



A Guide to Common Civil Justice Processes



PART 1

Civil Process for
Magistrate's Court cases filed before 1 November 2014
and District Court cases



PART 2

Simplified Civil Process for
Magistrate's Court cases filed on or after 1 November 2014
(Not applicable to District Court cases
except by consent)

IMPORTANT NOTE

The court process in Part 1 is applicable to you only if

- (a) You have filed a Magistrate's Court (MC) claim before 1 November 2014.
- (b) You are defending an MC claim filed before 1 November 2014. The filing date is shown on the Writ.
- (c) You are filing a District Court (DC) claim or defending a DC claim.

Please refer to Part 2 of this brochure if you are filing an MC claim on or after 1 November 2014; or defending an MC claim filed on or after 1 November 2014.

The court process in Part 2 is applicable to you only if

- (a) You are filing an MC claim on or after 1 November 2014.
- (b) You are defending an MC Claim filed on or after 1 Nov 2014. The filing date is shown on the court document with the same name.
- (c) All parties to the DC proceedings consent to a simplified process.

Please refer to Part 1 if your case does not come within **(a)** or **(b)**, or if your case is a DC action and both of you do not consent to a Simplified Civil Process.

Starting a Civil Action

1. Filing a Claim
2. Service of Writ

Defending a Claim

3. Memorandum of Appearance
4. Defence/Counterclaim
5. Reply and Defence to Counterclaim

Default Judgments

6. Judgment in Default of Appearance
7. Judgment in Default of Defence
8. Final Judgment
9. Interlocutory Judgment
10. Setting Aside Default Judgments

Pre-Trial Processes

11. Summons for Directions
12. Interlocutory Applications
13. Alternate Dispute Resolution
14. Setting Down
15. Pre-Trial Conference

Trial & Post-Trial Processes

16. Trial
17. Judgment
18. Assessment of Damages

Appeal Processes

19. Appeal to District Judge in Chambers
20. Appeal to High Court Judge in Chambers
21. Appeal to High Court after Trial

Pre-Enforcement

22. Examination of Judgment Debtor

Enforcement Processes

23. Writ of Execution
24. Garnishee Proceedings

DEFENDING A CLAIM

3. Memorandum of Appearance

If a Defendant wishes to contest the claim in a Writ, he must file a memorandum of appearance (MOA) within **8 days** after receiving the Writ.

If the Defendant does not wish to contest the claim, he can follow the instructions in the Writ, e.g. pay the Plaintiff. This would minimise the legal costs he has to pay to the Plaintiff in comparison to if he contested the claim.

4. Defence/Counterclaim

If a Defendant wishes to contest the claim, he must file his defence in Court and serve a copy of his defence on the Plaintiff within **22 days** from the date of service of the Writ.

If a Defendant thinks that he has any claim against the Plaintiff, he may make a counterclaim in the same action brought by the Plaintiff.

In this case, the Defendant will be filing a defence and counterclaim.

5. Reply and Defence to Counterclaim

A Plaintiff may serve his response on the Defendant within **14 days** after the defence (and counterclaim) has been served on him. This is known as the reply to the Defendant (and defence to a counterclaim, if there is one).

DEFAULT JUDGMENTS

Paragraphs 6 to 10 apply to default judgments, i.e. where there has been a failure to file an MOA or Defence. If there is no such default, refer to paragraph 11 on the next step(s).

6. Judgment in Default of Appearance

If a Defendant fails to file the MOA within the time limit, the Plaintiff may enter a judgment against him.

7. Judgment in Default of Defence

If the Defendant has been served the Writ and filed the MOA, but does not file and serve any defence within the time limit, the Plaintiff may apply to the Court for judgment to be entered against him.

8. Final Judgment

A judgment in default may be a final judgment, for example, to pay the Plaintiff an amount of money, interest on the amount and legal costs.

9. Interlocutory Judgment

A judgment in default which is not for a fixed amount of money may be an interlocutory judgment. In this case, there will be an assessment of damages hearing fixed, where the amount of money, interest, and legal costs payable to the Plaintiff will be determined by the Court. (See paragraph 18)

10. Setting Aside Default Judgments

The Defendant may apply to the Court to set aside or vary such a judgment as the Court thinks just.

PRE-TRIAL PROCESSES

11. Summons for Directions

The Rules of Court must be followed in preparing a case for trial.

The most common step after a defence is filed is the filing of the Summons for Directions by the Plaintiff for directions from the Court to effectively prepare for trial.

Common Directions are:

- **List of Documents** – Timelines for the gathering and exchange of documents to prove your case.
- **Inspection** – To look at the original documents and make copies to prepare your case.

- **Exchange of Affidavits of Evidence-in-Chief (AEIC)** – The preparation and exchange of witness statements under oath (or AEICs) which each party is relying on, and any objections to such statements.
- **Number of Witnesses** – The number of witnesses a party may require and the number of days a trial may require.
- **Other Matters** – Other matters such as specific evidence by expert advice or photographs to be used in trial.

12. Interlocutory Applications

Before a matter is ready for hearing, there may be other applications to the Court at this pre-trial stage. A Summons is usually filed together with an Affidavit to support the application.

- The Summons document sets out the directions or orders which a party wishes to obtain from the Court.
- The Affidavit sets out the facts which a party will rely on in support of the application. The other party may file an affidavit opposing the application.

An Affidavit must be declared to be truthful before a Commissioner for Oaths.

Examples of common interlocutory applications are:

- **Application for discovery of documents** - The Court can order the parties to show each other the documents they have or are able to obtain.
- **Application for amendment** – To correct any document filed in the suit, e.g. the statement of claim, defence or reply.
- **Application for default judgment** - Where a party applies for judgment or dismissal of the claim without trial because the other party has failed to comply with any court direction or order; for example, a direction made in a summons for direction.
- **Application for summary judgment** - Where the Plaintiff applies for judgment without trial on the ground that the Defendant has no real defence to contest his claim.

13. Alternate Dispute Resolution

Trials are not the only way to resolve a dispute. The State Courts encourage all parties to explore alternative processes which may be more suitable for them.

Parties can consider the following Alternative Dispute Resolution (ADR) options listed below. For more information, please refer to www.statecourts.gov.sg (interested in mediation/ADR).

- **Mediation** – This is a process in which a neutral third party, i.e. a mediator, facilitates and guides the parties in negotiating a mutually acceptable settlement to their dispute. The mediator does not determine who is at fault in the dispute. Instead, he helps the parties to focus on finding solutions that meet their concerns, without forcing a decision on either party. Mediation is the most common option chosen by parties. It is fast and helps to preserve relationships. Mediation is a service provided by the State Courts Centre for Dispute Resolution (SCCDR) and the Singapore Mediation Centre. In the SCCDR, mediation is free for Magistrate’s Court claims, while a fee of \$250 per party is charged for District Court claims (from 1 May 2015 onwards).
- **Neutral Evaluation** – Neutral Evaluation is conducted by a neutral third party, i.e. an evaluator, who will review the case and provide an early assessment of the merits of the case. During Neutral Evaluation, the parties, with their respective lawyers, will present their case and the key evidence to the evaluator. The evaluator will then provide his best estimate of the parties’ likelihood of success at trial. Neutral Evaluation is a service provided by the SCCDR where a judge will be your evaluator. Neutral Evaluation is also free for Magistrate’s Court claims, while a fee of \$250 per party is charged for District Court claims (from 1 May 2015 onwards).
- **Arbitration** – This is a process where parties agree to resolve the dispute by bringing the matter before a neutral third party, i.e. an arbitrator, for decision. During an arbitration hearing, both parties, with their respective lawyers, will present their case to the arbitrator. The arbitrator will make a binding decision based on the merits of the case, i.e. the parties must obey the arbitrator’s decision. The Law Society of Singapore provides low-cost arbitration services through the Law Society Arbitration Scheme (LSAS).

14. Setting Down

Once all the pre-trial matters to support a party’s case have been dealt with, the case must be set down for trial. This informs the Court that the parties are ready to take dates for the hearing.

15. Pre-Trial Conference

Before a matter proceeds for trial, there will be pre-trial conferences conducted by a Judge to confirm that all pre-trial matters are dealt with before the trial starts.

TRIAL & POST-TRIAL PROCESSES

16. Trial

At the trial, both parties will take turns to present their case to the Judge.

Generally the process is:

- **Opening statements** - Setting out the parties' case as to the facts and the law.
- **Presentation of evidence** - Calling witnesses to give evidence.
- **Closing submissions** - Summarising the trial evidence and reasons why the Court should rule in favour of a party.

17. Judgment

A judgment is the decision of the Court at the end of a trial. The Court may give judgment immediately after listening to the closing submissions or adjourn to take more time to consider the case. The parties will be told when to return to Court for the delivery of judgment.

18. Assessment of Damages

In certain cases, e.g. personal injury claims, a Judge may grant judgment on the issue of liability but not make a ruling on the precise amount of money to be paid to the successful party.

In such a case, the amount of money (or quantum of damages) to be awarded is assessed by the Court at a later hearing, after hearing evidence from relevant parties, such as the injured Plaintiff or medical experts.

APPEAL PROCESSES

19. Appeal to District Judge in Chambers

Parties appearing in Court for hearings may have their case heard by a Deputy Registrar or a Magistrate or District Judge.

If the case is heard by a Deputy Registrar, a party who is not satisfied with the judgment, order or decision may file an appeal to a District Judge within **14 days** of the judgment, order or decision and the Appeal will be heard by a District Judge in chambers.

No permission from the Court is needed to file such an appeal.

20. Appeal to High Court Judge in Chambers

A party who is not satisfied with the judgment, order or decision made by a District Judge in chambers, may file an appeal to a High Court Judge in chambers within **14 days** of the judgment.

Permission of the Court to appeal is required if the amount in dispute or the value of the subject-matter does not exceed \$50,000.

21. Appeal to High Court after Trial

After a trial court hearing, a party who is not satisfied with the judgment may file an appeal within **14 days** from the delivery of the judgment.

Permission of the Court to appeal is required if the amount in dispute or the value of the subject-matter does not exceed \$50,000.

PRE-ENFORCEMENT

22. Examination of Judgment Debtor

A judgment debtor (Debtor) is the party that is ordered by the Court to pay money to another party, the judgment creditor (Creditor).

If a judgment debt remains unpaid, the Debtor may be summoned to attend Court to provide answers to questions and provide documents as to his money or property, for the Creditor to decide on the mode of enforcement to recover the judgment debt.

Such information for individuals may include recent bank statements, payslips, income tax returns, CPF statements, investment statements, insurance policies, vehicle log book and hire purchase agreement, lease agreements and title deeds.

ENFORCEMENT PROCESSES

23. Writ of Execution

To enforce payment by a Debtor, a Creditor may apply for a Writ of Execution, e.g. Writ of Seizure and Sale (WSS) of movable and immovable property, Writ of Delivery and Writ of Distress.

A WSS authorises the Court Bailiffs to enter the Debtor's home to identify and affix a seal on ("seize") the Debtor's furniture and arrange an auction sale of the property. The proceeds of the sale will be used to pay the judgment debt (after deducting the execution costs and the Bailiff expenses).

A party who claims that the seized items belong to him and not the Debtor may apply to Court for the Court to decide who the rightful owner of these items is.

24. Garnishee Proceedings

A Creditor who knows the source of income of the Debtor may use garnishee proceedings to recover the sum owed to him by the Debtor from a third party (Garnishee). This method of enforcement changes the Garnishee's obligation to pay money to the Debtor into an obligation to pay the Creditor.

For example, the Creditor may apply to Court to order a bank (Garnishee) to pay the money in the Debtor's bank account to the Creditor. The Creditor and Garnishee may require the Debtor to pay the legal costs for the application.

**Starting a Civil Action
(MC after 1 November 2014)**

- 25. Filing a Claim
- 26. Service of Writ

Defending a Claim

- 27. Memorandum of Appearance
- 28. Defence/Counterclaim
- 29. Reply and Defence to Counterclaim

Upfront Disclosure

- 30. List of Documents

Default Judgments

- 31. Judgment in Default of Appearance
- 32. Judgment in Default of Defence
- 33. Final Judgment
- 34. Interlocutory Judgment
- 35. Setting Aside Default Judgments

Pre-Trial Processes

- 36. Case Management Conference
- 37. Alternate Dispute Resolution
- 38. Setting Down
- 39. Simplified Trial

Trial & Post-Trial Processes

- 40. Trial
- 41. Judgment
- 42. Assessment of Damages

Appeal Processes

- 43. Appeal to District Judge in Chambers
- 44. Appeal to High Court Judge in Chambers
- 45. Appeal to High Court after Trial

Pre-Enforcement

- 46. Examination of Judgment Debtor

Enforcement Processes

- 47. Writ of Execution
- 48. Garnishee Proceedings

25. Filing a Claim on/after 1 November 2014

A civil action begins by filing a claim document called an originating process. This process can be by a Writ of Summons or Originating Summons.

The most common example is the Writ of Summons (Writ). The Writ is filed as a suit in the District Court (DC) or Magistrate's Court (MC), depending on the amount of the claim.

MC Suit	Claim is \$60,000 or less
DC Suit	Claim is more than \$60,000; up to \$250,000.
High Court	Claim is more than \$250,000; unless Plaintiff and Defendant agree in writing to have the matter heard by DC.

A Plaintiff (party making the claim) must file and serve the Writ on a Defendant (party against whom the claim is made).

Filings have to be done at the CrimsonLogic Service Bureau. The address of the Service Bureau is as follows:

133 New Bridge Road #19-01/02, Chinatown Point S(059413)
Tel: (65) 6538 9507 Fax: (65) 6438 6350

Parties must follow the Rules of Court and State Courts Practice Directions when preparing their case for a decision by the Courts.

26. Service of Writ

The Plaintiff may ask a lawyer or a lawyer's clerk or apply to Court for a process server to personally serve the Writ.

The Plaintiff may apply to the Court for substituted service (e.g. to put the document on the door of the Defendant's home to inform the Defendant) if 2 reasonable attempts at personal service have been unsuccessful.

DEFENDING A CLAIM

27. Memorandum of Appearance

If a Defendant wishes to contest the claim in a Writ, he must file a memorandum of appearance (MOA) within **8 days** after receiving the Writ.

If the Defendant does not wish to contest the claim, he can follow the instructions in the Writ, e.g. pay the Plaintiff. This would minimise the legal costs he has to pay to the Plaintiff in comparison to if he contested the claim.

28. Defence/Counterclaim

If a Defendant wishes to contest the claim, he must file his defence in Court and serve a copy of his defence on the Plaintiff within **22 days** from the date of service of the Writ.

If a Defendant thinks that he has any claim against the Plaintiff, he may make a counterclaim in the same action brought by the Plaintiff.

In this case, the Defendant will be filing a defence and counterclaim.

29. Reply and Defence to Counterclaim

A Plaintiff may serve his response on the Defendant within **14 days** after the defence (and counterclaim) has been served on him. This is known as the reply to the Defendant (and defence to a counterclaim, if there is one).

UPFRONT DISCLOSURE

30. List of Documents

In legal proceedings, disclosure or discovery is the process to make available evidence that is relevant to the case to the other party. For MC cases, disclosure must be done upfront through a List of Documents. When a party files and serves a Pleading, he must also file and serve a List of Documents in the format set out in Form 234 of the Rules of Court.

- A Pleading is a legal document filed in a writ action in which a party formally sets out the facts supporting his case. Some examples are: Statement of Claim, Defence, Defence and Counterclaim, Reply.

- A List of Documents must set out the documents that a party has which are relevant to the case. It will include documents that support his case or the other party's case, for example, a contract or loan agreement, and letters exchanged between the parties before the dispute arose.

DEFAULT JUDGMENTS

Paragraphs 31 to 35 apply to default judgments, i.e. where there has been either a failure to file an MOA or Defence. If there is no such default, refer to paragraph 36 on the next step(s).

31. Judgment in Default of Appearance

If a Defendant fails to file the MOA within the time limit, the Plaintiff may enter a judgment against him.

32. Judgment in Default of Defence

If the Defendant has been served the Writ and filed the MOA, but does not file and serve any defence within the time limit, the Plaintiff may apply to the Court for judgment to be entered against him.

33. Final Judgment

A judgment in default may be a final judgment, for example, to pay the Plaintiff an amount of money, interest on the amount and legal costs.

34. Interlocutory Judgment

A judgment in default which is not for a fixed amount of money may be an interlocutory judgment. In this case, there will be an assessment of damages hearing fixed, where the amount of money, interest, and legal costs payable to the Plaintiff will be determined by the Court. (See paragraph 42)

35. Setting Aside Default Judgments

The Defendant may apply to the Court to set aside or vary such a judgment as the Court thinks just.

36. Case Management Conference (CMC)

If a defence is filed, the Court will notify parties to attend a CMC. A CMC is conducted for cases which do not fall in the non-injury motor accident (“NIMA”) or personal injury (“PI”) categories. NIMA/PI cases are channeled to the State Courts Centre for Dispute Resolution where experienced Judges will assist parties by providing liability indications based on information on the accident given by the parties.

Parties are encouraged to negotiate before coming to the CMC. They should be able to do so as they would know the strengths and weaknesses of each other’s case through the upfront disclosure of relevant documents to the other party.

Before attending the CMC, each party must file:

- Form 3 – List of Issues in Dispute and List of Witnesses. This will inform the Court and the other party of the areas of dispute and the witnesses that will be called to give evidence in support of his case.
- Form 7 – ADR Form. This will inform the Court and the other party of which Alternative Dispute Resolution option he prefers to help resolve the case.

At the CMC:

- The Court will assist parties to narrow the issues, deal with any interlocutory matters (namely matters of procedure that each party must deal with to prepare their case) as well as consider all available options with the parties for resolution of the case.
- The Court may also direct parties to mediation or any other ADR option if the Court is of the view that doing so will help to resolve the case.
- If the case cannot be resolved without a trial, the Court will give directions for trial.

37. Alternate Dispute Resolution

Trials are not the only way to resolve a dispute. The State Courts encourage all parties to explore alternative processes which may be more suitable for them.

Parties can consider the following Alternative Dispute Resolution (ADR) options listed below. For more information, please refer to www.statecourts.gov.sg (interested in mediation/ADR).

- **Mediation** – This is a process in which a neutral third party, i.e. a mediator, facilitates and guides the parties in negotiating a mutually acceptable settlement to their dispute. The mediator does not determine who is at fault in the dispute. Instead, he helps the parties to focus on finding solutions that meet their concerns, without forcing a decision on either party. Mediation is the most common option chosen by parties. It is fast and helps to preserve relationships. Mediation is a service provided by the State Courts Centre for Dispute Resolution (SCCDR) and the Singapore Mediation Centre. In the SCCDR, mediation is free for Magistrate’s Court claims, while a fee of \$250 per party is charged for District Court claims (from 1 May 2015 onwards).
- **Neutral Evaluation** – Neutral Evaluation is conducted by a neutral third party, i.e. an evaluator, who will review the case and provide an early assessment of the merits of the case. During Neutral Evaluation, the parties, with their respective lawyers, will present their case and the key evidence to the evaluator. The evaluator will then provide his best estimate of the parties’ likelihood of success at trial. Neutral Evaluation is a service provided by the SCCDR where a judge will be your evaluator. Neutral Evaluation is also free for Magistrate’s Court claims, while a fee of \$250 per party is charged for District Court claims (from 1 May 2015 onwards).
- **Arbitration** – This is a process where parties agree to resolve the dispute by bringing the matter before a neutral third party, i.e. an arbitrator, for decision. During an arbitration hearing, both parties, with their respective lawyers, will present their case to the arbitrator. The arbitrator will make a binding decision based on the merits of the case, i.e. the parties must obey the arbitrator’s decision. The Law Society of Singapore provides low-cost arbitration services through the Law Society Arbitration Scheme (LSAS).

38. Setting Down

If the case cannot be settled, the CMC Judge will give directions to the parties to prepare for trial and fix the trial date.

The CMC Judge may give directions to the parties for, e.g.

- **Inspection** – To look at the original documents in the List of Documents and make copies to prepare your case.
- **Exchange of Affidavits of Evidence-in-Chief (AEIC)** – The preparation and exchange of witness statements under oath (or AEICs) which each party is relying on, and any objections to such statements.
- **Number of Witnesses** – The number of witnesses a party may require and the number of days a trial may require.
- **Other Matters** – Other matters such as specific evidence by expert advice or photographs to be used in trial.

39. Simplified Trial

Once all the pre-trial matters to support a party's case have been dealt with, the CMC Judge will fix the trial date.

Most cases will be simplified trials with a short hearing to save time and costs for the parties.

TRIAL & POST-TRIAL PROCESSES

40. Trial

At the trial, both parties will take turns to present their case to the Judge.

Generally the process is:

- **Opening statements** - Setting out the parties' case as to the facts and the law.
- **Presentation of evidence** - Calling witnesses to give evidence.
- **Closing submissions** - Summarising the trial evidence and reasons why the Court should rule in favour of a party.

41. Judgment

A judgment is the decision of the Court at the end of a trial. The Court may give judgment immediately after listening to the closing submissions or adjourn to take more time to consider the case. The parties will be told when to return to Court for the delivery of judgment.

42. Assessment of Damages

In certain cases, e.g. personal injury claims, a Judge may grant judgment on the issue of liability but not make a ruling on the precise amount of money to be paid to the successful party.

In such a case, the amount of money (or quantum of damages) to be awarded is assessed by the Court at a later hearing, after hearing evidence from relevant parties, such as the injured Plaintiff or medical experts.

APPEAL PROCESSES

43. Appeal to District Judge in Chambers

Parties appearing in Court for hearings may have their case heard by a Deputy Registrar or a Magistrate or District Judge.

If the case is heard by a Deputy Registrar, a party who is not satisfied with the judgment, order or decision may file an appeal to a District Judge within **14 days** of the judgment, order or decision and the Appeal will be heard by a District Judge in chambers.

No permission from the Court is needed to file such an appeal.

44. Appeal to High Court Judge in Chambers

A party who is not satisfied with the judgment, order or decision made by a District Judge in chambers, may file an appeal to a High Court Judge in chambers within 14 days of the judgment.

Permission of the Court to appeal is required if the amount in dispute or the value of the subject-matter does not exceed \$50,000.

45. Appeal to High Court after Trial

After a trial court hearing, a party who is not satisfied with the judgment may file an appeal within **14 days** from the delivery of the judgment.

Permission of the Court to appeal is required if the amount in dispute or the value of the subject-matter does not exceed \$50,000.

PRE-ENFORCEMENT

46. Examination of Judgment Debtor

A judgment debtor (Debtor) is the party that is ordered by the Court to pay money to another party, the judgment creditor (Creditor).

If a judgment debt remains unpaid, the Debtor may be summoned to attend Court to provide answers to questions and provide documents as to his money or property, for the Creditor to decide on the mode of enforcement to recover the judgment debt.

Such information for individuals may include recent bank statements, payslips, income tax returns, CPF statements, investment statements, insurance policies, vehicle log book and hire purchase agreement, lease agreements and title deeds.

47. Writ of Execution

To enforce payment by a Debtor, a Creditor may apply for a Writ of Execution, e.g. Writ of Seizure and Sale (WSS) of movable and immovable property, Writ of Delivery and Writ of Distress.

A WSS authorises the Court Bailiffs to enter the Debtor's home to identify and affix a seal on ("seize") the Debtor's furniture and arrange an auction sale of the property. The proceeds of the sale will be used to pay the judgment debt (after deducting the execution costs and the Bailiff expenses).

A party who claims that the seized items belong to him and not the Debtor may apply to Court for the Court to decide who the rightful owner of these items is.

48. Garnishee Proceedings

A Creditor who knows the source of income of the Debtor may use garnishee proceedings to recover the sum owed to him by the Debtor from a third party (Garnishee). This method of enforcement changes the Garnishee's obligation to pay money to the Debtor into an obligation to pay the Creditor.

For example, the Creditor may apply to Court to order a bank (Garnishee) to pay the money in the Debtor's bank account to the Creditor. The Creditor and Garnishee may require the Debtor to pay the legal costs for the application.

Disclaimer:

This publication is produced for general information only. The State Courts disclaim any and all liabilities arising from and in connection with the contents of this publication.

You should seek your own legal advice. Free legal advice is available at legal clinics at certain community clubs, a list of which can be obtained from www.pa.gov.sg.

You may also wish to approach the Legal Aid Bureau to obtain legal aid for your matter. Please note that you will have to satisfy the means and merits test administered by the Legal Aid Bureau before aid is extended.

Alternatively, you may also approach the Community Justice Centre on Level 1 of the State Courts Building for informational assistance and to arrange an appointment for a free legal consultation with a volunteer lawyer.

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