

Annex A – Summary of the Civil Justice Reform Proposals

Main Topic	Sub-topic	Original Proposal	Revised Proposal
General Matters	Ideals	The Ideals ¹ (i.e. guiding principles) in the draft Rules will guide the conduct of civil proceedings.	No change.
	Non-compliance with Rules	Court can, amongst other powers, refuse to hear any matter or dismiss it without a hearing if there is non-compliance with the draft Rules.	No change.
	Calculation of time	Non-court days (i.e. Saturdays, Sundays or public holidays) will be included in the calculation of time for a period that is seven days or more.	All seven-day time periods stipulated in the draft Rules will be increased to 14-day periods.
	Extension of time by consent	The period within which a person is required to serve, file or amend any pleading or document may be extended only once by consent in writing for a maximum period of seven days.	No change. However, the seven-day time period will be increased to 14 days.
Amicable Resolution of Cases	Duty to consider amicable resolution of cases	Parties have to give sufficient consideration to resolving their disputes amicably before commencing or during the course of their action.	No change.

¹ These are: (a) Fair access to justice; (b) Expeditious proceedings; (c) Cost-effective work proportionate to the nature and importance of the action, the complexity of the claim as well as the difficulty or novelty of the issues and questions it raises, and the amount or value of the claim; (d) Efficient use of court resources; and € Fair and practical results suited to the needs of parties.

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	Court's power to order parties to attempt to resolve dispute by amicable resolution	Courts have the power to order parties to attempt to resolve the dispute by amicable resolution.	<ul style="list-style-type: none"> - No change. However, the courts, in deciding whether to exercise this power, will take into account all relevant circumstances, including whether any of the parties have refused to attempt to resolve the dispute by amicable resolution, as well as the Ideals. - The court may order a party who does not wish to attempt to resolve the dispute by amicable resolution to submit a sealed document setting his reasons for such refusal, if they are privileged. The sealed document will only be opened by the court after the determination of the action or appeal and its contents may be referred to on any issue of costs.
Commencement of Proceedings	Form of Originating Claim	Parties will affix their signatures to pleadings filed in an Originating Claim action to certify that the contents of the pleadings are true to the best of their knowledge and belief, while solicitors will affix their signatures to certify that they have advised their clients of this obligation.	No change.

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	Generally endorsed Originating Claims	An Originating Claim may contain a general endorsement only if the limitation period for the cause of action will expire within 14 days after the Originating Claim is issued, or if there are special circumstances.	No change.
	Reply to Defence / Reply to Defence to Counterclaim	There shall be no necessity for a reply if it is intended to merely deny assertions made in the Defence (or Defence to Counterclaim) without adding any further material facts. No further pleadings shall be filed unless ordered by the court at a case conference.	No change. However, the draft Rules will make clear that the approval of the court may be sought to file any further pleadings, in cases where it is necessary for certain matters to be pleaded.
Service in and out of Singapore	-	Time limits of 14 days for service of the Originating Claim and Originating Application in Singapore, and 28 days to take reasonable steps for service of the Originating Claim and Originating Application out of Singapore.	No change.
Case Conference	Management of case	A judge and/or relevant judicial officer will manage the case throughout its life cycle once the claim is filed. The court will give case management directions for the proceedings during case conferences.	No change.
	Attendance of counsel at case conference	Case conferences to be attended by the lead counsel, or a counsel who is familiar with the case and has sufficient authority to make decisions.	No change.

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	List of Issues ("LOI")	Parties should submit the LOI prior to the first milestone case conference (i.e. after close of pleadings).	Parties are required to submit the LOI at the direction of the court.
	Exchange of Affidavits of Evidence-in-Chief ("AEICs")	Court may order that the AEICs of all or some of the witnesses be filed and exchanged before the production of documents.	Court may order AEICs to be filed simultaneously or in any sequence.
	Single Application Pending Trial ("SAPT")	Court will generally order all interlocutory applications to be made in a single application.	Certain applications will be excluded from the SAPT, e.g. applications for summary judgment, striking out of the whole action or defence, or stay of the whole action.
Production of Documents	Initial obligation to produce documents	Scope of discovery to be narrowed.	Parties will also be required to produce all known adverse documents in their possession or control.
	Private or internal correspondence	A party's private or internal correspondence shall not be discoverable except in a special case and with the permission of court.	Court shall not order production of private or internal correspondence except in a special case or if such correspondence are known adverse documents.
Expert Evidence	Single joint expert	Introduction of a general rule requiring parties to agree and appoint a single joint expert in matters where expert evidence is required to assist the court, except in a special case and with the court's approval.	Parties will be <u>encouraged</u> to agree on a single expert, as far as possible.

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Court Hearings and Evidence	Form and contents of AEICs	AEICs be affixed with a recent coloured photograph of the deponent, taken in the last 12 months	No change.
	No departure from facts in AEICs	An AEIC must contain all material facts which shall not be departed from or supplemented by new facts in oral evidence, unless the new facts occurred after the date of the making of the AEIC.	No change.
	Swearing/ Affirmation of AEICs	An AEIC may be affirmed by a solicitor who is a Commissioner for Oaths, so long as he is not the solicitor or one of the solicitors acting for the party who is or whose witness is making the affidavit, even if the Commissioner for Oaths is a solicitor from the same firm.	As this rule is under the purview of the Senate of the Singapore Academy of Law, the Senate's consideration has been sought to amend this rule.
	Powers of the court during trial	Trial judge may, among other things, exercise the power to directly question witnesses, including on issues outside the scope of pleadings, if necessary.	No change.
Appeals	Automatic stay of enforcement	Filing and serving of a notice of appeal will stay the enforcement of the lower court's decision, unless the lower court or the appellate court orders otherwise.	The relevant provisions will be deleted from the draft Rules.

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	Page limits for appeal documents	Documents filed in respect of appeals should be subject to page limits and parties may exceed that limit only with the permission of court and in limited circumstances.	The page limits will generally be increased by five pages, taking into account the cover and contents pages.
	Deadline for filing of appeal	Time for filing of an appeal from an application in an action reduced from one month to 14 days where the appeal is to the Court of Appeal, and 14 days to seven days for all other appeals.	All seven-day time periods will be increased to 14-day periods. Therefore, parties will have 14 days from the date of the lower court's decision to file and serve an appeal from an application in an action.
Costs	Scale Party-and-Party ("P&P") costs	Introduction of a quantum-based scale fixing recoverable P&P costs for liquidated and quantifiable claims.	The proposals shall be revisited at a more appropriate juncture, to allow the scale costs to take into account the state of P&P and S&C costs under the new process.
	Pegging Solicitor-and-client ("S&C") costs to P&P costs ordered	S&C costs shall be pegged to the amount of P&P costs ordered to ensure that a successful litigant would not be out-of-pocket.	