

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 4 OF 2019

It is hereby notified for general information that, with effect from 1 May 2019, the State Courts Practice Directions will be amended —

- (a) by inserting, immediately after the existing Practice Direction 141 (*Forms for proceedings before Community Disputes Resolution Tribunals*), the following practice direction:

New Practice Direction 141A

- (b) by inserting, immediately after the existing Form 98 in Appendix A, the following form:

New Form 99

2 The new Practice Direction 141A and its related new Form 99 implement the Community Justice and Tribunals Division (CJTD) Friend Scheme whereby unrepresented litigants-in-person may apply to be assisted in proceedings before a CJTD tribunal or the registrar thereof, by a family member, friend, or a volunteer from the Community Justice Centre or a pro bono agency or entity.

Dated this 24th day of April 2019.



JENNIFER MARIE
REGISTRAR
STATE COURTS

141A. The Community Justice and Tribunals Division Friend Scheme

- (1) A tribunal or registrar (including a Deputy Registrar or an Assistant Registrar) of any tribunal in the Community Justice & Tribunals Division (“CJTD”) of the State Courts may, on the application of an unrepresented litigant-in-person (“LIP”) who is not engaged in any business undertaking involved in the dispute before a CJTD tribunal, allow the LIP to be assisted in any proceedings before a tribunal or registrar by a family member, friend, or any other volunteer from the Community Justice Centre or any other pro bono agency or entity. Such a volunteer, when approved by the tribunal or registrar, shall be allowed to render the aforesaid assistance to the LIP and be referred to as a “CJTD Friend”.
- (2) A CJTD Friend, when approved by a tribunal or registrar, may provide administrative and emotional support to the LIP in the conduct of his case in proceedings before the tribunal or registrar, such as —
 - (a) subject to sub paragraph (8) below, assisting the LIP in the preparation and filing of documents relevant to the proceedings;
 - (b) providing emotional and moral support and offering practical guidance to the LIP on non-legal issues in the course of the proceedings;
 - (c) assisting the LIP in proceedings before a tribunal or registrar e.g. by taking relevant notes of the proceedings and directions given by tribunal or registrar or by organising documents and helping to locate the correct document for use in the proceedings;
 - (d) reviewing the notes taken with the LIP after the hearing and explaining the directions made by a tribunal or registrar; and
 - (e) interpreting spoken communications in the proceedings before a tribunal or registrar or any document (or part thereof) filed for use and referred to in the aforesaid proceedings.
- (3) An LIP may submit an application for the appointment of a CJTD Friend in Form 99 in Appendix A to these Practice Directions or in the appropriate Form in the Community Justice and Tribunals System (“CJTS”).
- (4) Any application submitted under paragraph (3) shall be considered and decided upon by the tribunal or registrar at the first pre-trial conference, case management conference, or hearing day scheduled for the LIP’s tribunal matter. Once the application is approved by a registrar, the CJTD Friend must sign the prescribed undertaking & declaration

before rendering any assistance to the LIP at any stage of the proceedings (whether at the pre-trial conference, case management conference or hearing of the matter before a tribunal). If the application is rejected by a registrar, the LIP will have to carry on his own case without the assistance of a CJTD Friend at the hearing before the registrar.

- (5) If an application for the appointment of a CJTD Friend made before a registrar during a pre-trial or case management conference is not approved, the LIP may make another application before the tribunal on the first day of hearing of the LIP's matter. Once the application is approved by the tribunal, the CJTD Friend must sign the prescribed undertaking & declaration before rendering any assistance to the LIP at the hearing of the matter before the tribunal. If the application is rejected by the tribunal, the LIP will have to carry on his own case without the assistance of a CJTD Friend at the hearing before the tribunal. A decision by a tribunal to approve or reject the aforesaid application shall be final.
- (6) A tribunal or registrar may refuse to approve any application for the appointment of a CJTD Friend if the tribunal or registrar is satisfied that it is not in the interests of justice and fairness for the LIP to receive assistance from a CJTD Friend.
- (7) An opposing party may object to the presence of or assistance to be given by a CJTD Friend to the LIP, in which case the objecting party shall provide valid and sufficient reasons as to why the LIP should not receive assistance from a CJTD friend. The tribunal or registrar shall consider such reasons as part of its determination under paragraph (6) above.
- (8) In providing assistance and support to an LIP, a CJTD Friend shall not —
 - (a) provide legal advice on the merits of the case and/or legal representation to the LIP;
 - (b) advise the LIP on how to present his case or how to respond to his opponent's case;
 - (c) manage the LIP's cases outside court or act as the LIP's agent when dealing with other parties;
 - (d) exercise any of the privileges extended to advocates and solicitors under the Legal Profession Act (Cap 161, 2009 Rev Ed), such as to address the tribunal or registrar, make oral submissions, conduct litigation, examine witnesses, sign tribunal documents on the LIP's behalf, act as the LIP's agent or manage the LIP's case outside the proceedings;
 - (e) communicate with the LIP during the proceedings in a manner that would disrupt the proceedings;

- (f) divulge any information (communicated to him by the LIP for the purpose of obtaining assistance from him or acquired by him in the course of the tribunal proceedings) to any third party in relation to the tribunal proceedings in breach of his duty of confidentiality; and/or
 - (g) receive any remuneration or reward for his services.
- (9) In any case, a CJTD Friend assisting an LIP may not provide any assistance and support if he —
 - (a) is or may be named as a witness in the proceedings by a party to a dispute;
 - (b) has a direct or indirect interest in the outcome of a claim in the dispute;
 - (c) is an advocate or solicitor or a legally qualified person from any jurisdiction; or
 - (d) is a housing agent of the LIP and the dispute involves a tenancy or any other housing matter in which the housing agent is acting for the LIP.
- (10) An LIP may only have one CJTD Friend providing assistance and support at all times during the proceedings before a tribunal or registrar. Any change of the CJTD friend at any stage of the proceedings for whatever reason will require a fresh application to be made by the LIP to the registrar or tribunal, as the case may be.
- (11) At any time during the proceedings, a tribunal or registrar may regulate the manner in which assistance is provided to the LIP, and may stop or restrict the participation of a CJTD Friend, if a tribunal or registrar is of the opinion that the administration of justice is being impeded by the CJTD Friend such as (but not limited to) where —
 - (a) the assistance provided by the CJTD Friend is improper;
 - (b) the assistance provided by the CJTD Friend is unreasonable in nature or degree;
 - (c) it is apparent to the tribunal or registrar or the opposing party that the CJTD friend is not well versed or competent enough to interpret spoken communications in the proceedings for the LIP or any document (or part thereof) filed for use and referred to in the aforesaid proceedings;
 - (d) the CJTD Friend becomes disruptive through his words or behaviour (such as by rolling his eyes, huffing, snickering, etc.);

- (e) the CJTD Friend distracts the LIP or takes over the proceedings on behalf of the LIP, or seeks or attempts to act as a lawyer for the LIP such as by speaking directly to the opposing party;
 - (f) allowing the CJTD Friend to remain would not be in the interests of justice and fairness or where it would obstruct the efficient administration of justice; and/or
 - (g) the CJTD Friend is shown to be in breach of any one or more of the prohibitions set out in paragraphs (8) and (9) above.
- (12) Before stopping or restricting the participation of a CJTD Friend, a caution may be given by the tribunal or the registrar to the CJTD Friend to cease from any offending behaviour, failing which the CJTD Friend may be asked to leave the hearing room or chambers.

Form 99

COMMUNITY JUSTICE & TRIBUNALS DIVISION

APPLICATION FOR CJTD FRIEND

A. Details of Claim/Counterclaim: _____

Name of Applicant: _____ ID Number/contact number : _____

B. Particulars of Proposed CJTD Friend:

Name: _____

ID Number: _____ Contact Number: _____

Email Address: _____ Relationship to applicant: _____

Address: _____

C. Reasons for Application (with supporting documents to be enclosed with application):

- I am applying for the CJTD Friend to assist me to provide administrative and emotional support in the conduct of my Case in proceedings before a tribunal and the Registrar, such as:
 - (a) assisting in the preparation and filing of documents relevant to the proceedings;
 - (b) providing emotional and moral support and offering practical guidance on non-legal issues throughout the proceedings;
 - (c) assisting me in proceedings before a tribunal or the Registrar (e.g. by taking relevant notes of the proceedings and directions given by tribunal or Registrar or by organising documents and helping to locate the correct document for use in proceedings); and
 - (d) reviewing the notes taken with me after the hearing and explaining the directions made by a tribunal or the Registrar.
- I am applying for the CJTD Friend to assist me in interpreting spoken communications in the proceedings before a tribunal or registrar, including any document (or part thereof) filed for use and referred to in the aforesaid proceedings.

D. Declaration:

- I declare that the person named at Part B above has agreed to assisting me as my CJTD Friend, is aware of his/her obligations under the applicable Practice Direction and prepared to give an undertaking and declaration in the prescribed form below.
- I declare that all the information provided above and supporting documents are true and correct.
- I am aware that I am liable to prosecution if I have provided in this application and the supporting documents any information which I know or have reason to believe is false.

Dated this _____ day of _____ 20__

Signature of Applicant

FOR OFFICIAL USE ONLY

Received On: _____

Approved

Not Approved

Signature : _____

Registrar/Tribunal of the *Employment Claims Tribunals/Small Claims Tribunals/ Community
Disputes Resolution Tribunals

UNDERTAKING & DECLARATION BY THE CJTD FRIEND

I, _____ (NRIC No. _____) having been permitted by the *registrar/tribunal of the *Employment Claims Tribunals/Small Claims Tribunals/ Community Disputes Resolution Tribunals to assist the above person in the proceedings before the aforesaid tribunal hereby consent to assist the above person and declare and undertake as follows:

(I) In providing such assistance and support, I shall not:

- (a) provide legal advice on the merits of the case and/or legal representation to the above person;
- (b) advise the above person on how to present his case or how to respond to his opponent's case;
- (c) manage the above person's cases outside court or act as his agent when dealing with other parties;
- (d) exercise any of the privileges extended to advocates and solicitors under the Legal Profession Act (Cap 161, 2009 Rev Ed), such as to address the tribunal or registrar, make oral submissions, conduct litigation, examine witnesses, sign tribunal documents on the above person's behalf, act as his agent or manage his case outside the proceedings;
- (e) communicate with the above person during the proceedings in a manner that would disrupt the proceedings;
- (f) divulge any information (communicated to me by the above person for the purpose of obtaining assistance from me, or acquired by me in the course of the tribunal proceedings) to any third party in relation to the tribunal proceedings in breach of my duty of confidentiality; and/or
- (g) receive any remuneration or reward for my services.

(II) As a CJTD Friend assisting the above person, I shall not provide any assistance and support if I:

- (a) am or may be named as a witness in the proceedings by a party to a dispute;
- (b) have a direct or indirect interest in the outcome of a claim in the dispute;
- (c) am an advocate or solicitor or a legally qualified person from any jurisdiction; and/or
- (d) am a housing agent of the above person and the dispute involves a tenancy or any other housing matter in which I am acting for him.

(III) At any time during the proceedings, I shall not act against the interests of justice and fairness, or impede or obstruct the administration of justice, such as (but not limited to) where:

- (a) the assistance provided by me is improper;
- (b) the assistance provided by me is unreasonable in nature or degree;
- (c) it is apparent to the tribunal or registrar or the opposing party that I am not well versed or competent enough to interpret spoken communications in the proceedings, including

any document (or part thereof) filed for use and referred to in the proceedings, for the above person;

- (d) I become disruptive through my words or behaviour (such as by rolling my eyes, huffing, snickering etc.);
- (e) I distract the above person or take over the proceedings on his behalf, or seek or attempt to act as a lawyer for him, such as by speaking directly to the opposing party; and/or
- (f) I act in breach of any one or more of the above declarations and undertakings.

Dated this _____ day of _____ 20__

Signature of CJTD Friend