

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**  
**ePRACTICE DIRECTION NO. 3 OF 2006**

**(1) AMENDMENTS TO THE RULES OF COURT**  
**(2) PRE-ACTION PROTOCOL FOR MEDICAL NEGLIGENCE CLAIMS**

*Amendments to the Rules of Court*

Miscellaneous amendments have been made to the Rules of Court pursuant to the Rules of Court (Amendment) Rules 2006, including *inter alia* :

- (a) amending Order 59 rule 19 to require certification by a Judge only if costs for more than two (instead of two) solicitors are being claimed;
- (b) extending the time frame for filing an affidavit in support of a probate originating summons from 7 days to 14 days after filing the originating summons; and
- (c) updating the term “books” in Order 60 rule 2 to “information” and providing that the Registry will maintain information that is required to be kept by the Rules of Court and the Practice Directions.

2. The amendment Rules were gazetted on 24 November 2006 and will come into operation on 1 January 2007.

3. This Practice Direction updates Forms 46, 47 and the sample bills of costs in Appendix H to refer to the “certificate of more than two solicitors”. Paragraph 145, in particular paragraph 145(5), has been amended to provide details of the information that will be maintained by the Registry and made available for searches. In addition, consequential amendments have also been made to Paragraph 118 to reflect the change in the time frame for the filing of the affidavits in support of probate applications. Paragraph 118(2) has also been amended to allow applicants to file the administration oaths at the same time as the supporting affidavits.

*Pre-Action Protocol for Medical Negligence Cases*

4. At the Subordinate Courts 15<sup>th</sup> Workplan 2006/2007 on 18 May 2006, The Honourable the Chief Justice observed that the civil justice process saw the effective application of pre-action protocol for non-injury motor accident (NIMA) cases. The NIMA protocol introduced a costs and case management regime which enables parties to obtain information earlier and promotes settlement. The Chief Justice also announced at the above workplan that a pre-action protocol for medical negligence cases will be introduced to allow potential claimants to obtain satisfactory redress with regard to adverse or unexpected outcomes in medical procedures, expeditiously and effectively, without having to institute a costly and lengthy civil action in the courts. A new **Paragraph 151A** has been inserted to introduce a new pre-action protocol for medical negligence claims to be commenced in the Subordinate Courts.

5. Under this new protocol, potential claimants or the executors/administrators of the estates will be afforded a chance to seek explanations or discuss their cases with the doctors or hospitals without having to file a writ to get their attention. This is to encourage early communication between the parties so as to ensure that any appropriate apology or explanation is always offered at the earliest instance. By encouraging a more co-operative approach, costs and delay will be minimised. The ultimate aim of the protocol is to advance the interest of justice by facilitating early settlement of meritorious claims and discouraging claims which are frivolous or devoid of merit.

6. The new **Paragraph 151A** also states that in exercising its discretion and powers, the court will have regard to compliance with the protocol or lack thereof, including staying an action for the party in default to comply with the protocol, and Order 34A rule 1 and Order 59 rule 5 of the Rules of Court. Where there are good reasons for non-compliance, the court will not impose sanctions against the party in default.

7. Views on this new practice have been obtained from the relevant representatives of The Law Society of Singapore, the healthcare sector and Medical Protection Society.

*Other amendments*

8. This Practice Direction also introduces changes to requests for Court Dispute Resolution at the Primary Dispute Resolution Centre. Requests for Settlement Conferences and for adjournments of Settlement Conferences are made by completing Forms 7 and 8 respectively of Appendix B. In line with the voluntary nature of Court Dispute Resolution, Form 7 is amended to emphasise that for cases other than Non-Injury Motor Accident claims, the party requesting for a Settlement Conference should first obtain the consent of all the other parties to the action. It is noted that adjournments of Settlement Conferences are frequently sought for the reason that one or more of the parties is overseas. Form 8 is amended to include a requirement that the requesting party produce his passport for verification at the adjourned Settlement Conference.

9. Amendments have also been made to Form 59 of Appendix B the Practice Directions.

10. This Practice Direction will take effect on 1 January 2007.

11. A complete and updated version of The Subordinate Courts Practice Directions (2006 Ed.) may be downloaded in .PDF Adobe Acrobat format or Mobipocket format (for use on Personal Digital Assistants and Smartphones) at the Subordinate Courts website at [http://www.subcourts.gov.sg/practice\\_directions.htm](http://www.subcourts.gov.sg/practice_directions.htm).

12. For manual and loose-leaf updating, the specific new and amended paragraphs and the directions for amendments may also be downloaded at the Subordinate Courts website at [http://www.subcourts.gov.sg/practice\\_directions.htm](http://www.subcourts.gov.sg/practice_directions.htm).

Dated this 22<sup>nd</sup> day of December 2006.

CHIA WEE KIAT  
SENIOR DEPUTY REGISTRAR  
SUBORDINATE COURTS

## **Directions for Amendments**

- (1) The existing Part XV of the Table of Contents to be removed and the new amended Part XV of the Table of Contents substituted therefor.
- (2) The existing Table of Contents from the page containing Appendix A to be removed and the new amended pages of the Table of Contents substituted therefor.
- (3) The existing Appendix A to be removed and the new amended Appendix A substituted therefor.
- (4) The existing Paragraph 118 to be removed and the new amended Paragraph 118 substituted therefor.
- (5) The existing Paragraph 145 to be removed and the new amended Paragraph 145 substituted therefor.
- (6) The new Paragraph 151A should be inserted immediately after the existing Paragraph 151.
- (7) The existing Form 7 to be removed and the new amended Form 7 substituted therefor.
- (8) The existing Form 8 to be removed and the new amended Form 8 substituted therefor.
- (9) The existing Form 46 to be removed and the new amended Form 46 substituted therefor.
- (10) The existing Form 47 to be removed and the new amended Form 47 substituted therefor.
- (11) The existing Form 59 to be removed and the new amended Form 59 substituted therefor.
- (12) The new Appendix FA should be inserted immediately after the existing Appendix F.
- (13) The existing Sample A of Appendix H to be removed and the new amended Sample A of Appendix H substituted therefor.
- (14) The existing Sample B of Appendix B to be removed and the new amended Sample B of Appendix H substituted therefor.

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## APPENDIX A

***PRACTICE DIRECTIONS ISSUED  
TO AMEND THE SUBORDINATE COURTS  
PRACTICE DIRECTIONS (2006 ED.)***

As at 22<sup>nd</sup> December 2006

*The following Practice Directions are issued to amend The Subordinate Courts Practice Directions (2006 Ed.):*

1. ePD 1 of 2006 Change to Mode of Commencement of Matrimonial Proceedings
2. ePD 2 of 2006 Amendment of Originating Processes, Pleadings and Documents
3. ePD3 of 2006 (1) Amendments to the Rules of Court  
(2) Pre-action Protocol for Medical Negligence Claims

**118. Originating Summons for grant of probate or letters of administration**

- (1) An originating summons for the grant of probate or letters of administration under Order 71 rule 5 of the Rules of Court filed on or after 1 January 2006 shall be submitted together with the statement, through the Electronic Filing Service (EFS) by entering the relevant information in the appropriate electronic template without attaching the document in the *Portable Document Format (PDF)*. Any originating summons filed on or after 1 January 2006 must also be accompanied by a checklist as prescribed in Form 12 of Appendix B to these Directions (“Checklist for OS (Probate)”), which shall also be duly completed and submitted by the filing party by entering the relevant information in the appropriate electronic template.
- (2) The following supporting documents (whichever may be relevant) must be electronically filed in the same submission as related documents, but separately from the originating summons and checklist:
  - (a) in all cases, a certified true copy of the death certificate of the deceased or a certified true copy of the Order of Court for presumption of death of the deceased;
  - (b) where there is a will, a certified true copy of the will;
  - (c) in the case of Muslim estates, a certified true copy of the inheritance certificate; and
  - (d) any other documents in support of the originating summons required under the Probate and Administration Act (Cap. 251, 2000 Revised Edition) or the Rules of Court. However the administration oath under section 28 of the Probate and Administration Act (Cap. 251, 2000 Revised Edition) may be filed at the same time as the supporting affidavit under Order 71 rule 5 of the Rules of Court as required by sub-paragraph (6).
- (3) Prior to filing the originating summons, the applicant or his solicitor must conduct a search on the caveat book for both Courts to ascertain if there

are any caveats in force against the estate of the deceased. The Certificate of Result of Caveat Search (Form 173 of Appendix A to the Rules of Court) together with the search reports for both Courts must be submitted when filing the originating summons.

- (4) If the originating summons and the statement are in order, they will be accepted and a Probate Number will be assigned to the originating summons.
- (5) The original death certificate, original will (if any) and original inheritance certificate (if any) must then be submitted to the Probate Counter for verification by 4.30 p.m. of the next working day after the electronic filing of the originating summons. Where the original will has been retained in the custody of a foreign court, a certified true copy of the will by that foreign court must be submitted in place of the original. After verification, the original will shall be retained by the Probate Counter in compliance with Order 71 rule 47A of the Rules of Court. The originals of the other documents may be returned to the filing party 3 days after the acceptance by the Court.
- (6) Order 71 rule 5(2) of the Rules of Court provides that the statement, which is filed together with an originating summons for the grant of probate or letters of administration, must be verified by an affidavit of the applicant. For originating summonses filed on or after 1 January 2006, the supporting affidavit under Order 71 rule 5 (“the supporting affidavit”) shall be in the prescribed format in Form 41 of Appendix B and state that the applicant deposes to the truth of the contents of the statement and the exhibits thereto required under Order 71 rule 5(2) of the Rules of Court. The exhibits, apart from the statement which has already been filed with the originating summons, are to be listed in a “Table of Contents of Exhibits” in the supporting affidavit. These exhibits can then be detached and are not required to be filed together with the supporting affidavit. The supporting affidavit must state that the statement exhibited therein is the same statement generated by the EFS, and the contents entered into the

EFS, and which now appear in the statement are true and accurate. The statement bearing the court seal is to be exhibited as the first exhibit in the supporting affidavit filed. In regards to applications by a trust corporation, the supporting affidavit must in addition, state that the applicant company is a trust company and that it has the power to accept grant, and that the officer has been authorised by the applicant company through a resolution of their board of directors, a certified true copy whereof under the seal of the company is exhibited therein. The supporting affidavit shall be filed within 14 days after the filing of the originating summons.

- (7) No hearing date or order-in-terms of an originating summons for the grant of probate or letters of administration will be given until the supporting affidavit has been filed. An order-in-terms of the originating summons will be granted if all the documents are in order and upon acceptance of the supporting affidavit. Otherwise, a date will be fixed for the hearing of the originating summons.
- (8) If there are errors in the originating summons and the statement or missing documents, the entire set of documents will be rejected and the reason(s) for rejection will be indicated on the Checklist. The onus is on the solicitor concerned to review the rejected documents, having regard to the comments on the Checklist, before re-filing a fresh originating summons and statement.
- (9) Where a party seeks to rectify any errors in the originating summons, an application may be made by way of a summons to amend the originating summons. The draft amended originating summons in PDF format, prepared in accordance with Paragraph 13(2)(b) and (c) of these Directions, should be annexed to the affidavit in support of the summons.
- (10) Where a party seeks to rectify any error in the statement, other than errors that also appear in the originating summons prior to the order for the grant, he may do so by amending the information in the appropriate electronic template *without* attaching the amended statement in *PDF* format, and filing a supplementary affidavit, and stating the reason for the

amendments. Where it is necessary to amend the information in the statement after order is made for the grant, an application must be made by way of summons, together with an affidavit in support and the draft amended statement in PDF format must be annexed to the summons. The Registrar may direct that a fresh supporting affidavit under Order 71 rule 5 be filed by the applicant.

- (11) Where an order-in-terms has been made in the originating summons for the grant of probate or letters of administration and a party seeks to substitute the name of the administrator(s) or add in further administrator(s), an application must be made by way of a summons for the order to be revoked and re-granted. The draft amended originating summons and the amended statement in PDF format, prepared in accordance with Paragraph 13(2)(b) and (c) of these Directions, should be annexed to the summons.
- (12) Where an order-in-terms is made of the application, the party shall, within 14 days of the order or such time as may be permitted in the order of court granting leave to amend, or for the order to be revoked and re-granted, as applicable, file the amended originating summons by entering the relevant amendments in the appropriate electronic template *without* attaching the amended originating summons and the amended statement in *PDF* format. In this respect, Paragraph 13(1), (2)(a), (2)(b) and (4) shall not apply. A fresh supporting affidavit under Order 71 rule 5 must be filed by the applicant together with the amended originating summons and the amended statement.
- (13) As per current practice, all summonses in respect of proceedings under Order 71 rule 5 of the Rules of Court will not be given a hearing date in the first instance. A hearing date will only be given where an order-in-terms is not granted. The hearing date will be indicated on the returned summonses.
- (14) The Court may reject any document which does not comply with the above Directions, or any other directions made by the Court.

**145. File inspection and obtaining extracts or certified true copies of documents and conducting searches of information maintained by the Registry**

*File inspection*

- (1) In order to inspect a case file containing documents that were filed through the Electronic Filing Service (EFS), the following procedure should be followed:
  - (a) A request\* should be made to obtain leave to inspect the file. This request should be filed using the EFS. Only solicitors and their duly authorised clerks may make searches and inspections of Court records and documents. The request should state the name of the person who is to carry out the search or inspection. If this person is not a solicitor, his identity card number should also be included in the request, after his name. The request should also state the interest the applicant has in the matter, and the reason for the search or inspection.
  - (b) Once approval for inspection has been received from the Court, a copy of the approval should be printed out and be presented at the Records Section of the Subordinate Courts.
  - (c) After verifying the approval that has been presented, the staff of the Records Section will assign a personal computer to the inspecting party for the inspection to be carried out. An inspecting party will usually be allowed only 30 minutes to carry out the inspection. If a longer period is required, the staff of the Records Section should be informed of this, together with the reasons why a longer period is needed. The staff of the Records Section will decide on a case-by-case basis whether a longer period should be allowed.
- (2) Requests in hard copy may be submitted to inspect case files containing documents which were not filed using the EFS. The Civil Registry will

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\* Formerly known as “praecipe”.

only accept requests which are printed or typewritten on paper of good quality and signed by the solicitors concerned. Requests which have any erasure marks on them will be rejected. Requests which are double stamped, that is, if the requests were originally short stamped and later stamped to add up to the correct fee, may be rejected.

- (3) Solicitors must communicate to the Registrar in writing the names of their clerks who have their authority to make searches and inspections. Such authority may be in respect of a specific search or inspection or for a specified period.

*Obtaining extracts or certified true copies of documents*

- (4) Applications to obtain extracts of documents, or certified true paper copies of documents under the Extract Service should continue to be made by way of request.
  - (a) The request should be filed using the EFS, unless the documents concerned have not been filed through the EFS.
  - (b) An Index Search may be conducted to identify the documents for which an applicant intends to request for extracts or certified true paper copies of. Prior approval of the Court is not required. The Index Search will display an index of the electronic case file without displaying the documents themselves. Sub-paragraphs (1) to (3) above continue to apply in respect of the procedure for file inspection.
  - (c) Once approval for obtaining an extract is granted, the soft copy extract will be transmitted electronically to the law firm where the request is made by electronic transmission. If the request is made via the service bureau, the extract will be transmitted electronically to the service bureau and the staff of the service bureau will then print out the extract in paper form for collection.
  - (d) If the document is available in partially electronic form, only the soft copy extract will be transmitted electronically to the law firm or the service bureau. The hard copy portion of the extract is to be

collected at the Records Section. Once approval is received from the Court, the applicant should obtain a printed copy of the approved request and present it at the Records Section. After verifying that the request presented has been approved, the staff of the Records Section will inform the applicant of any additional fees payable. These fees should then be stamped on the request at the Subordinate Courts Cashier's Office. Upon presentation of this stamped request, the documents will be furnished to the applicant.

- (e) Where the request is made for a certified true paper copy of a document using the EFS, once approval is received from the Court, the applicant should obtain a printed copy of the approved request and present it at the Records Section of the Subordinate Courts. After verifying that the request presented has been approved, the staff of the Records Section will inform the applicant of any additional fees payable. These fees should then be stamped on the request at the Subordinate Courts Cashier's Office. Upon presentation of this stamped request, the documents will be furnished to the applicant.
- (f) The fees prescribed by items 71F, 71G and 71I of Appendix B to the Rules of Court will be payable for the above services without prejudice to additional printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

*Conducting searches of information maintained by the Registry*

- (5) Order 60 Rule 2 of the Rules of Court provides that the Registry shall maintain information prescribed or required to be kept by the Rules of Court and practice directions issued by the Registrar. In addition to any provisions in the Rules of Court, the Registrar hereby directs that the following information shall be maintained by the Registry:
  - (a) details of all originating processes, including:
    - (i) details of interlocutory applications;
    - (ii) details of appeals filed therein; and

- (iii) details of probate proceedings, including wills and caveats filed therein;
  - (b) details of writs of execution, writs of distress and warrants of arrest; and
  - (c) any other information as may from time to time be found necessary.
- (6) Searches of this information under Order 60 Rule 3 may be conducted through the “Litigation module” in Lawnet at <http://www.lawnet.com.sg>. The fees prescribed by items 71, 71B, 71C and 71D of Appendix B to the Rules of Court will be payable for the searches.

## **151A. Medical Negligence Claims**

### **(1) Compliance with pre-action protocol**

- (a) Claimants in medical negligence claims are to comply with the pre-action protocol at Appendix EA before commencing court proceedings. The court will require parties to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol insofar as they are able.
- (b) In exercising its discretion as to costs, the Court will take cognisance of compliance with the protocol. If, in the opinion of the Court, non-compliance has led to the commencement of proceedings which might otherwise not have needed to be commenced, or has led to costs being incurred, the orders the Court may make include staying an action for the party in default to comply with the protocol, and those orders and powers provided under Order 34A rule 1 of the Rules of Court. Where there are good reasons for non-compliance, the court will not impose sanctions against the party in default.
- (c) The court will also take cognisance of compliance with the protocol in exercising its discretion when deciding the period of interest. Such orders may include:
  - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; or
  - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

### **(2) Case management**

To ensure enhanced accessibility, medical negligence cases will be managed differentially in the Civil Justice Division. The Primary Dispute Resolution Centre (PDRC), which provides court-based

alternative dispute resolution, will help to encourage a culture of openness and co-operation between parties from the outset.

**Form 7**

**REQUEST FOR CDR**

# Download form from: [www.subcourts.gov.sg/practice\\_direction.htm](http://www.subcourts.gov.sg/practice_direction.htm)  
# Strictly for Primary Dispute Resolution Centre (PDRC) application (not for ADCDR).  
# Incomplete forms will be rejected

- 1. **Date:** \_\_\_\_\_
- 2. **Case No: MC/DC**(Please circle)\_\_\_\_\_ / \_\_\_\_\_(Year)
- 3. **Type of Case (please circle appropriately):**  
**TORT** (a) Road Accident – involving personal injury/property damage/ death  
(b) Industrial Accident  
(c) Others (please specify) \_\_\_\_\_  
**CONTRACT** (a) Construction/ Renovation/Supply of Goods & Services.  
(b) Others (please specify) \_\_\_\_\_  
**OTHERS :** For Clarification /Costs Indication / Enter Judgment etc.  
**Remarks :** \_\_\_\_\_

- 4. **Quantum of claim** \_\_\_\_\_ Claim is more/less\* than \$5,000
- 5. **Has matter been fixed for CDR before? YES/NO\***  
If yes please indicate: a) date : \_\_\_\_\_ b) whether any indication given: \_\_\_\_\_

**6. Details of Law firms**

**Plaintiff’s Solicitors’ firm:** \_\_\_\_\_  
Solicitor in charge: \_\_\_\_\_  
Tel No: \_\_\_\_\_  
Fax No: \_\_\_\_\_  
Ref No: \_\_\_\_\_  
Email : \_\_\_\_\_  
Unsuitable dates: \_\_\_\_\_

**Defendant’s Solicitors’ firm:** \_\_\_\_\_  
Solicitor in charge: \_\_\_\_\_  
Tel No: \_\_\_\_\_  
Fax No: \_\_\_\_\_  
Ref No: \_\_\_\_\_  
Email: \_\_\_\_\_  
Unsuitable dates: \_\_\_\_\_

3<sup>rd</sup> Party’s Solicitors’ firm (if any): \_\_\_\_\_  
Solicitor in charge: \_\_\_\_\_  
Tel No: \_\_\_\_\_  
Fax No: \_\_\_\_\_  
Ref No: \_\_\_\_\_  
Unsuitable dates: \_\_\_\_\_

Remarks (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 7. All relevant parties have been joined in this action. Pleadings have closed and parties have exchanged or will exchange the relevant documents in good time well before the 1<sup>st</sup> CDR session.
- 8. Consent for CDR has been obtained from all relevant parties. **YES/NO\* (not applicable to NIMA cases).**

**Signature of Solicitor**

**Name of Requesting Law Firm (Please use law firm’s stamp)**

*\* Delete where inapplicable*

*\*\* Please inform the e@dr/Primary Dispute Resolution Centre of any change of fax number*

<b>COURT’S DIRECTION (This part is for PDRC use only.)</b>	
THE CDR IS SCHEDULED FOR _____ AT _____ (am/pm)	
Remarks : _____	
Date: _____	Name & DID : _____ For Director, PDRC.

**Form 8**

**REQUEST FOR ADJOURNMENT OF CDR**

*(Including Vacation of CDR or other application e.g. matter settled or not ready for CDR)*

- # Download form from: [www.subcourts.gov.sg/practice\\_direction.htm](http://www.subcourts.gov.sg/practice_direction.htm)
- # Application must be made not less than 3 working days before CDR date and with consent from all parties. Any application made less than 3 working days will not receive a reply.
- # Strictly For Primary Dispute Resolution Centre (PDRC) Application (not for ADCDR).

**Date:** \_\_\_\_\_

1. Case to be adjourned/vacated *(please circle)*:
  - a) Case No: MC/DC *(please circle)* \_\_\_\_\_ / \_\_\_\_\_ (Year)
  - b) Date and time fixed for CDR session : \_\_\_\_\_
2. Have parties written in for adjournment before? If yes, date of application \_\_\_\_\_
3. Name of Law Firm requesting for adjournment: \_\_\_\_\_  
 Your File Reference No: \_\_\_\_\_  
 Solicitor in charge: \_\_\_\_\_  
 Direct Telephone No: \_\_\_\_\_ Fax No : \_\_\_\_\_ Email \_\_\_\_\_

Reasons for Adjournment *(please tick and specify)*

Solicitor is involved in High Court/Subordinate Courts  
Action number \_\_\_\_\_ on/from \_\_\_\_\_

Solicitor is away on Reservist Training / Overseas / on Medical Leave on/from \_\_\_\_\_  
*(please indicate dates)*

The Party or his Witness (who has been called to attend) is unable to attend because \_\_\_\_\_  
*(if Party or witness is overseas, please produce passport for verification at next CDR)*

Other reasons \_\_\_\_\_

---

Remarks (Please list **all** unsuitable dates)

---

**Signature of Solicitor**

cc. To all Law Firms involved (Please state the names of all relevant law firms, their case reference number and their contact/fax number as indicated below).

Name of Law firms *(specify for Plaintiff or Defendant)*:  
 Tel No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Ref No: \_\_\_\_\_ Email : \_\_\_\_\_  
 3<sup>d</sup> Party (if any): \_\_\_\_\_  
 Tel No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Ref No : \_\_\_\_\_ Email : \_\_\_\_\_

**COURT'S DIRECTION *(This part is for PDRC use only)***

**Your application is approved/ not approved. Remarks :** \_\_\_\_\_

**THE CDR IS NOW REFIXED TO :** \_\_\_\_\_ **AT** \_\_\_\_\_ **(am/pm)**

**Date** \_\_\_\_\_ **Name & DID :** \_\_\_\_\_, **For Director, PDRC.**

**Form 46**

**BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

DC/MC No.            of 20  
Bill of Costs No.    of 20

GST Reg. No. (solicitors for *[state the party]*): *[Set out the GST number]*  
GST Reg. No. (*state the party*): *[Indicate the GST number or "No GST No." and the percentage of input tax applicable to each party entitled to costs.]*

Between

..... Plaintiff(s)

And

..... Defendant(s)

**BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS**

Applicant:            *[State the party for whom the bill is filed.]*  
Nature of bill:        *[State whether the bill is a party-and-party or solicitor-and-client bill.]*  
Basis of taxation:    *[State the basis of taxation, that is, standard or indemnity basis.]*  
Basis for taxation:    Judgment dated \_\_\_\_\_ ordering *[set out the order on costs under which the bill is to be taxed, including such details as the party who is ordered to pay costs and the party entitled to claim costs.]*

<b>Section 1: Work done other than for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The claim</b>		
1.1	Nature of claim	<i>[Give a brief description of the nature of claim.]</i>	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>2.</b>	<b>Pleadings</b>		
2.1	Writ & statement of claim	<i>[Set out the number of pages in each pleading.]</i>	
2.2	Defence & counterclaim	<i>[Set out the number of pages in each pleading.]</i>	
2.3	Reply & defence to counterclaim	<i>[Set out the number of pages in each pleading.]</i>	
2.4	Relief claimed	<i>[Set out succinctly the reliefs claimed in the statement of claim and counterclaim, if any.]</i>	
2.5	Affidavits deemed or ordered to stand as pleadings	<i>[Set out the number of pages in each affidavit.]</i>	
<b>3.</b>	<b>Interlocutory attendances</b>		
3.1	Interlocutory applications - costs fixed by court	<i>[Set out in relation to each interlocutory application, the application number, the nature of the application, the number of affidavits filed, the orders made on costs and the amount of costs awarded.]</i>	<i>[Set out the amount of time taken for the hearing and other relevant information.]</i>
3.2	Interlocutory applications – costs not fixed by court	<i>[Set out in relation to each interlocutory application, the application number, the number of affidavits filed, the nature of the application and the orders made on costs.]</i>	<i>[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the application.]</i>

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
3.3	Appeals to District Judge in chambers	<i>[Set out in relation to each appeal, the appeal number, the nature of the appeal, the orders made on costs and the amount of costs awarded, if any.]</i>	<i>[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the appeal.]</i>
3.4	Pre-trial conferences	<i>[Set out the dates of the PTCs.]</i>	<i>[Provide details if a substantial application is heard during a PTC and the amount of time taken.]</i>
3.5	Other attendances	<i>[Set out the dates and the nature of hearings if there are other attendances in court which should be taken into consideration.]</i>	<i>[Set out the amount of time taken for the hearing and such other relevant information as will enable the court to determine the costs to award for the hearing.]</i>
<b>4.</b>	<b>Discovery</b>		
4.1	Number of lists of documents	<i>[Set out the number of lists of documents, including supplementary lists, filed by each party.]</i>	
4.2	Total number of documents disclosed	<i>[Set out the number of documents, with the total number of pages, disclosed by each party.]</i>	<i>[Provide such information as is relevant, such as the number of pages that overlap.]</i>

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>5.</b>	<b>Trial</b>		
5.1	Opening statement	<i>[Set out the number of pages of opening statement filed by each party.]</i>	
5.2	Number of days and date(s) of trial	<i>[Indicate the total number of days fixed for trial, the actual number of days taken and the date(s) of the trial]</i>	<i>[Provide such information as is relevant, such as whether digital or mechanical recording was used during the trial.]</i>
5.3	Part heard	<i>[Set out the period of time between each tranche of hearing, if any.]</i>	
5.4	Affidavits of evidence in chief – text and exhibits	<i>[Set out the number of affidavits filed by each party and the total number of pages of text and exhibits of all affidavits filed.]</i>	
5.5	Bundle of documents	<i>[Set out the number of volumes and the total number of pages in each bundle filed in respect of the trial.]</i>	
5.6	Witnesses at trial	<i>[Set out the number of witnesses of fact and expert witnesses for each party.]</i>	
5.7	Closing submissions and authorities cited	<i>[Set out the number of pages and authorities cited in the closing submissions, if any, of each party.]</i>	
5.8	Submissions in reply and authorities cited	<i>[Set out the number of pages and authorities cited in the reply submissions, if any, of each party.]</i>	
5.9	Orders made at trial	<i>[Set out succinctly the orders made.]</i>	
5.10	Other post-trial filings/matters	<i>[Set out the number of pages and authorities cited in any other documents filed by each party.]</i>	
<b>6.</b>	<b>Complexity of case</b>		

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
6.1	Legal issues	[Set out succinctly all the legal issues raised.]	
6.2	Factual issues	[Set out succinctly all the factual issues raised.]	
6.3	Complexity	[Set out succinctly the matters that affect the complexity of the case.]	
6.4	Grounds of decision	[Set out the number of pages in the grounds of decision and highlight the paragraph(s) where the court commented on the complexity of the case or the novelty of the issues raised.]	
<b>7.</b>	<b>Urgency and importance to client</b>		
7.1	Urgency	[Set out the factors that rendered the suit one of urgency for the party entitled to claim costs.]	
7.2	Importance to client	[Set out the factors that rendered the suit one of importance for the party entitled to claim costs.]	
<b>8.</b>	<b>Time and labour expended</b>		
8.1	Number of letters/ faxes/emails exchanged between the parties	[Set out the total amount of correspondence exchanged between the parties and also between the parties and the court.]	
8.2	Number of letters/ faxes/emails to client	[Set out the total amount of correspondence between the party entitled to claim costs and counsel.]	
8.3	Meetings with opposing counsel	[Set out the total number of meetings, and the time taken for them.]	
8.4	Time spent	[Set out the total number of hours spent on the case by each counsel or solicitor.]	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
8.5	Others	[Set out any other relevant factors for the court's consideration.]	
<b>9.</b>	<b>Counsel and solicitors involved</b>		
9.1	Counsel and solicitors	[List all the lawyers acting for each party and their seniority.]	
9.2	Certificate of more than 2 counsel	[Indicate if the court has certified that the costs of more than two counsel are allowed.]	
<b>10.</b>	<b>Costs claimed</b>		
10.1	Amount claimed	<p><b>Amount claimed for [specify name of counsel or solicitor]: \$ [insert amount].</b></p> <p>[Set out in relation to each counsel or solicitor, the amount of costs claimed for Section 1, with a breakdown of–</p> <ul style="list-style-type: none"> <li>(a) the amount claimed for work done by the counsel or solicitor;</li> <li>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</li> <li>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</li> <li>(d) the GST claimed for work done, in relation to the periods for which different rates of GST are applicable.]</li> </ul>	
<b>Section 2: Work done for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
11.	Work done	[Describe the work done for the preparation of the bill of costs and the taxation of the bill.]	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
12.	Amount claimed	<p><b>Total amount claimed:</b> \$ [insert amount].</p> <p>[Set out the amount of costs claimed for Section 2, with a breakdown of –</p> <p>(a) the amount claimed for work done for Section 2;</p> <p>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</p> <p>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</p> <p>(d) the GST claimed for work done.]</p>	
<b>Section 3: Disbursements</b>			
<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
13.	[Set out in different rows the dates or period of time when each disbursement is incurred.]	<p><u>Disbursements on which GST is not chargeable</u></p> <p>[Set out the amount of each disbursement claimed.]</p> <p><u>Disbursements on which GST is chargeable</u></p> <p>[Set out the amount of each disbursement claimed.]</p>	

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
[ ]	-	<p><b>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p><b>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is chargeable with a breakdown of—</i></p> <ul style="list-style-type: none"> <li><i>(a) the amount claimed for disbursements for Section 3;</i></li> <li><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></li> <li><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></li> <li><i>(d) the GST claimed for disbursements,</i></li> </ul> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p>	

<b>Summary</b>			
		<p><b>Total claimed for bill:</b></p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1: <i>[Insert sum claimed.]</i></p> <p>GST on Section 1:</p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: <i>[Insert sum claimed.]</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): <i>[Insert sum claimed.]</i></p> <p>Section 3 (Disbursements on which GST is chargeable): <i>[Insert sum claimed.]</i></p> <p>GST on Section 3:</p>	

Dated this                      day of                      20                      .

Solicitors for  
*[State the party for whom the bill is filed].*

To:

**Form 47**

**BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

DC/MC No.            of 20  
Bill of Costs No.    of 20

GST Reg. No. (solicitors for *[state the party]*): *[Set out the GST number]*  
GST Reg. No. (*state the party*): *[Indicate the GST number or "No GST No." and the percentage of input tax applicable to each party entitled to costs.]*

Between

..... Plaintiff(s)

And

..... Defendant(s)

**BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS**

Applicant:            *[State the party for whom the bill is filed.]*  
Nature of bill:        *[State whether the bill is a party-and-party or solicitor-and-client bill.]*  
Basis of taxation:    *[State the basis of taxation, that is, standard or indemnity basis.]*  
Basis for taxation:   Judgment dated \_\_\_\_\_ ordering *[set out the order on costs under which the bill is to be taxed, including such details as the party who is ordered to pay costs and the party entitled to claim costs.]*

<b>Section 1: Work done other than for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The claim</b>		
1.1	Nature of claim	<i>[Give a brief description of the nature of claim, such as whether the substantive claim is for breach of contract or negligence.]</i>	
<b>2.</b>	<b>Application / Proceedings</b>		

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
2.1	Nature of application or proceedings for taxation	[Give a brief description of the nature of proceedings or application to which the bill relates, e.g., for an appeal or interlocutory application.]	
<b>3.</b>	<b>Interlocutory attendances</b>		
3.1	Interlocutory applications - costs fixed by court	[Set out in relation to each interlocutory application, the application number, the nature of the application, the number of affidavits filed, the orders made on costs and the amount of costs awarded.]	[Set out the amount of time taken for the hearing and other relevant information.]
3.2	Interlocutory applications – costs not fixed by court	[Set out in relation to each interlocutory application, the application number, the nature of the application, the number of affidavits filed and the orders made on costs.]	[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the application.]
3.3	Appeals to District Judge in chambers	[Set out in relation to each appeal, the appeal number, the nature of the appeal, the orders made on costs and the amount of costs awarded, if any.]	[Set out the amount of time taken for the hearing and such other information as will enable the court to determine the costs to award for the appeal.]

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
3.4	Other attendances	<i>[Set out the dates and the nature of hearings if there are other attendances in court which should be taken into consideration.]</i>	<i>[Set out the amount of time taken for the hearing and such other relevant information as will enable the court to determine the costs to award for the hearing.]</i>
<b>4.</b>	<b>Hearing</b>		
4.1	Number of days/hours and date(s) of hearing	<i>[Indicate the total number of days or hours fixed for the hearing, the actual number of days or hours taken and the date(s) of the hearing.]</i>	<i>[Provide such information as is relevant, such as whether digital or mechanical recording was used.]</i>
4.2	Documents (apart from written submissions and authorities)	<i>[Set out the number of volumes and the total number of pages in each bundle filed in respect of the hearing.]</i>	
4.3	Witnesses (if any)	<i>[Set out the number of witnesses of fact and expert witnesses for each party, if any.]</i>	
4.4	Written submissions	<i>[Set out the number of pages of the submissions, if any, filed by each party.]</i>	
4.5	Authorities cited	<i>[Set out the number of authorities cited by each party.]</i>	
4.6	Orders made	<i>[Set out succinctly the orders made.]</i>	
4.7	Other post-hearing filings	<i>[Set out the number of pages and authorities cited in any other documents filed by each party.]</i>	
<b>5.</b>	<b>Complexity of case</b>		

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
5.1	Legal issues	<i>[Set out succinctly all the legal issues raised.]</i>	
5.2	Factual issues	<i>[Set out succinctly all the factual issues raised.]</i>	
5.3	Complexity	<i>[Set out succinctly the matters that affect the complexity of the case.]</i>	
5.4	Grounds of decision	<i>[Set out the number of pages in the grounds of decision and highlight the paragraph(s) where the court commented on the complexity of the case or the novelty of the issues raised.]</i>	
<b>6.</b>	<b>Urgency and importance to client</b>		
6.1	Urgency	<i>[Set out the factors that rendered the suit one of urgency for the party entitled to claim costs.]</i>	
6.2	Importance to client	<i>[Set out the factors that rendered the suit one of importance for the party entitled to claim costs.]</i>	
6.3	Amount involved	<i>[Set out the amount involved in the substantive dispute between the parties.]</i>	
<b>7.</b>	<b>Time and labour expended</b>		
7.1	Number of letters/faxes/emails exchanged between the parties	<i>[Set out the total amount of correspondence exchanged between the parties and also between the parties and the court.]</i>	
7.2	Number of letters/faxes/emails to client	<i>[Set out the total amount of correspondence between the party entitled to claim costs and counsel.]</i>	
7.3	Meetings with opposing counsel	<i>[Set out the total number of meetings, and the time taken for them.]</i>	
7.4	Time spent	<i>[Set out the total number of hours spent on the case by each counsel or solicitor.]</i>	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
7.5	Others	[Set out any other relevant factors for the court's consideration.]	
<b>8.</b>	<b>Counsel and solicitors involved</b>		
8.1	Counsel and solicitors	[List all the lawyers acting for each party and their seniority.]	
8.2	Certificate of more than 2 counsel	[Indicate if the court has certified that the costs of more than two counsel are allowed.]	
<b>9.</b>	<b>Costs claimed</b>		
9.1	Amount claimed	<p><b>Amount claimed for</b> [specify name of counsel or solicitor]: \$ [insert amount].</p> <p>[Set out in relation to each counsel or solicitor, the amount of costs claimed for Section 1, with a breakdown of–</p> <p>(a) the amount claimed for work done by the counsel or solicitor;</p> <p>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</p> <p>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</p> <p>(d) the GST claimed for work done, in relation to the periods for which different rates of GST are applicable.]</p>	
<b>Section 2: Work done for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
10.	Work done	<i>[Describe the work done for the preparation of the bill of costs and the taxation of the bill.]</i>	
11.	Amount claimed	<p><b>Total amount claimed:</b> \$ <i>[insert amount]</i>.</p> <p><i>[Set out the amount of costs claimed for Section 2, with a breakdown of–</i></p> <p><i>(a) the amount claimed for work done for Section 2;</i></p> <p><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></p> <p><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></p> <p><i>(d) the GST claimed for work done.]</i></p>	

### **Section 3: Disbursements**

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
12.	<i>[Set out in different rows the dates or period of time when each disbursement is incurred.]</i>	<p><u>Disbursements on which GST is not chargeable</u></p> <p><i>[Set out the amount of each disbursement claimed.]</i></p> <p><u>Disbursements on which GST is chargeable</u></p> <p><i>[Set out the amount of each disbursement claimed.]</i></p>	

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
[ ]	-	<p><b>Total amount claimed for disbursements on which GST is not chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is not chargeable.]</i></p> <p><b>Total amount claimed for disbursements on which GST is chargeable: \$ [insert amount].</b></p> <p><i>[Set out the total amount of disbursements claimed for Section 3 on which GST is chargeable with a breakdown of—</i></p> <ul style="list-style-type: none"> <li><i>(a) the amount claimed for disbursements for Section 3;</i></li> <li><i>(b) the percentage of input tax for which a party entitled to claim costs is not entitled to credit;</i></li> <li><i>(c) the amount of input tax for which a party entitled to claim costs is not entitled to credit; and</i></li> <li><i>(d) the GST claimed for disbursements,</i></li> </ul> <p><i>in relation to the periods for which different rates of GST are applicable.]</i></p>	

<b>Summary</b>			
		<p><b>Total claimed for bill:</b></p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1: <i>[Insert sum claimed.]</i></p> <p>GST on Section 1:</p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: <i>[Insert sum claimed.]</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): <i>[Insert sum claimed.]</i></p> <p>Section 3 (Disbursements on which GST is chargeable): <i>[Insert sum claimed.]</i></p> <p>GST on Section 3:</p>	

Dated this                      day of                      20                      .

Solicitors for  
*[State the party for whom the bill is filed].*

To:

## Form 59

<b>APPLICATION FOR COURT RECORDS IN CRIMINAL PROCEEDINGS</b>	
Name of Applicant/Name of solicitor and solicitor's firm	Date
Address of Applicant/Solicitor's firm	Solicitor acting for Accused/ Complainant / Respondent
File Ref: _____ Tel: _____ Fax: _____	Others (specify): _____
<b>DOCUMENTS APPLIED FOR (please tick)</b>	
<input type="checkbox"/> Complaint Form	Notes of Evidence for:
<input type="checkbox"/> Charge(s)	<input type="checkbox"/> Prosecution Witness: _____
<input type="checkbox"/> Statement of Facts	<input type="checkbox"/> Defence Witness: _____
<input type="checkbox"/> Others: (specify)	<input type="checkbox"/> Others: _____
	<input type="checkbox"/> All
	<input type="checkbox"/> Personal Protection Order (PPO)
	<input type="checkbox"/> Summons
Reasons:	
MAC / DAC / Police Summons (PS) / Private Summons (PSS) / Summons (SS) / Coroner's Inquiry* No.: _____ Others: (please specify)	
Name of Accused / Complainant / Respondent / Deceased*:	
Court No: [If transferred, to state when and to which court]	District Judge / Magistrate / Deputy Registrar*:
Hearing Dates: [including part-heard dates]	
<b>FOR OFFICIAL USE ONLY</b>	
<b>RECEIVED ON:</b>	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED
DISTRICT JUDGE / MAGISTRATE / DEPUTY REGISTRAR*:	REASONS:
COURT OFFICER:	REMARKS
COURT NO:	

I/We\* \_\_\_\_\_ the abovenamed applicant, hereby confirm that I/We\* will pay the required fee for such application i.e. \$5.00 **per** document and \$0.30 per page.

I/We\* am/are\* currently applying for \_\_\_\_\_ [number of] documents.

I/We\* understand that no cancellation will be allowed once our application is approved. I/We\* will collect the documents and make payments within one[1] week of notification.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\* Delete where inapplicable.

## **APPENDIX FA**

### **ANNEXES TO MEDICAL NEGLIGENCE LITIGATION**

#### **PRACTICE DIRECTION**

##### **PRE-ACTION PROTOCOL FOR MEDICAL NEGLIGENCE CLAIMS**

###### **Annex A**

###### **1. Application**

- 1.1 The general aims of this protocol are to prescribe a framework for pre-writ exchange of information and communication with a view to resolve medical negligence disputes arising out of a negligent act or omission in the course of medical or dental treatment without litigation and to maintain/restore the patient/healthcare provider relationship.
- 1.2 The protocol *will apply only* from the time a potential claimant contemplates to file a medical negligence claim in court. Prior to such time, either party is at liberty to communicate, correspond or negotiate with the opposing party in any manner they see fit.
- 1.3 This protocol does not affect any privilege that may apply to communication between parties undertaken in compliance with it (including medical reports furnished to the claimant's solicitor by the doctor pursuant to this protocol).
- 1.4 For avoidance of doubt, this protocol equally applies to actions arising from dental treatments.

## **2. Letter of request for medical report and related documents**

2.1 Generally, to enable the claimant to consider whether he has a viable cause of action against the doctor and the hospital for medical negligence, a medical report from the doctor is essential. The application for the medical report, and such other documents that may be necessary to determine if there is a cause of action, should be made by letter (see Form 1) setting out briefly the basis of the claim and the nature of the information sought, including:

- (a) symptoms presented by the claimant or the deceased (where the patient has passed away and the claimant is the deceased's next-of-kin) prior to treatment;
- (b) clinical findings;
- (c) diagnosis;
- (d) treatment prescribed, risks in such treatment (if any) and when and how such risks were conveyed to the claimant or the deceased;
- (e) whether alternatives to treatment were disclosed to the claimant and if so, why the treatment prescribed was preferred over these alternatives;
- (f) assessment of the claimant's present condition and the cause of such condition or the cause of the deceased's death;
- (g) prognosis and recommended future treatment.

The application for the medical report should be accompanied by the claimant's letter (see Form 1A) authorising the hospital to release the medical report to his solicitors.

2.2 The above guidelines on the contents of the medical report are meant to ensure that the report is as comprehensive as possible. Depending on the nature of the medical management in each case, the contents of the medical report may be suitably modified. The application for the medical report may be dispensed with where the harm caused to the patient is *res ipsa loquitur*.

2.3 The medical report should be provided to the claimant within 6 weeks upon payment of the requisite charges. The claimant may where necessary, seek further information or clarification from the doctor on any aspect of the report, in which case, the doctor should respond within 6 weeks of the further request.

**3. Letter of request for discussion**

3.1 Upon receipt of the medical report and before commencement of legal proceedings, the claimant is to write to the hospital and to each of the doctors against whom he intends to pursue his claim, to arrange for a *without prejudice* discussion with them (see Form 2). The hospital and/or the doctor must respond within 14 days after receipt of the letter, proposing a date and time for the meeting which should be held within 2 months from the date of the letter of request. This important step opens additional channels of communication between doctor and claimant, affording the doctor an opportunity to explain medical procedures to the claimant and for the claimant to clarify with the doctor any doubts which he may have. Quite often, legal proceedings are taken because of miscommunication between doctor and patient or because the patient interprets a perceived lack of information and empathy as lack of due care and attention on the part of the doctor. Hence, such discussions may pave the way to an amicable resolution of the claim. To facilitate the discussion, either party may in suitable cases, engage a separate or joint third party medical opinion on the medical management provided.

3.2 The letter to the hospital and the doctors is to be sent by way of A R Registered mail or by hand (in which case an acknowledgment of receipt should be obtained).

3.3 If the hospital or doctor fails to propose a date and time for the meeting within the requisite 14 days or if without reasonable cause, the meeting is not held within the requisite 2 months, the claimant may commence proceedings without any sanction by the court.

#### **4. Negotiation**

- 4.1 After the initial discussion, the parties are at liberty to correspond or negotiate with each other in any manner they see fit with a view to resolving the matter amicably at the earliest opportunity. Litigation should not be commenced prematurely if there are reasonable prospects for resolution. Where reasonable effort has been made without reasonable prospects of resolution, and after the expiry of 2 months from the date of request for a without prejudice discussion, save where paragraph 3.3 applies, the claimant must give 10 clear days' notice, by letter (see Form 3) to the potential defendants of his intention to proceed with a writ. He is also to inform each potential defendant, to the best of his knowledge, the names of all the parties he is contemplating to sue.
- 4.2 Where the claim is affected by limitation and/or the claimant's position needs to be protected by the early commencement of an action, the claimant need only comply with this protocol as far as he is able.

#### **5. Compliance with pre-action protocol**

- 5.1 In the interest of saving time and costs, claimants are expected to use this protocol as a checklist on the required steps to be taken before commencing court proceedings. Parties must comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol insofar as they are able.
- 5.2 In exercising its discretion and powers, the court will have regard to compliance with this protocol or lack thereof, including staying an action for the party in default to comply with the protocol, and Order 34A rule 1 and Order 59 rule 5 of the Rules of Court.
- 5.3 Where there are good reasons for non-compliance, the court will not impose sanctions against the party in default.

**Sample Letter of Request for Medical Report**

To: Medical Records Officer  
[Name of hospital]  
[Address]

Dear Sir

[Patient's full name]  
[Patient's NRIC or passport number]

We are instructed by the abovenamed patient who received medical treatment *[underwent an operation]* at your hospital on [date] *[from [date] to [date]]*.

*[We are instructed by [name of claimant], the [relationship] of the abovenamed deceased and executor/administrator of his estate. The deceased received medical treatment [underwent an operation] at your hospital on [date] [from [date] to [date]].*

Following the medical treatment *[operation]*, our client instructs that he is [briefly describe the client's present physical and/or mental condition or symptoms] *[the deceased passed away on [date]]*. In the light of our client's present condition *[In view of the death of the deceased]*, our client is contemplating a claim for damages against the attending doctor(s) and your hospital.

Please let us have a comprehensive medical report stating:

- (a) the symptoms presented by our client *[the deceased]* prior to treatment;

- (b) clinical findings;
- (c) the diagnosis;
- (d) the treatment prescribed, whether there are risks in such treatment and if so, when and how those risks were conveyed to our client [*the deceased*];
- (e) whether alternatives to treatment were disclosed to the claimant and if so, why the treatment prescribed was preferred over these alternatives;
- (f) assessment of our client's present condition and the cause of such condition [*the cause of the deceased's death*];
- (g) prognosis and recommended future treatment.

Please let us have the medical report within the next six (6) weeks upon receipt of the requisite charges for the medical report. The letter of authorisation is enclosed.

Yours faithfully,

**Sample Letter of Authorisation**

Date:

[Patient's full name]

[Patient's NRIC or passport number]

I, [full name and NRIC or passport number] being the abovenamed patient *[being the [state relationship] of the abovenamed deceased and the executor/administrator of his estate]* hereby authorise the Medical Records Officer, [name of hospital] to furnish my medical report *[the medical report on the abovenamed deceased]* to my solicitors [name of firm] pursuant to their letter of request.

Signature:

**Sample Letter of Request for Discussion**

To: Head *without prejudice save as to costs*  
[Name] Department  
[Name of hospital]  
[Address]

Dear Sir

[Patient's full name]  
[Patient's NRIC or passport number]

Thank you for the medical report on the abovenamed written by Dr. [name].

Our client *[together with us as his solicitors]* proposes to meet the doctor(s) involved in his treatment *[the treatment of the abovenamed deceased]* on a **without prejudice** basis so that he may have a better understanding of the management of his *[the deceased's]* illness *[injury / disability]*.

Please reply within 14 days of receipt of this letter stating the date, time and venue of the meeting at your hospital. The meeting should be held no later than two (2) months from the date of this letter.

Please note that unless we hear from you within the requisite 14 days, our client will have no alternative but to commence proceedings against the relevant doctor(s).

All communications arising out of this meeting will be treated in strict confidence and will not be disclosed to the Court in the event that legal proceedings are commenced.

Yours faithfully,

cc. [names of the defendant doctors]

**Sample Letter by Claimant Before Issue of Writ of Summons**

To: Head  
[Name] Department  
[Name of hospital]  
[Address]

Dear Sir,

[Patient's full name]  
[Patient's NRIC or passport number]

We regret that despite reasonable effort having been made to meet the doctors as proposed in our letter of [date] *[to resolve our client's claim]*, there does not appear to be any reasonable prospects of an amicable resolution.

We hereby give you ten (10) clear days' notice that our client intends to proceed with the issue of a writ of summons against Dr [name(s)] and your hospital for damages for medical negligence in the treatment of our client *[the abovenamed deceased]*. In this regard, please let us know if you are instructing solicitors to accept service of process on your behalf.

Yours faithfully,

cc. [names of the defendant doctors]

## APPENDIX H

### SAMPLE BILLS OF COSTS

Sample A

Sample bill of costs for contentious business – trials

#### IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

DC/MC No. of 20

Bill of Costs No. of 20

GST Reg. No. (solicitors for plaintiffs): 12345

GST Reg. No. (1<sup>st</sup> plaintiff): 67890 (20%)

2<sup>nd</sup> plaintiff: No GST Reg. No. (100%)

Between

(1) AAA

(2) BBB

..... Plaintiffs

And

CCC

..... Defendant

#### SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Applicant: Solicitors for the plaintiffs

Nature of bill: Party and party

Basis of taxation: Standard basis

Basis for taxation: Judgment dated \_\_\_\_\_ ordering the defendant to pay plaintiffs' costs

<b>Section 1: Work done other than for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The claim</b>		
1.1	Nature of claim	Breach of contract, restraint of trade, breach of confidentiality.	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>2.</b>	<b>Pleadings</b>		
2.1	Writ & statement of claim	Writ: 3 pages Statement of claim: 15 pages	
2.2	Defence & counterclaim	Defence: 10 pages Counterclaim: 2 pages	
2.3	Reply & defence to counterclaim	Reply: 5 pages Defence to counterclaim: 2 pages	
2.4	Relief claimed	Plaintiffs' claim: <ul style="list-style-type: none"> <li>• \$200,000 damages plus interest</li> <li>• Permanent injunction</li> </ul> Defendant's counterclaim: <ul style="list-style-type: none"> <li>• \$150,000 damages plus interest</li> <li>• Declaration</li> </ul>	
2.5	Affidavits deemed or ordered to stand as pleadings	Not applicable	
<b>3.</b>	<b>Interlocutory attendances</b>		
3.1	Interlocutory applications - costs fixed by court	(1) SIC 123/04: Plaintiffs' application for further and better particulars on [date]. 2 affidavits filed (total 25 pages including 4 exhibits). Costs awarded to plaintiffs fixed at \$500.  (2) SIC 234/04: Defendant's application for specific discovery. 1 affidavit filed (10 pages including 2 exhibits). No order on application with no order on costs.	20 F&BPs requested and 15 successful. Hearing before Deputy Registrar for 1 hour on [date].  Hearing before Deputy Registrar for 1 hour on [date].

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
3.2	Interlocutory applications – costs not fixed by court	(1) SIC 345/03: Plaintiffs’ <i>ex-parte</i> application for interlocutory injunction on [date]. 2 affidavits filed (total 100 pages including 10 exhibits). Written submissions of 20 pages with 7 cases cited. Order in terms with costs in the cause.  (2) SIC 456/05: Plaintiffs’ summons for directions on discovery, exchange of affidavits of evidence in chief (“AEIC”) and setting down. Orders made.	Hearing before District Judge ABC from 5.15 to 6.30 p.m. on [date].  Heard together with PTC on [date].
3.3	Appeals to District Judge in chambers	RA 1/05: appeal on defendant’s discovery application. Appeal dismissed with costs fixed at \$800 to the Plaintiffs.	Hearing before District Judge XYZ from 9.30 to 10.30 a.m. on [date].
3.4	Pre-trial conferences	4 PTCs on [dates]	By consent application for extension of time to exchange AEIC with costs in the cause heard during PTC on [date].
3.5	Other attendances	Not applicable.	
<b>4. Discovery</b>			
4.1	Number of lists of documents	Plaintiffs: list + 1 supplementary list Defendant: list + 1 supplementary list All verified by affidavits.	Plaintiffs’ supplementary list filed on 1 <sup>st</sup> day of trial.
4.2	Total number of documents disclosed	Plaintiffs: 55 documents, 800 pages Defendant: 40 documents, 300 pages	Overlap of 234 pages.
<b>5. Trial</b>			
5.1	Opening statement	Plaintiffs: 8 pages Defendant: 6 pages	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
5.2	Number of days and date(s) of trial	Number of days fixed: 5 days Number of days of actual hearing: 4 days Dates of trial: 4-5 April 2005, 25-26 April 2005	Parties negotiated on the 1 <sup>st</sup> day and dispensed with 2 witnesses.
5.3	Part heard	2 week break after 2 <sup>nd</sup> day.	
5.4	Affidavits of evidence in chief – text and exhibits	Plaintiffs: 3 affidavits <ul style="list-style-type: none"> <li>• 50 pages of text</li> <li>• 30 exhibits running to 500 pages</li> </ul> Defendant: 2 affidavits <ul style="list-style-type: none"> <li>• 40 pages of text</li> <li>• No exhibits, affidavits cross-referenced to agreed bundle of documents; 20 documents referred to in the affidavits.</li> </ul>	Overlap of 20 exhibits.
5.5	Bundle of documents	Core bundle: 1 volume, 150 pages Agreed bundle: 1 volumes, 200 pages Plaintiffs' bundle: 1 volume, 300 pages Defendant's bundle: Documents in agreed bundle	Exhibits P1 to P4 and D1 to D2 introduced during trial; 30 pages.
5.6	Witnesses at trial	Plaintiffs: 3 (2 of fact; 1 expert)  Defendant: 3 (2 of fact; 1 expert)	2 of the Plaintiffs' witnesses only spoke Russian. Plaintiffs' expert not cross-examined.  1 of the defendant's witnesses gave oral evidence.
5.7	Closing submissions and authorities cited	Plaintiffs: 40 pages and 10 cases Defendant: 30 pages and 6 cases	
5.8	Submissions in reply and authorities cited	Plaintiffs: 10 pages and 2 cases Defendant: 6 pages and 5 cases	
5.9	Orders made at trial	Judgment entered for Plaintiffs for \$150,000, interests and costs. Counterclaim dismissed with costs.	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
5.10	Other post-trial filings/matters	Not applicable.	
<b>6.</b>	<b>Complexity of case</b>		
6.1	Legal issues	(1) Whether acceptance of an offer in an email forms a binding contract in the absence of a formal contract. (2) ...	
6.2	Factual issues	(1) Whether the defendant sent the email that forms the basis of a binding contract between the parties; (2) ...	
6.3	Complexity	<ul style="list-style-type: none"> <li>• Novel point of law involving... [summary of the points];</li> <li>• Consideration of multiple alternative defences;</li> <li>• Major factual disputes in respect of definition of confidential information.</li> </ul>	
6.4	Grounds of decision	30 pages. In particular, District Judge commented on the complexity of case or novelty of issues at paragraph [highlight relevant paragraphs in the grounds of decision]. 5 authorities cited in the grounds.	
<b>7.</b>	<b>Urgency and importance to client</b>		
7.1	Urgency	Preparation for interlocutory injunction was made over the Chinese New Year.	
7.2	Importance to client	The Plaintiffs have invested approximately \$250,000 into research and it is critical that confidentiality of the information is maintained.	
<b>8.</b>	<b>Time and labour expended</b>		
8.1	Number of letters/faxes/emails exchanged between the parties	Plaintiffs to defendant: 50 Defendant to plaintiffs: 30 Plaintiffs to court: 3	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
8.2	Number of letters/faxes/emails to client	70	
8.3	Meetings with opposing counsel	3 meetings comprising in total approximately 10 hours during part-heard break between 2 <sup>nd</sup> and 3 <sup>rd</sup> day of trial.	
8.4	Time spent	100 hours	
8.5	Others	Not applicable.	
<b>9.</b>	<b>Counsel and solicitors involved</b>		
9.1	Counsel	Plaintiffs: Mr ABC, 15 years standing Ms DEF, 2 years standing  Defendant: Ms GHI, 10 years standing	
9.2	Certificate of more than 2 counsel	No.	
<b>10.</b>	<b>Costs claimed</b>		
10.1	Amount claimed	<p><b>Work done on or before 1<sup>st</sup> January 2003: \$ <i>a</i></b></p> <p><b>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>b</i></b></p> <p><b>Work done on or after 1 January 2004: \$ <i>c</i></b></p> <p>Percentage of input tax for which the 1<sup>st</sup> Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1<sup>st</sup> Plaintiff is not entitled credit in respect of –</p> <p>Work done on or before 1<sup>st</sup> January 2003: \$ <i>d</i></p> <p>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>e</i></p>	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
		<p>Work done on or after 1 January 2004: \$ <i>f</i></p> <p>Percentage of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled credit in respect of –</p> <p>Work done on or before 1<sup>st</sup> January 2003: \$ <i>g</i></p> <p>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>h</i></p> <p>Work done on or after 1 January 2004: \$ <i>i</i></p> <p>GST for work done or before 1 January 2003: \$ <i>j</i></p> <p>GST for work done on or after 1 January 2003 and before 1 January 2004: \$ <i>k</i></p> <p>GST for work done on or after 2004: \$ <i>l</i></p>	

**Section 2: Work done for taxation**

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
11.	Work done	Drawing up bill of costs, perusing documents and vouchers, attending taxation and drawing up Registrar's certificate.	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
12.	Amount claimed	<p><b>\$ p</b></p> <p>Percentage of input tax for which the 1<sup>st</sup> Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1<sup>st</sup> Plaintiff is not entitled credit : \$ q</p> <p>Percentage of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled credit : \$ r</p> <p>GST for work done: \$ s</p>	

### **Section 3: Disbursements**

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
		<u>Disbursements on which GST is not chargeable</u>	
13.	15/5/03	Writ of summons (court fees): \$ xxx	
14.	3/6/03	Reply and defence to counterclaim (court fees): \$ yyy	
15.	3/6/03	SIC 123/05 (court fees): \$ zzz	
		<u>Disbursements on which GST is chargeable</u>	
16.	xxxx	[State nature of each disbursement and the amount claimed.]	

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
17.	-	<p><b>Total amount claimed for disbursements on which GST is not chargeable: \$ <i>t</i></b></p> <p><b>Total amount claimed for disbursements on which GST is chargeable: \$ <i>u</i></b></p> <p>Percentage of input tax for which the 1<sup>st</sup> Plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1<sup>st</sup> Plaintiff is not entitled credit: \$ <i>v</i></p> <p>Percentage of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2<sup>nd</sup> Plaintiff is not entitled credit: \$ <i>w</i></p> <p>GST claimed for disbursements on which GST is chargeable: \$ <i>x</i></p>	
<b>Summary</b>			

<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
		<p><b>Total claimed for bill:</b></p> <p><u>Costs for work done other than for taxation:</u></p> <p>Section 1:</p> <p><b>Work done on or before 1<sup>st</sup> January 2003: \$ <i>a</i></b></p> <p>Work done on or after 1 January 2003 and before 1 January 2004: \$ <i>b</i></p> <p>Work done on or after 1 January 2004: \$ <i>c</i></p> <p>GST for work done or before 1 January 2003: \$ <i>j</i></p> <p>GST for work done on or after 1 January 2003 and before 1 January 2004: \$ <i>k</i></p> <p>GST for work done on or after 2004: \$ <i>l</i></p> <p><u>Costs for work done for taxation:</u></p> <p>Section 2: \$ <i>p</i></p> <p>GST on Section 2:</p> <p><u>Disbursements</u></p> <p>Section 3 (Disbursements on which GST is not chargeable): \$ <i>t</i></p> <p>Section 3 (Disbursements on which GST is chargeable): \$ <i>u</i></p> <p>GST on Section 3 (Disbursements on which GST is chargeable): \$ <i>x</i></p>	

Dated this                      day of                      20                      .

Solicitors for  
[State the party for whom the bill is filed].

To:

Sample B

Sample bill of costs for contentious business other than trials

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

Originating Summons No.                      of 20  
Bill of Costs No.                      of 20

GST Reg. No. (solicitors for plaintiff): 12345  
GST Reg. No. (Plaintiff): 67890 (20%)

Between

AAA

..... Plaintiff

And

BBB

..... Defendant

**SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS**

Applicant:                      Solicitors for Plaintiff  
Nature of bill:                      Party and party  
Basis of taxation:                      Standard basis  
Basis for taxation:                      Judgment dated \_\_\_\_\_ ordering Defendant to pay the Plaintiff's costs.

<b>Section 1: Work done other than for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
<b>1.</b>	<b>The claim</b>		
1.1	Nature of claim	For injunction under section 32(10) of the Building Maintenance and Strata Management Act 2004.	

<b>2.</b>	<b>Application / Proceedings</b>		
2.1	Nature of application or proceedings for taxation	Application for mandatory injunction against subsidiary proprietor to remove encroachments onto common property in breach of bye-laws by the management corporation.	
<b>3.</b>	<b>Interlocutory attendances</b>		
3.1	Interlocutory applications - costs fixed by court	Not applicable.	
3.2	Interlocutory applications – costs not fixed by court	SIC 123/04: Plaintiff's application for substituted service. Order in terms with costs in the cause.	Order given on [date].
3.3	Appeals to District Judge in chambers	Not applicable.	
3.4	Other attendances	Not applicable.	
<b>4.</b>	<b>Hearing</b>		
4.1	Number of days/hours and date(s) of hearing	Number of days/hours fixed: Half day Number of days/hours of actual hearing: 3 hours Date of hearing: 24 May 2005	
4.2	Documents (apart from written submissions and authorities)	Plaintiff: 3 affidavits filed (total 60 pages including 10 exhibits). Defendant: 2 affidavits filed (total 30 pages including 6 exhibits).	
4.3	Witnesses (if any)	Not applicable.	
4.4	Written submissions	Plaintiff: 30 pages Defendant: 25 pages	
4.5	Authorities cited	Plaintiff: 8 cases Defendant: 4 cases	

4.6	Orders made	Mandatory injunction granted requiring Defendant to remove encroachment onto common property in breach of bye-laws. Defendant to pay Plaintiff's costs.	
4.7	Other post-hearing filings	Not applicable.	
<b>5. Complexity of case</b>			
5.1	Legal issues	Whether the Plaintiff is entitled to a mandatory injunction against the Defendant requiring the Defendant to remove encroachments onto common property in breach of bye-laws of the management corporation.	
5.2	Factual issues	Whether there was a breach of the bye-laws.	
5.3	Complexity	Question of fact whether there was encroachment onto the common property.	
5.4	Grounds of decision	30 pages. In particular, District Judge commented on the complexity of case or novelty of issues at paragraph [highlight relevant paragraphs in the grounds of decision]. 5 authorities cited in the grounds.	
<b>6. Urgency and importance to client</b>			
6.1	Urgency	Breach is continuing.	
6.2	Importance to client	To deter other subsidiary proprietors against breach of bye-laws.	
6.3	Amount involved	Not applicable.	
<b>7. Time and labour expended</b>			

7.1	Number of letters/ faxes/emails exchanged between the parties	Plaintiff to Defendant: 15 Defendant to Plaintiff: 10 Plaintiff to court: 2	
7.2	Number of letters/ faxes/emails to client	30	
7.3	Meetings with opposing counsel	Not applicable.	
7.4	Time spent	40	
7.5	Others	Not applicable.	
<b>8. Counsel and solicitors involved</b>			
8.1	Counsel and solicitors	Plaintiff: Mr ABC, 15 years standing  Defendant: Ms GHI, 10 years standing	
8.2	Certificate of more than 2 counsel	No.	
<b>9. Costs claimed</b>			
9.1	Amount claimed	[Please refer to the sample used for trials and modify as appropriate.]	
<b>Section 2: Work done for taxation</b>			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
10.	Work done	Drawing up bill of costs, perusing documents and vouchers, attending taxation and drawing up Registrar's certificate.	
11.	Amount claimed	[Please refer to the sample used for trials and modify as appropriate.]	
<b>Section 3: Disbursements</b>			
<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>

