

# Table of Contents

The Authors	3
List of Abbreviations	17
Preface	21
General Introduction	25
§1. GENERAL BACKGROUND	25
I. People and Government	25
II. Key Facets of the Legal System	33
§2. DELIMITATION OF THE SUBJECT-MATTER	41
I. Definition of the Term 'Civil Procedure'	41
II. Distinction with Other Types of Procedure and Relevant Laws	42
III. Other Court Systems and Rules of Procedure	58
§3. SOURCES OF LAW AND HISTORICAL BACKGROUND	59
I. Reception and Creation of Law of Civil Procedure	59
II. The Conduct of Hearings	64
III. Case Management	65
IV. Law Reform Processes	70
V. Judicial Philosophy	71
VI. Unique Domains	74
§4. GENERAL FEATURES OF THE ADMINISTRATION OF JUSTICE IN CIVIL MATTERS	76
I. An Adversarial System	76
II. Fundamental Guarantees	77
Part I. Judicial Organization	79
Chapter 1. The Courts and Their Members	79
§1. STRUCTURE OF THE COURT SYSTEM	79
	5

## **Table of Contents**

§2. MEMBERS OF THE JUDICIARY	81
Chapter 2. The Bar	83
§1. EXERCISE OF THE LEGAL PROFESSION	83
I. Conditions for Admission	83
II. Rights and Duties	84
III. Discipline	86
§2. INSTITUTIONS AND ORGANIZATIONS	88
Chapter 3. The Bailiffs	90
Part II. Jurisdiction	93
Chapter 1. Domestic Jurisdiction	93
§1. JURISDICTIONAL LIMITS	93
§2. TRANSFER OF PROCEEDINGS	96
I. Procedural Aspects	96
II. Substantive Aspects	97
Chapter 2. International Jurisdiction	100
§1. RULES APPLICABLE IN THE ABSENCE OF A TREATY	100
§2. INTERNATIONAL TREATIES	101
Part III. Actions and Claims	103
Chapter 1. Limitation Period	103
§1. INTRODUCTION	103
Chapter 2. Actions	106
§1. INTRODUCTION	106
§2. CAPACITY TO SUE OR BE SUED	106
§3. STANDING	109
§4. LEGAL REPRESENTATION	111

## Table of Contents

§5. REPRESENTATIVE ACTION	112
§6. ACTION AGAINST THE GOVERNMENT	114
§7. CONSOLIDATION AND JOINDER	116
§8. APPROPRIATE DISPUTE RESOLUTION	118
<b>Chapter 3. Originating Process</b>	<b>120</b>
§1. INTRODUCTION	120
§2. WRIT	121
I. Formalities and Contents	121
II. Validity Period and Renewal	124
§3. ORIGINATING SUMMONS	129
§4. POSSIBILITY OF APPEAL	130
<b>Chapter 4. Service</b>	<b>131</b>
§1. INTRODUCTION	131
§2. SERVICE IN SINGAPORE	131
I. Personal Service	131
II. Substituted Service	135
§3. SERVICE OUT OF SINGAPORE	137
I. Options for the Parties	137
II. Different Process Servers for Different Jurisdictions	139
§4. POSSIBILITY OF APPEAL	140
<b>Chapter 5. Appearance</b>	<b>142</b>
§1. INTRODUCTION	142
§2. PROCEDURAL ASPECTS	142
§3. SUBSTANTIVE ASPECTS	143
§4. POSSIBILITY OF APPEAL	148

## Table of Contents

Chapter 6. Claims and Defences	150
§1. INTRODUCTION	150
§2. PROCEDURAL ASPECTS	151
I. Timelines	151
II. Form Requirements	153
§3. SUBSTANTIVE ASPECTS	154
I. Material Facts and Brevity	154
II. Factual and Evidential Arguments to Be Avoided	157
III. Legal Arguments to Be Avoided	158
IV. Reference to Certain Documents and Conversations	159
V. Presumptions and Burdens	160
VI. Conditions Precedent	160
VII. Pleadings that Subsequently Arise and Internal Consistency	161
§4. FURTHER AND BETTER PARTICULARS	163
§5. RESPONDING TO PLEADINGS	165
§6. POSSIBILITY OF APPEAL	168
Chapter 7. Amendments	170
§1. INTRODUCTION	170
§2. LEAVE OF COURT UNNECESSARY	170
§3. LEAVE OF COURT REQUIRED	172
§4. POSSIBILITY OF APPEAL	175
Part IV. Proceedings	177
Chapter 1. Discovery Proceedings	177
§1. INTRODUCTION	177
§2. PROCEDURAL ASPECTS	179
§3. SUBSTANTIVE ASPECTS	184
I. Touchstones for Discoverability	184
II. Obligations and Consequences of Breach	187
§4. ELECTRONIC DISCOVERY	189

## Table of Contents

§5. POSSIBILITY OF APPEAL	194
Chapter 2. Interrogatory Proceedings	196
§1. INTRODUCTION	196
§2. PROCEDURAL ASPECTS	197
§3. SUBSTANTIVE ASPECTS	198
§4. POSSIBILITY OF APPEAL	200
Chapter 3. Third-Party Proceedings	201
§1. INTRODUCTION	201
§2. PROCEDURAL ASPECTS	201
§3. SUBSTANTIVE ASPECTS	205
§4. POSSIBILITY OF APPEAL	207
Chapter 4. Default Proceedings	209
§1. INTRODUCTION	209
§2. PROCEDURAL ASPECTS	210
§3. SUBSTANTIVE ASPECTS	212
I. Setting Aside Regular Default Judgments	212
II. Setting Aside Irregular Default Judgments	213
§4. POSSIBILITY OF APPEAL	215
Chapter 5. Summary Proceedings	217
§1. INTRODUCTION	217
§2. PROCEDURAL ASPECTS	219
§3. SUBSTANTIVE ASPECTS	222
I. Prima Facie Case	222
II. Whether There Is a Triable Issue	223
III. Whether There Is Some Other Reason	225
§4. POSSIBILITY OF APPEAL	226

## Table of Contents

Chapter 6. Striking Out Proceedings	228
§1. INTRODUCTION	228
§2. PROCEDURAL ASPECTS	231
§3. SUBSTANTIVE ASPECTS	233
I. No Reasonable Cause of Action or Defence	233
II. Scandalous, Frivolous, or Vexatious	235
III. Prejudice, Embarrass, or Delay Fair Trial of the Action	237
IV. Abuse of Process of the Court	238
V. Possible Outcomes	241
§4. POSSIBILITY OF APPEAL	242
Chapter 7. Proceedings in First Instance	244
§1. INTRODUCTION	244
§2. OPENING STATEMENT	244
§3. AFFIDAVIT OF EVIDENCE-IN-CHIEF	246
§4. EXAMINATION-IN-CHIEF	247
§5. CROSS-EXAMINATION	250
§6. RE-EXAMINATION	253
§7. CLOSING ADDRESS	254
§8. CHECKLIST	255
I. Pleadings	255
II. Discovery	256
III. Early Termination of Proceedings	256
IV. Affidavits and Evidence	257
V. Questions in Court	257
VI. Documents in Court	257
VII. Witness Preparation	258
VIII. Etiquette	258
§9. JUDGMENTS	258
Chapter 8. Appeal Proceedings	260
§1. INTRODUCTION	260

## Table of Contents

§2. APPEALS TO THE COURT OF APPEAL	262
I. The Right to Appeal	262
II. The Process of Appealing	267
III. Approach towards Matters Not Raised in the Court Below	271
IV. Inherent Jurisdiction	275
§3. APPEALS TO THE HIGH COURT	276
I. The Right to Appeal	276
II. The Process of Appealing	279
§4. APPEALS TO A DISTRICT JUDGE IN CHAMBERS	282
§5. FURTHER ARGUMENTS PROCEDURE	282
§6. ALTERNATIVES TO THE APPELLATE PROCESS	285
Part V. Incidents	287
Chapter 1. Interim Measures	287
§1. INTRODUCTION	287
§2. PROCEDURAL ASPECTS AND GENERAL PRINCIPLES	290
§3. PROHIBITORY AND MANDATORY INJUNCTIONS	294
§4. ANTI-SUIT INJUNCTION	297
§5. MAREVA INJUNCTION	299
§6. ANTON PILLER ORDER	304
§7. INTERIM PAYMENT	307
§8. POSSIBILITY OF APPEAL	309
Chapter 2. Withdrawal and Discontinuance	312
§1. INTRODUCTION	312
§2. PROCEDURAL ASPECTS	312
§3. SUBSTANTIVE ASPECTS	314
§4. POSSIBILITY OF APPEAL	317

## **Table of Contents**

Chapter 3. Offer to Settle	319
§1. INTRODUCTION	319
§2. PROCEDURAL ASPECTS	320
§3. SUBSTANTIVE ASPECTS	324
§4. POSSIBILITY OF APPEAL	328
Chapter 4. Committal for Contempt of Court	329
§1. INTRODUCTION	329
§2. PROCEDURAL ASPECTS	330
§3. SUBSTANTIVE ASPECTS	334
§4. POSSIBILITY OF APPEAL	337
Chapter 5. Stay of Proceedings	339
§1. INTRODUCTION	339
§2. FORUM NON CONVENIENS	339
I. Matters to Be Considered	340
II. Effect of a Step in the Proceedings	342
III. Effect of Expiry of Time Limit for Making an Application	342
§3. STAY IN FAVOUR OF ARBITRATION PROCEEDINGS	343
I. Matters To Be Considered	345
II. Effect of a Step in the Proceedings	346
§4. OTHER SITUATIONS IN WHICH A STAY OF PROCEEDINGS MAY BE GRANTED	347
§5. POSSIBILITY OF APPEAL	349
Part VI. Legal Aid, Legal Costs, and Damages	351
Chapter 1. Legal Aid	351
Chapter 2. Security for Costs	353
§1. INTRODUCTION	353



## Table of Contents

§2. PROCEDURAL ASPECTS	354
§3. SUBSTANTIVE ASPECTS	354
I. Establishing a Ground	354
II. Whether It Is Just in All the Circumstances of the Case	357
III. Mode of Security	361
§4. POSSIBILITY OF APPEAL	362
<b>Chapter 3. Possible Costs Orders</b>	<b>364</b>
§1. INTRODUCTION	364
§2. POWERS OF THE COURT	366
§3. TYPES OF ORDERS	367
§4. MAIN CONSIDERATIONS	370
§5. INVOLVEMENT OF UNIQUE OR MULTIPLE PARTIES	374
<b>Chapter 4. Taxation Process</b>	<b>376</b>
§1. INTRODUCTION	376
§2. BASES OF TAXATION	376
§3. PROCEDURAL ASPECTS	378
§4. SUBSTANTIVE ASPECTS	382
§5. ONE-SIXTH AND ONE-HALF RULES	385
<b>Chapter 5. Review of Taxation</b>	<b>387</b>
§1. INTRODUCTION	387
§2. PROCEDURAL ASPECTS	387
§3. SUBSTANTIVE ASPECTS	388
§4. POSSIBILITY OF APPEAL	389
<b>Chapter 6. Assessment of Damages</b>	<b>390</b>
§1. INTRODUCTION	390

## Table of Contents

§2. PROCEDURAL ASPECTS	391
§3. GENERAL CONSIDERATIONS DURING THE HEARING	391
§4. PERSONAL INJURY	392
I. Pain and Suffering and Loss of Amenities	393
II. Loss of Future Earnings and Loss of Earning Capacity	396
III. Special Damages	399
IV. Dependency Claims	400
§5. CONTRACTUAL DAMAGES	401
§6. POSSIBILITY OF APPEAL	403
§7. PROVISIONAL DAMAGES	405
Part VII. Evidence	409
Chapter 1. Burden of Proof	409
Chapter 2. Admissibility of Evidence	413
Part VIII. Particular Proceedings	417
Chapter 1. Summons for Directions	417
§1. INTRODUCTION	417
§2. PROCEDURAL ASPECTS	418
§3. SUBSTANTIVE ASPECTS	419
I. Matters To Be Considered	419
II. Subsequent Orders, Directions, and Applications	422
III. Setting Down for Trial	426
IV. Subpoenas	427
§4. POSSIBILITY OF APPEAL	431
Chapter 2. Pre-Trial Conferences and Unless Orders	433
§1. INTRODUCTION	433
§2. PRE-TRIAL CONFERENCE	433
§3. UNLESS ORDER	436

## Table of Contents

§4. OTHER MATTERS	440
§5. POSSIBILITY OF APPEAL	441
Part IX. Seizure and Enforcement of Judgments	443
Chapter 1. Enforcement of Domestic Judgments	443
§1. INTRODUCTION	443
§2. ENFORCEMENT MECHANISMS	444
I. Writ of Seizure and Sale	444
II. Writ of Possession	447
III. Writ of Delivery	447
IV. Garnishee Proceedings	448
V. Equitable Execution	450
VI. Committal	451
§3. STAY OF EXECUTION	453
§4. EXAMINATION OF JUDGMENT DEBTOR	455
§5. POSSIBILITY OF APPEAL	457
Chapter 2. Enforcement of Foreign Judgments Locally and Domestic Judgments Abroad	459
§1. INTRODUCTION	459
§2. ENFORCEMENT UNDER THE RECIPROCAL ENFORCEMENT OF COMMONWEALTH JUDGMENTS ACT	459
§3. ENFORCEMENT UNDER THE RECIPROCAL ENFORCEMENT OF FOREIGN JUDGMENTS ACT	462
§4. PROCEDURAL ASPECTS OF RECIPROCAL ENFORCEMENT OF JUDGMENTS PURSUANT TO LEGISLATION	466
§5. ACTION ON A FOREIGN JUDGMENT DEBT	469
§6. ENFORCEMENT OF LOCAL JUDGMENTS ABROAD	469
§7. POSSIBILITY OF APPEAL	472

**Table of Contents**

Part X. Arbitration	475
§1. INTRODUCTION	475
§2. DOMESTIC ARBITRATION	476
§3. INTERNATIONAL ARBITRATION	480
List of Statutes	483
List of Cases	487
Selected Bibliography	513
Index	519

<http://www.pbookshop.com>