

The SICC Technology,
Infrastructure and
Construction (“TIC”) List

Overview of the TIC List

- A specialised list of the SICC that deals principally with complex disputes, such as technology-related disputes and disputes relating to infrastructure and construction projects; including (but not limited to)
 - building and construction disputes;
 - engineering disputes;
 - disputes relating to architects, surveyors and accountants;
 - claims relating to computer systems and computer software; and
 - claims relating to the supply of goods or services for technology, infrastructure and construction projects.
- The TIC List was established on 31 August 2021 under Part XXIV of the SICC Practice Directions.
- Proceedings commenced on or after 1 April 2022 that are placed in the TIC List are governed by Order 28 of the Singapore International Commercial Court Rules 2021 (“SICC Rules 2021”).

Placement in the TIC List (1)

- **By transfer**: The SICC may transfer an existing SICC case into the TIC List.
 - Under Order 28 of the SICC Rules 2021, a transfer can be made by the SICC on its own motion or on the application of a party.
- **At commencement of the proceedings**: Also under Order 28 of the SICC Rules 2021, a case in the SICC may be placed in the TIC List at commencement if:
 - Each party to the case has submitted to the jurisdiction of the SICC under a written jurisdiction agreement; AND
 - Each party to the case has agreed in writing that the case is to be placed in the TIC List OR the claimant indicates in the Originating Application that the case is to be placed in the TIC List.
- A case in the TIC List may be transferred out of the TIC List by the SICC on its own motion or on the application of a party.

Placement in the TIC List (2)

- **TIC Claim**: The SICC may place a case in the TIC List if a TIC Claim has been made in the case. A TIC Claim means a claim in relation to which the following requirements are met:
 - The SICC has jurisdiction to hear and try the case in which the claim is made;
 - The claim involves technically complex issues or questions;
 - It is desirable for the case in which the claim is made to be placed in the TIC List.

Desirable for a Case to be Placed in the TIC List

- The following matters are to be taken into account in the assessment:
 - Whether the placing of a case in the TIC List: (i) is warranted by the financial value of the claim or the complexity of the claim, or both; **or** (ii) will assist in the disposal of the claim.
 - The effect that placing the case in the TIC List would have on the likely cost of the proceedings, the speed with which the matter can be resolved, and any other questions of convenience to the parties.
- Despite the matters above, the requirement of “desirability” is met if the claim is or relates to certain specified matters:
 - Any building or other construction dispute;
 - Any engineering dispute;
 - 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;
 - Any claim relating to the design, supply or installation of any computer, any computer software or any related network system;
 - 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;
 - Any challenge to a decision of an arbitrator in any construction or engineering dispute (including any application for permission to appeal against any such decision, and any appeal against any such decision).

Features of the TIC List (1)

- A case placed in the TIC List will benefit from additional case management features suited to the resolution of technically complex disputes.
- Expert Evidence:
 - ***Court control over the scope of expert evidence:*** If any party intends to adduce expert evidence, that party must seek the approval of the SICC at the earliest opportunity to do so.
 - ***Joint statements and joint reports:*** The SICC may direct the experts to produce a joint statement setting out the issues on which they agree and disagree; or a joint report on the issues on which they agree, with individual reports only on points of disagreement.
 - ***Case management conferences:*** The SICC may convene a case management conference to be attended by the experts, and by the parties or their counsel or both.

Features of the TIC List (2)

- Witness statements (AEICs) to be filed before document disclosure.
- Presentation of parties' cases using Scott Schedules.
- Alternative Dispute Resolution (ADR):
 - Each party to a case placed in the TIC List must consider use of ADR.
 - The SICC has wide and flexible powers to make orders to facilitate the parties' recourse to ADR in the course of proceedings (as is the case for all proceedings in the SICC under SICC Rules 2021 O 9 r 5).

Features of the TIC List (3): Simplified adjudication process protocol

- This is a voluntary protocol which requires the consent of all parties that streamlines the resolution of certain claims in cases containing a large number of distinct claims .
- The protocol allows the parties to carve out a set of “Excluded Claims” to be dealt with under a simplified procedure provided for under the protocol (whereas the non-excluded “Main Claims” would continue to be dealt with under the usual procedure).
- The simplified procedures available under the protocol include:
 - ***Proportionate recovery***: Each party is entitled to recover such percentage of the Excluded Claims as is proportionate to the percentage of that party’s Main Claims that is recovered by that party.
 - ***Simplified adjudication procedure***: For example, parties’ positions on the Excluded Claims will be set out in a Scott Schedule; no additional factual evidence is to be given in respect of the Excluded Claims (but this does not prevent any party from adducing factual evidence relevant to the Main Claims); page limits for written submissions on Excluded Claims.

Features of the TIC List (4): Pre-action protocol

- This is a voluntary protocol which will only apply as between parties who have agreed to apply it. It seeks to encourage the frank and early exchange of information between the parties on their claims and responses.
- The protocol seeks to facilitate the early exchange of information about a claimant's claims and a defendant's response to those claims in order to:
 - Help the parties make informed decisions about the possibility of amicable settlement; and
 - Support the efficient management of proceedings if litigation is necessary.
- Under the Pre-Action Protocol, parties agree to do the following before commencing any claim:
 - **Exchange of correspondence outlining the claim, defence, counterclaim, reply:** The claimant(s) and proposed defendant(s) will each be required to exchange information as to, *inter alia*, a brief summary of their claim / defence / counterclaim / reply, a list of issues to which expert evidence (if any) will be directed, and exhibits of the documents relied on in support of their cases.
 - **Pre-action meeting:** The pre-action meeting is attended by, *inter alia*, representatives of the parties and legal counsel, and its aim is to identify the main issues in and root causes of the dispute and to consider whether the dispute might be resolved amicably, and if not, the steps that ought to be taken to ensure the efficient conduct of the litigation.

Judges of the TIC List (as at 18 April 2022)

Presided over by specialist TIC judges, both local and international, with a wealth of experience in adjudicating complex commercial disputes

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| • Justice Quentin Loh, President of the SICC | • Justice Philip Jeyaretnam |
| • Justice Lee Seiu Kin | • Justice Kwek Mean Luck |
| • Justice Vinodh Coomaraswamy | • Justice Patricia Bergin, IJ |
| • Justice Tan Siong Thye | • Justice Douglas Samuel Jones AO, IJ |
| • Justice Aedit Abdullah | • Justice Beverly McLachlin PC, IJ |
| • Justice Ang Cheng Hock | • Justice Sir Vivian Ramsey, IJ |
| • Justice Vincent Hoong | • Justice Anselmo Reyes, IJ |
| • Justice S. Mohan | • Justice Simon Thorley QC, IJ |
| • Justice Andre Maniam | |

SICC Website: www.sicc.gov.sg

Access to Rules of Court, Practice Directions and User Guides

Filing a case

Access to Judgment and Case Summaries

Access to model clauses

Information on registration of foreign lawyers



Update to the SICC Practice Directions (Amendment No 2 of 2021)
Please click here for more information



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