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Specialised Case Management System for Complex Disputes: SICC Announces the Establishment of the Technology, Infrastructure and Construction List

Introduction

On 8 November 2021, the Singapore International Commercial Court ("**SICC**") announced the establishment of a specialised Technology, Infrastructure and Construction List ("**TIC List**"), effective from 31 August 2021.

The aim of the TIC List is principally to deal with technically complex disputes, such as building and construction disputes, engineering disputes and technology-related disputes. In this Update, we highlight the key features of the TIC List and the relevant criteria for inclusion in the TIC List.

Key Features

For technically complex disputes falling within the scope of the TIC List, there are two main benefits to the TIC List.

First, the TIC List will have at its disposal a raft of additional case management features suited for the efficient resolution of complex disputes. These additional case management features include:

- (a) greater flexibility in the management of expert evidence;
- (b) the filing and serving of affidavits of evidence-in-chief prior to the production of documents;
- (c) the use of Scott Schedules (i.e. a table which sets out each issue and each party's case on that issue); and
- (d) with the consent of each party, the adoption of a simplified adjudication process protocol.

Many of the above case management features have been a staple of construction arbitration for a number of years, and have been proven to be useful tools in the effective and efficient resolution of construction disputes. Thus, cases on the TIC List will not only have access to court-specific advantages (such as joinder and consolidation) but will also have access to some of the more flexible procedural tools normally seen in arbitration.

Contribution Note: This Client Update was written with contributions from Daryl Sim, Senior Associate, from Construction & Projects.



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Second, the TIC List will comprise Judges who have specialised knowledge and experience in technology, infrastructure and construction disputes. They include Justice Quentin Loh (President of the SICC and Judge of the Appellate Division), Justice Sir Vivian Ramsey (former Judge in charge of the Technology and Construction Court) and Douglas Samuel Jones AO. A full list of the Judges on the TIC List is provided at the end of this Update.

Criteria

A party wishing to have their case heard under the TIC List will need to satisfy the following requirements:

- (a) the case must involve a "TIC Claim" (explained below);
- (b) each party to the case must agree in writing that the case is placed in the TIC List; and
- (c) the Court orders that the case be placed in the TIC List.

A "TIC Claim" is a claim where:

- (a) the Court has jurisdiction to hear and try the case in which the claim is made;
- (b) the claim involves technically complex issues or questions; and
- (c) it is desirable for the case in which the claim is made to be placed in the TIC List.

As to whether it is 'desirable' for the case to be placed in the TIC List, the SICC Practice Directions provide that all cases relating to the following matters will meet this requirement:

- (a) any building or other construction dispute;
- (b) any engineering dispute;
- (c) any claim by or against any engineer, architect, surveyor, accountant or other specialised adviser relating to any service provided by the engineer, architect, surveyor, accountant or specialised adviser (as the case may be);
- (d) any claim relating to the design, supply or installation of any computer, any computer software or any related network system;
- (e) any claim relating to the quality of any goods sold or hired, or any work done, material supplied or service rendered, for any technology, infrastructure or construction project; and
- (f) any challenge to a decision of an arbitrator in any construction or engineering dispute (including any application for leave to appeal against any such decision, and any appeal against any such decision).

Concluding Words

The addition of the TIC List continues the SICC's trend of adopting proven practices from arbitration, and it serves as an important step in entrenching the SICC as the premier dispute resolution hub in Asia. The SICC and its TIC List will no doubt be an attractive option for international parties with complex

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construction disputes looking to resolve their disputes in a court litigation setting with its attendant benefits.

For further queries, please feel free to contact our team below.

List of Judges Sitting on the TIC List

- Justice Quentin Loh, President of the SICC & Judge of the Appellate Division;
- Justice Lee Seiu Kin;
- Justice Chan Seng Onn;
- Justice Vinodh Coomaraswamy;
- Justice Tan Siong Thye;
- Justice Aedit Abdullah;
- Justice Ang Cheng Hock;
- Justice Vincent Hoong;
- Justice Patricia Bergin, International Judge;
- Justice Douglas Samuel Jones AO, International Judge;
- Justice Beverley McLachlin PC, International Judge;
- Justice Sir Vivian Ramsey, International Judge;
- Justice Anselmo Reyes, International Judge; and
- Justice Simon Thorley QC, International Judge.

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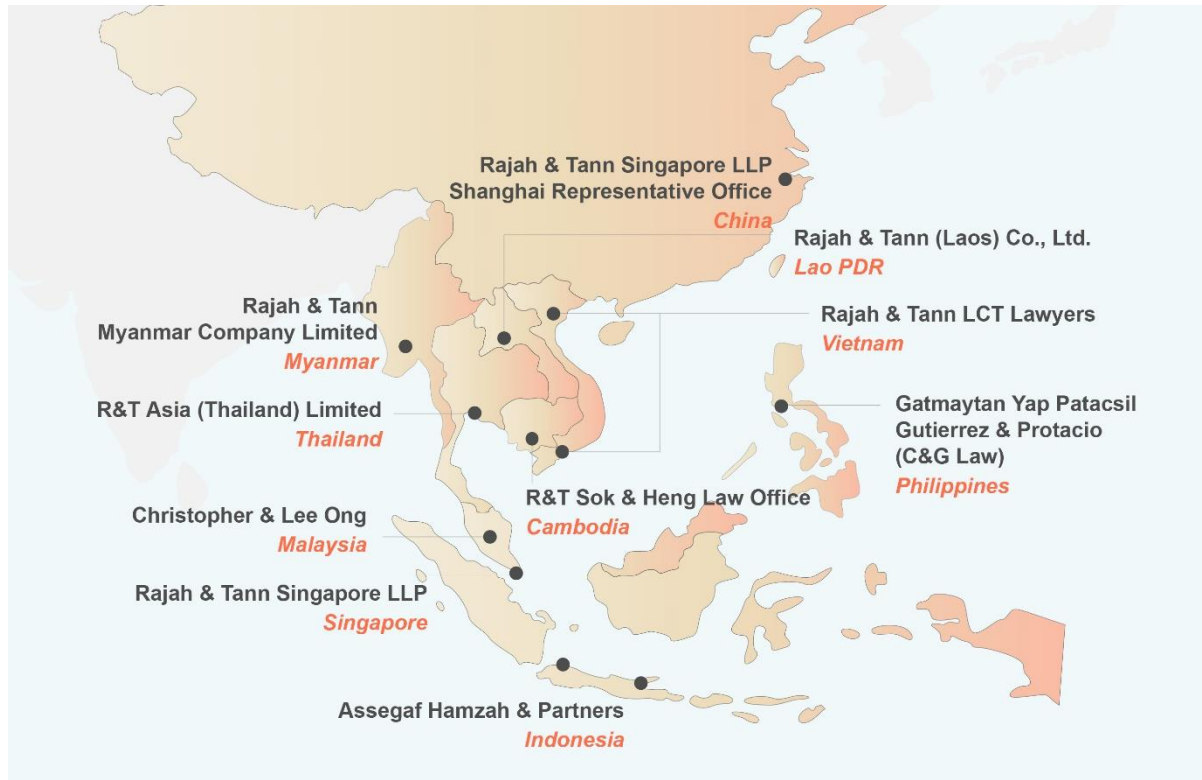
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