
Dispute Resolution

The Reform of the Singapore Court System – Keeping Pace with Changing Business Needs

Introduction

On 26 July 2021, the [Courts \(Civil and Criminal Justice\) Reform Bill](#) ("**Bill**") was tabled for its First Reading in Parliament. The Bill seeks to reform the Singapore court system to keep pace with the changing needs of litigants and businesses seeking to resolve commercial disputes, creating a more efficient and facilitative framework.

To implement the proposed reform, the Bill sets out a host of amendments to the various legislation relating to the court system. Amongst these amendments, the following changes are directed at improving how the court system functions in relation to the practical and experiential concerns of litigants:

- (a) **Efficiency** – Various amendments are aimed at making the litigation process more streamlined and economical, leading to prompt and focused resolution of disputes.
- (b) **Functionality** – The Bill updates the litigation framework to support modern technological practicalities and conveniences.
- (c) **Internationality** – Certain amendments seek to improve the court system's adeptness at responding to the needs of litigants with cross-border disputes.

In this Update, we explore some of the key changes in the Bill and how they may positively impact the user experience of Singapore litigants.

Efficiency

One of the key priorities for litigants is efficiency. Particularly as commercial disputes become increasingly complex, parties are seeking to avoid getting bogged down in protracted litigation, which could incur significant legal costs.

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To enhance the Singapore court system's efficiency and its ability to effectively see a dispute through from initiation to resolution, the Bill contains measures geared towards improving the efficacy of the court processes, as well as the flexibility to accommodate certain procedural preferences of the litigants.

- (a) **Negotiation and mediation** – The Bill empowers the courts to order parties to attempt to resolve their disputes by amicable resolution, such as through negotiation or mediation. In appropriate cases, this would facilitate the early resolution of a dispute and avoid unnecessarily protracted proceedings.
- (b) **Limiting the right to appeal** – The Bill will allow parties in certain civil matters to agree to limit or remove their right to appeal. This allows parties to tailor the proceedings should they desire a more concise litigation without multiple levels of appeal.
- (c) **Document-only hearings** – The Bill allows the court to order hearings based on written submissions (other than certain prescribed matters), whereby the parties need not appear to make oral arguments, thereby reducing the costs involved in appearing before a Judge.
- (d) **Summary dismissal** – State Courts and the General Division of the High Court will be empowered to summarily dismiss appeals.
- (e) **Limiting new evidence** – For appeals before the General Division of the High Court, the Bill will amend the procedure such that further evidence will, in general, be allowed only with the permission of the court and on special grounds. The Bill also introduces a new procedure for permission to adduce further evidence for appeals before the Appellate Division of the High Court or the Court of Appeal.

These amendments have the effect of focusing the dispute to its core issues and allowing the court the flexibility to craft a more efficient resolution process catered to the case at hand. With disputes being more swiftly ushered to the finishing line, this would lead to savings in time and costs for litigants.

Functionality

In acknowledgement of modern functionality requirements, the Bill allows the court to, in appropriate cases, order a remote hearing, whereby the participants in separate locations can appear through live video, television or audio link rather than in person. The court may also conduct a hearing through written submissions delivered electronically.

These changes would allow for greater convenience and practicality for litigants and witnesses in the conduct of proceedings, particularly for those located outside of Singapore. This is particularly relevant

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in the current world climate, where distancing measures and movement restrictions inhibit the conduct of traditional in-person proceedings.

Internationality

As commercial disputes become increasingly cross-border in nature, it is important for litigants that the court is able to facilitate the resolution of transnational disputes and the subsequent enforcement of results.

To address these requirements, the Bill will empower the General Division of the High Court to grant interim relief in aid of foreign court proceedings where it is just and convenient, even when there are no substantive proceedings in Singapore. This would include orders for the preservation of assets, such as mandatory injunctions.

Concluding Words

The Bill introduces a fairly wide range of amendments. These changes form part of the overall reform of the Singapore court system to ensure that courts are future-ready, and demonstrate that the court system is responsive to the ever-changing needs of litigants and commercial disputants. In keeping with this, a new version of the Singapore Rules of Court is also due to be implemented further down the line.

Parties should be aware of the new options provided to them in terms of litigation management, whether it be the manner in which proceedings are conducted or the relief that is available to litigants.

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

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