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COVID-19 Circuit Breaker Measures: Court Proceedings for Essential and Urgent Matters Only

Introduction

On 3 April 2020, the Singapore Government announced an elevated set of safe distancing measures to be in place from **7 April 2020 until 4 May 2020** ("**Relevant Period**"). These enhanced measures include a suspension of activities at all workplace premises, subject to certain exemptions for selected essential services ("**Essential Services**").

As part of the implementation of the elevated safe distancing measures, on 6 April 2020, the Supreme Court, State Courts and Family Justice Courts announced that they will hear **only essential and urgent matters** in the Relevant Period. All other matters will be adjourned on a date to be fixed.

The Courts' decision to restrict hearings to essential and urgent matters is unprecedented in Singapore's judicial history, and highlights the commitment of the Courts to supporting the Government's circuit breaker measures. During this time, Rajah & Tann Singapore and Singapore's legal sector stand united in the fight against the COVID-19 pandemic.

Registrars' Circulars ("**Circulars**") have been issued by each of the three Courts to identify the matters that may be considered to be essential and urgent. The Circulars set out the timelines for parties to be notified by the Registry of whether their matters will be heard, as well as the procedure for requesting for the urgent hearing of a matter that does not fall within the identified essential and urgent matters.

The team at Rajah & Tann Singapore remains available for all matters during this period. Parties with queries regarding whether their matters may continue in Court, or who wish to apply for urgent hearings, may contact the team for advice and assistance.

In this Update, we highlight the key elements of the Circulars, including the identified essential and urgent matters and the relevant timelines and processes.

General Provisions

As stated above, the circuit breaker measures provide an exemption from the suspension of workplace activities for the provision of Essential Services. Such Essential Services include law practices providing legal services in the following areas:



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- (a) Essential and urgent matters specified in the Circulars wherein, during the Relevant Period:
 - i. Court attendance by the solicitor is required by the court; and/or
 - ii. Adjudication hearings fixed under the Building and Construction Industry Security of Payment Act;
- (b) Commercial transactions or actions having deadlines falling within the Relevant Period or for which completion is due or time is of the essence in the Relevant Period;
- (c) Conveyancing transactions with deadlines where time is of the essence or with milestone deadlines to be met within the Relevant Period; and
- (d) Urgent and essential Wills and Probate related services.

The aforementioned Circulars set out the essential and urgent matters which will continue to be heard by the courts during the Relevant Period. Any hearing conducted during the Relevant Period will be conducted as far as possible through electronic means of communication without requiring physical attendance, unless otherwise directed by the Court.

Requests for urgent hearings

If a matter does not fall within the lists of essential and urgent matters, a party may make a request to the relevant Court for the matter to be heard within the Relevant Period. Any such request must be accompanied by reasons explaining why the matter is essential and urgent.

The Circulars have highlighted that, in making such a request, parties should note the following:

- (a) In determining whether a matter is essential and urgent, the Court will have regard to, among other factors, whether the determination of its outcome is time sensitive or if there are any legal requirements which require the matter to be heard within a specified timeframe;
- (b) A hearing is not essential or urgent merely because it is convenient for the parties to have the matter heard early; and
- (c) Parties should not make the request unless they are able to ensure, as well as satisfy the Court that measures are in place to secure, compliance with safe distancing measures.

Supreme Court

The Supreme Court has issued [Registrar's Circular No. 4 of 2020](#). The essential and urgent matters which will continue to be heard by the Supreme Court during the Relevant Period are contained therein.

The list includes, but is not limited to:

- (a) Applications for and to set aside urgent injunctions and search orders;
- (b) Applications for the urgent arrest or release of a vessel;
- (c) Applications concerning bail or review of bail;
- (d) Applications for urgent judicial review, e.g. in relation to implementation of COVID-19 measures;

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- (e) Applications under the Building and Construction Industry Security of Payment Act;
- (f) Certain applications for extension of time or variation of court orders relating to insolvency and restructuring matters; and
- (g) Applications for stay of execution of a civil judgment.

The Circular states that the Registry will inform parties by 6 April 2020, 12 noon, if their matters will be heard from 7 April 2020 to 14 April 2020 (inclusive). For matters that will be heard on or after 15 April 2020, parties will be notified as soon as possible and, in any event, no later than five working days from the scheduled hearing date.

State Courts

The State Courts have issued [Registrar's Circular No. 8 of 2020](#). This Circular states that all matters scheduled for hearing before the State Court during the Relevant Period which are not essential and urgent will be adjourned. It should be noted that, for **criminal matters**, the Relevant Period commences on **13 April 2020** instead of 7 April 2020, meaning that criminal matters will proceed as scheduled until 13 April 2020.

The essential and urgent matters which will continue to be heard by the State Courts during the Relevant Period include, but are not limited to:

- (a) Applications for the remand of an accused for the purpose of investigations;
- (b) Proceedings concerning remanded accused persons which need to be expedited in the interests of justice;
- (c) Applications for and to set aside urgent injunctions and search orders; and
- (d) Certain applications for interim payments where payment is urgently needed.

The parties whose cases will continue to be heard within the Relevant Period will be sent reminders as follows:

- (a) Criminal hearings
 - i. For hearings scheduled from 13 April 2020 to 17 April 2020 (inclusive), parties will be sent a reminder by 8 April 2020, 5pm that the hearing will proceed.
 - ii. For hearings scheduled from 20 April 2020, parties will be sent a reminder as soon as possible, and in any event no later than five working days from the scheduled hearing date, that the hearing will proceed.
- (b) Non-criminal hearings
 - i. For non-criminal hearings scheduled for hearing on 7 April 2020, all parties will be informed by 6 April 2020, 9am, whether their cases would be proceeding.
 - ii. For hearings scheduled from 8 April 2020 to 14 April 2020 (inclusive), parties will be sent a reminder by 6 April 2020, 5pm that the hearing will proceed.
 - iii. For hearings scheduled from 15 April 2020, parties will be sent a reminder as soon as

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possible, and in any event no later than five working days from the scheduled hearing date, that the hearing will proceed.

Family Justice Courts

The Family Justice Courts have issued [Registrar's Circular No. 2 of 2020](#), which states that the Court will only hear urgent and essential matters. In general, these comprise matters which are time sensitive, constitute a threat to life and liberty and/or involve urgent needs of the family. This includes, but is not limited to:

- (a) Youth arrest cases where the subject is in remand or would otherwise be prejudiced;
- (b) Child protection cases where the safety of the child is at risk;
- (c) Family violence proceedings involving a higher risk of imminent danger; and
- (d) Maintenance proceedings where an urgent hearing is necessary due to immediate financial needs.

The Circular states that the Registry will inform parties by 6 April 2020, 5pm if their matters scheduled from 7 April 2020 to 9 April 2020 will be adjourned. For matters scheduled on or after 13 April 2020, parties will be notified as soon as possible and in any event, no later than three working days from the scheduled hearing date if the hearing will be adjourned.

Concluding Words

The Courts' decision to adjourn all matters except those which are essential or urgent is significant, representing a decisive step in the battle against the spread of COVID-19. Without such measures, supporting services in the legal industry would have to remain at risk, as would litigants in ongoing matters. Rajah & Tann Singapore stands alongside all Singaporeans in support of this common goal.

With the Courts' suspension of matters which are not essential or urgent, parties may be faced with questions over whether their cases may proceed. Parties may also have matters which have been adjourned pursuant to the Circulars, but may have reasons for the matter to be urgently heard.

Parties with such concerns may contact the team at Rajah & Tann Singapore to answer any related queries, or for any urgent representations to the Courts. Rajah & Tann Singapore is also well placed to manage remote court proceedings, having supported remote hearings before the Singapore courts and hearings and arbitration via video link. The firm is also fully equipped with remote communication technology to support the conduct of such proceedings.

For more articles and updates from our teams across the region on COVID-19 and related legal issues, please visit [Rajah & Tann Asia's COVID-19 Resource Centre](#).

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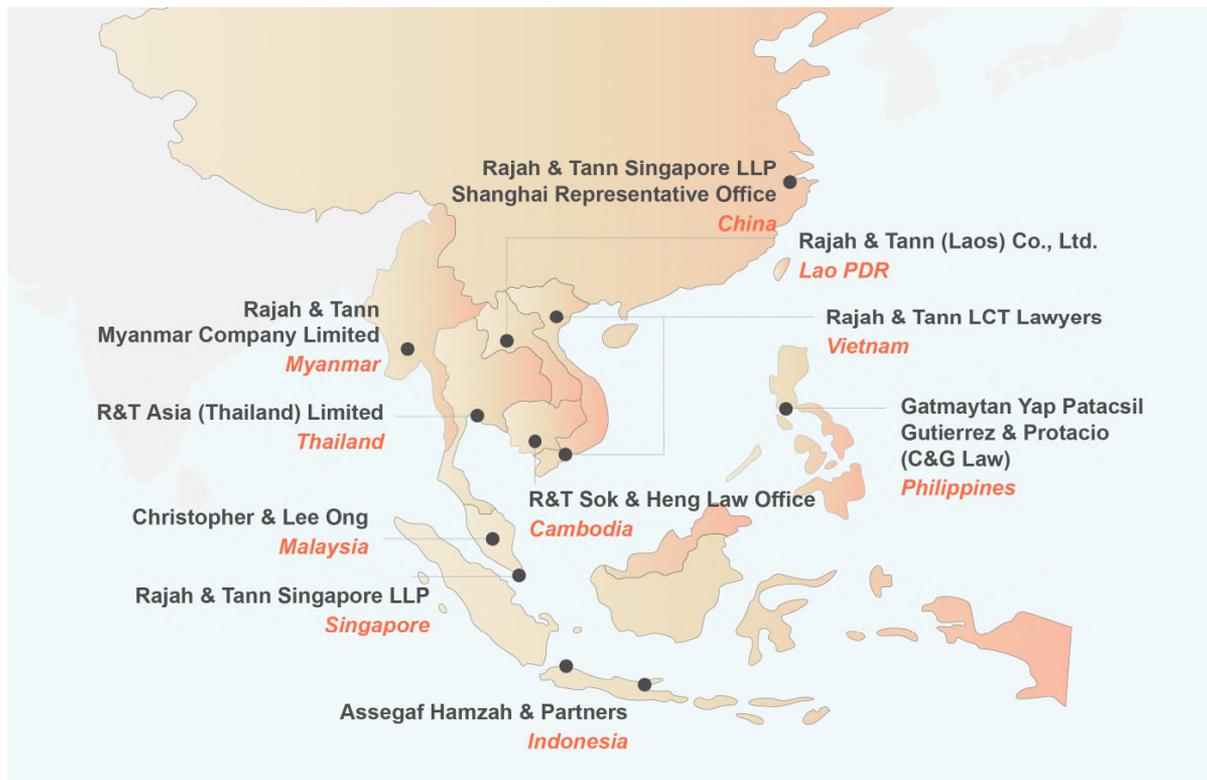
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