (a) every case commenced in the Court before 1 April 2022;
- (b) every case commenced in the General Division or the High Court (as the case may be) before 1 April 2022 and transferred from the General Division to the Court at any time;
- (ba) any proceedings (either upon application or on the General Division’s own motion) for the transfer of a case relating to corporate insolvency, restructuring or dissolution from the General Division to the Court, where the case is commenced on or after 30 July 2020 but before 1 April 2022;

*[S 754/2022 wef 01/10/2022]*

- (c) every appeal to the Court of Appeal, filed before 1 April 2022, from a judgment or an order of the Court; and



(d) every originating application to the Court of Appeal, filed before 1 April 2022, in relation to a judgment or an order of the Court.

(3) Unless otherwise provided in these Rules or ordered by the Court, the domestic Rules of Court do not apply to the matters set out in paragraph (1).

(4) Despite paragraphs (1) and (2), the domestic Rules of Court apply to every case transferred from the Court to the General Division on or after 1 April 2022.

(5) For the purposes of paragraph (2)(ba), the parties concerned are every plaintiff or applicant in the case, every defendant or respondent (if any) in the case, and every third party or subsequent party (if any) in the case.

*[S 754/2022 wef 01/10/2022]*

### **General Principles (O. 1, r. 3)**

3.—(1) In interpreting any provision and exercising any power under these Rules, the Court seeks to achieve the following General Principles:

- (a) the expeditious and efficient administration of justice according to law;
- (b) procedural flexibility;
- (c) fair, impartial and practical processes;
- (d) procedures compatible with and responsive to the needs and realities of international commerce.

(2) All parties must assist the Court and conduct their cases in a manner which will go towards achieving the General Principles.

### **Definitions (O. 1, r. 4)**

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

“action” means an action mentioned in section 18D(1) of the Supreme Court of Judicature Act and, where the context requires, includes any proceedings mentioned in section 18D(2), (3) and (4) of that Act;

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- “attend” includes the appearance by any person using electronic, mechanical or any other means permitted by the Court;
- “claimant” includes a party in the position of a claimant in a counterclaim;
- “contempt of court” means contempt of court under the Administration of Justice (Protection) Act 2016 and includes, subject to section 8 of that Act, contempt of court under the common law;
- “corporation” has the meaning given by section 4(1) of the Companies Act;
- “counsel” means —
- (a) an advocate and solicitor;
  - (b) a person admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act; or
  - (c) a full registration foreign lawyer;
- “Court” means the Singapore International Commercial Court, or a judge thereof, whether sitting in open court or in chambers, and includes a judge sitting in the Court of Appeal or the Court of Appeal where appropriate, and in cases where he or she is empowered to act, a Registrar, but this provision does not affect any Rules which define or regulate the jurisdiction of the Registrar;
- “defendant” includes a party in the position of a defendant in a counterclaim;
- “domestic Rules of Court” means the Rules of Court, including practice directions issued by the Registrar under the Rules of Court, which are applicable to relevant proceedings in the High Court, the General Division or the Court of Appeal arising therefrom, as the case may be;
- “entity” means any body of persons, whether incorporated or unincorporated;
- “expert” has the meaning given by Order 14, Rule 1(1);

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- “foreign lawyer” has the meaning given by section 2(1) of the Legal Profession Act;
- “Form” means a form prescribed under these Rules;
- “full registration foreign lawyer” means a registered foreign lawyer who is granted full registration under section 36P of the Legal Profession Act;
- “General Division” and “High Court”, in these Rules (other than in Order 2, Rule 2(1) and (2)), do not include the Singapore International Commercial Court;
- “Judge” means a judge sitting in the Singapore International Commercial Court, and includes, in cases where he or she is empowered to act, a Registrar;
- “law expert” has the meaning given by section 36O(1) of the Legal Profession Act;
- “non-court day” means a Saturday, Sunday or public holiday in Singapore;
- “non-party” means any person who is not a party in the action and includes a person who participates in it because of a statutory duty or because he or she may be affected by the Court’s decision in the action;
- “memorial” includes a Memorial, Counter-Memorial, Reply Memorial and Rejoinder Memorial as contemplated in Order 8;
- “offshore case” has the meaning given by Order 3, Rule 3;
- “offshore case declaration” means a declaration made under Order 3, Rule 5 that a case is an offshore case;
- “ordinary service” means service effected in accordance with Order 5, Rule 3;
- “personal service” means service effected in accordance with Order 5, Rule 2;

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“place of business” has the meaning given by —

- (a) Order 23A, Rule 1, in the case of any proceedings relating to corporate insolvency, restructuring or dissolution that are international and commercial in nature; or
- (b) Order 2, Rule 1(4), in any other case;

*[S 754/2022 wef 01/10/2022]*

“pleading” includes the Statement of Claim, Defence, Defence and Counterclaim, Reply, Reply to Defence and Counterclaim, further and better particulars, and any further pleading filed under Order 6, Rule 8;

“registered foreign lawyer” means a foreign lawyer registered under section 36P of the Legal Profession Act;

“registered law expert” means a law expert registered under section 36PA of the Legal Profession Act;

“Registrar” has the meaning given by section 2 of the Supreme Court of Judicature Act;

“restricted registration foreign lawyer” means a registered foreign lawyer who is granted restricted registration under section 36P of the Legal Profession Act;

“sign” and “seal” by a Judge, Registrar or any other officer of the Supreme Court include signing and sealing by electronic or other means;

“summons” means an application to the Court in relation to an action or appeal which has to be served on other parties or non-parties;

“summons without notice” means an application to the Court in relation to an action or appeal which does not need to be served on any other party or non-party;

“Supreme Court” has the meaning given by section 2(1) of the Interpretation Act;

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- “third party” means a party brought into the action by the defendant pursuant to Order 10, Rule 10, and “subsequent party” and further parties have similar meanings;
- “third-party funding contract” means a third-party funding contract (as defined in section 5B of the Civil Law Act) entered into on or after 28 June 2021;
- “Third-Party Funder” means a Third-Party Funder (as defined in section 5B of the Civil Law Act) under a contract mentioned in the definition of “third-party funding contract”;
- “witness statement” means a written statement signed by a person which contains the evidence which that person would have otherwise given orally;
- “working day” means any day other than a non-court day in Singapore;
- “written jurisdiction agreement” has the meaning given by Order 2, Rule 1(7);
- “written law” has the meaning given by section 2(1) of the Interpretation Act.

**Time (O. 1, r. 5)**

5.—(1) Where any expression of time occurs in these Rules, or in any judgment, order or direction, and whenever the doing or not doing of anything at a certain time of the day or night or during a certain part of the day or night has an effect in law, that time is, unless it is otherwise specifically stated, held to be standard time as used in Singapore, namely, 8 hours in advance of Coordinated Universal Time.

(2) In these Rules, the Interpretation Act does not apply to the calculation of time.

(3) The word “month” means a calendar month unless the context otherwise requires.

(4) Where an act is required to be done within a specified period after or from a specified date, the period begins on the day immediately after that date.

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(5) Where an act is required to be done within or not less than a specified period before a specified date, the period ends on the day immediately before that date.

(6) Where an act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(7) Where an act is required to be done by a specified date, the act must be done before the expiry of 11.59 p.m. of that date.

(8) If the period in question is 6 days or less, any day that is a non-court day is to be excluded in the calculation of time.

(9) Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a non-court day, the act is in time if done on the next day, not being a non-court day.

(10) Unless otherwise provided by these Rules or any written law, or unless the Court orders otherwise, the period within which a person is required or permitted to file, serve or amend any pleading or other document may be extended by the written consent of all parties concerned without an order of the Court, provided that the person must notify the Court of such extension in writing within one working day after obtaining such consent.

### **Mode of application (O. 1, r. 6)**

6. Unless otherwise stipulated by these Rules or directed by the Court, a party seeking an order or a direction pursuant to these Rules must apply by way of a summons supported by a witness statement.

### **Language of documents (O. 1, r. 7)**

7.—(1) All documents filed or used in the Court must be in the English language.

(2) Unless otherwise provided by these Rules or any written law, a document which is not in the English language must be accompanied by a translation in the English language provided by a person competent to do so.

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**Use of foreign documents under Apostille Convention or Civil Procedure Convention (O. 1, r. 8)**

**8.—(1)** Despite anything in these Rules, the following documents may be received, filed or used in the Court:

- (a) a foreign public document with an apostille placed on or attached to it;
- (b) a document or a translation of the document that has been drawn up or certified, and duly sealed, by a court or other competent authority of a foreign country, being a country with which there subsists a Civil Procedure Convention providing for the dispensation of the authentication of such documents.

(2) In this Rule —

“apostille” means a Convention certificate as defined by section 10 of the Apostille Act 2020;

“foreign public document” has the meaning given by section 6 of the Apostille Act 2020.

**Forms (O. 1, r. 9)**

**9.—(1)** The Forms set out in these Rules must be used with such variations as the circumstances require.

(2) The Forms may be varied by practice directions.

(3) Where a Form states “Seal of the Court”, a document in that Form must bear the seal of the Court.

*THE COURT*

**Constitution of Court and Court of Appeal (O. 1, r. 10)**

**10.—(1)** Subject to any written law, all proceedings in the Court must be heard by one Judge or 3 Judges.

(2) Proceedings in the Court must be heard by 3 Judges if —

- (a) the parties so agree, unless the Chief Justice directs otherwise; or
- (b) the Chief Justice so directs.

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(3) Despite paragraph (2), any one of the 3 Judges appointed for any proceedings under that paragraph may hear any interlocutory application or case management conference in those proceedings.

(4) Subject to sections 50, 54 and 58 of the Supreme Court of Judicature Act, proceedings in the Court of Appeal in an appeal from the Court must be heard by 5 judges sitting in the Court of Appeal if —

- (a) the parties so agree, unless the Chief Justice directs otherwise; or
- (b) the Chief Justice so directs.

### **General powers of Court (O. 1, r. 11)**

**11.**—(1) Despite any provision of these Rules but subject to paragraph (2), the Court may, if it considers that doing so is necessary or desirable for the just, expeditious and economical disposal of any proceedings in the Court —

- (a) make such order as the Court considers just and appropriate; or
- (b) set aside, amend or supplement any of the following:
  - (i) any order made under sub-paragraph (a);
  - (ii) any order amended under this sub-paragraph;
  - (iii) any supplementary order made under this sub-paragraph.

(2) Where any provision of these Rules makes the exercise of a power by the Court conditional on a party agreeing or consenting to the exercise of that power by the Court, paragraph (1) does not authorise the Court to exercise that power without the agreement or consent of that party.

(3) Where there is no express provision in these Rules or any other written law on any matter, the Court may do whatever it considers necessary or desirable for the just, expeditious and economical disposal of any proceedings in the Court. In doing so, the Court may apply the domestic Rules of Court with such necessary modifications as the context requires.



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(4) The Court may extend or shorten the period within which a person is required or permitted by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(5) Unless these Rules otherwise provide, the Court may extend the period referred to in paragraph (4) whether the application for extension is made before or after the end of that period.

(6) Subject to paragraph (7), where there is non-compliance with the provisions in these Rules, any written law, the Court's orders or directions or any practice directions, the Court may exercise all or any of these powers —

- (a) waive the non-compliance;
- (b) accept part of a document and reject the part that is in non-compliance;
- (c) disallow or reject the filing or use of any document;
- (d) refuse to hear any matter or dismiss it without a hearing;
- (e) dismiss, stay or set aside any proceedings and give the appropriate judgment or order even though the non-compliance could be compensated by costs; or
- (f) make costs orders or any other orders that are appropriate.

(7) Where the non-compliance is in respect of any written law other than these Rules, the Court may waive the non-compliance only if the written law allows such waiver.

(8) The powers of the Court under this Rule are without prejudice to any other powers of the Court under any written law.

(9) The Court may give directions by letter or by electronic or other means.

### **Claim for declaration without other relief (O. 1, r. 12)**

**12.** The Court may make a declaratory judgment or order whether or not any other relief is sought.

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*THE REGISTRY AND ADMINISTRATION*

**Jurisdiction and powers of Registrar (O. 1, r. 13)**

**13.**—(1) Subject to any written law and directions by the Chief Justice, the Registrar has the jurisdiction and powers of a Judge sitting in chambers and must hear all matters in chambers only.

(2) The Registrar may refer any matter to a Judge, who may hear the matter referred to him or her or refer it back to the Registrar with directions.

**Practice directions (O. 1, r. 14)**

**14.** The Registrar may issue practice directions or guidelines relating to proceedings to which these Rules apply.

**Registry records (O. 1, r. 15)**

**15.**—(1) The Registry must maintain such Court records and other documents that are required by any written law or which the Registrar considers appropriate.

(2) The Registry may collect, use or disclose such data which the Registrar considers appropriate.

(3) The method of collection, the storage and the period of storage of Court records, documents and data is in the discretion of the Registrar.

(4) The Registrar may allow any person to search for, inspect and take a copy of any document filed in the Court in any action if that person —

(a) shows a valid interest in the document in question; and

(b) pays the prescribed fee.

(5) The Registrar may redact any document in the interests of justice before a person searches for, inspects or takes a copy of the document.

(6) Documents filed in the Court in any action and the Registry's records must not be taken out of the Registry without the Registrar's permission.

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(7) Unless ordered otherwise, documents filed in the Court must be typewritten and printed and must comply with any applicable provision in these Rules or any practice directions (as the case may be), relating to quality and dimensions of paper, font size, print quality, margins, copies and any other requirements.

(8) The Registrar may authorise a person to provide a service that enables a subscriber of that service —

- (a) to search such information relating to Court records and other documents mentioned in paragraph (1) as the Registrar may determine; and
- (b) to search for, inspect and take a copy of any such documents filed in the Registry as the Registrar may determine.

(9) The person authorised to provide the service mentioned in paragraph (8) must pay to the Registrar such fees for that service to have access to the information and documents mentioned in paragraph (8)(a) and (b), as may be agreed between the Registrar and that person.

(10) Despite paragraph (4), a subscriber of the service mentioned in paragraph (8) is entitled, at any time when that service is in operation —

- (a) to search the information mentioned in paragraph (8)(a), without paying the prescribed fee mentioned in paragraph (4) and without obtaining the permission of the Registrar; and
- (b) to search for, inspect and take a copy of any document mentioned in paragraph (8)(b), without paying the prescribed fee mentioned in paragraph (4) and without obtaining the permission of the Registrar.

## ORDER 2

## JURISDICTION AND TRANSFER

**Jurisdiction (O. 2, r. 1)**

1.—(1) For the purposes of section 18D(1) of the Supreme Court of Judicature Act 1969, the Court has the jurisdiction to hear and try a case if —

- (a) the action between the parties when the case was first filed is of an international and commercial nature;
- (b) each party named in the case when it was first filed has submitted to the Court's jurisdiction under a written jurisdiction agreement; and
- (c) the parties do not seek any relief in the form of, or connected with, a prerogative order (including a Mandatory Order, a Prohibiting Order, a Quashing Order or an Order for Review of Detention).

*[S 754/2022 wef 01/10/2022]*

(2) In addition to paragraph (1), the Court may hear and determine —

- (a) a case transferred to the Court under Rule 4;
  - (b) an Originating Application under Order 12, Rule 6 for the production of documents before the commencement of proceedings in the Court;
  - (c) an Originating Application under Order 18, Rule 1(3) for an injunction or a search order before the commencement of proceedings in the Court;
  - (d) proceedings relating to international commercial arbitration that the General Division may hear, as provided for under section 18D(2)(a) of the Supreme Court of Judicature Act 1969 and Order 23, Rule 3;
- [S 754/2022 wef 01/10/2022]*
- (da) proceedings relating to corporate insolvency, restructuring or dissolution that are international and commercial in nature, as provided for under section 18D(2)(c) of the

Supreme Court of Judicature Act 1969 and Order 23A,  
Rule 2; and

*[S 754/2022 wef 01/10/2022]*

- (e) an Originating Application under Order 25 for permission to commit a person for contempt of court in respect of any judgment or order made by the Court.

(3) For the purposes of section 18D(1)(a) of the Supreme Court of Judicature Act 1969 and paragraph (1)(a) —

- (a) an action is international in nature if —
- (i) any of the following places is situated in a State other than Singapore:
    - (A) the place of business of at least one party to the action;
    - (B) the place where a substantial part of the obligations of the commercial relationship between the parties is to be performed;
    - (C) the place with which the subject matter of the action is most closely connected; or
  - (ii) all parties named in the case when it was first filed have expressly agreed that the subject matter of the action relates to more than one State; and
- (b) an action is commercial in nature if —
- (i) the subject matter of the action arises from a relationship of a commercial nature, whether contractual or not;
  - (ii) the action relates to an in personam intellectual property dispute; or
  - (iii) all parties named in the case when it was first filed have expressly agreed that the subject matter of the action is commercial in nature.

*[S 754/2022 wef 01/10/2022]*

(4) For the purposes of paragraph (3)(a)(i), a party's place of business is —

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- (a) the place at which that party carries on its business at the relevant time;  
*[S 754/2022 wef 01/10/2022]*
- (b) if that party carries on business at more than one place at the relevant time, the place (where the party carries on its business) with the closest connection to the written jurisdiction agreement or (if there is no written jurisdiction agreement) the subject matter of the action at that time; or  
*[S 754/2022 wef 01/10/2022]*
- (c) if that party does not carry on business at any place at the relevant time, the party's habitual residence at that time.  
*[S 754/2022 wef 01/10/2022]*
- (5) For the purposes of paragraph (3)(b)(i), the parties to the action need not be in a relationship of a commercial nature and it is sufficient that the subject matter of the action arises out of such a relationship.
- (6) For the purposes of paragraph (4), the relevant time is —
- (a) the time the parties concluded a written jurisdiction agreement; or
- (b) where the case is transferred from the General Division to the Court —
- (i) the time the case was commenced in the General Division; or
- (ii) any such time as the General Division may determine.
- (7) For the purposes of these Rules, a written jurisdiction agreement is an agreement between 2 or more parties to submit to the exclusive or non-exclusive jurisdiction of the Court, that is concluded or documented —
- (a) in writing; or
- (b) by any other means of communication that renders the information communicated accessible so as to be usable for subsequent reference.

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(8) Subject to Rule 3, where each party named in the case when it was first filed has submitted to the Court's jurisdiction under a written jurisdiction agreement it is presumed that the action is of an international and commercial nature.

**Effect of agreement to submit to Court's or High Court's or General Division's jurisdiction (O. 2, r. 2)**

2.—(1) An agreement to submit to the jurisdiction of the High Court or the General Division is to be construed as including an agreement to submit to the jurisdiction of the Court, unless a contrary intention appears in the agreement.

(2) Despite paragraph (1), where an agreement to submit to the jurisdiction of the High Court is concluded before 1 October 2016, the agreement does not of itself constitute an agreement to submit to the jurisdiction of the Court.

(3) An agreement to submit to the jurisdiction of the Court does not of itself constitute an agreement to submit to the jurisdiction of the General Division.

**Court may consider jurisdiction and exercise of jurisdiction (O. 2, r. 3)**

3.—(1) The Court may consider whether it has jurisdiction in a case, or over a claim in a case.

(2) The Court may decline to exercise jurisdiction in a case, or over a claim in a case, if exercising jurisdiction would be contrary to the Court's international and commercial character or would be an abuse of the process of the Court.

(3) In relation to paragraph (2), the Court must not decline to exercise jurisdiction in a case solely on the ground that the action between the parties is connected to a jurisdiction other than Singapore, if there is a written jurisdiction agreement between the parties.

(4) The Court may consider the matter of its jurisdiction and its exercise of jurisdiction —

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- (a) on its own motion at any time (after providing the parties an opportunity to be heard); or
- (b) on an application by a party.
- (5) Where the Court decides that it has no jurisdiction or declines to exercise jurisdiction —
- (a) the Court must transfer the case to the General Division if —
- (i) the Court considers that the General Division has jurisdiction in the case, or over a claim in the case, as the case may be; and
- (ii) all parties consent to the case being heard in the General Division; or
- (b) the Court may dismiss or stay the case or a claim in the case (as the case may be), or make any order.
- (6) For the purposes of paragraph (5)(a)(ii), where a choice of court agreement designates the High Court or the General Division as a court for the case, the Court is to treat each party to the agreement as a party who consents to the proceedings being heard in the General Division.
- (7) The following decisions of the Court under this Rule are final for the purposes of section 29(a) of the Supreme Court of Judicature Act, unless permission to appeal is granted:
- (a) a decision that the Court has and will exercise jurisdiction;
- (b) a decision of the Court to transfer the case to the General Division under paragraph (5)(a).

#### **Transfer of case to or from Court (O. 2, r. 4)**

**4.—**(1) A case commenced in the High Court or the General Division may be transferred to the Court, if the General Division considers that —

- (a) the action, at the time of the making an order for transfer, is of an international and commercial nature;
- (b) the requirement in Rule 1(1)(c) is met; and



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(c) it is more appropriate for the case to be heard in the Court.

(2) Where 2 or more cases have been consolidated in the General Division such that they proceed as a single case, the requirements in paragraph (1) apply to the consolidated case.

(3) Subject to paragraph (4), an order to transfer a case to the Court may be made by the General Division —

(a) on its own motion (after providing the parties an opportunity to be heard); or

(b) on the application of a party for the transfer.

(4) Where the Choice of Court Agreements Act applies in a case by virtue of section 8 of that Act, and an exclusive choice of court agreement designates the High Court or the General Division as a chosen court for the case, an order to transfer the case to the Court may be made by the General Division on its own motion at any time, or on the application of a party for the transfer, only if the requirements in paragraph (1) are met and every party to the exclusive choice of court agreement consents to the transfer.

(5) Except where Rule 3(5)(a) applies, a case commenced in the Court may be transferred to the General Division only if a party has, with the consent of all other parties, applied for a transfer of the case to the General Division, and the Court considers that —

(a) the General Division has jurisdiction in the case; and

(b) it is more appropriate for the case to be heard in the General Division.

(6) An order to transfer a case must be made by the court in which the case was commenced.

(7) For the purposes of any transfer of case under this Rule, where a choice of court agreement designates the court to which the case is sought to be transferred as a court for the case, each party to the agreement is treated as having consented to the transfer of the case to that court.

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- (8) Where a case is transferred —
- (a) the court ordering the transfer may make any order as a consequence of the transfer;
  - (b) the court to which the case is transferred —
    - (i) must not reconsider whether it has jurisdiction unless it is shown to the satisfaction of the court to which the case is transferred that there has been a material change in circumstances such that the court may cease to have jurisdiction;
    - (ii) may order that any evidence already adduced in the case is to remain in evidence, even though different rules of evidence will apply in the court; and  
*[S 754/2022 wef 01/10/2022]*
    - (iii) may make any order as a consequence of the transfer, provided that any such order is not inconsistent with any order made by the court ordering the transfer; and
  - (c) the parties must continue to pay the hearing fees and court fees payable in the court where the case was commenced, unless that court, upon ordering a transfer, otherwise directs.
- (9) For the purposes of paragraph (4) and Rule 5 —
- (a) “chosen court” has the meaning given by section 2(1) of the Choice of Court Agreements Act; and
  - (b) “exclusive choice of court agreement” has the meaning given by section 3 of the Choice of Court Agreements Act.

### **Variation of exclusive choice of court agreement (O. 2, r. 5)**

**5.—**(1) In any case mentioned in Rule 4(4) where an exclusive choice of court agreement designates the High Court or the General Division, but not the Court, as a chosen court for the case, the General Division may make an order for transfer conditional upon the consent of every party to that agreement to vary it so as to designate the Court as a chosen court for the case.

(2) Where the Choice of Court Agreements Act applies in a case mentioned in Rule 4(5) by virtue of section 8 of that Act, and an exclusive choice of court agreement designates the Court, but not the High Court or the General Division, as a chosen court for the case, the Court may make an order for transfer conditional upon the consent of every party to that agreement to vary it so as to designate the General Division as a chosen court for the case.

**Dispute as to service (O. 2, r. 6)**

6. A defendant who disputes that the Originating Application or Claimant’s Statement has been served in accordance with Order 5 may apply to the Court for such relief as may be appropriate, including an order setting aside service of the Originating Application or Claimant’s Statement on that defendant.

**Procedure for applications under this Order (O. 2, r. 7)**

7.—(1) Applications made under this Order must be made by summons and supported by a witness statement (or witness statements).

(2) An application under Rule 3 or 6 must be made within 14 days after the service of a Defendant’s Statement.

(3) An application under Rule 4 must be made within 28 days after —

- (a) service of the last served Defendant’s Statement, or Defence in a case commenced in the General Division, as the case may be; or
- (b) the end of the latest date by which any defendant is to serve a Defendant’s Statement, or Defence in a case commenced in the General Division, as the case may be,

whichever is later, and the supporting witness statements must explain how the relevant conditions for transfer are satisfied and exhibit the parties’ consent to the transfer, if any.

## ORDER 3

## LEGAL REPRESENTATION

**Representation in Court (O. 3, r. 1)**

1.—(1) Parties to proceedings in the Court may be represented by —

- (a) advocates and solicitors who have, under section 29(1) of the Legal Profession Act, the right to appear and plead in all courts of justice in Singapore;
- (b) in specific proceedings in the Court, persons who have been admitted under section 15 of the Legal Profession Act to practise as an advocate and solicitor on an ad hoc basis for the purpose of those proceedings;
- (c) in relevant proceedings as defined in paragraph (2) —
  - (i) solicitors registered under section 36E of the Legal Profession Act; and
  - (ii) full registration foreign lawyers; and
- (d) in cases in respect of which the Court, or the Court of Appeal, has made an order that a question of foreign law be determined on the basis of submissions instead of proof and that a named registered foreign lawyer or a named registered law expert be permitted to make such submissions on behalf of a party —
  - (i) restricted registration foreign lawyers; and
  - (ii) registered law experts.

(1A) Despite paragraph (1)(c), a solicitor or full registration foreign lawyer mentioned in that provision must not, when representing a party in any relevant proceedings prescribed by the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014 (G.N. No. S 851/2014) for the purposes of section 36P(1A) of the Legal Profession Act 1966 —

- (a) plead any matter without the permission of the Court under rule 14(1A)(a) of the Legal Profession (Regulated Individuals) Rules 2015 (G.N. No. S 701/2015) or

section 36P(1A)(a) of that Act (as the case may be) read with Order 23A, Rule 5; or

(b) make a submission on any matter of Singapore law.

*Explanation*

The “relevant proceedings” are prescribed in rule 3A(2) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014. They are as follows:

- (a) any proceedings mentioned in section 18D(2)(c) of the Supreme Court of Judicature Act 1969;
- (b) an application under Order 25 of the Singapore International Commercial Court Rules 2021 to punish for —
  - (i) contempt of the Singapore International Commercial Court committed in connection with any relevant proceedings mentioned in paragraph (a); or
  - (ii) contempt of the appellate court committed in connection with any appeal to the appellate court from any judgment given or order made by the Singapore International Commercial Court in any relevant proceedings mentioned in paragraph (a).

[S 754/2022 wef 01/10/2022]

(2) For the purposes of this Rule and Rule 2, “relevant proceedings” has the meaning given by section 36O(1) of the Legal Profession Act read with rule 3 of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014 (G.N. No. S 851/2014).

*Explanation*

“Relevant proceedings” includes —

- (a) an offshore case;
- (b) an action —
  - (i) which was treated pursuant to Rule 4 as an offshore case, but which the Court has decided under Rule 7 is not, or is no longer an offshore case; and
  - (ii) in which the Court has allowed, under Rule 7(4)(b), a party to continue to be represented by a registered foreign lawyer or by a solicitor registered under section 36E of the Legal Profession Act 1966;
- (c) any proceedings mentioned in section 18D(2)(c) of the Supreme Court of Judicature Act 1969;

- (d) an application under Order 25 to punish for —
  - (i) contempt of the Court committed in connection with any proceedings referred to in paragraph (a), (b) or (c); or
  - (ii) contempt of the appellate court committed in connection with any appeal to the appellate court from any judgment given or order made by the Court in any proceedings referred to in paragraph (a), (b) or (c); and
- (e) an action in respect of which the Court or the Court of Appeal has made —
  - (i) an order that a question of foreign law be determined on the basis of submissions instead of proof; and
  - (ii) an order permitting a named registered foreign lawyer, a named registered law expert, or a named solicitor registered under section 36E of the Legal Profession Act 1966, to make submissions on the question of foreign law on behalf of a party.

*[S 754/2022 wef 01/10/2022]*

### **Representation in Court of Appeal (O. 3, r. 2)**

**2.—(1)** Parties to proceedings in the Court of Appeal may be represented by —

- (a) advocates and solicitors who have, under section 29(1) of the Legal Profession Act, the right to appear and plead in all courts of justice in Singapore;
- (b) in specific proceedings in the Court of Appeal, persons who have been admitted under section 15 of the Legal Profession Act to practise as an advocate and solicitor on an ad hoc basis for the purpose of those proceedings;
- (c) in relevant appeals as defined in paragraph (2) and applications to the Court of Appeal concerning any relevant proceedings or relevant appeals —
  - (i) solicitors registered under section 36E of the Legal Profession Act; and
  - (ii) full registration foreign lawyers; and

(d) in cases in respect of which the Court, or the Court of Appeal, has made an order that a question of foreign law be determined on the basis of submissions instead of proof and that a named registered foreign lawyer or a named registered law expert be permitted to make such submissions on behalf of a party —

- (i) restricted registration foreign lawyers; and
- (ii) registered law experts.

(2) “Relevant appeals” for the purposes of this Rule has the meaning given by section 36O(1) of the Legal Profession Act read with rule 3 of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, and includes any appeal to the Court of Appeal from any judgment given or order made by the Court in any relevant proceedings.

### **Definition of “offshore case” (O. 3, r. 3)**

3.—(1) “Offshore case” means an action that has no substantial connection with Singapore, but does not include the following:

- (a) any proceedings under the International Arbitration Act that are commenced by way of any originating process;
- (b) an action in rem (against any ship or any other property) under the High Court (Admiralty Jurisdiction) Act.

(2) For the purposes of the definition of “offshore case” in paragraph (1), an action has no substantial connection to Singapore where —

- (a) Singapore law is not the law applicable to the dispute and the subject matter of the dispute is not regulated by or otherwise subject to Singapore law; or
- (b) the only connections between the dispute and Singapore are the parties’ choice of Singapore law as the law applicable to the dispute and the parties’ submission to the jurisdiction of the Court.

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**When case may be treated as offshore case (O. 3, r. 4)**

4. A case is to be treated as an offshore case in any of the following circumstances, unless the Court subsequently decides, pursuant to Rule 7 that the case is not or is no longer an offshore case:

- (a) a party has filed an offshore case declaration;
- (b) the Court decides under Rule 6 that the case is an offshore case.

**Offshore case declaration (O. 3, r. 5)**

5.—(1) A party to a case may file an offshore case declaration in accordance with this Rule.

- (2) An offshore case declaration must be in Form 1.
- (3) An offshore case declaration must be filed —
  - (a) by the claimant, together with the originating process; or
  - (b) by any other party, together with the first document filed by the party in the case.
- (4) An offshore case declaration filed out of time is of no effect.
- (5) An offshore case declaration must explain why the case is an offshore case, and state all the facts relevant to the explanation.
- (6) An offshore case declaration must be served on all other parties to the case.

**Decision that case is offshore case (O. 3, r. 6)**

6.—(1) A party may apply to the Court for a decision that a case is an offshore case.

- (2) For cases commenced in the Court, an application under paragraph (1) must be made within the following times:
  - (a) for the claimant and the defendant, no later than 28 days after the service of a Defendant’s Statement;
  - (b) for a third or subsequent party in proceedings, no later than 28 days after the service of a Defendant’s Statement by the third or subsequent party.



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(3) For cases commenced in the High Court and transferred to the Court, an application under paragraph (1) must be made no later than 28 days after the date of the transfer order.

(4) The application must be made by way of a summons and supported by a witness statement.

(5) The supporting witness statement must state all the relevant facts and the reasons for deciding whether the case is an offshore case.

(6) The application and the supporting witness statement must be served on all parties to the proceedings and any person that the Court considers may have an interest in the application.

(7) A party who wishes to oppose the application may file a witness statement within 14 days after being served the application and the supporting witness statement.

(8) An interested person (other than a party) who wishes to oppose the application may, with the permission of the Court, file a witness statement.

*[S 294/2022 wef 03/04/2022]*

(9) The Court may decide that an action is not an offshore case even though the application is not opposed.

(10) Subject to Rule 7, the Court's decision as to whether an action is an offshore case is final for the purposes of section 29(a) of the Supreme Court of Judicature Act.

(11) Despite paragraph (10), the Court may, in accordance with this Rule, decide that a case is an offshore case, even though it had previously decided that the case was not an offshore case, if there appears to the Court to be a change in circumstances since the time of its previous decision.

### **Decision that case is not offshore case (O. 3, r. 7)**

7.—(1) Subject to paragraph (2), the Court may at any time decide that a case is not or is no longer an offshore case, either on its own motion or on the application of a person.

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- (2) An application for the purposes of paragraph (1) —
- (a) must be made by way of a summons;
  - (b) may be made by a party at any time;
  - (c) may be made by an interested person (other than a party) at any time, but only with the permission of the Court;  
*[S 294/2022 wef 03/04/2022]*
  - (d) must be supported by a witness statement stating all the relevant facts and reasons for determining whether the case is an offshore case; and
  - (e) must, together with the supporting witness statement, be served on all parties to the proceedings.
- (3) A party opposing an application may file a witness statement within 14 days after being served the application and the supporting witness statement.
- (4) Where the Court decides that a case is not or is no longer an offshore case —
- (a) any offshore case declaration filed in the case ceases to have effect;
  - (b) the Court may, in the interests of the just, economical and expeditious disposal of the proceedings, allow a party who has been represented by a full registration foreign lawyer, or by a solicitor registered under section 36E of the Legal Profession Act, to continue to be so represented, subject to any conditions that the Court may impose; and
  - (c) the Court may make any consequential order it deems fit.
- (5) The Court's decision as to whether a case is an offshore case is final for the purposes of section 29(a) of the Supreme Court of Judicature Act.
- (6) Despite paragraph (5), the Court may, in accordance with this Rule, decide that a case is no longer an offshore case, even though it had previously decided that the case was an offshore case, if there appears to the Court to be a change in circumstances since the time of its previous decision.

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**Validity of acts done by registered foreign lawyer or by solicitor registered under section 36E of Legal Profession Act (O. 3, r. 8)**

8. The validity of anything done in any proceedings in the Court or any appeal from the Court is not affected by the fact that —

- (a) a party was represented by a registered foreign lawyer or by a solicitor registered under section 36E of the Legal Profession Act; and
- (b) the proceedings are not or have ceased to be relevant proceedings as defined in section 36O(1) of the Legal Profession Act, or the appeal is not or has ceased to be a relevant appeal as defined in that provision, as the case may be.

**Entities to be represented by counsel (O. 3, r. 9)**

9.—(1) Except as provided in paragraph (2), any entity with the capacity to sue or be sued under any law in Singapore or elsewhere must be represented by counsel in any relevant matter or proceeding.

(2) On an application by a relevant entity, the Court may allow an officer of that entity to represent the entity in any proceedings mentioned in paragraph (1), if the Court is satisfied that —

- (a) the officer has been duly authorised by the entity to act on its behalf; and
- (b) the officer has sufficient executive or administrative capacity or is a proper person to represent the entity.

(3) For the purposes of section 34(1)(*ea*) and (*eb*) and (3) of the Legal Profession Act and in this Rule, “relevant matter or proceeding” means —

- (a) any matter or proceeding commenced in, or transferred to, the Court; or
- (b) any matter or proceeding commenced in, or any appeal under any written law to, the Court of Appeal arising out of a matter or proceeding under sub-paragraph (a).

(4) In this Rule, “relevant entity” means a company, variable capital company or limited liability partnership, an unincorporated

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association (other than a partnership or a registered trade union), or a registered trade union.

### **Appointment, change and discharge of counsel (O. 3, r. 10)**

**10.**—(1) A party to proceedings in the Court must file and serve a notice in Form 2 on all the parties identifying all the counsel acting for the party in the proceedings.

(2) The notice in paragraph (1) must be given —

(a) where the proceedings are commenced in the Court —

(i) by the claimant, upon the commencement of the proceedings; and

(ii) by any other party, when that party first files any document in the proceedings;

(b) where the proceedings are transferred to the Court —

(i) by the parties at the time the proceedings are transferred, upon the transfer of the proceedings; and

(ii) by any other party, when that party first files any document in the proceedings; or

(c) by any party to the proceedings in the Court whenever that party appoints any additional counsel to act for that party.

(3) Despite paragraphs (1) and (2)(b)(i), where any proceedings are transferred to the Court, a party to those proceedings at the time of the transfer need not give the notice in paragraph (1) upon the transfer, if that party did not change counsel after the transfer.

(4) If a party to proceedings in the Court or in an appeal from the Court changes the counsel acting for him or her, or appoints a counsel to act for him or her after acting in person, the party must file and serve a notice in Form 2 on all the parties within 7 days after the change or appointment, as the case may be.

(5) The notice of the change or appointment referred to in paragraph (4) must include the counsel's business address in Singapore (if any) or an electronic mail address for the service of all documents.

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(6) If a party to proceedings in the Court or in an appeal from the Court intends and is entitled to act in person without legal representation, the party must file and serve a notice in Form 3 on all the parties and must state in that notice —

- (a) an address in Singapore; or
- (b) an electronic mail address,

for ordinary service of all documents. If a party chooses to state an electronic mail address in the notice, that party is deemed to agree that ordinary service and personal service of all documents may be effected using that electronic mail address.

(7) Where a counsel has ceased to be the counsel acting for the party who appointed him or her and that party fails to file and serve a notice under paragraph (4) or (6), the counsel may apply to the Court for an order declaring that the counsel has ceased to be the counsel acting for the party in the proceedings or in the appeal, and the Court may make an order accordingly, but until the counsel files and serves a copy of the order and a notice in Form 4 on all the parties, the counsel is, subject to this Rule, considered the counsel of the party till the final conclusion of the proceedings or the appeal.

(8) An application for an order referred to in paragraph (7) must be made by summons supported by a witness statement stating the grounds of the application, and the summons and witness statement must, unless the Court otherwise directs, be served on the party for whom the counsel acted.

(9) Where a counsel has passed away, has ceased practice for any reason or cannot be contacted, and the party who appointed him or her fails to file and serve a notice under paragraph (4) or (6), any other party may write to the Court to order that that counsel cease to be the counsel appointed for the firstmentioned party and to give such directions as appropriate.

(10) Any notice given under this Rule takes effect from the time of receipt of the notice.

(11) Any notice given under this Rule or any order made under paragraph (7) does not affect the rights of the counsel and the party who appointed that counsel as between themselves.

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(12) A counsel who is appointed by a party at any stage of proceedings —

- (a) is deemed to be acting for the party; and
- (b) the counsel's service address is deemed to be the address for ordinary service of all documents,

in the case until the final conclusion of the case, whether in the Court or in the Court of Appeal, unless notice is filed and served according to this Rule.

(13) "Service address" referred to in paragraph (12)(b) is to be construed as a reference to any of the following:

- (a) the counsel's business address in Singapore, if any;
- (b) the business address in Singapore of the counsel who has been instructed to accept service on behalf of the party to be served;
- (c) the electronic mail address of the counsel that —
  - (i) the party to be served or the counsel has indicated to the serving party or the serving party's counsel that the party is willing to accept service at; and
  - (ii) is set out in any of the following documents filed in the proceedings by the party to be served:
    - (A) an originating process, or any other document that is expressly required by these Rules to be personally served;
    - (B) any document filed to respond to the documents mentioned in sub-paragraph (A), including a Defendant's Statement;
- (d) the fax number of the counsel that the party to be served or the counsel has indicated to the serving party or the serving party's counsel that the party is willing to accept service at;
- (e) the counsel's account in an electronic filing service established by the Registrar through which service may be effected by transmission.

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**Warrant to act or power of attorney (O. 3, r. 11)**

11.—(1) Every counsel representing any party in any cause or matter must obtain from such party or the party's duly authorised agent a warrant to act or power of attorney for such party, either generally or in the said cause or matter.

(2) The absence of such warrant or power of attorney is, if the counsel's authority to act is disputed, prima facie evidence that the counsel has not been authorised to represent such party.

**ORDER 4****COMMENCEMENT AND DEFENCE  
OF PROCEEDINGS***MODE OF COMMENCING PROCEEDINGS***Originating Application (O. 4, r. 1)**

1.—(1) Proceedings in this Court must be commenced by an Originating Application.

(2) An Originating Application must be in Form 5.

(3) An Originating Application must be accompanied by a copy of the written jurisdiction agreement to which the claimant and defendant are party.

(4) The claimant may, when filing the Originating Application, file an offshore case declaration.

(5) Upon commencing proceedings in the Court, the claimant is to pay a deposit and the applicable Court fees as provided in Order 26.

**Issue of Originating Application (O. 4, r. 2)**

2. An Originating Application is issued when the Registrar numbers, signs, seals and dates it.

**Duration and renewal of Originating Application (O. 4, r. 3)**

3.—(1) An Originating Application is valid for service for 12 months beginning with the date of its issue.

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(2) An application may be made to extend the validity of the Originating Application at any time before or after it expires, if the Originating Application has not been served on all the defendants.

(3) The Court may order the validity of the Originating Application to be extended by a period beginning with the day next following that on which the Originating Application would otherwise expire.

(4) The Originating Application whose validity has been extended must be endorsed with the words, “Renewed for service for \_\_\_ months from \_\_\_ by order of Court dated \_\_\_” before it is served.

#### **Claimant’s Statement (O. 4, r. 4)**

4.—(1) Every Originating Application must be accompanied by a Claimant’s Statement.

(2) A Claimant’s Statement must contain a concise summary of —

- (a) the material facts giving rise to the claim;
- (b) any alleged harm suffered by the claimant relevant to the relief sought;
- (c) the cause of action against the defendant; and
- (d) the relief sought including, where possible, an initial quantification of the claim amount.

(3) A Claimant’s Statement must be in Form 6.

#### *MODE OF DEFENDING PROCEEDINGS*

#### **Defendant’s Statement (O. 4, r. 5)**

5.—(1) A defendant must file and serve a Defendant’s Statement in Form 7 within 28 days from the service of both the Originating Application and Claimant’s Statement on the defendant.

(2) The filing and service of a Defendant’s Statement does not amount to a submission to jurisdiction or a waiver of any improper service of the Originating Application or Claimant’s Statement.

(3) Subject to paragraph (2), where —

- (a) an Originating Application or Claimant’s Statement is not duly served on a defendant;



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- (b) the defendant files and serves a Defendant's Statement;  
and
  - (c) the defendant does not file an application to dispute service under Order 2, Rule 6,

the Originating Application and Claimant's Statement are deemed to have been duly served on the defendant and to have been so served on the date on which the Defendant's Statement is filed.

(4) If the defendant fails to file and serve the Defendant's Statement within the prescribed time or states in the Statement that the defendant does not intend to contest some or all of the claims, the claimant may apply for judgment to be given against the defendant accordingly in Form 8.

(5) An application for judgment under paragraph (4) must be supported by a witness statement stating the date and time on which the Originating Application and Claimant's Statement were served, where they were served, how they were served, the person on whom they were served, and, where such person is not the defendant, the capacity in which such person was served.

(6) The Court may, when giving judgment under paragraph (4), direct the payment of interest, computed from the date of the originating process to the date on which judgment is given, at the rate of 5.33% per year.

(7) The Court may, on such terms as it thinks just, set aside or vary any judgment entered under paragraph (4).

(8) A Defendant's Statement must —

- (a) state whether the defendant intends to contest the claim or any part thereof;
- (b) state whether the defendant intends to file an application under Order 2, Rule 6, to dispute that the Originating Application or Claimant's Statement have been served in accordance with Order 5;
- (c) state whether the defendant intends to file an application under Order 2, Rule 3(4)(b), to dispute that the Court has or should assume jurisdiction in accordance with Order 2;

- (d) identify the claim or part thereof that is contested, if any;
- (e) provide a concise summary of —
  - (i) the material facts underlying the defence, if any; and
  - (ii) the nature and grounds of the defence, if any; and
- (f) state whether a counterclaim is brought against the claimant and, if so, summarise —
  - (i) the material facts giving rise to the counterclaim;
  - (ii) any alleged harm suffered by the defendant relevant to the relief sought;
  - (iii) the cause of action against the claimant; and
  - (iv) the relief sought including, where possible, an initial quantification of the counterclaim amount.

### *ADJUDICATION TRACKS*

#### **Adjudication tracks (O. 4, r. 6)**

6.—(1) The Court will order that a contested claim or counterclaim be decided by one of the following adjudication tracks:

- (a) pleadings (Order 6);
- (b) statements (Order 7);
- (c) memorials (Order 8).

(2) In deciding the applicable adjudication track, the Court may have regard to any agreement between the parties on the applicable adjudication track.

(3) The Court may modify the adjudication track to be applied in a case in such manner and to such extent as it considers appropriate.

- (4) In the event of such modification, the Court must specify —
  - (a) any default rules concerning that adjudication track that do not apply;
  - (b) such other rules (if any) that apply instead; and

(c) the modifications (if any) required to the applicable fee payment milestones in Order 26, Rule 3.

(5) Without affecting paragraph (3), the Court may order at any stage of the proceedings that another adjudication track be applied in the case before it, where the Court considers it appropriate.

(6) In exercising its discretion under paragraphs (1), (3) and (5), the Court must have regard to the General Principles stated in Order 1, Rule 3(1).

**First case management conference (O. 4, r. 7)**

7. Where a Defendant’s Statement has been filed and served, the parties may be directed to attend the first case management conference in accordance with Order 9, Rule 1(2).

*COMMENCING PROCEEDINGS  
WITHOUT NOTICE*

**Originating Applications without notice (O. 4, r. 8)**

8.—(1) Except for Originating Applications under Order 25, Rule 4, this Rule applies to Originating Applications without notice.

(2) Except for Rules 1(1), (3), (4) and (5) and 2, and subject to any modifications that the Court may specify, Rules 1 to 7 do not apply to Originating Applications without notice.

(3) An Originating Application without notice must be in Form 9.

(4) Order 7, Part 2 will apply to proceedings commenced under this Rule.

ORDER 5

SERVICE

**Service of Originating Applications and other documents  
(O. 5, r. 1)**

1.—(1) Except as otherwise provided in these Rules or in any written law, an Originating Application, and any other document that

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is expressly required by these Rules to be personally served, must be served —

- (a) within Singapore by way of personal service under Rule 2;  
or
  - (b) out of Singapore, subject to Rule 6 —
    - (i) by way of personal service under Rule 2 if such service is not contrary to the laws of the foreign country; or
    - (ii) in accordance with Rule 7, 8, 9 or 10 (as applicable).
- (2) Except as otherwise provided in these Rules or in any written law, any other document may be served —
- (a) within Singapore by way of ordinary service under Rule 3;  
or
  - (b) out of Singapore, subject to Rule 6 —
    - (i) by way of ordinary service under Rule 3 if such service is not contrary to the laws of the foreign country; or
    - (ii) in accordance with Rule 7, 8, 9 or 10 (as applicable).

### **Personal service (O. 5, r. 2)**

- 2.—(1) Personal service of a document is effected —
- (a) on a natural person by leaving a copy of the document with that person;
  - (b) on any entity by leaving a copy of the document with the chairperson or president of the entity, or the secretary, treasurer or other officer;
  - (c) on any person or entity according to the requirements of any written law; or
  - (d) in any manner agreed with the person or the entity to be served.
- (2) The following persons may effect personal service:
- (a) a process server of the Court;

- (b) counsel;
- (c) counsel's employee;
- (d) any other person that the Registrar may allow in a particular case or generally.

(3) If the process server of the Court effects service, the Registrar must notify the requesting person of the fact and manner of such service.

**Ordinary service (O. 5, r. 3)**

3.—(1) Ordinary service of a document may be effected —

- (a) by personal service;
- (b) in any manner agreed with the party to be served;
- (c) by leaving the document at or posting it to —
  - (i) in the case of a natural person, that person's usual or last known address;
  - (ii) in the case of an entity, its registered or principal office or, if none exists, its last known place of business;
  - (iii) in the case where the party to be served is represented by counsel, the counsel's business address in Singapore, if any; or
  - (iv) the business address in Singapore of the counsel who has been instructed to accept service on behalf of the party to be served;
- (d) by electronic mail to —
  - (i) any electronic mail address that the party to be served or the party's counsel has indicated to the serving party or the serving party's counsel that the party is willing to accept service at;
  - (ii) any electronic mail address of the party to be served or the party's counsel set out in any of the following documents filed in the proceedings by the party to be served:

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- (A) an Originating Application, or any other document that is expressly required by these Rules to be personally served;
  - (B) any document filed to respond to the documents mentioned in sub-paragraph (A), including a Defendant's Statement;
  - (C) any notice given under Order 3, Rule 10;
- (iii) in the absence of sub-paragraphs (i) and (ii), any electronic mail address in relation to the party to be served provided for in any written jurisdiction agreement, or contract containing the written jurisdiction agreement, between the serving party and the party to be served; or
  - (iv) in the absence of sub-paragraphs (i), (ii) and (iii), any electronic mail address which the party to be served —
    - (A) has previously held out to the serving party to be an electronic mail address at which the party to be served may be reached, without any subsequent indication to the contrary; or
    - (B) holds out to the world at the time of transmission to be an electronic mail address at which the party to be served may be reached;
- (e) by fax to a specified fax number that the party to be served or the party's counsel has indicated to the serving party or the serving party's counsel that the party is willing to accept service at;
  - (f) by transmission through an electronic filing service established by the Registrar;
  - (g) in any manner which the Court may direct; or
  - (h) in any manner provided under any written law.
- (2) For the purposes of this Order, service by way of the electronic mail addresses stated in paragraph (1)(d) is deemed to occur at the place of business of the party to be served.

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**Substituted service (O. 5, r. 4)**

4.—(1) The Court may, if a document is required to be served personally and it is impractical within a reasonable period of time to serve it personally, order any method of substituted service that is effective in bringing the document to the notice of the person to be served.

(2) An application for an order under paragraph (1) may be made by way of a summons without notice supported by a witness statement.

**Dispensing with service (O. 5, r. 5)**

5.—(1) The Court may, in an appropriate case, dispense with personal service or with ordinary service or with service altogether.

(2) An application for an order under paragraph (1) may be made by way of a summons without notice supported by a witness statement.

**Permission for service out of Singapore (O. 5, r. 6)**

6.—(1) An Originating Application or any other court document may be served out of Singapore with the Court's permission if it can be shown that the Court has the jurisdiction to hear the action and it is appropriate for the case to be heard in the Court.

(2) The Court's permission is not required for service of an Originating Application out of Singapore —

- (a) on a party to a written jurisdiction agreement; or
- (b) if service out of Singapore is allowed under an agreement between the parties.

(3) The Court's permission is not required for service of court documents other than the Originating Application out of Singapore if the Court's permission —

- (a) has been granted for service of the Originating Application out of Singapore; or
- (b) is not required for service of the Originating Application out of Singapore because paragraph (2) applies.

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(4) To obtain the Court's permission, the serving party must apply to the Court by way of a summons without notice and supported by a witness statement which must state —

- (a) why the Court has the jurisdiction and is the appropriate court to hear the action;
- (b) in which country or place the party to be served is, or probably may be found; and
- (c) whether the validity of the Originating Application needs to be extended.

(5) Paragraphs (2) and (3) do not affect the Court's power to consider its jurisdiction and assumption of jurisdiction under Order 2, Rule 3.

### **Methods of service out of Singapore (O. 5, r. 7)**

7.—(1) Where the Court's permission has been obtained or is not required under Rule 6, service of the Originating Application or any other court document may be effected out of Singapore in any of the following manners:

- (a) any manner agreed with the person or the entity to be served;
- (b) where there is a Civil Procedure Convention governing service in the foreign country, according to the manner provided in that convention;
- (c) through the government of the foreign country if that government is willing to effect service;
- (d) through the judicial authority of the foreign country if that authority is willing to effect service;
- (e) through a Singapore consular authority in that foreign country;
- (f) according to the manner permitted by the law of that foreign country.

(2) Unless any Civil Procedure Convention, treaty, government or judicial authority of a foreign country requires that the Originating



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Application or other court documents be sent from the Government or judicial authority of Singapore, they may be sent to the entities in paragraph (1)(c), (d) and (e) by the serving party who must engage counsel for this purpose.

(3) Where the Originating Application or other court documents have to be sent from the Government of Singapore, counsel for the serving party must send them to the Registrar with a letter requesting the Registrar to forward them to the Ministry of Foreign Affairs stating the method of service in the foreign country.

(4) Every Originating Application or court document which is to be served outside Singapore under paragraph (1)(b) to (e) must be accompanied by a translation in the official language of the foreign country, and if there is more than one official language, in any of those languages which is appropriate for the party to be served, except where the official language or one of the official languages is English.

(5) The translation must be certified by a person qualified to do so and the certificate must contain the translator's full name, address and qualifications.

(6) Nothing is to be done under this Rule that is contrary to the laws of the foreign country.

(7) In this Rule, "Civil Procedure Convention" means the conventions set out in Appendix B and includes any convention, treaty or agreement of any description or any provision thereof between different States relating to civil procedure in the court.

### **Service of Originating Application on person in Malaysia or Brunei Darussalam (O. 5, r. 8)**

**8.** Where the defendant is in Malaysia or Brunei Darussalam, the Originating Application —

(a) may be served in accordance with Rule 7; or

(b) may be sent by post or otherwise by the Registrar to the Magistrate, Registrar or other appropriate officer of any court exercising civil jurisdiction in the area in which the person to be served is said to be or to be carrying on

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business for service on the defendant, and if it is returned with an endorsement of service and with an affidavit of such service, it is deemed to have been duly served.

**Service of Originating Application on High Contracting Party to Warsaw Convention (O. 5, r. 9)**

**9.**—(1) Where the Court’s permission has been obtained or is not required under Rule 6, a person who wishes to serve an Originating Application on a High Contracting Party to the Warsaw Convention to enforce a claim in respect of carriage undertaken by that Party, must file in the Registry —

- (a) a request for the Ministry of Foreign Affairs to arrange service;
- (b) a sealed copy of the Originating Application; and
- (c) a translation in the official language of the High Contracting Party, and if there is more than one official language, in any of those languages which is appropriate for the High Contracting Party to be served, except where the official language or one of the official languages is English.

(2) Every translation filed under paragraph (1)(c) must be certified by a person qualified to do so and the certificate must contain the translator’s full name, address and qualifications.

(3) The serving party must engage counsel for the purposes of filing the necessary documents under paragraph (1).

(4) The Registrar must send the documents filed under paragraph (1) to the Ministry of Foreign Affairs for the Originating Application to be served on the High Contracting Party or the government in question.

**Service of Originating Application on foreign State (O. 5, r. 10)**

**10.**—(1) Where the Court’s permission has been obtained or is not required under Rule 6, a person who wishes to serve an Originating Application on a State, as defined in section 16 of the State Immunity Act, must file in the Registry —

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- (a) a request for the Ministry of Foreign Affairs to arrange service;
  - (b) a sealed copy of the Originating Application; and
  - (c) a translation of the Originating Application in the official language of the State, and if there is more than one official language, in any of those languages which is appropriate for the State to be served, except where the official language or one of the official languages is English.
- (2) Every translation filed under paragraph (1)(c) must be certified by a person qualified to do so and the certificate must contain the translator's full name, address and qualifications.
- (3) The serving party must engage counsel for the purposes of filing the necessary documents under paragraph (1).
- (4) The Registrar must send the documents filed under paragraph (1) to the Ministry of Foreign Affairs for the Originating Application to be served on the State or the government in question.
- (5) Where section 14(6) of the State Immunity Act applies and the State has agreed to a method of service other than that provided by this Rule, the Originating Application may be served either by the method agreed or provided by this Rule.

### **Undertaking to pay expenses of service (O. 5, r. 11)**

**11.**—(1) The serving party or the serving party's counsel must give an undertaking in writing to the Ministry of Foreign Affairs, the Registrar and the serving authority or person in the foreign country to pay all expenses incurred in effecting the service requested.

(2) Upon request to pay the expenses whether before or after the service, the party who provided the undertaking in paragraph (1) must do so within 21 days.

### **Certificate of service (O. 5, r. 12)**

**12.** An official certificate or letter by the agency or person who effected service in the foreign country stating that service has been effected on the party to be served in accordance with the law of the foreign country and the date of the service is evidence of those facts.

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ORDER 6  
PLEADINGS

**General (O. 6, r. 1)**

1.—(1) This Order applies where the Court has made an order under Order 4, Rule 6(1)(a) that a contested claim or counterclaim is to be decided by the pleadings adjudication track.

(2) Subject to any modifications that the Court may specify under Order 4, Rule 6(3), Orders 7 and 8 do not apply to proceedings to which this Order applies.

(3) Upon the Court making an order under Order 4, Rule 6(1)(a), unless the Court directs otherwise, the parties must comply with the Rules contained in this Order in relation to the form, service, filing and other requirements relating to the Statement of Claim and the Defence, and where applicable, the Reply, the Counterclaim, the Defence to Counterclaim, the Reply to Defence to Counterclaim and any further pleadings.

**Form and service of Statement of Claim (O. 6, r. 2)**

2.—(1) Within 14 days after the Court makes an order under Order 4, Rule 6(1)(a), the claimant must file and serve a Statement of Claim.

(2) The Statement of Claim must be in Form 10.

(3) Before the time by which the claimant must file and serve a Statement of Claim expires, the claimant may apply to the Court for an order that the Claimant's Statement is to stand as the Statement of Claim.

**Form and service of Defence (O. 6, r. 3)**

3.—(1) Within 14 days after service of either —

(a) the Statement of Claim; or

(b) an order granting an application made under Rule 2(3),

the defendant must file and serve a Defence.

(2) The Defence must be in Form 11.

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(3) Before the time by which the defendant must file and serve a Defence expires, the defendant may apply to the Court for an order that the Defendant's Statement is to stand as the Defence.

(4) If the defendant fails to file and serve a Defence or make an application under paragraph (3) within the prescribed time, the claimant may apply for judgment in default of Defence in Form 14.

(5) The Court may, when giving judgment under paragraph (4), direct the payment of interest, computed from the date of the originating process to the date on which judgment is given, at the rate of 5.33% per year.

#### **Form and service of Counterclaim (O. 6, r. 4)**

**4.—**(1) If the defendant intends to counterclaim against the claimant, the defendant must file and serve the Counterclaim with the Defence.

(2) The Counterclaim must be in Form 11.

(3) Before the time by which the defendant must file and serve any Counterclaim expires, the defendant may apply to the Court for an order that the Defendant's Statement that sets out any counterclaim is to stand as the Counterclaim.

#### **Form and service of Reply (O. 6, r. 5)**

**5.—**(1) Unless the claimant wishes only to deny assertions made in the Defence without adding anything material, the claimant must file and serve a Reply within 14 days after the Defence is served on the claimant or within 14 days after any application made under Rule 3(3) is granted, as the case may be.

(2) The Reply must be in Form 12.

#### **Form and service of Defence to Counterclaim (O. 6, r. 6)**

**6.—**(1) Within 14 days after service of either —

(a) a Counterclaim; or

(b) an order granting an application made under Rule 4(3),

the claimant must file and serve a Defence to Counterclaim.

(2) The Defence to Counterclaim must be in Form 12.

(3) If the claimant fails to file and serve a Defence to Counterclaim within the prescribed time, the defendant may apply for judgment in default of Defence to Counterclaim in Form 14.

(4) The Court may, when giving judgment under paragraph (3), direct the payment of interest, computed from the date of the originating process to the date on which judgment is given, at the rate of 5.33% per year.

### **Form and service of Reply to Defence to Counterclaim (O. 6, r. 7)**

7.—(1) Unless the defendant wishes only to deny assertions made in the Defence to Counterclaim without adding anything material, the defendant must file and serve a Reply to the Defence to Counterclaim on the claimant within 14 days after the Defence to Counterclaim is served on the defendant.

(2) The Reply to Defence to Counterclaim must be in Form 13.

### **Further pleadings (O. 6, r. 8)**

8.—(1) Any pleading further to those referred to in Rules 2 to 7 may be filed and served only with the Court's permission, provided also that such further pleading must not merely deny or repeat assertions in any earlier pleading without adding anything material.

(2) Any application brought under paragraph (1) must be accompanied by a draft or a brief description of the further pleading sought to be filed and served.

### **Close of pleadings (O. 6, r. 9)**

9. The pleadings in an action are deemed to be closed —

- (a) at the end of 14 days after service of the Reply or, if there is no Reply but only a Defence to Counterclaim, after service of the Defence to Counterclaim; or
- (b) if neither a Reply nor a Defence to Counterclaim is filed and served, at the end of 14 days after the service of the Defence.

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**Compliance with requirements for pleadings (O. 6, r. 10)**

**10.** The formal and substantive requirements for pleadings as set out in the Forms prescribed under this Order, including those relating to matters which must be specifically pleaded, must be complied with.

**Pleadings to be verified by statement of truth (O. 6, r. 11)**

**11.—(1)** Each pleading, including any further and better particulars thereof, must be verified by a statement of truth.

(2) The statement of truth may be contained in the pleading or it may be in a separate document served subsequently, in which case it must identify the document to which it relates.

(3) Where amendments are made to the pleading, the amendments must be verified by a statement of truth unless the Court orders otherwise.

(4) The statement of truth must state that the party seeking to rely on the pleading believes that the facts stated in the pleading are true.

(5) Subject to paragraph (6), the statement of truth must be signed by the party seeking to rely on the pleading.

(6) Despite paragraph (5), the statement of truth may be signed by an appropriate person as follows:

- (a) where the party is a company or corporation, the statement of truth must be signed by a person holding a senior position in the company or corporation, such as a chairperson, president, director, treasurer, secretary, chief executive, manager or other similar officer of the company or corporation, or the legal counsel of the party;
- (b) where the party is a partnership, the statement of truth may be signed by any of the partners or by a person having the control or management of the partnership;
- (c) an insurer may sign the statement of truth on behalf of a party where the insurer has a financial interest in the result of the proceedings brought wholly or partially by or against that party;

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- (d) if insurers are conducting proceedings on behalf of many claimants or defendants, the statement of truth may be signed by a senior person from a lead insurer responsible for the case, but —
- (i) the person signing must specify the capacity in which he or she signs;
  - (ii) the statement of truth must be a statement that the lead insurer believes that the facts stated in the document are true; and
  - (iii) the Court may order that a statement of truth also be signed by one or more of the parties.
- (7) The statement of truth may be jointly made by 2 or more parties.
- (8) Where a pleading is to be signed by a person who is unable to read or sign the pleading and statement of truth, it must contain a certificate made by an authorised person in Form 15.
- (9) For the purposes of paragraph (8), an authorised person is —
- (a) a person able to administer oaths in the place where the pleading is signed;
  - (b) an advocate and solicitor, as defined in the Legal Profession Act; or
  - (c) a full registration foreign lawyer.
- (10) For the purposes of paragraph (9), the authorised person must certify that —
- (a) the pleading and the statement of truth were read in the authorised person's presence to the signatory in a language or dialect that the signatory understands;
  - (b) the signatory indicated that he or she understood the pleading and confirmed its contents;
  - (c) the signatory indicated that he or she understood the statement of truth and the consequences of making a false declaration; and



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(d) the signatory signed or made his or her mark in the presence of the authorised person.

(11) The person who signs the statement of truth must print his or her full name clearly beneath the signature.

(12) A party may apply to the Court for permission that the statement of truth be signed by a person other than one of those required or permitted by any provision under this Rule.

(13) Unless the Court orders otherwise and subject to paragraph (14), a pleading which is not verified by a statement of truth remains effective but may not be relied on as evidence of any of the matters set out in it.

(14) The Court may strike out a pleading which is not verified by a statement of truth on its own motion or on a party's application, unless the pleading is verified by a statement of truth within such period as the Court may specify.

(15) Proceedings for contempt of court may be brought against a person in accordance with the provisions in Order 25 if the person makes, or causes to be made, without an honest belief in its truth, a false statement in a pleading verified by a statement of truth.

### **Admissions and denials (O. 6, r. 12)**

**12.—**(1) Subject to paragraph (2), every allegation of fact made in a Statement of Claim or a Counterclaim which the party on whom it is served does not intend to admit must be specifically denied or stated not to be admitted by that party in the Defence or the Defence to Counterclaim, as the case may be. A general denial of such allegations or a general statement of non-admission of them is not sufficient.

(2) Any allegation that a party has suffered damage and any allegation as to the amount of damages is deemed to be denied unless specifically admitted.

### **Further and better particulars (O. 6, r. 13)**

**13.—**(1) The Court may, on the application of any party, order that further and better particulars of any matter stated in a party's pleading

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be served by that party on any other party, if the Court is of the opinion that the provision of such particulars is necessary.

(2) The Court may decline to make an order under paragraph (1) if the applicant has not made any prior written request to the respondent seeking the particulars to be provided.

(3) The Court may, on its own motion at any stage of the proceedings, direct that a party incorporate any of the particulars provided under this Rule into his or her pleadings by way of an amendment of the pleadings.

### **Setting aside judgment in default (O. 6, r. 14)**

**14.** The Court, may on such terms as it thinks just, set aside or vary any judgment entered in default of a Defence or a Defence to Counterclaim.

## ORDER 7 STATEMENTS

### **General (O. 7, r. 1)**

**1.** In this Order —

- (a) Part 1 applies where the Court has made an order under Order 4, Rule 6(1)(b) that a contested claim or counterclaim is to be decided by the statements adjudication track; and
- (b) Part 2 applies in relation to proceedings commenced by way of an Originating Application without notice pursuant to Order 4, Rule 8.

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*PART 1*  
*CLAIM OR COUNTERCLAIM TO BE*  
*DECIDED BY STATEMENTS*  
*ADJUDICATION TRACK*

**Application of Rules (O. 7, r. 2)**

2.—(1) Subject to any modifications that the Court may specify under Order 4, Rule 6(3), Part 2 and Orders 6 and 8 do not apply to proceedings to which this Part applies.

(2) Upon the Court making an order under Order 4, Rule 6(1)(b), except as otherwise required in these Rules or any other written law, the parties must comply with the Rules contained in this Part and, without limiting the generality of Order 13, Rules 5 to 10, with the Rules on the form, service, filing and other requirements relating to the witness statements of the claimant and the defendant in the proceedings.

**Service of witness statement of claimant (O. 7, r. 3)**

3. Within 14 days after the Court makes an order under Order 4, Rule 6(1)(b), the claimant must file and serve a witness statement or witness statements setting out all evidence necessary for the claim in the Originating Application.

**Service of witness statement of defendant (O. 7, r. 4)**

4.—(1) Within 21 days after being served with the witness statement or witness statements in support of the claim in the Originating Application, the defendant must file and serve a witness statement or witness statements setting out all evidence necessary for the defence.

(2) Subject to Rule 5(2), a further witness statement must not (except with the permission of the Court) be filed after the witness statement or witness statements is or are filed and served by the defendant pursuant to paragraph (1).

**Counterclaim (O. 7, r. 5)**

5.—(1) If a defendant intends to make a counterclaim against the claimant, all evidence necessary for the counterclaim must be

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included in the witness statement or witness statements to be filed and served by the defendant under Rule 4(1).

(2) Within 14 days after being served with the witness statement or witness statements of the defendant, if the claimant wishes to defend any counterclaim made by the defendant, the claimant must file and serve a further witness statement or witness statements setting out all evidence necessary to defend the counterclaim.

### **Mode of hearing (O. 7, r. 6)**

6. With regard to the resolution of any disputed issue of fact, the Court may, without limiting the generality of Order 20, Rule 6(1), make such order as may be appropriate relating, but not limited, to the following:

- (a) the manner in which the hearing of the matter is to proceed;
- (b) whether oral evidence is to be given in addition to the witness statements filed and served in the proceedings;
- (c) whether there is to be cross-examination of any person who has given a witness statement in the proceedings.

*PART 2*  
*ORIGINATING APPLICATION WITHOUT*  
*NOTICE MADE PURSUANT TO*  
*ORDER 4, RULE 8*

### **Application of Rules (O. 7, r. 7)**

7.—(1) Subject to any modifications that the Court may specify, Part 1 and Orders 6 and 8 do not apply to proceedings to which this Part applies.

(2) Except as otherwise required in these Rules or any other written law, the party or parties in proceedings to which this Part applies must comply with the Rules contained in this Part and, without limiting the generality of Order 13, Rules 5 to 10, with the Rules on the form, filing and other requirements relating to the witness statement or witness statements in the proceedings.

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**Filing of witness statement of claimant (O. 7, r. 8)**

**8.—(1)** The claimant must file the Originating Application to which this Part applies together with a supporting witness statement or witness statements setting out all necessary evidence in support of the Originating Application.

(2) Unless the Court otherwise directs, the Originating Application to which this Part applies and the claimant's supporting witness statement or witness statements are not required to be served on any person.

(3) Subject to paragraph (4), a further witness statement must not (except with the permission of the Court) be filed after the claimant's supporting witness statement or witness statements is or are filed.

(4) The Court may require the claimant to file a further witness statement or witness statements if the Court considers it just to do so.

**Mode of hearing (O. 7, r. 9)**

**9.** With regard to any issue of fact, the Court may, without limiting the generality of Order 20, Rule 6(1), make such order as may be appropriate relating, but not limited, to the following:

- (a) the manner in which the hearing of the matter is to proceed;
- (b) whether oral evidence is to be given in addition to the witness statement or witness statements filed in the proceedings.

## ORDER 8

## MEMORIALS

**Proceedings by way of memorials, and powers of Court (O. 8, r. 1)**

**1.—(1)** This Order applies where the Court has made an order under Order 4, Rule 6(1)(c) that a contested claim or counterclaim is to be decided by the memorials adjudication track.

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(2) Subject to any modifications that the Court may specify under Order 4, Rule 6(3), Orders 6 and 7 do not apply to proceedings to which this Order applies.

(3) In making an order under Order 4, Rule 6(1)(c) or at any time thereafter, the Court may make orders or directions relating, but not limited, to the following:

- (a) the timelines for the filing of the claimant's Memorial and the defendant's Counter-Memorial;
- (b) the timelines for the filing of a Reply Memorial, or a Reply Memorial and a Rejoinder Memorial, if necessary;
- (c) the preparation and adduction of any evidence, including expert evidence, in the proceedings;
- (d) the disapplication of any of the provisions under Orders 12, 13, 14, 19 and 20;
- (e) the mode by which the proceedings are to be determined, including whether they are to be determined based on the memorials only, by way of a hearing on submissions, pursuant to a trial or otherwise.

### **Memorial and Counter-Memorial (O. 8, r. 2)**

**2.—(1)** Unless the Court orders or directs otherwise, the claimant's Memorial must set out in full detail —

- (a) a statement of facts supporting the claim;
- (b) the legal grounds or arguments supporting the claim; and
- (c) the relief claimed together with the amount of all quantifiable claims,

accompanied by copies of all witness statements, expert reports (where applicable) and documentary exhibits supporting the claim.

(2) Unless the Court orders or directs otherwise, the defendant's Counter-Memorial must set out in full detail —

- (a) a statement of facts supporting the defence and any counterclaim;

- (b) the legal grounds or arguments supporting the defence and any counterclaim; and
- (c) the relief claimed together with the amount of all quantifiable counterclaims,

accompanied by copies of all witness statements, expert reports (where applicable) and documentary exhibits supporting the defence and any counterclaim.

(3) If the claimant fails to file and serve the Memorial within the time specified by the Court, the Court may order that the proceedings be terminated or give such other directions as may be appropriate.

(4) If the defendant fails to file and serve the Counter-Memorial within the time specified by the Court, the Court may proceed to determine the matter or give such other directions as may be appropriate.

## ORDER 9

### CASE MANAGEMENT CONFERENCE

#### **General matters (O. 9, r. 1)**

1.—(1) A case management conference will be held as provided in these Rules or at any time the Court thinks appropriate.

(2) At the first case management conference, the Court may determine the adjudication track and give consequential directions, including on alternative dispute resolution.

(3) At a case management conference, the Court may make any order or give any direction to achieve the General Principles in Order 1, Rule 3.

#### **Conduct of case management conferences (O. 9, r. 2)**

2.—(1) Unless the Court otherwise directs —

- (a) a case management conference must be conducted as an oral hearing;
- (b) lead counsel or counsel fully instructed on the matter must attend at a case management conference; and

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- (c) parties represented by counsel are not required to attend a case management conference.
- (2) The Court may, in consultation with the parties, give directions on the use of suitable technology to facilitate the communication between the parties and the Court in relation to case management and other matters.
- (3) A party may apply to the Court for a case management conference to be convened, by way of a letter —
- (a) stating the reasons for the application; and
  - (b) stating whether the other parties consent or object to the application, and the reasons for the objections, if any.
- (4) If the parties are of the view that attendance at a case management conference may be dispensed with and that any directions may be given by the Court on paper, any party may apply to the Court at least 7 working days before a case management conference by way of a letter —
- (a) stating that all parties consent to the dispensation of attendance;
  - (b) confirming that the parties have considered and discussed all the relevant issues and have brought to the Court's attention anything that may be unusual;
  - (c) setting out information and explanations about any steps that had been taken in relation to alternative dispute resolution;
  - (d) setting out any agreement between the parties in connection with the conduct of the trial or hearing on the merits or the proceedings prior thereto; and
  - (e) setting out any directions which the parties wish to seek from the Court.



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**Preparation for case management conferences (O. 9, r. 3)**

3. Prior to a case management conference, the parties must —
- (a) attempt to agree on the matters to be discussed at that case management conference, including but not limited to —
    - (i) the adjudication track for the determination of the dispute and any proposed modifications to the track;
    - (ii) the conduct of the proceedings leading up to the trial or hearing on the merits of the proceedings, including the use of technology in the management and disclosure of electronic documents; and
    - (iii) the conduct of the trial or hearing on the merits of the proceedings;
  - (b) attempt to identify the real issues in dispute, and any preliminary issues;
  - (c) consider the possibility of alternative dispute resolution, and be prepared to inform the Court of the suitability of the case for alternative dispute resolution, including but not limited to —
    - (i) whether the parties previously attempted alternative dispute resolution;
    - (ii) whether parties are amenable to making a genuine attempt at alternative dispute resolution;
    - (iii) whether there are other related disputes and the possibility of a global settlement;
    - (iv) whether the parties are seeking specific court-ordered remedies;
    - (v) whether the parties have interests that cannot be satisfied by court-ordered remedies; and
    - (vi) whether the parties are in a subsisting commercial relationship the preservation of which is important; and

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- (d) unless the Court otherwise directs, submit a Case Management Bundle or updated Case Management Bundle (as the case may be) at least 7 working days prior to the case management conference.

#### **Case Management Bundle (O. 9, r. 4)**

**4.—(1)** Unless the Court otherwise directs, the Case Management Bundle must be prepared or updated (as the case may be) by the claimant in consultation with the other parties.

(2) The Case Management Bundle must contain the most recent versions of the following:

- (a) the Claimant’s Statement and each Defendant’s Statement;
- (b) the pleadings, memorials and witness statements which have been filed pursuant to the applicable adjudication track;
- (c) a Case Management Plan in Form 16, which must be prepared or updated (as the case may be) based on the latest information that is available;
- (d) a Pre-Hearing / Pre-Trial Timetable in Form 17, based on the latest information that is available;
- (e) a List of Issues in Form 18, which —
  - (i) identifies the principal issues in a structured manner;
  - (ii) does not supersede the pleadings, memorials, or witness statements; and
  - (iii) if approved by the Court, may be amended or revised only with the Court’s permission.

(3) Where the Court has directed that the proceedings are to lead to a trial of the case, the Case Management Bundle must additionally contain the following:

- (a) a Trial Checklist in Form 19, which must be prepared or updated (as the case may be) by each party to the case, based on the latest information that is available;
- (b) a Trial Timetable in Form 20.

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(4) The parties must endeavour to prepare an agreed Case Management Plan, Pre-Hearing / Pre-Trial Timetable, List of Issues and Trial Timetable to the extent possible, but if the parties are unable to agree, the claimant must prepare or update the document (as the case may be) and the other parties must provide comments on the document.

### **Alternative dispute resolution (O. 9, r. 5)**

5.—(1) Where parties are agreeable to alternative dispute resolution, the Court may make directions to facilitate the parties' attempt at alternative dispute resolution.

(2) Where the parties are not agreeable to alternative dispute resolution, the Court may —

- (a) direct that alternative dispute resolution be reconsidered at a subsequent time; or
- (b) make any order necessary to facilitate the amicable resolution of the dispute.

(3) If the parties reach a settlement through alternative dispute resolution, the Court may record a consent order on the terms of the settlement.

### **Compliance with case management directions (O. 9, r. 6)**

6.—(1) Where all parties consent, any party may apply to the Court by way of letter as soon as practicable for a variation or an amendment of any direction, stating the reasons for the application and exhibiting a draft consent order signed by all parties.

(2) Where a party is unable to comply with any direction, that party must inform the Court of the same by way of letter as soon as practicable, and seek further directions on the management of the case.

(3) Where a party fails to comply with any direction, the other party may, after informing the non-complying party of its intention to do so, apply to the Court by way of letter as soon as practicable, to seek further directions on the management of the case.

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(4) Where any non-compliance with directions may result in a postponement or vacation of the dates fixed for the trial or hearing on the merits of the proceedings, the Court may give further directions, including but not limited to —

- (a) directing parties to comply with expedited timelines so that the case may proceed on the dates fixed for the trial or hearing on the merits of the proceedings;
- (b) directing that a first tranche of the trial or hearing on the merits of the proceedings proceed on one or more issues at the fixed dates, and for the remaining issues to be determined at a later tranche of the trial or hearing on the merits of the proceedings;
- (c) fixing new dates for the trial or hearing on the merits of the proceedings at the earliest available dates and giving the necessary consequential directions, where the postponement or vacation of the fixed dates cannot be avoided; and
- (d) imposing costs or other sanctions for non-compliance with any directions.

## ORDER 10

### COUNTERCLAIMS AND PARTIES

#### *COUNTERCLAIMS*

#### **Counterclaim against claimant (O. 10, r. 1)**

1.—(1) Subject to Order 2, Rule 3, a defendant in any case who alleges that he or she has any claim or is entitled to any relief or remedy against a claimant in the case in respect of any matter (whenever and however arising) may, instead of bringing a separate case, make a counterclaim in respect of that matter; and where he or she does so he or she must add the counterclaim to his or her Defendant's Statement.

(2) Where a counterclaim was not included with the Defendant's Statement, a defendant may make a counterclaim only with the permission of the Court.

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(3) When the Court grants permission to a defendant to make a counterclaim under paragraph (2), it may give consequential directions, including but not limited to directions about —

- (a) filing and serving the counterclaim on the claimant; and
- (b) the management of the proceedings.

(4) A counterclaim may be proceeded with even though judgment is given for the claimant in the case or that the case is stayed, discontinued or dismissed.

(5) Where a defendant establishes a counterclaim against the claim of the claimant and there is a balance in favour of one of the parties, the Court may give judgment for the balance, provided, however, that this provision must not be taken as affecting the Court's discretion with respect to costs.

### **Counterclaim against additional parties (O. 10, r. 2)**

2.—(1) Where a defendant to a case who makes a counterclaim against the claimant alleges that any other person (whether or not a party to the case) is liable to him or her along with the claimant in respect of the subject matter of the counterclaim, or claims against such other person any relief relating to or connected with the original subject matter of the case, then, subject to Rule 3, he or she may join that other person as a party against whom the counterclaim is made.

(2) Where a defendant joins a person as a party against whom he or she makes a counterclaim, he or she must add that person's name to the title of the action and serve on him or her a copy of the counterclaim or a Defendant's Statement setting out the counterclaim, as the case may be.

(3) A person on whom a copy of the counterclaim or a Defendant's Statement setting out the counterclaim (as the case may be) is served under paragraph (2), if he or she is not already a party to the case, becomes a party to it as from the time of service with the same rights in respect of his or her defence to the counterclaim and otherwise as if he or she had been duly sued in the ordinary way by the party making the counterclaim.

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(4) Where a counterclaim was included with the Defendant's Statement, the defendant must serve a copy of the Defendant's Statement as required by paragraph (2) within 28 days from the service of both the Originating Application and Claimant's Statement on the defendant.

(5) When the Court grants permission to a defendant to make a counterclaim under Rule 1(2) and the counterclaim is made also against a person who is not already a party to the case, the Court may give consequential directions, including but not limited to directions about —

- (a) filing and serving the counterclaim on a person who is not already a party to the case as required by paragraph (2);
- (b) serving relevant documents on this new party; and
- (c) the management of the proceedings.

(6) Where by virtue of paragraph (2) a copy of the counterclaim or a Defendant's Statement setting out the counterclaim (as the case may be) is required to be served on a person who is not already a party to the case, then, except as provided for in this Order, the provisions in these Rules apply, with the necessary modifications, to the counterclaim and the proceedings arising from it as if —

- (a) the counterclaim were an Originating Application and the proceedings arising from it a case; and
- (b) the defendant making the counterclaim were a claimant and the party against whom it is made a defendant in that case.

(7) A copy of the counterclaim or a Defendant's Statement setting out the counterclaim (as the case may be) required to be served on a person who is not already a party to the case must be endorsed with a notice, in Form 21, addressed to that person —

- (a) stating the effect of Order 4, Rule 5, as applied by paragraph (6); and
- (b) stating that he or she may file a Defendant's Statement in Form 7 and explaining how he or she may do so.

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**Court may order separate trials, etc. (O. 10, r. 3)**

**3.—(1)** If claims in respect of 2 or more causes of action are included by a claimant in the same case or by a defendant in a counterclaim, or if 2 or more claimants or defendants are parties to the same case, and it appears to the Court that the joinder of causes of action or of parties (as the case may be) may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make such other order as may be expedient.

(2) If it appears on the application of any party against whom a counterclaim is made that the subject matter of the counterclaim ought for any reason to be disposed of by a separate case, the Court may order the counterclaim to be struck out or may order it to be tried separately or make such other order as may be expedient.

**Transfer of proceedings under a counterclaim to General Division (O. 10, r. 4)**

**4.—(1)** Despite Order 2, Rules 3 and 4, where a defendant makes a counterclaim, and the main action has been determined or settled, the Court may transfer the proceedings to the General Division if the Court —

- (a) decides that it has no jurisdiction or declines to exercise jurisdiction over the proceedings; and
- (b) considers that the General Division has jurisdiction in the case.

(2) Where a choice of court agreement designates the Court as a chosen court for the proceedings, an order to transfer the case to the General Division may be made by the Court only if every party to the choice of court agreement consents to the transfer.

(3) For the purposes of paragraph (2), where a choice of court agreement designates the High Court or the General Division as a court for the proceedings, the Court is to treat each party to the agreement as a party who consents to the proceedings being heard in the General Division.

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*ADDITION AND SUBSTITUTION OF PARTIES  
(INCLUDING THIRD PARTIES)*

**Joinder of persons as parties (O. 10, r. 5)**

5.—(1) Despite Order 2, Rule 1(1), a person may, subject to paragraph (2) or any other rule of law, be joined as a party (including as an additional claimant or defendant, or as a third or subsequent party) to the case if —

- (a) the requirements in this Order for joining the person are met; and
- (b) the claims by or against the person —
  - (i) do not include a claim for any relief in the form of, or connected with, a prerogative order (including a Mandatory Order, a Prohibiting Order, a Quashing Order or an Order for Review of Detention); and
  - (ii) are appropriate to be heard in the Court.

(2) A State or the sovereign of a State may not be made a party to a case in the Court unless the State or the sovereign has submitted to the jurisdiction of the Court under a written jurisdiction agreement.

(3) In exercising its discretion under paragraph (1), the Court must have regard to its international and commercial character.

**Addition, removal and substitution of parties (O. 10, r. 6)**

6.—(1) The Court may order a person to be joined as a new party if it is appropriate to add the new party so that the Court can resolve all the matters in dispute in the proceedings or any issues that are connected to those matters.

(2) The Court may order any person to be removed as a party if it is not appropriate for that person to be a party to the proceedings.

(3) The Court may order a new party to be substituted for an existing one if —

- (a) the existing party's interest or liability has passed to the new party; and



- (b) it is appropriate to substitute the new party so that the Court can resolve the matters in dispute in the proceedings.

**Procedure for adding, removing and substituting parties  
(O. 10, r. 7)**

7.—(1) Subject to paragraph (2), permission of the Court is required to add, remove or substitute a party.

(2) The claimant may, without the permission of the Court —

(a) add or substitute a party if —

(i) the party sought to be added or substituted has submitted to the jurisdiction of the Court under a written jurisdiction agreement; and

(ii) the Originating Application has not been served; or

(b) remove a party if the Originating Application has not been served.

(3) An application for permission under paragraph (1) may be made by —

(a) an existing party; or

(b) a person who wishes to become a party.

(4) A person seeking to be added as a party may attend a case management conference if the person is aware of it or may seek a case management conference by letter addressed to the Court and copied to all the parties.

(5) No person may be added or substituted as a claimant unless —

(a) that person's consent has been in writing; and

(b) that consent has been filed with the Court.

(6) An order for the addition, removal or substitution of a party must be served on —

(a) all parties to the proceedings; and

(b) any other person affected by the order.

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(7) When the Court makes an order for the addition, removal or substitution of a party, it may give consequential directions, including but not limited to directions about —

- (a) filing and serving the Statement of Claim on any new defendant;
- (b) serving relevant documents on the new party; and
- (c) the management of the proceedings.

(8) Where a person is added as a defendant, the case is deemed to be commenced against him or her on the date of the order adding the person as a defendant, or if the defendant is added pursuant to paragraph (2)(a), the date of the amendment to the Originating Application.

**Where 2 or more persons are jointly entitled to remedy (O. 10, r. 8)**

8.—(1) Where the claimant claims any relief to which any other person is entitled jointly with him or her, all persons so entitled must be parties to the case, unless the Court orders otherwise.

(2) Any person who does not consent to being joined as a claimant must be made a defendant, unless the Court orders otherwise.

**Misjoinder and nonjoinder of parties (O. 10, r. 9)**

9. No case is defeated by reason of the misjoinder or nonjoinder of any party; and the Court may in any case determine the issues or questions in dispute so far as they affect the rights and interests of the persons who are parties to the case.

**Third-party notice (O. 10, r. 10)**

10.—(1) Where in a case a defendant —

- (a) claims against a person not already a party to the case any contribution or indemnity;
  - (b) claims against such a person any relief or remedy relating to or connected with the original subject matter of the case;
- or

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- (c) requires that any question or issue relating to or connected with the original subject matter of the case should be determined not only as between the claimant and the defendant but also as between either or both of them and a person not already a party to the case,

then, subject to paragraph (2), the defendant may, after filing a Defendant's Statement if required to do so under these Rules, issue a notice in Form 22 setting out the nature of a claim on that person (called in this Order a third-party notice).

(2) A defendant may issue a third-party notice only with the permission of the Court unless the third party has submitted to the jurisdiction of the Court under a written jurisdiction agreement and the defendant issues the notice before the first case management conference.

(3) A person on whom a third-party notice is served becomes a party to the proceedings from the time of service with the same rights in respect of that party's defence as if that party had been sued in the ordinary way by the defendant who issued the third-party notice.

(4) Except as provided for in this Order, the provisions in these Rules apply, with the necessary modifications, to third-party proceedings as if —

- (a) the third-party notice were an Originating Application and the proceedings begun thereby a case; and
- (b) the defendant issuing the third-party notice were a claimant and the person against whom it is issued a defendant in that case.

(5) When the Court grants permission to a defendant to issue a third-party notice, it may give consequential directions, including but not limited to directions about —

- (a) the period within which the notice is to be issued;
- (b) serving relevant documents on the third party; and
- (c) the management of the proceedings.

(6) Proceedings on a third-party notice may, at any stage of the proceedings, be set aside by the Court.

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**Applications for permission to issue third-party notice  
(O. 10, r. 11)**

**11.**—(1) An application for permission to issue a third-party notice may be made by way of a summons without notice, unless the Court otherwise directs.

(2) An application for permission to issue a third-party notice must be supported by a witness statement stating —

- (a) the nature of the claim made by the claimant in the case;
- (b) the stage which proceedings in the case have reached;
- (c) the nature of the claim made by the applicant and the facts on which the proposed third-party notice is based; and
- (d) the name and address of the person against whom the third-party notice is to be issued.

(3) An order granting permission to issue a third-party notice may contain directions as to the period within which the notice is to be issued.

**Default of third party, etc. (O. 10, r. 12)**

**12.**—(1) If a third party who is required by these Rules to enter a Defendant’s Statement does not do so, or having been ordered to serve such a notice fails to do so —

- (a) the third party is deemed to admit any claim stated in the third-party notice and is bound by any judgment (including judgment by consent) or decision in the case insofar as it is relevant to any claim in the notice; and
- (b) the defendant who issued the third-party notice may, if judgment in default is given against him or her in the case, enter judgment against the third party —
  - (i) in respect of any contribution or indemnity claimed in the notice —
    - (A) at any time after satisfaction of that judgment;
    - or

(B) before satisfaction thereof, with the permission of the Court; and

(ii) in respect of any other relief or remedy claimed therein, with the permission of the Court.

(2) If a third party or the defendant who issues a third-party notice defaults in the service of any pleading, the Court may, on the application of that defendant or the third party (as the case may be), order such judgment to be entered for the applicant as the applicant is entitled to on the pleadings or may make such order as may appear to the Court necessary to do justice between the parties.

### **Judgment between defendant and third party (O. 10, r. 13)**

**13.** Where in a case judgment is given against a defendant and judgment is given for the defendant against a third party, enforcement may not issue against the third party without the permission of the Court until the judgment against the defendant has been satisfied.

### **Transfer of proceedings under third-party notice to the General Division (O. 10, r. 14)**

**14.—**(1) Despite Order 2, Rules 3 and 4 and subject to paragraph (2), where a third-party notice has been issued and the main action to which the third-party notice relates has been determined or settled, the Court may transfer the proceedings to the General Division if the Court —

- (a) decides that it has no jurisdiction or declines to exercise jurisdiction over the proceedings; and
- (b) considers that the General Division has jurisdiction in the case.

(2) Where a choice of court agreement designates the Court as a chosen court for the proceedings under the third-party notice, an order to transfer the case to the General Division may be made by the Court only if every party to the choice of court agreement consents to the transfer.

(3) For the purposes of paragraph (2), where a choice of court agreement designates the High Court or the General Division as a

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court for the proceedings under the third-party notice, the Court is to treat each party to the agreement as a party who consents to the proceedings being heard in the General Division.

**Claims by third and subsequent parties (O. 10, r. 15)**

**15.**—(1) Where a defendant has served a third-party notice and the third party makes a claim stated in Rule 10, Rules 10 to 14 apply with the necessary modifications, as if the third party were a defendant.

(2) Paragraph (1) applies similarly to any further person to whom, by virtue of this Rule, Rules 10 to 14 apply.

**Notice of case to non-parties (O. 10, r. 16)**

**16.** The Court may, at any stage in the case, give directions for the Originating Application or any application under this Order, to be served on any person who may have an interest in the case and any other consequential direction.

*REPRESENTATIVE PARTIES*

**Proceedings against estates (O. 10, r. 17)**

**17.**—(1) Where any defendant against whom a claim could have been brought has died and —

- (a) a grant of probate or administration has been made, the claim must be brought against the persons who are the personal representatives of the deceased; and
- (b) a grant of probate or administration has not been made —
  - (i) the claim must be brought against the estate of the deceased, which is to be described as “personal representatives of (defendant’s name) deceased”; and
  - (ii) the claimant must apply to the Court, during the period of validity for service of the Originating Application, for an order appointing a person to represent the deceased’s estate for the purpose of the proceedings.

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(2) A case is treated as having been brought against the estate of the deceased in accordance with paragraph (1)(b)(i) where —

- (a) the claim is brought against the “personal representatives” of the estate of the deceased but a grant of probate or administration has not been made; or
- (b) the claim is brought against a person who was dead when the claim was commenced.

(3) Where an order has been made under paragraph (1)(b)(ii), any judgment or order made in the proceedings is binding on the estate of the deceased.

(4) Before making an order under paragraph (1)(b)(ii), the Court may require notice of the application to be given to any person having an interest in the estate as it thinks fit.

(5) In this Rule, a reference to “grant of probate or administration” means a grant of probate or administration made in Singapore.

**Representation of parties who die or become insolvent or are otherwise incapacitated (O. 10, r. 18)**

**18.** Where a person who is a party to a case or has an interest in a claim in a case dies or becomes insolvent or is otherwise incapacitated after the case has been commenced, the Court may make such order as may be appropriate.

**Representative proceedings (O. 10, r. 19)**

**19.—(1)** Where numerous persons have a common interest in any proceedings, such persons may sue or be sued as a group with one or more of them representing the group provided that all members in the group have submitted to the Court’s jurisdiction under a written jurisdiction agreement.

(2) Where a group is suing under this Rule, all members in the group must give their written consent to one or more representatives to represent all of them in the case and all of them must be included in a list of claimants attached to the Originating Application.

(3) Where a group is being sued under this Rule, the Court may appoint one or more of them as representatives to represent those in

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the group who have given their written consent to the representatives in the case and those in the group must be included in a list of defendants attached to the order of Court.

(4) Where there is a class of persons and all or any member of the class cannot be ascertained or cannot be found, the Court may appoint one or more persons to represent the entire class or part of the class and all the known members and the class must be included in a list attached to the order of Court.

(5) A judgment or an order given in such a case is binding on all the persons and the class named in the respective lists stated in paragraphs (3) and (4).

## ORDER 11

### INTERPLEADER

#### **Entitlement to relief by way of interpleader (O. 11, r. 1)**

1. A person under a liability in respect of any property upon which 2 or more persons make or are expected to make conflicting claims, may apply to the Court for relief by way of interpleader, so as to be released from any liability relating to the property.

#### **Mode of application (O. 11, r. 2)**

2. An application for relief under this Order must be made by an Originating Application unless it is made in a pending action, in which case it must be made by summons.

#### **Witness statement (O. 11, r. 3)**

3.—(1) The application must be supported by a witness statement stating that the applicant —

- (a) does not make any claim to the property other than for expenses and fees relating to such possession or control;
- (b) faces or expects to face conflicting claims to the property;
- (c) does not collude with any claimant to the property;



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- (d) does not know or does not wish to decide which of the conflicting claims is the valid one; and
  - (e) is willing to abide by any direction given by the Court relating to the property.

(2) The application and the witness statement must be served on all claimants and known potential claimants to that property.

**Reply witness statement (O. 11, r. 4)**

4. Any person served with the application and the witness statement who wants to make a claim on the property must file any witness statement within 14 days after such service, specifying the property that is being claimed and setting out the grounds upon which the claim is based.

**Powers of the Court hearing the application (O. 11, r. 5)**

5.—(1) At the hearing of the application, the Court may decide on the conflicting claims to the property summarily, give directions regarding the hearing of the conflicting claims, or give directions for the retention, sale or disposal of the property and the payment of any sale proceeds.

(2) Where a defendant to an action applies for relief under this Rule in the action, the Court may by order stay all further proceedings in the action.

(3) Order 12 applies, with the necessary modifications, in relation to an issue of conflicting claims to property under this Rule as it applies in relation to any other cause or matter.

ORDER 12

DOCUMENT DISCLOSURE AND INTERROGATORIES

**Production of documents (O. 12, r. 1)**

1.—(1) Each party must provide to the other parties all documents in its possession or control on which it relies, within the time and in the manner ordered by the Court.

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(2) A party may not provide to the other parties additional documents on which that party intends to rely, unless the Court otherwise grants permission.

**Request to produce (O. 12, r. 2)**

2.—(1) A party may serve a request to produce on any person (whether or not such person is a party to the proceedings) within the time ordered by the Court.

(2) Where the requested person is not a party to the proceedings, the request to produce must be served personally.

(3) A request to produce must —

- (a) describe the requested documents with sufficient particularity in order for them to be produced;
- (b) state how the requested document is material to the issues in the case;
- (c) state the requesting party’s belief that the documents are in the possession or control of the requested person, and the reasons for such belief;
- (d) state whether the documents are in the requesting party’s possession or control and, if so, explain why the documents are being requested; and
- (e) be signed by the requesting party or the requesting party’s counsel.

(4) Within the time ordered by the Court, the requested person must produce to the requesting party all the requested documents except those for which a notice of objection is served under Rule 3.

(5) The requesting party must pay to the requested person the reasonable costs of complying with the request to produce.

(6) In this Order —

“requested person” means a person on whom a request to produce is served;

“requesting party” means a party serving a request to produce.

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**Objection to production (O. 12, r. 3)**

3.—(1) A requested person who objects to producing any requested document must serve a notice of objection on the requesting party —

- (a) if the requested person is a party to the proceedings, within 14 days after being served with the request to produce; and
- (b) if the requested person is not a party to the proceedings, within 28 days after being served with the request to produce.

(2) The notice of objection must state the reasons for the requested person's objection and be signed by the requested person or the requested person's counsel.

**Application for Court to order production (O. 12, r. 4)**

4.—(1) The requesting party may, within 14 days after being served a notice of objection, apply to the Court by way of a summons for an order to produce the documents objected to.

(2) In an application under paragraph (1), the Court may order the production of any document objected to —

- (a) if the request to produce was made in accordance with Rule 2(3);
- (b) if the document is sufficiently material to the issues in the case;
- (c) if there is no legal impediment to production, including in relation to legal privilege;
- (d) if there are no grounds of special political or institutional sensitivity (including evidence that has been classified as secret by the Government, a foreign government or a public international institution) that the Court determines or the Attorney-General certifies to be compelling; and
- (e) after taking into consideration the following factors:
  - (i) whether there is unreasonable burden in producing the requested document;

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- (ii) whether loss or destruction of the requested document has been shown with reasonable likelihood to have occurred;
  - (iii) grounds of commercial or technical confidentiality that the Court determines to be compelling, and which cannot be managed through specifying limits and conditions to disclosure;
  - (iv) considerations of procedural economy, proportionality, or fairness that the Court determines to be compelling.

(3) Unless the Court determines otherwise, a requested document that merely leads a party on a train of inquiry resulting in the obtaining of information which may adversely affect or support a party's case is not sufficiently material to the issues in the case.

(4) Where the requested person is not a party to the action, the requesting party must, unless the Court orders otherwise, pay to the requested person the costs of the application and the reasonable costs of complying with any order made by the Court.

#### **Additional or alternative modes of disclosure (O. 12, r. 5)**

**5.—**(1) In addition to or in place of Rules 1 to 4, the Court may make any order in relation to the disclosure of documents, including —

- (a) as to the timing and manner of the disclosure of documents;
- (b) dispensing with the disclosure of documents altogether;
- (c) that any party is to produce to any other party —
  - (i) the documents in the party's possession or control on which the party relies or will rely; and
  - (ii) the documents in the party's possession or control which could —
    - (A) adversely affect the party's own case;
    - (B) adversely affect another party's case; or

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- (C) support another party's case,  
that are necessary either for disposing fairly of the cause or matter or for saving costs; and
- (d) that any party is to make and serve on any other party a witness statement stating whether any document or class of documents —
- (i) is in the party's possession or control; or
  - (ii) was previously in the party's possession or control (and if so, when the party parted with it and what has become of it).

(2) Unless ordered otherwise by the Court, an order under paragraph (1) takes precedence over any earlier order made in relation to the disclosure of documents by the High Court or the Court.

**Pre-action production (O. 12, r. 6)**

6.—(1) An application may be made to the Court for the production of documents before the commencement of proceedings in the Court.

(2) In an application under paragraph (1), the Court may order the production of any document sought —

- (a) if the Court is satisfied that it has and would assume jurisdiction in the intended proceedings;
- (b) if the document is sufficiently material to the issues in the intended proceedings;
- (c) if there is no legal impediment to production, including in relation to legal privilege;
- (d) if there are no grounds of special political or institutional sensitivity (including evidence that has been classified as secret by the Government, a foreign government or a public international institution) that the Court determines or the Attorney-General certifies to be compelling; and
- (e) after taking into consideration the factors set out in Rule 4(2)(e).

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(3) An application under paragraph (1) must be made by way of an Originating Application and supported by a witness statement —

- (a) describing the material facts relating to the intended proceedings, including whether the defendant is likely to be a party to the intended proceedings;
- (b) explaining why the Court has and should assume jurisdiction in the intended proceedings;
- (c) describing the documents sought with sufficient particularity in order for them to be produced;
- (d) stating how the documents are material to the issues in the intended proceedings;
- (e) stating the applicant's belief that the documents are in the possession or control of the person from whom production is sought, and the reasons for such belief;
- (f) stating whether the documents are in the applicant's possession or control and, if so, explain why the documents are being requested; and
- (g) stating, to the best of the applicant's knowledge, whether any matter in paragraph (2)(c), (d) or (e) applies.

(4) The Originating Application and supporting witness statement must be served on the person from whom production is sought, who must be made a defendant to the Originating Application.

(5) Unless the Court orders otherwise, the applicant must pay to the person from whom production is sought the costs of the application and the reasonable costs of complying with any order made by the Court.

### **Power of Court to inspect documents (O. 12, r. 7)**

7. The Court may at any time on its own motion, or upon the application of a party, inspect any document, including for the purpose of deciding whether any objection to production applies.

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**Production of copies instead of originals (O. 12, r. 8)**

8. A person required to produce a document under this Order may produce a copy of the document, unless the Court orders, or a party requests, the inspection of the original.

**Continuing obligation of disclosure (O. 12, r. 9)**

9. A party has a continuing duty in the course of proceedings to disclose documents that fall within the scope of —

- (a) a request to produce served under Rule 2, where the requested party —
  - (i) has not served a notice of objection under Rule 3; or
  - (ii) has served a notice of objection under Rule 3 and the only ground of objection in the notice is that the document is not in that party's possession or control;  
or
- (b) any order made under this Order for disclosure of documents of the class to which the documents belong.

**Admissions as to authenticity of documents (O. 12, r. 10)**

10. A party who receives a document produced by another party under this Order is deemed to have admitted to the authenticity of that document, unless the receiving party —

- (a) has denied the authenticity of that document in the receiving party's pleading or memorial; or
- (b) within 28 days after receiving the document, serves on the producing party a notice stating that the receiving party does not admit the authenticity of that document and requires it to be proved at the trial or substantive hearing of the case.

**Failure to disclose document (O. 12, r. 11)**

11.—(1) The parties must not rely on any document that was not produced in accordance with this Order, unless the Court otherwise grants permission.

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(2) If any party fails to comply with any order made by the Court or any duty in this Order, the Court may —

- (a) order that the action be dismissed or that the defence be struck out and judgment be entered accordingly;
- (b) draw an adverse inference against that party;
- (c) punish that party for contempt of court if an order has been served on that party or that party's counsel but it is open to that party to show that that party was not notified or did not know about the order;
- (d) order that that party may not rely on any document that is within the scope of the order or any duty in this Order unless the Court otherwise grants permission; or
- (e) make any order it deems fit.

### **Use of documents in other proceedings (O. 12, r. 12)**

**12.**—(1) Any document produced in this Order or by compulsion of law may be used only for the purpose of the case it is produced in, except where —

- (a) the document has been used in a hearing which is open to the public;
- (b) the party who produced the document consents to the use of the document for any purpose other than for that case; or
- (c) the Court grants permission for the use of the document for any purpose other than for that case.

(2) Where paragraph (1)(a) applies, the party who produced the document, or the person to whom the document belongs, may apply to the Court to restrict or prohibit the use of the document for any purpose other than for that case.

### **Production of electronically-stored documents (O. 12, r. 13)**

**13.**—(1) A party may request and the Court may make an order for the production of electronically-stored documents.



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(2) In addition to any other requirements in the Rules, the Court must have regard to the following matters in making an order under paragraph (1):

- (a) the number of electronically-stored documents involved;
- (b) the nature of the case and the complexity of the issues;
- (c) the value of the claim and the financial positions of the parties or persons;
- (d) the ease and expense of retrieval of the electronically-stored documents or class of electronically-stored documents;
- (e) the materiality of any electronically-stored documents or class of electronically-stored documents which is likely to be produced;
- (f) any other matter which the Court regards as relevant.

#### **Interrogatories (O. 12, r. 14)**

**14.—**(1) A party to proceedings in the Court may serve interrogatories on another party only with the permission of the Court.

(2) Where interrogatories are served, there must be a note at the end of the interrogatories specifying —

- (a) the period of time after the date of service within which the interrogatories are to be answered;
- (b) where the party served with the interrogatories is an entity (including an unincorporated body), the person on whom the interrogatories are to be served; and
- (c) where the interrogatories are to be served on 2 or more parties, the interrogatories which each party is required to answer.

(3) A party served with interrogatories pursuant to paragraph (1) must serve the answers to the interrogatories by way of a witness statement within the time specified under paragraph (2)(a).

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ORDER 13  
EVIDENCE

**Evidence in trials (O. 13, r. 1)**

1.—(1) Subject to Rule 3(2), (3) and (4) and Order 14, Rule 6, and unless the Court orders otherwise, evidence in trials must be adduced by way of witness statements, cross-examination and re-examination.

(2) A witness's evidence-in-chief must be given by witness statement instead of orally, unless the Court orders otherwise.

(3) A witness statement must contain all material facts which must not be departed from or supplemented by new facts in oral evidence without the permission of the Court.

(4) If a party intends to object to the contents of witness statements on the ground of admissibility or other reasons, the party must give notice by letter to the party who is relying on those witness statements at least 28 days before the first date of the hearing unless the Court orders otherwise.

(5) A party who is required to serve a witness statement for use at trial but is unable to obtain such a witness statement may apply for permission to dispense with the witness statement and for directions in relation thereto, including the service of a summary of the evidence that the witness is expected to give orally at trial or a list of questions that will be posed to the witness at trial.

**Evidence in hearings other than trials (O. 13, r. 2)**

2.—(1) Subject to Rule 3(2), (3) and (4) and Order 20, Rule 6, and unless the Court orders otherwise, evidence in hearings other than trials, including interlocutory proceedings, must be adduced by way of witness statements, without oral evidence or cross-examination.

(2) A pleading may be used as evidence in hearings other than trials, including interlocutory proceedings, provided it is verified by a statement of truth.

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**Mode of evidence (O. 13, r. 3)**

3.—(1) Subject to paragraphs (2) and (3), evidence may be given by witness statement.

(2) Evidence must be given by affidavit in the following instances:

- (a) where sworn evidence is required by any written law or practice direction;
- (b) in any application for a search order, a local injunction prohibiting the disposal of assets in Singapore, a worldwide injunction prohibiting the disposal of assets worldwide, or an order requiring an occupier to permit another to enter the occupier's land;
- (c) in any application for an order against anyone for alleged contempt of court.

(3) The Court may make an order that evidence must be given by affidavit instead of, or in addition to, a witness statement —

- (a) on its own motion; or
- (b) after any party has applied to the Court for such an order.

(4) In any case where these Rules provide for the giving of evidence by witness statement, a witness may give evidence by affidavit if the witness chooses to do so, but the party putting forward the affidavit may not recover any additional cost of making it from any other party unless the Court orders otherwise.

(5) Unless the context otherwise requires, the relevant provisions of these Rules relating to witness statements will apply equally where evidence is given by affidavit.

**Use of witness statements for other purposes (O. 13, r. 4)**

4. A witness statement may be used only for the purpose of the case it is served in, except where —

- (a) the witness statement has been used in a hearing which is open to the public;
- (b) the witness consents to the use of the witness statement for any purpose other than for that case; or

- (c) the Court grants permission for the use of the witness statement for any purpose other than for that case.

### **Witness statement (O. 13, r. 5)**

5.—(1) A witness statement is a written statement signed by a person which contains the evidence which that person would have otherwise given orally.

(2) A witness statement must be in Form 23 with the text set out in consecutively numbered paragraphs.

(3) A witness statement must be verified by a statement of truth.

(4) Where a witness statement or an exhibit to a witness statement does not comply with these Rules or any practice direction in relation to its form, the Court may refuse to admit it as evidence and may refuse to allow the costs arising from its preparation.

### **Statement of truth (O. 13, r. 6)**

6.—(1) Subject to Order 14, Rule 4(2), a statement of truth must state that the maker of the witness statement believes that the facts stated in the witness statement are true.

(2) A statement of truth must be signed by the maker of the witness statement.

(3) The maker of a witness statement must print his or her full name clearly beneath the signature.

(4) If the maker of a witness statement fails to verify the witness statement by a statement of truth, the Court may, on application or on its own motion, order that person to verify the witness statement or direct that the witness statement is not admissible as evidence.

### **Safeguards for persons not fluent in English or unable to read or sign (O. 13, r. 7)**

7.—(1) If a witness is not sufficiently fluent in English to give evidence in English, the witness statement should be in the witness's own language and a translation must be provided by a person competent to do so.

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(2) Where a witness statement containing a statement of truth is to be signed by a person who is unable to read or sign the witness statement, it must contain a certificate made by an authorised person in Form 24.

(3) For the purposes of paragraph (2), an authorised person is —

- (a) a person able to administer oaths in the place where the witness statement is signed;
- (b) an advocate and solicitor, as defined in the Legal Profession Act; or
- (c) a full registration foreign lawyer.

(4) For the purposes of paragraph (2), the authorised person must certify that —

- (a) the witness statement and the statement of truth were read in the authorised person's presence to the witness in a language or dialect that the witness understands;
- (b) the witness indicated that the witness understood the witness statement and confirmed its contents;
- (c) the witness indicated that the witness understood the statement of truth and the consequences of making a false declaration; and
- (d) the witness signed or made the witness's mark in the presence of the authorised person.

### **Contents of witness statement (O. 13, r. 8)**

**8.—**(1) A witness statement must contain only relevant facts.

(2) Subject to the other provisions of these Rules, a witness statement must contain statements of fact made from the maker's own knowledge.

(3) A witness statement made for the purpose of being used in interlocutory proceedings may contain statements of information or belief.

(4) Where paragraph (3) applies, the witness statement must indicate —

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- (a) which of the statements in it are statements of fact made from the maker's own knowledge and which are statements of information or belief; and
  - (b) the sources and grounds for any matters of information or belief.
- (5) The Court may order to be struck out of any witness statement any matter which is scandalous, irrelevant or otherwise oppressive.
- (6) All of the following points are to be observed when making witness statements:
- (a) a witness statement should as far as possible be in the witness's own words as the function of a witness statement is to set out in writing the evidence of the witness;
  - (b) a witness statement should be as concise as the circumstances of the case allow without omitting any significant matters; there may be no need to deal with (or deal with other than briefly) the matters that are common ground;
  - (c) a witness statement should not contain lengthy quotations from documents;
  - (d) a witness statement should not engage in (legal or other) argument;
  - (e) a witness statement must comply with any direction of the Court about its length.

### **Alteration of witness statement (O. 13, r. 9)**

**9.—**(1) A witness statement which has been verified by a statement of truth but not yet filed in Court may be altered only if it is re-verified by a fresh statement of truth.

(2) A maker of a witness statement which has been filed in Court may correct any mistakes in that witness statement by making another witness statement.

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**Documents referred to in witness statement (O. 13, r. 10)**

**10.**—(1) Where a witness statement refers to a document, a copy of that document must be annexed to the witness statement.

(2) If it is necessary to refer to only certain portions of the document, a copy of only those portions need to be annexed.

(3) Where a witness statement refers to a person or object and it is necessary to identify that person or object, the identification may be done by annexing a picture of that person or object to the witness statement.

(4) Each annexure to a witness statement must be verified and identified by the maker of the witness statement in the manner set out in Form 25.

**Affidavit (O. 13, r. 11)**

**11.** The domestic Rules of Court will govern the formalities relating to the giving of evidence by affidavit.

**False statements (O. 13, r. 12)**

**12.** Proceedings for contempt of court may be brought against a person in accordance with the provisions in Order 25 if the person makes, or causes to be made, without an honest belief in its truth, a false statement in a witness statement verified by a statement of truth or an affidavit.

**Pre-trial examination (O. 13, r. 13)**

**13.**—(1) Where it is necessary in the interests of justice to record the evidence of any witness in or out of Singapore before a trial, a party may apply to the Court to make an order for pre-trial examination.

(2) The party who applies for an order for pre-trial examination must file a witness statement showing —

- (a) that the witness's evidence is necessary for the party's case;
- (b) that the other parties do not agree that the evidence of that witness be given in a witness statement without cross-examination; and

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- (c) either of the following:
- (i) the witness will not be able or willing to attend the trial or to give evidence by live video or live television link;
  - (ii) the witness's age or health makes it likely that the witness will pass away before the trial or become incapable of testifying at the trial.
- (3) If the pre-trial examination is to be conducted outside Singapore, the witness statement must also state —
- (a) the place where the pre-trial examination is to be conducted;
  - (b) that the law of that place allows the pre-trial examination to be conducted in that place;
  - (c) the particulars and remuneration of the examiner who will be conducting the pre-trial examination; and
  - (d) the rules that will apply to the pre-trial examination.
- (4) If the law of the place for the pre-trial examination outside of Singapore requires the issue of a letter of request to the relevant authorities for the evidence of the person in that jurisdiction to be taken, the party who applies for the order may include a request for the issue of a letter of request.
- (5) For the purposes of paragraph (4), the party obtaining the order must prepare and file in the Registry —
- (a) the letter of request which must be —
    - (i) in a case where the jurisdiction in which the evidence is to be taken is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or
    - (ii) in any other case — in Form 26,  
with such variations and in compliance with such requirements as may be required by the jurisdiction in which the evidence is to be taken or by the order; and



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(b) an undertaking in Form 27 signed by the party or the party's counsel to be responsible personally for all expenses incurred by an issuing authority or a transmitting authority in respect of the letter of request and, on receiving due notification of the amount of these expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

(6) A pre-trial examination in Singapore must be before a Judge or the Registrar and must be conducted according to the provisions of these Rules governing trials.

(7) A pre-trial examination outside Singapore must be conducted by the examiner appointed by the Court and in the manner directed by the Court and the examiner must not do anything that is contrary to the law of that place.

(8) Where an order for pre-trial examination in Singapore has been made, the attendance of the witness before the examiner in Singapore and the production by the witness of any document at the examination may be enforced by an order to attend court and an order to produce documents in like manner as the attendance of a witness and the production by a witness of a document at a trial may be enforced.

(9) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.

**Evidence by live video or live television link where person to be examined is out of jurisdiction (O. 13, r. 14)**

**14.—**(1) Any application for permission for any witness outside Singapore to give evidence by live video or live television link in any proceedings must be made expeditiously and, in any case, unless the Court otherwise directs, not later than 8 weeks before the date of commencement of the hearing at which the witness is to give evidence.

(2) A party applying for permission for any witness outside Singapore to give evidence by live video or live television link must take note of the relevant legislation and requirements in force in the jurisdiction where the witness is giving evidence, and must make all necessary enquiries and take all necessary steps to ensure that the jurisdiction where the witness is giving evidence raises no objection to the giving of evidence in that jurisdiction for court proceedings in Singapore.

*Explanation*

A party must make all necessary enquiries and take all necessary steps to ensure that the jurisdiction where the witness is giving evidence raises no objection to the giving of evidence in that jurisdiction for court proceedings in Singapore by any means the party considers appropriate. This includes, but is not limited to —

- (a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign jurisdiction;
- (b) making enquiries with the relevant authorities; or
- (c) obtaining permission from the relevant foreign jurisdiction, in accordance with any applicable procedure, for evidence to be given by a person located in that jurisdiction through a live video or live television link, if such permission is required.

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(3) Where —

- (a) an application is made for permission for any witness outside Singapore to give evidence by live video or live television link in any proceedings; and
- (b) the laws of the jurisdiction where the witness is located require the issue of a letter of request to the relevant authorities of that jurisdiction for such evidence to be given,

an application may be made for an order in Form 28 for the issue of the letter of request, which application must be made expeditiously and, in any case, unless the Court otherwise directs, not later than 8 weeks before the date of commencement of the hearing at which the witness is to give evidence.

(4) An application under paragraph (3) must be made by summons and supported by a witness statement setting out the basis for the application and enclosing a copy of each document the applicant intends to file in the Registry pursuant to paragraph (5).

(5) Where an order is made under paragraph (3) for the issue of a letter of request to the relevant authorities of a jurisdiction to permit evidence to be given by live video or live television link by any witness in that jurisdiction, paragraphs (6) to (9) apply.

(6) The party obtaining the order must prepare the letter of request and file it in the Registry, and the letter must be —

- (a) in a case where the jurisdiction in which the evidence is to be given is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or
- (b) in any other case — in Form 26,

with such variations and in compliance with such requirements as may be required by the jurisdiction in which the evidence is to be taken or by the order.

(7) A letter of request filed under paragraph (6), or a document attached to the letter, must be accompanied by a translation of the letter or document in a language specified by the jurisdiction in which

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the evidence is to be given, unless that jurisdiction accepts the letter or document in English.

(8) Every translation filed under paragraph (7) must be certified by the person making it to be a correct translation; and the certificate must contain a statement of that person's full name, address and qualifications for making the translation.

(9) The party obtaining the order must, when the party files in the Registry the documents mentioned in paragraphs (6), (7) and (8), also file in the Registry an undertaking in Form 27 signed by the party or the party's counsel to be responsible personally for all expenses incurred by an issuing authority or transmitting authority in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

(10) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out at the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.

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**Court may specify applicable rules of evidence (O. 13, r. 15)**

- 15.—**(1) The Court may, on the application of a party, order that —
- (a) any rule of evidence found in Singapore law, whether under the Evidence Act, in these Rules (but not in this Rule) or elsewhere, does not apply; and
  - (b) such other rules of evidence (if any), whether such rules are found in foreign law or otherwise, apply.
- (2) An application under paragraph (1) can only be made if all parties agree on —
- (a) the rules of evidence that do not apply for the purposes of paragraph (1)(a); and
  - (b) any rules of evidence that apply for the purposes of paragraph (1)(b).
- (3) In making an order under paragraph (1), the Court may, for the just, expeditious and economical disposal of the proceedings —
- (a) modify the parties’ agreement under paragraph (2), but only with the parties’ consent; and
  - (b) stipulate such further conditions that supplement and are consistent with the parties’ agreement (or modified agreement) as the Court sees fit.
- (4) The Court may, from time to time, amend or supplement any order under paragraph (1), but only in accordance with paragraph (3) and after hearing the parties.
- (5) Despite any order under paragraph (1), the Court must exclude from evidence any document or statement (whether oral or written) where there are grounds of special political or institutional sensitivity (including anything that has been classified as secret by the Government, a foreign government or a public international institution) that the Court determines or the Attorney-General certifies to be compelling.
- (6) In this Rule, “rule of evidence” includes any rule of law relating to privilege or the taking of evidence.

(7) An application for an order for the purposes of paragraph (1) must be made by summons and supported by a witness statement.

(8) The supporting witness statement must —

(a) state the rules of evidence found in Singapore law that the parties agree do not apply;

(b) state any other rules of evidence that the parties agree are to apply instead; and

(c) exhibit a copy of the rules of evidence proposed to be applied, where this is practicable.

(9) For the purposes of paragraph (8)(a) and (b), a general description of the relevant rules of evidence is sufficient if it is not practicable to state each rule of evidence.

#### ORDER 14

#### EXPERT EVIDENCE, ASSESSORS AND INDEPENDENT COUNSEL

##### **Expert (O. 14, r. 1)**

1.—(1) An expert is a person with scientific, technical or other specialised knowledge based on training, study or experience.

(2) An expert has the duty to assist the Court in the matters within the expert's expertise and on the issues referred to the expert.

(3) The expert's duty to the Court overrides any obligation to the person from whom the expert receives instructions or by whom the expert is paid.

##### **Court to grant permission for use of expert evidence (O. 14, r. 2)**

2.—(1) No expert evidence may be adduced in Court unless the Court grants permission.

(2) The parties must consider whether expert evidence will contribute materially to the determination of any issue that relates to scientific, technical or other specialised knowledge and whether

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such issue can be resolved by an agreed statement of facts or by submission based on mutually agreed materials.

(3) The Court may grant permission for the use of expert evidence only if it will contribute materially to the determination of any issue in the case and the issue cannot be resolved as stated in paragraph (2).

(4) The Court may at any time on its own motion, or upon the application of a party, make any orders or directions in relation to the use of expert evidence, including as to —

- (a) the appointment of Court experts and common experts;
- (b) the sequential or simultaneous exchange of the experts' witness statements;
- (c) the method of questioning of any expert, including by any order made pursuant to Rule 6;
- (d) the remuneration to be paid to Court experts or common experts; and
- (e) the disallowance or rejection of any expert evidence.

### **Issues and common set of facts (O. 14, r. 3)**

3.—(1) The parties must attempt to agree on —

- (a) the list of issues to be referred for expert evidence, which must as far as possible be expressed in the form of questions which can be answered with “yes” or “no”; and
- (b) the common set of agreed or assumed facts that the experts are to rely on.

(2) Any list of issues and the common set of agreed or assumed facts agreed between the parties requires the Court's approval.

(3) If there is no agreement as stated in paragraph (1), the Court must decide the list of issues and the common set of agreed or assumed facts.

(4) The expert evidence must be confined to the approved issues and must rely only on the approved common set of agreed or assumed facts.

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**Expert's report (O. 14, r. 4)**

4.—(1) Expert evidence must be given in a report signed by the expert and exhibited in a witness statement made by the expert.

(2) The statement of truth contained in the expert's witness statement must state that —

(a) the expert has made clear —

(i) which facts in the expert's report are within the expert's own knowledge, and that the expert believes these facts to be true; and

(ii) which facts referred to in the expert's report are assumptions based on the instructions provided to the expert; and

(b) the opinions expressed by the expert represent the expert's true and complete professional opinion, and the expert accepts full responsibility for them.

(3) The expert's report must include the following:

(a) the expert's qualifications showing that the expert has the requisite specialised knowledge in relation to the issues referred to the expert;

(b) the expert's statement that the expert understands that the expert's duty is to assist the Court in the matters within the expert's expertise and on the issues referred to the expert, and that such duty to the Court overrides any obligation to the person from whom the expert receives instructions or by whom the expert is paid;

(c) the issues referred to the expert and the common set of agreed or assumed facts that the expert relied on;

(d) the list of the materials that the expert relied on and extracts of the materials which are necessary to understand the report;

(e) where the materials include tests, experiments or the collection or analysis of data, the name and qualifications of the persons who did the tests, experiments or the



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collection or analysis of data and whether they did so under the expert's supervision or guidance;

- (f) where there is a range of opinion on the matters dealt with in the report —
  - (i) a summary of the range of opinion; and
  - (ii) the reasons for the expert's opinion;
- (g) the conclusions reached on the issues referred to the expert and the reasons to support the conclusions.

### **Meeting and clarification on report (O. 14, r. 5)**

5.—(1) The Court may order the experts to meet at any time to try to narrow any dispute and so that the experts can agree in writing on all or some of the conclusions on the issues referred to the experts.

(2) Other than the contents of any agreement in writing, the contents of discussions at a meeting mentioned in paragraph (1) may not be used in Court unless the parties otherwise agree.

(3) With the Court's permission, a party may request in writing that an expert clarify that expert's report in any aspect.

(4) The expert must give the clarification requested under paragraph (3) in writing within the time ordered by the Court and such clarification is deemed to be part of the expert's report.

### **Panel of experts (O. 14, r. 6)**

6.—(1) The Court may order that all or some of the experts testify as a panel.

(2) The panel of experts may testify before or after all or some of the non-expert witnesses have testified.

(3) A party is not deemed to have waived any right to submit that the party has no case to answer merely because the party's expert has testified in accordance with this Rule before the party's non-expert witnesses have testified.

(4) Where the experts testify as a panel, the Court may order that they give their views on the issues referred to them and comment on one another's views.

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(5) The Court may order cross-examination and re-examination of all or some of the experts in the panel in any sequence as the Court thinks appropriate, whether before or after the experts have testified as a panel.

**Assessors (O. 14, r. 7)**

7. The Court may, on its own motion or upon application by any party, appoint one or more assessors and give directions in relation to such assessors, including on —

- (a) any objections to a proposed assessor; and
- (b) the role and the remuneration of the assessors.

**Independent counsel (O. 14, r. 8)**

8.—(1) The Court may, on its own accord, appoint one or more independent counsel (previously referred to as “amicus curiae”) to assist the Court in any matter on specific issues of law.

(2) An independent counsel may be —

- (a) a counsel;
- (b) an academic involved in the teaching of law at present or in the past; or
- (c) a person who has special knowledge or experience in any area of law.

(3) The Court must give directions to the independent counsel on —

- (a) the specific issues of law to be addressed by the independent counsel;
- (b) the filing and service of written submissions by the independent counsel and the parties; and
- (c) the independent counsel’s attendance in Court to make oral submissions.

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**ORDER 15****REFERRALS ON ISSUES OF LAW****Definitions (O. 15, r. 1)**

1. In this Order, unless the context otherwise requires —
  - “foreign country” means a country or territory outside Singapore;
  - “specified court” means a court that is specified in Rule 8;
  - “specified foreign country” means a foreign country that is specified in Rule 7.

**General (O. 15, r. 2)**

2. Nothing in this Order precludes the Court from determining any question of foreign law on the basis of evidence adduced or submissions made by the parties in accordance with the Evidence Act or as otherwise permitted by any written law.

**Order for reference of questions of foreign law to foreign courts on application of parties (O. 15, r. 3)**

3.—(1) Where in any proceedings before the Court there arises any question relating to the law of any specified foreign country or to the application of such law, the Court may, on the application of one or more of the parties or on its own motion, order that proceedings be commenced in a specified court in that specified foreign country seeking a determination of such question.

(2) An application for an order under paragraph (1) must be made by way of a summons and supported by a witness statement stating the grounds for the application.

(3) The Court may give such directions as it thinks fit for the preparation of a statement of the issue from which the question arises for inclusion with the question of law to be determined by the specified court in the specified foreign country.

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**Referral of questions of foreign law on Court's own motion  
(O. 15, r. 4)**

4. Nothing in this Order prevents the Court from ordering, on its own motion, that proceedings be commenced in any court of competent jurisdiction in any foreign country (not being a specified foreign country) seeking a determination of any question relating to the law of that foreign country or to the application of such law.

**Order for referral of questions of foreign law (O. 15, r. 5)**

5. An order made by the Court under Rule 3 or 4 must —
- (a) state the question that is to be determined in relation to the law of the foreign country;
  - (b) state the facts or assumptions upon which the question is to be determined;
  - (c) contain a statement to the effect that the court in the foreign country may vary the facts or assumptions and the question to be determined; and
  - (d) state whether and to what extent the parties may depart from the facts or assumptions in the determination of the question by the court of the foreign country.

**Determination of issues arising in foreign court proceedings  
(O. 15, r. 6)**

6.—(1) The provisions of Order 4 are to be read subject to this Rule for the purposes of all proceedings for the determination of any issue relating to Singapore law which is relevant to an issue in any proceedings before a specified court in a specified foreign country.

(2) The proceedings referred to in paragraph (1) must be commenced by way of an Originating Application and accompanied by a witness statement which must —

- (a) state the question that is to be determined in relation to Singapore law;
- (b) state the facts or assumptions upon which the question is to be determined;

- (c) contain a statement to the effect that the Court in Singapore may vary the facts or assumptions and the question to be determined; and
- (d) state whether and to what extent the parties may depart from the facts or assumptions in the determination of the question by the Court in Singapore.

(3) Despite Order 4, Rule 6(1), unless the Court otherwise directs, the proceedings referred to in paragraph (1) must be decided by the statements adjudication track as modified by the provisions in this Rule or by the Court.

### **Specified foreign countries (O. 15, r. 7)**

7. For the purposes of this Order, each of the following is a specified foreign country:

- (a) New South Wales, Australia;
- (b) Dubai, United Arab Emirates;
- (c) Bermuda.

### **Specified courts (O. 15, r. 8)**

8. For the purposes of this Order —

- (a) where the specified foreign country is New South Wales, Australia, every court of competent jurisdiction in New South Wales, Australia is a specified court;
- (b) where the specified foreign country is Dubai, United Arab Emirates, every court of competent jurisdiction which forms part of the Dubai International Financial Centre Courts is a specified court; and
- (c) where the specified foreign country is Bermuda, every court of competent jurisdiction in Bermuda is a specified court.

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ORDER 15A  
REQUESTS FOR OPINIONS ON QUESTIONS OF  
FOREIGN LAW

*[S 294/2022 wef 03/04/2022]*

**Definitions (O. 15A, r. 1)**

1. In this Order, unless the context otherwise requires —
  - “foreign country” means a country or territory outside Singapore;
  - “specified court” means a court that is specified in Rule 5;
  - “specified foreign country” means a foreign country that is specified in Rule 4.

**Transmission to foreign court of request for opinion on question of foreign law and for clarification (O. 15A, r. 2)**

2.—(1) Where in any proceedings before the Court there arises any question relating to the law of any specified foreign country or to the application of such law, the Court may, on the application of one or more of the parties or on its own motion, transmit to a specified court in that specified foreign country a request for an opinion on that question (called in this Rule the initial request), and any subsequent request for a clarification that is relevant to the opinion (called in this Rule a subsequent request), if all of the parties consent —

- (a) to the transmission of the initial request and any subsequent request;
  - (b) to the admission as evidence in the proceedings of any opinion provided by the specified court pursuant to the initial request and any clarification provided by that court pursuant to any subsequent request; and
  - (c) to the dispensation with cross-examination of the maker of the opinion and clarification mentioned in sub-paragraph (b).
- (2) An application under paragraph (1) must be made by summons.

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**Request for opinion on question of foreign law and for clarification (O. 15A, r. 3)**

3.—(1) An initial request transmitted under Rule 2 must —

- (a) specify the court hearing the proceedings in which the question of law arose;
- (b) state the nature of the proceedings in which the question of law arose;
- (c) state the question that is to be determined in relation to the law of the foreign country; and
- (d) state the facts, assumptions and other relevant information upon which the question is to be determined.

(2) An initial request and any subsequent request transmitted under Rule 2 must not identify the proceedings in which the question of law arose, or the parties to those proceedings.

**Specified foreign country (O. 15A, r. 4)**

4. For the purposes of this Order, the People’s Republic of China is a specified foreign country.

**Specified court (O. 15A, r. 5)**

5. For the purposes of this Order, the Supreme People’s Court of the People’s Republic of China is a specified court.

*[S 294/2022 wef 03/04/2022]*

**ORDER 16****OTHER INTERLOCUTORY MATTERS****General (O. 16, r. 1)**

1. Nothing in this Order affects the general powers of the Court to make any order or direction stipulated herein on the Court’s own motion.

**Security for costs (O. 16, r. 2)**

2.—(1) The Court may, on the application of a defendant, order the claimant or a Third-Party Funder with whom the claimant has a

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third-party funding contract in relation to the action or other proceedings to give security for the defendant's costs of the action or other proceedings, if —

(a) it appears to the Court that —

- (i) the claimant (not being a claimant who is suing in a representative capacity) is a nominal claimant who is suing for the benefit of some other person, and there is reason to believe that the claimant will be unable to pay the defendant's costs if ordered to do so;
- (ii) the claimant's address is not stated, or is incorrectly stated, in the originating process, and the claimant fails to satisfy the Court that the omission or misstatement was innocent and made without intention to deceive;
- (iii) the claimant has changed the claimant's address during the course of the proceedings with a view to evading the consequences of the litigation;
- (iv) the claimant is a corporation or some other entity, and there is reason to believe that the claimant will be unable to pay the defendant's costs if ordered to do so; or
- (v) the claimant has taken any step in relation to the claimant's assets that would make it difficult to enforce an order for costs against the claimant; and

(b) the Court thinks it just to do so, having regard to all the circumstances of the case, including the existence, scope, extent and terms of any third-party funding contract in relation to the action or other proceedings.

(2) To avoid doubt, the claimant may not be ordered to give security for the defendant's costs solely because —

(a) the claimant is an individual who is ordinarily resident out of the jurisdiction; or



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- (b) the claimant is a corporation or some other entity —
- (i) that is constituted under the law of a country other than Singapore;
  - (ii) whose central management or control is exercised outside Singapore; or
  - (iii) whose place of business is outside Singapore.

(3) The defendant may apply for security for costs of the action to be provided by a non-party, if that non-party has —

- (a) assigned that non-party's right in the action to the claimant in return for a share of any money or property which the claimant may recover in the action;
- (b) contributed or agreed to contribute to the claimant's costs in return for a share of any money or property which the claimant may recover in the action; or
- (c) contributed or agreed to contribute to the claimant's costs and actively instigates or encourages the claimant to maintain the action.

(4) An application for an order under paragraph (3) must be made by summons, which must be served on the non-party personally and on every party to the proceedings.

(5) In relation to a case transferred to the Court, unless the General Division orders otherwise when ordering the transfer of the case to the Court —

- (a) this Rule does not apply; and
- (b) the rules in the domestic Rules of Court in relation to security for costs that would have applied to the case prior to its transfer apply instead.

(6) In this Rule, “claimant” includes a defendant who brings a counterclaim or third-party proceedings.

(7) Nothing in this Rule is deemed to limit or affect the power of the Court to require security to be given for the costs of any proceedings under any written law.

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**Amendment of Originating Application, pleading or memorial, etc. (O. 16, r. 3)**

3.—(1) Subject to Order 10, Rules 5, 6, 7, 17 and 18, and paragraphs (2) and (3), the Court may, on the application of a party, allow that party to amend its Originating Application, pleading or memorial.

(2) In an amendment, a party may plead events that occurred after the Originating Application was filed, provided that the party may not thereby raise a new cause of action not existing when the Originating Application was filed.

(3) Where an application for permission to amend under paragraph (1) is made after the relevant limitation period has expired, the Court may allow the amendment in the following circumstances:

- (a) an amendment to correct the name of a party even if its alleged effect will be to substitute a new party, if it was a genuine mistake and was not misleading as to the identity of the party in question;
- (b) an amendment to alter the capacity in which a party sues, if the party might have sued in that capacity at the time the Originating Application was issued or the counterclaim was made;
- (c) an amendment to add or substitute a new cause of action, if the new cause of action arises out of the same or substantially the same facts or substantially the same facts as an existing cause of action for which relief has already been claimed in the same action.

(4) Except where paragraph (1) applies, and subject to Order 10, Rules 5, 6, 7, 17 and 18, the Court may, on the application of a party, allow that party to amend any document that that party has filed in the proceedings, on such terms and in such manner as it may direct.

(5) The Court may, on its own motion or on the application of a party, correct any clerical mistakes in a judgment or an order, or errors arising therein from any accidental slip or omission.

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**Striking out of documents (O. 16, r. 4)**

4.—(1) The Court may, on the application of a party, order any or part of any Originating Application, pleading, or memorial to be struck out or amended, on the ground that —

- (a) it discloses no reasonable cause of action or defence;
- (b) it is an abuse of the process of the Court; or
- (c) it is in the interests of justice to do so,

and may order the action to be stayed or dismissed or judgment to be entered accordingly.

(2) No evidence is admissible on an application under paragraph (1)(a).

(3) The Court may order any affidavit, witness statement or other document filed in Court to be struck out or redacted on the ground that —

- (a) the party had no right to file the affidavit, witness statement or document;
- (b) it is an abuse of the process of the Court; or
- (c) it is in the interests of justice to do so.

**Judgment on admission of fact (O. 16, r. 5)**

5. Where an admission of fact is made by a party in that party's pleading, memorial, witness statement or otherwise, any other party may apply to the Court for a judgment or an order upon the admission and the Court may give such judgment or make such order as it thinks just.

**Summary judgment (O. 16, r. 6)**

6.—(1) This Rule applies where proceedings are conducted by way of the filing of pleadings.

(2) The claimant may apply for summary judgment against any defendant after the defence has been filed and served in an Originating Application on the ground that that defendant has no defence to —

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- (a) a claim;
  - (b) a particular part of a claim; or
  - (c) a claim or part of a claim, except as to the amount of any damages claimed.
- (3) The claimant's witness statement must contain all the evidence that is necessary or material to the claim, or the relevant part of the claim, as the case may be.
- (4) If the defendant disputes the application in any way, any witness statement must be filed and served on the claimant within 14 days after service of the application and witness statement.
- (5) The defendant's witness statement must contain all the evidence that is necessary or material to the defence, or the relevant part of the defence, as the case may be.
- (6) If the claimant disputes anything in the defendant's witness statement, any witness statement must be filed and served on the defendant within 14 days after service of the defendant's witness statement.
- (7) No further witness statement may be filed without the Court's permission.
- (8) The Court may —
- (a) dismiss the application;
  - (b) grant permission to defend to the defendant with or without any conditions; or
  - (c) grant judgment to the claimant.
- (9) Where the claimant obtains summary judgment on a claim or part of a claim against any defendant, the claimant may proceed with any other claim or the remainder of the claim or against any other defendant.
- (10) The Court may order a stay of enforcement of any summary judgment granted against any defendant until after the trial of the defendant's counterclaim.

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(11) The Court may set aside or vary any summary judgment granted against a defendant who was absent from the hearing.

(12) In this Rule, “claimant” includes a defendant who brings a counterclaim or third-party proceedings.

(13) No summons under this Rule may be filed more than 28 days after the pleadings in the action are deemed to be closed, except with the permission of the Court.

### **Decision on questions of law or construction of documents (O. 16, r. 7)**

7.—(1) This Rule applies where proceedings are conducted by way of the filing of pleadings.

(2) The Court may, on the application of a party, decide any question of law or the construction of any document arising in any action without a hearing or trial on the facts, whether or not such decision will fully determine the action.

(3) Where the Court’s decision in paragraph (2) fully determines (subject only to any appeal) the entire matter or any claim or issue therein, the Court may give judgment or dismiss the action or make any order that is appropriate.

(4) No summons under this Rule may be filed more than 28 days after the pleadings in the action are deemed to be closed, except with the permission of the Court.

### **Foreign law (O. 16, r. 8)**

8.—(1) The Court may, on the application of a party, order that a question of foreign law be determined on the basis of submissions instead of proof, specifying one or more persons who may submit on the question of foreign law, and such further orders and directions as may be appropriate with regard to such determination.

(2) Before making an order under paragraph (1), the Court must be satisfied that each party is or will be represented by a counsel, restricted registration foreign lawyer or registered law expert who is suitable and competent to submit on the relevant question of foreign law.

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(3) For the purposes of paragraph (2), the Court may require evidence on the suitability and competence of any counsel, restricted registration foreign lawyer or registered law expert concerned, including evidence of good standing and of qualifications and experience in relation to the relevant area of foreign law.

(4) Where a person specified under paragraph (1) does not have a right of audience before the Court, the order is conditional on the person —

- (a) being an advocate and solicitor who has in force a practising certificate, including a solicitor registered under section 36E of the Legal Profession Act;
- (b) being admitted to practise as an advocate and solicitor under section 15 of that Act; or
- (c) being registered under section 36P or 36PA of that Act.

(5) If a person allowed to submit on the question of foreign law on behalf of a party fails or ceases to fulfil any of the conditions in paragraph (4), or ceases to act for that party, the Court may —

- (a) on its own motion after giving all relevant parties a reasonable opportunity to be heard, or on the application of a party, set aside the order under paragraph (1); or
- (b) on the application of a party, and applying paragraphs (1), (2) and (4) with the necessary modifications, vary the order under paragraph (1) to specify another person who may submit on the question of foreign law on behalf of that party.

(6) The supporting witness statement for an application under paragraph (1) or (5)(b) must —

- (a) state the question of foreign law to be determined on the basis of submissions;
- (b) identify the person who will submit on the question of foreign law on behalf of the party and exhibit that person's curriculum vitae;
- (c) state whether the person fulfils any of the conditions in paragraph (4);

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- (d) if that person does not fulfil any of the conditions in paragraph (4), and intends to apply for registration under section 36P or 36PA of the Legal Profession Act, exhibit an undertaking by that person to make the application within 7 days after the date on which the order is made; and
  - (e) where applicable, exhibit any agreement between the parties for an order under paragraph (1) to be made or varied.

(7) The Court's decision under paragraph (1) or (5) is final for the purposes of section 29(a) of the Supreme Court of Judicature Act.

(8) Where an order under paragraph (1) is made, in determining any relevant question of foreign law, the Court may have regard to the parties' submissions as well as other authoritative or persuasive material, including —

- (a) the legislation of the foreign country;
- (b) the decisions of the courts of the foreign country; and
- (c) any relevant judgment of the Singapore courts on similar questions of foreign law.

(9) In an appeal from a judgment or an order of the Court, the Court of Appeal may —

- (a) determine any question of foreign law on the basis of submissions and in accordance with paragraph (8) if —
  - (i) the Court has ordered that the question of foreign law be determined on the basis of submissions; or
  - (ii) the Court of Appeal has, on its own motion or on an application by a party, and applying paragraphs (1), (2), (4) and (5) with the necessary modifications, ordered that the question of foreign law be determined on the basis of submissions; or
- (b) remit any question of foreign law to the Court for the Court's decision.

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**Confidentiality, etc. (O. 16, r. 9)**

9.—(1) The Court may, on the application of a party, make any of the following orders:

- (a) an order that the case be heard in private;
- (b) an order that no person must reveal or publish any information or document relating to the case;
- (c) an order that the Court file be sealed,

with or without exceptions or conditions, including any directions on what information relating to the proceedings may be published.

(2) In deciding whether to make an order under paragraph (1), the Court may have regard to —

- (a) whether the case is an offshore case; and
- (b) any agreement between the parties on the making of such an order.

(3) An application under paragraph (1) must be supported by a witness statement exhibiting any agreement between the applicant and any other party on the matters under paragraph (2).

(4) The parties must notify the Registrar of an order made under paragraph (1) (including any exceptions, conditions and directions), and the order takes effect on the date the Registrar is so notified.

(5) Paragraph (4) does not affect any obligation imposed on a party by an order made under paragraph (1).

(6) Where the Court file is sealed, no person other than a party may inspect the file, unless the permission of the Court is obtained.

(7) An application for permission under paragraph (6) must be served on all parties, and any party who wishes to oppose the application may file a witness statement within 7 days after being served the application.

(8) The Court may, on the application of a party, at any time vary or set aside an order under paragraph (1).



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(9) The Court’s decision whether to make, vary or set aside an order under paragraph (1) is final for the purposes of section 29(a) of the Supreme Court of Judicature Act.

(10) Despite any order under paragraph (1), but subject to paragraphs (11) and (12), the Court must direct that a judgment made by the Court may be published in law reports and professional publications if the Court considers the judgment to be of major legal interest.

(11) A party may, at any time before the Court delivers its judgment, inform the Court of any matter that the party wishes to remain confidential (including the fact that the party was involved in the proceedings).

(12) Without limiting the Court’s power under Order 20, Rule 13, where the Court considers that there are any matters which a party reasonably wishes to remain confidential, the Court must —

- (a) give directions for those matters to be concealed in publishing the judgment of the Court; or
- (b) if it is not possible or practicable for the judgment of the Court to be published without revealing those matters, give directions for the judgment not to be published for 10 years after the date of the judgment, or such shorter period as the Court may order.

### **Consolidation, etc., of causes or matters (O. 16, r. 10)**

**10.** The Court may, on the application of a party or on its own motion, order 2 or more actions to be consolidated, or order them to be heard or tried together or one immediately after another, or order any of them to be stayed pending the determination of the other actions, if it is of the opinion that —

- (a) there is some common question of law in the actions;
- (b) any relief claimed in the actions concern or arise out of the same factual situation; or
- (c) it is appropriate to do so.

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**Separate hearings for separate questions or issues (O. 16, r. 11)**

11. The Court may, on the application of a party or on its own motion, order any question or issue arising in a cause or matter, whether of fact or law or partly of fact and partly of law, to be determined before, at or after the hearing or trial of the cause or matter, and may give directions as to the manner in which the question or issue may be stated.

**ORDER 17****WITHDRAWAL AND DISCONTINUANCE****Withdrawal of Defendant's Statement (O. 17, r. 1)**

1. A defendant may withdraw the Defendant's Statement filed by that defendant at any time with the permission of the Court.

**Discontinuance without permission (O. 17, r. 2)**

2.—(1) The claimant may, without the permission of the Court, discontinue the claimant's action in whole or in part, as against all or any of the defendants, within 14 days after —

- (a) service of the last served Defendant's Statement; or
- (b) the end of the latest date by which any defendant is to serve a Defendant's Statement,

whichever is later, by serving a notice in Form 29 on the defendant concerned.

(2) A defendant may, without the permission of the Court —

- (a) withdraw the defendant's defence in whole or in part, at any time; or
- (b) discontinue any counterclaim in whole or in part, as against all or any of the parties against whom it is made, within 14 days after service of the last served defence to counterclaim,

by serving a notice in Form 29 on the party concerned.

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(3) Paragraphs (1) and (2) apply with the necessary modifications in relation to a counterclaim and a defence to counterclaim.

(4) If all the parties to an action consent, an action or a counterclaim may, without the permission of the Court, be discontinued in whole or in part at any time before the trial or hearing, by producing to the Court the parties' written consent signed by all the parties.

(5) Subject to paragraphs (6) and (7), if no party to an action, a cause or a matter has, for more than one year, taken any step in the action, cause or matter that appears from the Court's records, the action, cause or matter is deemed to have been discontinued.

(6) Paragraph (5) does not apply where the action, cause or matter has been stayed pursuant to an order of Court.

(7) The Court may, on an application by any party made before the one year referred to in paragraph (5) has elapsed, extend the time as it thinks just.

(8) Where an action, a cause or a matter has been discontinued under paragraph (5), the Court may, on application by any party, reinstate it and allow it to proceed on such terms as it thinks just.

### **Discontinuance with permission (O. 17, r. 3)**

**3.—**(1) Except as provided in Rule 2, a party may not discontinue an action or a counterclaim, whether in whole or in part, without the permission of the Court.

(2) In hearing an application for permission under paragraph (1), the Court may make orders relating to the discontinuance or striking out of an action or a counterclaim in whole or in part, on such terms as to costs, the bringing of a subsequent action or otherwise as it thinks just.

### **Stay of subsequent action until costs paid (O. 17, r. 4)**

**4.** Where a party is liable to pay another party's costs occasioned by the discontinuance of an action or a counterclaim in whole or in part, or the deemed discontinuance of an action or a counterclaim, the Court may order that any subsequent proceedings for the same, or

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substantially the same, cause of action be stayed until those costs are paid.

**Discontinuance of application (O. 17, r. 5)**

5. Except as otherwise provided for in these Rules or any other written law, a party may not discontinue an application without the permission of the Court.

ORDER 18

INJUNCTIONS, SEARCH ORDERS AND  
OTHER INTERIM RELIEF

**Application for injunction or search order (O. 18, r. 1)**

1.—(1) A party may apply at any time after the commencement of proceedings in the Court for an injunction or a search order, whether or not a claim for such relief was included in that party's Claimant's Statement, Defendant's Statement or third-party notice, as the case may be.

(2) An application under paragraph (1) must be made by way of a summons supported by an affidavit and, where the case is one of urgency, by way of a summons without notice supported by an affidavit stating —

- (a) the urgency of the application;
- (b) why the party against whom the injunction or search order is sought should not be informed about the application; and
- (c) the merits of the application.

(3) Despite paragraph (1), the claimant may, in an urgent case, apply for an injunction or a search order before the commencement of proceedings in the Court.

(4) In an application under paragraph (3), the Court may grant the injunction or search order sought unless the Court is not satisfied that it has or would assume jurisdiction in the intended proceedings.

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(5) An application under paragraph (3) must be made by way of an Originating Application without notice supported by an affidavit stating —

- (a) the urgency of the application;
- (b) why the party against whom the injunction or search order is sought should not be informed about the application;
- (c) the merits of the application; and
- (d) why the Court has and should assume jurisdiction in the intended proceedings.

(6) In an application under paragraph (3), the Court may order the applicant not to serve the injunction or the search order on anyone until after the commencement of proceedings in the Court.

(7) An applicant for an injunction or a search order has the duty to disclose to the Court all material facts that the applicant knows or reasonably ought to know, including any matter that may affect the merits of the applicant's case adversely.

(8) A local injunction prohibiting the disposal of assets in Singapore must be in Form 30.

(9) A worldwide injunction prohibiting the disposal of assets worldwide must be in Form 31.

(10) A search order must be in Form 32.

**Detention, preservation, etc., of subject matter of action  
(O. 18, r. 2)**

2.—(1) If any property is the subject matter of or may give rise to issues in an action, the Court may order —

- (a) the detention, custody or preservation of that property;
- (b) the inspection of that property if it is in the possession or control of a party;
- (c) any sample of that property to be taken;
- (d) any experiment or examination to be conducted on that property; or

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- (e) the sale of any such movable property, if —
- (i) that property is perishable;
  - (ii) that property is likely to diminish in value; or
  - (iii) it is desirable to sell that property for any other reason.

(2) The Court may authorise any person to enter upon any immovable property in the possession or control of a party to effect any order made under paragraph (1)(a) to (d).

(3) Where there is a dispute as to the right of any party to a specific fund, the Court may order the fund to be paid into Court or otherwise secured.

(4) An application for an order under this Rule must be made by way of a summons supported by a witness statement.

(5) Order 24 applies to a sale of movable property under this Rule with necessary modifications.

### **Transfer or handing over of property held as security (O. 18, r. 3)**

3. Where there is a claim for the recovery of any property held as security, the Court may order the property to be handed over or transferred to the claimant before the substantive hearing or trial of the case if —

- (a) the claimant's title to the property is not in dispute; and
- (b) the claimant pays into Court or provides security for the value of the property or the value of the claim for which the property is held as security, whichever is the lower.

### **Use of property for income before substantive hearing or trial (O. 18, r. 4)**

4. Where the claim involves any property which is capable of generating income, the Court may order that —

- (a) the property be used for that purpose before the substantive hearing or trial of the case, and that the income be kept in

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an account or be distributed or used for any appropriate purpose; or

- (b) any part of any movable property be transferred or delivered to all or any of the parties who have an interest in the property.

**Sale and dealings with immovable property before substantive hearing or trial (O. 18, r. 5)**

5.—(1) Where any immovable property is in issue in any proceedings, the Court may order the immovable property to be sold or dealt with in any manner that is appropriate before the substantive hearing or trial of the case.

(2) The Court may give such directions as it thinks fit for the purpose of effecting the sale of or dealing with the immovable property, including directions on —

- (a) the valuation of the immovable property;
- (b) the minimum price and terms of sale;
- (c) the method of sale;
- (d) the appointment and remuneration of a sales agent; and
- (e) the appointment and remuneration of an advocate and solicitor to effect the sale and transfer of title or to deal with the property in any other manner.

(3) Order 24 applies to a sale of immovable property under this Rule with necessary modifications.

(4) If an order is made under paragraph (1) for the sale of immovable property, and the Court has directed payment of the purchase money into Court —

- (a) the result of the sale must be certified in Form 33 —
  - (i) in the case of a sale by public auction — by the auctioneer who conducted the sale; and
  - (ii) in any other case — by the solicitor of the party or person having the conduct of the sale;

- (b) the Court may require the certificate to be verified by a witness statement of the auctioneer or solicitor, as the case may be; and
- (c) the certificate and witness statement (if any) must be filed in Court.

### **Interim payments (O. 18, r. 6)**

6.—(1) In this Rule, “interim payment” means any payment before a substantive hearing or trial on account of any amount that a defendant may be held liable to pay to the claimant, excluding costs of the action.

(2) A defendant may make interim payment to the claimant on the defendant’s own accord.

(3) A claimant may apply for interim payment to be made by one or more of the defendants and the claimant’s witness statement must state —

- (a) the amount of the claimant’s claim;
- (b) whether the defendant has admitted liability or has been found liable for any part of the claim, and if not, why the claimant believes that the claimant has a strong case against the defendant; and
- (c) why the claimant requires interim payment to be made at this stage of the proceedings.

(4) The Court may order interim payment of any amount to be made after taking into consideration all the factors mentioned in paragraph (3), any contributory negligence, set-off or counterclaim that the defendant has relied on and the defendant’s ability to make the interim payment.

(5) The Court may order interim payment to be made in instalments or at periodic intervals.

(6) The Court may allow a second or subsequent application for interim payment to be made if there is a material change in circumstances.



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(7) The fact that an interim payment has been made on the defendant's own accord or by order must not be disclosed to the trial Judge until after all issues on liability and on the amount of claim have been decided, unless the defendant consents or the Court so directs.

(8) If the Court dismisses the claim, the Court must order the claimant to repay the defendant the amount paid in interim payment, with or without interest.

(9) If the Court gives judgment for an amount less than the amount paid in interim payment, the Court must order the claimant to repay the defendant the excess paid, with or without interest on the excess paid.

(10) If the Court gives judgment for an amount which is more than the amount paid in interim payment, the Court must take into account the interim payment paid.

### **Receivers (O. 18, r. 7)**

7.—(1) The Court may appoint a receiver at any time where appropriate.

(2) The Court may give directions on —

- (a) the duties and the powers of the receiver;
- (b) the form and the amount of any security to be given by the receiver for the proper discharge of the duties;
- (c) when and how often the accounts should be submitted to the Court and to the relevant parties; and
- (d) the remuneration of the receiver.

(3) If the receiver fails to discharge the receiver's duties properly, the Court may —

- (a) terminate the appointment of the receiver;
- (b) disallow any part of the remuneration;
- (c) order that all or part of any security given be forfeited;
- (d) appoint a new receiver; and

- (e) make orders relating to any property in the possession or control of the former receiver.

### **Order for early trial (O. 18, r. 8)**

8. The Court may order an early trial or hearing of the action instead of making an order on any application under Rules 1 to 7.

## ORDER 19

### PRE-TRIAL PREPARATION

#### **General matters (O. 19, r. 1)**

1.—(1) Unless the Court otherwise directs, and in addition to the requirements in Order 9, Rule 4(3), this Order applies where the Court has directed that the proceedings are to lead to a trial of the case.

(2) Despite any Rule in this Order, the Court may make any order or give any direction in relation to the documents to be used at trial.

(3) Order 9, Rule 6 applies to any requirement, order or direction under this Order as it would to a direction under Order 9.

(4) The documents and bundles in this Order must comply with the relevant requirements in Appendix C.

(5) In this Order —

“confidential bundle” refers to the bundle in Rule 7(1);

“core bundle” refers to the bundle in Rule 5(1);

“trial bundle” refers to the bundle in Rule 4(3).

#### **Setting down action for trial (O. 19, r. 2)**

2.—(1) At the appropriate stage, the Court must fix a period within which the claimant is to set down the action for trial.

(2) Where the claimant does not, within the period fixed under paragraph (1), set down the action for trial, the defendant may set the action down for trial or may apply to the Court to dismiss the action and, on the hearing of any such application, the Court may order the

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action to be dismissed accordingly or make such order as it thinks just.

(3) The party setting down an action for trial must file a notice for setting down an action for trial in Form 34.

(4) The notice for setting down an action for trial must state the length of the trial and the trial dates, and specify the witnesses (if any) for each party.

(5) The notice for setting down an action for trial must be served on all other parties to the action within 24 hours after the date on which the notice is filed.

### **Opening statement (O. 19, r. 3)**

**3.—**(1) At least 7 days before trial is to commence, each party must file and provide to the Registry and all other parties an opening statement and a bundle of any authorities referred to in the opening statement.

(2) The opening statement may not exceed 20 pages (including any annexes and appendices, but excluding any cover and backing pages).

(3) Where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court may impose costs or other sanctions against the relevant person.

### **Trial bundle (O. 19, r. 4)**

**4.—**(1) At least 7 days before trial is to commence —

(a) the claimant must provide to the Registry a hard copy for each member of the coram and a soft copy of the trial bundle; and

(b) if the claimant is represented by counsel, the claimant's counsel who has conduct of the trial must at the same time provide an undertaking to the Court in Form 35.

(2) A party who has possession or control of originals of documents contained in the trial bundle must make them available at the trial in the event that the Court wishes to refer to the originals or any other

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party wishes to rely on or refer to the originals and the Court so orders.

(3) Subject to paragraph (4), the trial bundle should include a copy of the documents below in the following volumes:

- (a) Volume 1 — Originating Application, the Claimant’s Statement, Defendant’s Statements, and the List of Issues and Trial Timetable stated in Order 9, Rule 4;
- (b) Volume 2 — Pleadings;
- (c) Volume 3 — Witness statements of witnesses of fact to be relied on in the trial, excluding all exhibits;
- (d) Volume 4 — All documents that will be relied on or referred to in the trial by any party, including any documents that are exhibited to the witness statements of any witnesses of fact or that are required by any other part of these Rules;
- (e) Volume 5 — Witness statements of expert witnesses to be relied on in the trial, including any expert report, but excluding all exhibits or annexures to any expert report;
- (f) Volume 6 — All documents exhibited or annexed to any expert report.

(4) Where the Court has ordered that the claim is to be decided by the memorials adjudication track, paragraph (3) applies with such modifications as the Court directs.

(5) Where the trial bundle contains —

- (a) a document that is not fully legible, it must include immediately after that document a transcription of that document; and
- (b) a document that is in a language other than English, a translation by a person competent to do so must be provided immediately after that document.

(6) The trial bundle should not contain —

- (a) different copies of the same document, unless the difference may be material to an issue in dispute, in

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which case each copy in the trial bundle should clearly be marked with its source; or

- (b) documents that have been ordered to be expunged.

**Core bundle (O. 19, r. 5)**

5.—(1) The Court may direct the production of a core bundle, which should include the most important documents from the trial bundle upon which the case will turn or to which repeated reference will have to be made.

(2) Where a direction under paragraph (1) is made, unless the Court grants permission —

- (a) the core bundle must not exceed 250 pages; and
- (b) the claimant must provide to the Registry a hard copy for each member of the coram and a soft copy of the core bundle together with the trial bundle.

**Preparation of trial bundle and core bundle (O. 19, r. 6)**

6.—(1) The claimant is responsible for preparing the trial bundle and any core bundle.

(2) All parties must agree as far as possible on —

- (a) the contents of the trial bundle and any core bundle; and
- (b) the authenticity and admissibility of the documents in Volumes 4 and 6 of the trial bundle.

(3) Despite any disagreement as to any document in the trial bundle or any core bundle, but subject to paragraph (7), the claimant must include the document in the trial bundle or any core bundle.

(4) Where the Court has directed the production of a core bundle, the claimant must seek the Court's directions where the inclusion of any document in paragraph (3) will cause the core bundle to exceed the limit in Rule 5(2)(a).

(5) Within the time ordered by the Court —

- (a) the claimant must provide to all other parties a copy of all draft indices for the trial bundle and any core bundle; and

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- (b) each other party should inform the claimant in writing, copying all other parties, of —
- (i) the scope of the party’s agreement to the issues in paragraph (2); and
  - (ii) any amendments that the party wishes to make to the draft indices.
- (6) Unless the Court determines otherwise, any party who fails to respond under paragraph (5)(b) will be deemed to have agreed —
- (a) to the contents of the trial bundle and any core bundle; and
  - (b) that the documents set out in the claimant’s draft indices to Volumes 4 and 6 of the trial bundle are authentic and admissible.
- (7) The claimant must indicate the scope of any applicable agreement or disagreement in the index of the trial bundle and any core bundle.
- (8) Within the time ordered by the Court —
- (a) the claimant must provide a copy of Volumes 4 and 6 of the trial bundle to the other parties; and
  - (b) each party must provide to the claimant copies of the witness statements of its own witnesses —
    - (i) to be included in Volumes 3 and 5 of the trial bundle; and
    - (ii) that contain cross-references to Volume 4 or 6 of the trial bundle, as the case may be.
- (9) Despite paragraph (1) —
- (a) each party is responsible for preparing the copies of the witness statements of its own witnesses, including any cross-references required in the witness statement, to be included in Volume 3 or 5 of the trial bundle; and
  - (b) the claimant is not required to prepare or to check the cross-references in the witness statements of witnesses for the other parties.

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(10) The Court may impose costs or other sanctions against the relevant person where the Court is of the opinion that costs have been wasted by the inclusion of documents which are irrelevant or unnecessary or by failure to comply with these Rules.

**Confidential bundle (O. 19, r. 7)**

7.—(1) Despite Rule 4(3), the following documents must be contained in a single separate bundle for trial (called in this Rule a confidential bundle):

- (a) unredacted version of documents which the Court has ordered should be redacted on grounds of confidentiality;
- (b) documents which the Court has ordered to be sealed.

(2) The documents in paragraph (1) may only be included in the confidential bundle if it is permissible and necessary to refer to the documents at trial.

(3) Each document in the confidential bundle must be represented in the trial bundle by a separate holding page, which must state the basis for the redaction or sealing; and be cross-referenced to the confidential bundle.

(4) To avoid doubt, despite paragraph (3), Rule 6(2)(b) and (6)(b) applies to the actual document that the holding page refers to.

(5) Rules 4 and 6 (excluding Rules 4(3) and 6(2)(b), (4) and (6)(b)) apply to the confidential bundle as they apply to the trial bundle.

(6) When the claimant provides the confidential bundle to the Registry, the claimant must at the same time —

- (a) inform the Registry in writing that the confidential bundle contains documents ordered to be redacted or sealed, specifying the basis for the redaction or sealing; and
- (b) request that the Registry seal the confidential bundle in the electronic case file and keep the hard copies from public inspection.

(7) This Rule does not apply where the Court has ordered that the entire case file is to be sealed.

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**Provision of bundles (O. 19, r. 8)**

8. Unless the Court grants permission, no party may rely at trial on any bundle not mentioned in this Order.

**Provision of identical bundle (O. 19, r. 9)**

9. Any party who provides to the Registry or the Court any bundle for trial must provide an identical bundle —

- (a) at the same time to every other party, unless the bundle has previously been provided to the other party; and
- (b) at trial for the use of the witnesses.

**ORDER 20****TRIALS, HEARINGS, JUDGMENTS AND ORDERS****Hearings in open Court and in chambers (O. 20, r. 1)**

1.—(1) Subject to any written law —

- (a) all trials must be heard in open Court, unless an order has been made under Order 16, Rule 9(1)(a) that the case be heard in private; and
- (b) all hearings other than trials must be heard in chambers.

(2) The Court may at any time order any matter which is to be heard in chambers to be heard in open Court and order any matter which is to be heard in open Court to be heard in chambers.

(3) As a general rule, attendance at hearings in chambers is restricted to the parties (if they are not legally represented) or to their counsel (if they are legally represented).

(4) The Court may allow any person to attend any hearing in chambers subject to space, security and the interests of justice.

(5) All parties and any persons in Court or in chambers must comply with Appendix C and any other directions of the Court on attire, conduct, use of electronic and other devices or any other matter in relation to trials and hearings.



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**Attendance of parties (O. 20, r. 2)**

2.—(1) All parties must attend the hearing of any matter in person (if they are not legally represented) or by counsel (if they are legally represented).

(2) The Court may dispense with the attendance of the parties or their counsel (as the case may be) and decide any matter after reading the documents filed without the need for oral arguments, except for the following matters:

- (a) where oral evidence is given at any part of the proceedings (including any part of a trial of an action), unless all the parties consent;
- (b) where the hearing of the matter is required under written law or an order of Court to be advertised or published in any newspaper or the *Gazette*.

(3) The Court may, in any matter that it may decide without hearing oral arguments, direct that the matter be heard in an asynchronous manner except where to do so would be inconsistent with the Court's duty to ensure that the proceedings are conducted fairly to all parties.

(4) Where the parties in any matter inform the Registrar in writing that they have resolved the matter and state the agreed terms of any order or withdrawal, the Court may dispense with the attendance of the parties and record the order or withdrawal in the agreed terms and the Registrar must inform the parties accordingly.

**Attendance of witnesses (O. 20, r. 3)**

3.—(1) This Rule applies to trials and hearings other than trials where the Court has granted permission for witnesses to attend and give evidence orally.

(2) The parties may request the Registrar by letter to issue an order to attend court or an order to produce documents in Form 36 to any witness, stating whether the witness is to give oral evidence or to produce documents or both.

(3) The order to attend court or the order to produce documents must state the requesting party and whether the witness is to give oral evidence or to produce documents or both.

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(4) Subject to paragraph (11), an order to attend court or an order to produce documents must be served by the requesting party on the witness by personal service in Singapore at least 28 days before the hearing.

(5) A person who has been served with an order to attend court or an order to produce documents may, within 14 days after being served, apply to set aside the order by way of a summons supported by a witness statement.

(6) An order to attend court or an order to produce documents continues to have effect until the conclusion of the hearing.

(7) A witness served with an order to produce documents need not attend court personally if the witness ensures that all the documents required are produced in accordance with the order to produce documents.

(8) A witness who complies with an order to attend court or an order to produce documents is entitled to claim reasonable compensation for the witness's time and expenses in complying with the order from the requesting party.

(9) If the witness is a person confined in a prison, the requesting party must include in the requesting party's letter the name of the prison the witness is confined in, the reasons for requiring the witness to attend court and an undertaking to pay upon request the costs to be incurred by the prison in complying with the order to attend court.

(10) An order to attend court addressed to a person confined in prison is to include the following words:

“This order to attend court is sufficient authority as an order under section 38 of the Prisons Act for the Superintendent to produce the named person in Court at the time and place stated.

The requesting party undertakes to pay upon request the costs to be incurred by the prison in complying with the order to attend court.”.

(11) Unless the Court otherwise directs, the order to attend court in paragraph (10) may be served on the Superintendent of the prison by

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ordinary service and must be served at least 14 days before the hearing.

(12) Unless the Court otherwise directs, a witness, who is not a party, who has not given evidence must remain outside the Courtroom until the witness is called into Court.

(13) A person must take an oath or make an affirmation according to the practice of the Court before the person gives evidence in Court.

(14) A witness who has given evidence may remain in or leave the Courtroom.

### **Trials and hearings generally (O. 20, r. 4)**

4.—(1) If none of the parties or their counsel (as the case may be) attends court when the hearing begins, the Court may dismiss the matter.

(2) If any party or any party's counsel (as the case may be) does not attend court when the hearing begins, the Court may proceed with the hearing, give judgment against or dismiss the claim of the absent party or make any other appropriate order.

(3) Upon the application by any party within 14 days after any order made under paragraph (1) or (2), the Court may set aside such order on such terms as the Court thinks just.

### **Trials (O. 20, r. 5)**

5.—(1) The Court has control over the conduct of all trials, and may give the appropriate directions before or during the trial, including but not limited to —

- (a) identifying or limiting the issues to which factual evidence may be directed;
- (b) identifying the witnesses who may be called or whose evidence may be read;
- (c) the exchange of written closing submissions; and
- (d) the making of oral closing submissions.

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(2) A witness statement may not be used if the maker does not attend court for cross-examination unless the parties otherwise agree or the Court orders.

(3) Without affecting paragraph (1) —

- (a) the opening statements and witness statements need not be read out in Court;
- (b) the claimant and the claimant's witnesses may give evidence;
- (c) the defendant and any other parties may cross-examine the claimant and the claimant's witnesses;
- (d) when the claimant and the claimant's witnesses have completed giving their evidence, subject to sub-paragraph (f), the defendant and the defendant's witnesses may give evidence;
- (e) the claimant and any other parties may cross-examine the defendant and the defendant's witnesses; and
- (f) at the conclusion of the claimant's case, the defendant may make a submission of "No case to answer" in that the evidence in the claimant's case has not made out a case requiring the defendant to make the defendant's defence if the following conditions are fulfilled:
  - (i) the defendant will not be giving evidence by himself or herself or through the witnesses even if the Court rules against the defendant;
  - (ii) the defendant does not have a counterclaim arising out of substantially the same facts as the claimant's case or, if the defendant has such a counterclaim, the defendant withdraws it;
  - (iii) if there are more than one defendant and not all the defendants make the submission of "No case to answer" and the Court decides not to rule immediately on the submission of "No case to answer", the defendant who makes the submission cannot rely on or make any submission on the

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evidence given by any other party and cannot cross-examine any party or witness who gives evidence after the submission was made;

- (iv) the defendant who makes the submission of “No case to answer” may rely on the evidence of the defendant’s expert and any other expert if those experts have already given evidence as a panel of experts during the claimant’s case;
- (v) the defendant who makes the submission of “No case to answer” and is unsuccessful may make submissions on the costs of the action.

### **Hearings other than trials (O. 20, r. 6)**

**6.—**(1) Where the Court in hearings other than trials is of the view that there are disputes of facts in the witness statements, the Court may order the following:

- (a) the parties to file and serve further witness statements;
- (b) the makers of the witness statements to be cross-examined;
- (c) a modification of the adjudication track under Order 4, Rule 6(3);
- (d) any other appropriate order.

(2) If the Court makes an order under paragraph (1)(b), but the witness in question does not attend as required by the order to be cross-examined, the witness’s evidence may not be used unless the Court grants permission for its use.

(3) If the Court makes an order under paragraph (1)(b), the Court has control over the conduct of the cross-examination and may give the appropriate directions before or during the cross-examination, including but not limited to —

- (a) identifying or limiting the issues to which factual evidence may be directed; and
- (b) identifying the witnesses who may be called or whose evidence may be read.

(4) Any party —

- (a) filing a witness statement intended to be used by the party in any hearing other than trial; or
- (b) intending to use in any such hearing any witness statement filed in previous proceedings,

must serve the witness statement on every other party or (as the case may be) give notice of his or her intention to do so.

### **Questions and inspection by Court (O. 20, r. 7)**

7.—(1) The Court may ask a witness any question that the Court considers necessary at any time but must allow the parties to ask the witness further questions arising out of the Court's questions.

(2) The Court may inspect any place or thing with respect to which any question arises in the cause or matter. All expenses in relation to such inspection are costs in the proceedings.

### **Exhibits of hearings (O. 20, r. 8)**

8.—(1) The Court must maintain a record of any physical exhibit tendered in evidence and kept with the Court.

(2) The Court may direct that any physical exhibit which is bulky, perishable or requires special security or treatment be kept in the custody of the party who tendered it or his or her counsel and may direct that a photograph of that exhibit be tendered in Court.

(3) Exhibits kept with the Court may be returned to the relevant parties after the time for appealing has expired or after any appeal has been decided.

(4) Where the Court has given the relevant parties at least 14 days' notice to take back their exhibits and they fail to do so, the Court may dispose of the exhibits and any costs incurred in such disposal must be paid by the relevant parties.

### **Record of hearings (O. 20, r. 9)**

9.—(1) The Court must maintain an official record of every hearing.

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(2) In a hearing where an audio recording system approved by the Registrar is used, the audio recording is the official record of the hearing.

(3) In a hearing where an audio recording system is not used, the notes of proceedings, recorded in any manner that the Registrar or the Court may determine, are the official record of the hearing.

(4) A party may apply for a certified transcript of the official record of the hearing upon payment of the relevant fees.

(5) The official record of the hearing must be kept for 5 years beginning from the last day of the hearing.

(6) The costs of producing a certified transcript of the official record of hearing may be claimed as an item of disbursement unless ordered otherwise by the Court.

(7) A transcript of the official record of hearing must be certified in such manner as the Registrar may determine.

### **Delivery of Court's judgment and consequential orders (O. 20, r. 10)**

**10.**—(1) The Court may give its judgment in any matter whether heard in open Court or in chambers —

(a) orally at the conclusion of the hearing or on a subsequent date with the parties present; or

(b) in writing at the conclusion of the hearing or on a subsequent date with or without the parties present.

(2) The parties are entitled to a copy of the judgment in writing upon payment of the relevant charges.

(3) The Court may give such further orders or directions incidental or consequential to any judgment or order or withdrawal that it considers appropriate.

### **Judgments and orders generally (O. 20, r. 11)**

**11.**—(1) An order takes effect from the day that it is made unless the Court orders otherwise.

(2) Unless ordered otherwise, any order is deemed to require immediate compliance.

(3) By the consent of all the parties, the Court may vary or set aside an order after it has been made.

(4) The Court may, on such terms as it thinks just, set aside or vary a default judgment, a judgment or an order made in an application without notice, or a judgment or an order made in the absence of a party to the proceedings.

### **Preparation of orders (O. 20, r. 12)**

**12.**—(1) Unless the Court orders otherwise, all orders must be drawn up and filed in Court except orders granting an extension of time or permission to amend any document.

(2) All orders must be in Form 37.

(3) The party who takes out an application must draw up the order whether or not the outcome of the application is in that party's favour.

(4) Where a party takes out more than one application and the applications are heard together, that party must draw up only one order for all the applications.

(5) Where more than one application taken out by separate parties are heard together, only one order for all the applications must be drawn up and the parties are to agree on who is to do so, failing which the Court's directions may be sought.

(6) The party who is required by this Rule to draw up the order must send a draft of the order to the counsel (if any) of all other parties within 14 days after the order is made and if that party fails to do so, the other parties may draw it up.

(7) The counsel of the other parties must respond to the draft with their consent or their amended draft within 2 days, failing which they are deemed to consent to the draft.

(8) Where there is a dispute on the terms of the draft, the party who drew up the order may write to the Court to resolve the dispute and the letter must set out the areas of dispute.



(9) The Court may decide on the dispute on the terms of the draft without the attendance of the parties or fix an appointment to hear the parties on the dispute.

(10) Where the other party has no counsel, the draft of the order is to be submitted to the Registrar.

(11) If the party who takes out an application fails to comply with paragraph (6), any other party may draw up the order and seek the Court's directions on costs.

### **Redaction and prohibition of inspection or copying of judgments or orders (O. 20, r. 13)**

**13.—**(1) The Court may, for the purposes of publication, redact any judgment or order in the interests of justice or where the judgment or order was made in hearings which were conducted in private pursuant to an order made under Order 16, Rule 9(1)(a) or any other written law.

(2) The Court may direct that no person, other than the parties, may inspect or take copies of any judgment or order in the interests of justice or where the judgment or order was made in hearings which were conducted in private pursuant to an order made under Order 16, Rule 9(1)(a) or any other written law.

### **Interest on money payable under orders (O. 20, r. 14)**

**14.—**(1) Except when it has been otherwise agreed between the parties, every debt under an order carries interest at the rate of 5.33% per year or at such other rate not exceeding the rate aforesaid as the Court directs, such interest to be calculated from the date of order until the order is satisfied.

(2) Where instalment payments are allowed by the Court, interest is calculated from the date that each instalment is due until the date of payment.

(3) Where part payments are made on money payable under an order, they are used to reduce the principal amount due before interest.

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**Death of party (O. 20, r. 15)**

15. Where a party to any matter dies after the matter has been heard but is not decided yet, judgment may be given despite the death, but this must not be taken as affecting the power of the Court to make an order under Order 10, Rules 6(3) and 18 before giving judgment.

**Death or incapacity of Judge or Registrar (O. 20, r. 16)**

16.—(1) Where a Judge or Registrar who has heard a matter has not given his or her decision or who has heard part of a matter passes away or becomes incapable of giving his or her decision or continuing with the hearing for any reason, another Judge or Registrar may take over and give his or her decision based on the earlier hearing or continue with the hearing, if all the parties consent.

(2) The Judge or Registrar who takes over the matter may recall any witness to give evidence and also order the parties to make further submissions.

(3) If the parties do not consent under paragraph (1), the matter must be heard anew by another Judge or Registrar.

**Assessment of damages or value and taking of accounts (O. 20, r. 17)**

17.—(1) In these Rules, “damages” includes value of movable and immovable property and amounts due on taking of accounts.

(2) The Court must give judgment on liability and on the amount of damages if the hearing was not ordered to be bifurcated.

(3) If the hearing was ordered to be bifurcated, when the Court gives judgment on liability, it may give directions on the assessment of damages and proceed subsequently to assess damages or order the Registrar to assess damages.

(4) Where damages are in respect of any continuing cause of action, they must be assessed until the date of decision in the assessment.

(5) Where the damages are for amounts due on taking of accounts, the Court must give the appropriate directions for the taking of accounts and proceed subsequently with the taking of accounts or order that such taking of accounts proceed before the Registrar.

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ORDER 21  
APPEALS  
*GENERAL*

**General matters (O. 21, r. 1)**

1.—(1) This Order is subject to any written law on the right to appeal and any requirement to apply for permission to appeal.

(2) Part 1 concerns appeals from the Registrar to a Judge.

(3) Part 2 concerns appeals from the Court to the Court of Appeal.

**Meaning of applications in proceedings (O. 21, r. 2)**

2.—(1) Subject to paragraph (2), in this Order, applications in proceedings include any application —

(a) taken out after the proceedings are commenced;

(b) made for any consequential or incidental matter after judgment is given in the trial or the hearing on the merits of the proceedings; and

(c) for the enforcement of the judgment or order.

(2) Applications in proceedings exclude —

(a) any application taken out or heard during the trial or the hearing on the merits of the proceedings; and

(b) any application for contempt of court.

**One appeal for each application (O. 21, r. 3)**

3.—(1) Each party is allowed to file only one appeal for each application in proceedings unless the Court orders otherwise.

(2) Where several applications in proceedings are heard together, each party may file one appeal in respect of all the applications which are heard together.

**When time for appeal starts to run (O. 21, r. 4)**

4.—(1) Unless the Court orders otherwise, the time for the filing of an appeal and for the filing of an application for permission to appeal

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against any order made on an application in proceedings starts to run after the date of the order.

(2) Unless the Court orders otherwise, the time for the filing of an appeal and for the filing of an application for permission to appeal against any order made on the trial or the hearing on the merits of the proceedings, the assessment of damages or taking of accounts, or an application for contempt of court starts to run after the date of the order.

### **Permission to intervene (O. 21, r. 5)**

**5.—**(1) A person who is not a party in the appeal may apply to intervene in the appeal with the permission of the appellate Court.

(2) The application for permission to intervene and the supporting witness statement must be filed and served on all parties to the appeal.

(3) The supporting witness statement must set out the applicant's interest in the appeal.

(4) The appellate Court may impose conditions when it grants permission to intervene, including ordering the intervening party to provide security for costs to all or any of the parties in the appeal.

### **Stay of enforcement, etc. (O. 21, r. 6)**

**6.—**(1) Except so far as the lower Court or the appellate Court may otherwise direct, an appeal does not operate as a stay of enforcement or of proceedings under the decision of the lower Court.

(2) Except so far as the appellate Court may otherwise direct, no intermediate act or proceeding is to be invalidated by an appeal.

(3) On an appeal, interest for such time as enforcement has been delayed by the appeal is to be allowed unless the lower Court or the appellate Court orders otherwise.

### **Expedited appeal (O. 21, r. 7)**

**7.—**(1) If the appeal is urgent or there is a special reason, the lower Court or the appellate Court may order an expedited appeal upon any party's application or on its own accord.

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(2) In an expedited appeal, the lower Court or the appellate Court may dispense with compliance with any provision of these Rules or modify them for the purposes of the appeal.

**Absence of parties (O. 21, r. 8)**

**8.**—(1) If the appellant fails to appear either in person or by the appellant’s counsel at the hearing of the appeal, the appeal may be dismissed.

(2) If the appellant or the appellant’s counsel appears and any respondent fails to appear either in person or by the respondent’s counsel at the hearing of the appeal, the appeal may proceed in the absence of such respondent.

(3) The appellate Court may restore the appeal for rehearing upon the application of the absent party who must file and serve any such application on all parties in the proceedings within 14 days after the dismissal or hearing of the appeal and who must show good reason for the absence.

*PART 1*  
*APPEALS FROM REGISTRAR TO A JUDGE*  
*IN PROCEEDINGS IN COURT*

**Bringing of appeal (O. 21, r. 9)**

**9.**—(1) A party who intends to appeal against an order of the Registrar must file and serve on all parties in the proceedings a notice of appeal in Form 38 within 14 days after the date of the Registrar’s decision.

(2) Any appeal against an order of the Registrar is to proceed before a Judge in Chambers by way of a rehearing on the documents filed by the parties before the Registrar.

**Written judgment by Registrar (O. 21, r. 10)**

**10.**—(1) The Registrar may give a summary of the points decided without the need for a written judgment.

(2) The Registrar may issue written grounds of decision after being notified of an appeal against the Registrar’s decision.

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**Documents to be filed (O. 21, r. 11)**

11.—(1) No further evidence may be admitted unless the appellate Court orders otherwise.

(2) Unless the appellate Court orders otherwise, within 14 days after a notice of appeal is filed and served in accordance with Rule 9(1), the parties to the appeal must file and serve on all other parties written submissions stating why the Registrar's order is to be upheld, set aside or varied.

(3) Unless the appellate Court orders otherwise, there must not be more than one set of written submissions limited to 35 pages for each party or set of parties represented by the same counsel.

**Further arguments (O. 21, r. 12)**

12.—(1) A request to the appellate Court for further arguments from the parties after it has heard the appeal and reserved its decision, or after it has given its decision on the appeal, must be made by letter to the Registry and served on all parties to the appeal.

(2) If the request under paragraph (1) is made after the appellate Court has given its decision on the appeal, it must be made within the time provided in section 29B(2) of the Supreme Court of Judicature Act.

(3) A request made under paragraph (1) must set out the proposed arguments briefly and include a copy of any authority cited.

(4) The Registry must inform the requesting party within 14 days after receiving the request whether the appellate Court requires further arguments.

(5) If the Registry does not inform the requesting party as stated in paragraph (4), it is deemed that the appellate Court does not require further arguments.

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*PART 2*  
*APPEALS FROM COURT TO*  
*COURT OF APPEAL*

**Definitions (O. 21, r. 13)**

**13.** In this Part —

“bundle of authorities” means a compilation of authorities for the appeal, including case authorities, statutes and law journal articles;

“core bundle of documents” means a certified copy of the judgment or grounds of decision of the lower Court, the extracted order of the lower Court, a compilation of the whole or part of the documents that are essential to the appeal and an index cross-referencing each document to the record of appeal;

“record of appeal” means the order granting permission to appeal (if any), the notice of appeal, the certificate for security for costs, the record of proceedings, the witness statements of evidence-in-chief or affidavits of evidence-in-chief (if any), and all documents filed in the lower Court (so far as are relevant to the matter decided and the nature of the appeal);

“record of proceedings” means a certified copy of the judgment or grounds of decision (if any) of the lower Court, the extracted order of the lower Court, and the certified transcript of the official record of hearing taken at the hearing of the cause or matter;

“second core bundle” means a compilation of the whole or part of the documents not included in the appellant’s or respondent’s core bundle of documents which are essential to the appeal and an index cross-referencing each document to the record of appeal;

“trial” or “hearing on the merits of the proceedings” includes the hearing on the merits of an Originating Application or any other originating process by whatever name called (as the

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case may be), including all applications taken out or heard during the trial or hearing on the merits of the proceedings.

### **Bringing of appeal (O. 21, r. 14)**

**14.**—(1) A notice of appeal may be filed to the Court of Appeal in respect of either the whole or any specified part of an order of the Court. Every notice of appeal must state whether the whole or part only (and if so, what part) of the order the appeal is in respect of.

(2) A party who intends to appeal against the order of the Court hearing any application in proceedings, or any appeal in relation to such application, must file and serve on all parties in the proceedings a notice of appeal in Form 38 —

(a) within 14 days after the time for appealing starts to run under Rule 4; or

(b) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act — within 14 days after the date mentioned in section 29B(4)(b) of that Act.

(3) A party who intends to appeal against an order of the Court made on the trial or the hearing on the merits of the proceedings, the assessment of damages or taking of accounts, or an application for contempt of court must file and serve on all parties in the proceedings a notice of appeal in Form 38 —

(a) within 28 days after the date of the lower Court's order; or

(b) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act — within 28 days after the date mentioned in section 29B(4)(b) of that Act.

(4) The Court of Appeal may, on the appellant's application made at any time, extend the time for filing and serving the notice of appeal and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.



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**Further arguments (O. 21, r. 15)**

**15.**—(1) A request to the Court for further arguments from the parties after it has heard an application in the exercise of the original civil jurisdiction and reserved its decision, or after it has given its decision on the application, must be made by letter to the Registry and served on all parties to the application.

(2) If the request under paragraph (1) is made after the Court has given its decision on the application, it must be made within the time provided in section 29B(2) of the Supreme Court of Judicature Act.

(3) A request made under paragraph (1) must set out the proposed arguments briefly and include a copy of any authority cited.

(4) The Registry must inform the requesting party within 14 days after receiving the request whether the Court requires further arguments.

(5) If the Registry does not inform the requesting party as stated in paragraph (4), it is deemed that the Court does not require further arguments.

**Permission to appeal (O. 21, r. 16)**

**16.**—(1) Where permission to appeal against a decision is required, subject to paragraphs (2), (3) and (4) and any written law, a party must apply for such permission from the Court of Appeal and file and serve the application and the documents mentioned in paragraph (5) on all parties in the proceedings within 14 days after the time for filing of an application for permission to appeal starts to run under Rule 4.

(2) Where permission to appeal against a decision is required, the Judge who made the decision may hear further arguments in respect of the decision if any party to the hearing, or the Judge, requests for further arguments pursuant to section 29B of the Supreme Court of Judicature Act before the earliest of the following:

- (a) the time at which the judgment or order relating to the decision is extracted;
- (b) the 15th day after the date on which the decision is made;

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- (c) the time at which an application for permission to appeal against the decision is filed.
- (3) If a request for further arguments in respect of a decision has been made under paragraph (2) —
- (a) an application for permission to appeal against the decision may not be filed against the decision until the Judge —
- (i) affirms, varies or sets aside the decision after hearing further arguments; or
- (ii) certifies, or is deemed to have certified, that no further arguments are required; and
- (b) the party seeking to apply for permission to appeal must file and serve the application for permission to appeal against the decision, and the documents mentioned in paragraph (5), within 14 days after the date the Judge —
- (i) affirms, varies or sets aside the decision after hearing further arguments; or
- (ii) certifies, or is deemed to have certified, that no further arguments are required.
- (4) To avoid doubt, paragraphs (2) and (3) do not affect section 29B of the Supreme Court of Judicature Act.
- (5) A party applying for permission under this Rule —
- (a) must, at the time of filing the application, file written submissions and any accompanying bundle of authorities; and
- (b) may, at the time of filing the application, file a bundle of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and witness statements.
- (6) A party who wishes to oppose an application for permission under this Rule —
- (a) must file and serve written submissions and any accompanying bundle of authorities; and

- (b) may, together with the written submissions mentioned in sub-paragraph (a), file and serve a bundle of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and witness statements,

within 14 days after the application, written submissions, any accompanying bundle of authorities and bundle of documents mentioned in paragraph (5) are served on the party.

(7) The written submissions are subject to a page limit of 15 pages, unless the Court of Appeal orders otherwise.

(8) The bundle of documents is subject to a page limit of 25 pages.

(9) There must be only one set of submissions for each party or set of parties represented by the same counsel unless the Court of Appeal orders otherwise.

(10) No witness statement is to be filed in an application for permission to appeal without the permission of the Court of Appeal.

(11) No oral arguments are to be made in an application for permission to appeal unless the Court of Appeal orders otherwise.

(12) Where permission to appeal is granted, the applicant must file and serve on all parties in the proceedings the notice of appeal in Form 38 within 14 days after the date of the decision granting permission.

(13) The Court of Appeal may extend the time for filing and serving an application for permission to appeal.

**Application of domestic Rules of Court as in force before 1 April 2022 to determine timelines for appeal and Originating Application (O. 21, r. 17)**

17.—(1) Despite Order 1, Rule 2(1)(d) and (e), and Rules 9, 14 and 16, and subject to paragraph (2), the domestic Rules of Court as in force before 1 April 2022 continue to apply to the determination of the timelines for the filing of an appeal or an Originating Application to the Court of Appeal, where the judgment or order that is the subject of the appeal or the Originating Application (as the case may be) was given or made before that date.

(2) Where permission is required to appeal against a judgment or an order of the Court given or made before 1 April 2022, and the application for permission to appeal is filed on or after that date, the notice of appeal against the decision of the Court must be filed and served within 14 days after the date on which permission to appeal is granted.

### **Security for costs (O. 21, r. 18)**

**18.**—(1) The appellant must provide security for the respondent's costs of the appeal and file a certificate for security for costs in Form 40 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of counsel).

(4) The security must be —

(a) in the form of a counsel's undertaking in Form 39 which must be filed and served on the respondent;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties,

provided that if security is provided pursuant to sub-paragraph (c), the appellant must inform the Registrar in writing (with all parties to the appeal on copy) of the manner or form in which such security is provided.

(5) Where the appeal is filed against an order of the Court made on an application in proceedings, or any appeal in relation to such application, the appellant must provide security in the amount of \$25,000, unless ordered otherwise.

(6) Where the appeal is filed against an order of the Court made on the trial or the hearing on the merits of the proceedings, the assessment of damages or taking of accounts, or an application for

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contempt of court, the appellant must provide security in the amount of \$54,000, unless ordered otherwise.

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

### **Related appeals (O. 21, r. 19)**

**19.**—(1) Where there are related appeals in the Court of Appeal, the Court of Appeal may give directions for the filing and service of such joint documents as may be appropriate in the circumstances.

(2) The directions in paragraph (1) may be given by the Court of Appeal on its own motion or on the application or request of any party to any of the related appeals.

(3) To avoid doubt, the Court of Appeal may give directions under paragraph (1) even if the related appeals comprise one or more appeal filed against an order of the Court hearing any application in proceedings, or any appeal in relation to such application, and one or more appeal filed against an order of the Court made on the trial or the hearing on the merits of the proceedings, the assessment of damages or taking of accounts, or an application for contempt of court.

### **Documents to be filed where appeal is against decision of Court in relation to application in proceedings (O. 21, r. 20)**

**20.**—(1) This Rule applies in relation to an appeal filed against an order of the Court hearing any application in proceedings, or against an order of the Court hearing any appeal in relation to such application.

(2) The Court may give a summary of the points decided without the need to issue written grounds of decision.

(3) The lower Court must certify within 14 days after the filing of the notice of appeal —

- (a) that it has already issued a written judgment or grounds of decision;
- (b) that it intends to issue written grounds of decision; or

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(c) that the certified transcript of the official record of the hearing sets out its grounds of decision sufficiently, and if it does not do so, it is presumed that no further written grounds of decision will be issued.

(4) If the lower Court certifies under paragraph (3)(b) that it will issue written grounds of decision —

(a) the lower Court must endeavour to do so as soon as it is practicable; and

(b) if no written grounds of decision are issued within 12 weeks after the certification, the appellant must apply in writing to the Registrar to proceed with the appeal.

(5) The appeal is to proceed before the Court of Appeal by way of a rehearing on the documents relied on by the parties before the lower Court.

(6) No documents other than what has been set out in this Rule may be filed unless the Court of Appeal orders otherwise.

(7) The parties to the appeal must file and serve on all parties written submissions (including any bundle of authorities) on why the decision of the lower Court is to be upheld, set aside or varied in accordance with the following timelines:

(a) where the lower Court certifies under paragraph (3)(a) that it has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the lower Court;

(b) where the lower Court certifies under paragraph (3)(b) that it intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision is ready for collection;

(c) where the lower Court certifies under paragraph (3)(c) that the certified transcript of the official record of the hearing sets out its grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the lower Court;

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- (d) where it is presumed under paragraph (3) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;
  - (e) where the appellant has applied in writing to proceed with the appeal under paragraph (4)(b), within 14 days after the Registrar notifies that the appeal is to proceed.

(8) The written submissions for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the Court of Appeal orders otherwise, are subject to a page limit of 35 pages.

(9) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file separate written submissions but should ensure that that party's position is explained in one of the written submissions filed.

(10) Unless the Court of Appeal orders otherwise, there must not be more than one set of written submissions for each party or set of parties represented by the same counsel.

(11) Where the appellant fails to file and serve the written submissions within the specified time, the appeal is deemed withdrawn unless the Court of Appeal orders otherwise.

(12) Where the respondent fails to file and serve the written submissions within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the Court of Appeal orders otherwise.

(13) All parties to 2 or more related appeals must try to agree on filing a single set of written submissions for each party and on the timelines for such filing.

(14) Where the parties have agreed as mentioned in paragraph (13), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the Court of Appeal.

(15) Where the parties are unable to agree as mentioned in paragraph (13), they must request in writing a case conference before the Court of Appeal or seek directions from the Court of Appeal.

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**Documents to be filed where appeal is against decision of Court made on trial or hearing on merits of proceedings, etc.****(O. 21, r. 21)**

**21.**—(1) This Rule applies in relation to an appeal filed against an order of the Court made on the trial or the hearing on the merits of the proceedings, the assessment of damages or taking of accounts, or an application for contempt of court.

(2) The Court must, if it has not already done so, issue its written grounds of decision after the notice of appeal has been filed.

(3) The Registry must notify the parties when the record of proceedings is ready for collection.

(4) If no written grounds of decision are issued within 12 weeks after the date of the filing of the notice of appeal (or such greater time up to 24 weeks notified to the parties by the Court), the appellant must apply in writing to the Registrar for a copy of the record of proceedings without the written grounds of decision.

(5) The appellant must file and serve —

(a) the record of appeal;

(b) the appellant's Case in accordance with Rule 22;

(c) the appellant's core bundle of documents with the written judgment or grounds of decision of the lower Court (if any) and the extracted order of the lower Court in a separate volume, limited (unless the Court of Appeal orders otherwise) to 55 pages excluding the written judgment or grounds of decision of the lower Court and the extracted order; and

(d) the appellant's bundle of authorities,

within 8 weeks after the date on which the Registry informs the parties that the record of proceedings is available.

(6) Where the appellant fails to file and serve the record of appeal, the core bundle of documents or the appellant's Case within the specified time, the appeal is deemed withdrawn unless the Court of Appeal orders otherwise.



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(7) The respondent must file and serve —

- (a) the respondent's Case in accordance with Rule 22;
- (b) the respondent's core bundle of documents (if necessary), limited (unless the Court of Appeal orders otherwise) to 35 pages; and
- (c) the respondent's bundle of authorities,

within 4 weeks after the appellant serves the documents mentioned in paragraph (5) on the respondent.

(8) Where the respondent fails to file and serve the respondent's Case within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the Court of Appeal orders otherwise.

(9) The appellant must file and serve —

- (a) the appellant's Reply (if any) in accordance with Rule 22;
- (b) the appellant's second core bundle (if necessary), limited (unless the Court of Appeal orders otherwise) to 25 pages; and
- (c) the appellant's second bundle of authorities, if any,

within 2 weeks after the respondent serves the documents mentioned in paragraph (7) on the appellant.

(10) Where there is more than one appellant in an appeal, all the appellants may join in one appellant's Case and in one appellant's Reply.

(11) If there is more than one respondent in an appeal, all the respondents may join in one respondent's Case.

(12) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file a separate Case but should ensure that that party's position is explained in one of the Cases filed.

(13) The appellant and the respondent may seek directions from the Court of Appeal to file a joint Case in special circumstances.

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(14) All parties to 2 or more related appeals to be heard together must try to agree on filing a single Case for each party and on the timelines for such filing.

(15) Where the parties have agreed as mentioned in paragraph (14), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the Court of Appeal.

(16) Where the parties are unable to agree as mentioned in paragraph (14), they must request in writing for a case conference before the Court of Appeal or seek directions from the Court of Appeal.

(17) Where there are 2 or more appeals arising from the same judgment, the parties must file a joint record of appeal.

(18) No document other than what has been set out in this Rule may be filed unless the Court of Appeal orders otherwise.

(19) Only documents that are essential to the appeal may be included in the core bundles of documents.

(20) A respondent must not exhibit duplicate documents in the respondent's core bundle of documents (if any) if such documents have already been included in the appellant's core bundle of documents.

(21) Parties must not include documents that have already been lodged as part of the appeal records, even if these documents are exhibited to different witness statements or affidavits of evidence-in-chief.

(22) The Court of Appeal may impose costs or other sanctions in cases in which it is of the opinion that costs have been wasted by the inclusion of superfluous, irrelevant or duplicate documents.

### **Appellant's Case, respondent's Case and appellant's Reply (O. 21, r. 22)**

**22.—**(1) The appellant's Case is limited to 55 pages (unless the Court of Appeal orders otherwise) and must contain the following:

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- (a) a succinct summary of the facts, the judgment of the lower Court, contentions to be made at the appeal and the orders sought from the Court of Appeal;
  - (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
  - (c) references in the right-hand margin to the relevant pages in the record of appeal and the appellant's core bundle of documents;
  - (d) in the concluding paragraphs of the appellant's Case —
    - (i) submissions on the appropriate costs orders to be made on appeal; and
    - (ii) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
  - (e) the name and signature of the appellant's counsel.
- (2) The respondent's Case is limited to 55 pages (unless the Court of Appeal orders otherwise) and must contain the following:
- (a) a succinct summary of the contentions to be made at the appeal and the orders sought from the Court of Appeal;
  - (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
  - (c) references in the right-hand margin to the relevant pages in the record of appeal and the appellant's or respondent's core bundle of documents, if any;
  - (d) submissions (if any) that an order of the lower Court should be varied in the event that the appeal is wholly or partially allowed, where the respondent has not appealed against the order of the lower Court;
  - (e) submissions (if any) that an order of the lower Court should be affirmed on grounds other than those relied upon by the lower Court;

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- (f) in the concluding paragraphs of the respondent’s Case —
- (i) submissions on the appropriate costs orders to be made on appeal; and
  - (ii) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
- (g) the name and signature of the respondent’s counsel.
- (3) Where the respondent’s Case omits to contain the contents stipulated in paragraph (2)(d) or (e), the respondent is not allowed to make submissions of such nature as described in paragraph (2)(d) or (e) at the appeal unless the Court of Appeal orders otherwise.
- (4) The appellant’s Reply (if any) is limited to 25 pages (unless the Court of Appeal orders otherwise) and must contain the following:
- (a) the appellant’s submissions in reply to the respondent’s Case;
  - (b) references in the right-hand margin to the relevant pages in the record of appeal, the appellant’s core bundle of documents, the respondent’s core bundle of documents (if any), and the appellant’s second core bundle, if any;
  - (c) the name and signature of the appellant’s counsel.
- (5) The appellant’s Case, the respondent’s Case and the appellant’s Reply must contain everything that the parties intend to put forward at the appeal and must be prepared on the basis that there will be no need to supplement or elaborate on any points made.

### **Powers of Court of Appeal (O. 21, r. 23)**

**23.—**(1) The Court of Appeal may order any party to serve any document on a non-party to the appeal and give directions for the non-party to state its case by witness statement, written submissions or by any other means.

(2) The Court of Appeal may allow or invite any non-party to the appeal to provide views on any matter in the appeal and may make costs orders in relation to the non-party.

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(3) The Court of Appeal may proceed with an appeal although one or more of the parties are absent at the hearing of the appeal.

(4) The Court of Appeal may make any order relating to any part of the judgment of the lower Court and for any reason although that part is not the subject of any appeal and that reason is not stated by anyone in the appeal.

(5) The Court of Appeal's powers to decide the merits of the appeal are not restricted by reason only that there was no appeal against any previous order (being one that is not the subject of the appeal) made by the lower Court.

(6) The Court of Appeal may order a new trial only if substantial injustice will be otherwise caused.

(7) The Court of Appeal may receive further evidence as to matters which have occurred after the trial or hearing before the lower Court or other further evidence if the Court of Appeal considers this appropriate, having regard to any relevant circumstances, including —

- (a) whether the further evidence could not have been obtained with reasonable diligence for use at the trial or hearing before the lower Court;
- (b) whether the further evidence is such that, if given, would probably have an important influence on the result of the case, though it need not be decisive; and
- (c) whether the further evidence is such as is presumably to be believed or apparently credible, though it need not be incontrovertible.

(8) Such further evidence as is mentioned in paragraph (7) may be adduced in the manner directed by the Court of Appeal.

### **Withdrawal of appeal or application (O. 21, r. 24)**

**24.—**(1) An appeal or application may be withdrawn at any time before the appeal or application is heard or dealt with (whichever is earlier), by way of the withdrawing party filing and serving a notice in Form 41 on all the parties to the appeal or application.

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(2) Upon the filing of Form 41 and if there are no outstanding issues relating to costs or other matters, the appeal or application is deemed withdrawn in relation to the relevant parties.

(3) Where an appeal or application is deemed withdrawn under paragraph (2), or an appeal is deemed withdrawn under Rule 20(11) or 21(6), if all the parties to the appeal or application consent to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be), the appellant, the applicant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs must be paid to the appellant, the applicant or the respondent (as the case may be) and any counsel's undertaking is discharged.

(4) If there are any outstanding issues relating to costs or other matters —

- (a) any party to the appeal or application may request in writing to the Court of Appeal for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the Court of Appeal otherwise directs; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
  - (i) remove the appeal or application from the list of appeals or applications; and
  - (ii) give directions on the making of written submissions for the request.

(5) Except as provided under paragraph (4), if there is any outstanding issue relating to costs or other matters, the appeal or application remains listed for hearing and the Court of Appeal may, at the hearing, decide such issues.

### **Judgment (O. 21, r. 25)**

**25.—**(1) The Court of Appeal may give its judgment in any appeal or application and make any order as to the disposal of any security for costs —

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- (a) orally at the conclusion of the hearing of the appeal or application or at a subsequent date; or
  - (b) in writing at the conclusion of the hearing of the appeal or application or at a subsequent date.
- (2) Where the Court of Appeal has decided any matter without hearing oral arguments —
- (a) the decision of the Court of Appeal may be given in accordance with paragraph (1) or the Court of Appeal may direct the Registrar to inform the parties of its decision; and
  - (b) the parties are to be informed of the following:
    - (i) the judge or judges who constituted the Court of Appeal;
    - (ii) the decision of the Court of Appeal;
    - (iii) the date of the decision.
- (3) Every party is entitled to a copy of any written judgment upon payment of the relevant charges.
- (4) The judgment arrived at by the coram on any appeal or application before the Court of Appeal may be delivered by any judge in the coram in the absence of one or more of the other judges in the same coram.

### **Consent judgment or order (O. 21, r. 26)**

**26.**—(1) In any appeal or application to the Court of Appeal, the parties may inform the Registrar in writing that they wish to record a consent judgment or order.

(2) For the purposes of paragraph (1), the parties must inform the Registrar of the terms of the consent judgment or order that they wish to record.

(3) The Court of Appeal may record the consent judgment or order without requiring the parties to appear before the Court of Appeal, or give such directions to the parties as it deems appropriate.

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(4) Where the Court of Appeal has recorded a consent judgment or order under paragraph (3), the Registrar must inform the parties of the following by letter:

- (a) the recording of the consent judgment or order;
- (b) the judge or judges who constitute the Court of Appeal;
- (c) the date of the recording of the consent order.

**Further arguments (O. 21, r. 27)**

27. Unless the Court of Appeal directs otherwise, there are to be no further arguments from the parties after the Court of Appeal has heard an appeal or application and reserved its decision, or after the Court of Appeal has given its decision in an appeal or application.

**Powers in section 58(1) of Supreme Court of Judicature Act exercisable by Registrar (O. 21, r. 28)**

28.—(1) The Registrar may exercise the powers of the Court of Appeal in section 58(1)(a) of the Supreme Court of Judicature Act in the following circumstances:

- (a) where the direction or order is for the extension of time to file or serve written submissions pursuant to Rule 20, and all of the parties consent to the making of the direction or order;
- (b) where the direction or order is for the extension of time to file or serve a record of appeal, an appellant's core bundle of documents, an appellant's Case or a respondent's Case, and all of the parties consent to the making of the direction or order;
- (c) where the direction or order is for the extension of time to file or serve any of the following documents:
  - (i) written submissions or witness statements in any application;
  - (ii) a bundle of authorities in any appeal or application;
  - (iii) a bundle of documents in any application for permission to appeal;



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- (iv) an appellant's Reply;
  - (v) a respondent's core bundle of documents and an appellant's second core bundle;
  - (d) where the direction is a direction under Rule 19(1);
  - (e) where the direction or order is for the amendment of any document filed for any appeal or application, and all of the parties consent to the making of the direction or order;
  - (f) where the direction or order relates to expunging any document filed for any appeal or application, and all of the parties consent to the making of the direction or order, and for consequential directions in relation to the direction or order;
  - (g) where the direction or order relates to the rescheduling of any hearing.

(2) An application to vary or discharge a direction or an order of the Registrar under paragraph (1) may be made to a single judge sitting in the Court of Appeal, and any such application must be filed and served on all parties in the proceedings within 14 days after the date on which that direction or order is made, and the decision of that judge is final.

**Payment out of security for costs and release of undertaking  
(O. 21, r. 29)**

**29.—**(1) This Rule applies without the need for an order from the Court of Appeal.

(2) Where costs are payable by the appellant to the respondent under any order made by the Court of Appeal, the security for costs provided under Rule 18 must be paid to the respondent towards the costs ordered and the balance (if any) of the security must be paid to the appellant.

(3) Where no costs are payable by the appellant to the respondent under any order made by the Court of Appeal, the security for costs provided under Rule 18 must be paid to the appellant and the appellant's counsel is released from any undertaking as to the costs for the appeal.

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**Applications to Court of Appeal (O. 21, r. 30)**

**30.**—(1) Except where this Order provides, every application to the Court of Appeal must be made either by way of an Originating Application which, if evidence is to be relied on, must be accompanied by a witness statement or witness statements, or in an appeal which is pending before the Court of Appeal, by way of a summons which, if evidence is to be relied on, must be accompanied by a witness statement or witness statements.

(2) Whenever under these Rules an application may be made either to the Court or to the Court of Appeal, it must not be made in the first instance to the Court of Appeal, except where there are special circumstances which make it impossible or impracticable to apply to the Court.

(3) No oral arguments are to be made in an application to the Court of Appeal unless the Court of Appeal orders otherwise.

(4) Except where otherwise provided by any provision of these Rules, or unless the Court of Appeal orders otherwise, the party opposing the application must, if evidence is to be relied on, file and serve a witness statement or witness statements in reply within 14 days after the application and its accompanying witness statement (if any) are served.

(5) Unless the Court of Appeal orders otherwise, a further witness statement must not be filed and served after the opposing party files and serves the witness statement in reply, if any.

(6) No Case needs to be filed for applications to the Court of Appeal.

(7) The party who files an Originating Application or a summons to the Court of Appeal must provide security for the opposing party's costs of the application and file a certificate for security for costs in Form 40 at the time the application is filed.

(8) Where there is more than one applicant in an application, all the applicants need to provide only one set of security for the costs of the application.

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(9) Where there is more than one opposing party, the applicant must provide security for the costs of each opposing party (or for the costs of each set of the opposing parties where they are represented by the same firm of counsel).

(10) The security must be —

(a) in the form of a counsel's undertaking in Form 39 which must be filed and served on the opposing party;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties,

provided that if security is provided pursuant to sub-paragraph (c), the applicant must inform the Registrar in writing (with all parties to the appeal on copy) of the manner or form in which such security is provided.

(11) The applicant must provide security in the amount of \$10,000, unless ordered otherwise.

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

(13) Where at the conclusion of an application the applicant is ordered to pay costs, if a deposit has been paid into Court as security for costs, it must be paid forthwith to the opposing party towards the quantum of costs agreed or otherwise fixed.

(14) Where at the conclusion of an application the applicant is awarded costs, the applicant's counsel (if any) is released from any undertaking as to the costs for the appeal and if a deposit has been paid into Court as security for costs, it must be returned forthwith to the applicant.

(15) Where an application is withdrawn, if a deposit has been paid into Court as security for costs, it must be paid forthwith to the opposing party towards any quantum of costs agreed or otherwise fixed.

(16) Any application to the Court of Appeal to strike out a notice of appeal must be made by summons supported by a witness statement stating the grounds of the application.

(17) The summons and the supporting witness statement mentioned in paragraph (16) must be filed and served by the applicant on the parties to the application within 14 days after service of the notice of the appeal on the applicant.

(18) A party to the application mentioned in paragraph (16), who wishes to reply to the applicant's witness statement, must file and serve that party's witness statement in reply, on the applicant and the other parties to the application, within 14 days after service of the applicant's summons and affidavit on that party.

(19) No further witness statement may be received in evidence without the permission of the Court of Appeal.

### **Written submissions for applications to Court of Appeal (O. 21, r. 31)**

**31.—**(1) Except where otherwise provided by any provision of these Rules or any other written law, or unless the Court of Appeal otherwise directs, the applicant and the opposing party must file and serve written submissions (if any) as well as any bundle of authorities in respect of an application before the Court of Appeal within 14 days after the date on which the opposing party's witness statement in reply is to be filed and served.

(2) Unless the Court of Appeal orders otherwise, there must not be more than one set of written submissions limited to 35 pages for each party or set of parties represented by the same counsel.

(3) The concluding paragraphs of the written submissions must include —

- (a) submissions on the appropriate costs orders to be made in the application; and
- (b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

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**Application for permission under section 58(4)(b) of Supreme Court of Judicature Act (O. 21, r. 32)**

32. An application for permission under section 58(4)(b) of the Supreme Court of Judicature Act to make an application to vary or discharge any direction or order mentioned in section 58(4)(a) of that Act must be filed and served on all parties in the proceedings within 14 days after the date on which that direction or order is made.

**Compliance with provisions in Appendix C provided under this Order, etc. (O. 21, r. 33)**

33. All parties must comply with Appendix C provided under this Order and any other directions of the Court or the Court of Appeal on appeals and related applications.

**Application for permission under section 36P(1A)(a) of Legal Profession Act 1966 or rule 14(1A)(a) of Legal Profession (Regulated Individuals) Rules 2015 (O. 21, r. 34)**

34.—(1) An application for a foreign lawyer registered under section 36P(1) of the Legal Profession Act 1966, or for a solicitor registered under section 36E of that Act, to be given the permission of the Court of Appeal under section 36P(1A)(a) of that Act or rule 14(1A)(a) of the Legal Profession (Regulated Individuals) Rules 2015 (as the case may be) to plead any matter in any appeal to the Court of Appeal from any judgment given or order made by the Court in any proceedings mentioned in section 18D(2)(c) of the Supreme Court of Judicature Act 1969 (called in this Rule the relevant appeal), in an application under Order 25 to punish for contempt of the Court of Appeal committed in relation to the relevant appeal, or in any proceedings that are preliminary to the relevant appeal (called in this Rule the preliminary proceedings) —

- (a) may be made by the foreign lawyer or solicitor, as the case may be;
- (b) may be made before, at the same time as, or after the commencement of the relevant appeal or preliminary proceedings, as the case may be; and

(c) may be made —

- (i) by an Originating Application, in any case where the application for permission is made before the commencement of the relevant appeal or preliminary proceedings (as the case may be) in the Court; or
- (ii) by a summons, in any other case.

(2) An application under paragraph (1) must be supported by a witness statement that —

(a) is made by the applicant; and

(b) contains the following information:

- (i) the names of the parties to the relevant appeal or preliminary proceedings, as the case may be;
- (ii) brief particulars of the relevant appeal or preliminary proceedings, as the case may be;
- (iii) the reasons why permission under section 36P(1A)(a) of the Legal Profession Act 1966 or rule 14(1A)(a) of the Legal Profession (Regulated Individuals) Rules 2015 (as the case may be) should be given, taking into account any relevant factor, including the factors prescribed for the purposes of section 36P(1B) of that Act in rule 3B of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014 or the factors prescribed in rule 14(1B) of the Legal Profession (Regulated Individuals) Rules 2015, as the case may be.

*[S 754/2022 wef 01/10/2022]*

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**ORDER 22****COSTS****Definition and general matters (O. 22, r. 1)**

1.—(1) This Order applies to the costs of or incidental to any application or proceedings in the Court, any appeal from the Court to the Court of Appeal and any application to the Court of Appeal.

(2) In this Order, “costs” includes charges, disbursements, expenses, fees and remuneration.

(3) Costs in any matter are payable from the date of the order of the Court unless the parties otherwise agree.

(4) All agreements between the parties relating to costs must be in writing unless the parties otherwise agree.

(5) The costs of a third-party funding contract are not recoverable as part of the costs of, or costs that are incidental to —

- (a) any application or proceedings in the Court;
- (b) any application to the Court of Appeal; or
- (c) any appeal from the Court to the Court of Appeal.

**Powers of Court (O. 22, r. 2)**

2.—(1) Subject to any written law, costs are in the discretion of the Court and the Court has the power to determine all issues relating to the costs of or incidental to all proceedings, including by whom and to what extent the costs are to be paid, at any stage of the proceedings or after the conclusion of the proceedings.

(2) In exercising its power under paragraph (1), the Court may —

- (a) apportion costs between the parties, disallow or reduce a successful party’s costs or order costs against a successful party if the Court determines that such an order is reasonable, taking into account the circumstances of the case;
- (b) order 2 or more parties’ costs to be set off against one another so that only the balance has to be paid;

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- (c) order costs to be paid by counsel personally, by a Third-Party Funder or by any other person who is not a party to the application or to the proceedings;
  - (d) order interest on costs;
  - (e) make any ancillary order, including time and manner of payment; and
  - (f) stay or dismiss any application, action or appeal or make any other order as it deems fit if a party refuses or neglects to pay any costs ordered within the specified time, whether the costs were ordered in the present proceedings or in some related proceedings.
- (3) Costs are to be fixed or assessed by the Court which heard the matter.
- (4) The Court may fix the amount of costs to be paid or assess the costs after an oral hearing or by way of written submissions from the parties.

### **Entitlement to costs and assessment of costs (O. 22, r. 3)**

**3.—**(1) Without affecting the scope of the Court’s discretion in Rule 2(1), and subject to any provisions to the contrary in these Rules, a successful party is entitled to costs and the quantum of any costs award will generally reflect the costs incurred by the party entitled to costs, subject to the principles of proportionality and reasonableness.

(2) In considering proportionality and reasonableness, the Court may have regard to all relevant circumstances, including —

- (a) the complexity of the case and the difficulty or novelty of the questions involved;
- (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the counsel;
- (c) the urgency and importance of the action to the parties;
- (d) the number of counsel involved in the case for each party;



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- (e) the conduct of the parties, including in particular —
- (i) conduct before, as well as during the application or proceeding;
  - (ii) whether it was reasonable for a party to raise, pursue or contest a particular allegation or issue;
  - (iii) the manner in which a party has pursued or contested a particular allegation or issue; and
  - (iv) whether the conduct of the parties, including conduct in respect of alternative dispute resolution, facilitated the smooth and efficient disposal of the case;
- (f) the amount or value of the claim;
- (g) the stage at which the proceedings were concluded;
- (h) the existence of any offer to settle, the date the offer was made, the terms of the offer and the extent to which the claimant's judgment is more favourable than the terms of the offer to settle;
- (i) the existence of an agreement as to the amount of, basis for, or mechanics for, the determination of a costs award; and
- (j) the estimates provided in a costs schedule.

(3) If the defendant pays the amount claimed within the time and in the manner required by the endorsement on the Originating Application, the costs allowed are to be fixed at \$10,000.

(4) The party who discontinues any application, action or appeal wholly or partly must pay any other party the costs of the matter discontinued, unless the parties otherwise agree or the Court otherwise directs.

(5) In the case of any proceedings transferred to the Court from the General Division, the Court will assess —

- (a) costs up to the date of transfer taking into account the circumstances of the case including that the General Division costs regime as set out in the domestic Rules of Court would have applied to those costs; and

- (b) costs after the date of transfer taking into account the circumstances of the case and in this regard, the Court is not precluded from taking into account the General Division costs regime as set out in the domestic Rules of Court.

#### **Costs for litigant not legally represented (O. 22, r. 4)**

4. The Court may award costs to a successful party who is not represented by counsel that would compensate the party reasonably for the time and work required for the proceedings and for all expenses incurred reasonably.

#### **Power of appellate court to decide costs (O. 22, r. 5)**

5. In the case of an appeal, the Court of Appeal may decide the costs of the appeal and of the proceedings from which the appeal arose, as well as the costs of any proceedings connected with them if all relevant parties have been given a reasonable opportunity to be heard.

#### **Interest on costs (O. 22, r. 6)**

6. The costs mentioned in the first column of the following table carry interest at 5.33% per year from the corresponding date set out in the second column until payment:

<i>First column</i>	<i>Second column</i>
<i>Type of costs</i>	<i>Commencement Date</i>
(a) Assessed costs	Date of assessment
(b) Costs fixed by the Court	Date of order
(c) Costs agreed between the parties	Date of agreement
(d) Costs on judgment with or without trial	Date of judgment

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ORDER 23  
INTERNATIONAL ARBITRATION ACT  
PROCEEDINGS

**Definitions (O. 23, r. 1)**

1. In this Order, unless the context or subject matter otherwise indicates or requires —

“arbitral tribunal” has the meaning given by Part 2 of the IAA;

“award” has the meaning given by Part 2 of the IAA;

“foreign award” has the meaning given by Part 3 of the IAA;

“IAA” means the International Arbitration Act;

“IAA proceedings” means proceedings under the IAA;

“Model Law” means the UNCITRAL Model Law on International Commercial Arbitration set out in the First Schedule to the IAA and as modified by the IAA.

**Application of Rules and adjudication track for IAA proceedings (O. 23, r. 2)**

2.—(1) The provisions of these Rules are to be read subject to this Order for the purposes of all IAA proceedings which are commenced in or transferred to the Court, and all appeals and applications to the Court of Appeal from and in relation to the decisions of the Court in IAA proceedings.

(2) Despite Order 4, Rule 6(1), IAA proceedings which are commenced in or transferred to the Court must be decided by the statements adjudication track as modified by the provisions in this Order, unless the Court otherwise directs.

**Jurisdiction (O. 23, r. 3)**

3.—(1) For the purposes of section 18D(2)(a) of the Supreme Court of Judicature Act, the Court may hear only proceedings relating to international commercial arbitration that the General Division may hear under the IAA.

*[S 754/2022 wef 01/10/2022]*

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(2) For the purposes of determining whether any IAA proceedings are “proceedings relating to international commercial arbitration” under section 18D(2)(a) of the Supreme Court of Judicature Act —

- (a) the arbitration is “international” only if it is international within the meaning of section 5(2) of the IAA;
- (b) a court may consider the interpretation of “commercial” as set out in Note † in Article 1(1) of the Model Law; and
- (c) a “commercial arbitration” —
  - (i) includes, but is not limited to, an arbitration arising out of an investment, whether arising out of any contract, treaty, statute or other instrument; and
  - (ii) may include an arbitration between a State (or any constituent subdivision or agency of a State) and a national of another State.

*[S 754/2022 wef 01/10/2022]*

#### **Commencement of IAA proceedings (O. 23, r. 4)**

4. Subject to Rules 8(2), 9 and 10, IAA proceedings in the Court must be commenced by way of an Originating Application in Form 42 and accompanied by a witness statement which must —

- (a) state the grounds in support of the application;
- (b) have exhibited to it a copy of the arbitration agreement or any record of the content of the arbitration agreement, the award and any other document relied on by the applicant (called in the Originating Application and in this Order the claimant);
- (c) set out any evidence relied on by the claimant; and
- (d) be served with the Originating Application.

#### **Service out of jurisdiction of Originating Application and order made in IAA proceedings (O. 23, r. 5)**

5.—(1) Service out of jurisdiction of an Originating Application filed under this Order or of any order made in any IAA proceedings is permissible with permission of the Court whether or not the

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arbitration was, or is being, held or the award was made within the jurisdiction.

(2) The provisions in Order 5 in relation to the grant of permission for service out of jurisdiction and the methods of service out of jurisdiction are applicable.

### **Defence of IAA proceedings (O. 23, r. 6)**

**6.**—(1) A respondent (called in the Originating Application and in this Order the defendant) must file and serve a Defendant’s Statement pursuant to Order 4, Rule 5(8)(a) to (e), except that —

- (a) the Defendant’s Statement must be in Form 43; and
- (b) if the Defendant’s Statement is filed and served together with a witness statement pursuant to paragraph (9), the Defendant’s Statement need not contain the summary referred to in Order 4, Rule 5(8)(e).

(2) The Defendant’s Statement in paragraph (1) must be filed and served within 28 days from the service of both the Originating Application and accompanying witness statement on the defendant.

(3) The filing and service of a Defendant’s Statement is not treated as a submission to jurisdiction or a waiver of any improper service of the Originating Application or the accompanying witness statement.

(4) Subject to paragraph (3), where —

- (a) an Originating Application or accompanying witness statement is not duly served on a defendant;
- (b) the defendant files and serves a Defendant’s Statement; and
- (c) the defendant does not file an application to dispute service under Order 2, Rule 6,

the Originating Application and witness statement are deemed to have been duly served on the defendant and to have been so served on the date on which he or she files the Defendant’s Statement.

(5) If the defendant fails to file and serve the Defendant’s Statement within the prescribed time or states in the Statement that the

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defendant does not intend to contest some or all of the claims, the claimant may apply for judgment to be given against the defendant accordingly in Form 44.

(6) An application for judgment under paragraph (5) must be supported by a witness statement stating the date and time on which the Originating Application and accompanying witness statement were served, where they were served, how they were served, the person on whom they were served, and, where such person is not the defendant, the capacity in which such person was served.

(7) The Court may, when giving judgment under paragraph (5), direct the payment of interest, computed from the date of the originating process to the date on which judgment is given, at the rate of 5.33% per year.

(8) The Court may, on such terms as it thinks just, set aside or vary any judgment entered under paragraph (5).

(9) If the defendant does not intend to dispute service or jurisdiction and only intends to oppose the application or any part thereof, the defendant is to file and serve, together with the Defendant's Statement, a witness statement stating the grounds on which the defendant opposes the application.

(10) After a Defendant's Statement has been filed and served, the parties may be directed to attend the first case management conference in accordance with Order 9, Rule 1(2), including for directions as to the filing of witness statements for the purposes of any application to dispute service.

### **Matters to be heard by Judge only (O. 23, r. 7)**

7.—(1) The following applications under the IAA must be heard by a Judge:

- (a) application to decide on the challenge of an arbitrator under Article 13(3) of the Model Law;
- (b) application to decide on the termination of the mandate of an arbitrator under Article 14(1) of the Model Law;

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- (c) application to appeal against the ruling of the arbitral tribunal on jurisdiction under section 10 of the IAA or Article 16(3) of the Model Law;
  - (d) application to set aside an award under section 24 of the IAA or Article 34(2) of the Model Law.
- (2) An application under paragraph (1)(a), (b) or (c) must be made within 30 days from the date of receipt by the claimant of the arbitral tribunal's decision or ruling.
- (3) An application under paragraph (1)(d) may not be made more than 3 months after the later of —
- (a) the date on which the claimant received the award; or
  - (b) if a request for correction or interpretation of the award or a request for an additional award is made under Article 33 of the Model Law, the date on which that request is disposed of by the arbitral tribunal.
- (4) For the purpose of this Rule, the date of receipt of any decision, ruling, award or corrected award is to be determined in accordance with Article 3 of the Model Law.
- (5) An application for permission to appeal against a decision of the Court under section 10 of the IAA must be made within 7 days after the decision of the Court.

### **Matters to be heard by Judge or Registrar (O. 23, r. 8)**

- 8.—**(1) All other applications under the IAA not covered under Rule 7(1) may be heard by a Judge or Registrar.
- (2) An application to which this Rule applies must, where there are pending proceedings, be made by way of a summons in those proceedings, and in any other case, by an Originating Application in accordance with Rule 4.
- (3) Where the case is one of urgency or an application under section 18, 19 or 29 of the IAA for permission to enforce an award or foreign award, such application may be made without notice on such terms as the Court thinks fit.

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**Enforcement of interlocutory orders or directions (O. 23, r. 9)**

**9.**—(1) An application for permission to enforce an order or direction given by an arbitral tribunal must be accompanied by a witness statement in support —

- (a) exhibiting a copy of the arbitration agreement or any record of the content of the arbitration agreement and a duly certified copy of the order or direction made by the arbitral tribunal sought to be enforced; and
- (b) stating the provisions in the IAA or the applicable rules of arbitration adopted in the arbitration on which the claimant relies.

(2) Where the order sought to be enforced is in the nature of an interim injunction under section 12(1)(e) or (f) of the IAA, permission may be granted only if the claimant undertakes to abide by any order the Court or the arbitral tribunal may make as to damages.

**Enforcement of awards or foreign awards (O. 23, r. 10)**

**10.**—(1) An application for permission to enforce an award may be made without notice and must be accompanied by a witness statement in support —

- (a) exhibiting —
  - (i) the arbitration agreement or any record of the content of the arbitration agreement, or a duly certified copy of the arbitration agreement or record;
  - (ii) the duly authenticated original award or a duly certified copy thereof; and
  - (iii) where the award, agreement or record is in a language other than English, a translation of it in the English language, duly certified in English as a correct translation by a sworn translator or by an official or by a diplomatic or consular agent of the country in which the award was made;



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- (b) stating the name and the usual or last known place of residence or business of the claimant (called in this Rule the creditor) and the person against whom it is sought to enforce the award (called in this Rule the debtor), respectively; and
- (c) as the case may require, stating either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

(2) An order giving permission must be drawn up by or on behalf of the creditor and must be served on the debtor by delivering a copy to the debtor personally or by sending a copy to the debtor at his or her usual or last known place of residence or business or in such other manner as the Court may direct.

(3) Service of the order out of the jurisdiction is permissible without permission, and Order 5, Rules 7 to 10 on methods of service out of jurisdiction apply in relation to such an order.

(4) Within 21 days after service of the order or 28 days, if the order is to be served out of the jurisdiction, or within such other period as the Court may fix, the debtor may apply to set aside the order and the award must not be enforced until after the end of that period or, if the debtor applies within that period to set aside the order, until after the application is finally disposed of.

(5) The copy of that order served on the debtor must state the effect of paragraph (4).

(6) In relation to a body corporate, this Rule has effect as if for any reference to the place of residence or business of the creditor or the debtor there were substituted a reference to the registered or principal address of the body corporate; however, nothing in this Rule affects any enactment which provides for the manner in which a document may be served on a body corporate.

### **Transfer from General Division to Court (O. 23, r. 11)**

**11.—**(1) IAA proceedings that are commenced in the General Division by way of any originating process may be transferred to the

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Court only if the General Division considers that the conditions in Rule 3 are met.

(2) An order for transfer under paragraph (1) may be made by the General Division —

- (a) on its own motion (after providing the parties an opportunity to be heard); or
- (b) on the application of a party for the transfer.

(3) Where IAA proceedings are transferred by the General Division to the Court —

- (a) the General Division may make any order as a consequence of the transfer;
- (b) the Court —
  - (i) must not reconsider whether it has jurisdiction;
  - (ii) may order that any evidence already adduced in the case is to remain in evidence, even though different rules of evidence will apply in the Court; and  
*[S 754/2022 wef 01/10/2022]*
  - (iii) may make any order as a consequence of the transfer, provided that any such order is not inconsistent with any order made by the General Division; and
- (c) the parties must continue to pay the court fees payable in the General Division, unless the General Division, upon ordering a transfer, otherwise directs.

### **Order to attend court and order to produce documents (O. 23, r. 12)**

**12.** Order 20, Rule 3 applies in relation to the issue of an order to attend court or an order to produce documents under section 13 of the IAA as it applies to proceedings in the Court.

### **Taking of evidence (O. 23, r. 13)**

**13.** Order 13, Rule 13 applies in relation to the taking of evidence for arbitral proceedings under Article 27 of the Model Law as it applies for the purpose of proceedings in the Court.

## ORDER 23A

PROCEEDINGS RELATING TO CORPORATE  
INSOLVENCY, RESTRUCTURING OR DISSOLUTION**Definitions (O. 23A, r. 1)**

1. In this Order, unless the context otherwise requires —

“affected person”, in relation to any insolvency proceedings, means any person seeking any order or other relief, against whom any order or other relief is sought, or who may be affected by any order or other relief sought, in those proceedings, such as (but not limited to) —

- (a) the applicant or claimant in, or a party to, those proceedings;
- (b) any officer of the corporation that is the subject of those proceedings;
- (c) any shareholder or contributory of, any holder of any equity interest in, the corporation that is the subject of those proceedings;
- (d) any creditor or debtor of the corporation that is the subject of those proceedings;
- (e) any personal representative, or the Official Assignee or trustee in bankruptcy, of any individual who is a shareholder, contributory, holder of equity interest, creditor or debtor mentioned in paragraph (c) or (d);
- (f) the Official Receiver, or any trustee, liquidator or provisional liquidator, of the corporation that is the subject of those proceedings, or of any entity that is a shareholder, contributory, holder of equity interest, creditor or debtor mentioned in paragraph (c) or (d);
- (g) a judicial manager or interim judicial manager, of the corporation that is the subject of those proceedings, or of any entity that is a shareholder, contributory, holder of equity interest, creditor or debtor mentioned in paragraph (c) or (d);

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- (h) a receiver and manager of the whole (or substantially the whole) of the property or undertaking of the corporation that is the subject of those proceedings, or of any entity that is a shareholder, contributory, holder of equity interest, creditor or debtor mentioned in paragraph (c) or (d); and
  - (i) an agent appointed under a trust indenture, or under an instrument similar to a trust indenture in a foreign country, to represent any creditor or group of creditors of the corporation that is the subject of those proceedings;

“CIR Rules” means the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020 (G.N. No. S 603/2020);

“company” has the meaning given by section 4(1) of the Companies Act 1967;

“foreign company” has the meaning given by section 4(1) of the Companies Act 1967;

“foreign country” means a country or territory outside Singapore;

“insolvency proceedings” means any proceedings relating to corporate insolvency, restructuring or dissolution;

“IRDA” means the Insolvency, Restructuring and Dissolution Act 2018;

“officer”, in relation to a corporation, has the meaning given by section 61(1) of the IRDA, which meaning includes —

- (a) a director or secretary of the corporation, or a person employed in an executive capacity by the corporation;
- (b) a receiver and manager of any part of the undertaking of the corporation appointed under a power contained in any instrument; and
- (c) where the corporation is a company, a liquidator of the corporation appointed in a voluntary winding up,

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but does not include —

- (d) a receiver who is not also a manager;
- (e) a receiver and manager appointed by the Court;
- (f) a liquidator appointed by the Court or by the creditors; or
- (g) a judicial manager appointed under Part 7 of the IRDA;

“Official Assignee” and “Official Receiver” have the meanings given by section 2(1) of the IRDA;

“place of business”, in relation to an individual or entity, means —

- (a) any place at which that individual or entity carries on business;
- (b) any place of operations where that individual or entity carries on any non-transitory economic activity with human means and property or services; or
- (c) if paragraphs (a) and (b) do not apply — the habitual residence of that individual or the place of incorporation of that entity.

*[S 754/2022 wef 01/10/2022]*

### **Jurisdiction (O. 23A, r. 2)**

2.—(1) For the purposes of section 18D(2)(c) of the Supreme Court of Judicature Act 1969, the Court may hear insolvency proceedings under Parts 3 to 12 and 22 of the IRDA.

(2) For the purposes of section 18D(2)(c)(i) of the Supreme Court of Judicature Act 1969, insolvency proceedings are international in nature —

- (a) if commenced pursuant to Part 11 of, and the Third Schedule to, the IRDA; or
- (b) where sub-paragraph (a) does not apply, if —
  - (i) the subject of the insolvency proceedings (called in this paragraph the subject) —

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- (A) is a company; or
  - (B) is a foreign company that has a substantial connection with Singapore by reason of one or more of the matters mentioned in section 246(3) of the IRDA; and
- (ii) at least one of the following factors applies to the subject at the commencement of the insolvency proceedings:
- (A) the subject has a place of business in a foreign country;
  - (B) the subject has at least an asset or property in a foreign country;
  - (C) the subject has at least a liability that arose in a foreign country;
  - (D) the subject has at least a contractual obligation that has been or is to be performed in a foreign country, or that was or is owed to a person in a foreign country;
  - (E) the subject has obligations and liabilities that are governed by the laws of one or more foreign countries;
  - (F) the subject has at least one creditor having a place of business in a foreign country;
  - (G) the control and direction of the subject is administered from a foreign country.

(3) For the purposes of section 18D(2)(c)(i) of the Supreme Court of Judicature Act 1969, insolvency proceedings are commercial in nature if the subject of those proceedings and any affected person have a relationship of a commercial nature, whether contractual or not.

*[S 754/2022 wef 01/10/2022]*

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**Application of IRDA, CIR Rules and these Rules (O. 23A, r. 3)**

3.—(1) The IRDA and the CIR Rules apply, with the necessary modifications, to all insolvency proceedings in the Court.

(2) Where there is no express provision in the IRDA or the CIR Rules on any matter of practice or procedure, the Court may —

- (a) adopt such practice or procedure under these Rules, with such modifications, as the Court considers appropriate; or
- (b) make such orders and give such directions as are likely to secure substantial justice between the parties.

(3) In any insolvency proceedings in the Court, these Rules are to be read subject to the IRDA and the CIR Rules.

(4) Despite Order 4, Rule 6, unless the Court orders otherwise, any insolvency proceedings in the Court must be decided by the statements adjudication track, but with such modifications to the procedures under that track as this Order may require.

(5) Despite paragraphs (1) and (3) —

- (a) the definition of “working day” in Order 1, Rule 4 of these Rules applies in place of the definition of “working day” in rule 2(1) of the CIR Rules;
- (b) Order 1, Rule 11(1) of these Rules continues to apply;
- (c) the Court must not transfer a case or any insolvency proceedings under rule 143 of the CIR Rules unless that case has previously been transferred to the Court under Order 2, Rule 4 or Order 23, Rule 11 or under Order 110, Rule 12 or 58 of the domestic Rules of Court as in force before 1 April 2022, or those proceedings have previously been transferred to the Court under Rule 4;
- (d) where the Court has made an order under rule 75 of the CIR Rules as modified by paragraph (1), the pleadings adjudication track or the memorials adjudication track may apply with such modifications as directed by the Court;
- (e) the reference to the rules for the time being in force in the General Division in rule 27 of the CIR Rules relating to a

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letter of request is to be read as a reference to the rules for the time being in force in these Rules relating to a letter of request;

- (f) the reference to the rules for the time being in force in the General Division in rule 22(3) of the CIR Rules relating to payment into and out of court moneys lodged in court by way of security for costs is to be read as a reference to the rules for the time being in force in these Rules relating to payment into and out of court of moneys lodged in court by way of security for costs;
- (g) Order 21 applies to all appeals and applications to the Court of Appeal from or in relation to the decisions of the Court in insolvency proceedings to which this Order applies, with the modification that the Official Receiver is not required to give security for costs if the Official Receiver is the appellant;
- (h) Order 22 applies to any order for costs and any assessment of costs in —
  - (i) any insolvency proceedings in the Court;
  - (ii) an appeal to the Court of Appeal from a judgment or an order of the Court in any insolvency proceedings mentioned in sub-paragraph (i); and
  - (iii) an application to the Court of Appeal in relation to any insolvency proceedings mentioned in sub-paragraph (i) or an appeal mentioned in sub-paragraph (ii);
- (i) in relation to any costs, charges or expenses payable by a liquidator to any solicitor, manager, accountant, auctioneer, broker or other person employed or engaged by the liquidator in a winding up, rules 146 to 156 of the CIR Rules apply with the modification that the assessment of such costs, charges or expenses are to be by the Court upon application, in place of a bill of costs, charges or expenses;



- (j) unless sub-paragraph (k) provides otherwise, Order 26 applies to court fees and deposits relating to —
- (i) any insolvency proceedings commenced in the Court;
  - (ii) any insolvency proceedings transferred to the Court from the General Division if the General Division has ordered that the fees chargeable for proceedings commenced in the Court are payable;
  - (iii) an appeal to the Court of Appeal from a judgment or an order of the Court in any insolvency proceedings mentioned in sub-paragraph (i) or (ii); and
  - (iv) an application to the Court of Appeal in relation to any insolvency proceedings mentioned in sub-paragraph (i) or (ii) or an appeal mentioned in sub-paragraph (iii); and
- (k) the milestone fees set out in Table 1 are payable, in place of the milestone fees set out in Table 2 of Order 26, Rule 3(1), for insolvency proceedings commenced in the Court:

<b>Table 1: Milestone fees</b>				
<b>No.</b>	<b>Milestone event</b>	<b>Amount Payable</b>		<b>Payable by whom</b>
		<b>Main action heard by single Judge</b>	<b>Main action heard by 3 Judges</b>	
<b>All tracks (pleadings, statements and memorials adjudication tracks)</b>				
1	On filing the Originating Application	\$3,740	\$5,390	The applicant or claimant in the Originating Application
2	When any affected person (other than the applicant or claimant in the Originating Application) files its first document	\$3,740	\$5,390	The affected person
3	When the applicant or claimant in the Originating Application receives its first notification of a hearing for directions on case management	\$4,565	\$7,865	The applicant or claimant in the Originating Application

<b>Table 1: Milestone fees</b>				
<b>No.</b>	<b>Milestone event</b>	<b>Amount Payable</b>		<b>Payable by whom</b>
		<b>Main action heard by single Judge</b>	<b>Main action heard by 3 Judges</b>	
4	When an affected person (including an applicant or claimant in the Originating Application) files an interlocutory application			
	(a) Simple or consent application	\$3,000	\$4,800	The affected person making the interlocutory application, unless the Court orders otherwise
	(b) Any other interlocutory application	\$4,000	\$8,000	The affected person making the interlocutory application, unless the Court orders otherwise
<b>Additionally, where the pleadings adjudication track applies pursuant to an order made under rule 75 of the CIR Rules read with paragraph (1)</b>				
5	On the date on which witness statements are ordered to be exchanged (excluding any extensions of time)	\$19,140	\$22,440	Each party
6	Upon the setting down of the cause or matter for trial	\$6,655	\$8,305	Each party
<b>Additionally, where the memorials adjudication track applies pursuant to an order made under rule 75 of the CIR Rules read with paragraph (1)</b>				
7	On filing the Memorial	\$19,140	\$22,440	The applicant or claimant in the Originating Application
8	On filing the Counter-Memorial	\$19,140	\$22,440	The defendant or affected person filing the Counter-Memorial
9	Upon the setting down of the cause or matter for trial, if any	\$6,655	\$8,305	Each party

[S 754/2022 wef 01/10/2022]

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**Transfer of insolvency proceedings from General Division to Court (O. 23A, r. 4)**

4.—(1) Insolvency proceedings commenced in the General Division may be transferred to the Court only if the General Division considers that the Court has jurisdiction to hear those proceedings under section 18D(2)(c) of the Supreme Court of Judicature Act 1969 and Rule 2.

(2) An order for transfer under paragraph (1) may be made by the General Division —

- (a) on its own motion; or
- (b) on the application of a party.

(3) Before an order for transfer under paragraph (1) is made by the General Division on its own motion under paragraph (2)(a) —

- (a) the applicant or claimant in the insolvency proceedings must give notice, in accordance with the directions of the General Division, to every other party in the insolvency proceedings, and to every affected person who has participated in, or submitted to the jurisdiction of the General Division in relation to, the insolvency proceedings (except a person or class of persons specified by the General Division), that the General Division may make such an order on its own motion; and
- (b) the General Division must give the applicant or claimant, every other party in the insolvency proceedings, and every affected person mentioned in sub-paragraph (a) who submits to the General Division a written request to be heard within the time directed by the General Division, a reasonable opportunity to be heard.

(4) Before an order for transfer under paragraph (1) is made by the General Division on the application of a party under paragraph (2)(b) —

- (a) the party must give notice, in accordance with the directions of the General Division, to every other party in the insolvency proceedings, and to every affected person

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who has participated in, or submitted to the jurisdiction of the General Division in relation to, the insolvency proceedings (except a person or class of persons specified by the General Division), of the application; and

- (b) the General Division must give the party making the application, every other party in the insolvency proceedings, and every affected person mentioned in sub-paragraph (a) who submits to the General Division a written request to be heard within the time directed by the General Division, a reasonable opportunity to be heard.

(5) Where any insolvency proceedings are transferred by the General Division to the Court —

- (a) the General Division may make any order in those proceedings as a consequence of the transfer;
- (b) the Court —
- (i) must not reconsider whether it has jurisdiction under section 18D(2)(c) of the Supreme Court of Judicature Act 1969 and Rule 2;
  - (ii) may order that any evidence already adduced in the case is to remain in evidence, even though different rules of evidence may apply in the Court; and
  - (iii) may make any order in those proceedings as a consequence of the transfer, provided that any such order is not inconsistent with any order made by the General Division; and
- (c) the parties must continue to pay the hearing fees and court fees payable in the General Division, unless the General Division, upon ordering a transfer, directs that the court fees payable for insolvency proceedings commenced in the Court are to apply.

*[S 754/2022 wef 01/10/2022]*

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**Application for permission under section 36P(1A)(a) of Legal Profession Act 1966 or rule 14(1A)(a) of Legal Profession (Regulated Individuals) Rules 2015 (O. 23A, r. 5)**

5.—(1) An application for a foreign lawyer registered under section 36P(1) of the Legal Profession Act 1966, or for a solicitor registered under section 36E of that Act, to be given the permission of the Court under section 36P(1A)(a) of that Act or rule 14(1A)(a) of the Legal Profession (Regulated Individuals) Rules 2015 (as the case may be) to plead any matter in any proceedings mentioned in section 18D(2)(c) of the Supreme Court of Judicature Act 1969 (called in this Rule the relevant proceedings), in an application under Order 25 to punish for contempt of the Court committed in relation to the relevant proceedings, or in any proceedings that are preliminary to the relevant proceedings (called in this Rule the preliminary proceedings) —

- (a) may be made by the foreign lawyer or solicitor, as the case may be;
- (b) may be made before, at the same time as, or after the commencement of the relevant proceedings or preliminary proceedings, as the case may be; and
- (c) may be made —
  - (i) by an Originating Application, in any case where the application for permission is made before the commencement of the relevant proceedings or preliminary proceedings (as the case may be) in the Court or before the transfer of the relevant proceedings to the Court; or
  - (ii) by a summons, in any other case.

(2) An application under paragraph (1) must be supported by a witness statement that —

- (a) is made by the applicant; and
- (b) contains the following information:
  - (i) the names of the parties to the relevant proceedings or preliminary proceedings, as the case may be;

- (ii) brief particulars of the relevant proceedings or preliminary proceedings, as the case may be;
- (iii) the reasons why permission under section 36P(1A)(a) of the Legal Profession Act 1966 or rule 14(1A)(a) of the Legal Profession (Regulated Individuals) Rules 2015 (as the case may be) should be given, taking into account any relevant factor, including the factors prescribed for the purposes of section 36P(1B) of that Act in rule 3B of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014 or the factors prescribed in rule 14(1B) of the Legal Profession (Regulated Individuals) Rules 2015, as the case may be.

*[S 754/2022 wef 01/10/2022]*

## ORDER 24

### ENFORCEMENT OF JUDGMENTS OR ORDERS OF COURT

#### **Applications relating to enforcement of judgments or orders of Court in Singapore (O. 24, r. 1)**

1.—(1) Any application relating to the enforcement of a judgment or an order of the Court in Singapore may be filed by way of summons in the underlying proceedings before the Court.

(2) Except as provided for in these Rules or ordered otherwise by the Court, the domestic Rules of Court in relation to proceedings in the General Division (including the fees payable under those Rules) apply to any application relating to the enforcement of any judgment or order of the Court in Singapore, including but not limited to the following:

- (a) an application to seize and sell properties belonging to the enforcement respondent;
- (b) an application to seize and deliver or give possession of properties in the possession or control of the enforcement respondent;

- (c) an application to attach debts due to the enforcement respondent;
- (d) an application for the examination of the enforcement respondent.

(3) Paragraphs (1) and (2) do not apply to any application filed pursuant to Order 25.

(4) Despite Order 1, Rule 2(1)(d) and (e) and (2)(c) and (d), this Order does not apply, and the domestic Rules of Court as in force before 1 April 2022 continue to apply, to the enforcement of any judgment or order of the Court of Appeal in an appeal or application in relation to a case commenced in the High Court, General Division or the Court before that date.

### **Application for stay of enforcement (O. 24, r. 2)**

2.—(1) A party who is liable under any judgment or order of the Court may apply to the Court for a stay of enforcement, and the application must be supported by a witness statement setting out the reasons for the application.

(2) Where the Sheriff has seized properties or attached a debt pursuant to any judgment or order before the Court orders a stay of enforcement, the Court may give such consequential directions as may be appropriate to the Sheriff in respect of the seizure or attachment.

## ORDER 25

### CONTEMPT OF COURT

#### **Definitions (O. 25, r. 1)**

1. In this Order, unless the context otherwise requires —

“Act” means the Administration of Justice (Protection) Act 2016;

“committal applicant” means the person who is applying for or has obtained a committal order against the committal respondent;

“committal respondent” means the person against whom a committal order is sought or made;

“contempt of court” means contempt of court under the Act and includes, subject to section 8 of the Act, contempt of court under the common law.

### **Committal order for contempt of court (O. 25, r. 2)**

2. The power of the Court to punish for contempt of court may be exercised by a committal order.

### **Disapplication of parts of Order 4 (O. 25, r. 3)**

3. Except for Order 4, Rules 1(1) and (5), 2 and 3, and subject to any modifications that the Court may specify, Order 4 does not apply to proceedings for contempt of court under this Order.

### **Application for permission of Court (O. 25, r. 4)**

4.—(1) A committal applicant must first apply to the Court for permission to make an application for a committal order.

(2) An application for permission must be made by an Originating Application without notice or by summons without notice in an action (as the case may be) to a Judge. If an Originating Application without notice is filed, it must be in Form 45.

(3) The application for permission must be supported by an affidavit setting out —

- (a) the committal applicant’s name, description and address;
- (b) the committal respondent’s name, description and address;  
and
- (c) the grounds on which the committal order is sought.

### **Application for committal order after permission of Court granted (O. 25, r. 5)**

5.—(1) After permission is granted under Rule 4, the committal applicant must apply for the committal order within 14 days by summons in the action and serve the following on the committal respondent by personal service:



- (a) the Originating Application without notice or summons without notice for permission under Rule 4(2);
- (b) the supporting affidavit under Rule 4(3);
- (c) the order granting permission under Rule 4(1);
- (d) the summons for the committal order under this paragraph.

(2) There must be at least 21 days between the service under paragraph (1) and the hearing date.

**Power to commit without application (O. 25, r. 6)**

6. Nothing in Rules 1 to 5 is taken as affecting the power of the Court or the Court of Appeal to make a committal order on its own motion against a person guilty of contempt of court, after providing that person an opportunity to be heard.

**Provisions as to hearing (O. 25, r. 7)**

7.—(1) The Court must hear in open court an application for a committal order but may hear the application in private if the Court is satisfied that it is expedient in the interests of justice, public safety, public security or propriety, or for other sufficient reason to do so.

(2) If the Court hears the application in paragraph (1) in private and decides to make a committal order against the committal respondent, it must state in open court —

- (a) the name of the committal respondent;
- (b) in general terms the nature of the contempt of court in respect of which the committal order is being made; and
- (c) if the committal respondent is being committed for a fixed period, the length of that period.

(3) At the hearing of the application for a committal order, the committal applicant must rely on only the grounds set out in the affidavit under Rule 4(3).

(4) At the hearing of the application for a committal order, the committal respondent —

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- (a) must rely on the matters stated in the committal respondent's affidavit, if any; but
  - (b) may with the permission of the Court give oral evidence on the committal respondent's own behalf.

### **Power to suspend execution of committal order (O. 25, r. 8)**

**8.—**(1) The Court may order the execution of the committal order to be suspended for such period or on such terms or conditions as it may specify.

(2) Where the Court makes an order under paragraph (1), the committal applicant must serve a notice on the committal respondent informing the committal respondent of the terms of that order.

(3) The committal applicant may apply for the suspension to be lifted on the ground that any of the terms of the suspension has been breached.

(4) An application under paragraph (3) must be made by summons supported by an affidavit and must be served on the committal respondent.

### **Discharge of committal respondent (O. 25, r. 9)**

**9.—**(1) Where a committal respondent has been committed for contempt of court, the Court may discharge the committal respondent upon the committal respondent's application.

(2) Where a committal respondent has been committed for contempt of court under section 4 of the Act in relation to the committal respondent's failure to deliver any thing to some other person or to deposit it in Court or elsewhere, then, if the thing is in the possession or control of the committal respondent, the Sheriff may take possession of it as if it were the property of the committal respondent and, without limiting paragraph (1), the Court may discharge the committal respondent and give directions for dealing with the thing.

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**Saving for other powers (O. 25, r. 10)**

**10.** Nothing in Rules 1 to 9 is taken as affecting the power of the Court to make an order requiring a person punishable by virtue of any written law in like manner as if that person had been guilty of contempt of court, to pay a fine or to give security for that person's good behaviour, and those Rules, so far as applicable and with the necessary modifications, apply to an application for such an order in the same way that they apply to an application for a committal order.

**Form of committal order (O. 25, r. 11)**

**11.—(1)** A committal order must be in Form 46.

(2) The committal applicant must serve on the Sheriff's office —

(a) the committal order; and

(b) a written undertaking by the solicitor for the committal applicant or by the committal applicant (if not represented by a solicitor) to —

(i) pay upon request all charges, expenses and fees incurred by or payable to the Sheriff and the Singapore Police Force in complying with the committal order; and

(ii) indemnify the Sheriff and the Singapore Police Force against all claims, costs and expenses arising from complying with the committal order.

(3) The committal applicant must also deposit the amount of money requested by the Sheriff before the Sheriff complies with the committal order and from time to time.

**Order to arrest committal respondent (O. 25, r. 12)**

**12.—(1)** The Court may order the Sheriff or any police officer to arrest and bring before the Court, as soon as is practicable, a committal respondent who fails to attend any proceedings in Court or who disobeys any order of the Court.

(2) The Court may include in the order to arrest under paragraph (1) conditions relating to the giving of security by the committal respondent or to any other matter.

(3) A letter from the Registrar stating the Court's order made under paragraph (1) is sufficient authority for the Sheriff or any police officer to effect the arrest.

**Sheriff may engage auxiliary police officer or other security agency (O. 25, r. 13)**

**13.—**(1) The Sheriff may engage, or direct the committal applicant to engage, any auxiliary police officer appointed under the Police Force Act or other security agency to assist the Sheriff in the discharge of the Sheriff's duties under this Order.

(2) Any amount of money incurred by the Sheriff under paragraph (1) is considered as part of the charges, expenses and fees incurred in complying with a committal order.

ORDER 26

FEES AND DEPOSITS

**Application (O. 26, r. 1)**

- 1.—**(1) Unless the Court orders otherwise, this Order applies to —
- (a) a case commenced in the Court;
  - (b) a case commenced in the Court and subsequently transferred to the General Division, unless the Court orders that the fees chargeable for proceedings commenced in the General Division should be payable instead;
  - (c) a case commenced in the High Court or the General Division and subsequently transferred to the Court, but only if the General Division has ordered that the fees chargeable for proceedings commenced in the Court should be payable instead;
  - (d) an appeal to the Court of Appeal from a judgment or an order of the Court in a case under sub-paragraph (a), (b) or (c);

- (e) an application to the Court of Appeal in relation to an appeal under sub-paragraph (d) or a case under sub-paragraph (a), (b) or (c); and
- (f) a case, a proceeding, an appeal or an application to which these Rules apply under Order 1, Rule 2(2).

(2) Unless the Court orders otherwise, where and to the extent that the conduct of the proceedings is subject to the provisions of the domestic Rules of Court, the relevant fee provisions in the domestic Rules of Court also apply.

(3) To avoid doubt, the court fees payable under the domestic Rules of Court apply to all other cases in the Court and appeals and applications to the Court of Appeal in relation to a judgment or an order of the Court, to which these Rules apply.

(4) The following filing fees as set out in Table 1 are payable for all cases commenced in the General Division and subsequently transferred to the Court, where paragraph (3) applies and the General Division has not ordered that the fees chargeable for proceedings commenced in the Court should be payable:

No.	Items	Amount Payable	
		With value up to \$1 million	With value of more than \$1 million
1	Statement of truth	\$50	\$100
2	Witness statement	\$2 per page subject to minimum fee of \$50 per witness statement	
3	Memorial / Counter-Memorial / Reply Memorial / Rejoinder Memorial	\$200	\$500
4	Offshore case declaration	\$50	\$100
5	Case Management Plan	\$50	\$100
6	Pre-Hearing / Pre-Trial Timetable	\$50	\$100
7	List of Issues	\$50	\$100
8	Trial Checklist	\$50	\$100
9	Trial Timetable	\$50	\$100

10	Summons for enforcement of judgments or orders of the Court in Singapore	\$500	\$500
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(5) The relevant provisions of the domestic Rules of Court relating to the value of the claim for the purpose of determining the appropriate filing fees payable under the domestic Rules of Court apply equally for the purpose of determining the appropriate filing fees payable pursuant to Table 1.

### **Definition (O. 26, r. 2)**

2. In these Rules, “Court fees” includes all charges, commissions and fees payable under these Rules, and include the following:

- (a) milestone fees set out in Rule 3;
- (b) hearing fees set out in Rule 4;
- (c) miscellaneous fees set out in Rule 5.

### **Milestone fees (O. 26, r. 3)**

3.—(1) The following fees as set out in Table 2 are payable for proceedings in the Court to which this Order applies:

<b>Table 2: Milestone fees</b>				
<b>No.</b>	<b>Milestone event</b>	<b>Amount Payable</b>		<b>Payable by whom</b>
		<b>Main action heard by single Judge</b>	<b>Main action heard by 3 Judges</b>	
<b>All tracks (pleadings, statements and memorials adjudication tracks)</b>				
1	On filing the Originating Application and the Claimant’s Statement	\$3,740	\$5,390	The claimant
2	On filing the Defendant’s Statement	\$3,740	\$5,390	The defendant
3	When a person joined as a party to the action files its first document	\$3,740	\$5,390	The joined party
4	When parties receive their first notification of a hearing	\$4,565	\$7,865	Each party

<b>Table 2: Milestone fees</b>				
<b>No.</b>	<b>Milestone event</b>	<b>Amount Payable</b>		<b>Payable by whom</b>
		<b>Main action heard by single Judge</b>	<b>Main action heard by 3 Judges</b>	
	for directions on case management			
5	When a party files an interlocutory application			
	(a) Simple or consent application:	\$3,000	\$4,800	The applicant, unless ordered otherwise by the Court
	(b) Any other interlocutory application	\$4,000	\$8,000	The applicant, unless ordered otherwise by the Court
<b>Additionally for pleadings adjudication track</b>				
6	On the date on which witness statements are ordered to be exchanged (excluding any extensions of time)	\$19,140	\$22,440	Each party
7	Upon the setting down of the cause or matter for trial	\$6,655	\$8,305	Each party
<b>Additionally for memorials adjudication track</b>				
8	On filing the Memorial	\$19,140	\$22,440	The claimant
9	On filing the Counter-Memorial	\$19,140	\$22,440	The defendant
10	Upon the setting down of the cause or matter for trial, if any	\$6,655	\$8,305	Each party

(2) For the purposes of Table 2, “simple or consent application” means any of the following applications:

- (a) applications for substituted service;
- (b) applications for permission for service out of Singapore;
- (c) applications for dispensation of personal service, ordinary service or service;

- (d) applications to extend validity of an Originating Application before service;
- (e) applications to amend an Originating Application before service;
- (f) applications to correct clerical mistakes in judgments or orders, or errors arising from any accidental slip or omission;
- (g) applications for an extension of time;
- (h) applications to discharge counsel;
- (i) consent applications.

(3) The following fees as set out in Table 3 are payable for appeals from the Court to the Court of Appeal to which this Order applies (including applications to the Court of Appeal in relation to such appeals or in relation to proceedings in the Court):

<b>Table 3: Milestone fees for appeals and applications to the Court of Appeal</b>			
<b>No.</b>	<b>Milestone event</b>	<b>Amount Payable</b>	<b>Payable by whom</b>
Appeals to Court of Appeal			
1	Upon filing of the notice of appeal	\$28,000	The appellant
2	Upon filing of the appellant's Case or written submissions	\$28,000	The appellant
3	Upon filing of the respondent's Case or written submissions	\$14,000	The respondent
Applications to Court of Appeal			
4	When either party files an application	\$8,000	The applicant, unless ordered otherwise by the Court of Appeal

(4) A person joined as a party (including an additional claimant or defendant, or a third party, subsequent party or further party) to a case is required to pay the fees payable under paragraphs (1) and (3) (so far as they are applicable) in accordance with any directions of the Court.



### Hearing fees (O. 26, r. 4)

4.—(1) The following fees as set out in Table 4 are payable for proceedings in the Court to which this Order applies:

Table 4: Hearing fees in the Court					
No.	Nature of hearing	Amount Payable		Payable by whom	When the fees are payable
		Hearing by single Judge or by Registrar	Hearing by 3 Judges		
1	For each day (or part thereof) of the trial of an Originating Application, a hearing for the assessment of damages or taking of accounts, or any hearing other than the trial of an Originating Application				
	(a) Where the total number of hearing days utilised (including any hearing of an interlocutory application but excluding the first half-day) does not exceed 4 days (i.e. Days 1 to 4)	\$4,500	\$13,500	The claimant, unless ordered otherwise by the Court	Where Order 19, Rule 2 applies: Upon the setting down of the cause or matter for trial  Where Order 19, Rule 2 does not apply: 21 days before the hearing or as directed by the Court or the Registrar
	(b) Where the total number of hearing days utilised (including any hearing of an interlocutory application but excluding the first half-day) exceeds 4 days (i.e. Day 5 onwards)	\$9,000	\$18,000	The claimant, unless ordered otherwise by the Court	Where Order 19, Rule 2 applies: Upon the setting down of the cause or matter for trial  Where Order 19, Rule 2 does not apply: 21 days before the hearing or as directed by the Court or the Registrar
2	For the first half-day of hearing (or part thereof) of an interlocutory application, where the Court does not dispense with oral arguments				
	(a) Simple or consent application	\$1,800	\$3,500	The applicant, unless ordered	Upon the fixing of the hearing or as directed by the Court or the Registrar

<b>Table 4: Hearing fees in the Court</b>					
<b>No.</b>	<b>Nature of hearing</b>	<b>Amount Payable</b>		<b>Payable by whom</b>	<b>When the fees are payable</b>
		<b>Hearing by single Judge or by Registrar</b>	<b>Hearing by 3 Judges</b>		
				otherwise by the Court	
	(b) Any other interlocutory application	\$3,100	\$4,900	The applicant, unless ordered otherwise by the Court	Upon the fixing of the hearing or as directed by the Court or the Registrar
3	For each additional half-day of hearing (or part thereof) of an interlocutory application, after the first half-day, where the Court does not dispense with oral arguments				
	(a) Where the total number of hearing days utilised (including any hearing of an interlocutory application but excluding the first half-day) does not exceed 4 days (i.e. Days 1 to 4)	\$2,250	\$6,750	The applicant, unless ordered otherwise by the Court	Upon the fixing of the additional days of hearing or as directed by the Court or the Registrar
	(b) Where the total number of hearing days utilised (including any hearing of an interlocutory application but excluding the first half-day) exceeds 4 days (i.e. Day 5 onwards)	\$4,500	\$9,000	The applicant, unless ordered otherwise by the Court	Upon the fixing of the additional days of hearing or as directed by the Court or the Registrar
4	For each determination where the Court dispenses with the hearing of oral arguments pursuant to Order 20, Rule 2(2) apart from interlocutory applications	\$7,000	\$14,000	The claimant or the applicant, unless ordered otherwise by the Court	As directed by the Court or the Registrar

(2) For the purposes of Table 4, “simple or consent application” means any of the following applications:

- (a) applications for substituted service;
- (b) applications for permission for service out of Singapore;
- (c) applications for dispensation of personal service, ordinary service or service;
- (d) applications to extend validity of an Originating Application before service;
- (e) applications to amend an Originating Application before service;
- (f) applications to correct clerical mistakes in judgments or orders, or errors arising from any accidental slip or omission;
- (g) applications for an extension of time;
- (h) applications to discharge counsel;
- (i) consent applications.

(3) The following fees as set out in Table 5 are payable for appeals from the Court to the Court of Appeal to which this Order applies (including applications in relation to such appeals or in relation to proceedings in the Court):

<b>No.</b>	<b>Nature of hearing</b>	<b>Amount Payable</b>	<b>Payable by whom</b>	<b>When the fees are payable</b>
1	For each half-day of hearing (or part thereof) of an appeal	\$9,000	The appellant, unless ordered otherwise by the Court of Appeal	21 days before the hearing of the appeal or as directed by the Court or the Registrar
2	For the first half-day of hearing (or part thereof) of an application, where the Court does not dispense with oral arguments	\$4,900	The applicant, unless ordered otherwise by the Court of Appeal	Upon the fixing of the half-day of hearing (or part thereof) or as directed by the Court or the Registrar
3	For each additional half-day of hearing (or part thereof) of an application, after the	\$9,000	The applicant, unless ordered otherwise by the Court of Appeal	Upon the fixing of the additional half-days of hearing (or part thereof) or as

<b>No.</b>	<b>Nature of hearing</b>	<b>Amount Payable</b>	<b>Payable by whom</b>	<b>When the fees are payable</b>
	first half-day, where the Court does not dispense with oral arguments			directed by the Court or the Registrar
4	For each determination of an appeal where the Court of Appeal dispenses with the hearing of oral arguments	\$14,000	The appellant or the applicant, unless ordered otherwise by the Court of Appeal	As directed by the Court or the Registrar

### **Miscellaneous fees (O. 26, r. 5)**

5.—(1) The following fees as set out in Table 6 are payable for proceedings in the Court to which this Order applies:

<b>No.</b>	<b>Items</b>	<b>Fee</b>	<b>Document to be stamped and remarks</b>
1	On every request for certified true copies of documents from the Court file  Provided that the fee under this item is not collected for transcripts certified by a provider of transcription services authorised by the Court	\$8 per document plus \$5 per page	Request
2	On every Request for plain copies of documents from the Court file	\$5 per document plus \$0.15 per page	Request
3	On every application to inspect a Court file	\$20	Request
4	On every application for search of information maintained in electronic form and made available online (per search term per module per year), except where a search produces a nil result  On every application for search of information maintained in electronic form and made available online (per search term per module per year) where a search produces a nil result	\$30 for subscribers, \$35 for non-subscribers  \$10 for subscribers, \$12 for non-subscribers	Request

<b>Table 6: Miscellaneous fees</b>			
<b>No.</b>	<b>Items</b>	<b>Fee</b>	<b>Document to be stamped and remarks</b>
5	On a certified translation by an Interpreter of the Court	\$45 per page or part of a page	Request
6	On every request for the services of an Interpreter of the Court for any hearing in open court before the Court	\$300 per day or part of a day	Request
7	On taking or re-taking an affidavit or witness statement, a declaration in lieu of an affidavit or witness statement or a declaration or an acknowledgment for each person making the same  And in addition for each exhibit referred to therein and required to be marked	\$25  \$5	Affidavit, Declaration or Witness Statement
8	For each attempt at service on each person of any process or proceeding required to be served by the Court or Registrar	\$50	Request
9	<i>Electronic filing charge.</i> For any document to which this table applies that is filed or sent to the Court using the electronic filing service provided for under Order 27, Rules 9 to 12 by electronic submission, in addition to any other fee chargeable under these Rules or any other written law  <i>Note:—</i> Where the document is remotely composed on the computer system of the electronic filing service provider, it is deemed to comprise 2 pages	\$4 per document plus \$0.80 per page	The filed copy
10	Any other services not provided for in this Order that are requested by any person and approved by the Registrar	\$100	Request

(2) A person joined as a party (including an additional claimant or defendant, or a third party, subsequent party or further party) to a case is required to pay the fees payable under paragraph (1) (so far as they are applicable) in accordance with any directions of the Court.

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**Court powers in relation to fees (O. 26, r. 6)**

6.—(1) The fees payable under this Order are to be collected in such manner as may from time to time be directed by the Chief Justice.

(2) The Court may —

- (a) with or without conditions, waive or defer the payment of the whole or any part of the fees payable;
- (b) refund the whole or any part of fees paid, with the refund being paid into the party's deposit, if any; or
- (c) order, at any time, that the whole or any part of fees be paid by any party or be apportioned among all or any of the parties.

(3) An application for refund of fees must be made in writing within one month from the date on which the reason for the refund arose.

(4) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply by letter to a Judge to review the decision within 14 days after the decision. The Judge's decision is final and non-appealable within the meaning of section 29(a) of the Supreme Court of Judicature Act.

**Deposit (O. 26, r. 7)**

7.—(1) A party to a case in the Court must pay to the Registrar the applicable deposit as set out in Table 7 and in such form as set out in the official website of the Court, if —

- (a) the case is commenced in the Court;
- (b) the case is transferred to the Court, and the General Division, when ordering the transfer of the case, directs the parties to pay the Court fees payable in the Court; or
- (c) where sub-paragraphs (a) and (b) do not apply — the Registrar directs the party to pay the deposit.

(2) Where paragraph (1)(a) applies —

- (a) the claimant's deposit must be paid by the claimant upon the filing of the Originating Application; and

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- (b) any other party's deposit must be paid by the party upon the filing of that party's first document in the case.
- (3) Where paragraph (1)(b) applies, the deposit must be paid within 14 days after the General Division directs the parties to pay the Court fees payable in the Court unless otherwise specified.
- (4) Where paragraph (1)(c) applies, the deposit must be paid within 14 days after the Registrar directs the party to pay the deposit unless otherwise specified.
- (5) A party to an appeal from a judgment or an order of the Court must pay to the Registrar the applicable deposit as set out in Table 7 and in such form as set out in the official website of the Court, if —
- (a) the appeal is from a judgment or an order of the Court in a case under paragraph (1)(a) or (b); or
  - (b) where sub-paragraph (a) does not apply — the Registrar directs the party to pay the deposit.
- (6) Where paragraph (5)(a) applies —
- (a) the appellant's deposit must be paid by the appellant upon the filing of the notice of appeal; and
  - (b) the respondent's deposit must be paid by the respondent upon the filing of the respondent's Case or written submissions.
- (7) Where paragraph (5)(b) applies, the deposit must be paid within 14 days after the Registrar directs the party to pay the deposit unless otherwise specified.
- (8) The Registrar may deduct from a party's deposit any fee payable by the party in the case (including any fee payable by the party for any appeal or application to the Court of Appeal that is related to the case).
- (9) A party must replace any amount deducted from the party's deposit within 14 days after the date of the Registrar's notification to do so unless otherwise specified.

(10) Despite paragraph (9), each party is responsible for ensuring that it maintains the minimum credits standing in its deposit as set out in Table 7.

(11) Each party must, on its own accord without demand, furnish such amounts as may be required to maintain its deposit at or above the stipulated amounts in Table 7.

(12) The Registrar may make a written request to a party requiring that it fortifies its deposit and that party must ensure that it furnishes, within 14 days after the date of the request, such additional amounts as may be required to ensure that its deposit is at or above the amount stipulated in the request.

(13) The Registrar must maintain a ledger of the deposits made by a party and the deductions made from those deposits.

(14) After the conclusion of the case, the Registrar must refund to each party the balance of the party's deposit.

(15) To avoid doubt, no interest is payable on any deposit placed with the Registrar under this Rule.

<b>No.</b>	<b>Applicable Rule</b>	<b>Deposit Payable</b>
1	Where Order 26, Rule 7(1) applies and the case is heard by a single Judge	Each party is to furnish a deposit of \$20,000 and to maintain a credit of at least \$4,000.
2	Where Order 26, Rule 7(1) applies and the case is heard by 3 Judges	Each party is to furnish a deposit of \$35,000 and to maintain a credit of at least \$8,000.
3	Where Order 26, Rule 7(5) applies	The appellant is to furnish a deposit of \$73,000 and the respondent is to furnish a deposit of \$22,000. Each party is to maintain a credit of at least \$9,000.

**Registrar may refuse to administer proceedings if fees or deposits unpaid (O. 26, r. 8)**

**8.—**(1) Subject to paragraph (2), the Registrar may refuse to administer or continue administering the whole or any part of the proceedings in relation to the party in default if any fee or deposit payable for the proceedings is not paid.



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(2) Any party may pay to the Registrar any unpaid fee or deposit, and upon the full payment of all fees and deposits, the Registrar must administer or continue to administer the proceedings.

ORDER 27

OTHER MATTERS

*ADMIRALTY PROCEEDINGS AND  
MARINE INSURANCE CLAIMS*

**Admiralty causes and matters in Court (O. 27, r. 1)**

1.—(1) Subject to paragraph (2), and any modifications that the context requires or that the Court may direct, the domestic Rules of Court in relation to proceedings in the General Division (including the fees payable under those Rules) apply to admiralty proceedings commenced in or transferred to the Court.

(2) The procedure governing the conduct of any admiralty proceedings commenced in or transferred to the Court may be issued by way of an order of the Court at a case management conference.

*PARTNERS*

**Actions by and against firms within jurisdiction (O. 27, r. 2)**

2. Subject to the provisions of any written law, any 2 or more persons claiming to be entitled, or alleged to be liable, as partners in respect of a cause of action and carrying on business within the jurisdiction may sue, or be sued, in the name of the firm of which they were partners at the time when the cause of action accrued.

**Disclosure of partners' names (O. 27, r. 3)**

3.—(1) In an action brought by partners in the name of a firm, any defendant may apply for an order requiring the claimants to disclose who were partners in the firm at the time when the cause of action accrued or for an order that further proceedings in the action be stayed on such terms as the Court may direct.

(2) In an action brought against partners in the name of a firm, any claimant may apply for an order requiring the defendants to disclose who were partners in the firm at the time when the cause of action accrued.

(3) Where the names of the partners have been disclosed in compliance with an order made under paragraph (1) or (2), the proceedings must continue in the name of the firm but with the same consequences as would have ensued if the persons whose names have been so disclosed had been named as claimants or defendants, as the case may be.

### **Service of Originating Application and other documents (O. 27, r. 4)**

4.—(1) Where, by virtue of Rule 2, partners are sued in the name of a firm, an Originating Application, and any other document that is expressly required by these Rules to be personally served, may, except in the case mentioned under paragraph (3), be served —

- (a) on any one or more of the partners; or
- (b) at the principal place of business of the partnership within the jurisdiction, on any person having at the time of service the control or management of the partnership business there.

(2) Where service of the Originating Application or other document is effected in accordance with paragraph (1), the Originating Application or other document is deemed to have been duly served on the firm, whether or not any member of the firm is out of the jurisdiction.

(3) Where a partnership has, to the knowledge of the claimant, been dissolved before an action against the firm is begun, the Originating Application by which the action is begun must be served on every person within the jurisdiction sought to be made liable in the action.

(4) Every person on whom an Originating Application is served under paragraph (1) must at the time of service be given a written notice in Form 47 stating whether he or she is served as a person having control or management of the partnership business or both as a

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partner and as such a person; and any person on whom an Originating Application is so served but to whom no such notice is given is deemed to be served as a partner.

### **Defendant's Statement in action against firm (O. 27, r. 5)**

5.—(1) Where persons are sued as partners in the name of their firm under Rule 2, the Defendant's Statement under Order 4, Rule 5 must be filed and served by the partners in their own names and not in the name of the firm, but the action must nevertheless continue in the name of the firm.

(2) Where, in an action against a firm, the Originating Application is served on a person as a partner and that person denies that he or she was a partner or liable as such at any material time, he or she may file and serve a Defendant's Statement and state in the Defendant's Statement that he or she does so as a person served as a partner in the defendant firm but who denies that he or she was a partner at any material time.

(3) Any Defendant's Statement filed and served under paragraph (2) is, until it is set aside, treated as filed and served for the defendant firm.

(4) Where a Defendant's Statement has been filed and served under paragraph (2), then —

- (a) the claimant may either apply to the Court to set it aside on the ground that the defendant was a partner or liable as such at a material time or may leave that question to be determined at a later stage of the proceedings; and
- (b) the defendant may either apply to the Court to set aside the service of the Originating Application on him or her on the ground that he or she was not a partner or liable as such at a material time or may, at a time and in the manner directed by the Court at a case management conference, take the necessary steps to deny either his or her liability as a partner or the liability of the firm or both.

(5) Where, in an action against a firm, the Originating Application is served on a person as a person having control or management of the

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partnership business, that person may not file or serve a Defendant's Statement unless he or she is a member of the firm sued.

**Application to person carrying on business in another name  
(O. 27, r. 6)**

6. An individual carrying on business within the jurisdiction in a name or style other than his or her own name may be sued in that name or style as if it were the name of a firm, and Rules 3, 4 and 5, so far as applicable, apply as if he or she were a partner and the name in which he or she carries on business were the name of his or her firm.

*SHERIFF*

**Powers and duties of Sheriff of Supreme Court (O. 27, r. 7)**

7. Unless the Court orders or directs otherwise, the Sheriff, in relation to proceedings in the Court, has the same powers and duties as are vested in or imposed on the Sheriff under the domestic Rules of Court or any other written law.

*FINANCIAL MATTERS AND PAYMENT INTO  
AND OUT OF COURT*

**Financial matters and payment into and out of Court  
(O. 27, r. 8)**

8.—(1) Except as provided for in these Rules, or any practice directions or guidelines issued under Order 1, Rule 14, and subject to any such modifications as the context requires, the Registry must regulate all financial matters in accordance with the domestic Rules of Court, any other written law or instruction manuals issued by the Government.

(2) Subject to these Rules or any written law, a request for payment into and out of Court of any amount of money under any written law or under an order of Court must be by way of a letter containing sufficient particulars on —

- (a) the written law or the order of Court under which the payment is made;
- (b) the identity of the payer or payee;

- (c) the purpose of the payment; and
- (d) any other matter and attaching any document that the Registry requires, including as set out in the official website of the Court.

(3) A letter of request in paragraph (2) for payment of any amount of money into Court must be served on every person appearing to be entitled to, or to have an interest in, the money.

(4) Subject to these Rules or any written law, the Registry may require in any particular case or class of cases that payment into and out of Court be authorised by an order of Court.

(5) Payment into and out of Court must be by cheque or other methods that the Registry allows, including electronic payment or transfers.

### *ELECTRONIC FILING SERVICE*

#### **Electronic filing service (O. 27, r. 9)**

**9.**—(1) The electronic filing service and service bureau established by the Registrar under the domestic Rules of Court and the practice directions issued by the Registrar thereunder are extended to all causes and matters filed in the Court.

(2) Except as provided for in these Rules, or any practice directions or guidelines issued under Order 1, Rule 14, and subject to any such modifications as the context requires, the domestic Rules of Court and practice directions issued by the Registrar thereunder that make provision for documents to be filed, stored, served, transmitted and used in the General Division and Court of Appeal using the electronic filing service, including the payment of fees and the general operation and use of the system, apply to the use of the electronic filing service in all causes or matters filed in the Court.

#### **Electronic filing (O. 27, r. 10)**

**10.**—(1) Where a document is required to be filed with, served on, delivered or otherwise conveyed to the Registrar under any provision of these Rules, it must be so filed, served, delivered or otherwise

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conveyed using the electronic filing service, unless the Court directs otherwise.

(2) Filing, service, delivery or conveyance of a document using the electronic filing service pursuant to paragraph (1) may be done in any of the following ways:

- (a) by electronic transmission;
- (b) via a service bureau.

(3) Where a document is filed with, served on, delivered or otherwise conveyed to the Registry or issued using the electronic filing service and is subsequently accepted by the Registrar, it is deemed to be filed, served, delivered, conveyed or issued —

- (a) where the document is filed, served, delivered or conveyed by electronic transmission from the computer system of the authorised user or registered user, on the date and at the time that the first part of the transmission is received in the computer system of the electronic filing service provider;
- (b) where the document is remotely composed on the computer system of the electronic filing service provider, on the date and at the time that the first part of the transmission containing instruction from the authorised user or registered user to so file, serve, deliver or convey the document is received in the computer system of the electronic filing service provider; and
- (c) where the document is filed, served, delivered or conveyed via a service bureau, on the date and at the time that the first part of the transmission is received in the computer system of the Registrar.

(4) If the Registrar is satisfied that a document should be treated as having been filed with, served on, delivered or otherwise conveyed to the Registrar, or issued, at some earlier date and time than the date and time provided for under paragraph (3), the Registrar may cause the electronic filing service to reflect such earlier date and time, and that earlier date and time is deemed for all purposes to be the date and time on and at which the document was filed, served, delivered, conveyed or issued, as the case may be.

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**Service of document through electronic filing service****(O. 27, r. 11)**

**11.—(1)** If a document —

- (a) other than a document which is required by these Rules to be served personally; or
- (b) being a document which is required by these Rules to be served personally and which the party to be served has agreed may be served using the electronic filing service,

is required under any other provision of these Rules to be served, delivered or otherwise conveyed by a person to any other person and that other person is an authorised user or a registered user or is represented by counsel who is an authorised user or a registered user, such service, delivery or conveyance may be effected by using the electronic filing service.

(2) For the purposes of paragraph (1)(b), where a party has instructed counsel to accept service of a document which is required by these Rules to be served personally, and the party's counsel is an authorised user or a registered user of the electronic filing service, that party is deemed to have agreed to be served using the electronic filing service.

(3) The document is deemed to have been served, delivered or otherwise conveyed —

- (a) where the document is served, delivered or otherwise conveyed by electronic transmission from the computer system of the authorised user or registered user on the date and at the time that the first part of the transmission is received in the computer system or the electronic filing service provider; and
- (b) where the document is remotely composed on the computer system of the electronic filing service provider, on the date and at the time that the first part of the transmission containing instructions from the authorised user or registered user to so serve, deliver or convey the document is received in the computer system of the electronic filing service provider.

(4) Where documents are served using the electronic filing service, a Certificate of Service will automatically be generated and stored in the electronic case file, and such certificate is regarded as prima facie evidence of such service, delivery or conveyance on the date and at the time stated.

(5) To avoid doubt, Order 1, Rule 5(7) applies to service effected under this Rule.

**Foreign law practices and full registration foreign lawyers  
(O. 27, r. 12)**

**12.**—(1) Foreign law practices that are located in Singapore may register under the domestic Rules of Court in relation to proceedings in the General Division and practice directions issued by the Registrar thereunder as a user of the electronic filing service for causes and matters filed in the Court and may nominate one or more of its partners, directors, officers or employees to be an authorised user in accordance with any procedure established by the Registrar, provided that the authorised user nominated is —

- (a) a Singapore citizen or permanent resident or the holder of a valid employment pass; or
- (b) a full registration foreign lawyer.

(2) A full registration foreign lawyer will be able to view the electronic case files of the cases in which the full registration foreign lawyer is appointed, and may request the access to be changed from view-only access to enable online filing and service of documents in accordance with the steps prescribed on the official website of the Court.

(3) Full registration foreign lawyers granted full access to the electronic filing service or who are nominated by foreign law practices as authorised users are to file, serve, deliver or otherwise convey all documents to the Registrar using the electronic filing service under Rule 10.

(4) Where it is impracticable for a full registration foreign lawyer to file, serve, deliver or otherwise convey documents to the Registrar under Rule 10, a request for assistance to record such documents in



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the electronic filing service may be made to the Registrar in accordance with the steps prescribed on the official website of the Court.

(5) To avoid doubt —

- (a) a request for assistance under paragraph (4) does not constitute the filing, service, delivery or otherwise conveyance of the documents and the documents are deemed filed, served, delivered or otherwise conveyed only when they are recorded by the Registry in the electronic case file using the electronic filing service; and
- (b) a party requesting the assistance of the Registry under paragraph (4) remains fully responsible for complying with any timeline or requirement that exists for the filing, service, delivery or otherwise conveyance of the documents.

## ORDER 28

### TECHNOLOGY, INFRASTRUCTURE AND CONSTRUCTION LIST

#### *PRELIMINARY*

#### **Application and definitions (O. 28, r. 1)**

1.—(1) This Order applies to —

- (a) every case that is placed in the TIC List under Rule 3; and
- (b) any proceedings under Rule 3 for the placement of a case in the TIC List.

(2) To avoid doubt —

- (a) this Order does not apply to any case placed in the Legacy TIC List; and
- (b) Part XXIV of the Legacy Practice Directions continue to apply to every case placed in the Legacy TIC List.

(3) In this Order, unless the context otherwise requires —

“Legacy Practice Directions” means the Singapore International Commercial Court Practice Directions issued by the Registrar under Order 110, Rule 54 of the Rules of Court as in force immediately before 1 April 2022;

“Legacy TIC List” means the Technology, Infrastructure and Construction List of the Court established under Part XXIV of the Legacy Practice Directions;

“TIC Judge” means any Judge who is appointed by the Chief Justice to hear a case placed in the TIC List or the Legacy TIC List;

“TIC List” means the Technology, Infrastructure and Construction List of the Court established under Rule 3.

### **TIC Claim (O. 28, r. 2)**

2.—(1) In this Order, “TIC Claim” means a claim in relation to which the following requirements are met:

- (a) the Court has jurisdiction to hear and try the case in which the claim is made;
- (b) the claim involves technically complex issues or questions;
- (c) it is desirable for the case in which the claim is made to be placed in the TIC List.

(2) For the purposes of paragraph (1)(c), the following matters are to be taken into account when assessing whether it is desirable for a case in which a claim is made to be placed in the TIC List:

- (a) whether the placing of the case in the TIC List —
  - (i) is warranted by the financial value of the claim or the complexity of the claim, or both; or
  - (ii) will assist in the disposal of the claim;
- (b) the effect that placing the case in the TIC List would have on the likely costs of the proceedings, the speed with which the matter can be resolved, and any other questions of convenience to the parties.

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(3) Despite paragraph (2), for the purposes of paragraph (1)(c), it is desirable for a case in which a claim is made to be placed in the TIC List if the claim is, or relates to, any of the following matters:

- (a) any building or other construction dispute;
- (b) any engineering dispute;
- (c) any claim by or against any engineer, architect, surveyor, accountant or other specialised adviser relating to any service provided by the engineer, architect, surveyor, accountant or specialised adviser, as the case may be;
- (d) any claim relating to the design, supply or installation of any computer, any computer software or any related network system;
- (e) any claim relating to the quality of any goods sold or hired, or any work done, material supplied or service rendered, for any technology, infrastructure or construction project;
- (f) any challenge to a decision of an arbitrator in any construction or engineering dispute (including any application for permission to appeal against any such decision, and any appeal against any such decision).

*[S 294/2022 wef 03/04/2022]*

*PROCEDURE FOR PLACING CASE IN  
TECHNOLOGY, INFRASTRUCTURE AND  
CONSTRUCTION LIST*

**Placement in TIC List (O. 28, r. 3)**

**3.—(1)** A case in which a TIC Claim is made may be placed in the TIC List if —

- (a) the case is commenced in the Court in accordance with paragraph (2); or
- (b) the Court, on its own motion or on the application of a party, places the case in the TIC List in accordance with paragraph (3).

(2) A case in which a TIC Claim is made may be placed in the TIC List when the case is commenced in the Court, if —

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- (a) each party to the case has submitted to the jurisdiction of the Court under a written jurisdiction agreement; and
- (b) either of the following applies:
- (i) each party to the case has agreed in writing that the case is to be placed in the TIC List;
  - (ii) the claimant indicates in the Originating Application that the case is to be placed in the TIC List.
- (3) The Court may, on its own motion or on the application of a party, order that a case commenced in the Court, or transferred from the General Division to the Court, be placed in the TIC List, if a TIC Claim has been made in the case.
- (4) An order under paragraph (3) may be made when a case is transferred from the General Division to the Court under Order 2, Rule 4.
- (5) Where there ceases to be any TIC Claim made in a case placed in the TIC List under paragraph (2) or (3), the case may be transferred out of the TIC List by the Court on its own motion or on the application of a party.
- (6) Every case placed in the TIC List will be dealt with by one TIC Judge or, where Order 1, Rule 10(2) applies, by a Court consisting of 3 Judges who will be assigned taking into account the nature, circumstances and requirements of the case.
- (7) If 2 or more parties have agreed in writing to apply a relevant pre-action protocol to any dispute between them involving a TIC Claim or any particular dispute between them involving a TIC Claim, then where any of those parties wishes to commence in the Court, or to have placed in the TIC List, a case concerning any such dispute or that particular dispute (as the case may be), the terms of that protocol will apply.
- (8) In paragraph (7), “relevant pre-action protocol” means the protocol set out in Appendix D or a version of that protocol containing such modifications as may be agreed in writing by the parties.

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*EXPERT EVIDENCE***General matters concerning expert evidence (O. 28, r. 4)**

4.—(1) Subject to paragraphs (2) and (3), Order 14 applies to every case placed in the TIC List under Rule 3.

(2) Where there is any inconsistency between this Order and Order 14, the provisions of this Order prevail.

(3) The Court may make any order in relation to expert evidence in addition to, or in place of, any requirement under this Order or Order 14.

**Parties to seek permission for expert evidence (O. 28, r. 5)**

5.—(1) If any party intends to adduce expert evidence, that party must seek the permission of the Court under Order 14, Rule 2(1), at the earliest opportunity, to do so.

(2) Before seeking the Court's permission under Order 14, Rule 2(1), a party must answer questions 25 to 27 of the Case Management Plan filed under Order 9, Rule 4(2)(c).

(3) To avoid doubt, Order 14, Rule 3 applies where the Court has granted permission for the adducing of expert evidence, unless the Court directs otherwise.

**Joint statement and joint report by experts (O. 28, r. 6)**

6.—(1) Where 2 or more experts are appointed to give evidence on a matter, the Court may direct the experts to produce a joint statement setting out the issues on which they agree and the issues on which they disagree, accompanied by a brief statement of the reasons for their disagreement.

(2) The Court may direct the experts to produce a joint report, signed by all of the experts in accordance with Order 14, Rule 4, on the issues on which the experts agree, and to produce an individual report by each expert only on the issues on which the experts disagree.

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**Court may convene case management conference with experts (O. 28, r. 7)**

7. Without affecting Order 14, Rule 5, the Court may convene a case management conference at any time the Court thinks appropriate, to be attended by such of the experts as are directed by the Court, and by the parties or their counsel or both, as provided for under Order 9, Rule 2(1).

*EVIDENCE AND DISCLOSURE***Witness statements (containing evidence-in-chief) to be filed before document disclosure (O. 28, r. 8)**

8.—(1) Where a case is to be decided under the pleadings adjudication track, the Court may, after pleadings have been filed and served but before any documents are produced under Order 12, order each party to file and serve the witness statements (containing the evidence-in-chief) of all or some of that party's witnesses.

(2) In deciding whether to make an order under paragraph (1), the Court must consider whether there are any circumstances necessitating the earlier production of documents.

*SUBMISSIONS***Presentation of parties' cases using Scott Schedules (O. 28, r. 9)**

9.—(1) The Court may direct the parties to submit a Scott Schedule instead of, or in addition to, tendering a list of issues or written submissions (including opening statements or closing submissions).

(2) In this Rule, "Scott Schedule" means a table in which are set out each issue to be determined by the Court, and each party's case or submissions on that issue (including, where applicable, the evidence relied on).

*SIMPLIFIED ADJUDICATION PROCESS***Simplified adjudication process protocol (O. 28, r. 10)**

10.—(1) If each party to a case placed in the TIC List (which is to be decided by the pleadings adjudication track) has agreed in writing,

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before the witness statements of evidence-in-chief for the case are filed and served, to apply a simplified adjudication process protocol to the case, then, unless the Court directs otherwise, the simplified adjudication process protocol will apply to the case.

(2) The parties to a case placed in the TIC List must indicate, in the Case Management Plan filed under Order 9, Rule 4(2)(c), whether there is any agreement in writing between the parties to apply a simplified adjudication process protocol to the case.

(3) Where the parties to a case have agreed in writing to apply a simplified adjudication process protocol to the case —

- (a) the parties must inform the Court of the agreement without delay;
- (b) each party must arrange for the forms for the information required to apply the protocol to be completed and signed by the counsel for that party or, if that party acts in person, by that party; and
- (c) the parties must file the signed forms mentioned in sub-paragraph (b).

(4) After the signed forms mentioned in paragraph (3)(b) are filed, those forms must not be amended, except in exceptional circumstances and with the permission of the Court.

(5) Where a simplified adjudication process protocol applies to a case under paragraph (1), the Court may do either or both of the following to facilitate the just, expeditious and economic disposal of the case:

- (a) with the consent of the parties, modify the protocol or any provision of the protocol;
- (b) give such further directions consistent with the protocol as the Court sees fit to supplement the protocol.

(6) In this Rule, “simplified adjudication process protocol” means the protocol set out in Appendix E or a version of that protocol containing such modifications as may be agreed in writing by the parties.

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*ALTERNATIVE DISPUTE RESOLUTION***Alternative dispute resolution (O. 28, r. 11)**

**11.**—(1) Each party to a case placed in the TIC List must consider the use of alternative dispute resolution.

(2) To avoid doubt, Order 9, Rules 3(c) and 5 apply to a case placed in the TIC List.

(3) To avoid doubt, the parties to a case placed in the TIC List must answer questions 41 and 42 of the Case Management Plan filed under Order 9, Rule 4(2)(c).

## APPENDIX A

## FORMS

O. 1, r. 9

1.

O. 3, r. 5(2)

(Title as in cause or matter)

**OFFSHORE CASE DECLARATION**

1. The \*Claimant / Defendant / Third Party / Others (please specify) hereby declares that this action is an offshore case.
2. [An explanation as to why the action is an offshore case and all the facts relevant to the explanation are required.]

Dated this            day of            20



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[The \*Claimant / Defendant / Third Party / Others (please specify) or the Counsel for the \*Claimant / Defendant / Third Party / Others (please specify) as the case may be]

(\*Delete as appropriate)

2.

O. 3, r. 10(1) and (4)

(Title as in cause or matter)

### NOTICE OF APPOINTMENT OF COUNSEL

To the Registrar,

Take notice that (name of new counsel), of \_\_\_\_\_, has (or have) been appointed to act as the counsel of the abovenamed (claimant or defendant (if for one or more of several defendants, naming the defendant or defendants)) in this action, in the place of (name of original counsel, if applicable).

The (business address in Singapore/electronic mail address) for service of the abovenamed (new counsel) is \_\_\_\_\_.

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

*Counsel.*

To the abovenamed defendant (or claimant) or his/her (or their) counsel and to (naming the former counsel of the claimant (or defendant), if applicable).

3.

O. 3, r. 10(6)

(Title as in cause or matter)

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**NOTICE OF INTENTION OF PARTY TO  
ACT IN PERSON, IN PLACE OF COUNSEL**

To the Registrar,

Take notice that I, \_\_\_\_\_ the abovenamed claimant (or defendant)  
intend to act in person in this action in the place of \_\_\_\_\_ and that my  
(Singapore address/electronic mail address) for service is \_\_\_\_\_ .

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

*Party.*

To the abovenamed defendant (or claimant) and to (naming the former  
counsel of the claimant (or defendant), if applicable).

4.

O. 3, r. 10(7)

(Title as in cause or matter)

**NOTICE OF CEASING  
TO ACT AS COUNSEL**

To: The Registrar and the (claimant/defendant (name) or his/her counsel)

Take notice that the following counsel has ceased to act —

Name of counsel ceasing to act:

Party for whom the counsel has ceased to act:

Address for service of the party for whom the counsel has ceased to act:  
(last known address of the claimant or defendant, if acting in person, or the  
principal or registered address of the claimant or defendant if a body corporate).

Issued by: \_\_\_\_\_ (Counsel for the \_\_\_\_\_ ).

5.

O. 4, r. 1(2)

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**ORIGINATING APPLICATION  
IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT**

Originating Application No. \_\_\_\_\_ of 20 \_\_\_\_ .

Issued on: [date]

[Renewed for service for \_\_\_\_\_ months from [date] by an order of Court dated [date]]

Claimant:

[Name]

[Address]

[NRIC/Passport No.]

Defendant:

[Name]

[Address]

[NRIC/Passport No.]

To: The Defendant [name]

1. The Claimant [name] has commenced an action against you in the Singapore International Commercial Court.
2. If you wish to contest the Originating Application, you must file a Defendant's Statement pursuant to Order 4, Rule 5 within 28 days from the date of service of both the Originating Application and Claimant's Statement on you.
3. If you do not file the Defendant's Statement within the time stated in paragraph 2, the Claimant may apply for judgment to be entered against you under Order 4, Rule 5(4).
4. [If the Claimant's claim is for a debt or liquidated demand only] If the amount claimed in the Claimant's Statement and costs of \$ [ ] are paid to

the plaintiff or his/her solicitor within [ ] days after service hereof, further proceedings will be stayed.

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

Notes:

1. This Originating Application must be served within 12 months beginning with the date of its issue, unless renewed by order of the Court.
2. A Claimant's Statement must be served together with this Originating Application.
3. Where the Claimant sues or the Defendant is sued in a representative capacity, this Originating Application must include a statement of the capacity in which the Claimant sues or a Defendant is sued, as the case may be, and a list of the Claimants or the Defendants who are being represented shall be enclosed with this Originating Application.

[Seal of the Court and the signature of the Registrar]

6.

O. 4, r. 4(3)

### **CLAIMANT'S STATEMENT**

Originating Application No.                      of 20   .

Issued on: [date]

Claimant:

[Name]

[Address]

[NRIC/Passport No.]

Defendant:

[Name]

[Address]

[NRIC/Passport No.]

To: The Defendant [name]

1. [Provide a succinct and precise description of the parties' identities.]
2. [Provide a concise summary, in numbered paragraphs, of:
  - (a) the material facts giving rise to the claim;
  - (b) any alleged harm suffered by the Claimant relevant to the relief(s) sought;
  - (c) the cause(s) of action against the Defendant; and
  - (d) the relief(s) sought including, where possible, an initial quantification of the claim amount.]

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

Note:

1. This Claimant's Statement must be served together with the Originating Application.

7.

O. 4, r 5(1)

O. 10, r 2(7)(b)

(Title as in cause or matter)

## **DEFENDANT'S STATEMENT**

Date:

To: The Claimant [name]

### Defence

1. [State:
  - (a) whether the Defendant is contesting the Originating Application or any part thereof;
  - (b) whether the Defendant intends to file an application under Order 2, Rule 6, to dispute that the Defendant has been served in accordance with Order 5; and
  - (c) whether the Defendant intends to file an application under Order 2, Rule 3(4)(b), to dispute that the Court has or should exercise jurisdiction in accordance with Order 2.]
2. [Identify the claims or parts thereof that are contested (if any) and the claims or parts thereof that are not contested (if any).]
3. [Provide a concise summary, in numbered paragraphs, of:
  - (a) the material facts underlying the defence (if any); and
  - (b) the nature and grounds of the defence (if any).]

### Counterclaim

4. [State whether a counterclaim is brought against the Claimant and, if so, provide a concise summary, in numbered paragraphs, of:
  - (a) the material facts giving rise to the counterclaim;

- (b) any alleged harm suffered by the defendant relevant to the relief(s) sought;
- (c) the cause(s) of action against the Claimant; and
- (d) the relief(s) sought including, where possible, an initial quantification of the counterclaim amount.]

*Solicitor for the Defendant*

[Name, address, email address and telephone number of solicitor]

8.

O. 4, r. 5(4)

(Title as in cause or matter)

**APPLICATION FOR JUDGMENT WHERE DEFENDANT'S  
STATEMENT NOT SERVED / WHERE DEFENDANT DOES NOT  
CONTEST SOME OR ALL CLAIMS**

Date:

To: The Registrar

1. The Originating Application was served on the Defendant —
  - (a) on [day, date and time of service]
  - (b) at [place of service]
  - (c) by [method of service].
2. The Defendant [did not file and serve a Defendant's Statement as required within 28 days from the service of both the Originating Application and Claimant's Statement on the Defendant] / [filed and served a Defendant's Statement stating that it does not intend to contest the claims] / [filed and served a Defendant's Statement stating that it intends to contest some but not all of the claims]\*.

\*Delete as appropriate.

3. We therefore apply under Order 4, Rule 5(4) for judgment against the Defendant in respect of [all of the claims in the Claimant's Statement] / [the following claims which the Defendant is not contesting [to state such claims]]\*.

\*Delete as appropriate.

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

9.

O. 4, r. 8(3)

**ORIGINATING APPLICATION WITHOUT NOTICE  
IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT**

Originating Application No.                      of 20   .

Issued on: [date]

Claimant:

[Name]

[Address]

[NRIC/Passport No.]

Defendant:

[Name]

[Address]

[NRIC/Passport No.]

1. The Claimant [name] is applying to the Court for the following orders:
- (a) [To state all the orders sought in numbered paragraphs]



- 
- 
2. The evidence in support of this Originating Application without notice is stated in the supporting witness statement of [state the name of the person making the witness statement and the filing date of the witness statement].

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

Note:

1. A supporting witness statement setting out all necessary evidence in support must be filed together with this Originating Application without notice pursuant to Order 7, Rule 8.
2. Where the Claimant sues or the Defendant is sued in a representative capacity, this Originating Application must include a statement of the capacity in which the Claimant sues or a Defendant is sued, as the case may be, and a list of the Claimants or the Defendants who are being represented shall be enclosed with this Originating Application.

[Seal of the Court and the signature of the Registrar]

10.

O. 6, r. 2(2)

(Title as in cause or matter)

**STATEMENT OF CLAIM**

Statement of Claim

1. [Provide a succinct and precise account of the facts justifying the claim in numbered paragraphs]
2. [The following matters must be pleaded —

- 
- 
- (a) material facts;
  - (b) points of foreign law, if any;
  - (c) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence;
  - (d) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge;
  - (e) matters which, if not specifically stated, might take the defendant by surprise]
3. [The following should not be pleaded —
    - (a) evidence by which material facts are to be proved;
    - (b) legal arguments and submissions]
  4. Claims: [State the relief or remedy, including interest and costs, which the claimant seeks in numbered paragraphs]
  5. [State whether the interest claimed is contractual, the rate of interest and the period claimed]
  6. [State whether the costs claimed are contractual or are costs as provided in Order 22 and the amount]

[Signature]

I believe that the facts stated in this Statement of Claim are true. I understand that proceedings for contempt of court may be brought against me if I make, or cause to be made, without an honest belief in its truth, a false statement in a Statement of Claim.

[Signature]

[Certificate by authorised person, if applicable]

11.

O. 6, r. 3(2)

O. 6, r. 4(2)

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(Title as in cause or matter)

**DEFENCE /  
DEFENCE AND COUNTERCLAIM**

Defence

1. [Defendant must succinctly and precisely explain his or her denial(s) and/or non-admission(s) as well as the essential facts upon which he or she relies]
2. [Defendant must state specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality —
  - (a) which the defendant alleges makes any aspect of the Statement of Claim unmaintainable;
  - (b) which, if not specifically stated, might take the claimant by surprise;  
or
  - (c) which raises issues of fact not arising out of the Statement of Claim]
3. [The following matters must be pleaded —
  - (a) material facts;
  - (b) points of foreign law, if any;
  - (c) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence;
  - (d) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge]
4. [The following should not be pleaded —
  - (a) evidence by which material facts are to be proved;
  - (b) legal arguments and submissions]

Counterclaim

- 
- 
5. [Provide a succinct and precise account of the material facts justifying the counterclaim in numbered paragraphs]
  6. [The following matters must be pleaded —
    - (a) material facts;
    - (b) points of foreign law, if any;
    - (c) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence;
    - (d) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge;
    - (e) matters which, if not specifically stated, might take the defendant by surprise]
  7. [The following should not be pleaded —
    - (a) evidence by which material facts are to be proved;
    - (b) legal arguments and submissions]
  8. [State the relief or remedy, including interest and costs, which the defendant seeks]
  9. [State whether the interest claimed is contractual, the rate of interest and the period claimed]
  10. [State whether the costs claimed are contractual or are costs as provided in Order 22 and the amount]
  11. [If the defendant intends to bring a claim against a third or additional party, the facts of the third-party claim must also be pleaded]

[Signature]

I believe that the facts stated in this [Defence / Defence and Counterclaim] are true. I understand that proceedings for contempt of court may be brought against me if I make, or cause to be made, without an honest belief in its truth, a false statement in a [Defence / Defence and Counterclaim].

[Signature]

[Certificate by authorised person, if applicable]

12.

O. 6, r. 5(2)

O. 6, r. 6(2)

(Title as in cause or matter)

**REPLY /  
DEFENCE TO COUNTERCLAIM /  
REPLY AND DEFENCE TO COUNTERCLAIM**

Reply

1. [Provide a succinct and precise account of the material facts responding to the Defence in numbered paragraphs]
2. [Claimant must state specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality —
  - (a) which the claimant alleges makes any aspect of the Defence unmaintainable;
  - (b) which, if not specifically stated, might take the defendant by surprise; or
  - (c) which raises issues of fact not arising out of the Defence]
3. [The following matters must be pleaded —
  - (a) material facts;
  - (b) points of foreign law, if any;
  - (c) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence;
  - (d) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge;
  - (e) matters which, if not specifically stated, might take the defendant by surprise]

- 
- 
4. [The following should not be pleaded —
- (a) evidence by which material facts are to be proved;
  - (b) legal arguments and submissions]

Defence to Counterclaim

5. [Claimant must state specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality —
- (a) which the claimant alleges makes any aspect of the Counterclaim unmaintainable;
  - (b) which, if not specifically stated, might take the defendant by surprise; or
  - (c) which raises issues of fact not arising out of the Counterclaim]
6. [The following matters must be pleaded —
- (a) material facts;
  - (b) points of foreign law, if any;
  - (c) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence;
  - (d) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge]
7. [The following should not be pleaded —
- (a) evidence by which material facts are to be proved;
  - (b) legal arguments and submissions]

[Signature]

I believe that the facts stated in this [Reply / Defence to Counterclaim / Reply and Defence to Counterclaim] are true. I understand that proceedings for contempt of court may be brought against me if I make, or cause to be made, without an honest belief in its truth, a false statement in a [Reply / Defence to Counterclaim / Reply and Defence to Counterclaim].

[Signature]

[Certificate by authorised person, if applicable]

13.

O. 6, r. 7(2)

(Title as in cause or matter)

## **REPLY TO DEFENCE TO COUNTERCLAIM**

### Reply to Defence to Counterclaim

1. [Provide a succinct and precise account of the material facts responding to the Defence to Counterclaim in numbered paragraphs]
2. [Claimant in Counterclaim must state specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality —
  - (a) which the claimant in Counterclaim alleges makes any aspect of the Defence to Counterclaim unmaintainable;
  - (b) which, if not specifically stated, might take the defendant in Counterclaim by surprise; or
  - (c) which raises issues of fact not arising out of the Defence to Counterclaim]
3. [The following matters must be pleaded —
  - (a) material facts;
  - (b) points of foreign law, if any;
  - (c) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence;
  - (d) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge;

(e) matters which, if not specifically stated, might take the defendant by surprise]

4. [The following should not be pleaded —

(a) evidence by which material facts are to be proved;

(b) legal arguments and submissions]

[Signature]

I believe that the facts stated in this Reply to Defence to Counterclaim are true. I understand that proceedings for contempt of court may be brought against me if I make, or cause to be made, without an honest belief in its truth, a false statement in a Reply to Defence to Counterclaim.

[Signature]

[Certificate by authorised person, if applicable]

14.

O. 6, r. 3(4)

O. 6, r. 6(3)

(Title as in cause or matter)

**APPLICATION FOR JUDGMENT IN DEFAULT OF DEFENCE /  
DEFENCE TO COUNTERCLAIM**

Date:

To: The Registrar

1. The \*Statement of Claim / Counterclaim was served on the \*defendant / claimant —

(a) On: [Day, date and time of service]

(b) At: [Place of service]

(c) Method of service: [State how service was effected.]



2. \*The defendant filed a Defendant’s Statement within the time required under the Rules or directed by the Court.
3. The \*defendant / claimant did not file and serve his/her \*Defence / Defence to Counterclaim within the prescribed time.
4. \*The defendant did not make an application under Order 6, Rule 3(3) within the prescribed time.
5. We therefore apply for judgment in default of \*Defence / Defence to Counterclaim under \*Order 6, Rule 3(4) / Order 6, Rule 6(3).

*Counsel for the claimant*

[Name, address, email address and telephone number of counsel]

\* Delete as appropriate

15.

O. 6, r. 11(8)

### **CERTIFICATE BY AUTHORISED PERSON**

I, [name and address of authorised person], certify that the pleading and the statement of truth were read in my presence to the claimant / defendant\* in a language or dialect that he / she\* understands. [If there are exhibits, add “The nature and effect of the exhibits referred to in the pleading were also explained to the claimant / defendant\*.”] The claimant / defendant\*: (a) indicated that he / she\* understood the pleading and confirmed its contents; (b) indicated that he / she\* understood the statement of truth and the consequences of making a false declaration; and (c) signed / made his / her\* mark\* in my presence.

[Signature]

[Name, address, email address and telephone number of authorised person]

\* Delete as appropriate

16.

O. 9, r. 4(2)(c)

(Title as in cause or matter)

**CASE MANAGEMENT PLAN****Case Number(s):****Date of Case Management Plan:**

*[Note: The Case Management Plan consists of (a) questions which parties should endeavour to answer jointly; and (b) questions which are party-specific (these questions are indicated with an asterisk (\*)). In relation to joint-answer questions, please state the response in **bold** immediately after the question. If the parties are unable to provide a joint answer, the claimant is to first provide its answer, and the other parties shall provide their comments. In relation to party-specific questions, each party is to set out its response to such questions. If the answers to certain questions are not applicable due to the nature of the case, the stage of the proceedings or for any other reason, this should be indicated accordingly in the answers. To avoid doubt, only one Case Management Plan is to be submitted to the Court.]*

**Determination of Adjudication Track**

1. In relation to the adjudication track for the case, please state:
  - (a) the parties' proposed adjudication track, *i.e.* pleadings (Order 6), statements (Order 7), or memorials (Order 8);
  - (b) whether any modifications to the adjudication track are proposed and, if so:
    - (i) the nature of those modifications;
    - (ii) the default rules that are applicable to that adjudication track that shall not apply and such other rules (if any) that shall apply instead;
    - (iii) the modifications (if any) required to the applicable fee payment milestones in Order 26, Rule 3; and
    - (iv) brief reasons to justify the above.

**List of Issues**

2. Has a List of Issues in Form 18 been submitted in accordance with Order 9, Rule 4(2)(e)? If "no", please state:

- (a) the reason the List of Issues has not been submitted; and
- (b) when the List of Issues can be provided to the Court.

**Legal Representation**

3. If any offshore case declaration has been filed, please state:
  - (a) whether an application under Order 3, Rule 7 for a decision that the case is not an offshore case will be filed;
  - (b) the brief reasons for the application; and
  - (c) when the application will be filed.
4. If no offshore case declaration has been filed, please state:
  - (a) whether an application under Order 3, Rule 6 for a decision that the case is an offshore case will be filed;
  - (b) the brief reasons for the application; and
  - (c) when the application will be filed.

**Pleadings** [*if the case is proceeding on the pleadings track*]

5. Have all relevant pleadings been filed? If “no”, please state:
  - (a) which pleading(s) remain outstanding; and
  - (b) when the remaining pleading(s) can be filed.
6. \*Does any party intend to amend any pleading? If “yes”, please state:
  - (a) the pleading(s) for which amendment(s) are intended; and
  - (b) when the draft amendment(s) can be furnished to the other parties.
7. \*Does any party intend to make a request for particulars? If “yes”, please state:
  - (a) the requests for particulars that will be made; and
  - (b) when the request for particulars can be served on the other parties.
8. \*Has any party made any request for particulars that has not been responded to? If “yes”:
  - (a) the requesting party is to state what these outstanding requests are; and
  - (b) the requested party is to state when a response can be expected.
9. Are the pleadings complex or voluminous? If “yes”, please state:

- (a) whether a summary of pleadings with appropriate cross-references to the relevant paragraphs in the pleadings will assist the Court; and
- (b) the directions (if any) that are being sought from the Court.

**Witness Statements** [*if the case is proceeding on the statements track*]

10. Have all relevant witness statements been filed? If “no”, please state:
- (a) which witness statement(s) remain outstanding; and
  - (b) when the remaining witness statement(s) can be filed.

**Memorials** [*if the case is proceeding on the memorials track*]

11. Have all relevant memorials been filed? If “no”, please state:
- (a) which memorial(s) remain outstanding; and
  - (b) when the remaining memorial(s) will be filed.
12. Have the parties discussed the matters in Order 8, Rule 1(3)? If “yes”, please state:
- (a) the content of the matters discussed; and
  - (b) whether an agreement has been reached on these matters.
13. \*Does any party intend to amend any memorial? If “yes”, please state:
- (a) the memorial(s) for which amendment(s) are intended; and
  - (b) when the draft amendment(s) can be furnished to the other parties.

**Interlocutory Applications**

14. \*Does any party intend to make any interlocutory application(s) between now and 4 weeks after the date of the case management conference? If “yes”, please state:
- (a) what interlocutory application(s) are intended;
  - (b) when the interlocutory application(s) will be filed; and
  - (c) whether the intended applicant has informed the intended respondent about the intended interlocutory application(s), and if so, the response (if any) from the intended respondent.

**Production of Documents**

15. \*Have the parties provided all the documents on which they rely to all other parties pursuant to Order 12, Rule 1? If “no”, please state when such documents can be provided.

- 
- 
16. \*Does any party expect to serve a request to produce pursuant to Order 12, Rule 2? If “yes”, please state:
- (a) when the request to produce will be served; and
  - (b) the amount of time that the requesting party expects the requested party will require to produce the requested documents.
17. \*Has any party been served with a request to produce pursuant to Order 12, Rule 2? If “yes”, the requested party is to state:
- (a) whether the requested party is objecting to the request to produce;
  - (b) if the answer to sub-paragraph (a) is “yes”, please state when the requested party can serve the notice of objection.
  - (c) if the answer to sub-paragraph (a) is “no”, please state when the requested party can produce the documents.
18. \*Has any party been served with a notice of objection pursuant to Order 12, Rule 3? If “yes”, the requesting party is to state:
- (a) whether the requesting party will be filing an application to the Court for documents to be produced; and
  - (b) if the answer to sub-paragraph (a) is “yes”, when the application will be filed.
19. \*Does any party intend to make a request or application for the production of electronically-stored documents pursuant to Order 12, Rule 13? If “yes”, please state the proposed plan in relation to the production of electronically-stored documents.

### **Evidence**

20. Do the parties intend to make an application to disapply any rule of evidence found in Singapore, whether under the Evidence Act or elsewhere? If “yes”, please state:
- (a) the brief reasons for the application; and
  - (b) the rule of evidence that the parties intend to use in place of the disappplied rule of evidence.

### **Authenticity and Admissibility of Documents**

21. \*Does any party intend to object to the authenticity or admissibility of any documents produced by any other party? If so, please state:
- (a) the document which authenticity or admissibility is disputed; and
  - (b) the reasons for the objection.

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**Witnesses**Factual Witnesses

22. \*How many factual witnesses does each party propose to call to give evidence at trial?
23. \*In relation to each factual witness, please state:
- (a) the name of the witness;
  - (b) the role of the witness in the dispute (such as whether the witness is a party or an employee or officer or other representative of a party, etc.);
  - (c) a brief description of the facts to which the witness will attest; and
  - (d) if a party is unable to answer sub-paragraphs (a) to (c) above, please explain why.
24. \*Will an interpreter be required for any of the factual witnesses listed above? If “yes”, please state which language the witness will be giving evidence in. Parties are reminded to make the necessary arrangements for interpreters at trial.

Expert Witnesses

25. Will expert evidence be adduced at the trial? If “yes”, please state:
- (a) whether the parties intend to proceed by way of a Court expert witness, a joint expert witness, or party expert witnesses;
  - (b) if the parties intend to proceed by way of a Court expert witness or a joint expert witness, please state:
    - (i) the number of Court expert witnesses or joint expert witnesses that parties propose to rely on at trial;
    - (ii) the name of each witness;
    - (iii) the relevant field of expertise of each witness (with an accompanying curriculum vitae);
    - (iv) a brief description of the matters to which each witness will attest; and
    - (v) whether each expert witness has prepared a report, and whether the report has been served on all parties;
    - (vi) if the answer to (v) is negative, when the report is expected to be served;
  - (c) \*if the parties intend to proceed by way of party expert witnesses, please state:

- 
- 
- (i) the number of party expert witnesses that each party proposes to rely on at trial;
  - (ii) the name of each witness;
  - (iii) the relevant field of expertise of each witness (with an accompanying curriculum vitae);
  - (iv) a brief description of the matters to which each witness will attest;
  - (v) whether each expert witness has prepared a report, and whether the report has been served on all parties;
  - (vi) if the answer to (v) is negative, when the report is expected to be served;
  - (vii) when the witness will be available for a meeting of the experts (please propose a range of dates for the meeting); and
  - (viii) whether the parties have any objections to any other parties' expert witnesses and if so, the grounds for the objections;
- (d) if the parties are unable to answer any of the paragraphs above, please explain why.
26. Is this a suitable case for an assessor or independent counsel to be appointed? If “yes”, please state:
- (a) the name of each assessor or independent counsel whom the parties propose to be appointed; and
  - (b) the relevant field of expertise of each assessor or independent counsel (with an accompanying curriculum vitae).
27. Should the procedure for a panel of experts be applied at the trial? Please explain why.

#### Video Link for Witnesses

28. Will any of the factual or expert witnesses be required to give evidence via video link? If “yes”, please state:
- (a) the name of each witness who will be giving evidence via video link; and
  - (b) whether the relevant application for evidence to be given via video link has been made, and if not, when the relevant application will be made.

#### Others

29. \*Does any party expect to apply for dispensation of a witness's witness statement? If so, please state the details of the particular witness and the reasons for seeking dispensation of the witness statement.

### **Questions of Foreign Law**

30. Are there any questions of foreign law involved in the case? If "yes", please state whether and, if so, when an application for questions of foreign law to be determined on the basis of submissions instead of proof will be made.

### **Confidentiality Orders**

31. Will an application seeking any confidentiality orders for the proceedings be made?

### **Trial or Hearing On the Merits**

32. How long do the parties estimate that the trial or hearing on the merits of the proceedings will take? Please provide a range of days, if appropriate.
33. What is the earliest date by which the parties can be ready for the trial or hearing on the merits of the proceedings?
34. Do the parties intend to make a request for the trial or hearing on the merits of the proceedings to be heard by a panel of 3 Judges instead of one Judge?
35. Do the parties intend to make an application for the bifurcation of the trial? If "yes", please state the brief grounds for such an application.

### **Costs**

36. \*What is each party's estimate of his / her costs incurred to date?
37. \*What is each party's estimate of his / her overall costs in the event that the matter proceeds to a trial or hearing on the merits of the proceedings?

### **Any Other Issues**

38. \*Apart from the questions listed above, are there any other issues or concerns that any party wishes to highlight to the Court and/or the other parties? If "yes", please state these issues briefly and how these may be addressed.

### **Settlement and Alternative Dispute Resolution ("ADR")**

39. Have the parties attempted mediation or any other form of ADR at any time prior to, or during, these proceedings? If "yes", please provide brief details of when this was done and why litigation remains necessary.
40. Are the parties contemplating settlement through mediation or any other form of ADR?
- (a) If "yes", please state:



- (i) whether the parties have agreed to proceed for mediation or any other form of ADR;
  - (ii) the proposed date of mediation or any other form of ADR; and
  - (iii) whether the parties require any directions on how they should proceed to mediation or any other form of ADR.
- (b) If “no”, please state why mediation or any other form of ADR will not be appropriate for the resolution of this case.

**Questions relating to the Technology, Infrastructure and Construction List (or TIC List) of the Court**

41. Are the parties of the view that the case contains a TIC Claim as defined in Order 28, Rule 2?
- (a) If “yes”, please indicate whether parties have agreed for the case to be placed in the TIC List under Order 28, Rule 3.
  - (b) If “no”, please indicate whether either party wishes to make an application under Order 28, Rule 3 for the case to be placed in the TIC List.
42. If the parties have agreed for this case to be placed in the TIC List under Order 28, Rule 3, please indicate:
- (a) Whether the parties have agreed to apply the pre-action protocol as set out in Appendix D, or a version of that protocol containing such modifications as may be agreed in writing by the parties. If “yes”, please indicate whether that protocol was applied by the parties prior to the commencement of these proceedings.
- [Note: If a modified version of the pre-action protocol was applied, please exhibit a copy of the protocol applied by the parties at the end of this Form.]
- (b) Whether the parties have agreed to apply the simplified adjudication process protocol as set out in Appendix E, or a version of that protocol containing such modifications as may be agreed in writing by the parties.
- [Note: If the parties have agreed to a modified version of the simplified adjudication process protocol as set out in Appendix E, please exhibit a copy of the modified protocol at the end of this Form.]

17.

O. 9, r. 4(2)(d)

(Title as in cause or matter)

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**PRE-HEARING / PRE-TRIAL TIMETABLE**

**Case Number(s):**

**Date of Pre-Hearing / Pre-Trial  
Timetable:**

**Are the contents of this document Yes / No  
agreed to by all parties?**

If “No”, please state clearly in the table below where the disagreements are.

*[Note: The items below are illustrative only. The parties should modify the pre-hearing / pre-trial timetable as appropriate in view of the nature of the case and the stage of the proceedings to account for all pre-hearing / pre-trial matters up to the trial or hearing on the merits of the proceedings, including the proposed dates for the trial or hearing on the merits.]*

No	Description	Proposed Deadline	Comments
1	Parties to complete the filing and exchange of pleadings / witness statements / memorials <i>[Note: Please set out in detail the deadline for the filing and exchange of each pleading / witness statement / memorial]</i>	<ul style="list-style-type: none"> <li>• Defence to be filed by <i>[date]</i></li> <li>• Reply to be filed by <i>[date]</i></li> <li>• ...</li> </ul>	<ul style="list-style-type: none"> <li>• Defendant seeks additional 2 weeks. Claimant objects to this.</li> </ul>
2	Parties to complete mediation	...	...
3	Parties to file application for further and better particulars	...	...
4	Parties to file application for security for costs	...	...
5	Parties to produce documents they intend to rely on	...	...
6	Parties to request for production of documents	...	...

No	Description	Proposed Deadline	Comments
7	Parties to state objections to request for production of documents	...	...
8	Parties to file application for further production of documents	...	...
9	Parties to file expert reports	...	...
10	Parties to file the Trial Checklist and proposed Trial Timetable	...	...
11	Parties to file and exchange witness statements for trial	...	...
12	Claimant to furnish draft indices for the trial bundle, core bundle and confidential bundle (if applicable)	...	...
13	Other parties to each inform the Claimant in writing, copying all other parties, of the scope of the party's agreement and any proposed amendments to the draft indices	...	...
14	Claimant to furnish a copy of Volume 4 and Volume 6 of the trial bundle to the other parties	...	...
15	Each party to provide to the Claimant copies of witness statements of its own witnesses to be included in Volume 3 and Volume 5 of the trial bundle, and which contain cross-references to Volume 4 or Volume 6 of the trial bundle	...	...

No	Description	Proposed Deadline	Comments
16	Parties to set down the case for trial	...	...
17	Date(s) of future case management conference(s)	...	...
18	Parties to provide the trial bundle, core bundle, confidential bundle and counsel's undertaking in Form 35 (if applicable)	...	...
19	Parties to file and provide the opening statement and bundle of authorities	...	...
20	Proposed dates for trial / hearing on the merits	...	...

18.

O. 9, r. 4(2)(e)

(Title as in cause or matter)

### LIST OF ISSUES

**Case Number(s):**

**Date of List of Issues:**

**Are the contents of this document agreed to by all parties?** Yes / No

If "No", please state clearly in the table below where the disagreements are.

*[Note: The list below is illustrative only. The parties should modify the list of issues as would be appropriate to the case.]*

### Agreed List of Issues

No	Party: Cause of Action	Factual / Legal Issue	Cross-reference to pleading / memorial / witness statement		Relevant Witness(es)	
			Claimant	Defendant	Claimant	Defendant
1.	Claimant: Breach of Contract	1.1 Whether there was an oral agreement formed on [date].  (a) Whether the terms of the oral agreement were finalised at the meeting on [date].  (b) ...	Statement of Claim at [10] and [12]	Defence at [11] and [13]	Mr W Ms X	Ms Y Mr Z
		1.2 Whether ...				
2.	Defendant: Vitiation of Contract	2.1 Whether the oral agreement was void as it concerned illegal moneylending.  (a) Whether the Claimant was in the business of moneylending.  (b) ...	Statement of Claim at [11] and [13]	Defence at [12] and [14]	Mr A Dr B	Ms C Prof D
...	...	...	...	...	...	...

### Non-Agreed List of Issues

No	Party: Cause of Action	Issue	Cross-reference to pleading / memorial / witness statement		Relevant Witness(es)	
			Claimant	Defendant	Claimant	Defendant
1.	Claimant: ...	1.1 ...	...	...	...	...
...	...	...	...	...	...	...

### Common Ground between the Parties (“Non-issues”)

No	Key facts that are not in dispute
1.	That there was a meeting between Mr W and Ms Y on [date].
...	...

No	Key points of law that are not in dispute
1.	...
...	...

19.

O. 9, r. 4(3)(a)

(Title as in cause or matter)

**[CLAIMANT’S / DEFENDANT’S, etc.] TRIAL CHECKLIST****Case Number(s):****Trial Checklist prepared by:** [e.g., Claimant / Defendant, etc.]**Date of Trial Checklist:****Trial Date(s):** [if fixed]

[Note: Please state response in **bold** immediately after every question. This information sheet should be completed with the involvement of the lead counsel instructed for trial.]

**Questions**

1. Are you ready to file the opening statement, bundle of authorities and trial, core and confidential bundles (if applicable) in accordance with Order 19? If “no”, when will you be filing the opening statement, bundle of authorities and trial, core and confidential bundles (if applicable)?
2. How many witnesses of fact do you intend to call? Please provide the name(s) and photograph.
3. How many expert witnesses do you intend to call? Please provide the name(s) and photograph.
4. Have any of the witness statements been dispensed with by order of Court?
5. Will an interpreter be required for any of your witnesses? If “yes”, have all necessary arrangements been made for an interpreter to be present at the trial?
6. Have directions been given for any of your witnesses to give evidence by video link? If “yes”, have all necessary arrangements been made?

7. What are the time estimates of the minimum and maximum lengths of the trial?
8. What are the estimates for the pre-reading time likely to be required by the trial judge?
9. What are the time estimates for oral opening or closing submissions (if any)?
10. What are the time estimates for examination-in-chief (if any) and cross-examination of the factual witness(es) and expert witness(es)?
11. What is the estimate of costs already incurred and to be incurred at trial?
12. Apart from the questions listed above, are there any other outstanding issues that may affect the trial that you wish to highlight to the Court? If “yes”, please state these issues briefly and how you propose for them to be addressed.

20.

O. 9, r. 4(3)(b)

(Title as in cause or matter)

### **TRIAL TIMETABLE**

**Case Number(s):**

**Date of Trial Timetable:**

**Trial Date(s):** *[if fixed]*

**Are the contents of this document** Yes / No

**agreed to by all parties?**

If “No”, please state clearly in the table below where the disagreements are.

*[Note: The table below is illustrative only. The parties should modify the proposed trial timetable as appropriate to account for all trial matters, including the order of witnesses and time required for the examination-in-chief and cross-examination (taking into account the need for interpretation, if any), use of concurrent evidence (if any), time required for oral submissions, etc.]*

Day / Date	Time	Event	Comments
Day 1 15 Jan 2019 (Tue)	1000hrs	Claimant's opening submissions	
	1100hrs	Defendant's opening submissions	
	1200hrs	Lunch	
	1400hrs	Examination-in-chief of claimant's witness ("CW1")	Evidence of CW1 to be given through a Mandarin interpreter
	1500hrs	Cross-examination of CW1	
Day 2 16 Jan 2019 (Wed)	1000hrs	Continuation of cross-examination of CW1	
	1200hrs	Lunch	
	1400hrs	Re-examination of CW1	
	1500hrs	Examination-in-chief of claimant's witness ("CW2")	
	1530hrs	Cross-examination of CW2	
Day 3 17 Jan 2019 (Thu)	1000hrs	Re-examination of CW2	
	1100hrs	Examination-in-chief of defendant's witness ("DW1")	Evidence of DW1 to be given through video link
	1200hrs	Lunch	
	1400hrs	Cross-examination of DW1	
	1630hrs	Re-examination of DW1	
Day 4 18 Jan 2019 (Fri)	1000hrs	Concurrent expert evidence of claimant's expert witness ("CEW") and defendant's expert witness ("DEW")	



Day / Date	Time	Event	Comments
	1200hrs	Lunch	
	1400hrs	Continuation of concurrent expert evidence of CEW and DEW	
Day 5 22 Jan 2019 (Tue)	1000hrs	Claimant's closing submissions	
	1100hrs	Defendant's closing submissions	
	1200hrs	End of trial	

21.

O. 10, r. 2(7)

(Title as in cause or matter)

**NOTICE TO BE ENDORSED ON COPY OF DEFENDANT'S  
STATEMENT OR COUNTERCLAIM**

To:

1. If you wish to contest the Defendant's counterclaim against you, you must file a Defendant's Statement pursuant to Order 4, Rule 5 within 28 days from the date of service of this Defendant's Statement setting out the counterclaim on you.
2. If you do not file the Defendant's Statement within the time stated in paragraph 1, the consequences in Order 4, Rule 5 will apply.

Solicitor for the Defendant

[Name, address, email address and telephone number of solicitor]

\* Delete as appropriate

22.

O. 10, r. 10(1)

(Title as in cause or matter)

### THIRD-PARTY NOTICE

Issued on: [date]

Pursuant to the order of (name of Judge) on [date] (if permission is required)

To: The Third Party [name]

1. The Claimant [name] has commenced an action against the Defendant [name] in the Singapore International Commercial Court. In it, the Claimant claims against the Defendant [state the nature of the Claimant's claim]. Copies of the Originating Application and the Claimant's Statement are attached.
2. The Defendant claims against you [state the nature of the claim against the Third Party, for instance, to be indemnified against the Claimant's claim]. **OR** The Defendant requires that the following question or issue [state the question or issue to be determined] should be determined not only as between the Claimant and the Defendant but also between either or both of them and yourself.
3. If you wish to contest the Claimant's claim against the Defendant, or the Defendant's claim against you, you must file a Defendant's Statement pursuant to Order 4, Rule 5 within 28 days from the date of service of this Third-Party Notice on you.
4. If you do not file the Defendant's Statement within the time stated in paragraph 3, the consequences in Order 4, Rule 5 will apply.

*Solicitor for the Defendant*

[Name, address, email address and telephone number of solicitor]

[Seal of the Court and the signature of the Registrar]

23.

O. 13, r. 5(2)

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(Title as in cause or matter)

**WITNESS STATEMENT**

WITNESS STATEMENT

Name of maker:

Identification type\* and number:

Residential address:

[Alternatively office address if witness statement is made in official, professional or occupational capacity]

Occupation:

Description: Claimant / Defendant / Third Party / Witness / Others:\*\*

Notes:

1. State the purpose of making the witness statement.
2. [Where Order 13, Rule 8(3) applies] Indicate: (a) which of the statements in the witness statement are statements of fact made from the maker's own knowledge and which are statements of information or belief; and (b) the sources and grounds for any matters of information or belief.
3. Each paragraph is to be numbered consecutively.
4. Dates, sums and other numbers must be expressed in figures and not in words.
5. Facts should be set out clearly and chronologically or in some other logical sequence.

Made on [date] at [location]

[Signature]

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against me if I make, or cause to be made, without an honest belief in its truth, a false statement in a witness statement.

[Signature]

[Name of maker]

[Certificate by authorised person, if applicable]

\* NRIC / FIN / passport, etc.

\*\* Delete as appropriate

24.

O. 13, r. 7(2)

### **CERTIFICATE BY AUTHORISED PERSON**

I, [name and address of authorised person], certify that the witness statement and the statement of truth were read in my presence to the witness in a language or dialect that he / she\* understands. [If there are exhibits, add “The nature and effect of the exhibits referred to in the witness statement were also explained to the witness.”] The witness: (a) indicated that he / she\* understood the witness statement and confirmed its contents; (b) indicated that he / she\* understood the statement of truth and the consequences of making a false declaration; and (c) signed / made his / her\* mark\* in my presence.

[Signature]

[Name, address, email address and telephone number of authorised person]

\* Delete as appropriate

25.

O. 13, r. 10(4)

(Title as in cause or matter)

### **VERIFICATION AND IDENTIFICATION OF EXHIBIT IN WITNESS STATEMENT**

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**EXHIBIT “        ”**

---

This is the Exhibit marked “        ” referred to in the witness statement of [name of witness] made on [date].

26.

O. 13, r. 13(5)(a)(ii)  
O. 13, r. 14(6)(b)

(Title as in cause or matter)

**LETTER OF REQUEST FOR  
EXAMINATION OF WITNESS  
OUT OF JURISDICTION / PERMISSION  
FOR EVIDENCE TO BE GIVEN BY  
LIVE VIDEO OR LIVE TELEVISION  
LINK BY WITNESS OUT OF  
JURISDICTION**

1.	Sender	
2.	Central Authority of the Requested State	
3.	Person to whom the executed request is to be returned	
4.	Specification of the date by which the requesting authority requires receipt of the response to the Letter of Request	
	Date	
	Reason for urgency*	
5.	a Requesting authority	
	b To the Competent Authority of	
	c Names of the case and any identifying number	

6.	Names and addresses of the parties and their representatives (including representatives in the Requested State*)	
	a	Plaintiff
		Representatives
	b	Defendant
		Representatives
	c	Other parties
Representatives		
7.	a	Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.)
	b	Summary of complaint
	c	Summary of defence and counterclaim*
	d	Other necessary information or documents*
8.	a	Evidence to be obtained or other judicial act to be performed
	b	Purpose of the evidence or judicial act sought
9.	Identity and address of any person to be examined*	
10.	Questions to be put to the persons to be examined or statement of the subject matter about which they are to be examined*	
11.	Documents or other property to be inspected*	
12.	Any requirement that the evidence be given on oath or affirmation and any special form to be used*	
13.	Special methods or procedure to be followed (e.g., oral or in writing, verbatim transcript or summary, cross-examination, etc.)*	

14.	Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified*	
15.	Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request*	
16.	Specification of privilege or duty to refuse to give evidence under the law of the Requesting State*	
17.	The fees and costs incurred which are reimbursable will be borne by*	

Dated this            day of            20   .

# This form requires sealing by the Court and the signature of the Registrar.

(\*Omit if not applicable)

\_\_\_\_\_

27.

O. 13, r. 13(5)(b)

O. 13, r. 14(9)

(Title as in cause or matter)

### UNDERTAKING AS TO EXPENSES

I (We) hereby undertake to be responsible for all expenses incurred by an issuing authority or a transmitting authority in respect of the letter of request issued herein on the            , and on receiving due notification of the amount of such expenses undertake to pay the same as directed by the Registrar of the Supreme Court.

The following have been appointed as agents for the parties in connection with the execution of the above letter of request.

Claimant's Agent:

\_\_\_\_\_

of

Defendant’s Agent:

of

Dated this      day of      20      .

*Party or Counsel*

\_\_\_\_\_

28.

O. 13, r. 14(3)

(Title as in cause or matter)

**ORDER FOR ISSUE OF LETTER OF  
REQUEST TO RELEVANT AUTHORITY  
OUT OF JURISDICTION**

Upon the application of                      and upon reading the witness statement  
of                      filed the      day of                      20      and upon hearing                      and  
that the Court is desirous of obtaining the testimony of (name of person).

It is ordered that a letter of request do issue directed to the relevant authority  
for permission for evidence to be given by live video or live television link by the  
following witnesses, namely:

of

of

And it is ordered that the costs of and incidental to the application for this  
order and the said letter of request and giving of evidence be (costs in the cause).

Dated this      day of                      20      .

# This form requires sealing by the Court and the signature of the Registrar.

\_\_\_\_\_

29.

O. 17, r. 2(1) and (2)

(Title as in cause or matter)

**NOTICE OF DISCONTINUANCE/WITHDRAWAL**



Date:

To: The Registrar and to [the other parties]

Take notice that the claimant [or defendant] wholly [or specify the part] discontinues this action [or withdraws the defence or discontinues the counterclaim] against the defendant [or claimant].

*Counsel for the claimant (or defendant)*

[Name, address, email address and telephone number of counsel]

30.

O. 18, r. 1(8)

(Title as in cause or matter)

**INJUNCTION PROHIBITING DISPOSAL OF  
ASSETS IN SINGAPORE**

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL OF  
ASSETS IN SINGAPORE**

**IMPORTANT: NOTICE TO THE DEFENDANT**

- (a) This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a lawyer as soon as possible. You have a right to ask the Court to vary or discharge this order.**
- (b) If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.<sup>9</sup>**

[ ] Relevant information to be inserted.

<sup>9</sup> This notice is not a substitute for the endorsement of a penal notice.

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**THE ORDER**

An application was made today [date] by counsel for the claimant, [ ] to Justice [ ] by way of Summons No. [ ] of [ ]. Justice [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [ ] that:

*Disposal of assets*

1. —

- (a) The defendant must not remove from Singapore in any way, dispose of or deal with or diminish the value of any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value [\$].
- (b) This prohibition includes the following assets, in particular:
  - (i) the property known as [ ] or the net sale money after payment of any mortgages if it has been sold;
  - (ii) the property and assets of the defendant's business known as [ ] (or carried on at [ ]) or the sale money if any of them have been sold; and
  - (iii) any money in the accounts numbered [ ] at [ ].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$ ], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$ ].

*Disclosure of information*

- 2. The defendant must inform the claimant in writing at once of all his assets in Singapore whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the claimant's counsel within [ ] days after this order has been served on the defendant.

**EXCEPTIONS TO THIS ORDER**

- 3. This order does not prohibit the defendant from spending [\$ ] a week towards his ordinary living expenses and also [\$ ] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the claimant's counsel the source of that money.

4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the claimant [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the claimant's counsel that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

### **EFFECT OF THIS ORDER**

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

### **THIRD PARTIES**

#### *Effect of this order*

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

#### *Set-off by banks*

9. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

#### *Withdrawals by the defendant*

10. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

### **[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE**

11. —
  - (a) The claimant may serve the Originating Application and Claimant's Statement on the defendant at [ ] by [mode of service].
  - (b) If the defendant wishes to defend the action he must file a Defendant's Statement under Order 4, Rule 5 within [ ] days after being served with the Originating Application and Claimant's Statement.]

### **UNDERTAKINGS**

12. The claimant gives to the Court the undertakings set out in Schedule 1 to this order.

### **DURATION OF THIS ORDER**

13. This order will remain in force until the trial or further order.

### **VARIATION OR DISCHARGE OF THIS ORDER**

14. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the claimant's counsel.

### **NAME AND ADDRESS OF CLAIMANT'S COUNSEL**

15. The claimant's counsel are:

[Name of lawyer(s) having conduct of action or charge of matter.]

[Registered Foreign Lawyer No. (if applicable)]

[Name of law firm.]

[Address of law firm.]

Tel: [Telephone number.]

Fax: [Facsimile number.]

Email: [Email address(es)]

Ref: [File reference of law firm.]

### **[INTERPRETATION OF THIS ORDER**

16. —

- (a) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to “the defendants” mean both or all of them;
  - (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
  - (iii) A requirement relating to service of this order or of any legal proceedings on “the defendants” means service on each of them.]

Dated this [ ] day of [ ], [ ].

Registrar.

### SCHEDULE 1

#### *Undertakings given to the Court by the claimant*

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the claimant shall comply with any order the Court may make.
2. [The claimant, in respect of any order the Court may make pursuant to paragraph 1 above, will:
  - (a) on or before [date] provide to the defendant security in the sum of [\$ ] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / any other mode which the Court deems fit]\*; and  
(\*Delete where appropriate)
  - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
3. As soon as practicable the claimant shall [issue and] serve on the defendant [a] [the] Originating Claim and Claimant's Statement [in the form of the draft Originating Claim and Claimant's Statement produced to the Court] [claiming appropriate relief] together with this order.
4. The claimant shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the claimant's counsel].
5. As soon as practicable the claimant shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the claimant.
6. Anyone notified of this order shall be given a copy of it by the claimant's counsel.
7. The claimant shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the claimant will comply with any order the Court may make.
8. If this order ceases to have effect, the claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of

this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

31.

O. 18, r. 1(9)

(Title as in cause or matter)

**INJUNCTION PROHIBITING DISPOSAL OF  
ASSETS WORLDWIDE**

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE**

**IMPORTANT: NOTICE TO THE DEFENDANT**

- (a) This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a lawyer as soon as possible. You have a right to ask the Court to vary or discharge this order.**
- (b) If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.<sup>φ</sup>**

[ ] Relevant information to be inserted.

<sup>φ</sup> This notice is not a substitute for the endorsement of a penal notice.

**THE ORDER**

An application was made today [date] by counsel for the claimant, [ ] to Justice [ ] by way of Summons No. [ ] of [ ]. Justice [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [ ] that:

*Disposal of assets*

1. —

- (a) The defendant must not:
- (i) remove from Singapore any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value of [\$ ]; or
  - (ii) in any way dispose of or deal with or diminish the value of any of his assets whether they are in or outside Singapore whether in his own name or not and whether solely or jointly owned up to the same value.
- (b) This prohibition includes the following assets, in particular:
- (i) the property known as [ ] or the net sale money after payment of any mortgages if it has been sold;
  - (ii) the property and assets of the defendant's business known as [ ] (or carried on at [ ]) or the sale money if any of them have been sold; and
  - (iii) any money in the accounts numbered [ ] at [ ].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$ ], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$ ]. If the total unencumbered value of the defendant's assets in Singapore does not exceed [\$ ], the defendant must not remove any of those assets from Singapore and must not dispose of or deal with any of them, but if he has other assets outside Singapore, the defendant may dispose of or deal with those assets so long as the total unencumbered value of all his assets whether in or outside Singapore remains not less than [\$ ].

*Disclosure of information*

2. The defendant must inform the claimant in writing at once of all his assets whether in or outside Singapore and whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the claimant's counsel within [ ] days after this order has been served on the defendant.

**EXCEPTIONS TO THIS ORDER**

3. This order does not prohibit the defendant from spending [\$ ] a week towards his ordinary living expenses and also [\$ ] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the claimant's counsel the source of that money.

4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the claimant [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the claimant's counsel that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

### **EFFECT OF THIS ORDER**

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

### **THIRD PARTIES**

#### *Effect of this order*

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

#### *Effect of this order outside Singapore*

9. The terms of this order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:
  - (a) a person to whom this order is addressed or an officer or an agent appointed by power of attorney of such a person; or
  - (b) a person who is subject to the jurisdiction of this Court; and
    - (i) has been given written notice of this order at his residence or place of business within the jurisdiction of this Court; and
    - (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order.

#### *Assets located outside Singapore*

10. Nothing in this order shall, in respect of assets located outside Singapore, prevent any third party from complying with:



- (a) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the defendant; and
- (b) any orders of the Courts of that country or state, provided that reasonable notice of any application for such an order is given to the claimant's counsel.

*Set-off by banks*

11. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

*Withdrawals by the defendant*

12. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

**[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE**

13. —

- (a) The claimant may serve the Originating Application and Claimant's Statement on the defendant at [ ] by [mode of service].
- (b) If the defendant wishes to defend the action, he must file a Defendant's Statement under Order 4, Rule 5 within [ ] days after being served with the Originating Claim and Claimant's Statement.]

**UNDERTAKINGS**

14. The claimant gives to the Court the undertakings set out in Schedule 1 to this order.

**DURATION OF THIS ORDER**

15. This order will remain in force until the trial or further order.

**VARIATION OR DISCHARGE OF THIS ORDER**

16. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the claimant's counsel.

**NAME AND ADDRESS OF CLAIMANT'S COUNSEL**

17. The claimant's counsel are:

[Name of lawyer(s) having conduct of action or charge of matter.]

[Registered Foreign Lawyer No. (if applicable)]

[Name of law firm.]

[Address of law firm.]

Tel: [Telephone number.]

Fax: [Facsimile number.]

Email: [Email address(es)]

Ref: [File reference of law firm.]

### **[INTERPRETATION OF THIS ORDER**

18. —

- (a) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
  - (i) References to “the defendants” mean both or all of them;
  - (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
  - (iii) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means service on each of them.]

Dated this [ ] day of [ ], [ ].

Registrar.

### **SCHEDULE 1**

#### *Undertakings given to the Court by the claimant*

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the claimant shall comply with any order the Court may make.
2. [The claimant, in respect of any order the Court may make pursuant to paragraph 1 above, will:
  - (a) on or before [date] provide to the defendant security in the sum of [\$ ] by causing [payment to be made into Court / a bond to be issued

by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / any other mode which the Court deems fit]\*; and

(\*Delete where appropriate)

- (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
3. As soon as practicable the claimant shall [issue and] serve on the defendant [a] [the] Originating Claim and Claimant's Statement [in the form of the draft Originating Claim and Claimant's Statement produced to the Court] [claiming appropriate relief] together with this order.
  4. The claimant shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the claimant's counsel].
  5. As soon as practicable the claimant shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the claimant.
  6. Anyone notified of this order shall be given a copy of it by the claimant's counsel.
  7. The claimant shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the claimant will comply with any order the Court may make.
  8. If this order ceases to have effect, the claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
  9. [The claimant shall not without the permission of the Court begin proceedings against the defendant in any other jurisdiction or use information obtained as a result of an order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction.
  10. The claimant shall not without the permission of the Court seek to enforce this order in any country outside Singapore [or seek an order of a similar nature including orders conferring a charge or other security against the defendant or the defendant's assets].]

32.

O. 18, r. 1(10)

(Title as in cause or matter)

**ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES**

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ IN CHAMBERS

**ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES****IMPORTANT: NOTICE TO THE DEFENDANT**

- (a) This order orders you to allow the persons mentioned below to enter the premises described in the order and to search for, examine and remove or copy the articles specified in the order. This part of the order is subject to restrictions. The order also requires you to hand over any of the articles which are under your control and to provide information to the claimant's counsel. You are also prohibited from doing certain acts. You should read all the terms of the order very carefully. You are advised to consult a lawyer as soon as possible.
- (b) Before you the defendant or the person appearing to be in control of the premises allow anybody onto the premises to carry out this order, you are entitled to have the counsel who serves you with this order explain to you what it means in everyday language.
- (c) You are entitled to insist that there is nobody [or nobody except (name)] present who could gain commercially from anything he might read or see on your premises.
- (d) You are entitled to refuse to permit entry before 9.00 a.m. or after 5.00 p.m. or at all on Saturdays, Sundays and public holidays.
- (e) You are entitled to seek legal advice, and to ask the Court to vary or discharge this order, provided you do so at once, and provided that meanwhile you permit [the supervising solicitor (who is an officer of the Court acting independently of the claimant) and]<sup>a</sup> the claimant's counsel to enter, but not start to search. See paragraph 3 below.
- (f) If you, [ ] (the defendant), disobey this order, you will be guilty of contempt of Court and may be sent to prison or fined.<sup>b</sup>

**THE ORDER**

An application was made today [date] by counsel for the claimant, [ ] to Justice [ ] by way of Summons No. [ ] of [ ]. Justice [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [ ] that:

Entry and search of premises and vehicles on the premises

1. —

- (a) The defendant must allow [name] (“the supervising solicitor”), together with [name] the claimant’s counsel and up to [ ] other persons being [their capacity] accompanying [him/them/as appropriate] to enter the premises mentioned or described in Schedule 1 to this order and any vehicles on the premises so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the claimant’s counsel all the documents and articles which are listed or described in Schedule 2 to this order (“the listed items”) or which [name] believes to be listed items. The defendant must allow those persons to remain on the premises until the search is complete, and if necessary to re-enter the premises on the same or the following day in order to complete the search.
- (b) This order must be complied with either by the defendant himself or by a responsible employee of the defendant or by the person appearing to be in control of the premises.
- (c) This order requires the defendant or his employee or the person appearing to be in control of the premises to permit entry to the premises immediately when the order is served upon him, except as stated in paragraph 3 below.

*Restrictions on the service and carrying out of paragraph 1 of this order*

2. Paragraph 1 of this order is subject to the following restrictions:

- (a) This order may only be served between 9.00 a.m. and 5.00 p.m. on a weekday which is not a public holiday.
- (b) This order may not be carried out at the same time as any search warrant.
- (c) [This order must be served by the supervising solicitor, and paragraph 1 of the order must be carried out in his presence and under his supervision.]<sup>α</sup> [At least 1 of the persons accompanying him as provided by paragraph 1 of this order shall be a woman.]<sup>χ</sup> [At least 1 of the persons carrying out the order shall be a woman.]<sup>δ</sup>
- (d) This order does not require the person served with the order to allow anyone [or anyone except (name)] who could gain commercially from

anything he might read or see on the premises if the person served with the order objects.

- (e) No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the person served with the order, and he has been given a reasonable opportunity to check the list.
- (f) The premises must not be searched, and items must not be removed from them, except in the presence of the defendant or a person appearing to be a responsible employee of the defendant.
- (g) [If the supervising solicitor is satisfied that full compliance with sub-paragraph (e) or (f) above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.]<sup>a</sup>

*Obtaining legal advice and applying to the Court*

3. Before permitting entry to the premises by any person other than [the supervising solicitor and]<sup>a</sup> the claimant's counsel, the defendant or other person appearing to be in control of the premises may seek legal advice, and apply to the Court to vary or discharge this order, provided he does so at once. While this is being done, he may refuse entry to the premises by any other person, and may refuse to permit the search to begin, for a short time [not to exceed 2 hours, unless (the supervising solicitor or)<sup>a</sup> the claimant's counsel agrees to a longer period].

*Delivery of listed items and computer print-outs*

4. —
  - (a) The defendant must immediately hand over to the claimant's counsel any of the listed items which are in his possession or under his control.
  - (b) If any of the listed items exists only in computer readable form, the defendant must immediately give the claimant's counsel effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out. A print-out of the items must be given to the claimant's counsel or displayed on the computer screen so that they can be read and copied. All reasonable steps shall be taken by the claimant to ensure that no damage is done to any computer or data. The claimant and his representatives may not themselves search the defendant's computers unless they have sufficient expertise to do so without damaging the defendant's system.

*Disclosure of information by the defendant*

5. —

- (a) The defendant must immediately inform the claimant's counsel:
- (i) where all the listed items are; and
  - (ii) so far as he is aware:
    - (A) the name and address of everyone who has supplied him, or offered to supply him, with listed items;
    - (B) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and
    - (C) the full details of the dates and quantities of every such supply and offer.
- (b) Within [ ] days after being served with this order, the defendant must prepare and swear an affidavit confirming the above information.
- (c) Nothing in this order shall abrogate the defendant's right against self-incrimination.

*Prohibited acts*

6. —

- (a) Except for the purpose of obtaining legal advice [or advising his banker], the defendant must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the claimant until [ ].
- (b) [Insert any negative injunctions.]

**EFFECT OF THIS ORDER**

7. —

- (a) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (b) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

**UNDERTAKINGS**

8. The undertakings contained in Schedules 3, 4 and 5 to this order are given in the following manner:

- (a) Schedule 3 undertakings – given by the claimant;
- (b) Schedule 4 undertakings – given by the claimant’s counsel and, if so ordered by the Court, the claimant; and
- (c) Schedule 5 undertakings – given by [the supervising solicitor]<sup>a</sup>.

#### **DURATION OF THIS ORDER**

9. Paragraph 6(b) of this order shall remain in force until the trial or further order.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

10. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the claimant’s counsel.

#### **NAME AND ADDRESS OF CLAIMANT’S COUNSEL**

11. The claimant’s counsel are:

[Name of lawyer(s) having conduct of action or charge of matter.]

[Registered Foreign Lawyer No. (if applicable)]

[Name of law firm.]

[Address of law firm.]

Tel: [Telephone number.]

Fax: [Facsimile number.]

Email: [Email address(es)]

Ref: [File reference of law firm.]

#### **[INTERPRETATION OF THIS ORDER**

12. —

- (a) In this order references to “he”, “him”, or “his” include “she” or “her” and “it” or “its”.
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
  - (i) References to “the defendants” mean both or all of them;
  - (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing;



- (iii) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means service on each of them; and
- (iv) Any other requirement that something shall be done to or in the presence of “the defendants” means to or in the presence of one of them.]

Dated this [        ] day of [        ], [        ].

Registrar.

[ ] Relevant information to be inserted.

<sup>α</sup> Where a supervising solicitor is ordered.

<sup>β</sup> This Notice is not a substitute for the endorsement of a penal notice.

<sup>ζ</sup> These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman and the supervising solicitor is a man.

<sup>δ</sup> These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman.

### **SCHEDULE 1**

*The premises*

### **SCHEDULE 2**

*The listed items*

### **SCHEDULE 3**

*Undertakings given by the claimant*

1. If the Court later finds that this order or the carrying out of it has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the claimant shall comply with any order the Court may make.
2. [As soon as practicable the claimant shall issue an Originating Claim and Claimant’s Statement [in the form of the draft Originating Claim and Claimant’s Statement produced to the Court] [claiming appropriate relief].]

3. The claimant shall [swear and file an affidavit] [cause an affidavit to be sworn and filed] [substantially in the terms of the draft produced to the Court] [confirming the substance of what was said to the Court by the claimant's counsel].
4. The claimant shall serve on the defendant at the same time as this order is served on him, the Originating Claim and Claimant's Statement and copies of the affidavits and exhibits containing the evidence relied on by the claimant. [Copies of the confidential exhibits (specify) need not be served, but they must be made available for inspection by or on behalf of the defendant in the presence of the claimant's counsel while the order is carried out. Afterwards they must be provided to the counsel representing the defendant who gives a written undertaking not to permit the defendant to see them or make copies of them except in his presence and not to permit the defendant to make or take away any note or record of the exhibits.]
5. [The claimant shall serve on the defendant a copy of the supervising solicitor's report on the carrying out of this order as soon as it is received and to produce a copy of the report to the Court.]<sup>a</sup>
6. The claimant shall not without the permission of the Court inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of carrying out this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.
7. [The claimant shall insure the items removed from these premises.]<sup>e</sup>

#### SCHEDULE 4

*Undertakings given by the claimant's counsel and,  
if so ordered by the Court, the claimant*

1. To answer at once to the best of their ability any question as to whether a particular item is a listed item.
2. To return the originals of all documents obtained as a result of this order (except original documents which belong to the claimant) as soon as possible and in any event within 2 working days after their removal.
3. While ownership of any item obtained as a result of this order is in dispute, to deliver the article into the keeping of counsel acting for the defendant within 2 working days from receiving a written undertaking by them to retain the article in safekeeping and to produce it to the Court when required.
4. To retain in their own safekeeping all other items obtained as a result of this order until the Court directs otherwise.

5. To execute this order calmly and orderly and in a manner respectful of the defendant's business.
6. Not, without the permission of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of the carrying out of this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

### **SCHEDULE 5**

#### *Undertakings given by the supervising solicitor*

1. To offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to seek legal advice and apply to vary or discharge the order as mentioned in paragraph 3 of the order.
2. [To make and provide the claimant's counsel a written report on the carrying out of the order.]<sup>α</sup>

<sup>α</sup> Where a supervising solicitor is ordered.

<sup>ε</sup> In appropriate cases.

33.

O. 18, r. 5(4)(a)

(Title as in cause or matter)

### **CERTIFICATE OF RESULT OF SALE**

I, \_\_\_\_\_, of \_\_\_\_\_, the person appointed as auctioneer to sell the immovable property comprised in the particulars hereinafter referred to, certify as follows:

1. I did at the time and place, in the lots, and subject to the conditions specified in the particulars and conditions of sale hereto annexed and marked A, put up for sale by auction the immovable property described in the said particulars.  
The result of the sale is truly set forth in the bidding paper hereto annexed and marked B.
2. I have received the sums in the fourth column of the schedule hereto as deposits from the respective purchasers identified in the second column.

Taken together with their purchase-money in the third column, the sums in the fifth column of the said schedule are due in respect thereof.

THE SCHEDULE above referred to

No. of Lot	Name of Purchaser	Amount of Purchase-Money	Amount of Deposit Received	Amount Remaining Due

*Auctioneer.*

(Date)

(*Note:* This form can be adapted to meet the requirements of Order 18, Rule 5(4)(a)(ii), when certificate has to be given by a solicitor).

34.

O. 19, r. 2(3)

(Title as in cause or matter)

**NOTICE FOR SETTING DOWN  
AN ACTION FOR TRIAL**

To: The Registrar and (other parties to the action).

1. The claimant (or defendant) hereby sets down this action for trial for (number of days) days on the following days:
  - (a) (State the trial dates)
2. The witnesses whom the claimant intends to call are:
  - (a) (Specify the witnesses)
3. The witnesses whom the defendant intends to call are:

(a) (Specify the witnesses)

Issued by: (Counsel for the ).

35.

O. 19, r. 4(1)(b)

(Title as in cause or matter)

**CERTIFICATION THAT TRIAL AND CORE BUNDLES  
DO NOT CONTAIN SEALED OR UNREDACTED DOCUMENTS**

I, ..... , counsel for the Claimant, certify that the trial bundle and core bundle do not contain any documents which the Court has ordered to be sealed or the unredacted version of any document which the Court has ordered should be redacted.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

36.

O. 20, r. 3(2)

(Title as in cause or matter)

**ORDER TO ATTEND COURT /  
ORDER TO PRODUCE DOCUMENTS**

Date:

To: [Name of person]

1. You are required to:

\*(a) give evidence on behalf of the [requesting party] in these proceedings.

\*(b) produce the documents specified below on behalf of the [requesting party] in these proceedings:

[Specify the documents to be produced]

\*(c) give evidence and produce the documents specified below on behalf of the [requesting party] in these proceedings:

[Specify the documents to be produced]

2. You are required to attend court personally until the end of these proceedings:

Hearing date / time:

Venue: [Supreme Court / State Courts] [Court / Chamber number]

Before: [Judge / Registrar]

However, if you are only required to produce documents and you ensure that all the documents required are produced in accordance with this order to attend court, you need not attend court personally.

\*3. This order to attend court is sufficient authority as an order under section 38 of the Prisons Act for the Superintendent to produce the named person in Court at the time and place stated. The requesting party undertakes to pay upon request the costs to be incurred by the prison in complying with the order to attend court.

\*Use as appropriate

(Seal of the Court and signature of the Registrar)

37.

O. 20, r. 12(2)

(Title as in cause or matter)

### **ORDER OF COURT**

Case No:

\*Application No:

Before: [Judge/Registrar]

Venue: [Supreme Court] [Court/Chamber number]

Hearing date / time:

The Court made the following orders in the above action/\*application:

[State the orders made]

- 1.
- 2.
- 3.

Date of order:

Notes:

1. Unless ordered otherwise, the person or entity served with this order must comply immediately.
2. Failure to comply may result in enforcement of order proceedings, including contempt of Court proceedings, against the said person or entity.

\*Use as appropriate

(Seal of the Court and signature of the Registrar)

38.

- O. 21, r. 9(1)
- O. 21, r. 14(2) and (3)
- O. 21, r. 16(12)

(Title as in cause or matter)

### **NOTICE OF APPEAL**

To: The Registrar and to [name of respondent and other parties]

1. The [state the party] appeals to the [Singapore International Commercial Court / Court of Appeal].
- \*2. The appeal is against the whole of the decision of [name of \*Registrar of the Supreme Court / Singapore International Commercial Court Judge(s)] given on [date].

\*[2. The appeal is against the following parts of the decision of [name of \*Registrar of the Supreme Court / Singapore International Commercial Court Judge(s)] given on [date]

(a) ...

(b) ...]

*Counsel for the appellant / appellant (if unrepresented)*

[Name, address, email address and telephone number of counsel / appellant (as the case may be)]

\* Delete whichever is inapplicable

(Seal of the Court and signature of the Registrar)

39.

O. 21, r. 18(4)(a)

O. 21, r. 30(10)(a)

(Title as in cause or matter)

### **UNDERTAKING FOR SECURITY FOR COSTS**

Date:

To: The respondent

We, the counsel for the appellant/applicant, undertake to hold the sum of \$[ ] by way of security for your costs of the appeal/application\* and, if costs are payable to the respondent under any order made by the Court of Appeal, to release to you the said amount without set-off unless the Court of Appeal orders otherwise.

*Counsel for the appellant/applicant*

[Name, address, email address and telephone number of solicitor]



\* Delete whichever is inapplicable.

40.

O. 21, r. 18(1)

O. 21, r. 30(7)

(Title as in cause or matter)

### **CERTIFICATE FOR SECURITY FOR COSTS**

Date:

This is to certify that the appellant/applicant has provided the sum of \$      by way of security for the respondent's costs of the appeal/application in the form of a counsel's undertaking in Form 39/by depositing the sum in the Registry/by depositing the sum with the Accountant-General/(describe any other form accepted by the parties).

\* Delete whichever is inapplicable.

(Seal of the Court and signature of the Registrar)

41.

O. 21, r. 24(1) and (2)

(Title as in cause or matter)

### **WITHDRAWAL OF APPEAL OR APPLICATION**

To: The Registrar and to [the other parties]

1. The \*appellant/applicant withdraws \*his/her \*appeal/application in relation to all the parties (or the following parties).
- \*2. There are no outstanding issues relating to costs or other matters.
- \*[2. The following are the outstanding issues:
  - (a) ...

(b) ...]

*Counsel for the appellant/applicant*

[Name, address, email address and telephone number of counsel]

We confirm the above.

*Counsel for [the other parties]*

[Name, address, email address and telephone number of counsel]

\* Delete whichever is inapplicable.

42.

O. 23, r. 4

**ORIGINATING APPLICATION  
IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT**

Originating Application No. \_\_\_\_\_ of 20 \_\_\_\_ .

Issued on: [date]

[Renewed for service for \_\_\_\_\_ months from [date] by an order of Court dated [date]]

Claimant:

[Name]

[Address]

[NRIC/Passport No.]

Defendant:

[Name]

[Address]

[NRIC/Passport No.]

To: The Defendant [name]

1. The Claimant [name] has commenced an action against you in the Singapore International Commercial Court.
2. The Claimant [name] is applying to the Singapore International Commercial Court for the following orders:
  - (a) [To state all the orders sought in numbered paragraphs]
3. The evidence in support of this Originating Application is stated in the supporting witness statement of [state the name of the person making the witness statement and the filing date of the witness statement].
4. If you wish to contest the Originating Application, you must file a Defendant's Statement pursuant to Order 23, Rule 6 within 28 days from the date of service of both the Originating Application and accompanying witness statement on you.
5. If you do not file the Defendant's Statement within the time stated in paragraph 4, the Claimant may apply for judgment to be entered against you under Order 23, Rule 6(5).
6. If you intend to oppose the application or any part thereof, but do not intend to dispute that you have been properly served with this application or that the Singapore International Commercial Court has or should assume jurisdiction in this matter, you must file and serve, together with the Defendant's Statement, a witness statement stating the grounds on which you oppose the application.

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

Notes:

1. This Originating Application must be served within 12 months beginning with the date of its issue, unless renewed by order of the Court.
2. A supporting witness statement setting out the necessary matters in Order 23, Rule 4 must be served together with this Originating Application.

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3. Where the Claimant sues or the Defendant is sued in a representative capacity, this Originating Application must include a statement of the capacity in which the Claimant sues or a Defendant is sued, as the case may be, and a list of the Claimants or the Defendants who are being represented shall be enclosed with this Originating Application.

(Seal of the Court and signature of the Registrar)

43.

O. 23, r. 6(1)(a)

(Title as in cause or matter)

### **DEFENDANT'S STATEMENT**

Date:

To: The Claimant [name]

#### Defence

1. [State:
  - (a) whether the Defendant is contesting the Originating Application or any part thereof;
  - (b) whether the Defendant intends to file an application under Order 2, Rule 6, to dispute that the Defendant has been served in accordance with Order 5; and
  - (c) whether the Defendant intends to file an application under Order 2, Rule 3(4)(b), to dispute that the Court has or exercise jurisdiction in accordance with Order 2.]
2. [Identify the claims or parts thereof that are contested and the claims or parts thereof that are not contested (if any).]
3. [Unless a witness statement is filed together with this Statement pursuant to Order 23, Rule 6(9), provide a concise summary, in numbered paragraphs, of:
  - (a) the material facts underlying the defence; and
  - (b) the nature and grounds of the defence.]

*Solicitor for the Defendant*

[Name, address, email address and telephone number of solicitor]

Notes:

1. This Defendant's Statement must be filed and served within 28 days from the service of both the Originating Application and the supporting witness statement on the Defendant.
2. Where the Defendant intends to oppose the application or any part thereof, but does not intend to dispute that the Defendant has been properly served with this application or that the Singapore International Commercial Court has or should assume jurisdiction in this matter, the Defendant must file and serve, together with the Defendant's Statement, a witness statement stating the grounds on which the Defendant opposes the application.

44.

O. 23, r. 6(5)

(Title as in cause or matter)

**APPLICATION FOR JUDGMENT WHERE DEFENDANT'S  
STATEMENT NOT SERVED / WHERE DEFENDANT DOES NOT  
CONTEST SOME OR ALL CLAIMS**

Date:

To: The Registrar

1. The Originating Application was served on the Defendant —
  - (a) on [day, date and time of service]
  - (b) at [place of service]
  - (c) by [method of service].
2. The Defendant [did not file and serve a Defendant's Statement as required within 28 days from the service of both the Originating Application and accompanying witness statement on the Defendant] / [filed and served a

Defendant's Statement stating that it does not intend to contest the claims] / [filed and served a Defendant's Statement stating that it intends to contest some but not all of the claims]\*.

\*Delete as appropriate.

3. We therefore apply under Order 23, Rule 6(5) for judgment against the Defendant in respect of [all of the orders sought in the Originating Application] / [the following orders sought in the Originating Application which the Defendant is not contesting [to state such orders]]\*.

\*Delete as appropriate.

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

45.

O. 25, r. 4(2)

**ORIGINATING APPLICATION WITHOUT NOTICE  
IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT**

Originating Application No. \_\_\_\_\_ of 20 \_\_\_\_.

Issued on: [date]

Claimant:

[Name]

[Address]

[NRIC/Passport No.]

Defendant:

[Name]

[Address]

[NRIC/Passport No.]

1. The Claimant [name] is applying to the Court for the following orders:
  - (a) [To state all the orders sought in numbered paragraphs]
2. The evidence in support of this Originating Application without notice is stated in the supporting affidavit of [state the name of the person making the affidavit and the filing date of the affidavit].

*Solicitor for the Claimant*

[Name, address, email address and telephone number of solicitor]

Notes:

1. A supporting affidavit setting out all necessary evidence in support must be filed together with this Originating Application without notice pursuant to Order 25, Rule 4(3).
2. Where the Claimant sues or the Defendant is sued in a representative capacity, this Originating Application must include a statement of the capacity in which the Claimant sues or a Defendant is sued, as the case may be, and a list of the Claimants or the Defendants who are being represented shall be enclosed with this Originating Application.

(Seal of the Court and signature of the Registrar)

46.

O. 25, r. 11(1)

(Title as in cause or matter)

**COMMITTAL ORDER**

Case No:

\*Application No:

Committal applicant:

Committal respondent:

Before: [Judge]

Venue: Supreme Court [Court/Chamber number]

Hearing date/time:

The Court made the following orders in the above action/application\*:

[State the committal order made and/or the fine]

- 1.
- 2.

\*If the order is to arrest or commit the committal respondent, add:

The Sheriff and any Police Officer is hereby directed to arrest (state name, identity number and last known place of residence of the committal respondent) and to bring him/her safely to Court or, if the Court's working hours are over, to prison to be kept in custody until the Court's working hours/ to prison to be imprisoned for (state the length of time ordered by the Court)(or until further order).

Date of order:

\*Use as appropriate

(Seal of the Court and signature of the Registrar)

47.

O. 27, r. 4(4)

### **NOTICE OF SERVICE ON MANAGER OF PARTNERSHIP**

*(Endorsed on Originating Application)*

Take notice that the Originating Application is served on you as the person having the control or management of the partnership business of the abovenamed defendant firm of \_\_\_\_\_ (and also as partner in the said firm\*).

*Counsel for the Claimant*

\* If the person served with the Originating Application is served in the 2 capacities of manager and partner, the clause should be left standing. If he/she is served as manager alone, it should be struck out.



## APPENDIX B

O. 5, r. 7(7)

CIVIL PROCEDURE CONVENTIONS

<i>Civil Procedure Convention</i>	<i>Gazette No.</i>
1. Convention between the United Kingdom and Austria regarding legal proceedings in civil and commercial matters	T 2/1999
2. Convention between the United Kingdom and Italy regarding legal proceedings in civil and commercial matters	T 3/1999
3. Convention between the United Kingdom and Germany regarding legal proceedings in civil and commercial matters	T 4/1999
4. Treaty on Judicial Assistance in civil and commercial matters between the Republic of Singapore and the People's Republic of China	T 2/2001

## APPENDIX C

**1. GENERAL MATTERS**

O. 19, r. 1(4)

O. 20, r. 1(5)

O. 21, r. 33

**A. Court Dress**

1. The attire for male counsel, restricted registration foreign lawyers or registered law experts appearing in open court will be an ordinary long-sleeved white shirt with a turn-down collar, a tie of a subdued or sober colour, a dark jacket, dark trousers and black or plain-coloured shoes. Conspicuous jewellery or ornaments should not be worn.
2. The attire for female counsel, restricted registration foreign lawyers or registered law experts appearing in open court will be a long-sleeved white blouse high to the neck, a dark jacket, a dark skirt or dark trousers and black or plain-coloured shoes. Conspicuous jewellery or ornaments should not be worn.
3. When appearing before a Judge in Chambers or Registrar, the attire for both men and women will be the same as for open court.

**B. Forms of Address**

4. The following forms of address apply:

- (a) The Chief Justice, the Justices of the Court of Appeal, the Judges of the Appellate Division, the Judges of the High Court, the Senior Judges, the International Judges and the Judicial Commissioners shall, when sitting in open court or in chambers, be addressed as “Your Honour”, and on social occasions or other extra-judicial occasions, as “Chief Justice” or “Judge”, as the case may be.
- (b) The Chief Justice, the Justices of the Court of Appeal, the Judges of the Appellate Division, the Judges of the High Court, the Senior Judges, the International Judges and the Judicial Commissioners shall, in all cause lists, orders of Court, correspondence and other documents, be described in the following manner without any accompanying gender prefix.

<b>Office</b>	<b>Form of Address</b>	<b>Abbreviated Form of Address</b>
Chief Justice	“Chief Justice [name]”	“[name] CJ”
Justice of the Court of Appeal	“Justice [name]”	“[name] JCA”
Judge of the Appellate Division		“[name] JAD”
Judge of the High Court		“[name] J”
Senior Judge		“[name] SJ”
International Judge		“[name] IJ”
Judicial Commissioner		“Judicial Commissioner [name]”

### **C. Use of Electronic and Other Devices**

5. In order to maintain the dignity of Court proceedings, video or image recording is strictly prohibited in all hearings in open court or chambers.
6. Additionally, audio recording during a hearing is strictly prohibited without prior permission of the Court.

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7. Court users are permitted to use notebooks, tablets, mobile phones and other electronic devices to —
    - (a) take notes of evidence and for other purposes pertaining to the proceedings in open court or in chambers; or
    - (b) communicate with external parties in all hearings in open court, provided that such use does not in any way disrupt or trivialise the proceedings.
  8. The attention of court users is also drawn to section 5 of the Administration of Justice (Protection) Act 2016.

## **2. CONDUCT OF HEARINGS**

9. Except as provided by paragraph 11 or 15, all hearings of any cause or matter must be conducted at the premises of the Court at the Supreme Court Building with the attendance of all parties or their counsel.
10. Parties who wish to request a hearing before the Court on an urgent basis are to refer to the procedure set out on the official website of the Court. Parties applying for injunctions or search orders by way of a summons without notice should additionally take note of the relevant requirements set out on the official website of the Court.
11. Hearings may be conducted through teleconference or video conference if directed by the Court hearing the matter. Each party must make its own arrangements to procure the necessary telecommunications facilities or services in order to participate in the teleconference or video conference. Each party is responsible for ensuring that it joins the teleconference or video conference at the designated date and time. Costs reasonably incurred in participating in such teleconference or video conference may, subject to the discretion of the Court as to costs, be claimable as disbursements in the cause or matter.
12. Parties who wish to apply for the hearing to be conducted via teleconference or video conference must submit a request to the SICC Registry in accordance with the instructions on the official website of the Court. The request must be submitted at least 7 working days before the date of the hearing, and only after seeking the consent of all the other parties to do so.
13. In the event that parties are unable to agree on the conduct of the hearing by teleconference or video conference, the requesting party must seek directions from the Court by submitting the appropriate request in accordance with the instructions on the official website of the Court. Such request must be submitted at least 7 working days before the date of the hearing.

14. Subject to permission of the Court, parties may utilise presentation slides in accordance with the instructions on the official website of the Court to assist in the conduct of trials, appeals, and other hearings.
15. The Court may determine any matter on the basis of the documents filed for that matter, and without the need for oral arguments or submissions by counsel, unless otherwise provided for under Order 20, Rule 2(2).

### **3. GENERAL REQUIREMENTS FOR DOCUMENTS / BUNDLES**

These requirements apply to all documents and bundles in these Rules unless they are inconsistent with the requirements specific to that document or bundle, in which case the specific requirements take precedence.

16. All documents and bundles must be continuously paginated across the document or bundle and the page number must be clearly distinguishable from any existing page numbering.
17. If a bundle or a specified volume of a bundle is permitted to and exceeds 300 sheets, or where appropriate, it must be split into more than one part, each not exceeding 300 sheets. The parts may be referred to by volumes, for example Volume 1 and Volume 2, or, if a part of a specified volume, may be referred to alphabetically, for example Volume 4A and Volume 4B.
18. Hard copies of specified volumes which are less than 100 sheets may be amalgamated into a physical bundle not exceeding 300 sheets.
19. Documents (including in any bundle) created by the parties for the trial must comply with the following format:
  - (a) every page must have a margin on all 4 sides, each of at least 35 mm in width and be double-spaced throughout;
  - (b) the minimum font size to be used is Times New Roman 12 or its equivalent.
20. Hard copies of any document or bundle —
  - (a) must be printed on A4-sized paper and on both sides of each sheet with a transparent plastic cover in front and at the back;
  - (b) must be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spinets should be red for the Claimant, blue for the Defendants and black for joint documents;
  - (c) may have flags to mark out documents to which repeated references will be made in the course of hearing. Such flags must bear the appropriate indicium by which the document is indicated in the index of documents. Flags must be spaced out evenly along the right side of the bundle so that, as far as possible, they do not overlap one another.

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21. Where a bundle includes a large document (larger than A3) or a document which cannot be produced on paper, or where otherwise necessary or appropriate —
- (a) for the purposes of the hard copy of the bundle, the document may be included in a separate folder or equivalent, which must be cross-referenced to its intended place in the trial bundle and sufficiently marked to enable the document to be identified; and
  - (b) the document must be represented in the bundle by a separate holding page, which should cross-reference the folder or equivalent where the document may be located.
22. Soft copies of any document or bundle —
- (a) must be in Portable Document Format (PDF) format and the page numbers of the PDF version must correspond to the page numbers of the hard copy;
  - (b) must contain PDF bookmarks or hyperlinks to —
    - (i) the other volumes of the bundle, if any;
    - (ii) the other parts of each volume, if any; and
    - (iii) each reference in its index to a document, with the name given to each bookmark being the same as the corresponding reference in the index; and
  - (c) may be filed using the electronic filing service and/or if directed by the Court or required under these Rules, should be provided to the Registry —
    - (i) in one or more finalised optical discs or portable storage devices acceptable to the Registry by way of personal delivery or courier. The storage media or device that is provided may be retained by the Registry whether or not it is acceptable to the Registry; or
    - (ii) where the Registry permits, by uploading soft copies of the documents in online folders designated by the Registry for such purposes. Counsel must make prior arrangements with the Registry for access to such online folders if this option may be utilised.

#### **4. USE OF TECHNOLOGY FACILITIES**

##### **A. Technology Facilities for Use During Trials or Hearings**

23. Technology Facilities (i.e., any teleconference facilities, video conference facilities, interactive display facilities, the Mobile Infocomm Technology

facilities or other facilities that are listed on the official website of the Court) may, at the discretion of the Registrar, be used at any trial or hearing conducted in the Court.

24. The Technology Facilities available for use is set out on the official website of the Court.
25. The Registrar may refuse any request for the use of any of the Technology Facilities at any time owing to the unavailability of staff or equipment or for any other reason. The Registrar need not give any reasons for the refusal of such a request.

#### **B. Applications to Use Technology Facilities and Additional Equipment**

26. A request to use Technology Facilities and/or equipment additional to those provided in a courtroom or chambers for the hearing of any cause or matter in the Court must be made by filing a request in accordance with the instructions on the official website of the Court.

### **5. TRIALS AND OTHER HEARINGS**

#### **A. Examination and Cross-Examination of Witnesses**

##### i. General

27. The examination, cross-examination and re-examination of all witnesses are subject to the time limits set out in any previously directed timetable at any case management conference, or any other time limit as the trial Judge may allow. Counsel are expected to stay within those time limits.
28. Parties who require the services of interpreters must comply with the requirements set out on the official website of the Court.

##### ii. Witnesses of fact

29. Where a witness of fact has already given the witness' evidence-in-chief by witness statement or affidavit, the examination of that witness should be confined to confirming the truth of that witness statement or affidavit, correcting or clarifying any typographical or clerical errors in that witness statement or affidavit, and, where the Court has granted permission in accordance with Order 13, Rule 1(3), clarifying or supplementing the witness' evidence with oral testimony.
30. Upon completion of evidence-in-chief, the witness will then be cross-examined. Where a witness is cross-examined by more than one party, the Court must determine the order in which the other parties cross-examine the witnesses. Counsel are expected to comply with the rules of evidence found in Singapore law, whether under the Evidence Act or elsewhere, or other applicable evidential rules if any rule of evidence found in Singapore law has been disapplied pursuant to an order under Order 13,

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- Rule 15. Counsel are also expected to comply with all relevant ethical codes in the conduct of the cross-examination.
31. Unless expressly allowed by the Court, once the witness commences cross-examination, the witness is not permitted to discuss the witness' evidence with anyone, including any counsel, until that witness is released from the witness' oath after re-examination.
  32. Upon completion of cross-examination, the witness may be re-examined by the party who called the witness.
  33. The Court may, at any time, ask the witness questions. Where the questions elicit answers which parties have not previously dealt with, the Court must allow parties a reasonable opportunity to direct questions to that witness on the answers given.
  34. The Court may, where appropriate, direct that cross-examination and re-examination be conducted on an issue by issue basis. The witness will be cross-examined and re-examined on the first issue, then cross-examined and re-examined on the second issue, and so on.

**B. Requirements for Specific Documents and Bundles (other than in proceedings before the Court of Appeal)**

- i. Bundle of Authorities
35. The bundle of authorities contains all the authorities, cases, statutes, subsidiary legislation and any other materials relied on, arranged in the following order:
    - (a) statutes in alphabetical order of the title;
    - (b) subsidiary legislation in alphabetical order of the title;
    - (c) cases in alphabetical order of the case name;
    - (d) secondary materials (such as textbooks and articles) in alphabetical order of the last name of the author;
    - (e) any other materials in alphabetical order of the title or last name of the author as is appropriate.
  36. The bundle of authorities must have an index of contents, which must be included in all volumes of the bundle of authorities, and each authority must be flagged or bookmarked.
  37. The index of contents must contain a concise statement of the relevance of each authority to the specific issues before the Court. The relevance of each authority must be succinctly expressed and comprise no more than 3 sentences. The statement must be set out immediately after the name of the case. For example —

- (a) “*Cartier International BV v Lee Hock Lee and another application* [1992] 3 SLR 340

Relevance: Where the Court is asked to punish an alleged contemnor by incarceration, the charge against him must be proved to the high standard required in a criminal charge.”; or

- (b) “*Rickshaw Investments Ltd & Anor v Nicolai Baron von Uexkull* [2008] 1 SLR(R) 377

Relevance: Choice of law considerations are relevant even when determining the natural forum to hear a dispute.”.

38. Hard copies of the bundle of authorities must have flags to mark out the authorities.

ii. Opening Statement

39. An opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the Judge to appreciate what the case is about, and what the Judge is to look out for when reading and listening to the evidence that will follow. The need for brevity is emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose.
40. The opening statement must briefly and clearly state —
- (a) the nature of the case and the relevant background facts, including if any facts are agreed;
  - (b) the precise legal and factual issues in dispute (including in any counterclaim) in no more than one or 2 sentences each, with cross-reference to the pleadings or memorials as appropriate;
  - (c) the party’s position on each issue;
  - (d) the principal legal authorities, key documents and witnesses that the party intends to rely on and their relevance; and
  - (e) any explanation of any unusual or complicated reliefs.
41. Opening statements may be amended at trial, but counsel will be expected to explain the reasons for the amendments.
42. Subject to the Court’s directions, each party may supplement their opening statements with an oral address before the Court. These supplementary opening statements should be as brief as the circumstances allow and in any event, subject to the previously directed timetable at any case management conference or any other time limit as the Judge may allow.



iii. Trial Bundle

43. Volume 1 of the trial bundle must contain —

- (a) a brief summary of any points on which the parties are unable to agree in relation to the contents of the trial bundle; and
- (b) an index of contents of the entire trial bundle in the following form:

<b><u>CONTENTS OF TRIAL BUNDLE</u></b>		
<b>INDEX TO VOLUME 1</b>		
NO.	DESCRIPTION	PAGE
...		
<b>INDEX TO VOLUME [ ]</b>		
NO.	DESCRIPTION	PAGE
...		
<b>INDEX TO VOLUME [5A]</b>		
NO.	DESCRIPTION	PAGE
...		
<b>INDEX TO VOLUME [5B]</b>		
NO.	DESCRIPTION	PAGE
...		

44. Volumes 1 and 2 of the trial bundle must contain a set of the latest versions of the documents arranged sequentially, followed by a set of any superseded versions of the documents arranged chronologically.

45. In relation to the witness statements of witnesses of fact to be included in Volume 3 of the trial bundle, Volume 3 of the trial bundle must —

- (a) contain a set of the witness statements (excluding exhibits) which have been prepared for the purposes of the trial arranged in a logical order, followed by a set of any other witness statements (excluding exhibits), to be relied on arranged chronologically; and

- (b) where a witness statement in Volume 3 contains a reference to a document which does not refer to Volume 4 of the trial bundle, clearly include, in the margin or in any other conveniently accessible manner, a cross-reference to the same document in Volume 4 of the trial bundle.
46. In relation to the witness statements of expert witnesses to be included in Volume 5 of the trial bundle, Volume 5 of the trial bundle must —
- (a) contain a set of the witness statements (including the expert reports but excluding exhibits or annexures to the expert reports) which have been prepared for the purposes of the trial arranged in a logical order; and
- (b) where an expert report in Volume 5 contains a reference to a document which does not refer to Volume 6 of the trial bundle, clearly include, in the margin or in any other conveniently accessible manner, a cross-reference to the same document in Volume 6 of the trial bundle.
47. Unless otherwise stipulated, each volume of the trial bundle must —
- (a) contain documents that are arranged chronologically or in some logical order;
- (b) be continuously paginated (across all parts, if applicable), with each volume beginning at page 1; and
- (c) contain in each part of the volume an index of contents for that volume in the following form:

**INDEX OF CONTENTS — VOLUME [1]**

<b>No. (To be numbered serially)</b>	<b>Description</b>	<b>Scope of agreement and comments</b>	<b>Page</b>

iv. Trial Core Bundle

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48. A core bundle for trial —
- (a) must contain an index of contents cross-referenced to the documents in the trial bundle and stating the scope of any applicable agreement, deemed agreement or disagreement in relation to the contents of the core bundle; and
  - (b) must state on each page the cross-reference to the same page in the trial bundle.
49. Hard copies of a core bundle for trial must be contained in a loose-leaf file or equivalent format that will allow further documents to be easily added to the core bundle and its index if required.
- v. Trial Confidential Bundle
50. A confidential bundle for trial must contain an index of contents cross-referenced to the relevant holding page in the trial bundle and stating the scope of any applicable agreement, deemed agreement or disagreement in relation to the contents of the confidential bundle.
- vi. Closing Submissions
51. Unless otherwise directed, the Court will require written closing submissions from the parties, other than in proceedings before the Court of Appeal.
52. Written closing submissions will, unless the Court deems otherwise appropriate, be by way of an exchange of submissions, and unless otherwise directed, followed by reply submissions responding and confined to points raised in the other party’s initial closing submissions.
53. After the written closing submissions have been filed and exchanged, the parties will be allowed to make oral submissions if so directed by the Court. The Court may impose time limits on the length of time each party is given for oral submission.
54. The Court may require parties to provide a costs schedule to be submitted with closing submissions, or to submit cost estimates or budgets in the course of the proceedings. A sample costs schedule is set out in Form C1.

## 6. APPEALS

### A. Terminology

55. In this part of the Appendix —
- (a) unless otherwise identified, each appellant’s Case, respondent’s Case and appellant’s Reply is referred to individually as a “Case” and collectively as “Cases”;

(b) unless otherwise identified, each appellant’s core bundle of documents, respondent’s core bundle of documents and appellant’s second core bundle is referred to individually as a “core bundle” and collectively as “core bundles”; and

(c) documents in soft copy that are in Portable Document Format are referred to as “PDF” documents or versions.

## **B. General Requirements for Documents and Bundles before the Court of Appeal**

56. Unless otherwise provided in these Rules, all documents that are required to be filed must be electronically filed by the relevant deadlines.

57. The cover page and table of contents are to be included in the page count for the purposes of determining whether a document is within the prescribed page limit (if any).

58. Cover pages are mandatory for all documents. A table of contents is mandatory for all documents for which the prescribed page limit is 20 pages or higher.

59. Where appropriate, parties or their counsel may be required to attend to take directions on the conduct of the appeal.

## **C. Hard Copies and Soft Copies of Appeal Documents**

60. Parties must —

(a) tender hard copies of the Cases, the core bundles, the bundles of authorities and any further documents ordered to be filed under Order 21, Rule 21(18) to the Registry at the time they are filed pursuant to Order 21, Rule 21(5), (7) and (9); and

(b) tender hard copies of the written submissions, the bundles of authorities and any further documents ordered to be filed under Order 21, Rule 20(6) to the Registry at the time they are filed pursuant to Order 21, Rule 20(7).

61. Where the hard copies referred to in paragraph 60 have to be despatched from overseas, such documents must be despatched, at the latest, on the same day that the documents are filed on eLitigation or the same day that the documents are sent or made accessible to the Registrar. The party sending or making accessible the documents is responsible for ensuring that the documents are received by the Registry no later than 5 working days from the date of despatch.

62. In relation to the hard copies referred to in paragraph 60 —

- (a) where the appeal is to be heard by a 2-judge coram of the Court of Appeal, 3 hard copies must be tendered;
- (b) where the appeal is to be heard by a 3-judge coram of the Court of Appeal, 4 hard copies must be tendered; and
- (c) where the appeal is to be heard by a 5-judge coram of the Court of Appeal, 6 hard copies must be tendered.
63. In addition to the hard copies, parties are required to tender at the same time soft copies of the appeal documents mentioned at paragraph 60 in accordance with paragraph 22.
64. The soft copies must be named in accordance with the following format:

< party> — < document title>

For example:

“1st Appellant — Appellant’s Case”

“1st Appellant — Appellant’s Reply”

“1st Appellant — Bundle of Authorities Vol 1”

“1st Appellant — Record of Appeal Vol 1”

65. The CD-ROM or portable storage device containing the soft copies must be clearly labelled with the case number and title of the proceedings. If there is more than one CD-ROM or portable storage device, the CD-ROMs or portable storage devices must be numbered sequentially.

**D. Requirements for Specific Documents and Bundles Before the Court of Appeal**

i. Appeals Information Sheet

66. Where appropriate, parties or their counsel may be required to attend to take directions on the conduct of the appeal.
67. The Appeals Information Sheet must be in the following form:

**APPEALS INFORMATION SHEET**

<b>Case Number(s)</b>	
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<b>Name(s) of Party / Parties</b>	
<b>Name(s) of Lead Counsel</b>	

**Important or Significant Questions of Law on Appeal**

1. Please specify if there is any important or significant question of law raised in the appeal. This includes, but is not limited to, any question of law that (a) is novel or highly complex; (b) may lead to a significant development in the law; (c) involves potentially distinguishing or overruling of existing precedent cases; and (d) is of significant public importance.

If there is any such question of law raised in the appeal, please state the question of law and the factor or factors that make it important or significant.

Please include relevant case citations with pinpoint references if possible.

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**Related Matters**

2. Please state any proceedings (pending or concluded) in the Court of Appeal, the Appellate Division or the General Division which are related to the appeal.

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### Unavailability Dates

3. If your appeal is already fixed for hearing within a sitting, please state if you are unable to attend court for the appeal hearing on any of the days within the sitting.

Yes  No

Not Applicable

4. If “Yes”, please provide details.

Date(s) Unavailable	Reason(s)

### Applications

5. Do you have any applications (i.e. Court of Appeal summonses) to make in the appeal?

Yes  No

6. If “Yes”, please state the nature of the application (*e.g.*, application to strike out the appeal, application to adduce fresh evidence, application for judge(s) to be recused, etc.).

Application	Brief Description of Application	Number of Judges required

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**Possible Alternative Dispute Resolution**

7. Would some form of Alternative Dispute Resolution assist to resolve or narrow the disputes on appeal? Has this been considered between the party/parties and its legal representatives and/or explored with the other party/parties to the appeal?

**Any Other Matters or Comments****ii. Record of appeal and core bundles***Preparation of record of appeal*

68. The record of appeal must be arranged in the following separate volumes:
- (a) Volume 1 — A certified copy of the judgment or grounds of decision of the lower Court and the extracted order of the lower Court;
  - (b) Volume 2 — Order granting permission to appeal, notice of appeal, certificate for security for costs, Originating Application, Claimant’s Statement, Defendant’s Statement and pleadings/memorials (as applicable);
  - (c) Volume 3 — Witness statements (in chronological order), and transcripts or notes of evidence and arguments;
  - (d) Volume 4 — All such exhibits and documents as they were tendered in the lower Court, but which did not form an exhibit to any witness statement;



- 
- 
- (e) Volume 5 — The core bundle (if any) pursuant to Order 19, Rule 5 in its original form as it was tendered in the lower Court.
69. Where there are no exhibits or documents referred to in paragraph 68(d), Volume 4 need not be produced, and Volume 5 shall be renumbered as Volume 4.
70. If any volume exceeds 300 pages, then that volume shall be sub-divided, at a convenient page, into sub-volumes designated as part thereof, for example, Volume 3 Part A, Volume 3 Part B and so on. Conversely, if any of the volumes (with the exception of Volumes 1 and 2 which must remain as separate volumes) should be less than 100 pages each, these may be amalgamated into combined volumes, each not exceeding 300 pages, and renumbered accordingly.
71. The documentary exhibits in Volume 4 must, as far as suitable, be arranged in chronological order, mixing appellant's and respondent's documents together when necessary (e.g., in a series of correspondence). If documents in proceedings in an action other than the one under appeal appear as exhibits, then those documents must be kept together and arranged in chronological order.
72. Each document in Volume 4 must be marked with its exhibit mark and must state whether it is the appellant's or respondent's document (unless that is clear from the mark).

*Preparation of core bundles*

73. The contents of the core bundles must be arranged in the following separate volumes:
- (a) Volume 1 — a certified copy of the judgment or grounds of decision of the lower Court and the extracted order of the lower Court, and a table of contents listing the documents included therein;
  - (b) Volume 2 — all other documents referred to in Order 21, Rule 13 and a table of contents listing the documents included therein.
74. Each volume of the core bundles must begin at page 1, every page must be numbered and the page number of the core bundles must correspond to the page number of the PDF version.
75. The table of contents of the core bundles must contain descriptions of each document that will enable the Court to identify the nature of the document. Parties must avoid the use of generic descriptions such as “extracts from the witness statement of Party A filed on 1 December 2017” or “exhibits from the witness statement of Party A filed on 1 December 2017”. Examples of suitable descriptions are set out below for reference:

“Joint Venture Agreement between Party A and Party B dated 1 December 2017”

“Minutes of meeting held on 1 December 2017 between Party A and Party B”

“Email dated 1 December 2017 from Party A and Party B”

76. Parties must ensure that all documents which they refer to in their submissions are contained in the core bundles. As a matter of practice, parties should not be making submissions based on documents contained solely in the record of appeal unless they are responding to questions from the coram.

*Pagination of record of appeal and core bundles*

77. The first page of each volume of the record of appeal and core bundles must state the title and the appeal number of the appeal, the names of the parties, the volume number, a short description of its contents, the names and addresses of the appellants and respondents, and the date of filing.
78. The page number of each volume of the record of appeal and core bundles must correspond to the page number in the PDF version of that volume. Each separate volume must start at page 1 and every page must be numbered consecutively. If separator sheets are used, these must also be numbered.

*Table of contents of record of appeal and core bundles*

79. The table of contents of all volumes of the record of appeal and core bundles must be placed at the beginning of Volume 1 of the record of appeal and core bundles respectively, immediately after the title page. It must be in the following form:

TABLE OF CONTENTS

INDEX TO VOLUME 1

NO.	DESCRIPTION	PAGE
-----	-------------	------

INDEX TO VOLUME 2

NO.	DESCRIPTION	PAGE
-----	-------------	------

## INDEX TO VOLUME 3

NO.	DESCRIPTION	PAGE
-----	-------------	------

## INDEX TO VOLUME 4

NO. EXHIBIT	DESCRIPTION	Whether or not included in records	PAGE
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MARKING

## INDEX TO VOLUME 5

NO.	DESCRIPTION	PAGE
-----	-------------	------

80. Each individual volume of the record of appeal and core bundles must also contain its own index of its contents.
81. Items in each table of contents must be numbered serially, and listed in the order in which they are organised in the record of appeal and core bundles.
82. Items relating to transcripts or notes of the evidence of witnesses must include a sub-table of contents identifying where the evidence of each witness can be found. The number and name of each witness must be shown in such sub-table.
83. If an exhibit consists of a bundle of documents, then the documents in the bundle must be listed in a sub-table of contents under the item relating to such bundle.

84. In accordance with paragraph 22(b), each volume of the PDF version of the record of appeal and core bundles must include electronic bookmarks for each item of the table of contents and sub-table of contents, if any. The description of each bookmark must correspond with the description of that item in the table of contents or sub-table of contents, unless an abbreviated description is appropriate.

*Filing of form of record of appeal*

85. For the purposes of compliance with Order 21, Rule 21(5)(a), the form of the record of appeal may be electronically filed in lieu of the record of appeal.
86. All documents listed in the form of the record of appeal must be contained in the hard copy of that bundle.
87. The form of the record of appeal must be as follows:

**FORM OF RECORD OF APPEAL**

The documents itemised below are listed in accordance with paragraph 87 of Appendix C.

Insofar as these documents have already been filed in the electronic case file in (to state the case no.) or are available in the electronic case file, they are, for the purpose of complying with Order 21, Rule 21(5)(a), deemed to be filed.

<b>S/N.</b>	<b>Filing Date</b>	<b>Description of Document</b>	<b>Pages</b>
1		Judgment appealed from	
2		Extracted order of Court appealed from	
3		Order granting permission to appeal	
4		Notice of appeal	
5		Certificate on security for costs	
6		Originating Application	
7		Claimant's Statement	
8		Defendant's Statement	
9		Pleadings (if applicable): —	
		(a) [to be itemised]	

S/N.	Filing Date	Description of Document	Pages
		(b) [to be itemised]	
		Memorials (if applicable): —	
		(a) Memorial	
		(b) Counter-Memorial	
10		Witness statements: —	
		(a) [to be itemised]	
		(b) [to be itemised]	
11		Transcripts / notes of evidence and arguments: —	
		(a) [to be itemised]	
		(b) [to be itemised]	
12		Other exhibits and documents tendered below but which did not form an exhibit to any witness statement: —	
		(a) [to be itemised]	
		(b) [to be itemised]	
13		Core bundle tendered below	

The format of the separate table of contents under paragraph 89 of Appendix C is as follows:

S/N.	Description of Document	Pages

*Documents not already in the electronic case file*

88. If a party wishes to rely on a document which does not exist in the electronic case file, the party must file, serve, deliver or otherwise convey to the Registry the document together with the form of record of appeal.
89. A table of contents must be provided in respect of these documents, in accordance with paragraph 81.

90. These documents must be paginated with page numbers indicated at the top of each page. The pagination must take into account the pages comprising the forms of record of appeal and the table of contents for these additional documents. For example, if the form of the record of appeal is 5 pages and the table of contents for the additional documents is 2 pages, the first page of the first document should be paginated as page 8.

*Responsibility for good order and completeness*

91. Lead counsel in the appeal may delegate the preparation of the record of appeal and core bundles to assisting counsel or a suitably experienced law clerk or secretary, provided always that lead counsel must be personally satisfied as to the good order and completeness of every copy of the record of appeal and core bundles lodged in Court in accordance with this Appendix, and must personally bear responsibility for any errors or deficiencies.

*Superfluous, irrelevant or duplicative documents*

92. With regard to the inclusion of documents, counsel's attention is drawn to the definitions of "record of appeal", "core bundle of documents" and "second core bundle" in Order 21, Rule 13. Only documents which are relevant to the subject matter of the appeal must be included in the record of appeal and core bundles.
93. Parties are reminded not to exhibit duplicate documents in their respondent's core bundle of documents or the second core bundle if such documents are already included in a core bundle of documents that has been filed earlier. Documents must not appear more than once in the record of appeal, even if exhibited to different witness statements.
94. The Court of Appeal will have no hesitation in making a special order for costs in cases in which it is of the opinion that costs have been wasted by the inclusion of superfluous, irrelevant or duplicative documents.

iii. Cases and Written Submissions

*Descriptions of documents referred to in Cases and written submissions*

95. Any document referred to in a Case or written submission must be described in such manner as to enable the Court to easily identify the nature of the document. Examples of suitable descriptions are in paragraph 75.

*Applications for permission to appeal*

96. Any written submissions in respect of an application to the Court of Appeal under Order 21, Rule 16 for permission to appeal against a decision of the Court must be in the following form:

**SUBMISSIONS FOR APPLICATION FOR  
PERMISSION TO APPEAL AGAINST A DECISION OF  
THE COURT (APPLICANT)**

**PART A**

Case Number(s)	
Name(s) of Applicant(s) and Counsel	
Brief summary of the decision in respect of which permission to appeal is sought	
Pertinent facts / procedural history	
Ground(s) of the application* (to be elaborated upon below in Part B)	<input type="checkbox"/> <i>Prima facie</i> case of error <p style="margin-left: 20px;">If this ground is selected, please state and frame the error, and explain how it had a significant bearing on the eventual outcome of the decision upon which permission to appeal is sought: _____</p> <p>_____</p>

	<p><input type="checkbox"/> Question of general principle decided for the first time</p> <p>If this ground is selected, please (a) state the question of general principle decided for the first time and (b) explain how the question arose from the decision and reasoning of the court below: _____</p> <p>_____</p> <p><input type="checkbox"/> Question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage</p> <p>If this ground is selected, please (a) state the question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage, and (b) explain how the outcome that is sought in relation to the question also has a material bearing on the outcome of the main hearing of the appeal if permission is granted: _____</p> <p>_____</p> <p><input type="checkbox"/> Other(s): _____</p>
--	---

## PART B

Note: To assist the court in identifying the documents referred to by a party in the submissions, the party should indicate where the document can be found in the bundle of documents. If the document is not included in the bundle of documents, the party should provide: (a) a clear description of the document; (b) the date on which the document was electronically filed; and (c) where the document is a constituent component of another electronic filing, the exact page in the Portable Document Format (PDF) version of the electronic filing where the document may be found.

### *Ground(s) of the application*



1. *[State the first ground of the application, corresponding to the ground(s) as indicated in Part A]*

*[State supporting reasons and include references to citations of legal authorities where relevant.]*

2. *[State the second ground (if any) of the application, corresponding to the ground(s) as indicated in Part A]^*

*[State supporting reasons and include references to citations of legal authorities where relevant.]*

^ Please omit/repeat as appropriate, corresponding to the ground(s) for contesting the application as indicated in Part A.

### ***Submissions on costs***

*[State (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court.]*

*Any Other Matters*

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\_\_\_\_\_  
Signature of Applicant(s) or Counsel:

Name:

Date:

**SUBMISSIONS FOR APPLICATION FOR  
PERMISSION TO APPEAL AGAINST A DECISION OF  
THE COURT (RESPONDENT)**

**PART A**

Case Number(s)	
Name(s) of Respondent(s) and Counsel	
Brief summary of the decision in respect of which permission to appeal is sought	

Pertinent facts / procedural history	
Ground(s) for contesting the application (to be enumerated in brief and to be elaborated upon below in Part B)*	

## PART B

Note: To assist the court in identifying the documents referred to by a party in the submissions, the party should indicate where the document can be found in the bundle of documents. If the document is not included in the bundle of documents, the party should provide: (a) a clear description of the document; (b) the date on which the document was electronically filed; and (c) where the document is a constituent component of another electronic filing, the exact page in the Portable Document Format (PDF) version of the electronic filing where the document may be found.

### *Ground(s) for contesting the application*

1. *[State the first ground for contesting the application, corresponding to the ground(s) as indicated in Part A]*

*[State supporting reasons and include references to citations of legal authorities where relevant.]*

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2. *[State the second ground (if any) for contesting the application, corresponding to the ground(s) as indicated in Part A]^*

*[State supporting reasons and include references to citations of legal authorities where relevant.]*

<sup>^</sup> Please omit/repeat as appropriate, corresponding to the ground(s) for contesting the application as indicated in Part A.

***Submissions on costs***

*[State (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court.]*

***Any Other Matters***

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\_\_\_\_\_  
Signature of Respondent(s) or Counsel:

Name:

Date:

*Further written submissions*

97. Where the Court of Appeal orders further written submissions to be filed, such written submissions must not exceed 10 pages unless otherwise directed by the Court of Appeal. Any written submissions filed in breach of any requirement in this paragraph may be rejected.

iv. Bundle of Authorities

98. The requirements in Part 5 relating to a Bundle of Authorities apply to proceedings before the Court of Appeal.

**E. Request for Permission to Exceed Page Limit**

99. If a party wishes to seek permission to exceed the page limits prescribed under Order 21, the party must submit a request stating the reasons for requiring additional pages, the number of additional pages required and the position of the other parties on the request.

100. If the request for permission to exceed the page limit is in respect of a Case, the appellant's core bundle of documents or the respondent's core bundle of documents, that request must be filed at least 14 days before the filing deadline.

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101. If the request for permission to exceed the page limit is in respect of a written submission, the appellant’s Reply, the second core bundle or the bundle of documents filed for applications for permission to appeal, that request must be filed at least 5 working days before the filing deadline.

**F. Documents Ordered to be Redacted or Sealed**

102. Paragraphs 103 to 118 apply only in respect of documents to be included in the record of appeal and core bundles (collectively called the appeal bundles) that have been ordered to be redacted or sealed.

i. Documents ordered to be redacted

103. Documents that are subject to a redaction order must be redacted before inclusion in the appeal bundles.
104. The basis for the redaction should be stated in the margin beside the redacted portions of the documents in the appeal bundles (e.g., “This information has been redacted pursuant to SIC/ORC 1/2017 made on 3 January 2017”).
105. When tendering an appeal bundle that includes redacted documents, parties must also tender, at the same time, a separate bundle that consists only of those documents but in their unredacted form. This is referred to as a “Bundle of Documents Subjected to Redaction Order” or “BDSRO”.
106. Both hard and soft copies of a BDSRO must be tendered. In relation to hard copies, parties must tender the number of copies as required under paragraph 62. In relation to soft copies, the BDSRO must be included in the CD-ROM or portable storage device mentioned in paragraph 22 and the files must be named in the format provided in paragraph 64.
107. The BDSRO must contain a table of contents. The format of the table of contents should comply with that provided in paragraphs 79 to 84.
108. The pagination of the documents in the BDSRO should follow the pagination of the corresponding documents in the appeal bundles.
109. At the same time that parties tender the appeal bundles and the BDSRO —
- (a) parties must write to the Registry —
    - (i) stating that the BDSRO contains redacted information;
    - (ii) specifying the basis for the redaction; and
    - (iii) requesting that the Registry seal the BDSRO on eLitigation and disallow public inspection of the hard copies of the BDSRO; and

- (b) lead counsel must provide an undertaking to the Court as to counsel’s satisfaction that the appeal bundles do not contain any unredacted copies of documents that are subject to a redaction order. This undertaking must be in the following form:

**UNDERTAKING THAT APPEAL BUNDLES DO NOT CONTAIN  
SEALED OR UNREDACTED DOCUMENTS**

(Title as in cause or matter)

I, \_\_\_\_\_, counsel for the \_\_\_\_\_, provide an undertaking to the Court that the Record of Appeal / Appellant’s Core Bundle of Documents / Respondent’s Core Bundle of Documents / Second Core Bundle\* are in good order and that it/they\* does/do\* not contain any document subjected to a sealing order or any document ordered to be redacted in its unredacted form.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

\* Delete as appropriate.

ii. Documents ordered to be sealed

110. Documents subjected to a sealing order should not be included in the appeal bundles. Instead, each such document should be represented in the appeal bundles by a separate holding page.
111. Each holding page must be blank except for stating —
- (a) the sealing order and the relevant document ordered to be sealed (e.g., “The witness statement of Tan filed on 30 December 2016 has been sealed pursuant to SIC/ORC 1/2017 made on 3 January 2017”); and
- (b) cross-references required under paragraph 116 (e.g., “Reference: BDSSO – Pages 1–10”).
112. When tendering an appeal bundle that includes sealed documents, parties must also tender, at the same time, a separate bundle that consists only of

those documents but in their unsealed form. This is referred to as a “Bundle of Documents Subjected to Sealing Order” or “BDSSO”.

113. Both hard and soft copies of the BDSSO must be tendered. In relation to hard copies, parties must tender the number of copies as is provided in paragraph 62. In relation to soft copies, the BDSSO must be included in the CD-ROM or portable storage device mentioned in paragraph 22 and the files must be named in the format provided in paragraph 64.
114. The BDSSO must contain a table of contents. The format of the table of contents should comply with that provided in paragraphs 79 to 84.
115. The BDSSO must be paginated using fresh pagination, beginning from page 1.
116. Each holding page in the appeal bundles must contain cross-references to the pages of the BDSSO that the holding page represents (e.g., “Reference: BDSSO – Pages 1–10”).
117. At the time that parties tender the appeal bundles and the BDSSO —
  - (a) parties should write to the Registry —
    - (i) stating that the BDSSO contains documents ordered to be sealed;
    - (ii) specifying the basis for the sealing; and
    - (iii) requesting that the Registry seal the BDSSO on eLitigation and disallow public inspection of the hard copies of the BDSSO; and
  - (b) lead counsel must provide an undertaking to the Court as to counsel’s satisfaction that the appeal bundles do not contain any document ordered to be sealed. This undertaking must be in the form set out at paragraph 109(b).
- iii. Documents ordered to be expunged
118. Documents that have been ordered to be expunged must not be tendered to the Court of Appeal in any form.

## 7. FORM C1

*[This sample costs schedule is a template only and can / should be modified as appropriate.]*



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**IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT**

**BETWEEN:**

**X**

**Claimant**

- and -

**Y**

**Defendant**

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**COSTS SCHEDULE ON BEHALF OF [X]/[Y]**

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**A. COUNSEL'S FEES**

[A] – S\$? per hour

[B] – S\$? per hour

[C] – S\$? per hour

[D] – S\$? per hour

	<b>A</b> @ S\$? ph	<b>B</b> @ S\$? ph	<b>C</b> @ S\$? ph	<b>D</b> @ S\$? ph	<b>Total</b> S\$
<b>Stage 1 – Commencement of Proceedings</b>					
Sub-total for Stage 1					
<b>Stage 2 – CMC/Interlocutory hearing(s)</b>					

Sub-total for Stage 2					
<b>Stage 3 – Disclosure</b>					
Sub-total for Stage 3					
<b>Stage 4 – Witness Statements</b>					
Sub-total for Stage 4					
<b>Stage 5 – Expert Evidence</b>					
Sub-total for Stage 5					
<b>Stage 6 – Preparation for hearing(s)</b>					
Sub-total for Stage 6					
<b>Stage 7 – Attending hearing(s)</b>					
Sub-total for Stage 7					

**Sub-total for stages 1 to 7:**

**B. DISBURSEMENTS**

<b>Disbursements</b>	<b>\$\$</b>
Court Fees/Disbursements	
Experts (by expert discipline)	

<i>A: \$X per hour</i>	Sub-total for A: \$###
<i>B: \$Y per hour</i>	Sub-total for B: \$###
<i>C: \$Z per hour</i>	Sub-total for C: \$###
	<u>Grand-total: \$###</u>
Other Disbursements	
<b><u>Sub-total</u></b>	

## APPENDIX D

O. 28, r. 3(8)

**PRE-ACTION PROTOCOL FOR DISPUTE  
INVOLVING TIC CLAIM**

**This Protocol is voluntary, and the parties may agree to apply this Protocol or a version of this Protocol containing such modifications as may be agreed in writing by the parties. If the parties agree in writing to apply this Protocol or a modified version of this Protocol, then Order 28, Rule 3(7) applies.**

**Definition**

1. In this Protocol, “TIC Claim” has the meaning given by Order 28, Rule 2.

**General**

2.—(1) This Protocol seeks to facilitate the early exchange of information about a claimant’s claims and a defendant’s response to those claims in order to —

- (a) put the parties in a position to make informed decisions about the possibility of settlement without recourse to litigation; and
- (b) support the efficient management of proceedings where litigation is necessary.

(2) This Protocol must not be used to secure an unfair advantage or to incur costs unnecessarily.

(3) The costs incurred from complying with this Protocol should be proportionate to the complexity and monetary value involved in the dispute.

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(4) Where litigation is commenced in respect of a dispute involving a TIC Claim, any costs incurred by a party from complying with this Protocol before the commencement of the litigation cannot be recovered, unless the party satisfies the Court that those costs constitute costs of or incidental to the litigation proceedings, and that the party is entitled to recover such costs as against any other party under Order 22, Rule 1(1).

### **Letter of claim**

3. The claimant must send to each proposed defendant a letter of claim which —

- (a) states the claimant's full name and address;
- (b) states the full name and address of each proposed defendant;
- (c) contains a brief summary of each claim, including —
  - (i) a list of the main contractual or statutory provisions relied on in support of the claim;
  - (ii) a summary of every relief claimed, including, where applicable, the monetary value of the claim and an appropriate breakdown of that monetary value;
  - (iii) a list of the issues to which expert evidence, if any, will be directed; and
  - (iv) the names of any experts (who have already been engaged by the claimant) on whose evidence the claimant intends to rely; and
- (d) exhibits, in an annex to the letter of claim, the documents relied on in support of the claim.

### **Objections to claim**

4.—(1) If a proposed defendant intends to object to the whole or any part of a claimant's claim on the ground that —

- (a) the court lacks jurisdiction;
- (b) the matter should be referred to arbitration; or
- (c) the proposed defendant has been wrongly named in the letter of claim as a defendant,

the objection must be raised by the proposed defendant in writing, by way of a letter of objection that is sent to the claimant within 28 days after the date the proposed defendant receives the letter of claim.

(2) The letter of objection must specify each part of the claim to which the objection relates, set out the grounds relied on and, where appropriate, identify the correct person to be named as a defendant (if known).

(3) Any failure to take such objection does not affect a proposed defendant's right to do so in any litigation proceedings, but the Court may take such failure into account when considering the question of costs in the litigation proceedings.

(4) Where a proposed defendant sends a letter of objection, the proposed defendant is not required to send a letter of response in accordance with paragraph 5, in relation to any claim or part of a claim to which the letter of objection relates.

(5) If, at any stage before a claimant commences proceedings, a proposed defendant withdraws any objection stated in the letter of objection, then paragraph 5 applies to any claim or part of a claim to which the withdrawn objection relates, as if the letter of claim had been received on the date on which the objection is withdrawn.

### **The proposed defendant's response**

5.—(1) A proposed defendant must, within 28 days after the date the proposed defendant receives a letter of claim, send a letter of response to the claimant.

(2) The letter of response must —

(a) contain a brief summary of the proposed defendant's response to each claim, including —

(i) a list of the main contractual or statutory provisions relied on in resisting the claim;

(ii) a summary of the basis for resisting the claim;

(iii) a list of the issues to which expert evidence, if any, will be directed; and

(iv) the names of any experts (who have already been engaged by the proposed defendant) on whose evidence the proposed defendant intends to rely;

(b) contain, if the proposed defendant intends to make any counterclaim, a brief summary of each counterclaim containing the matters set out in paragraph 3(c); and

(c) exhibit, in an annex to the response, the documents relied on to resist the claimant's claim or in support of the proposed defendant's counterclaim.

(3) If a claimant does not receive a letter of response within 28 days after the date a proposed defendant receives the claimant's letter of claim, the claimant is entitled to commence proceedings against that proposed defendant without

further compliance with this Protocol, and this Protocol ceases to apply to the dispute.

### **Claimant's response to counterclaim**

6.—(1) A claimant must provide a response to a proposed defendant's counterclaim within 21 days after the date the claimant receives the proposed defendant's letter of response.

- (2) The claimant's response to the counterclaim must —
- (a) contain a brief summary of the claimant's response to the counterclaim, including the matters set out in paragraph 5(2)(a); and
  - (b) exhibit, in an annex to the response, the documents relied on to resist the defendant's counterclaim, if such documents differ from those exhibited in the claimant's letter of claim.

### **Pre-action meeting**

7.—(1) The parties must convene a pre-action meeting within 21 days after —

- (a) the date the claimant receives the proposed defendant's letter of response; or
  - (b) if the proposed defendant has included a counterclaim in the proposed defendant's letter of response — the date the proposed defendant receives the claimant's letter of response to the counterclaim.
- (2) The pre-action meeting should generally be attended by —
- (a) where a party is an individual, that individual, or, where a party is a body corporate, a representative of that body who has authority to settle or recommend settlement of the dispute;
  - (b) each party's legal counsel, if any;
  - (c) where an insurer is involved in the matter, a representative of the insurer or the insurer's legal counsel, or both; and
  - (d) where a claim is made or defended on behalf of some other party (such as, for example, a claim made by a main contractor pursuant to a contractual obligation to pursue claims on behalf of a subcontractor), the party on whose behalf the claim is made or defended or that party's legal counsel, or both.
- (3) The aim of the pre-action meeting is to identify the main issues in and root causes of the dispute, and to consider the following matters:
- (a) whether, and if so how, the dispute might be resolved without recourse to litigation;

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- (b) if litigation is necessary, the steps that ought to be taken to ensure that the litigation is conducted in accordance with the General Principles as stipulated under Order 1, Rule 3.
- (4) The parties may agree to replace a pre-action meeting with an alternative dispute resolution process such as mediation.
- (5) If the parties are unable to agree on a means of resolving the dispute other than by litigation, the parties are to seek to agree on the following matters:**
- (a) if there is any area where expert evidence is likely to be required, how expert evidence is to be dealt with, including whether a common expert may be appointed and, if so, who that common expert should be;
- (b) whether disclosure of documents in the litigation may be dispensed with in view of the disclosure of documents pursuant to this Protocol; the extent and manner of any further disclosure of documents with a view to saving costs; and whether further disclosure should take place only after parties have filed and served the witness statements containing the evidence-in-chief of all or some of the witnesses;
- (c) whether the simplified adjudication process protocol set out in Appendix E to these Rules, or a version of that protocol containing such modifications as may be agreed in writing by the parties, should apply in the litigation, and if so, the claims which should be governed by that protocol;
- (d) the conduct of the litigation, with the aim of proceeding in accordance with the general principles referred to in sub-paragraph (3)(b).
- (6) Any party who attends any pre-action meeting is at liberty, and may be required, to disclose to the Court —
- (a) that the pre-action meeting took place, the date and time of the meeting and the attendees present;
- (b) the identity of any party who refused to attend, and the grounds for such refusal;
- (c) any agreements concluded between the parties; and
- (d) whether alternative means of resolving the dispute were considered or agreed.
- (7) Except as provided in sub-paragraph (6), everything said by a party at a pre-action meeting must be treated as being said without prejudice to that party's rights in any litigation that may be commenced.**

(8) If no pre-action meeting takes place, any party involved in the discussions concerning the pre-action meeting may be required to disclose to the Court the reasons why the pre-action meeting did not take place.

(9) The process under this Protocol ends at the completion of the pre-action meeting or, if no meeting takes place, 14 days after the date of the expiry of the period in which the meeting should otherwise have taken place.

### **Non-compliance with Protocol**

8.—(1) Where litigation is commenced in respect of the parties' dispute, the Court may, where the Court deems it appropriate, impose costs on a party for any non-compliance with this Protocol.

(2) The Court must consider all relevant circumstances when determining whether costs ought to be imposed on a party for non-compliance with this Protocol.

### **Exceptions**

9.—(1) If compliance with any part of this Protocol will render a claimant's claim time-barred under any applicable law, the claimant may commence litigation without first complying with this Protocol, but must apply to the Court for directions as to whether the proceedings ought to be stayed pending compliance with this Protocol.

(2) A claimant is not required to comply with this Protocol before commencing litigation, if the proposed proceedings —

- (a) include a claim for interim injunctive relief;
- (b) will be the subject of a claim for summary judgment under Order 16, Rule 6; or
- (c) relate to the same or substantially the same issues that were previously the subject of a formal alternative dispute resolution procedure such as mediation.

## APPENDIX E

O. 28, r. 10(6)

### **SIMPLIFIED ADJUDICATION PROCESS PROTOCOL**

**This Protocol is voluntary, and each party to the case may agree to apply this Protocol or a version of this Protocol containing such modifications as may be agreed in writing by the parties. If the parties agree in writing to apply this Protocol or a modified version of this Protocol, then Order 28, Rule 10 applies.**



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**Purpose**

1. This Protocol seeks to provide a cost-effective simplified adjudication process for certain claims in a case placed in the TIC List.

**Definitions and Application**

2.—(1) In this Protocol, unless the context otherwise requires —

“Excluded Claim” means a claim pleaded in a claimant’s Statement of Claim or a defendant’s Counterclaim or third-party notice that is listed, by the agreement of the parties, in a copy of Form A of this Protocol that is signed by the parties;

“Higher Value Excluded Claim” means an Excluded Claim the value of which is equal to or above the Threshold Quantum;

“Lower Value Excluded Claim” means an Excluded Claim the value of which is below the Threshold Quantum;

“Main Claim” means any claim pleaded in a claimant’s Statement of Claim or a defendant’s Counterclaim or third-party notice that is not an Excluded Claim;

“Scott Schedule” has the meaning given by Order 28, Rule 9;

“third-party notice” means a third-party notice mentioned in Order 10, Rule 10(1);

“Threshold Quantum” means \$50,000 or, if the parties have agreed otherwise, such other quantum as the parties have indicated in a copy of Form B of this Protocol that is signed by the parties;

“TIC Claim” has the meaning given by Order 28, Rule 2;

“TIC List” has the meaning given by Order 28, Rule 1(3).

(2) The simplified adjudication process set out in this Protocol applies to every Excluded Claim.

(3) This Protocol applies, with the necessary modifications, to a Counterclaim and to any third-party proceedings as if a defendant that issues a Counterclaim or a third-party notice were a claimant and a person against whom a Counterclaim or third-party notice is issued were a defendant, and to any subsequent party proceedings.

(4) Every Lower Value Excluded Claim is to be determined in accordance with paragraph 3 of this Protocol.

(5) Every Higher Value Excluded Claim is to be determined in accordance with paragraph 4 of this Protocol.

(6) The simplified adjudication process set out in this Protocol does not apply to any Main Claim.

### **Proportionate recovery for Lower Value Excluded Claim**

3.—(1) Unless the parties agree otherwise, each party is entitled to recover such percentage of that party's Lower Value Excluded Claims as is proportionate to the percentage of that party's Main Claims that is recovered by that party.

(2) If the parties have agreed to a different basis for determining the percentage of a party's Lower Value Excluded Claims that the party is entitled to recover, the parties must indicate that basis in a copy of Form C of this Protocol that is signed by the parties, and each party is entitled to recover such percentage of that party's Lower Value Excluded Claims as is determined on that basis.

*Illustration A:* The parties agree that the claimant is entitled to recover a percentage of its Lower Value Excluded Claims that is proportionate to the percentage of that party's Main Claims that is recovered by that party. The total value of the claimant's Main Claims is \$1m. The total value of the claimant's Lower Value Excluded Claims is \$50,000. If the Court determines that the claimant is entitled to 80% of its Main Claims, i.e. \$800,000, the claimant would be entitled to 80% of its Lower Value Excluded Claims, i.e. \$40,000.

*Illustration B:* The parties agree that the claimant would be entitled to recover 100% of its Lower Value Excluded Claims if the claimant recovers at least 50% of its Main Claims; otherwise, the claimant would not be entitled to any amount of its Lower Value Excluded Claims. The total value of the Main Claims of the claimant is \$1m. The total value of the Lower Value Excluded Claims of the claimant is \$50,000.

(a) If the Court determines that the claimant is entitled to recover 60% of its Main Claims, i.e. \$600,000, the claimant would be entitled to recover 100% of its Lower Value Excluded Claims, i.e. \$50,000.

(b) If the Court determines that the claimant is entitled to recover 40% of its Main Claims, i.e. \$400,000, the claimant would not be entitled to recover any amount of its Lower Value Excluded Claims.

*Illustration C:* The parties agree that the claimant would be entitled to recover 50% of its Lower Value Excluded Claims regardless of whether it succeeds in its Main Claims. The total value of the claimant's Main Claims is \$1m. The total value of the claimant's Lower Value Excluded Claims is \$50,000.

(a) If the Court determines that the claimant is entitled to recover 100% of its Main Claims, i.e. \$1m, the claimant would be entitled to recover 50% of its Lower Value Excluded Claims, i.e. \$25,000.

- (b) *If the Court determines that the claimant is not entitled to recover any amount under its Main Claims, the claimant would still be entitled to recover 50% of its Lower Value Excluded Claims, i.e. \$25,000.*

(3) No factual or expert evidence is to be given in relation to any Lower Value Excluded Claim. To avoid doubt, this sub-paragraph does not prevent any party from adducing factual or expert evidence that is relevant to any Main Claim in the action.

### **Simplified adjudication procedure for Higher Value Excluded Claim**

#### Agreed Bundle of Documents

4.—(1) The parties are to jointly prepare an Agreed Bundle of Documents for the Higher Value Excluded Claims in accordance with the following sub-paragraphs:

- (a) the claimant must send to all other parties a copy of the draft index for the Agreed Bundle of Documents;
- (b) each party (other than the claimant) must, within 2 weeks after receiving the draft index, inform the claimant and every other party in writing of the scope of its agreement to the contents of the Agreed Bundle and of any amendments that it wishes to make to the draft index;
- (c) unless the Court determines otherwise, any party who fails to comply with sub-paragraph (b) will be treated as having agreed to the contents of the Agreed Bundle;
- (d) the claimant must indicate the scope of any agreement or disagreement to the contents of the Agreed Bundle in the index for the Agreed Bundle of Documents.

#### Scott Schedule

(2) The parties must jointly prepare a Scott Schedule briefly setting out the parties' positions on each Higher Value Excluded Claim in the following manner:

- (a) the Scott Schedule must set out each Higher Value Excluded Claim in a column;
- (b) each party's case or submissions on liability for, and the quantum of, a Higher Value Excluded Claim are to be set out against that Higher Value Excluded Claim in subsequent adjacent columns.

#### Evidence

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(3) No factual evidence is to be given in relation to any Higher Value Excluded Claim. To avoid doubt, this sub-paragraph does not prevent any party from adducing factual evidence that is relevant to any Main Claim in the action.

(4) If any person is appointed to give expert evidence of a technical nature on, or on the quantum of, any Main Claim, that person may also give expert evidence on any Higher Value Excluded Claim, if necessary, in accordance with sub-paragraphs (5) to (8).

(5) The expert evidence is to be confined to a list of issues, and is to be based on a common set of agreed or assumed facts that is determined in accordance with Order 14, Rule 3.

(6) The persons who will give expert evidence of a technical nature (each called in this paragraph a technical expert) must confer and prepare a joint statement setting out the issues on which they agree, and the issues on which they disagree, accompanied by a brief statement of the reasons for their disagreement. Each party's technical expert must then prepare an individual report, limited to the areas of disagreement. A joint report under Order 28, Rule 6(2), in respect of the issues on which the experts agree, need not be prepared.

(7) The persons who will give expert evidence on the quantum of a Higher Value Excluded Claim (each called in this paragraph a quantum expert) must confer and prepare a joint schedule setting out the amount that a party is entitled to recover for each Higher Value Excluded Claim, on the assumption that liability for that Higher Value Excluded Claim is established, in accordance with the following sub-paragraphs:

- (a) the quantum experts must, as far as possible, agree on the amount that a party is entitled to recover for each Higher Value Excluded Claim;
- (b) if the quantum experts are unable to agree on the amount that a party is entitled to recover for a Higher Value Excluded Claim, the amount assessed by each party's quantum expert must be stated in the joint schedule, and the quantum experts are to include in the joint schedule a concise joint explanation (not exceeding 250 words for each Higher Value Excluded Claim) on the reasons for their difference in opinion.

(8) Each expert who issued a technical experts' joint statement, a technical expert's individual report, or a quantum experts' joint schedule, must sign the statement, report or schedule (as the case may be) and exhibit it in a witness statement made by that expert. Unless the Court directs otherwise, no technical expert or quantum expert is to give oral evidence or be cross-examined on the Higher Value Excluded Claims.

#### Submissions

(9) Unless the Court directs otherwise, the parties may include written closing submissions on the Higher Value Excluded Claims in their written closing submissions for the Main Claims.

(10) Unless the Court directs otherwise, each party's written closing submissions must not exceed 1 page for each Higher Value Excluded Claim, and must not exceed 30 pages in total for all Higher Value Excluded Claims.

(11) Unless the Court directs otherwise, no oral submissions are to be made for Higher Value Excluded Claims.

(12) Sub-paragraphs (10) and (11) do not affect the Court's power to request further written or oral submissions on any issue identified by the Court, if the Court considers that such further submissions would assist in determining the Higher Value Excluded Claims.

#### Determination

(13) The Court may determine the issues relating to liability for, and the quantum of, the Higher Value Excluded Claims based on the documents in the Agreed Bundle of Documents mentioned in sub-paragraph (1), the parties' Scott Schedule mentioned in sub-paragraph (2), the expert evidence mentioned in sub-paragraphs (3) to (8), the parties' submissions mentioned in sub-paragraphs (9) to (12), and the Court's determination of the Main Claims.

### **Form A**

#### **Claims governed by Simplified Adjudication Process** **("Excluded Claims")**

#### **Claimant's Claims**

<b>S/N</b>	<b>Description of claimant's claim</b>	<b>Paragraph number(s) of the claimant's Statement of Claim where the claim is pleaded</b>	<b>Amount claimed by the claimant</b>
1.			
2.			
3.			

#### **Defendant's Claims\***

S/N	Description of defendant's claim	Paragraph number(s) of the defendant's Counterclaim or third-party notice where the claim is pleaded	Amount claimed by the defendant
1.			
2.			
3.			

*\*This table may be omitted if it is not applicable.*

*[signature]\*\**

\_\_\_\_\_  
Solicitors for the claimant:

Date:

*[signature]\*\**

\_\_\_\_\_  
Solicitors for the defendant:

Date:

*\*\*In the event a party is acting in person, this Form may be signed by the party who is acting in person.*

### **Form B**

#### **Agreed Threshold Quantum**

- The "Threshold Quantum" is \$50,000 as stated in paragraph 2(1) of this Protocol.

OR

- The parties agree to vary the "Threshold Quantum" under paragraph 2(1) of this Protocol from \$50,000 to \$\_\_\_\_\_.

*[signature]\*\**

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Solicitors for the claimant:

Date:

*[signature]\*\**

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Solicitors for the defendant:

Date:

*\*\*In the event a party is acting in person, this Form may be signed by the party who is acting in person.*

### **Form C**

#### **Agreed Proportion of Recovery for Lower Value Excluded Claims**

The parties agree that: *[please indicate one of the following]*

- the claiming party is entitled to recover a percentage of that party's Lower Value Excluded Claims that is proportionate to the percentage of that party's Main Claims recovered by that party.
- the claiming party is entitled to recover *[please state]*% of its Lower Value Excluded Claims in the event that it recovers at least *[please state]*% of its Main Claims; otherwise, the claiming party will not be entitled to recover any amount of its Lower Value Excluded Claims.
- the claiming party is entitled to recover *[please state]*% of its Lower Value Excluded Claims regardless of whether that party succeeds in its Main Claims.
- the basis for determining the claiming party's entitlement to recover its Lower Value Excluded Claims is as follows:

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<i>[Please state any other agreed basis for determining the claiming party's entitlement.]</i>

*[signature]\*\**

---

Solicitors for the claimant:

Date:

*[signature]\*\**

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Solicitors for the defendant:

Date:

*\*\*In the event a party is acting in person, this Form may be signed by that party.*

Made on 18 November 2021.

SUNDARESH MENON  
*Chief Justice.*

LUCIEN WONG  
*Attorney-General.*

TAY YONG KWANG  
*Justice of the Court of Appeal.*



STEVEN CHONG  
*Justice of the Court of Appeal.*

BELINDA ANG SAW EAN  
*Judge of the Appellate Division.*

QUENTIN LOH  
*Judge of the Appellate Division.*

VINODH COOMARASWAMY  
*Judge.*

VINCENT HOONG SENG LEI  
*Presiding Judge of the State Courts.*

CHRISTOPHER TAN PHENG WEE  
*District Judge and Registrar of the  
State Courts.*

FRANCIS XAVIER, SC  
*Advocate and Solicitor.*

KUAH BOON THENG, SC  
*Advocate and Solicitor.*

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