

**THE PUBLIC TRUSTEE  
PRACTICE CIRCULAR 2 OF 2014**

**THE MOTOR VEHICLES  
(THIRD-PARTY RISKS AND COMPENSATION) ACT (CAP. 189)**

**TITLE(S), PARTIES AND  
RECOMMENDED CLAUSES FOR INCLUSION IN ORDERS OF COURT**

**INTRODUCTION**

1. The amendments to the Motor Vehicles (Third-Party Risks and Compensation) Act (“the MVA”) will come into operation on 1 August 2014 together with the amendments to the Motor Vehicles (Third-Party Risks and Compensation) Rules (“the Rules”).
2. This Practice Circular sets out the recommended clauses for inclusion in orders of court extracted from the State Courts or High Court to be forwarded to the Public Trustee (“PT”) pursuant to the MVA. Compliance will ensure a more efficient and timely distribution of compensation monies to the persons entitled to payment under the order of court.
3. This Circular takes effect on 1 August 2014.

**I. TITLE(S) AND PARTIES**

**Where the Committee of Person and/or Estate (Deputy/Donee under the Mental Capacity Act) is suing on the Plaintiff’s behalf**

4. Where the plaintiff is a person lacking capacity (as defined in the Rules of Court) and a Committee of Person and/or Estate (or Deputy/Donee under the Mental Capacity Act) is suing on his behalf as Litigation Representative, it is recommended that the names of the plaintiff and his Litigation Representative be set out in the title of the Order of Court/Judgment. An example is set out below:

“[Plaintiff’s Name] ([NRIC No.]) (A Person Lacking Capacity) Suing by (Litigation Representative’s Name) ([NRIC No.]) (Litigation Representative).”

### **A Guardian Suing on behalf of a Plaintiff who is a Minor**

5. Where the plaintiff is a minor, and a third party is suing as the plaintiff's Litigation Representative, it is recommended that the names of the plaintiff and his Litigation Representative be set out in the title of the Order of Court/Judgment. An example is set out below:

"[Plaintiff's Name] ([NRIC No.]) (A Minor) Suing by [Litigation Representative's Name] ([NRIC No.]) [relationship] (Litigation Representative)."

### **Administrators/Executors**

6. In cases where administrators/executors are suing on behalf of the estate of a deceased person, it is recommended that the title of the Order of Court/Judgment specify this. For example :

"1a) [Administrator's/Executor's Name] ([NRIC No.])

1b) [Administrator's/Executor's Name] ([NRIC No.])

Both as Administrators/Executors of the Estate of [Deceased's Name] ([NRIC No.]) (Deceased)."

### **Dependants**

7. In cases where claimants are suing in their capacity as dependants of the estate of a deceased person, it is recommended that the title of the Order of Court/Judgment specify this. For example :

"[Dependant's Name] ([NRIC No.]) suing as dependant of the estate of [Deceased's Name] ([NRIC No.]) (Deceased)."

## II. RECOMMENDED CLAUSES

8. The following are examples of recommended clauses.

### **Where compensation is to be paid directly to the plaintiff**

“(By consent), Final Judgment is entered for the Plaintiff against the Defendant for:

1. The sum of [*compensation sum*] in general damages (inclusive of pre-judgment interest);
2. The sum of [*compensation sum*] in special damages (inclusive of pre-judgment interest);  
OR where items 1 and 2 do not include interest: The sum of [*interest*] being pre-judgment interest on the general damages and special damages;
3. Costs to be taxed if not agreed (*or fixed at \$X as the case may be*) and reasonable disbursements<sup>1</sup>;
4. The Public Trustee’s administrative fee of \$225.

And it is ordered that

1. The Plaintiff’s costs and disbursements of this action payable to his solicitor shall be as determined in accordance with section 18(3) of the Motor Vehicles (Third-Party Risks and Compensation) Act and be deducted from the judgment sums and paid by the Defendant to the Plaintiff’s solicitor; and
2. The balance of the judgment sums due to the Plaintiff be paid by the Defendant to the Plaintiff.”

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<sup>1</sup> The costs and disbursements are to be reflected as separate sums when seeking the agreement of the PT pursuant to section 18 of the MVA.

**Where compensation is payable to executors/administrators/dependants in a fatal traffic accident**

“(By consent), Final Judgment is entered for the Plaintiff against the Defendant for the following:

1. The sum of [*compensation sum*] in general damages (inclusive of pre-judgment interest), comprising:
  - (a) [*agreed/assessed sum*] for bereavement for the benefit of [the Wife of the Deceased];
  - (b) [*agreed/assessed sum*] for loss of dependency for the benefit of [the Wife of the Deceased];
  - (c) [*agreed/assessed sum*] for loss of dependency for the benefit of [name of Minor 1];
  - (d) [*agreed/assessed sum*] for loss of dependency for the benefit of [name of Minor 2];
2. The sum of [*agreed/assessed sum*] (including pre-judgment interest but excluding the agreed/assessed sum for funeral expenses incurred) in special damages for [*the Estate of the Deceased*];
3. The sum of [*agreed/assessed sum*] for funeral expenses to the [*Administrator of the [Estate of the Deceased] / [name of Dependant] as the case may be*];  
OR where items 1 and 2 do not include interest: The sum of [*interest*] being pre-judgment interest on the general damages and special damages;
4. Costs and reasonable disbursements to be taxed if not agreed (*or fixed at \$X as the case may be*);
5. The Public Trustee’s administrative fee of \$225.

And it is ordered that

1. The damages for loss of dependency of [*name of Minor 1*] and [*name of Minor 2*] in the amount of [*sum 1(c) above*] and [*sum 1(d) above*] respectively, shall upon payment by the Defendant, be held by the Plaintiff on trust for them;
2. The Plaintiff’s costs and disbursements of this action payable to his solicitor shall be as determined in accordance with section 18(3) of the Motor Vehicles (Third-Party Risks and Compensation) Act and be paid by the Defendant to the Plaintiff’s solicitor from the sum due to the [*Estate of the Deceased / Estate and*

*Dependants of the Deceased in equal proportion / Dependents of the Deceased in equal proportion, as the case may be] from the Defendant.”*

**Where compensation is to be paid to the Public Trustee in trust**

“ ...

And it is ordered that the monies adjudged shall be paid to the Public Trustee as trustee for [name of relevant person], he being [*a minor/lacking in capacity within the meaning of the Mental Capacity Act (Cap 177A)/not represented by a public officer or an advocate and solicitor/ isolated in a hospital or other place under section 15(1) or (2) of the Infectious Diseases Act (Cap. 137)/ a person under legal custody or in a place of detention*] and being a specified person as set out in section 2 of the Motor Vehicles (Third Party Risks and Compensation) Act.”

**PREVIOUS PRACTICE CIRCULARS**

9. Practice Circulars 1 of 2004 and 1 of 2010 shall cease to apply in respect of cases where the date of the Order of Court or Judgement or settlement agreement is dated on or after 1 August 2014.

**QUERIES ON PRACTICE CIRCULAR**

10. For queries regarding this Practice Circular, please contact us at Tel: 6325 1500 or by email at [ipto\\_enquiry@ipto.gov.sg](mailto:ipto_enquiry@ipto.gov.sg)

**SIA AIK KOR  
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**SINGAPORE**

31 July 2014

(This Practice Circular is also available on The Insolvency & Public Trustee’s Office website at <http://www.ipto.gov.sg>)