# Supreme Court Practice Directions

## Supreme Court Practice Directions

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## Part I: Introduction



## 1. Citation

These Practice Directions may be cited as the Supreme Court Practice Directions.

## 1A. Definitions

In these Practice Directions, unless the context otherwise requires:
“Appellate Division” means the Appellate Division of the High Court; and
“General Division” means the General Division of the High Court.

## 1B. References to repealed provisions of written laws

In these Practice Directions, any reference to a repealed provision of any written law is a reference to that provision as in force immediately before the date the provision is repealed.

## 2. Commencement

These Practice Directions shall come into effect on 1 January 2013.

## 3. Revocation of previous practice directions

These Practice Directions are issued to consolidate all previous practice directions of the Supreme Court. All previous editions of practice directions are revoked with effect from 1 January 2013.

## 4. Updating

(1) Amendments to these Practice Directions will be done on a paragraph-for-paragraph basis. These Practice Directions will be automatically updated with the new amended paragraphs. A list of amendments made will also be found on the Supreme Court website, on a noter-up page entitled 'Amendments'.

(2) Where legislation is cited in these Practice Directions, the citation shall be read to refer to the edition of that legislation currently in force.

## 5. Applicability of Practice Directions

***Practice Directions to apply to civil proceedings***

(1) These Practice Directions shall apply to civil proceedings only unless otherwise stated.

***Proceedings using the Electronic Filing Service***

(2) For proceedings using the Electronic Filing Service, Part XXII of these Practice Directions does not apply.

***Proceedings not using the Electronic Filing Service***

(3) For proceedings that do not use the Electronic Filing Service, the following paragraphs of Parts I to XXI do not apply:

(a) 37(3);

(b) 59(5);

(c) 69(1) to 69(3);

(d) 70(3) and (5);

(e) 71(3) to 71(7);

(f) 75(3) to (5);

(g) 78;

(h) 97;

(i) 100 to 115;

(j) 116 to 119;

(k) 134(6); and

(l) 145;

and Part XXII applies.

## 6. Forms

The forms in Appendix A of these Practice Directions shall be used where applicable, with such variations as the circumstances of the case may require.

## 7. Registrar’s Circulars

Registrar’s Circulars can be found at the Supreme Court web site at http://www.supremecourt.gov.sg.

## 7A. Business of the Registry

(1) Pursuant to section 71(1) of the Supreme Court of Judicature Act and Order 60, Rule 1(1) of the Rules of Court, the Chief Justice has directed that the Registry of the Supreme Court (“the Registry”) shall comprise the Division for the Court of Appeal and the Appellate Division, the Division for the General Division and the Division for the Singapore International Commercial Court.

(2) There shall be a Divisional Registrar for the Court of Appeal and the Appellate Division, a Divisional Registrar for the General Division, and a Divisional Registrar for the Singapore International Commercial Court. The Divisional Registrar for each division of the Registry shall have control and supervision of the affairs of that division. Overall control and supervision of the Registry shall remain with the Registrar of the Supreme Court.

(3) The Chief Justice may designate any Assistant Registrar as Senior Assistant Registrar. The Chief Justice may also designate the Deputy Registrar, any Senior Assistant Registrar or any Assistant Registrar as Divisional Registrar or Deputy Divisional Registrar of any division of the Registry.

(4) Appendix H sets out the names of the Registrar, Deputy Registrar, Divisional and Deputy Divisional Registrars, and Senior Assistant Registrars.

(5) Pursuant to Order 60, Rule 1(3) of the Rules of Court, the business of the Registry is governed by the Rules of Court and these Practice Directions. For the avoidance of doubt, it is hereby declared that any instruction manuals which may be issued from time to time by the Government are not applicable to the business of the Registry.

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## 8. Operating hours of the Supreme Court

(1) The Supreme Court operates from 8.30 a.m. to 6.00 p.m. from Monday to Friday. However, various offices and counters

within the Supreme Court have different operating hours.

(2) The Legal Registry of the Supreme Court (Level 2) is open from 9.00 a.m. to 5.30 p.m. from Monday to Thursday. On Friday, it is open from 9.00 a.m. to 5.00 p.m.

## 9. Hours for the sittings of the Supreme Court

The Honourable the Chief Justice has directed that the General Division, the Appellate Division and the Court of Appeal shall sit from 10.00 a.m. to 1.00 p.m. and from 2.15 p.m. to 5.00 p.m. Registrars shall sit from 9.00 a.m. to 1.00 p.m. and from 2.30 p.m. to 5.00 p.m. This is subject to the presiding Judge's or Registrar's discretion to commence or conclude a hearing at an earlier or later time.

## 10. Calculation of time

Unless otherwise stated, the provisions in the Rules of Court shall apply to the calculation of time in these Practice Directions. In particular:

(1) The following definition of "working day" in Order 1, Rule 4 of the Rules of Court is applicable in these Practice Directions:

"Working day" means any day other than a Saturday, Sunday or public holiday.

(2) The provisions of Order 3 of the Rules of Court shall also apply to the calculation of time:

**"Month" means calendar month (O. 3, r. 1)**

1. Without prejudice to the Interpretation Act (Chapter 1), in its application to these Rules, the word "month", where it occurs in any judgment, order, direction or other document forming part of any proceedings in Court, means a calendar month unless the context otherwise requires.

**Reckoning periods of time (O. 3, r. 2)**

2. — (1) Any period of time fixed by these Rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with this Rule.

(2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a day other than a working day, that day shall be excluded.

**Time expires on a day other than a working day (O. 3, r. 3)**

3. Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a day other than a working day, the act shall be in time if done on the next working day.

**Extension, etc., of time (O. 3, r. 4)**

4. —(1) The Court may, on such terms as it thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(2) The Court may extend any such period as is referred to in paragraph (1) although the application for extension is not made until after the expiration of that period.

(3) The period within which a person is required by these Rules, or by any order or direction, to serve, file or amend any pleading or other document may be extended by consent (given in writing) without an order of the Court being made for that purpose, unless the Court specifies otherwise.

(4) In this Rule, references to the Court shall be construed as including references to the Court of Appeal.

(5) Paragraph (3) shall not apply to the period within which any action or matter is required to be set down for trial or hearing or within which any notice of appeal is required to be filed.

## 11. Urgent applications outside of the Court's office hours

(1) When an applicant files an application for any civil matter (including applications for interim injunctions or interim preservation of subject matter of proceedings, evidence and assets to satisfy judgments) or criminal matter, and the application is so urgent that it has to be attended to outside of the hours specified in paragraph 12(2) of these Practice Directions, the applicant's counsel must contact the Registrar on duty at 6332 4351 or 6332 4352.

(2) When the applicant seeks an urgent hearing for the application, all the papers required for the application must have been prepared, together with the appropriate draft orders of Court. Where the documents (including the originating process) have yet to be filed in Court when counsel seeks the urgent hearing, he must furnish an undertaking to the Registrar processing the application to have these documents filed in Court by such time as the Registrar may direct and, in any event, no later than the next working day.

(3) In seeking an urgent hearing, counsel is to ensure that all applicable notice requirements prescribed by these Practice Directions are complied with. For criminal matters to be heard *inter partes*, notice must be given to the other party prior to the applicant seeking an urgent hearing.

(4) The Registrar will only arrange for the matter to be heard outside of office hours if it is so urgent that it cannot be heard the next working day. The hearing may take place in the Registrar's Chambers in the Supreme Court or at any place as directed by the Judge or Registrar hearing the matter.

(5) If the application is of sufficient urgency, the Registrar may also direct counsel to send the application and supporting documents by email. The Judge or Registrar has the discretion to decide whether to deal with the application by email or to hear counsel personally.

## 12. Duty Registrar

(1) The duties of the Duty Registrar are to:

(a) hear *ex parte* or consent applications;

(b) grant approval for any matter pertaining to the administration of the Legal Registry of the Supreme Court, including giving early or urgent dates and allowing inspection of files; and

(c) sign and certify documents.

(2) On Mondays to Fridays (excluding public holidays), the duty hours shall be from 9.00 a.m. to 12.30 p.m. and from 2.30 p.m. to 5.00 p.m.

(3) Only advocates and solicitors (or, where a party is not represented, a litigant in person) shall appear before the Duty Registrar.

(4) Except where the attendance of the advocate and solicitor is required under sub-paragraph (6) below, the filing of the relevant documents will be sufficient for the Duty Registrar to dispose of any application or matter. Documents will be returned to the advocate and solicitor through the Electronic Filing Service to the inbox of the law firm's computer system or through the service bureau.

(5) All Court fees for the filing of documents should be duly paid before presentation of the documents to the Duty Registrar for his or her signature and/or decision.

(6) The advocate and solicitor's attendance is compulsory only:

(a) when he or she is requesting an early or urgent date for a hearing before the Registrar or Judge;

(b) when an application or document is returned with the direction "solicitor to attend"; or

(c) when his or her attendance is required by any provision of law.

(7) A solicitor may, if he or she wishes to expedite matters, attend before the Duty Registrar even if his or her attendance is not ordinarily required.

(8) A solicitor who wishes to attend before a Duty Registrar and to refer him or her to documents filed must either:

(a) file the documents at least one hour before attending before the Duty Registrar, so that the documents would already be in the electronic case file for the Duty Registrar's reference. Solicitors should as far as possible only attend before the Duty Registrar after they have received notification from the Court that the documents have been accepted; or

(b) attend before the Duty Registrar with the paper documents. The Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day before dealing with the matter.

## 13. Attendance of solicitors in Court and mentioning on behalf of other solicitors

(1) Subject to sub-paragraph (2), a solicitor appearing in any cause or matter may mention for counsel for all other parties provided that:

(a) the solicitor obtains confirmation of his authority to mention on their behalf for the purpose of the hearing; and

(b) parties have agreed on the order sought.

(2) However, where an adjournment of the hearing date of any cause or matter is sought, solicitors for all parties must attend the hearing. See also paragraphs 67 and 68 of these Practice Directions.

(3) Solicitors appearing in any cause or matter should be punctual in attending Court, as delay in the commencement of the hearing leads to wastage of judicial time. Appropriate sanctions may be imposed for solicitors who do not arrive for hearings on time.

## 13A. Attendance at hearings in Chambers

(1) For the avoidance of doubt, the general rule is that hearings in chambers in civil proceedings are private in nature, and that members of the public are not entitled to attend such hearings.

(2) However, subject to any written law, the Court may, in its discretion, permit interested parties, such as instructing solicitors, foreign legal counsel and parties to the matter, to attend hearings in chambers. In exercising its discretion, the Court may consider a broad range of factors including: (a) the interest that the person seeking permission has in the matter before the Court; (b) the interests of the litigants; (c) the reasons for which such permission is sought; and (d) the Court's interest in preserving and upholding its authority and dignity.

## 14. Absence from Court on medical grounds

(1) If:

(a) any party to proceedings;

(b) any witness;

(c) any counsel; or

(d) the Public Prosecutor or his deputy,

is required to attend Court and wishes to absent himself from Court on medical grounds, he must provide the Court with an original medical certificate. The medical certificate must be in the proper form and contain the information and particulars required by sub-paragraphs (2) to (5).

(2) A medical certificate issued by a Government hospital or clinic may be in the pre-printed form produced by the Ministry of Health, a sample of which may be found at Form 1 of Appendix A of these Practice Directions. A medical certificate issued by a restructured hospital or specialist centre may also be in a pre-printed form similar to the sample which appears at Form 1. The pre-printed medical certificate must:

(a) be completely and properly filled in;

(b) contain the name of the medical practitioner who issued the medical certificate;

(c) state the name of the hospital or clinic in which the medical practitioner practises;

(d) indicate that the person to whom the certificate is issued is unfit to attend Court, and specify the date(s) on which he is unfit to attend Court;

(e) be signed in full by the medical practitioner (and not merely initialled); and

(f) be authenticated by a rubber stamp showing the medical practitioner's full name and his designation in the hospital or clinic, as the case may be.

(3) If a medical certificate is not in Form 1, the medical certificate should:

(a) be addressed to "Registrar, Supreme Court" (and not "whoever-it-may-concern");

(b) identify clearly the medical practitioner who issued the certificate;

(c) state the name of the hospital or clinic at which it was issued;

(d) be signed in full by the medical practitioner (and not merely initialled);

(e) be authenticated by a rubber stamp showing the medical practitioner's full name and designation;

(f) contain a diagnosis of the patient concerned (unless the diagnosis cannot or should not normally be disclosed);

(g) contain a statement to the effect that the person to whom the certificate is issued is medically unfit to attend Court, and specify the date(s) on which the person is unfit to attend Court; and

(h) bear the date on which it was written and, where this differs from the date of consultation, this must be clearly disclosed.

(4) If any portion of the information set out in sub-paragraph (3) is not found in the medical certificate itself, such information may be included in a memorandum which should be attached to the medical certificate. This memorandum must:

(a) identify clearly the medical practitioner who issued the memorandum;

(b) contain the name of the hospital or clinic at which it was issued;

(c) be signed in full by the medical practitioner (and not merely initialled); and

(d) be authenticated by a rubber stamp showing the medical practitioner's full name and designation.

(5) All information and details in any medical certificate or memorandum must be clearly and legibly printed.

(6) If the directions set out in sub-paragraphs (2) to (5) are not complied with, the Court may reject the medical certificate and decline to excuse the attendance of the person to whom the medical certificate was issued. The Court may then take any action it deems appropriate.

(7) This paragraph shall apply to all hearings in the Supreme Court, whether in open Court or in Chambers.

(8) This paragraph shall apply to both civil and criminal proceedings.

## 15. The Central Display Management System

(1) The Central Display Management System (CDMS) is used for the following types of hearings:

(a) hearings before a Registrar (including matters before a Duty Registrar); and

(b) hearings before a Judge in chambers, if so directed by the Judge.

(2) When taking queue numbers at the CDMS kiosk, solicitors are to confer with their opponent(s) and enter the estimated duration of their own submissions. The number of minutes entered should be an accurate reflection of the actual duration of submissions expected to be made by each of the solicitors.

Solicitors should indicate in the CDMS that they are ready for hearing only when the solicitors for all the parties concerned are present.

(3) The Judge or Registrar has full discretion to manage the queue and call cases in the CDMS in a manner which he or she deems fit.

(4) Senior Counsel will continue to be given the precedence and the right of preaudience according to paragraph 16.

## 16. Precedence and preaudience of Senior Counsel

(1) By virtue of section 31 of the Legal Profession Act (Cap. 161) and existing custom and usage, Senior Counsel are given precedence and the right of preaudience.

(2) In order to give substance to the principle of precedence and preaudience to Senior Counsel, the Honourable the Chief Justice has directed that Senior Counsel who intend to appear before Judges or Registrars for summonses should inform the Registrar in writing not later than 2 clear days before the scheduled hearing date. Senior Counsel should indicate their presence in the Central Display Management System (CDMS), and shall be given precedence and the right of preaudience, subject to the Judge's or Registrar's overriding discretion.

(3) All other counsel, including those who appear on behalf of their Senior Counsel, will be heard according to the order in which their matters appear on the CDMS, subject to the Judge's or Registrar's overriding discretion.

## 17. Court dress

(1) The attire for male advocates and solicitors appearing in open Court will be the existing gown worn over an ordinary long-sleeved white shirt with a turn-down collar, a tie of a subdued or sober colour, a dark jacket, dark trousers and black or plain coloured shoes.

(2) The attire for female advocates and solicitors appearing in open Court will be the existing gown worn over a long-sleeved white blouse high to the neck, a dark jacket, a dark skirt or dark trousers and black or plain coloured shoes. Conspicuous jewellery or ornaments should not be worn.

(3) When appearing in open Court proceedings that are conducted through a live video or live television link:

> (a) if the proceedings are conducted solely through the live video or live television link and do not take place in any Courtroom, the attire for an advocate and solicitor will be the same as for open Court, except that a gown need not be worn; but
>
> (b) if one or more Judges hear the proceedings in a Courtroom, unless the Court directs otherwise, every advocate and solicitor in the proceedings will wear the usual attire for open Court.

(4) When appearing before the Judge or Registrar in Chambers, the attire for an advocate and solicitor will be the same as for open Court, except that a gown need not be worn.

(5) The attire for Senior Counsel shall be as described in sub-paragraphs (1) to (4), save that, for hearings in open Court, they may, instead of the existing gown, wear a gown in the design of those worn by Queen's Counsel of England and Wales and made of the following material:

> (a) silk;
>
> (b) silk and wool mix; or
>
> (c) artificial silk.

## 18. Forms of address

The Honourable the Chief Justice has directed that the following forms of address shall apply:

(1) The Chief Justice, the Justices of the Court of Appeal, the Judges of the Appellate Division, the Judges of the High Court, the Senior Judges, the International Judges and the Judicial Commissioners shall, when sitting in open Court or in Chambers, be addressed as "Your Honour", and on social occasions or other extra-judicial occasions, as "Chief Justice" or "Judge", as the case may be.

(2) The Chief Justice, the Justices of the Court of Appeal, the Judges of the Appellate Division, the Judges of the High Court, the Senior Judges, the International Judges and the Judicial Commissioners shall, in all cause lists, orders of Court, correspondence and other documents, be described in the following manner without any accompanying gender prefix:

| Office | Form of Address | Abbreviated Form of Address |
|---|---|---|
| Chief Justice | "Chief Justice [name]" | "[name] CJ" |
| Justice of the Court of Appeal | "Justice [name]" | "[name] JCA" |
| Judge of the Appellate Division | | "[name] JAD" |
| Judge of the High Court | | "[name] J" |
| Senior Judge | | "[name] SJ" |
| International Judge | | "[name] IJ" |
| Judicial Commissioner | "Judicial Commissioner [name]" | "[name] JC" |

## 19. Submissions and examination by leading and assisting counsel

(1) In the event that a party is represented by more than one counsel at a hearing, whether in open Court or in Chambers, the making of submissions and the questioning of witnesses may be carried out by one counsel for each party only.

(2) If a party would like certain portions of the submissions, or examination, cross-examination or re-examination of witnesses to be conducted by different counsel in the same case, an oral application should be made to Court as early as is practicable and by no later than the commencement of the trial or hearing for leave to do so. The following information should be provided to the Court for the purposes of the application:

(a) the issues on which each counsel will be making submissions; and/or

(b) the witnesses to be examined, cross-examined or re-examined by each counsel, or the portions of their evidence for which each counsel will conduct the examination, cross-examination or re-examination.

Nothing in this paragraph detracts from the responsibility of lead counsel to ensure that all counsel making submissions, or having conduct of any portion of the examination, cross-examination or re-examination of witnesses, are adequately supervised and able to handle the tasks assigned to them.

(3) If leave has been granted in accordance with sub-paragraph (2), counsel should ensure that he or she confines himself or herself to the issues or portions of evidence in respect of which leave was granted and that there is no overlap in the issues or the examination being dealt with by different counsel for the same party. Further, counsel must not repeat, clarify or expand on any submissions that have been made by another counsel for the same party, or examine, cross-examine or re-examine witnesses on portions of their evidence dealt with by another counsel for the same party.

(4) If leave of the Court is not sought in accordance with sub-paragraph (2), only one counsel will be allowed to make

submissions or conduct examination, cross-examination or re-examination for a party throughout the hearing.

(5) For civil proceedings, lead counsel are strongly encouraged to apprise the client of the benefits of allocating certain advocacy tasks to junior assisting counsel, including the potential benefits of reduced legal costs and increased focus by lead counsel on the main advocacy tasks, and to therefore consider obtaining instructions to make an application in accordance with sub-paragraph (2). In this regard, lead counsel are encouraged to consider that giving junior assisting counsel more opportunities for oral advocacy could potentially benefit the client and, at the same time, promote renewal of the Bar.

(6) For civil trials:

> (a) Notwithstanding sub-paragraphs (1) and (2), and save where lead counsel is a junior counsel, the junior assisting counsel shall deliver the oral opening statement unless the Court otherwise orders; and
>
> (b) lead counsel are to inform the trial judge at the Judge Pre-Trial Conference ("JPTC"), or if a JPTC has not been fixed, at the start of the trial, whether their client will be making an application pursuant to sub-paragraph (2) above and, if so, the proposed division of advocacy tasks between lead counsel and junior assisting counsel.

(7) Unless stated otherwise, this paragraph shall apply to both civil and criminal proceedings.

## 20. Interpreters and translation

(1) The directions set out in sub-paragraphs (2) to (9) below are to be followed in relation to all requests for interpretation services of interpreters from the Supreme Court’s Interpreters Section, whether the services are required for hearings in open Court or in Chambers.

(2) Not less than 7 working days before the day on which the services of an interpreter are required (“scheduled day”), the requesting party must file a Request addressed to the appropriate Head Interpreter through the Electronic Filing Service and attach Form 2 of Appendix A of these Practice Directions in Portable Document Format (PDF) to the Request electronic form.

(3) The Request in sub-paragraph (2) must be filed for hearings of matters which have been adjourned or part-heard, even if the services of an interpreter were requested and provided at an earlier hearing of the same matter. In the event that a Request is made in respect of an adjourned or part-heard matter, the Request should state the date of the earlier hearing.

(4) The requesting party shall make payment of any prescribed fees for interpretation services under the Rules of Court upon approval of the Request.

(5) In the event that the services of the interpreter are for any reason not required on any of the scheduled days specified in the Request, the requesting party shall immediately notify the appropriate Head Interpreter either by letter or email. This shall serve as a notice of cancellation.

(6) Any request for refund of the fee paid under sub-paragraph (4) must be submitted to the Registrar through the Electronic Filing Service within one month after the date on which the reason for the refund arose. The supporting reasons and the amount of refund sought must be clearly indicated in the request for refund.

(7) Unless otherwise decided by the Registrar, the fee paid for any scheduled day may be refunded only if a notice of cancellation under sub-paragraph (5) is given at least 1 clear working day prior to that scheduled day.

(8) The provision of interpretation services by the Supreme Court’s Interpreters Section is subject to the availability of suitable interpreters on the day that the interpretation services are required. Failure to comply with the directions set out in sub-paragraphs (2) to (4) may result in the services of interpreters not being available or provided.

(9) Engagement of private interpreters (i.e. interpreters not from the Supreme Court's Interpreters Section):

(a) For the avoidance of doubt, a party may engage the services of a private interpreter for interpretation services in respect of the languages listed in Form 2 of Appendix A of these Practice Directions.

(b) If a party requires the services of an interpreter in a language apart from those listed in Form 2 of Appendix A to these Practice Directions, it shall be the duty of the party to engage such an interpreter directly to obtain his or her services for the scheduled hearing.

(c) Interpreters who are not from the Supreme Court's Interpreters Section must be sworn in before the Duty Registrar before they may provide interpretation services for proceedings in Court.

(10) Requests for translation of documents in Chinese, Malay or Tamil for use in Supreme Court proceedings should be sent using the form available on the Supreme Court website at least 4 weeks before the date the translations are required, unless there are exceptional reasons justifying non-compliance.

(11) In the event that the Supreme Court's Interpreters Section is unable to accept a translation request, parties and counsel should approach a private translation service instead.

## 21. Production of record of hearing

(1) Pursuant to Order 38A, Rule 1 of the Rules of Court, the Registrar hereby directs that with effect from 1 August 2005, there shall be audio recording of all open Court trials in actions begun by writs. Such audio recording shall be made using the Digital Transcription System (DTS) only.

(2) Pursuant to Order 38A, Rule 1(1)(b), the Registrar further directs that in proceedings where no audio recording is made, the notes of hearing shall be taken down by the Judge, judicial officer, Justices' Law Clerk or court officer, whether by hand or through the use of a computer or electronic device.

(3) The provisions of sub-paragraphs (1) and (2) are subject to any directions made by the Judge or judicial officer hearing the matter, or by the Registrar, whether or not upon application by the parties. Such directions may include the use of alternative means of producing transcripts.

(4) Where the Court makes such directions under sub-paragraph (3):

(a) the transcript of the notes of hearing shall, pursuant to Order 38A, Rule 1(1)(b), constitute the official record of hearing; and

(b) the parties shall inform the Registry by letter at least 7 working days before the scheduled hearing as to the mode by which the proceedings will be recorded.

(5) The costs of engaging a service provider shall be paid by the parties directly to the service provider.

(6) Requests for certified transcripts of the official record of hearing shall be made by filing the requisite Request electronic form through the Electronic Filing Service at least 7 working days before the scheduled hearing.

(7) Sub-paragraph (6) shall apply to both civil and criminal proceedings.

## 22. Use of electronic and other devices

(1) In order to maintain the dignity of Court proceedings, the Honourable the Chief Justice has directed that, in all hearings in open Court or Chambers before a Judge or Registrar, video and/or image recording is strictly prohibited.

(2) Additionally, audio recording during a hearing is strictly prohibited without prior approval of the Judge or Registrar hearing the matter.

(3) Court users are permitted to use notebooks, tablets, mobile phones and other electronic devices to:

(a) take notes of evidence and for other purposes pertaining to the proceedings in open Court or Chambers; or

(b) communicate with external parties in all hearings in open Court,

provided that such use does not in any way disrupt or trivialise the proceedings.

(4) The attention of court users is also drawn to section 5 of the Administration of Justice (Protection) Act 2016 (Act No. 19 of 2016).

## 23.Certification of transcripts

Pursuant to Order 38A, Rule 2 of the Rules of Court, the Registrar hereby directs that transcripts of any record of hearing or notes of hearing may be certified by:

(1) the Judge or judicial officer having conduct of the proceedings;

(2) with the approval of the Court, the personal secretary to the Judge or judicial officer having conduct of the proceedings; or

(3) with the approval of the Court, the service provider.

## 24. Access to case file, inspection, taking copies and searches

Access by parties to a case file

(1) All parties to a case who are registered users of the Electronic Filing Service may, subject to this paragraph and any directions of the Court, access the online case file made available through the Electronic Filing Service and may inspect, download soft copies or print hard copies of documents accessible to the parties in the online case file.

(2) Where a party to a case is not a registered user and is unable to access the electronic case file through the Electronic Filing Service, the procedure governing file inspection by non-parties to a case in sub-paragraph (5) below shall be followed.

(3) All parties to a case shall have the liberty to make amendments at will to administrative details contained in the electronic case file through the Electronic Filing Service. Administrative details include the contact details of solicitors, the identities of the solicitors, and the nature of the claim. Where a party to a case is not a registered user of the Electronic Filing Service, he or she may attend at the service bureau to seek assistance to amend the administrative details contained in the electronic case file.

(4) The Registry may require parties to a case to provide supporting documents to substantiate proposed amendments to other details of the electronic case file before the amendment is approved. For example, amendments to add or remove a party to the case have to be supported by an order of court; and amendments to change the name, gender, identification number, or marital status of a party to the case have to be substantiated by documentary proof.

***File inspection by non-parties or parties who are not registered users***

(5) In order to inspect a case file, the following procedure should be followed:

(a) A ***Request*** should be made to obtain leave to inspect the file. The Request should state the name of the person who is to carry out the search or inspection. If this person is not a solicitor, his identity card number should also be included in the Request after his name, and a copy of his identity card should be provided. The Request should also state the interest that the applicant has in the matter, and the reason for the search or inspection. If the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, the Request should clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.

(b) Once approval for inspection has been received from the Court,

(i) registered users can inspect the case file online through the Electronic Filing Service;

(ii) parties who are not registered users can inspect the case file by presenting a copy of the approval at the service bureau. After verifying the approval, the service bureau will assign the inspecting party a personal computer for the inspection to be carried out. An inspecting party will usually be allowed 60 minutes to carry out the inspection. If a longer period is required, the service bureau may impose a charge for use of the computer. The service bureau may impose additional charges for downloading soft copies or printing hard copies of documents from the case file being inspected.

(6) Solicitors must communicate to the Registrar in writing the names of their clerks who have their authority to make searches and inspections. Such authority may be in respect of a specific search or inspection or for a specified period.

(7) For the avoidance of doubt, a non-party that has obtained approval to inspect a case file may take and retain a soft copy of any document that is available for inspection. All copies of documents taken in the course of inspection should not be used for purposes other than those stated in the Request to inspect. Solicitors shall be responsible for informing their clients of this.

Obtaining certified true copies of documents

(8) Applications to obtain certified true paper copies of documents, should be made by way of filing a Request through the Electronic Filing Service.

(a) The intended use of the certified true copies should be clearly stated in the Request. The relevance and necessity of the certified true copies in relation to their intended use should also be clearly described.

(b) Once approval is received from the Court, the applicant should present a printed copy of the approved Request at the Legal Registry. After verifying that the Request has been approved, the Legal Registry will inform the applicant of any additional fees payable. Any additional fees should then be stamped on the Request at the Cashier's Office at the Legal Registry. Upon presentation of this stamped Request, the documents will be furnished to the applicant.

(c) The fees prescribed by Appendix B to the Rules of Court will be payable for the above services in addition to further printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

***Electronic cause books and registers maintained by the Registry***

(9) Order 60 of the Rules of Court provides that the Registry shall maintain information prescribed or required to be kept by the Rules of Court and Practice Directions issued by the Registrar. In addition to any provisions in the Rules of Court, the Registrar hereby directs that the following information shall be maintained by the Registry:

(a) details of all originating processes, including:

(i) details of interlocutory applications;

(ii) details of appeals filed therein;

(iii) details of admiralty proceedings;

(iv) details of caveats filed against arrest of vessels;

(v) details of probate proceedings, including wills and caveats filed therein;

(vi) details of bankruptcy proceedings; and

(vii) details of winding up proceedings against companies and limited liability partnerships;

(b) details of writs of execution, writs of distress and warrants of arrest;

(c) details of appeals filed in the Court of Appeal and appeals filed in the Appellate Division; and

(d) any other information as may from time to time be found necessary.

(10) Searches of this information under Order 60, Rule 3 may be conducted through the Electronic Filing Service at a service bureau or at the Legal Registry. The fees prescribed by Appendix B to the Rules of Court will be payable for such searches.

(11) An application may be made by any person for a licence to use any information contained in any electronic cause book or register subject to such terms and conditions as the Registrar may determine. Successful applicants will be required to enter into separate technical services agreements with the Electronic Filing Service provider. Applications under this sub-paragraph must be made in writing, identifying the data fields sought and providing details of how the information will be used.

## 24A. Personal Data

(1) For the purposes of the following paragraphs:

(a) "personal data" shall have the same meaning as defined in the Personal Data Protection Act 2012 (Act No. 26 of 2012); and

(b) "data subject" means a person whose personal data appears in any document filed in the Registry or an electronic cause book or register maintained by the Registry.

***Consent to collection, use or disclosure of personal data***

(2) Consent to the collection, use or disclosure of personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar need not be obtained.

(3) Pursuant to Order 60, Rule 2 of the Rules of Court, the Registrar may compile and maintain electronic cause books and registers by extracting information, including personal data, contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar.

***Access to personal data***

(4) **Contained in documents filed with, served on, delivered or otherwise conveyed to the Registrar**. A data subject who wishes to access his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar must comply with the applicable provisions in the Rules of Court and these Practice Directions relating to the access to and inspection of case files. A data subject shall not be entitled to request information about the ways in which his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar has been used or disclosed.

(5) **Contained in electronic cause books and registers maintained by the Registry.** A data subject who wishes to access his personal data contained in any electronic cause book or register must conduct a search through the Electronic Filing Service at a service bureau or at the Legal Registry and shall pay the fees prescribed by Appendix B to the Rules of Court. A data subject shall not be entitled to request information about the ways in which his personal data contained in any

electronic cause book or register has been used or disclosed.

***Correction of personal data***

(6) **Contained in documents filed with, served on, delivered or otherwise conveyed to the Registrar**. A data subject who wishes to correct any error or omission in his personal data in any document filed with, served on, delivered or otherwise conveyed to the Registrar must comply with the applicable provisions in the Rules of Court and these Practice Directions relating to the amendment of the relevant document.

(7) **Contained in electronic cause books and registers maintained by the Registry**. A data subject who wishes to correct any error or omission of his personal data in any electronic cause book or register maintained by the Registry shall comply with the following procedure:

(a) The request to correct the error or omission must be made in writing by the data subject or by his solicitor, together with the reason for the requested correction. The request must clearly identify the record and the personal data to be corrected;

(b) If the data subject is not represented, his identity card number should also be included in the request and a copy of his identify card should be provided; and

(c) The following documents should accompany the request:

(i) recent copy of the record identifying the error or omission; and

(ii) supporting document(s) to substantiate the proposed correction.

(8) Where a correction is made pursuant to a request under sub-paragraph (7), any information that is licensed for use under paragraph 24(11) will be updated accordingly with the corrected personal data.

## 25. Instruments creating power of attorney

(1) To deposit an instrument creating a power of attorney under Order 60, Rule 6 of the Rules of Court, the instrument and other supporting documents, if any, are to be filed, served, delivered or otherwise conveyed to the Court through the Electronic Filing Service or the service bureau.

(2) The directions set out in sub-paragraph (1) will also apply to a party who wishes to file a document which alters the powers created in an instrument that is filed, served, delivered or otherwise conveyed to the Court on or after 28 May 2002. If the document relates to an instrument that is presented for deposit before 28 May 2002, the document must be filed manually in hard copy form.

(3) The Legal Registry of the Supreme Court will not accept a document named as a deed of revocation if the deed only seeks to partially revoke the powers created in an instrument.

(4) Where the instrument creating a power of attorney is executed by a corporation and the corporation does not have a common seal, an affidavit in support of the application under Order 60, Rule 6 should be filed on behalf of the corporation:

(a) to affirm the requirements for a valid execution of the power of attorney in accordance with the laws and practices of the corporation’s country of incorporation; and

(b) to satisfy the Court that the requirements have been complied with.

(5) A party may rely on the same affidavit in a subsequent filing of separate instruments on behalf of the same corporation by indicating on the top right hand corner of the instrument the following statement: “Reference is made to affidavit of [name] filed on [date] in PA No. (xxxxxx) of (xxxx).”

(6) A party seeking to file an instrument creating a power of attorney executed before a notary public or under a corporate seal must produce the original instrument to the Legal Registry within one working day after filing the instrument. The application will be processed only after the original instrument is produced.

## 26. Filing directions to the Accountant-General for payment into and out of Court

(1) Where monies are sought to be paid into Court pursuant to a judgment or order of the Court, a copy of the judgment or order must be referenced in the draft direction to the Accountant-General for payment in and submitted to the Legal Registry of the Supreme Court for approval.

(2) Where monies are sought to be paid out of Court pursuant to a judgment or order of the Court, pursuant to the acceptance of a payment into Court made under Order 22 of the Rules of Court or pursuant to Order 56A, Rule 13 or Order 57, Rule 11, a copy of the judgment or order, or of the notice in Form 32 of Appendix A to the Rules of Court, or of the written consent attached to the draft direction to the Accountant-General for payment out, must be submitted to the Legal Registry for approval.

(3) Each draft direction for payment into or payment out of Court shall contain amounts in a single currency. Where monies in different currencies are to be paid into or out of Court, separate draft directions must be prepared for each currency in which payment is to be made.

## 27. Requests and other Correspondence

(1) All Requests relating to or in connection with any pending cause or matter are to be made using the electronic forms available through the Electronic Filing Service. Where an electronic form is available through the Electronic Filing Service for the Request that is sought, the Registry has the discretion to refuse acceptance of other forms of written correspondence (including letters) and to refuse to act on such correspondence.

(1A) All correspondence to the Court relating to or in connection with any pending cause or matter shall be copied to all other parties to the cause or matter or to their solicitors unless there are good reasons for not so doing. Solicitors are further reminded that the Court should not be copied on correspondence between parties or their solicitors. The Registry has the discretion to reject or refuse to act on any inappropriate or *ex parte* correspondence.

(2) Apart from Requests coming within sub-paragraph (1), all correspondence relating to or in connection with any cause or matter before the Court of Appeal, the Appellate Division, the General Division or a Judge shall be addressed to the Registrar.

(3) In addition, all letters should be captioned with the number of the cause to which they relate and the names of the parties. For example:

> **SUIT NO. 1 OF 2012** (if a writ action);
>
> **Between AB** (and **ANOR** or **ORS**, if there are 2 or more plaintiffs, as the case may be) **and CD** (and **ANOR** or **ORS**, if there are 2 or more defendants, as the case may be)

If the correspondence relates to an interlocutory application, the reference number of that application should be stated in the caption below the parties' names. For example:

> ***SUMMONS NO. 1 OF 2012***

(4) Compliance with the directions in this paragraph will facilitate the expeditious location of the relevant cause file.

(5) A letter may be sent to the Court by a law firm using the Electronic Filing Service only.

If a letter is sent to the Court by a law firm in any other way, it is liable to be rejected. If a letter is sent to the Court by a law firm without the information specified in sub-paragraph (2), it is also liable to be rejected.

(6) Sub-paragraph (5) does not apply to litigants in person.

(7) Registrar's Directions and Notices from the Registry will be sent to law firms who are registered users of the Electronic Filing Service through the Electronic Filing Service. Registered users are to ensure that the inbox of their Electronic Filing Service account(s) are checked and cleared regularly.

## 28. Authorisation for collection of mail and Court documents

(1) Without prejudice to sub-paragraphs (3) and (4), all law firms are required to notify the Legal Registry of the Supreme Court of the particulars of person(s) authorised to collect Court documents or mail from the Supreme Court on their behalf by submitting a request to authorise user through the Electronic Filing Service.

(2) Where such authorised persons are no longer so authorised, law firms are required to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Until receipt of such notification of revocation or deletion, Court documents and mail shall continue to be released to such authorised persons upon production of evidence of identification.

(3) Any solicitor may collect Court documents and mail on behalf of his firm and any litigant in person may collect documents and mail intended for him in any matter in which he is a party.

(4) A law firm may authorise a courier service-provider to collect Court documents or mail from the Supreme Court on their behalf. At the time of collection, the courier service-provider should produce a letter of authorisation which is printed on the law firm's letterhead and addressed to the courier service-provider. The said letter of authorisation should clearly state the case number, the name of the courier service-provider appointed to collect and the Court documents or mail to be collected. An employee or representative of the courier service-provider collecting the Court documents or mail may be requested to provide evidence that will allow the Supreme Court to verify that he is an employee or representative from the courier service-provider and will have to acknowledge receipt of the Court documents or mail collected.

## 29. Electronic payment of Court fees

***Implementation of the electronic system for the payment of Court fees***

(1) Notwithstanding anything in these Practice Directions, all Court fees not paid using the Electronic Filing Service must be paid by electronic means.

***Modes of electronic payment***

(2) Payment through electronic means includes payment effected by Interbank GIRO (IBG), NETS, Cashcards and selected credit cards. For law firms, payment by IBG would be the most appropriate mode of electronic payment. A law firm using IBG will authorise the Supreme Court to deduct the fees from its bank account upon lodgement of the prescribed lodgement form. The law firm will receive detailed reports on its IBG payments to facilitate accounting and help with bank reconciliation.

***Scope of electronic system***

(3) The electronic system covers all Court fees previously collected over-the-counter, hearing fees and mechanical recording services fees in the Supreme Court.

***Registrar's discretion***

(4) Unless otherwise approved by the Registrar, payment of Court fees collected over-the-counter must be made by electronic means. The Registrar may, in any case, waive the requirement for the payment to be effected by electronic means, on such terms and conditions as he or she deems fit.

## 29A. Publication of and reports and comments on Court cases

(1) This paragraph applies to solicitors, litigants (whether acting by solicitors or in person), the media and all other persons reporting on or commenting about cases which are before any court ("court cases"). All categories of persons mentioned above are collectively referred to as "all concerned".

(2) All concerned are reminded that reports or comments in public on court cases must not flout any existing law or order of court or be calculated to affect, or be reasonably capable of affecting, the outcome of any decision by the court.

(3) All concerned are not to publish, report or comment on publicly any affidavit or statutory declaration which has not been adduced as evidence or referred to in any hearing in open Court or in Chambers or any other court document which has not been served on the relevant party or parties in the court proceedings.

(4) All concerned are not to publish, report or comment on publicly any statements made in Chambers by anyone which is expressly stated to be confidential or is impliedly confidential. Solicitors may inform their clients of statements made in Chambers when it is necessary for them to render proper advice to their clients.

## 29B. Citation of Case Numbers

(1) All originating processes and summons filed in the Supreme Court on or after 1 January 2015 shall bear case numbers in the following format:

**Description of Court/ Type of Application [Case number]/ Year filed**

For example:

| Case Number Format | Type of Case |
|---|---|
| CA/CA [Case Number]/[Year filed] | Appeal to the Court of Appeal |
| AD/CA [Case Number]/[Year filed] | Appeal to the Appellate Division |
| HC/OS [Case Number]/[Year filed] | Originating Summons filed in the General Division |
| SIC/S [Case Number]/[Year filed] | Writ of Summons filed in the Singapore International Commercial Court |

(2) Parties are to cite the case number in full in all documents and correspondence which are submitted to the Court.

# Part III: Originating Processes and Documents

30. Originating Summonses

    - Forms for originating summonses

## 30. Originating Summonses

(1) This paragraph applies to originating summonses filed on or after 1 January 2006.

***Forms for originating summonses***

(2) The former Form 6 of Appendix A of the Rules of Court (originating summons where appearance is required) has been deleted with effect from 1 January 2006. Solicitors' attention is drawn to Order 12, Rule 9 of the Rules of Court which provides that no appearance need be entered to an originating summons.

(3) Where any legislation requires a party to file an originating summons and the form is not provided within the legislation, the originating summons must be filed using either Form 4 (Originating Summons) or Form 5 (*Ex Parte* Originating Summons) of Appendix A of the Rules of Court.

(4) The parties in Form 4 of Appendix A of the Rules of Court must be stated as "plaintiff" and "defendant", or "appellant" and "respondent", as the case may be.

(5) The party in Form 5 of Appendix A of the Rules of Court must be stated as "applicant".

***Originating summonses to be heard in open Court***

(6) Order 28, Rule 2 provides that all originating summonses shall be heard in Chambers, subject to any provisions in the Rules of Court, written law, directions by the Court, or practice directions issued by the Registrar.

(7) The following are examples of originating summonses to be heard in open Court pursuant to written law:

(a) applications for a judicial management order (Rule 6(1)(a) of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020);

(b) applications to wind up a company (Rule 5 of the Companies (Winding Up) Rules or Rule 6(1)(b) of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020);

(c) applications to wind up a limited liability partnership (Rule 5 of the Limited Liability Partnerships (Winding Up) Rules); and

(d) applications to wind up a variable capital company or a sub-fund (Rule 6(1)(a) of the Variable Capital Companies (Winding Up) Rules 2020).

(8) In addition to any provisions in the Rules of Court or other written law, and subject to any further directions made by the Court, the Registrar hereby directs that the following applications made by originating summonses shall be heard in open Court:

(a) appeals to the General Division from a Court, tribunal or person under Order 55, Rule 2(1);

(b) applications to the General Division by case stated in Order 55A, Rule 2(1);

(c) applications to the Court of Appeal in Order 57, Rule 16 and applications to the Appellate Division in Order 56A, Rule 17;

(d) applications under the Arbitration Act (Cap. 10) in Order 69, Rule 2;

(e) applications under the International Arbitration Act (Cap. 143A) in Order 69A, Rule 2;

(f) applications for apportionment of salvage in Order 70, Rule 32;

(g) applications and appeals under the Trade Marks Act (Cap. 332) in Order 87, Rules 2 and 4;

(h) applications and appeals under the Patents Act (Cap. 221) in Order 87A, Rules 9, 10 and 13;

(i) applications for admission of advocate and solicitor under section 12 of the Legal Profession Act (Cap. 161);

(j) applications for ad hoc admissions under section 15 of the Legal Profession Act;

(k) applications for leave for eligibility for election or appointment as a member of Council of Law Society under section 49(6) of the Legal Profession Act;

(l) applications for the name of a solicitor to be replaced on the roll under section 102(2) of the Legal Profession Act;

(m) [deleted];

(n) applications for the vesting of property of a registered trade union in a trustee under section 45 of the Trade Unions Act (Cap. 333);

(o) applications by the Public Trustee for the appointment of new trustees to administer a charitable trust under section 63(4) of the Trustees Act (Cap. 337);

(p) applications for a company to be placed under judicial management under section 227A of the Companies Act (Cap. 50); and

(q) applications under the Land Titles (Strata) Act (Cap. 158) in Order 100, Rule 2.

## 31. Identification numbers to be stated in cause papers

***Parties named in the title of the documents***

(1) Where a party to any proceedings in the Supreme Court first files a document in such proceedings, he shall state his identification number (in brackets) in the title of the document immediately after his name. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number in the title of the documents.

***Parties not named in the title of the documents***

(2) Where a party to any proceedings in the Supreme Court first files a document in such proceedings, and the name of the party does not appear in the title of the document but does appear in the body of the document, then the identification number of the party should be stated (in brackets) after the first appearance of his name in the document. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number (in brackets) after the first appearance of the party's name.

***Documents filed by 2 or more parties***

(3) Sub-paragraphs (1) and (2) shall apply, *mutatis mutandis*, to documents which are filed by more than one party.

***Identification numbers for non-parties***

(4) If any person (living or dead), any entity or any property is the subject matter of any proceedings, or is affected by any proceedings, but is not a party thereto, and the name of such person, entity or property is to appear in the title of the documents filed in the proceedings, the party filing the first document in the proceedings must state the identification number of such person, entity or property (in brackets) immediately after the name of the same. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number (in brackets) immediately after the name of the person, entity or property to which it applies. If the party filing the first document in the proceedings is unable, after reasonable enquiry, to discover the identification number of the person, entity or property, he may state immediately after the name of the same "(ID No. not known)". All documents subsequently filed by any party shall then contain these words (in brackets) after the name of this person, entity or property.

***Special cases***

(5) The following directions shall apply in addition to the directions contained in sub-paragraphs (1) to (4):

(a) where a party is represented by a litigation ***representative*** or guardian in ***adoption***, sub-paragraphs (1) to (3) shall apply to the litigation representative or guardian in adoption as if he or she was a party to the proceedings, and the identification numbers of the party, the litigation representative and/or the guardian in adoption must be stated after their names;

(b) where parties are involved in any proceedings as the personal representatives of the estate of a deceased person, sub-paragraphs (1) to (3) shall apply to the deceased person as if he were a party;

(c) where more than one identification number applies to any party, person, entity or property, the identification numbers shall be stated in any convenient order; and

(d) for bankruptcy matters, the creditor must, in addition to his own identification number, also state the identification number of the debtor in all documents and papers filed by the creditor in the bankruptcy proceedings.

***Identification numbers***

(6) When entering the identification number in the Electronic Filing Service, the full identification number, including the letters before and after the number should be entered. Descriptive text which is required to be entered into the actual document, such as “Japanese Identification Card No.”, should not be entered into the electronic form.

***Guidelines for the selection of identification numbers***

(7) The following guidelines should be followed in deciding on the appropriate identification number:

***NATURAL PERSON WITH SINGAPORE IDENTITY CARD***

(a) For a natural person who is a Singapore citizen or permanent resident, the identification number shall be the number of the identity card issued under the National Registration Act (Cap. 201). The 7 digit number as well as the letters at the front and end should be stated. For example, “(NRIC No. S1234567A)”.

***NATURAL PERSON WITH FIN NUMBER***

(b) For a natural person (whether a Singapore citizen or permanent resident or not) who has not been issued with an identity card under the National Registration Act, but has been assigned a FIN number under the Immigration Regulations (Cap. 133, Regulation 1), the identification number shall be the FIN number. The number should be preceded by the prefix “FIN No.”

***NATURAL PERSON: BIRTH CERTIFICATE OR PASSPORT NUMBER***

(c) For a natural person (whether a Singapore citizen or permanent resident or not) who has not been issued with an identity card under the National Registration Act or assigned an FIN number, the identification number shall be the birth certificate or passport number. The number should be preceded by either of the following, as appropriate: “(Issuing country) BC No.” or “(Issuing country) PP No.”

***NATURAL PERSON: OTHER NUMBERS***

(d) For a natural person who is not a Singapore citizen or permanent resident, and has not been assigned an FIN number and does not have a birth certificate or passport number, the identification number shall be the number of any identification document he may possess. Both the number as well as some descriptive words which will enable the nature of the number given and the authority issuing the identification document to be ascertained should be stated. For example, “Japanese Identification Card No.”

***DECEASED PERSON***

(e) For a deceased natural person, the identification number shall be as set out in sub-paragraph 7(a) to (d) above. However, if such numbers are not available, the identification number shall be the death registration number under the Registration of Births and Deaths Rules (Cap. 267, Rule 1) or the equivalent foreign provisions, where the death is registered abroad. The number as well as the following words should be stated: “(Country or place of registration of death) Death Reg. No.”

***COMPANY REGISTERED UNDER THE COMPANIES ACT***

(f) For a company registered under the Companies Act (Cap. 50), the identification number shall be the Unique Entity Number (UEN).

***COMPANY REGISTERED OUTSIDE SINGAPORE***

(g) For a company registered outside Singapore which is not registered under the Companies Act, the identification number shall be the registration number of the company in the country of registration.

***BUSINESS REGISTERED UNDER THE BUSINESS REGISTRATION ACT***

(h) For a body registered under the Business Registration Act (Cap. 32), the identification number shall be the UEN number.

***LIMITED LIABILITY PARTNERSHIP REGISTERED UNDER THE LIMITED LIABILITY PARTNERSHIPS ACT***

(i) For a limited liability partnership registered under the Limited Liability Partnerships Act 2005 (Cap. 163A), the identification number shall be the UEN number.

***OTHER BODIES AND ASSOCIATIONS***

(j) For any other body or association, whether incorporated or otherwise, which does not fall within sub-paragraph 7(f) to (i) above, the identification number shall be any unique number assigned to the body or association by any authority. Both the number as well as some descriptive words which will enable the nature of the number given and the authority assigning the number to be ascertained should be stated. For example, "Singapore Trade Union Reg. No. 123 A".

***SHIP OR VESSEL***

(k) For a ship or vessel, the identification number shall be the registration number assigned by the port of registry. If no such registration number is available, the identification number assigned by the International Maritime Organisation (IMO) or the number of the license granted by any authority shall be the identification number.

***NO IDENTIFICATION NUMBERS EXIST***

(l) Where the appropriate identification numbers prescribed by sub-paragraph (7)(a) to (k) above do not exist, the following words should be stated immediately below or after the name of the party, person, entity or property concerned: "(No ID No. exists)".

***Inability to furnish identification number at the time of filing a document***

(8) If a party who wishes to file a document is unable at the time of filing to furnish the necessary identification numbers required by this paragraph, the party may indicate "(ID Not Known)" at the time of filing. However, when the necessary identification numbers have been obtained, the party will have to furnish the necessary identification numbers to the Registry through the Electronic Filing Service.

***Meaning of document***

(9) For the avoidance of doubt, the words "document" and "documents" when used in this paragraph include all originating processes filed in the Supreme Court regardless of whether they are governed by the Rules of Court. The words also include all documents filed in connection with bankruptcy proceedings.

***Non-compliance***

(10) Any document which does not comply with this paragraph may be rejected for filing by the Legal Registry of the Supreme Court.

## 32. Personal service of processes and documents

(1) The attention of solicitors is drawn to Order 62, Rule 2(1) of the Rules of Court, which provides:

> "Personal service must be effected by a process server of the Supreme Court or by a solicitor or a *solicitor's clerk whose name and particulars have been notified to the Registrar for this purpose*:
>
> Provided that the Registrar may, in a particular cause or matter, allow personal service to be effected by any other named person and shall, in that case, cause to be marked on the document required to be served personally, a

memorandum to that effect." [emphasis added.]

(2) Solicitors are required to notify the Legal Registry of the Supreme Court of the particulars of such clerks who have been authorised by them to serve processes and documents ("authorised process servers") by submitting a request to authorise user through the Electronic Filing Service. Where such authorised process servers are no longer so authorised, solicitors are to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Solicitors' clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.

(3) As personal service can be effected by a solicitor or a solicitor's clerk, Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.

(4) If there are special reasons requiring personal service by a Court process server, a Request for such service should be filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, a process server will be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.

(5) On the appointed date, the person accompanying the process server should call at the Legal Registry. The amount required for the transport charges of the process server (a record of which will be kept) should be tendered. Alternatively, the Legal Registry should be informed beforehand that transport for the process server will be provided. The Legal Registry will then instruct the process server to effect service.

(6) Under no circumstances should any payment be made directly to the process server.

## 33. Substituted service

(1) In any application for substituted service, the applicant should persuade the Court that the proposed mode of substituted service will probably be effectual in bringing the document in question to the notice of the person to be served.

(2) Two reasonable attempts at personal service should be made before an application for an order for substituted service is filed. In an application for substituted service, the applicant shall demonstrate by way of affidavit why he or she believes that the attempts at service made were reasonable.

(3) The applicant should, where appropriate, also consider other modes of substituted service, such as AR registered post or electronic means (including electronic mail or Internet transmission) in addition to or in substitution of substituted service by posting on doors or gates of residential and business premises.

(4) An application for substituted service by posting at an address or by AR registered post should contain evidence (for example, relevant search results from the Inland Revenue Authority of Singapore, the Singapore Land Authority, the Housing & Development Board or the Accounting and Corporate Regulatory Authority) that the person to be served is resident or can be located at the property.

(5) For the avoidance of doubt, substituted service by AR registered post is deemed to be effected when the postal service has delivered the document, or attempted to deliver the document (in cases where no one is present or willing to accept the document).

(6) If substituted service is by electronic mail, it has to be shown that the electronic mail account to which the document will be sent belongs to the person to be served and that it is currently active.

(7) An application for substituted service by advertisement (in one issue of the Straits Times if the person to be served is literate in English, or one issue of the Straits Times and one issue of one of the main non-English language newspapers where his language literacy is unknown) should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.

## 34. Endorsements on originating processes and other documents

(1) Where it is necessary to include endorsements on any document, the directions in this paragraph shall apply.

(2) Endorsements are normally made on originating processes and other documents to show renewal, amendments and authorisation for service of the document in question. Such endorsements on originating processes and other documents do not require the Registrar's signature as they are made pursuant to either an order of Court or the Rules of Court. The Registrar should therefore not be asked to sign such endorsements.

(3) For documents that are filed through the Electronic Filing Service as electronic forms composed online:

(a) Solicitors should select the appropriate endorsement, and check the accuracy of the electronic form in the preview stage before filing the originating process or other document. The acceptance by the Registry of electronic forms composed online does not affect the regularity of any endorsements on the document.

(b) Where endorsements can be made prior to the filing or issuance of a document, those endorsements shall be incorporated into the document before the document is filed or issued.

(c) Where endorsements must be made on a document which has already been filed or issued, a fresh copy of the document containing the relevant endorsements shall be prepared, and the document must be re-filed or re-issued, as the case may be. An example of this would be renewals of writs of summons.

## 35. Amendment of documents

Application

(1) The directions in this paragraph shall apply to documents and pleadings filed in any proceedings.

Amendment of any document

(2) Where a document is required to be amended and filed in Court, a fresh copy of the document with the amendments included must be prepared, regardless of the number and length of the amendments sought to be made.

(3) The procedure for amending a document is as follows:

(a) A fresh amended copy of the document should be produced.

(b) The number of times the document has been amended shall be indicated in parentheses after the name of the document. It should therefore be entitled "\[document name\] (Amendment No. 1)" or "\[document name\] (Amendment No. 2)", or as appropriate.

(c) The changes made in the document from the latest version of the document filed in Court should be indicated in the following way:

(i) deletions shall be made by drawing a single line across the words to be deleted; and

(ii) insertions shall be underlined.

(4) The directions in sub-paragraph (3)(b) shall not apply to originating summonses and summonses amended from an *inter partes* application to an *ex parte* application or *vice versa*.

(5) The directions in sub-paragraph (3)(c) shall not apply to the originating processes, summonses and other electronic forms

that are composed online through the Electronic Filing Service.

Amendment of pleadings

(6) The directions in sub-paragraphs (2) and (3) shall apply to the amendment of pleadings. A Statement of Claim which is amended for the first time should be filed as “Statement of Claim” (Amendment No. 1)”, and a Defence that is amended for the second time should be filed as “Defence (Amendment No. 2)”.

***COLOUR SCHEMES FOR AMENDMENTS***

(7) The following colours shall be used to indicate the history of the amendments in pleadings:

(a) black for the first round of amendments;

(b) red for the second round of amendments;

(c) green for the third round of amendments;

(d) blue for the fourth round of amendments; and

(e) brown for subsequent rounds of amendments.

***AMENDMENT FOR THIRD TIME OR MORE***

(8) From the *third round* of amendments onwards, the amended pleading should comprise two versions of the document:

(a) a clean version without the amendments shown; followed in the same document by

(b) a version showing the amendments in colour.

Only one amended pleading consisting of these two versions is required to be filed.

***Amendment endorsements on electronic forms***

(9) Order 20, Rule 10(2) of the Rules of Court requires that an amended pleading or other document be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date thereof, and if no such order was made, the number of the Rule in Order 20 in pursuance of which the amendment was made. Where electronic forms are amended, the amendment endorsement shall take either one of the following forms:

(a) By order of court made on \[date order was made\]; or

(b) Pursuant to Order 20, Rule \[cite specific rule number\].

(10) The amendment endorsement shall be appended to the title of the electronic form, after the amendment number as required under sub-paragraph (3)(b) above. Where an electronic form is amended more than once, the endorsement need only cite the basis for the most recent amendment. For example,

> Originating Summons (Amendment No 3, by order of court made on 1 January 2013)
>
> Writ of Summons (Amendment No 1, pursuant to O 20, r 3)

(11) The date of the electronic form shall reflect the date on which the document is amended.

## 35A. Pleadings

(1) The attention of advocates and solicitors is drawn to the pleading requirements laid down by the Court of Appeal in the case of *Sembcorp Marine Ltd v PPL Holdings Pte Ltd and anor* [2013] SGCA 43 for disputes involving a contextual approach to the construction of a contract.

(2) In particular, the Court of Appeal made the following observations at paragraph 73 of the judgment:

> (a) parties who contend that the factual matrix is relevant to the construction of the contract must plead with specificity each fact of the factual matrix that they wish to rely on in support of their construction of the contract;
>
> (b) the factual circumstances in which the facts in sub-paragraph (2)(a) were known to both or all the relevant parties must also be pleaded with sufficient particularity;
>
> (c) parties should in their pleadings specify the effect which such facts will have on their contended construction; and
>
> (d) the obligation of the parties to disclose evidence would be limited by the extent to which the evidence is relevant to the facts pleaded in sub-paragraphs (2)(a) and (2)(b).

# Part IIIA: Alternative Dispute Resolution



## 35B. Overview of Alternative Dispute Resolution (ADR) for civil cases

(1) This Part of the Practice Directions applies only to civil cases in the General Division, the Appellate Division and the Court of Appeal.

(2) It is the professional duty of advocates and solicitors to advise their clients about the different ways their disputes may be resolved using an appropriate form of ADR.

(3) The guidelines in Appendix I to these Practice Directions on advising clients about ADR shall apply.

(4) ADR should be considered at the earliest possible stage in order to facilitate the just, expeditious and economical disposal of civil cases. This is especially where ADR may save costs, achieve a quicker resolution and a surer way of meeting their client's needs.

(5) The attention of advocates and solicitors as well as all parties is drawn to Order 59, Rule 5(c) of the Rules of Court, which provides that:

> The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account — … the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution …

Advocates and solicitors should advise their clients on potential adverse costs orders for any unreasonable refusal to engage in ADR.

## 35C. ADR Offer and Response to ADR Offer

(1) A party who wishes to attempt mediation or any other means of dispute resolution should file and serve on all relevant parties an ADR Offer in Form 28 of Appendix A of these Practice Directions.

(2) An ADR Offer may be made by any party at any time of the proceedings and shall be valid for a period of 14 days after its service.

(3) Within 14 days after service of the ADR Offer, the relevant parties shall file and serve a Response to ADR Offer in Form 29 of Appendix A of these Practice Directions, failing which they shall be deemed to be unwilling to attempt ADR without providing any reasons.

(4) If all the parties are willing to attempt ADR, directions may be given by the court in relation to the relevant civil case, including an adjournment of pending proceedings in court with stipulated timelines for the completion of the ADR process.

(5) In exercising its discretion as to costs, including costs of any claim or issue in any proceedings or of the entire action, the court may consider all the relevant circumstances of the case, including the ADR Offer and the Response to ADR Offer.

# Part IV: Interlocutory Applications



## 36. Distribution of applications

All applications in Chambers (including summonses and summonses for directions) shall be filed without specifying whether the application is to be heard before a Judge in person or the Registrar.

## 37. Filing of summonses

***All interlocutory applications to be made by summons***

(1) The former Form 10 of Appendix A of the Rules of Court (Notice of Motion) has been deleted with effect from 1 January 2006. All interlocutory applications are to be made by way of summons.

***"Ex parte" and "by consent" summonses***

(2) Ordinary summonses shall be endorsed "*ex parte*", or "by consent", and when so endorsed must bear a certificate to that effect signed by all the solicitors concerned. Any summons that is not so endorsed will be regarded as a contentious matter liable to exceed a hearing duration of 10 minutes.

(3) After the filing of any "*ex parte*" or "*by consent*" summons, the application will be examined by the Judge or Registrar as the case may be. If he is satisfied that the application is in order and all other requirements have been complied with, he may make the order(s) applied for on the day fixed for the hearing of the application without the attendance of the applicant or his solicitor.

(4) Summonses that are filed using the Electronic Filing Service will be routed to the inbox of the applicant solicitor's Electronic Filing Service account. Where the summons is filed through the service bureau, it may be collected at the service bureau. Enquiries by telephone will not be entertained.

## 37A. Filing of Distinct Applications in Separate Summonses

(1) Where a party intends to make more than one distinct substantive application in a cause or matter, he must file each application in a separate summons. Distinct applications should not be combined in a single summons, unless they are inextricably or closely linked, or involve overlapping or substantially similar issues. For example, it can be envisaged that applications for:

(a) extension or abridgment of time;

(b) amendment of pleadings, summons, etc.; and

(c) costs may be closely linked to other more substantive applications.

(2) In addition, applications should not contain alternative prayers when the alternative prayers sought in effect amount to distinct applications. For example, a party should not make an application for further and better particulars on particular issues, and in the alternative, interrogatories on different issues. In such a case, separate summonses should be filed. In contrast, the following is an example of alternative prayer which may be permitted:

> In the defendant's summons setting out a prayer for the striking out of certain paragraphs of the Statement of Claim, the defendant may include an alternative prayer for the plaintiff to be ordered to amend those paragraphs of the Statement of Claim.

(3) Any summons that is not in compliance with this paragraph may be rejected by the Legal Registry of the Supreme Court. The Court may also direct the party to file separate summonses before proceeding with the hearing or proceed with the hearing on the solicitor's undertaking to file further summonses for the distinct applications.

## 38. Summonses to be heard in open Court

(1) Order 32, Rule 11 of the Rules of Court provides that all summonses shall be heard in Chambers, subject to any provisions in the Rules of Court, written law, directions by the Court and practice directions issued by the Registrar.

(2) The following applications are examples of summonses to be heard in open Court pursuant to written law:

(a) applications for an order declaring the dissolution of a company void (Rule 5(1)(c) of the Companies (Winding Up) Rules or Rule 6(1)(c) of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020;

(b) applications under paragraph 97 of the Fifth Schedule to the Limited Liability Partnerships Act (Cap. 163A) (Rule 5(1)(c) of the Limited Liability Partnerships (Winding Up) Rules);

(c) applications for an order declaring the dissolution of a variable capital company void (Rule 6(1)(c) of the Variable Capital Companies (Winding Up) Rules 2020) or an order declaring the dissolution of a sub-fund void (Rule 6(1)(d) of the Variable Capital Companies (Winding Up) Rules 2020);

(d) applications for the committal of any person to prison for contempt in relation to the winding up of a company under the Companies Act (Cap. 50) (Rule 5(1)(d) of the Companies (Winding Up) Rules), in relation to the winding up of a limited liability partnership (Rule 5(1)(d) of the Limited Liability Partnerships (Winding Up) Rules) or in relation to the winding up of a variable capital company (Rule 6(1)(e) of the Variable Capital Companies (Winding Up) Rules 2020);

(e) applications to rectify the register of members of a company under the Companies Act (Cap. 50) (Rule 5(1)(e) of the Companies (Winding Up) Rules);

(f) applications to rectify the register of partners of a limited liability partnership (Rule 5(1)(e) of the Limited Liability Partnerships (Winding Up) Rules); and

(g) applications to rectify the register of members kept by a variable capital company (Rule 6(1)(f) of the Variable Capital Companies (Winding Up) Rules 2020).

(3) In addition to any provisions in the Rules of Court or other written law, and subject to further directions made by the Court, the Registrar hereby directs that the following applications by summons shall be heard in open Court:

(a) applications for mandatory ***orders***, ***prohibiting orders*** or ***quashing orders*** under Order 53, Rule 2;

(b) issuance of summonses for order for review of ***detention*** under Order 54, Rule 2;

(c) applications to the Court of Appeal in appeals under Order 57, Rule 16 and applications to the Appellate Division in appeals under Order 56A, Rule 17;

(d) applications for remedies where property protected by a caveat is arrested under Order 70, Rule 6;

(e) applications for orders for damages caused by caveats against the release of property under arrest under Order 70, Rule 13;

(f) applications for judgment for failure to file a preliminary act under Order 70, Rule 18;

(g) applications for judgment by default under Order 70, Rule 20;

(h) applications for orders of priority of claims against the proceeds of sale of a ship under Order 70, Rule 21;

(i) applications in a pending action for apportionment of salvage under Order 70, Rule 32;

(j) applications for objections to a decision on a reference under Order 70, Rule 42;

(k) applications under the Patents Act (Cap. 221) under Order 87A, Rule 11(6);

(l) applications for legal officers or non-practising solicitors to be struck off the roll under section 82A(10) of the Legal Profession Act (Cap. 161);

(m) applications for an order that a solicitor be struck off the roll, etc. under section 98(1) of the Legal Profession Act;

(n) applications for the committal of a person to prison for contempt in relation to the winding up of a company under

section 124 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018); and

(o) applications to rectify the register of members of a company under section 152 of the Insolvency, Restructuring and Dissolution Act 2018.

## 39. Summonses for directions

(1) The principal intention of the summons for directions is to ensure that there is a thorough stocktaking of the issues in an action and the manner in which the evidence should be presented at a trial, with a view to shortening the length of the trial and saving costs generally.

(2) Parties should have completed their discovery of documents by the time of the first hearing of the summons for directions. There should be full discovery on either side.

(3) Parties should also make all interlocutory applications at the hearing of the summons for directions.

## 40. Transfer of proceedings to the State Courts

Where a claim in the General Division which may have initially exceeded $250,000 is subsequently reduced below this amount, solicitors should bring this to the attention of the Registrar and apply by summons or at the hearing of the summons for directions for an order that the action be transferred to a State Court for trial under section 54C of the State Courts Act (Cap 321), which provides:

***General power to transfer from General Division of High Court to State Courts***

54C. — (1) A party to any civil proceedings pending in the General Division of the High Court may for any sufficient reason at any time apply to the General Division of the High Court for an order that the proceedings be transferred to a State Court.

(2) Subject to subsection (3), the General Division of the High Court may, if it thinks fit, and on such terms as it sees fit, and either on its own motion or on application, order that the proceedings be transferred accordingly notwithstanding any other provision of this Act.

(3) An order under subsection (2) may only be made in respect of such proceedings as could have been commenced in the State Court to which the application relates, if the value of the claim had been within the District Court limit or the Magistrate's Court limit, as the case may be.

*Explanation* — The fact that the proceedings fall within the civil jurisdiction of the State Courts would not, by itself, ordinarily constitute sufficient reason for transferring the proceedings to the State Courts, if enforcement overseas is intended of any judgment obtained in the General Division of the High Court under any enforcement arrangements currently in force.

## 41. *Ex parte* applications for injunctions

(1) Order 29, Rule 1 of the Rules of Court provides that an application for the grant of an injunction may be made *ex parte* in cases of urgency. However, the cases of *Castle Fitness Consultancy Pte Ltd v Manz* [1989] SLR 896 and *The 'Nagasaki Spirit'* (No 1) [1994] 1 SLR 434 take the position that an opponent to an *ex parte* application, especially where the application seeks injunctive relief, should be invited to attend at the hearing of the application.

(2) In view of this, any party applying *ex parte* for an injunction (including a *Mareva* injunction) must give notice of the

application to the other concerned parties prior to the hearing. The notice may be given by way of facsimile transmission or telex, or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the leave of the Court, the party shall give a minimum of two hours' notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and the nature of the relief sought. If possible, a copy of the originating process, the *ex parte* summons and supporting affidavit(s) should be given to each of the other parties in draft form as soon as they are ready to be filed in Court. At the hearing of the *ex parte* application, in the event that some or all of the other parties are not present or represented, the applicant's solicitors should inform the Court of:

(a) the attempts that were made to notify the other parties or their solicitors of the making of the application; and

(b) what documents were given to the other parties or their solicitors and when these documents were given; and

(c) whether the other parties or their solicitors consent to the application being heard without their presence.

(3) The directions set out in sub-paragraph (2) need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the *ex parte* application. However, in such cases, the reasons for not following the directions should be clearly set out in the affidavit prepared in support of the *ex parte* application.

## 42. *Mareva* injunctions and search *orders*

(1) Pursuant to Order 32, Rule 9 of the Rules of Court, the Honourable the Chief Justice has directed that applications for *Mareva* injunctions and for search orders, whether made on an *ex parte* or *inter partes* basis, should be heard by a Judge in person. For the avoidance of doubt, all other *ex parte* applications for interim injunctions may be heard by a Registrar.

(2) Applicants for *Mareva* injunctions and search orders are required to prepare their orders in accordance with the following forms in Appendix A of these Practice Directions:

(a) Form 6: Search order;

(b) Form 7: worldwide *Mareva* injunction; and

(c) Form 8: *Mareva* injunction limited to assets within the jurisdiction.

When composing the summons electronic form online through the Electronic Filing Service, these Forms shall be prepared in Portable Document Format (PDF) and attached to the summons electronic form.

(3) The language and layout of the forms are intended to make it easier for persons served with these orders to understand what they mean. These forms of orders should be used save to the extent that the Judge hearing a particular application considers there is a good reason for adopting a different form. Any departure from the terms of the prescribed forms should be justified by the applicant in his supporting affidavit(s).

(4) The applicant should undertake not to inform any third party of the proceedings until after the return date.

(5) Wherever practicable, applications should be made sufficiently early so as to ensure that the Judge has sufficient time to read and consider the application in advance.

(6) On an *ex parte* application for either a *Mareva* injunction or a search order, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by a payment to be made into Court, a bond to be issued by an insurance company with a place of business within Singapore, a written guarantee to be issued from a bank with a place of business within Singapore or a payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

**Applications for search orders**

(7) It was suggested in *Universal Thermosensors Ltd v Hibben* [1992] 1 WLR 840 at 861 that the order be served by a supervising solicitor and carried out in his presence and under his supervision.

(a) The supervising solicitor should be an experienced solicitor who is not a member or employee of the firm acting for the applicant and who has some familiarity with the operation of search orders. The evidence in support of the application should include the identity and experience of the proposed supervising solicitor. These guidelines are equally applicable in the local context and the Judge in his discretion may, in appropriate cases, require a supervising solicitor.

(b) Where the premises are likely to be occupied by an unaccompanied woman, at least one of the persons attending on the service of the order should be a woman.

(c) Where the nature of the items removed under the order makes this appropriate, the applicant will be required to insure them.

## 42A. Documents in support of *ex parte* applications for injunctions (including *Mareva* injunctions) and search orders

(1) Without prejudice to the requirements stated in Paragraphs 41 and 42 of these Practice Directions, in order to assist the Court hearing *ex parte* applications for injunctions (including *Mareva* injunctions) and search orders, an applicant must include in the affidavit prepared in support of the application the following information under clearly defined headings:

(a) Reason(s) the application is taken out on an *ex parte* basis, including whether the applicant believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;

(b) Urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;

(c) Factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the opponent dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the opponent;

(d) Factual basis for any reasonable defences that may be relied on by the opponent;

(e) Whether the applicant is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of jurisdiction, and if so, whether any application relating to these issues has been or will be made;

(f) An undertaking to pay for losses that may be caused to the opponent or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and

(g) Any other material facts which the Court should be aware of.

(2) An applicant must prepare skeletal submissions on the points to be raised at the hearing of the *ex parte* application. At the hearing, the applicant shall give a copy of the skeletal submissions to the Court and to any opponent present. As soon as possible after the hearing, the applicant shall file the skeletal submissions in Court.

(3) The Court may also require the applicant to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the court documents on any opponent who is not present at the hearing or within a reasonable time after the service of the court documents.

## 43. Applications for discovery or interrogatories against network service providers

(1) This paragraph applies to applications made under Order 24, Rule 6(1) or Order 26A, Rule 1(1) of the Rules of Court:

(a) by an owner or exclusive licensee of copyright material against a network service provider for information relating to the identity of a user of the network service provider's primary network who is alleged to have infringed the copyright in the material in relation to an electronic copy of the material on, or accessible through, the network service provider's primary network; or

(b) by the performer of a performance against a network service provider for information relating to the identity of a user of the network service provider’s primary network who is alleged to have made an unauthorised use of the performance in relation to an electronic recording of the material on, or accessible through, the network service provider’s primary network.

(2) An application referred to in sub-paragraph (1) shall be made in Form 4 (originating summons) of Appendix A of the Rules of Court.

(3) If the applicant requires an urgent hearing date, the onus shall lie on the applicant to attend before the Duty Registrar to highlight the nature of the application and to request that the application be fixed for hearing on an urgent basis.

(4) In sub-paragraph (1)(a), the words “electronic copy”, “material”, “network service provider” and “primary network” have the same meanings as in section 193A(1) of the Copyright Act (Cap. 63).

(5) In sub-paragraph (1)(b), the words “electronic recording”, “network service provider”, “performance” and “primary network” have the same meanings as in section 246(1) of the Copyright Act.

## Part V: Discovery and Inspection of Electronically Stored Documents

- Requests for the supply of copies
- Applications for the supply of copies

53. Discovery by the supply of copies in lieu of inspection

54. Restriction on use of privileged document, inspection of which has been inadvertently allowed

55. Costs

## 44. Introduction

(1) This Part provides a framework for proportionate and economical discovery, inspection and supply of electronic copies of electronically stored documents. This Part or any portion thereof applies (a) by mutual agreement of all the parties in the cause or matter or (b) when the Court so orders, either on its own motion or on application by a party. A party that seeks to rely on this Part must cite the relevant paragraph(s) in any request or application made hereunder.

(2) Parties should consider the application of this Part or any portion thereof in the following cases:

(a) where the claim or the counterclaim exceeds $ 1 million;

(b) where documents discoverable by a party exceeds 2,000 pages in aggregate; or

(c) where documents discoverable in the case or matter comprise substantially of electronic mail and/or electronic documents.

(3 ) For the avoidance of doubt, this Part applies to pre-action discovery, discovery between parties in a pending cause or matter, and third-party discovery.

***Location of electronically stored documents***

(4) Electronically stored documents may reside in storage management systems, folders or directories in storage locations, electronic media or recording devices, including folders or directories where temporarily deleted files are located (for example, the Recycle Bin folder or Trash folder). Electronically stored documents or parts thereof may also reside in the unallocated file space or file slack on an electronic medium or recording device as deleted files or file fragments which may be recovered through the use of computer forensic tools or techniques.

***Meaning of "metadata information"***

(5) Metadata information refers to the non-visible and not readily apparent information embedded in or associated with electronically stored documents and may include both application metadata, which is created by the application software used to create the electronic documents, and system metadata, which is created by the operating or storage system. Examples of application metadata include hidden columns or text, formatting and display codes, formulae, prior edits and editorial comments; examples of system metadata include data relating to creation, modification and access of the electronic document, its size, file format and storage location, and other document profile information like title, author, subject and keywords or tags. Metadata information may be stored internally within the electronically stored document or externally in a separate file or database. Externally stored metadata information shall be discoverable as separate documents.

***Meaning of "not reasonably accessible documents"***

(6) Electronically stored documents which are not reasonably accessible include:

(a) deleted files or file fragments containing information which may be recovered only through the use of computer

forensic tools or techniques; and

(b) documents archived using backup software and stored off-line on backup tapes or other storage media.

***Meaning of "forensic inspection"***

(7) A forensic inspection of an electronic medium or recording device means a reasonable search of the electronic medium or recording device for the purpose of recovering deleted electronic documents, which may extend to a forensic examination of the unallocated file space or file slack of the electronic medium or recording device using computer forensic tools and/or techniques.

## 45. Electronic discovery plans during general discovery

(1) Within two weeks after the close of pleadings, parties are encouraged to collaborate in good faith and agree on issues relating to the discovery and inspection of electronically stored documents. Such issues may include the scope and/or any limits on documents to be given in discovery, whether parties are prepared to make voluntary disclosures, whether specific documents or class of documents ought to be specifically preserved, search terms to be used in reasonable searches, whether preliminary searches and/or data sampling are to be conducted and the giving of discovery in stages according to an agreed schedule, as well as the format and manner in which copies of discoverable documents shall be supplied. Parties are encouraged to have regard to the list of issues at Appendix E Part 1 (Check list of issues for good faith collaboration) in their discussions. Parties should exchange their checklists prior to commencing good faith discussions.

(2) An electronic discovery plan may take the form set forth in Appendix E Part 1. Parties may include the agreed electronic discovery plan in the summons for directions. The Court shall consider the adequacy of the agreed electronic discovery plan and may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter. The agreed electronic discovery plan, as amended by such order or direction of the Court as the case may be, shall form part of the order under the summons for directions to be extracted for the action.

(3) If parties are unable to agree on an electronic discovery plan, the party seeking discovery of electronically stored documents under this Part may make an application to court. The application must include a draft electronic discovery plan and must be supported by affidavit providing an account of the attempts made by parties to collaborate in good faith to agree on an electronic discovery plan.

## 46. Discovery of metadata information

(1) Internally stored metadata information shall be discoverable as part of the electronically stored document in which it is embedded. Externally stored metadata information shall be discoverable separately from the electronically stored documents or class of electronically stored documents that it is associated with. Unless a request for discovery specifies that discovery of externally stored metadata information of the requested electronically stored documents is required, the party providing discovery shall not be required to discover externally stored metadata information.

(2) An application for discovery of externally stored metadata information of any electronically stored document or class of electronically stored documents must be supported by an affidavit showing that a request for such externally stored metadata information had been made previously.

## 47. Reasonable searches for electronically stored documents

(1) A class of electronically stored documents may be described by specifying or describing a search term or phrase to be used in a search for electronically stored documents which shall be reasonable in scope ("reasonable search"). A request for

the giving of discovery by describing a class of electronically stored documents with reference to search terms or phrases must specify or describe limits on the scope of the search; such limits shall include at least the following:

(a) specifying or describing custodians and repositories, eg physical or logical storage locations, media or devices; and

(b) specifying the period during which the requested electronically stored documents were created, received or modified.

(2) Subject to paragraph 48 (Proportionality and economy), requests for reasonable searches shall not extend to electronically stored documents which are not reasonably accessible unless the conditions in this paragraph are met. A party requesting a reasonable search for electronically stored documents which are not reasonably accessible must demonstrate that the relevance and materiality of the electronically stored documents justify the cost and burden of retrieving and producing them.

(3) The obligations of a party responding to a request for reasonable search for electronically stored documents is fulfilled upon that party carrying out the search to the extent stated in the request and disclosing any electronically stored documents located as a result of that search. The party giving discovery shall not be required to review the search results for relevance.

***Applications to Court***

(4) An application for discovery of any electronically stored document or class of electronically stored documents which specifies or describes a search term or phrase to be used in a reasonable search for electronically stored documents must specify or describe limits on the scope of the search to be conducted.

(5) An application for discovery of any electronically stored document or class of electronically stored documents which specifies or describes a search term or phrase to be used in a reasonable search for electronically stored documents which are *not reasonably accessible* must:

(a) specify or describe limits on the scope of the search to be conducted; and

(b) be supported by an affidavit demonstrating that the relevance and materiality of the electronically stored documents sought to be discovered justify the cost and burden of retrieving and producing them.

***Review for the purpose of asserting privilege***

(6) Nothing in this paragraph shall prevent the party giving discovery from reviewing the discoverable electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents shall not extend to the intentional deletion, removal or alteration of metadata information. Review for the purpose of asserting privilege must, unless otherwise agreed by parties or ordered by the Court, be concluded within fourteen (14) days after the search results are made available to the party giving discovery.

## 48. Proportionality and economy

Order 24, Rules 7 and 13 of the Rules of Court states that an order for discovery and production of documents for inspection shall not be made unless such order is necessary either for disposing fairly of the cause or matter or for saving costs. The matters to which regard shall be had, in determining whether an application under this Part is proportionate and economical, shall include:

(a) the number of electronic documents involved;

(b) the nature of the case and complexity of the issues;

(c) the value of the claim and the financial position of each party;

(d) the ease and expense of retrieval of any particular electronically stored document or class of electronically stored documents, including—

(i) the accessibility, location and likelihood of locating any relevant documents,

(ii) the costs of recovering and giving discovery and inspection, including the supply of copies, of any relevant documents,

(iii) the likelihood that any relevant documents will be materially altered in the course of recovery, or the giving of discovery or inspection; and

(e) the availability of electronically stored documents or class of electronically stored documents sought from other sources; and

(f) the relevance and materiality of any particular electronically stored document or class of electronically stored documents which are likely to be located to the issues in dispute.

## 49. Form of list

(1) The following matters shall be included in any list of documents made pursuant to the giving of discovery in accordance with this Part in which electronic documents are enumerated:

(a) the name of the electronic file constituting or containing the electronic document; and

(b) the file format of the electronic document.

(2) An electronic copy of an electronically stored document which reflects that document accurately, or which has been manifestly or consistently acted on, relied upon or used as an accurate copy of that electronic document may be identified in the list of documents as an original.

(3) Where the party giving discovery objects to the production of certain discoverable electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, he must state in the list of documents whether he objects to the production of the electronic documents without the internally stored metadata information. If he does not object to the production of the electronic documents without the internally stored metadata information, he must enumerate the electronic documents in Part 1 of Schedule 1 to the list of documents. In any event, he must enumerate such documents in a separate section in Part 2 of Schedule 1 to the list of documents and shall state that he objects to the production of the whole or part of the internally stored metadata information of these documents.

(4) Reasonable efforts shall be made to remove duplicated documents from the list of documents. A document shall be considered a duplicate of another if the contents of both (including metadata information) are identical. The use of a hashing function to identify duplicates shall be deemed to be reasonable effort.

(5) If copies of electronic documents are supplied in one or more read-only optical disc(s) or other storage medium, the party giving discovery shall provide a further list, at the time when such copies are supplied, stating the following:

(a) the storage format of the optical disc or storage medium; and

(b) if there are multiple optical discs or storage media, a list of electronic documents stored on each optical disc or storage medium.

(6) An index of documents enumerated in a list of documents referred to in sub-paragraph (1) or (4) above shall be provided in an electronic, text searchable and structured format. In the absence of parties' agreement, this index or load file shall be

provided in a delimited text file in the Comma Separated Value (or 'CSV') file format.

## 50. Inspection of electronically stored documents

(1) A party required to produce electronically stored documents for inspection under Order 24 of the Rules of Court shall provide reasonable means and assistance for the party entitled to inspection to inspect the electronically stored documents in their native format.

(2) Where the inspecting party wishes to take copies of electronically stored documents produced for inspection, his request to take copies shall comply with the procedures set forth in paragraph 52(3) – (6) (Supply of copies of electronically stored documents).

***Inspection of computer databases***

(3) An inspection protocol shall be adopted by parties for inspections of computer databases, in order to ensure that the party entitled to inspection has access only to records therein that are necessary, and is not allowed to trawl through the entire computer database.

(4) An application for inspection of a computer database shall include an inspection protocol. On the hearing of an application for an order for the inspection of a computer database, the Court shall have the power to review the adequacy of the inspection protocol and may make such order or give such direction as it thinks fit for the just, expeditious and economical disposal of the cause or matter.

(5) Nothing in this paragraph shall prevent the party producing computer databases for inspection from reviewing the discoverable records or the results of any reasonable search for the purpose of identifying privileged records before such records are produced for inspection. However, such review for the purpose of identifying privileged documents shall not extend to the intentional deletion, removal or alteration of metadata information. Review for the purpose of asserting privilege must, unless otherwise ordered by the Court, be concluded within fourteen (14) days after the search results are made available to the party producing the electronic media or recording device.

## 51. Forensic inspection of electronic media or recording devices

(1) No request or application for the forensic inspection of any electronic medium or recording device shall be made unless discovery of that electronic medium or recording device has been given. A request or application for the discovery of an electronic medium or recording device may be made together with a request or application for forensic inspection of that electronic medium or recording device.

(2) A request or application for the forensic inspection of electronic media or recording devices shall include an inspection protocol, which may take the form found in Appendix E Part 3 (Protocol for forensic inspection of electronic media or recording devices), in order to ensure that the party entitled to inspection has access only to electronic documents that are necessary, and is not allowed to trawl through the entire electronic media or recording device.

(3) On the hearing of an application for an order for the forensic inspection of electronic media or recording devices, the Court shall have the power to review the adequacy of an inspection protocol and may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter.

(4) Nothing in this paragraph shall prevent the party producing electronic media or recording devices for forensic inspection from reviewing the discoverable electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents shall not extend to the intentional deletion, removal or alteration of metadata information. Review for the purpose of asserting privilege

must, unless otherwise ordered by the Court, be concluded within fourteen (14) days after the search results are made available to the party producing the electronic media or recording device.

## 52. Supply of copies of electronically stored documents

(1) Copies of discoverable electronically stored documents shall generally be supplied in the native format in which the requested electronic documents are ordinarily maintained and in one or more read-only optical disc(s).

(2) Metadata information internally stored in the native format of discoverable electronically stored documents shall not be intentionally deleted, removed or altered without the agreement of the parties or an order of Court. Where the party giving discovery objects to the production for inspection of certain discoverable electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, but does not object to the production of the electronic documents without the internally stored metadata information, copies of such documents may be supplied in a reasonably usable format with all or such of the metadata information over which privilege is claimed removed.

***Requests for the supply of copies***

(3) A request for copies of discoverable electronically stored documents may specify the format and manner in which such copies are to be supplied, If the party giving discovery does not agree with the specified format or manner or both, he may either:

> (a) propose a reasonably usable format and/or storage medium and/or a reasonable manner in which he intends to supply copies of the requested electronic documents; or
>
> (b) in default of agreement, supply copies of the requested electronic documents in accordance with sub-paragraph (1).

(4) The party giving discovery shall not be required to supply copies of electronically stored documents in more than one format.

(5) The file formats set forth in Appendix E Part 4 (Reasonably usable formats) shall be deemed to be reasonably usable formats for the purpose of this paragraph.

***Applications for the supply of copies***

(6) Applications for the supply of copies of discoverable electronically stored documents shall specify the format and manner in which copies of such electronic documents are to be supplied.

## 53. Discovery by the supply of copies *in lieu* of inspection

(1) Where the use of technology in the management of documents and conduct of the proceeding will facilitate the just, expeditious and economical disposal of the cause or matter, the Court may order, on its own motion or on application by a party, that discovery be given by the supply of electronic copies of discoverable electronically stored documents *in lieu* of inspection.

(2) An order for discovery made under this paragraph may take the following form:

> (a) Discovery of electronic mail and electronically stored documents which are in the parties' possession, power or custody be given by providing electronic copies in native format or one of the reasonably usable formats set forth in the Supreme Court Practice Directions, Appendix E Part 4 (Reasonably usable formats);

(b) Electronic mail in Microsoft Outlook or Lotus Notes be provided in Personal Storage Table (PST) or Notes Storage Format (NSF), as the case may be, with all attachments intact, and that the electronic mail from each custodian be supplied in a single PST or NSF file;

(c) Electronic copies of discoverable electronically stored documents be supplied using one or more read-only optical disc(s), unless parties agree to an alternative storage medium (eg, removable flash storage or hard disks) or manner (eg, online folders or directories);

(d) Discoverable electronically stored documents are to be organised into meaningful categories and copies of all electronically stored documents in each category are to be stored in a separate folder or directory in the optical disc or storage medium, and further, for sub-categories to be organised as sub-folders or -directories;

(e) Enumeration of electronically stored documents in the list of documents is to be dispensed with, but a meaningful description is to be provided for each category or sub-category in the list of documents instead;

(f) All documents in the parties' possession, power or custody that are in printed or paper form are to be digitised and processed using Optical Character Recognition (OCR) software programs to render the digitised documents searchable, and further, electronic copies are to be supplied in Portable Document Format (PDF) or in any other reasonably usable format (as parties may agree) in accordance with the terms of this Order;

(g) Parties are to exchange electronic copies of discoverable documents together with a list of documents in accordance with paragraph 49 (Form of list) of Part V of the Supreme Court Practice Directions, as modified by this Order, within fourteen days of this Order;

(h) Inspection be deferred and that Order 24, Rule 10 applies to the list of documents as though it was a pleading or an affidavit; and

(i) The time for objections under Order 27 be ordered to run from the date of exchange of electronic copies in paragraph (f) herein or the date of inspection, if any, whichever is the later.

(3) For the avoidance of doubt, nothing in this paragraph requires parties to agree to adopt an electronic discovery plan or conduct reasonable searches for electronically stored documents under this Part. An order may be made under this paragraph in proceedings where parties have identified discoverable documents pursuant to the procedure set out in Order 24 of the Rules of Court.

## 54. Restriction on use of privileged document, inspection of which has been inadvertently allowed

Order 24, Rule 19 of the Rules of Court applies to the giving of discovery or inspection of electronically stored documents, including the supply of copies, as it would to the giving of discovery or inspection of any other document.

## 55. Costs

(1) Save for orders made in respect of third party or pre-action discovery, the costs of complying with an order for discovery or inspection of electronically stored documents shall generally be borne by the party giving discovery; and disbursements incurred in providing copies shall be reimbursed by the party requesting for copies.

(2) The Court may invoke its inherent powers under Order 92, Rules 4 and 5 of the Rules of Court to order the party entitled to discovery to bear the whole or part of the costs of compliance with an order for discovery or inspection of electronically stored documents, if such order is necessary to prevent injustice or to prevent an abuse of the process of the Court.

# Part VI: Evidence - Witnesses, Affidavits and Exhibits



## 56. Witnesses

***Issuance of subpoenas***

(1) An application for a subpoena shall be made by way of filing a subpoena in Form 67 in Appendix A of the Rules of Court. The subpoena is deemed to be issued when it is sealed by an officer of the Registry pursuant to Order 38, Rule 14(2).

(2) The previous practice of filing a Request to issue a subpoena is discontinued.

***Release of witness upon completion of evidence***

(3) Every witness will be released by the Court upon completion of his evidence and it is the duty of counsel to apply to the Court if counsel desires the witness to remain.

## 56A. Giving of evidence by person outside Singapore through live video or live

## television link in any proceedings (other than proceedings in a criminal matter)

(1) Any application for leave for any person outside Singapore to give evidence by live video or live television link in any proceedings (other than proceedings in a criminal matter) must be made expeditiously and, in any case, unless the Court otherwise directs, not later than eight weeks before the date of commencement of the hearing at which the person is to give evidence.

(2) A party applying for leave for any person outside Singapore to give evidence by live video or live television link must take note of the relevant legislation and requirements in force in the foreign country or territory where the person is giving evidence. Certain countries or territories may impose prohibitions against, restrictions on, or requirements to obtain permission for or relating to, the giving of evidence by a person in that country or territory for court proceedings in a different country or territory. The party applying for leave must make all necessary enquiries, and take all necessary steps, to ensure that the foreign country or territory where the person is giving evidence raises no objection, to the giving of evidence in that country or territory for court proceedings in Singapore. This may be done by any means that the party considers appropriate, including:

(a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign country or territory;

(b) making enquiries with the relevant authorities; or

(c) obtaining permission from the relevant foreign country or territory, in accordance with any applicable procedure, for evidence to be given by a person located in that country or territory through a live video or live television link, if such permission is required.

(3) To avoid doubt, the proceedings mentioned in sub-paragraph (1) include all civil proceedings involving the examination of any person.

## 57. Form of affidavits

(1) Affidavits shall have a blank margin not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and double-spaced.

(2) When filing affidavits for use during a hearing of an interlocutory application, the number of the interlocutory application must be provided in the Electronic Filing Service in addition to the case number of the suit or matter.

(3) The textual portion of the affidavits, as opposed to the exhibits, must be printed on white paper.

(4) At the top right hand corner of the first page of every affidavit the following information shall be typed or printed in a single line:

(a) the party on whose behalf the affidavit is filed;

(b) the name of the deponent;

(c) the ordinal number of the affidavit in relation to the previous affidavits filed in the cause or matter by the deponent;

(d) the date the affidavit is to be filed;

For example, “2nd Deft; Tan Ah Kow; 4th; 15.12.2012”.

(e) for affidavits filed in respect of matrimonial proceedings under Part X of the Women’s Charter (Cap. 353),

(i) the top right hand corner of the first page of every affidavit shall also state whether the affidavit has been filed in respect of a summons (SUM), ancillary matters (AM) or originating summons (OS) hearing. If the affidavit

is filed in respect of a summons hearing, it shall state the number of the said summons, where the number is available. For example, “Respondent: Tan Ah Kow: 4th: 15.4.2012: AM hearing”; and “Respondent: Tan Ah Kow: 4th: 15.4.2012: SUM hearing: SUM no. 1234 of 2012”; and

(ii) the document name that is selected in the electronic filing service for an affidavit for ancillary matters hearing shall be “Affidavit for AM”.

(5) Every page of the affidavit (*including* separators and exhibits) shall be paginated consecutively, and the page number shall be inserted at the centre top of the page.

(6) Every affidavit which is filed in conjunction with a summons (but not those filed in conjunction with an originating summons) must have endorsed at the top left-hand corner of the first page of the affidavit the entered number of the summons.

(7) Hard copies of affidavits may be printed on one side or both sides of each page.

## 58. Non-documentary exhibits to affidavits

(1) Non-documentary exhibits (e.g., tapes, samples of merchandise, etc.) shall be clearly marked with the exhibit mark in such a manner that there is no likelihood of the exhibit being separated or misplaced. The affidavit should indicate that the exhibit (e.g., tapes, samples of merchandise, etc.) is a non-documentary exhibit and refer to it according to the relevant exhibit number.

(2) Where the exhibit consists of more than one item (e.g., CD-ROMs in a box) each and every such separate item of the exhibits shall similarly be separately marked with enough of the usual exhibit marks to ensure precise identification.

(3) Where it is impracticable to mark on the article itself, such article or the container thereof shall be tagged or labelled with the exhibit mark securely attached to the exhibit in such a manner that it is not easily removable.

(4) Very small non-documentary exhibits shall be enclosed or mounted in a sealed transparent container and tagged or labelled as aforesaid. An enlarged photograph showing the relevant characteristics of such exhibits shall, where applicable, be exhibited in the affidavit.

## 59. Documentary exhibits to affidavits

(1) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be inserted in appropriate places.

***More than 10 documentary exhibits***

(2) When there are more than 10 different documentary exhibits in an affidavit:

(a) there shall be a table of contents of the documentary exhibits inserted before the first of such exhibits enumerating every exhibit in the affidavit in the manner of the example set out below:

| **Reference in affidavit** | **Nature of Exhibit** | **Page No.** |
|---|---|---|
| "TAK-1" | Certificate of marriage | 6 |
| "TAK-2" | Certificate of birth | 7 |

and

(b) exhibits shall be set out in the sequence in which references are made to them in the affidavit.

***Pagination***

(3) Every page of the exhibits, *including cover pages, dividing sheets or separators between exhibits*, shall be consecutively numbered at the top right hand corner of each page, following from the page numbers of the affidavit (i.e. the first page of the exhibits shall take the number following the last sheet of the affidavit's main text). The page number of the affidavit must correspond to the page number in the Portable Document Format (PDF) version that is filed through the Electronic Filing Service.

***Dividing sheets***

(4) The exhibits in an affidavit shall be prefaced by a dividing sheet, marked, typed or stamped clearly with an exhibit mark as follows:

> "This is the exhibit marked [letter of the alphabet or a number] referred to in the affidavit of [name of the deponent] and sworn/affirmed before me this [date on which the affidavit is sworn or affirmed].
>
> Before me,
>
> SGD
>
> A Commissioner for Oaths"

***Bookmarks***

(5) Each exhibit in the affidavit must be separately bookmarked in the Portable Document Format (PDF) document that is filed. The names of the book-marks should follow the initials of the deponent of the affidavit, e.g., "TAK-1", "TAK-2".

***Numbering***

(6) Where a deponent deposes to more than one affidavit with exhibits in the same action, the numbering of the exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit. For instance, where a deponent in his first affidavit has marked two exhibits as "TAK-1" and "TAK-2", the first exhibit in his second affidavit should be marked as "TAK-3" instead of "TAK-1".

***References to exhibits in other affidavits***

(7) Where a deponent wishes to refer to documents already exhibited to another deponent's affidavit, he shall be required to exhibit them to his own affidavit pursuant to Order 41, Rule 11 of the Rules of Court, which provides as follows:

> ***Document to be used in conjunction with affidavit to be exhibited to it (O. 41, r. 11)***
> 11. —(1) Any document to be used in conjunction with an affidavit must be exhibited and a copy thereof annexed to the affidavit, unless the Court otherwise orders.
>
> (2) Any exhibit to an affidavit must be identified by a certificate of the person before whom the affidavit is sworn.
>
> The certificate must be entitled in the same manner as the affidavit and Rule 1 (1), (2) and (3) shall apply accordingly.

***Related documents***

(8) Related documents (e.g., correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with sub-paragraph (3) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

## 59A. Swearing and signing of affidavits in Singapore before, and completing of attestation by, commissioner for oaths through live video link or live television link

(1) A remote communication technology mentioned in Order 41, Rule 13(1) of the Rules of Court must be capable of creating a live video link or live television link through which a commissioner for oaths is able to do all of the things mentioned in Order 41, Rule 13(3) of the Rules of Court.

(2) For the purposes of Order 41, Rule 13(2) of the Rules of Court, the deponent and the commissioner for oaths may sign the affidavit electronically by applying a security procedure that results in a secure electronic signature under section 18 of the Electronic Transactions Act (Cap. 88).

(3) Where an affidavit is made pursuant to Order 41, Rule 13 of the Rules of Court, the affidavit should be made, as far as possible, as if the deponent were appearing before the commissioner for oaths in person, and the attestation must state that the affidavit was sworn (or affirmed) and signed in Singapore with the deponent appearing before the commissioner for oaths through a live video link or live television link, or that the affidavit was signed by the deponent and/or the commissioner for oaths electronically in Singapore, or both, as the case may be.

## 60. Swearing or affirming of documents by deponents who are blind or illiterate in English

(1) Rule 8 of the Commissioners for Oaths Rules (Cap. 322, Rule 3) restricts advocates and solicitors who are appointed as commissioners for oaths to taking affidavits or statutory declarations, or administering oaths, for deponents who speak and understand English. In view of this, many deponents who are illiterate in English are brought by solicitors to Supreme Court commissioners for oaths to swear or affirm affidavits and statutory declarations. As the Supreme Court commissioners for oaths are under a duty to ensure that the deponent understands the document being deposed to, they are obliged to interpret the document to intended deponents; this is also the case in relation to blind deponents. This necessary exercise may take a considerable time and may cause long delays for other persons who wish to take affidavits or statutory declarations before the Supreme Court commissioners for oaths.

(2) Accordingly, solicitors who wish to bring illiterate or blind deponents before the Supreme Court commissioners for oaths should first estimate the time that will be taken to interpret the document or documents to be deposed to. If it is estimated that the total time required for interpretation of the documents will be more than 20 minutes, the solicitor must contact the appropriate Supreme Court Head Interpreter and arrange for a special appointment for the documents to be sworn or affirmed. The solicitor should not bring the deponent before the duty commissioner for oaths without such an appointment.

(3) If an illiterate or a blind deponent is brought before the duty Supreme Court commissioner for oaths and the interpretation of the document or documents takes more than 20 minutes, the commissioner for oaths will refer the solicitor and the deponent to the appropriate Head Interpreter for a special appointment to be made for the documents to be deposed to.

(4) The appropriate Supreme Court Head Interpreter may be contacted at the following telephone numbers:

(a) Head Interpreter (Chinese) - 6332 3940.

(b) Head Interpreter (Indian) - 6332 3930.

(c) Head Interpreter (Malay) - 6332 3970.

## 61. Effect of non-compliance

Any affidavit or exhibit which does not comply with the directions contained in this Part may be rejected by the Court and made the subject of an order for costs.

## 62.Objections to the contents of affidavits of evidence-in-chief

(1) If, on an application for directions under Order 25, Rule 3 or Order 37, Rule 1 of the Rules of Court or otherwise, orders are made prescribing the time within which objection to the contents of affidavits of evidence-in-chief must be taken, the objections must be taken in accordance with the directions contained in this paragraph and not otherwise.

(2) Objections to the contents of affidavits of evidence-in-chief filed pursuant to an order of Court made under Order 25, Rule 3 or Order 37, Rule 1 or otherwise, must be taken by filing and serving a notice in Form 9 of Appendix A of these Practice Directions.

(3) The notice in Form 9 should set out all the objections to the contents of affidavits of evidence-in-chief that will be raised at the hearing of the cause or matter and all the grounds thereof.

(4) An adjudication on the material objected to in affidavits of evidence-in-chief filed pursuant to an order of Court should only be sought at the trial or hearing of the cause or matter for which the affidavits of evidence-in-chief were filed, and not before. If an adjudication is sought prior to the trial or hearing of the cause or matter, the application for the adjudication will be adjourned to be dealt with at the trial or hearing of the cause or matter, and the applicant may be ordered to pay the costs of the adjournment.

## 63. Order 41 of the Rules of Court

(1) For the avoidance of doubt, the provisions of Order 41 of the Rules of Court shall continue to apply.

(2) The attention of solicitors is drawn especially to Order 41, Rule 1(4):

> Every affidavit must be expressed in the first person and, unless the Court otherwise directs, must state the place of residence of the deponent and his occupation or, if he has none, his description, and if he is, or is employed by, a party to the cause or matter in which the affidavit is sworn, the affidavit must state that fact:
>
> Provided that in the case of a deponent who is giving evidence in a professional, business or other occupational capacity the affidavit may, instead of stating the deponent's place of residence, state the address at which he works, the position he holds and the name of his firm or employer, if any.

Non-compliance with any of the requirements of Order 41, Rule 1(4) may result in an order of costs being made against the solicitor personally.

## 63A. Lead Counsel's Statement on Trial Proceedings

(1) For every case proceeding to trial in the General Division, each party shall file and serve a Lead Counsel's Statement in Form 9A of Appendix A of these Practice Directions to provide a list of issues for trial and an accurate estimation of the trial days needed after taking into account the time needed for the examination of each witness. The Lead Counsel's Statement shall be filed and served within one week after objections to affidavits of evidence-in-chief are taken, unless the Court

otherwise directs.

## Part VII: Fixing of Matters for Hearing



### 64. Waiting time for the hearing of matters

(1) The average waiting times between the filing of certain processes or other steps in the proceedings and the date for the hearing or pre-trial conference of the matter are set out in Appendix B of these Practice Directions. Solicitors are directed to take note of these waiting times as they must be ready to proceed at the end of the relevant period. The average waiting times in Appendix B do not apply to special date fixings.

(2) This paragraph shall apply to both civil and criminal proceedings.

### 65. Requesting a hearing date through the Electronic Filing Service

(1) When filing applications through the Electronic Filing Service, solicitors may be permitted to make a request for a preferred hearing date for the following classes of applications:

(a) interlocutory applications to be heard before Registrars;

(b) bankruptcy applications; and

(c) winding up applications.

(2) Solicitors should confer with all parties to the application before selecting a preferred hearing date. Counsel arguing the application for all parties should be available to attend the hearing on the date selected.

(3) In the event that it is not possible to confer with opposing counsel on a preferred hearing date, whether due to the nature or urgency of the application or otherwise, solicitors shall select a date where counsel arguing the application for the applicant will be available.

### 66. Fixing of hearing dates

(1) To assist the Registrar at the fixing of hearing dates, solicitors should provide updated information as to the current status of the cause or matter, including the prospects of settlement and any other developments which are likely to affect the length of the trial. In order to facilitate a more realistic assessment of the time required for the hearing, they will also be required to inform the Registrar of the number of witnesses they intend to call, the estimated amount of time required for each party to cross-examine all the opposing party's witnesses and the estimated total length of hearing.

(2) Solicitors who attend the fixing should be fully acquainted with the cause or matter being fixed for hearing. They should

preferably be the solicitor having conduct of the cause or matter.

(3) Solicitors must attend the fixing. It is not acceptable for their clerks to attend in their stead.

(4) The attention of solicitors is drawn to Order 34, Rule 5 of the Rules of Court, which provides:

> It shall be the duty of all parties to an action entered in any list to furnish without delay to the Registrar all available information as to the action being or being likely to be settled, or affecting the estimated length of the trial, *and, if the action is settled or withdrawn, to notify the Registrar of the fact without delay.*
>
> [emphasis added]

(5) Further, parties are to note that any request for an early hearing date for any application, cause or matter is subject to the discretion and availability of the Court. In deciding when to fix an application, cause or matter for hearing or render its decision in any application, cause or matter, the Court is not obliged to give effect to any private agreement between parties on timelines and hearing dates.

## 67. Adjournment or vacation of trial dates and part-heard cases

(1) Where dates have been fixed for the trial of any cause or matter, any request for an adjournment or vacation of the trial dates shall be made to the Court by way of summons with a supporting affidavit, even in those cases where counsel for the other party or parties consent to the adjournment.

(2) Subject to any directions of the Court, when a case is adjourned, the Registrar shall assign such days as are available for the hearing of the case, and counsel will be expected to take the dates at short notice.

(3) In the event that the hearing of a case is not concluded within the number of days allotted, the Court may direct the hearing of the case to continue beyond the allotted time, rather than adjourning the case part-heard to another date. Counsel for parties in all cases should therefore be prepared to continue with the hearing of the matter notwithstanding the fact that the time originally allotted may have expired.

## 68. Adjournment or vacation of hearings other than trials

(1) Before solicitors make a Request through the Electronic Filing Service to the Court for an adjournment or vacation of any hearings other than trials, they should seek the consent of the other party or parties to the matter. Unilateral requests made without first seeking the consent or views of the other party or parties to the matter will not be entertained, except in the most exceptional circumstances.

(2) Subject to sub-paragraph (3) below, the Request electronic form should be filed through the Electronic Filing Service at least 2 working days before the hearing, setting out the reasons for the requested adjournment or vacation of hearings.

(3) Where an adjournment of any matter before the Court of Appeal or the Appellate Division is sought, the Request in electronic form should be filed through the Electronic Filing Service as soon as practicable after the sitting in which the matter is scheduled to be heard has been assigned and notified to the parties. Where there is a delay in the making of the request, the reason or reasons for the delay must be provided with the request. Any request for an adjournment on account of counsel's diaries will not readily be acceded to.

(4) If the consent of all other parties to the matter is obtained, a letter stating that all parties have consented to the requested adjournment or vacation of hearings may be attached to the Request electronic form. However, this does not mean that the Request will be granted as a matter of course. The Court will still evaluate the merits of the Request before making its decision.

(5) If the consent of one or more of the other parties is not obtained, the letter should set out the reasons for the other parties' objections, or explain why the consent of one or more of the other parties cannot be obtained. Any relevant correspondence between the parties should also be attached to the Request electronic form. The Court will then evaluate the contents of the Request and the relevant correspondence before deciding whether the requested adjournment or vacation of hearings should be allowed.

(6) In any other case, solicitors on record for all parties must attend before the Court to make an application for an adjournment. See also paragraph 13 of these Practice Directions.

## Part VIII: Documents and Authorities For Use In Court



### 69. Filing of documents and authorities for use in Court

(1) Subject to any directions in these Practice Directions to the contrary, in particular paragraphs 71(3) and 104, all documents for use at any hearing in Court must be filed using the Electronic Filing Service at least 1 clear day in advance of the hearing. These documents include written submissions, skeletal arguments, bundles of documents, bundles of pleadings, bundles of affidavits, core bundles and all opening statements.

(2) In the event that it is not possible to file the documents in advance of the hearing, counsel may apply to the Judge or

Registrar conducting the hearing for leave to use paper documents during the hearing. The paper documents may be printed on one side or both sides of each page. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must also give an undertaking to file using the Electronic Filing Service all the documents used at the hearing by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

***Bundle of authorities***

(3) Bundles of authorities may be filed, served, delivered or otherwise conveyed using the Electronic Filing Service. A party may also choose not to file bundles of authorities and may instead use these for hearings in paper form according to the directions in this Part.

(4) The party using the paper copy of the bundle of authorities shall bear the onus of producing the bundle at every hearing at which it is required. The paper copy of the bundle of authorities may be printed on one side or both sides of each page. The Court will neither retain nor undertake to produce for hearings the paper copy of the bundle. The Judge or Registrar may, if he or she so chooses, retain the paper copy of the bundle of authorities for his or her own reference. The paper copy so retained will not, however, form part of the Court's record in respect of the proceedings in which it was used.

(5) Counsel must adhere to the following directions when preparing bundles of authorities for use in Court. These requirements shall also apply to paragraphs 71 to 73 of these Practice Directions:

> (a) The bundle of authorities shall have a table of contents immediately after the first title page. Where the bundle of authorities consists of more than one volume, each volume shall have a table of contents clearly indicating the authorities that are contained in that volume.
>
> (b) The items in the table of contents shall be numbered sequentially, and bound in the order in which they are listed.
>
> (c) The table of contents shall contain a concise statement of the relevance of each authority to the specific issues before the Court. The relevance of each authority shall be succinctly expressed and comprise no more than 3 sentences. The statement shall be set out immediately after the name of the case. For example:

> Cartier International BV v Lee Hock Lee and another application
>
> [1992] 3 SLR 340
>
> Relevance: Where the Court is asked to punish an alleged contemnor by incarceration, the charge against him must be proved to the high standard required in a criminal charge.
>
> Rickshaw Investments Ltd and another v Nicolai Baron von Uexkull \[2007\] 1 SLR(R) 377
>
> Relevance: Choice of law considerations are relevant even when determining the natural forum to hear a dispute.

(6) The Court may reject bundles of authorities that are not in compliance with sub-paragraph (5) above, and in exercising its discretion as to costs, take such non-compliance into account.

(7) Where electronic bundles of authorities are filed through the Electronic Filing Service, the following shall apply:

> (a) A bookmark should be created in the Portable Document Format (PDF) file for each authority in the bundle.
>
> (b) The name given to each bookmark should be the same as the table of contents.
>
> (c) The page number of each printed bundle must correspond to the page number in the Portable Document Format

(PDF) version of that bundle. Each separate bundle of documents shall start at page 1 and every page shall be numbered consecutively.

## 70. Bundle of documents filed on setting down

(1) Order 34, Rule 3 of the Rules of Court requires a bundle containing certain documents to be filed together with the notice for setting down. The documents in the bundle should be included in the order in which these appear in Order 34, Rule 3(1):

> **Filing documents when setting down (O. 34, r. 3)**
> 3. —(1) The party setting down an action for trial must file with the Registrar, a notice for setting down an action for trial in Form 61 together with a bundle for the use of the Judge consisting of one copy of each of the following documents:
>
> (a) the writ;
>
> (b) the pleadings (including any affidavits ordered to stand as pleadings), any notice or order for particulars and the particulars given; and
>
> (c) all orders made on the summons for directions.

(2) In addition, parties should endeavour to file a core bundle of documents. This core bundle should comprise only documents that are relevant to the hearing in question, or which will be referred to in the course of the hearing.

(3) These documents must be prepared in an electronic format. If there are other documents, the relevance of which is uncertain, these documents should be included and any objections taken before the trial Judge.

***Directions for electronic creation and filing of bundles of documents***

(4) The following directions shall apply to the filing of bundles:

> (a) Index pages shall be prepared. Bookmarks should be created in the Portable Document Format (PDF) file for each such reference in the index. There should be as many book-marks in that PDF file as there are references in the index to documents in that PDF file.
>
> (b) The name given to each bookmark should be the same as the corresponding reference in the index.
>
> (c) The various PDF documents should be arranged chronologically or in some logical order.
>
> (d) The page number of each bundle of documents must correspond to the page number in the Portable Document Format (PDF) version of that bundle. Each separate bundle of documents shall start at page 1 and every page shall be numbered consecutively.

(5) For proceedings using the Electronic Filing Service, a bundle of documents may be created online and filed through the Electronic Filing Service. The electronic bundle shall be created in Portable Document Format (PDF). The electronic bundle may contain:

> (a) documents in the electronic case file; and
>
> (b) documents that have been uploaded into the electronic case file by solicitors or other persons given access to the shared folder in the electronic case file.

## 71. Documents for use in trials of writ actions in open Court

(1) This paragraph shall apply to trials in open Court of:

(a) writ actions; and

(b) originating summonses ordered to be continued as if the cause of action had been begun by writ.

(2) Order 34, Rule 3A of the Rules of Court requires the originals of the affidavits of the evidence-in-chief of all witnesses, a bundle of documents and the opening statements to be filed not less than 5 working days before the trial of an action. In addition, to improve the conduct of civil proceedings and to reduce the time taken in the presentation of cases in Court, the respective solicitors of the parties shall also prepare a bundle of authorities, which shall also be filed and served along with the documents on all relevant parties.

***Only opening statement to be filed through the Electronic Filing Service***

(3) The opening statement must be filed in Court as a *separate document* using the Electronic Filing Service. With the exception of opening statements, the following documents need not be filed through the Electronic Filing Service:

(a) The affidavits of the evidence-in-chief of all witnesses and the bundle of documents may be tendered to the Legal Registry of the Supreme Court in hard copy together with an electronic copy stored on a CD-ROM in Portable Document Format (PDF) and complying with the provisions of this paragraph.

(b) A party may choose not to include the bundles of authorities in the CD-ROM and may instead tender it in hard copy.

(4) Any Court fees payable, pursuant to Appendix B of the Rules of Court, on filing the documents in this sub-paragraph, shall be payable at the cashier at the Legal Registry. Parties should, when making payment at the cashier, indicate to the cashier the precise number of pages which comprise the documents.

(5) Payment of the Court fees on such documents should be made before the documents are filed in Court in compliance with Order 34, Rule 3A. As such, the hard copy of documents tendered to Court should show, on the front page, the amount of Court fees paid on the document.

(6) The electronic copy must tally in all respects with the hard copy, as it will be uploaded into the case file by the Legal Registry staff and will form part of the electronic case file. The page numbers of the hard copy must correspond to the page numbers in the Portable Document Format (PDF) version. Unnecessarily large electronic files should not be submitted. Parties should adhere as far as possible to the guidelines set out on the Electronic Filing Service website (www.elitigation.sg) on the resolution to be used when scanning documents into PDF.

(7) In the event that parties elect to electronically file such documents, they must nevertheless tender a bundle of these documents to the Legal Registry in hard copy. It shall not be necessary to pay any additional Court fees in respect of the hard copy in such circumstances.

***Timeline for filing documents***

(8) Parties are to note that the timeline in Order 34, Rule 3A (ie. not less than 5 days before the trial) is to be adhered to strictly, and that it will in particular apply to the electronic copy on CD-ROM and the filing of the opening statement as a separate document.

(9) At the trial of the cause or matter, an adjournment may be ordered if:

(a) the documents or any of them (save for the opening statement in cases where it is not required or dispensation was granted) were not filed and served within the prescribed time or at all; or

(b) one party seeks to tender any of the above documents or supplements thereto (except for supplements to the opening statement at the trial of the cause or matter).

(10) If an adjournment is ordered for any of the reasons set out in sub-paragraph (9), the party in default may be ordered to bear the costs of the adjournment.

***Bundles of documents***

(11) The bundle of documents required to be filed by Order 34, Rule 3A should be paginated consecutively throughout at the top right hand corner and may be printed on one side or both sides of each page.

(a) An index of contents of each bundle in the manner and form set out in Form 10 of Appendix A of these Practice Directions must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.

(b) Under Order 34, Rule 3A(3) it is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.

(c) The documents in the bundles should:

(i) be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;

(ii) have flags to mark out documents to which repeated references will be made in the course of hearing. Such flags shall bear the appropriate indicium by which the document is indicated in the index of contents. Flags shall be spaced out evenly along the right side of the bundle so that, as far as possible, they do not overlap one another; and

(iii) be legible. Clear and legible photocopies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.

(d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.

(e) Only documents which are relevant or necessary for the trial shall be included in the bundles. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary documents, the Court will have no hesitation in making a special order for costs against the relevant person.

(f) A core bundle should also be provided, unless one is clearly unnecessary. The core bundle should contain the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should not only be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

***Bundles of authorities***

(12) In addition to requirements set out in paragraph 69(5) of these Practice Directions, the bundle of authorities must:

(a) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;

(b) be arranged in the following order – statutes in alphabetical order of the title, subsidiary legislation in alphabetical order of the title, cases in alphabetical order of the case name, secondary materials (such as textbooks and articles) in alphabetical order of the last name of the author, and any other materials in alphabetical order of the title or last name of the author as is appropriate;

(c) be properly bound with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;

(d) have flags to mark out the authorities. Such flags shall bear the appropriate indicium by which the authority is

referred to. Flags shall be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another;

(e) be paginated consecutively at the top right hand corner of each page. Pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle; and

(f) contain an index of the authorities in that bundle and be appropriately flagged for easy reference; and

(g) be legible. Clear legible photocopies of original authorities may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.

(13) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

***Opening statements***

(14) A proper opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. The need for brevity is emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose.

(a) Opening statements will be required from all parties in all cases commenced by writ in the General Division, except where dispensation has been granted by the Court and in motor vehicle accident actions.

(b) All opening statements must include the following:

(i) the nature of the case generally and the background facts insofar as they are relevant to the matter before the Court and indicating which facts, if any, are agreed;

(ii) the precise legal and factual issues involved are to be identified with cross-references as appropriate to the pleadings. These issues should be numbered and listed, and each point should be stated in no more than one or two sentences. The object here is to identify the issues in dispute and state each party's position clearly, not to argue or elaborate on them;

(iii) the principal authorities in support of each legal proposition should be listed, while the key documents and witnesses supporting each factual proposition should be identified;

(iv) where there is a counterclaim or third party action, the opening statement must similarly address all issues raised therein; and

(v) an explanation of the reliefs claimed (if these are unusual or complicated).

(c) In cases where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court will have no hesitation in making a special order for costs against the relevant person.

(d) The following format shall be adhered to when preparing opening statements:

(i) all pages shall be paginated, with the first page (including the cover page) numbered as 'Page 1' so that the page numbers of the hard copy correspond to the page numbers in the Portable Document Format (PDF) version;

(ii) the minimum font size to be used is Times New Roman 12 or its equivalent;

(iii) the print of every page shall be double spaced;

(iv) each page may be printed on one side or both sides; and

(v) every page shall have a margin on all 4 sides, each of at least 35 mm in width.

(e) All opening statements should not exceed 20 pages (including all annexes and appendices, but excluding the cover page and backing page).

(f) Opening statements may be amended at trial, but counsel will be expected to explain the reasons for the amendments.

## 72. Bundles of authorities for other open Court hearings

(1) In all criminal proceedings and civil and criminal appeals heard in open Court in the General Division, counsel shall submit their own bundle of authorities. In this regard, paragraph 71(12) to (13) shall, *mutatis mutandis*, be complied with.

(2) In all criminal proceedings and civil and criminal appeals heard in open Court in the Court of Appeal, all civil appeals heard in open Court in the Appellate Division, as well as all disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act and the Medical Registration Act which are heard by a Court of 3 Judges, counsel shall submit a soft copy of the bundle of authorities in Adobe Portable Document Format (PDF) together with the other documents required to be submitted under paragraph 88(3).

(3) With regard to soft copy bundles of authorities, the requirements set out in paragraphs 69(5), 71(12)(a), 71(12)(b) and 71(13) shall be complied with. The soft copy bundle of authorities shall contain electronic bookmarks to each case therein, bearing the name of each of the cases for easy electronic access. The page numbers of any hard copy bundle of authorities must correspond to the page numbers in the Portable Document Format (PDF) version.

## 73. Hearings in Chambers

(1) In all hearings in Chambers before a Judge or Registrar, counsel shall submit their own bundles of documents (where necessary) and bundles of authorities. Order 34, Rule 3A of the Rules of Court and the requirements of paragraph 71(11) to (13) shall, *mutatis mutandis*, be complied with in this regard, save that the bundles may be submitted at the hearing itself before the Judge or Registrar, as the case may be.

(2) The party using the paper copy of the bundle of authorities should file through Electronic Filing Service a list of authorities to be used at least one clear day in advance of the hearing. In the event that it is not possible for the party to do so, he must explain to the Judge or Registrar conducting the hearing why it was not possible for him to do so and must also undertake to file the list of authorities using Electronic Filing Service by the next working day after the hearing.

## 73A. Written submissions and bundles of authorities for special date hearings

(1) For any contested special date hearing before a Judge sitting in the General Division, each party shall:

(a) submit to the Court and serve on the other party a hard copy of the following documents at least 1 clear day in advance of the hearing

(i) written submissions; and

(ii) bundle of authorities (which are in compliance with the requirements under paragraphs 69(5), 71(12) to (13) of these Practice Directions); and

(b) file a soft copy of his written submissions using the Electronic Filing Service no later than 1 working day after the

hearing.

(2) If any party does not intend to rely on written submissions at the contested hearing referred to in sub-paragraph (1) above (e.g., where the hearing does not involve complex issues), the party should seek the Court's approval for a waiver by way of a Request using the Electronic Filing Service at least 7 days before the hearing.

(3) This paragraph does not apply to any hearing before a Judge which is fixed on the normal list. However, parties are encouraged to adhere to the directions set out in sub-paragraph (1) above if the application will be contested. In the event that this is not done, the Judge may adjourn the hearing to enable the filing of written submissions or bundle of authorities if appropriate.

(4) For any special date hearing before a Registrar, any party who wishes to rely on written submissions at the hearing is required to comply with sub-paragraph (1) above.

(5) This paragraph does not apply to any hearings for which specific directions on the filing of written submissions or bundle of authorities are provided for in these Practice Directions.

## 74. Citation of judgments

(1) The Honourable the Chief Justice has directed that counsel who wish to cite a judgment as authority in support of their oral or written submissions shall adhere to the following directions. These directions are intended to provide guidance to advocates and solicitors as to (a) the extent to which it is necessary to deploy both local and foreign judgments in support of their case; and (b) the practice of citing such judgments.

***Use of judgments as authorities in submissions***

(2) Counsel who cite a judgment must state the proposition of law that the judgment establishes and the parts of the judgment that support that proposition. Such statements should not excessively add to the length of the submission but should be sufficient to demonstrate the relevance of that judgment to the argument made. Where counsel wish to cite more than two judgments as authority for a given proposition, there must be a compelling reason to do so, and this reason must be provided by counsel in the submissions.

(3) The Court will also pay particular attention to any indication in the cited judgment that the judgment (i) only applied decided law to the facts of the particular case; or (ii) did not extend or add to the existing law.

***Use of judgments from foreign jurisdictions***

(4) Judgments from other jurisdictions can, if judiciously used, provide valuable assistance to the Court. However, where there are in existence local judgments which are directly relevant to the issue, such judgments should be cited in precedence to foreign judgments. Relevant local judgments will be accorded greater weight than judgments from foreign jurisdictions. This will ensure that the Courts are not unnecessarily burdened with judgments made in jurisdictions with differing legal, social or economic contexts.

(5) In addition, counsel who cite a foreign judgment must:

(a) draw the attention of the Court to any local judgment that may be relevant to whether the Court should accept the proposition that the foreign judgment is said to establish; and

(b) ensure that such citation will be of assistance to the development of local jurisprudence on the particular issue in question.

***Citation practice***

(6) Counsel who cite a judgment must use the official series of the law report(s) or, if the official series is not available, any other law report series in which the judgment was published. Counsel should refrain from referring to (or including in the bundle of authorities) copies of judgments which are printed out from electronic databases, unless (a) such judgments are not available in any law report series; or (b) the print-outs are the exact copies of the judgments in the law report series.

The following are examples of law reports that should be used for citation:

| Jurisdiction | Law Reports (in order of preference) |
|---|---|
| (a) Singapore | 1. Singapore Law Reports (2010 - ) (SLR current series)<br><br>2. Singapore Law Reports (Reissue) SLR (R))<br><br>3. Singapore Law Reports (1965-2009) (SLR 1965-2009)<br><br>4. Malayan Law Journal (MLJ) |
| (b) Malaysia | Malayan Law Journal (MLJ) |
| (c) England & Wales | 1. Law Reports published by the Incorporated Council of Law Reporting (e.g. Queen's Bench (QB), Appeal Cases (AC), Chancery (Ch), Family (Fam), Probate (P)<br><br>2. Weekly Law Reports (WLR)<br><br>3. All England Law Reports (All ER) |
| (d) Australia | 1. Commonwealth Law Reports (CLR)<br><br>2. Australian Law Reports (ALR) |
| (e) Canada | 1. Supreme Court Reports (SCR)<br><br>2. Federal Court Reports (FC)<br><br>3. Dominion Law Reports (DLR) |
| (f) New Zealand | New Zealand Law Reports (NZLR) |

(7) Counsel should, where possible, make specific citations by referring to the paragraph number of the judgment, and not to the page number of the judgment or report. For consistency, square brackets ([xx]) should be used to denote paragraph numbers. The paragraph mark (¶) should no longer be used.

The neutral citation system for local judgments

(8) A neutral citation is a Court-approved system of citation which is independent of the series of law reports or other

publication, and unique to each written judgment. Each written judgment from a particular level of Court is assigned a sequential number, starting from 1 at the beginning of each calendar year. The application of the system is as follows:

(a) Cases reported in the Singapore Law Reports shall be cited using their Singapore Law Reports citations, in priority to their neutral citations.

(b) Unreported decisions shall be cited using their neutral citations.

**COURT DESIGNATORS**

SGCA – Singapore Court of Appeal

SGHC(A) – Singapore High Court (Appellate Division)

SGHC – Singapore High Court (before 2 January 2021) or Singapore High Court (General Division) (on or after 2 January 2021)

SGHCR – Singapore High Court Registrar (before 2 January 2021) or Singapore High Court (General Division) Registrar (on or after 2 January 2021)

**EXAMPLE AND EXPLANATION**

ABC Co Pte Ltd v XYZ Co Ltd [2003] SGCA 5, at [3], [8].
Year of the decision : [2003]
Level of Court : SGCA (Singapore Court of Appeal)
Sequential Number : 5 (fifth written judgment rendered by the Court of Appeal in 2003)
Paragraph Number(s): Paragraphs 3 and 8 of the judgment

**Ancillary provisions**

(9) The Court in exercising its discretion as to costs may, where appropriate in the circumstances, take into account the extent to which counsel has complied with this practice direction in the citation of judgments before the Court.

(10) It will remain the duty of counsel to draw the attention of the Court to any judgment not cited by an opponent, which is adverse to the case being advanced.

(11) In addition, counsel should also comply with paragraphs 71(12) and 71(13) when preparing bundles of authorities for use in trials of writ actions in open Court.

(12) This paragraph applies to all hearings, whether in open Court or chambers, in the Supreme Court.

# Part IX: Judgments and Orders

- Interest on costs
- Pre-judgment interest
- Interest under Order 30, Rule 6(2)

77A. Consent judgments or orders involving disposition or transfer of property

## 75. Draft orders

(1) Order 42, Rule 8(1) and (2) of the Rules of Court place the burden of approving the drafts of *inter partes* judgments and orders on the solicitors themselves. The solicitors should therefore approve the drafts and not submit these drafts to the Registrar for approval.

(2) The Registrar's signature on a judgment or order is only for the purpose of validity and does not in any way affect the regularity or irregularity of the contents of any judgment or order.

(3) Subject to sub-paragraph (4), parties in *inter partes* applications should proceed to engross a final copy of the draft judgment for signature by the Registrar after agreeing on the draft. Draft orders of Court for *ex parte* applications may be submitted with the summons and the supporting affidavit when these are filed.

(4) For draft orders in electronic form that are composed online through the Electronic Filing Service, the process for extracting judgments and orders shall be as follows:

(a) Parties have the option of filing a system-generated order of court through the Electronic Filing Service.

(b) Before filing the system-generated order of court, the party extracting the order must:

(i) review and edit the order of court electronic form to ensure that it accurately reflects the orders made by the Court; and

(ii) obtain the approval of all other parties to the application and provide evidence of such approval when filing the draft order of court, for example, a Portable Document Format (PDF) copy of a draft order of court signed by the solicitors of all parties to the application.

(c) Where parties disagree over one or more terms of the order of court, the party filing the draft order of court shall be responsible for including in the order of court electronic form all versions of the disputed terms by editing the order of court electronic form. All relevant correspondence concerning the dispute must be provided when filing the draft order of court.

(d) The Registry will seal and issue an engrossed order of court once its terms are approved.

(5) Order 42, Rule 8(3), (4) and (5) shall continue to apply:

(a) In any case where the solicitors concerned are unable to agree upon the draft, any one of them may obtain an appointment before the Registrar by filing a Request through the Electronic Filing Service, of which notice shall be given to the other, to settle the terms of the judgment or order.

(b) For judgments or orders composed online through the Electronic Filing Service, any solicitor may ask the Registrar to settle the terms of the judgment or order. Such solicitor shall be responsible for including in the draft judgment or order electronic form all versions of the disputed terms by editing the judgment or order electronic form prior to seeking an audience before the Registrar.

(c) Every judgment or order shall be settled by the Registrar, but in the case of a judgment or order made by a Judge, any party may require the matter in dispute to be referred to the Judge for his determination.

(6) Where the other party has no solicitor, the draft shall be submitted to the Registrar.

## 76. Judgment in default of appearance or service of defence

(1) The previous practice of applying for a search for appearance and obtaining a certificate of non-appearance before judgment in default of appearance is entered is discontinued.

(2) The procedure for applying for judgment in default of appearance or service of defence will be by way of filing a Request to enter judgment in Form 79A together with the judgment in Form 79 of Appendix A to the Rules of Court. Solicitors' attention is drawn to Order 13, Rule 7(1) and Order 19, Rule 8A of the Rules of Court, which state:

> Judgment shall not be entered against a defendant under this Order unless a request to enter judgment in Form 79A is filed with the judgment in Form 79.

(3) For Requests to enter judgment electronic forms composed online through the Electronic Filing Service, a signed hard copy of the Request to enter judgment electronic form shall be retained by the solicitor concerned and produced to the Court when required by the Court to do so.

(4) In order to satisfy itself that a defendant is in default of appearance or service of defence, the Court may require an affidavit to be filed stating the time and manner service of the Writ of Summons was effected on the defendant, as well as the steps taken to ascertain that the defendant had failed to enter an appearance or serve a defence, as the case may be.

(5) For the avoidance of doubt, Requests for entry of default judgment shall be filed as a Portable Document Format (PDF) document for suits where the memorandum of service has been filed before 1 January 2013. For all other cases, the Request for entry of default judgment electronic form shall be composed online through the Electronic Filing Service.

## 77. Judgment Interest

***Interest rates in default judgments***

(1) The directions set out in sub-paragraphs (2) to (3) shall be observed when entering judgments in default of appearance or service of defence under Orders 13 and 19 respectively of the Rules of Court. These directions shall apply to such default judgments entered on or after 1 April 2007. (In respect of post-judgment interest for such default judgments under Order 42, Rule 12, please refer to sub-paragraph (4) below).

***Non-Contractual Interest***

(2) For non-contractual interest:

> (a) Pursuant to the Chief Justice's directions as provided for under Order 13, Rule 1(2) and Order 19, Rule 2(2), the rate of interest shall be 5.33% per annum until further notice.
>
> (b) The period of interest shall be from the date of the writ to the date of the judgment.
>
> (c) The total amount of interest payable need not be specified.

***Contractual Interest***

(3) For contractual interest:

> (a) For fixed or constant rate:

(i) The rate of interest provided for shall be specified.

(ii) The period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment.

(iii) The total amount of interest payable need not be specified.

(b) For fluctuating rate:

(i) There shall be an appendix attached to the judgment in the following form:

| | |
|---|---|
| Rate of interest | ..... % p.a. |
| Principal sum | $ |
| Period of interest | From ..... to ..... |
| Amount of interest | $ |
| Total amount of interest payable to date of judgment | $ |

(ii) The period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment.

(iii) The total amount of interest payable shall be specified in the judgment.

(c) Evidence of the agreement as to the rate of interest shall be attached to the judgment.

***Post-judgment interest***

(4) The directions set out in sub-paragraph (5) shall apply to judgments granted on or after 1 April 2007. The directions set out in sub-paragraph (5) shall also apply to judgments entered in default of appearance or service of defence under Orders 13 and 19 or in default of an order of Court (i.e. “unless” or peremptory orders) on or after 1 April 2007. For the avoidance of doubt, judgments granted on the said default judgments entered prior to 1 April 2007 will carry post-judgment interest at the rate of 6% per annum (or such lower rate as the Court has directed, or an agreed rate) for the entire period of accrual of interest.

(5) Pursuant to the Chief Justice’s directions as provided for under Order 42, Rule 12, unless it has been otherwise agreed between the parties, interest payable after the date of judgment shall be 5.33% per annum until further notice and calculated to the date of the judgment is satisfied. The Court retains the discretion under Order 42, Rule 12 to revise the default rate of interest to such other rate not exceeding the default rate on the facts of the individual case.

***Interest on costs***

(6) The directions set out in sub-paragraph (7) shall apply to costs where the commencement date under Order 59, Rule 37 is on or after 1 April 2007. For the avoidance of doubt, costs with commencement dates which are prior to 1 April 2007 will carry the default interest rate of 6% per annum for the entire period of accrual of interest.

(7) Pursuant to the Chief Justice’s directions as provided for under Order 59, Rule 37(1), interest payable from the relevant date(s) as stipulated in Order 59, Rule 37(1) shall be 5.33% per annum until further notice and calculated to the date of payment.

***Pre-judgment interest***

(8) The directions set out in sub-paragraph (9) shall apply to awards of interest for the period prior to judgment, such order being made on or after 1 April 2007.

(9) The Chief Justice has directed that solicitors may wish to submit to the Court to consider that the interest rate for the period prior to the date of judgment should be the default interest rate of 5.33% per annum. Solicitors should note that the Court retains the overriding discretion to depart from the default interest rate based on the facts of the individual case.

***Interest under Order 30, Rule 6(2)***

(10) The directions set out in sub-paragraph (11) shall apply to orders made under Order 30, Rule 6(2) for payment of interest on or after 1 April 2007.

(11) Pursuant to the Chief Justice's directions as provided under Order 30, Rule 6(2), the interest ordered by the Court on the sum shown by the receiver's account as due from him and which the receiver has failed to pay into Court shall be 5.33% per annum until further notice. Interest shall accrue for the period which the sum was in possession of the receiver.

## 77A. Consent judgments or orders involving disposition or transfer of property

(1) In any request or application for a consent judgment or order involving any disposition or transfer of property, parties must provide the following information to the Court:

(a) the owner of the property subject to disposition or transfer;

(b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;

(c) whether the property is subject to any encumbrances which would affect a disposition or transfer of the property; and

(d) any other relevant information which ought to be disclosed to the Court in granting the consent judgment or order.

(2) The Court may require the information in this paragraph to be provided by way of affidavit, including exhibiting the relevant searches where applicable.

# Part X: Enforcement of Judgments and Orders



## 78. Filing of writs of execution

(1) An application for a writ of execution shall be made by way of filing a writ of execution in Form 82, 83, 84 or 85 of Appendix A to the Rules of Court. The writ of execution is deemed to be issued when it is sealed by an officer of the Registry pursuant to Order 46, Rule 4.

(2) The previous practice of filing a Request to issue a writ of execution is discontinued.

## 79. Requests for the Sheriff's attendance

(1) Where any party requires the Sheriff or his bailiffs to:

(a) attend at the place of execution at any time after the first attendance, whether during or after office hours, for the purposes of executing a writ of execution or distress or to arrest a debtor,or any other purpose;

(b) to proceed with the auction of property under seizure; or

(c) to release property under seizure

he or she must do so by filing the requisite Request in Form 11 of Appendix A of these Practice Directions for attendance electronic form to the Sheriff through the Electronic Filing Service. A Request for attendance made in any other manner will not be acceded to.

(2) The fees prescribed by Appendix B to the Rules of Court will be payable in respect of any attendance by the Sheriff or his bailiffs pursuant to a Request made in Form 11.

## 80. Sale of immovable property

(1) If an execution creditor wishes to effect the sale of immovable property seized under a writ of seizure and sale, he shall file the requisite Request for sale electronic form to the Sheriff through the Electronic Filing Service stating the following:

(a) the date of registration (and expiry) at the Singapore Land Registry of the order of court/writ of seizure and sale on immovable property;

(b) that a copy of the order of court/writ of seizure and sale on immovable property has been served on the execution debtor, and the date of such service; and

(c) whether the immovable property is subject to any mortgage or charge, and if so, that the mortgagee or chargee consents to the sale.

(d) the names of 3 proposed law firms and/or solicitors, among whom the Sheriff will appoint 1 to act on its behalf in the sale of the immovable property.

(2) The Sheriff shall not be required to proceed with the sale if the immovable property is subject to a mortgage or charge and the execution creditor is unable to produce the written consent of the mortgagee or chargee to the sale.

(3) If the Sheriff proceeds with the sale of the immovable property, the Sheriff may appoint any solicitor on his behalf to settle the particulars and conditions of sale.

(4) The following applies to any sale of immovable property by the Sheriff:

(a) the Sheriff may require more than one valuation report to be submitted by a certified valuer before proceeding with the sale;

(b) the sale may be conducted by a licensed auctioneer and the immovable property may be offered for sale by way of private treaty, tender, auction or such other manner as the licensed auctioneer may advise;

(c) the immovable property shall not be sold at a price below the forced sale value as specified in the valuation report, or if there exists two or more valuation reports, in the latest valuation report; and

(d) the solicitor shall prepare all necessary conditions of sale, documentation, accounts and particulars on behalf of the Sheriff in accordance with the Sheriff’s directions, and shall be entitled to recover his legal fees and disbursements from the proceeds of sale as sheriff’s expenses.

## 80A. Examination of Judgment Debtor

(1) A questionnaire in the recommended format as set out in Form 11A or 11B of Appendix A of these Practice Directions (whichever is appropriate) shall be annexed to the Order for Examination of Judgment Debtor when the said Order is served on the Judgment Debtor or the officer of the Judgment Debtor if it is a body corporate (collectively known as "Judgment Debtor" for the purposes of this paragraph). The Judgment Creditor may modify the questions according to the circumstances of each case.

(2) If the Judgment Debtor is of the view that any question is unreasonable, he is to contact the Judgment Creditor to ascertain whether the issue can be resolved prior to the hearing.

(3) At the hearing, the answered questionnaire is to be produced to the Registrar and received as evidence upon the Judgment Debtor's confirmation on oath that his answers provided are true and correct. The Judgment Creditor may then apply to discharge the Judgment Debtor or proceed with further questioning.

(4) The Judgment Debtor need not attend at the examination hearing if:

(a) he is able to provide his answers to the questionnaire by way of an affidavit or statutory declaration; and

(b) the Judgment Creditor agrees to discharge the Order for Examination at the examination hearing.

# Part XI: Appeals and Hearings Before Court of 3 Judges

81. Application of this Part

82. Requests for further arguments before the Judge or Registrar

83. Civil appeals before the General Division from the State Courts

- Appeals under Order 55D of the Rules of Court
- Appeals from the Family Court
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84. Civil appeals before the General Division from tribunal or person under Order 55 of the Rules of Court

84A. Whether an appeal to the Appellate Division is to be heard by 2 or 3 Judges

85. Whether an appeal to the Court of Appeal is to be heard by a 2 or 3 Judge Court of Appeal

85A. Whether an appeal to the Court of Appeal is to be heard by 5 or any greater uneven number of Judges

85B. Leave of the Court of Appeal or the Appellate Division to receive further affidavits in relation to an application to strike out a notice of appeal

86. Quantum of security to be provided under Order 57, Rule 3(3) of the Rules of Court as in force immediately before 2 January 2021

86A. Appeals Information Sheet for civil appeals to the Court of Appeal and civil appeals to the Appellate Division

87. Filing of records of appeal, core bundles and written Cases for civil appeals under Order 56A, Rules 8 and 9 and Order 57, Rules 9 and 9A of the Rules of Court

87A. Request for leave to exceed page limit for Appellant's Case, Respondent's Case and Appellant's Reply for civil appeals to the Court of Appeal and civil appeals to the Appellate Division

87B. Requests for waiver or deferment of appeal court fees

88. Hard copies and soft copies for hearing of civil appeals before the Court of Appeal and civil appeals before the Appellate Division

89. Preparation of appeal records in civil appeals to the Court of Appeal and civil appeals to the Appellate Division

- Arrangement
- Pagination in soft copy
- Table of contents
- Spacing
- Core bundles – Order 56A, Rule 8(3) and Order 57, Rule 9(2A)
- Responsibility for good order and completeness of appeal records
- Superfluous, irrelevant or duplicative documents

89A. Bundle of documents filed with leave of the Court of Appeal or the Appellate Division

89B. Inclusion in appeal bundles of documents ordered to be sealed or redacted

90. Skeletal arguments for appeals and matters before the General Division, Appellate Division, Court of Appeal and Court of 3 Judges

- Skeletal arguments for civil matters before the Court of Appeal and civil matters before the Appellate Division
- Further skeletal arguments for civil and criminal matters before the Court of Appeal and civil matters before the Appellate Division
- Timelines for submission of skeletal arguments for appeal before the General Division
- Application of this paragraph to Court of 3 Judges

90A. Applications in civil matters before the Court of Appeal and civil matters before the Appellate Division

90B. Applications to the Court of Appeal, and applications to the Appellate Division, for leave to appeal in civil matters

91. Use of presentation slides for all proceedings before the General Division, Appellate Division, Court of Appeal and Court of 3 Judges

- Typeface
- Colours
- Animation and sounds
- Corporate logos

92. Further arguments before the Court of Appeal and the Appellate Division

92A. Lapse or cancellation of Grant of Aid under the Legal Aid and Advice Act and the Legal Aid and Advice Regulations

## 81. Application of this Part

(1) The directions in this Part shall, subject to sub-paragraph (2) below, *mutatis mutandis*, apply to appeals before the General Division, hearings before the Appellate Division, hearings before the Court of Appeal and disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act and the Medical Registration Act, which are heard by a Court of 3 Judges.

(2) Where disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act and the Medical Registration Act, are heard by a Court of 3 Judges, 1 hard copy each of the parties' written submissions, the record of proceedings, the originating summons and all affidavits filed in the originating summons shall be tendered, unless otherwise directed.

## 82. Requests for further arguments before the Judge or Registrar

(1) All requests for further arguments shall be made by way of Request filed through the Electronic Filing Service and should, either in the Request electronic form or a document attached thereto:

(a) state the party making the request;

(b) identify the Judge or Registrar who heard the matter in question;

(c) specify when the order concerned was made;

(d) state the provision of law under which the request is made;

(e) set out the proposed further arguments briefly, together with any authorities; and

(f) include a copy of each of the authorities cited.

(2) A copy of the request should be furnished to all parties concerned.

(3) All requests should be addressed to the Registrar.

## 83. Civil appeals before the General Division from the State Courts

***Appeals under Order 55D of the Rules of Court***

(1) In appeals under Order 55D of the Rules of Court, the appellant and the respondent are to tender one hard copy of the record of appeal and the Cases, as well as any bundle of authorities to be relied upon to the Legal Registry of the Supreme Court not less than 5 working days before the hearing of the appeal, to assist the Judge hearing the appeal.

***Appeals from the Family Court***

(2) Directions for appeals from the Family Court on ancillary matters in divorce proceedings, custody matters or proceedings pursuant to s 17A(2) of the Supreme Court of Judicature Act are set out at paragraph 142.

***Appeals from the Employment Claims Tribunal***

(3) In addition to any provisions in the Rules of Court or other written law, and subject to any further directions made by the Court, the Registrar hereby directs that appeals to the General Division from the Employment Claims Tribunal shall be heard in open Court.

## 84. Civil appeals before the General Division from tribunal or person under Order 55 of the Rules of Court

(1) Order 55, Rule 6(4) of the Rules of Court states that it is the appellant's duty to apply to the Judge or other person presiding at the proceedings in which the decision appealed against was given, for the signed copy of any note made by him of the proceedings and to furnish that copy for the use of the Court. For the avoidance of doubt, the onus is on the appellant to file a record of proceedings, comprising the signed copy of the notes of proceedings, and any further grounds of decision, in the General Division.

(2) The appellant and the respondent are to tender one hard copy of the notes of proceedings, grounds of decision and any skeletal arguments or bundles of authorities to be relied upon to the Legal Registry of the Supreme Court not less than 5 working days before the hearing of the appeal, to assist the Judge hearing the appeal.

(3) No affidavits shall be filed in respect of the appeal without the leave of court.

## 84A. Whether an appeal to the Appellate Division is to be heard by 2 or 3 Judges

(1) The time for an appellant to file the record of appeal, the Case and the core bundle of documents for hearing before the Appellate Division is 2 months after the service of the notice mentioned in Order 56A, Rule 7(3) of the Rules of Court where the appeal is to be heard by a 3 Judge Court, and one month after the service of that notice where the appeal is to be heard by a 2 Judge Court.

(2) To resolve any confusion or uncertainty over the issue of whether an appeal is to be heard by a 2 or 3 Judge Court, this issue will be determined by the Judge who heard the matter at first instance.

(3) The Judge of first instance will inform the Legal Registry of the Supreme Court of his decision on the issue mentioned in sub-paragraph (2), and the Legal Registry will inform the appellant in the notice mentioned in Order 56A, Rule 7(3) of the time for filing of the record of appeal, the Appellant's Case and the core bundle of documents, in accordance with whether the matter will be heard by a 2 or 3 Judge Court.

(4) If the Judge of first instance does not determine the issue of whether the appeal should be heard before a 2 or 3 Judge Court, or if the appellant should dispute the determination of the Judge of first instance, the matter will be referred to a Judge sitting in the Appellate Division, whose determination is final. An appellant who wishes to dispute the determination of the Judge of first instance must, within 7 days after the service of the notice mentioned in Order 56A, Rule 7(3), inform the Legal Registry by filing a Request.

## 85. Whether an appeal to the Court of Appeal is to be heard by a 2 or 3 Judge Court of Appeal

(1) The time for an appellant to file the record of appeal, the Case and the core bundle of documents for hearing before the Court of Appeal is 2 months after the service of the notice referred to in Order 57, Rule 5(2) of the Rules of Court where the appeal is to be heard by a 3 Judge Court, and one month after the service of that notice where the appeal is to be heard by a 2 Judge Court.

(2) To resolve any confusion or uncertainty over the issue of whether an appeal is to be heard by a 2 or 3 Judge Court of Appeal, this issue will be determined by the Judge who heard the matter at first instance.

(3) The Judge of first instance will inform the Legal Registry of the Supreme Court of his decision on the issue mentioned in sub-paragraph (2), and the Legal Registry will inform the appellant in the notice referred to in Order 57, Rule 5(2) of the time for filing of the record of appeal, the Appellant's Case and the core bundle of documents, in accordance with whether the matter will be heard by a 2 or 3 Judge Court of Appeal.

(4) If the Judge of first instance does not determine the issue of whether the appeal should be heard before a 2 or 3 Judge

Court of Appeal, or if the appellant should dispute the determination of the Judge of first instance, the matter will be referred to a Judge sitting in the Court of Appeal, whose determination is final. An appellant who wishes to dispute the determination of the Judge of first instance must, within 7 days after the service of the notice referred to in Order 57, Rule 5(2), inform the Legal Registry by filing a Request

## 85A. Whether an appeal to the Court of Appeal is to be heard by 5 or any greater uneven number of Judges

Pursuant to section 50(1) of the Supreme Court of Judicature Act (Cap. 322) and notwithstanding any determination that may be made under paragraph 85(2) or (4) of these Practice Directions, the Court of Appeal may determine, as and when appropriate, whether to convene a panel of 5 or any greater uneven number of Judges. Such determination of the Court of Appeal will be final.

## 85B. Leave of the Court of Appeal or the Appellate Division to receive further affidavits in relation to an application to strike out a notice of appeal

(1) Under Order 57, Rule 16, a respondent may make an application to strike out a notice of appeal within the time frame provided in the Rule. The leave of the Court of Appeal to receive any further affidavit pursuant to Order 57, Rule 16(13), may be sought by way of correspondence to the Court of Appeal, or an appointment before a Judge sitting in the Court of Appeal in a case management conference.

(2) Under Order 56A, Rule 17, a respondent may make an application to strike out a notice of appeal within the time frame provided in the Rule. The leave of the Appellate Division to receive any further affidavit pursuant to Order 56A, Rule 17(16), may be sought by way of correspondence to the Appellate Division, or an appointment before a Judge sitting in the Appellate Division in a case management conference.

## 86. Quantum of security to be provided under Order 57, Rule 3(3) of the Rules of Court as in force immediately before 2 January 2021

(1) Pursuant to rule 14 of the Rules of Court (Amendment No. 5) Rules 2020, Order 57, Rule 3(3) of the Rules of Court as in force immediately before 2 January 2021 and sub-paragraph (2) continue to apply:

> (a) to any appeal against a decision of the High Court that is brought to the Court of Appeal before 2 January 2021 and that continues, on or after that date, in the Court of Appeal in accordance with section 31(3) of the Supreme Court of Judicature (Amendment) Act 2019 (the "Amendment Act"); and
>
> (b) to any appeal against a decision of the High Court, where that decision is made before 2 January 2021 in the circumstances mentioned in section 31(4) of the Amendment Act and either of the following applies:
>
> (i) leave is granted as mentioned in section 31(4)(*c*) of the Amendment Act to bring an appeal against that decision to the Court of Appeal;
>
> (ii) leave to appeal to the Court of Appeal is sought from the Court of Appeal under section 34 of the Supreme Court of Judicature Act as in force immediately before 2 January 2021.

(2) The Honourable the Chief Justice has, in exercise of the powers conferred on him by Order 57, Rule 3(3) of the Rules of Court as in force immediately before 2 January 2021, fixed the sum to be provided by the appellant by way of security for the respondent's costs of an appeal to the Court of Appeal mentioned in sub-paragraph (1)(a) or (b) at $15,000 for appeals against interlocutory orders and $20,000 for all other appeals.

## 86A. Appeals Information Sheet for civil appeals to the Court of Appeal and civil appeals to the Appellate Division

(1) The Chief Justice has directed that for civil appeals to the Court of Appeal and civil appeals to the Appellate Division, parties shall file in court and serve on every other party to the appeal or his solicitor an Appeals Information Sheet in Form 27 of Appendix A to these Practice Directions at the same time as their respective Cases under Order 56A, Rules 8 and 9 of the Rules of Court (for appeals to the Appellate Division) and Order 57, Rules 9 and 9A of the Rules of Court (for appeals to the Court of Appeal) are filed and served.

(2) Where appropriate, parties or their solicitors may be required to attend in person to take directions on the conduct of the appeal.

## 87. Filing of records of appeal, core bundles and written Cases for civil appeals under Order 56A, Rules 8 and 9 and Order 57, Rules 9 and 9A of the Rules of Court

(1) Under Order 56A, Rule 8(1) and Order 57, Rule 9(1) of the Rules of Court, the appellant is required to file the record of appeal (or in the case of a further appeal from the Appellate Division, the supplemental record of appeal), the Appellant's Case and the core bundle. Under Order 56A, Rule 9(2) and (3) and Order 57, Rule 9A(2) and (2A), the respondent has to file the Respondent's Case and the Respondent's supplemental core bundle (if any). Under Order 56A, Rule 9(7) and (9) and Order 57, Rule 9A(5A) and (5C), the appellant may file an Appellant's Reply and the Appellant's supplemental core bundle (if any). The record of appeal (and the supplemental record of appeal, if any), core bundle and supplemental core bundle are collectively referred to in this paragraph as "appeal bundles".

(2) For the purpose of complying with Order 56A, Rules 8 and 9 and Order 57, Rules 9 and 9A, the parties are required to file the following documents using the Electronic Filing Service in accordance with the specified time frames in Order 56A, Rules 8(1) and 9(2) and (7) and Order 57, Rules 9(1) and 9A(2) and (5A).

(a) The appellant is required to file one copy of the following:

(i) Form of the record of appeal in lieu of the record of appeal (except that in the case of a further appeal to the Court of Appeal from the Appellate Division, the appellant is to file the form of the supplemental record of appeal in lieu of the supplemental record of appeal);

(ii) Form of the core bundle in lieu of the core bundle; and

(iii) Appellant's Case.

(b) The respondent is required to file one copy of the following:

(i) Respondent's Case; and

(ii) Form of the Respondent's supplemental core bundle (if any) in lieu of the supplemental core bundle.

(c) Where applicable, the appellant may also file one copy of the following:

(i) Appellant's Reply; and

(ii) Form of the Appellant's supplemental core bundle (if any) in lieu of the supplemental core bundle.

(3) The form of the record of appeal, form of the supplemental record of appeal, form of the core bundle and form of the supplemental core bundle (collectively referred to in this paragraph as "forms of appeal bundles") filed pursuant to sub-paragraph (2) must be in accordance with Forms 12, 12A, 13 and 14 of Appendix A of these Practice Directions. For the avoidance of doubt, the documents contained in the hard copies of the appeal bundles must coincide with the documents listed in the form of the appeal bundles.

(4) The attention of parties is also drawn to the Court fees payable under Order 90B read with Appendix B of the Rules of Court, and the importance of brevity and restraint in the compilation of core bundles.

(4A) The Chief Justice has further directed that the Appellant's Case and the Respondent's Case in civil matters before the Court of Appeal and civil matters before the Appellate Division shall not exceed 50 pages unless leave of the Court of Appeal or the Appellate Division (as the case may be) is obtained. The Appellant's Reply, if any, shall not exceed 30 pages unless leave of the Court of Appeal or the Appellate Division (as the case may be) is obtained. The process for obtaining leave of the Court of Appeal or the Appellate Division may be found in paragraph 87A of these Practice Directions. Any Appellant's Case, Respondent's Case, and Appellant's Reply in breach of this requirement will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages. Parties are reminded to comply with Order 56A, Rule 9 and Order 57, Rule 9A of the Rules of Court (as the case may be) in respect of the preparation of their Cases, and the Appellant's Reply, as well as the following requirements:

(a) all pages should be paginated, with the page numbers corresponding to the Portable Document Format version of the Case or the Appellant's Reply, as the case may be;

(b) the minimum font size to be used is Times New Roman 12 or its equivalent;

(c) the print of every page shall be double-spaced; and

(d) every page shall have a margin on all 4 sides, each of at least 35 mm in width.

(4B) Parties are to take note of the following when preparing their Cases:

(a) Parties should ensure that all documents which they refer to in their submissions (whether in their Cases or in the oral submissions) are contained in the core bundle or the supplemental core bundle. As a matter of practice, parties should not be making submissions based on documents contained solely in the record of appeal or the supplemental record of appeal unless they are responding to questions from the coram; and

(b) Any document referred to in a Case should be suitably described in such a manner as to allow the court to identify the nature of the document. Parties' attention is drawn to paragraph 89(5A) for illustrations of suitable descriptions.

(5) If a party wishes to rely on a document which does not exist in the electronic case file, he must file the document *together* with the respective forms of appeal bundles. Further, a table of contents must be included for these documents. These documents must be paginated consecutively at the centre top of the page and the solicitor must ensure that the pagination takes into account the pages comprising the respective forms of appeal bundles and the table of contents for these additional documents. For example, if the form of the core bundle is 5 pages and the table of contents for the additional documents is 2 pages, the first page of the first document should be paginated as page 8.

(6) When the core bundles and supplemental core bundles are tendered at the Legal Registry of the Supreme Court pursuant to paragraph 88(1), the Legal Registry staff will state on the top right hand corner of the bundle the exact amount of Court fees payable under Order 90B. The parties should then pay the Court fees as indicated.

## 87A. Request for leave to exceed page limit for Appellant's Case, Respondent's Case and Appellant's Reply for civil appeals to the Court of Appeal and civil appeals to the Appellate Division

(1) Parties shall apply for leave of the Court of Appeal or the Appellate Division (as the case may be) to exceed the page limit for the Appellant's Case, the Respondent's Case or the Appellant's Reply by filing a Request in the Electronic Filing Service stating the reasons for requiring additional pages and the number of additional pages required.

(2) The application for leave to exceed the page limit for the Appellant's Case or the Respondent's Case shall be filed at least 14 days before the date the Appellant's Case or the Respondent's Case, as the case may be, is due to be filed. The

application for leave to exceed the page limit for the Appellant's Reply shall be filed at least 7 days before the date the Appellant's Reply is due to be filed. Applications filed out of time will be rejected.

## 87B. Request for waiver or deferment of court fees

A request for the waiver or deferment of the whole or any part of any appeal court fees under Order 91, Rule 5 of the Rules of Court must be supported by an affidavit in Form 14A of Appendix A of these Practice Directions. The affidavit in Form 14A must verify Form 14B of Appendix A of these Practice Directions.

## 88. Hard copies and soft copies for hearing of civil appeals before the Court of Appeal and civil appeals before the Appellate Division

(1) In order to assist the Judges sitting in the Court of Appeal or the Appellate Division, the appellant and the respondent are required to tender hard copies of the Appellant's and Respondent's Cases, the Appellant's Reply (if any), core bundles of documents and supplemental core bundles of documents (if any) to the Legal Registry of the Supreme Court at the same time when filing them within the prescribed time under Order 56A, Rule 9 or Order 57, Rule 9A of the Rules of Court (as the case may be). The following directions must be complied with:

(a) Where the appeal is to be heard by a 3 Judge Court, 4 hard copies of the Cases and the Appellant's Reply (if any), the core bundles and supplemental core bundles of documents (if any) shall be tendered.

(b) Where the appeal is to be heard by a 2 Judge Court, 3 hard copies of the Cases and the Appellant's Reply (if any), the core bundles and supplemental core bundles of documents (if any) shall be tendered.

(2) The directions set out in paragraph 89 apply in relation to the preparation of the appeal bundles in hard copy, which may be printed on one side or both sides of each page.

(3) In addition to the hard copies, the appellant and respondent are required to tender soft copies of the following documents in Portable Document Format (PDF) at the same time in a CD-ROM:

(a) Appellant's and Respondent's Cases;

(b) the Appellant's Reply;

(c) Core bundles of documents and supplemental core bundles of documents;

(d) Record of appeal (or, in the case of a further appeal from the Appellate Division, the supplemental record of appeal); and

(e) Bundles of authorities.

(4) The files in the CD-ROM should be named in accordance with the following format:

<party> - <document title>

For example -

1st Appellant – Appellant's Case

1st Appellant – Appellant's Reply

1st Appellant – Bundle of Authorities Vol 1

1st Appellant – Bundle of Authorities Vol 2

1st Appellant – Record of Appeal Vol 1

1st Appellant – Record of Appeal Vol 2

(5) The CD-ROM shall be clearly labelled with the case number and title of the proceedings. If there is more than one CD-ROM, the CD-ROMs shall be numbered sequentially.

## 89. Preparation of appeal records in civil appeals to the Court of Appeal and civil appeals to the Appellate Division

***Arrangement***

(1) This sub-paragraph sets out the manner of arranging appeal records.

(a) To facilitate cross-referencing, the record of appeal shall be arranged in the following separate volumes:

(i) **Volume I** – Judgment or grounds of decision and the engrossed order of Court of judgment appealed from.

(ii) **Volume II** – Notice of appeal, certificate of security for costs and pleadings (to include all originating processes).

(iii) **Volume III** – Affidavits (in chronological order), and transcripts or notes of evidence and arguments.

(iv) **Volume IV** – All such exhibits and documents as they were tendered in the Court below, but which did not form an exhibit to any affidavit.

(v) **Volume V** – The Agreed Bundle (if any) in its original physical form as it was tendered in the Court below.

(b) Where there are no exhibits or documents referred to in sub-paragraph (1)(a)(iv) above, Volume IV need not be produced, and Volume V shall be renumbered as Volume IV.

(ba) To facilitate cross-referencing, any supplemental record of appeal shall be arranged in the following manner in one volume:

(i) the notice of appeal to the Court of Appeal;

(ii) the certificate of payment of security for costs in respect of the appeal to the Court of Appeal;

(iii) the record of proceedings before the Appellate Division mentioned in Order 57, Rule 5(3);

(iv) the order granting leave to appeal to the Court of Appeal; and

(v) the Cases filed under Order 56A, Rule 9.

(c) If any volume should exceed 300 pages, then that volume shall be sub-divided, at a convenient page, into sub-volumes designated as part thereof, for example, Volume III Part A, Volume III Part B and so on. Conversely, if any of the volumes (with the exception of Volumes I and II which shall remain as separate volumes) should be less than 100 pages each, these may be amalgamated into combined volumes, each not exceeding 300 pages, and renumbered accordingly.

(d) The following additional directions shall apply to the form of the record of appeal:

(i) The documents in Volumes I, II, and III shall be arranged strictly in the order stated in sub-paragraph (1)(a) above.

(ii) The documentary exhibits in Volume IV shall be arranged in the most convenient way for the use of the Court, as the circumstances of the case require. The documents shall, as far as suitable, be arranged in chronological order, mixing plaintiff's and defendant's documents together when necessary (for example, in a series of correspondence). If proceedings in a suit other than the one under appeal appear as exhibits, then

these shall be kept together. However, the documents from each suit shall be arranged in the chronological order of the suits.

(iii) Each document in Volume IV shall show its exhibit mark and whether it is the plaintiff's or the defendant's document, unless this is clear from the mark.

***Pagination in soft copy***

(2) This sub-paragraph sets out the manner of paginating soft copy appeal records.

(a) The first page of each volume shall state the title and the Civil Appeal number of the appeal, the names of the parties, the volume number, a short description of its contents, the names and addresses of the appellants and respondents, and the date of filing.

(b) The page number of each volume of the appeal records must correspond to the page number in the Portable Document Format (PDF) version of that volume. Each separate volume of the appeal records shall start at page 1 and every page shall be numbered consecutively. If separator sheets are used, these shall also be numbered .

***Table of contents***

(3) This sub-paragraph sets out the format of the table of contents for appeal records.

(a) The table of contents of all volumes of the records shall be placed at the beginning of Volume I, immediately after the first title page in the manner and form set out in Form 15 of Appendix A of these Practice Directions.

(b) Each volume and, if any, parts thereof, shall also contain its own index of the contents.

(c) Items in the table of contents shall be numbered serially, and listed in the order in which they are found in the records.

(d) The items relating to the transcripts or notes of the evidence of witnesses shall have a sub-table of contents of the evidence of each witness, and the number and name of each witness shall be shown in such sub-table.

(e) If an exhibit consists of a bundle of documents, then the documents in the bundle shall be listed in a sub-table of contents under the item relating to such bundle.

(f) Electronic bookmarks for each item of the table of contents and sub-table of contents must be added to each volume of the PDF version of the appeal records. The description of each bookmark shall correspond with the description of that item in the table of contents or sub-table of contents, unless an abbreviated description is appropriate.

***Spacing***

(4) The line spacing on every page of the records of which the original is typed-written (for example, notice of appeal) shall be double-spaced.

***Core bundles – Order 56A, Rule 8(3) and Order 57, Rule 9(2A)***

(5) The documents to be included in the core bundle are stipulated in Order 56A, Rule 8(3) and Order 57, Rule 9(2A). The contents of the core bundle shall be arranged in the following separate volumes:

(a) **Volume I** – a copy of the grounds of the judgment or order, the judgment or order appealed from and an index of the documents included therein.

(b) **Volume II** – all other documents referred to in Order 56A, Rule 8(3) or Order 57, Rule 9(2A) (as the case may be), and an index of the documents included therein.

Each volume of the core bundle shall begin at page 1, every page shall be numbered and the page number of the core bundle shall correspond to the page number of the PDF version.

***Index of core bundles and supplemental core bundles***

(5A) The indexes of the core bundle and supplemental core bundle shall correspond with the indexes of documents found in the form of core bundle and form of supplemental core bundle filed under paragraph 87(2) of these Practice Directions. Any document listed in the indexes should be suitably described in such a manner as to allow the Court to identify the nature of the document. Examples of suitable descriptions are set out below for reference:

(a) Joint Venture Agreement between Party A and Party B dated 1 December 2017;

(b) Minutes of meeting held on 1 December 2017 between Party A and Party B; and

(c) Email dated 1 December 2017 from Party A and Party B.

Parties should avoid the use of generic descriptions such as "extracts from the affidavit of Party A filed on 1 December 2017" or "exhibits from the affidavit of Party A filed on 1 December 2017".

***Responsibility for good order and completeness of appeal records***

(6) The solicitor having the conduct of the appeal may delegate the preparation of the appeal records to an assistant or a suitably experienced law clerk or secretary, provided always that the solicitor shall personally satisfy himself as to the good order and completeness of every copy of the appeal records lodged in Court in accordance with the above directions, and shall personally bear responsibility for any errors or deficiencies.

***Superfluous, irrelevant or duplicative documents***

(7) With regard to the inclusion of documents, the solicitor's attention is drawn to the provisions of Order 56A, Rule 8(2), (3) and (4) and Order 57, Rule 9(2), (2A) and (3) as well as Order 56A, Rule 9(3) and (9) and Order 57, Rule 9A(2A) and (5C). Only documents which are relevant to the subject matter of the appeal, or, in the case of core bundles and supplemental core bundles, will be referred to in the Cases, shall be included in the appeal records.

(8) Parties are reminded not to exhibit duplicate documents in their supplemental core bundle if such documents are already included in a core bundle or supplemental core bundle that has been filed earlier. Documents shall not appear more than once in the records, even if exhibited to different affidavits.

(9) The Court of Appeal or the Appellate Division (as the case may be) will have no hesitation in making a special order for costs in cases in which it is of the opinion that costs have been wasted by the inclusion of superfluous, irrelevant or duplicative documents.

## 89A. Bundle of documents filed with leave of the Court of Appeal or the Appellate Division

(1) Where leave is granted by the Court of Appeal or the Appellate Division for the filing of any bundle of documents under Order 57, Rule 9A(23) or Order 56A, Rule 9(22) (as the case may be), the party shall file the bundle of documents by tendering the requisite hard copies of the bundle of documents to the Legal Registry of the Supreme Court in accordance with paragraph 88(1) of these Practice Directions.

(2) In addition to hard copies, the party filing the bundle of documents is required to tender soft copies of the bundle of documents in Portable Document Format (PDF) at the same time in a CD-ROM in accordance with paragraphs 88(4) and (5) of these Practice Directions.

(3) When the bundle of documents is tendered at the Legal Registry of the Supreme Court pursuant to this paragraph, the Legal Registry staff will state on the top right hand corner of the bundle the exact amount of Court fees payable under Order 90B. The parties should then pay the Court fees as indicated.

(4) The directions set out in paragraph 89 of these Practice Directions in relation to the preparation of the bundles shall, with the necessary modifications, apply to the bundle of documents.

## 89B. Inclusion in appeal bundles of documents ordered to be sealed or redacted

(1) This paragraph applies only where certain documents tendered before the court below have been ordered to be sealed or redacted.

(2) Counsel should carefully consider whether it is necessary to include in the record of appeal (or, in the case of a further appeal from the Appellate Division, the supplemental record of appeal), core bundle or supplemental core bundle (collectively known as "appeal bundles") any document that has been ordered to be sealed or redacted, having regard to paragraph 89(7) of these Practice Directions.

***Inclusion of redacted documents in appeal bundles***

(3) Where it is necessary to include in the appeal bundles documents that have been ordered to be redacted, parties should do so by complying with the following directions:

(a) All documents subjected to a redaction order should not be included in the appeal bundles in their unredacted form. Instead, such documents should be included in the appeal bundles in their redacted form.

(b) In the margins against the redacted portions of the appeal bundles, the basis for the redaction should be stated (for example, "This information has been redacted pursuant to HC/ORC 1/2017 made on 2 January 2017").

(c) When tendering the appeal bundles, the parties should also tender a separate bundle, consisting only of documents subjected to a redaction order. These documents should be included in this bundle in their unredacted form (the "Bundle of Documents Subjected to Redaction Order" or "BDSRO").

(d) The BDSRO should be tendered in both hard copies and soft copies. Where hard copies are concerned, parties should tender the number of copies as provided in paragraph 88(1) of these Practice Directions. Where soft copies are concerned, the BDSRO may be included in the CD-ROM mentioned in paragraph 88(3) of these Practice Directions and should be named in the format provided in paragraph 88(4) of these Practice Directions.

(e) The BDSRO should contain a table of contents. The format of the table of contents should comply with that provided in paragraph 89(3) of these Practice Directions.

(f) The pagination of the documents in the BDSRO should follow the pagination of the corresponding documents in the appeal bundles. Fresh pagination should not be assigned to the documents in the BDSRO.

(g) At the time when the parties tender the appeal bundles and the BDSRO, they should by way of a letter to the Legal Registry: (i) inform the Legal Registry that the BDSRO contains redacted information, (ii) specify the basis for the redaction; and (iii) request that the Legal Registry seal the BDSRO in the electronic case file and keep the hard copies from public inspection.

(4) Solicitors are reminded of their responsibility under paragraph 89(6) to personally satisfy themselves as to the good order of the appeal records. At the time the appeal bundles and BDSRO are tendered, the solicitor having conduct of the appeal shall provide an undertaking to the Court that he has satisfied himself that the appeal bundles do not contain any document ordered to be redacted in its unredacted form. The undertaking shall be in Form 30 of Appendix A to these Practice Directions.

***Inclusion of sealed documents in appeal bundles***

(5) Where it is necessary to include in the appeal bundles documents that have been ordered to be sealed, parties should do so by complying with the following directions:

(a) All documents subjected to a sealing order should not be included in the appeal bundles. Instead, each and every such document should be represented in the appeal bundles by a separate holding page.

(b) Each and every holding page should be blank save that: (i) the basis for the sealing should be stated across each holding page (for example, "The affidavit of Tan filed on 30 December 2016 has been sealed pursuant to HC/ORC 1/2017 made on 2 January 2017"); and (ii) the cross-references required under subparagraph 4(f) should be indicated (for example, "Reference: BDSSO – Pages 1-10").

(c) When tendering the appeal bundles, the parties should also tender a separate bundle, consisting only of documents subjected to a sealing order (the "Bundle of Documents Subjected to Sealing Order" or "BDSSO").

(d) The BDSSO should be tendered both in hard copies and soft copies. Where hard copies are concerned, parties should tender the number of copies as is provided in paragraph 88(1) of these Practice Directions. Where soft copies are concerned, the BDSSO may be included in the CD-ROM mentioned in paragraph 88(3) of these Practice Directions and should be named in the format provided in paragraph 88(4) of these Practice Directions.

(e) The BDSSO should contain a table of contents. The format of the table of contents should comply with that provided in paragraph 89(3) of these Practice Directions.

(f) Given that each and every document subjected to a sealing order is represented only by a single holding page in the appeal bundles but is reproduced in full in the BDSSO, fresh pagination will have to be assigned to the pages in the BDSSO. Each holding page should contain cross-references to the pages of the BDSSO that the holding page represents (for example, "Reference: BDSSO – Pages 1-10").

(h) At the time when the parties tender the appeal bundles and the BDSSO, they must by way of a letter to the Legal Registry: (i) inform the Legal Registry that the BDSSO contains documents ordered to be sealed, (ii) specify the basis for the sealing; and (iii) request that the Legal Registry seal the BDSSO in the electronic case file and keep the hard copies from public inspection.

(6) Solicitors are reminded of their responsibility under paragraph 89(6) to personally satisfy themselves as to the good order of the appeal records. At the time the appeal bundles and the BDSSO are tendered, the solicitor having conduct of the appeal shall provide an undertaking to the Court that he has satisfied himself that the appeal bundles do not contain any document ordered to be sealed. The undertaking shall be in Form 30 of Appendix A to these Practice Directions.

(7) For the avoidance of doubt, documents that have been ordered to be expunged should not in any event be tendered to the Court of Appeal or the Appellate Division in any form.

## 90. Skeletal arguments for appeals and matters before the General Division, Appellate Division, Court of Appeal and Court of 3 Judges

(1) For the avoidance of doubt, this paragraph applies to:

(a) civil and criminal appeals in the General Division, excluding appeals from the Registrar to a Judge in Chambers;

(aa) civil appeals and any other civil matters, before the Appellate Division;

(b) civil appeals and any other civil matters, before the Court of Appeal; and

(c) criminal appeals and other criminal matters before the Court of Appeal.

(2) The term “skeletal arguments” includes “skeletal submissions”, “written submissions”, “written arguments” and all other variant terms by which such documents are known.

(3) Counsel should submit skeletal arguments for the hearing of the appeal or matter and give a copy to counsel for the other parties. Hard copies of skeletal arguments may be printed on one side or both sides of each page.

(4) Skeletal arguments are abbreviated notes of the arguments that will be presented. Skeletal arguments are not formal documents and do not bind parties. They are a valuable tool to the Judges and are meant to expedite the hearing of the appeal. These notes should comply with the following requirements:

(a) they should contain a numbered list of the points proposed to be argued, stated in no more than one or 2 sentences;

(b) each listed point should be accompanied by a full reference to the material to which counsel will be referring, i.e., the relevant pages or passages in authorities, the record of appeal (or the supplemental record of appeal), the bundles of documents, affidavits, transcripts and the judgment under appeal;

(c) all pages should be paginated, with the first page (not including any cover page) numbered as “Page 1”;

(d) the minimum font size to be used is Times New Roman 12 or its equivalent;

(e) the print of every page shall be double-spaced; and

(f) every page shall have a margin on all 4 sides, each of at least 35mm in width.

***Skeletal arguments for civil matters before the Court of Appeal and civil matters before the Appellate Division***

(5) The need for parties to avoid prolixity in their “skeletal arguments” is emphasised. All skeletal arguments in civil matters before the Court of Appeal, and civil matters before the Appellate Division, shall not exceed 20 pages. Any skeletal arguments in breach of this requirement will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages.

(6) Where the appeal or matter is before the Court of Appeal or the Appellate Division, the skeletal arguments must be filed by 4 p.m. on the Monday three weeks before the start of the sitting period of the Court of Appeal or the Appellate Division (as the case may be) within which that appeal or matter is scheduled for hearing, regardless of the actual day (within that sitting period) on which that appeal or matter is scheduled for hearing before the Court of Appeal or the Appellate Division. (For example, if the sitting period of the Court of Appeal starts on Monday, 18 February 2019 and ends on Friday, 8 March 2019, all skeletal arguments for appeals or matters listed before the Court of Appeal in that sitting period must be filed by 4 p.m. on Monday, 28 January 2019.) The skeletal arguments should be filed by tendering 4 hard copies to the Legal Registry of the Supreme Court and filing one soft copy through the Electronic Filing Service. Skeletal arguments filed in breach of this timeline will be rejected.

(7) As with other non-compliance with timelines, costs may be imposed against the party in default or his counsel personally in the event of non-compliance with sub-paragraph (6) above. Unless approval for late filing has been granted, the party in default may not file or tender these skeletal arguments in Court.

(8) Parties whose skeletal arguments have been rejected for filing may re-file their skeletal arguments, provided they comply with sub-paragraphs (4) to (7) above.

***Further skeletal arguments for civil and criminal matters before the Court of Appeal and civil matters before the Appellate Division***

(8A) Where the Court of Appeal orders further skeletal arguments (including any submissions on costs) to be filed for any civil or criminal matter, such skeletal arguments shall not exceed 10 pages unless otherwise directed by the Court of Appeal. Where the Appellate Division orders further skeletal arguments (including any submissions on costs) to be filed for any civil

matter, such skeletal arguments shall not exceed 10 pages unless otherwise directed by the Appellate Division. Any skeletal arguments filed in breach of any requirement in this sub-paragraph will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages.

***Timelines for submission of skeletal arguments for appeal before the General Division***

(9) Where the appeal is a civil appeal before the General Division, the skeletal arguments should be sent to the Legal Registry at least 2 working days before the hearing of the appeal.

(10) Where the appeal is a criminal appeal before the General Division, the skeletal arguments should be sent to the Legal Registry at least 10 days before the hearing of the appeal. Skeletal arguments filed in breach of this timeline will be stamped "Late Submission".

***Application of this paragraph to Court of 3 Judges***

(11) Sub-paragraphs (1) to (8A) also apply to disciplinary proceedings, or appeals therefrom, brought under any statute, including the Legal Profession Act (Cap. 161) and the Medical Registration Act (Cap. 174), which are heard by a Court of 3 Judges.

## 90A. Applications in civil matters before the Court of Appeal and civil matters before the Appellate Division

(1) Unless otherwise provided by any written law or otherwise directed, reply affidavits (if any) for applications in civil matters before the Court of Appeal and civil matters before the Appellate Division are to be filed and served within 7 days after the date the application and the affidavit in support of the application (if any) are served on the party.

(2) No further affidavits shall be filed without the leave of the Court of Appeal or the Appellate Division (as the case may be).

(3) Unless otherwise provided by any written law or unless otherwise directed, parties are to file and serve written submissions (if any) in respect of the application before the Court of Appeal or the Appellate Division (as the case may be) within 7 days after the date the reply affidavit is due for filing and service. Parties shall include in the final paragraph(s) of the written submissions their submissions on costs, stating (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court.

(4) The written submissions should comply with the following requirements:

(a) they should not exceed 20 pages, excluding the cover page and the backing page;

(b) all pages should be paginated, with the first page (not including any cover page) numbered as "Page 1";

(c) the minimum font size to be used is Times New Roman 12 or its equivalent;

(d) the print of every page shall be double-spaced; and

(e) every page shall have a margin on all 4 sides, each of at least 35mm in width.

(5) If no affidavits or submissions are filed by the timelines prescribed by this paragraph, the Court of Appeal or the Appellate Division (as the case may be) will proceed on the basis that the party does not intend to file any affidavit or submissions and may, in accordance with section 55(1)(*a*) or section 37(1)(*a*) of the Supreme Court of Judicature Act (as the case may be), decide the matter based on the documents before it without hearing oral arguments.

## 90B. Applications to the Court of Appeal, and applications to the Appellate Division,

## for leave to appeal in civil matters

(1) Any written submissions in respect of:

(a) an application to the Court of Appeal under Order 57, Rule 2A of the Rules of Court for leave to appeal against a decision of the General Division; and

(b) an application to the Appellate Division under Order 56A, Rule 3 of the Rules of Court for leave to appeal against a decision of the General Division,

shall be in Form 31A or 31B of Appendix A of these Practice Directions.

(2) Any written submissions in respect of an application to the Court of Appeal under Order 57, Rule 2A of the Rules of Court for leave to appeal against a decision of the Appellate Division shall be in Form 32A or 32B of Appendix A of these Practice Directions.

(3) The written submissions mentioned in sub-paragraphs (1) and (2) should comply with the following requirements:

(a) they should not exceed 12 pages, excluding the cover page and the backing page;

(b) all pages should be paginated, with the first page (not including any cover page) numbered as “Page 1”;

(c) the minimum font size to be used is Times New Roman 12 or its equivalent;

(d) the print of every page shall be double-spaced; and

(e) every page shall have a margin on all 4 sides, each of at least 35mm in width.

(4) If no written submissions are filed in the Court of Appeal or the Appellate Division by the timelines prescribed by Order 57, Rule 2A or Order 56A, Rule 3 of the Rules of Court (as the case may be), the Court of Appeal or the Appellate Division (as the case may be) will proceed on the basis that the party does not intend to file any written submissions and may, in accordance with section 55(1)(*a*) or section 37(1)(*a*) of the Supreme Court of Judicature Act (as the case may be), decide the matter based on the documents before it without hearing oral arguments.

(5) This paragraph does not apply to any application for leave to appeal against a decision of the General Division made before 2 January 2021 against which no appeal was brought before 2 January 2021, in a case where leave of the Court of Appeal was required to bring an appeal to the Court of Appeal under section 34(2), (2A) or (4) of the Supreme Court of Judicature Act as in force immediately before 2 January 2021. For any such application for leave to appeal, paragraph 90A sets out the directions for the filing of affidavits and written submissions.

## 91. Use of presentation slides for all proceedings before the General Division, Appellate Division, Court of Appeal and Court of 3 Judges

Subject to approval by the Court, parties may utilise presentation slides to assist in oral submissions before the Court. Presentation slides may be projected in the courtroom or hearing chambers when oral submissions are made. Presentation slides shall comply with the following standards:

***Typeface***

(1) A clear typeface such as Arial or Times New Roman should be used; care should be taken to ensure that the font used is of at least a size equivalent to Arial font size 32. Bold and italicised fonts should be used sparingly.

***Colours***

(2) There should be sufficient contrast between the slide background and text: it is preferable to use black or dark fonts with a light background. The colours used in slide backgrounds should be muted and preferably monochromatic.

***Animation and sounds***

(3) Animation of slides or elements within a slide should be avoided; similarly, sounds should not be incorporated in the presentation slides unless they are necessary.

***Corporate logos***

(4) Corporate logos of the law practice may be displayed on the presentation slides. Care should be taken to ensure that the size and location of corporate logos do not distract from the substance of the presentation slides.

## 92. Further arguments before the Court of Appeal and the Appellate Division

(1) From time to time, requests are received for further arguments to be presented before the Court of Appeal or the Appellate Division after the conclusion of the hearing of the appeal. Such requests should not be made as all relevant arguments should have been presented at the hearing proper.

(2) The Honourable the Chief Justice has therefore directed that as a general rule, unless asked for by the Court of Appeal or the Appellate Division itself, the Court of Appeal and the Appellate Division will not receive further arguments after the conclusion of the hearing of the appeal.

(3) The general rule will be relaxed in only very exceptional circumstances, e.g., if an authority not available at the hearing would be decisive. Counsel seeking to submit further arguments should therefore satisfy themselves that very exceptional circumstances exist. If they are of the view that such circumstances do exist, they must also seek the consent of the other parties to their request.

(4) All requests for further arguments shall be made by filing a Request through the Electronic Filing Service and should:

(a) state the party making the requests;

(b) identify the Judges constituting the Court of Appeal or the Appellate Division who heard the matter in question;

(c) specify when the order concerned was made;

(d) state the very exceptional reasons which justify the request;

(e) state whether the other parties consent to the request;

(f) set out the proposed further arguments briefly, together with any authorities; and

(g) include a copy of each of the authorities cited.

(5) Any request for further arguments must be received by the Registrar within one week after the conclusion of the hearing of the appeal, failing which it cannot be considered and will be rejected.

(6) A copy of the request should be furnished to all parties concerned.

(7) All requests should be addressed to the Registrar.

## 92A. Lapse or cancellation of Grant of Aid under the Legal Aid and Advice Act and the Legal Aid and Advice Regulations

(1) Where a Grant of Aid lapses or is cancelled in the course of any proceedings in the Court of Appeal or the Appellate Division, counsel should promptly notify the Court of Appeal or the Appellate Division (as the case may be) of the lapse or the cancellation in writing. This is given that questions may arise from the lapse or the cancellation of a Grant of Aid as to whether security for costs would need to be furnished to enable the proceedings in the Court of Appeal or the Appellate Division (as the case may be) to continue to be pursued.

(2) For the avoidance of doubt, "Grant of Aid" in sub-paragraph (1) means a document issued under section 8 of the Legal Aid and Advice Act (Cap. 160) stating that legal aid is granted to a person (whether on a provisional basis or otherwise).

# Part XII: Taxation Matters and Costs



## 93. Scope of certain paragraphs

Paragraphs 94 and 96 apply to all taxations save where the entitlement to costs arose prior to 1 February 1992, in which case the bill should be drawn up in accordance with the provisions of Order 59 of the Rules of Court in force immediately prior to 1 February 1992 and, in accordance with the practice immediately prior to that date. For the avoidance of doubt, the directions contained in this part, save for paragraph 98, do not apply to taxations governed by the Bankruptcy (Costs) Rules or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020.

## 94. Form of bill of costs

The attention of solicitors is drawn to Rules 24 and 31 and Appendix 1 of Order 59 of the Rules of Court. In addition, solicitors are to abide by the following requirements:

***Margin***

(1) A blank margin not less than 10 mm wide on all four sides is required for each page of the bill of costs.

***Pagination***

(2) Every page of a bill of costs shall be paginated consecutively at the centre of the top of the page.

***Format***

(3) This sub-paragraph sets out the format of a bill of costs.

***PARTY-AND-PARTY BILLS***

(a) For party-and-party bills:

(i) A bill of costs drawn up for taxation between one party to proceedings and another should be divided into 3 separate sections as required by Order 59, Rule 24.

(ii) Form 16 in Appendix A of these Practice Directions should be used for contentious business in respect of work done for a trial or in contemplation of a trial.

(iii) Form 17 should be used for contentious business in respect of, or in contemplation of, work done other than for a trial; such as work done for an appeal or for a specific interlocutory application.

(iv) Form 18 should be used for non-contentious business.

***SPECIMEN BILLS***

(b) Specimen bills illustrating the use of Forms 16, 17 and 18 are found in Appendix C of these Practice Directions.

***SOLICITOR-AND-OWN CLIENT BILLS***

(c) A bill of costs drawn up for taxation between a solicitor and his own client should be drawn up in the same manner described in sub-paragraph (3)(a) save as follows:

(i) A solicitor will be deemed to have indicated that all items included in the bill are in relation to work done or disbursements incurred with the approval of the client.

(ii) Any agreement, whether oral or in writing, between the solicitor and his own client relating to the amount of costs payable either as a global sum or in respect of particular items included in the bill should be indicated on the bill. Any agreement between the solicitor and his own client as to the rate to be used to compute the solicitor's costs should also be indicated in the bill.

***BILLS OF COSTS REQUIRED TO BE TAXED UNDER SECTION 18(3) OF THE MOTOR VEHICLES (THIRD-PARTY RISKS AND COMPENSATION) ACT***

(d) Whenever a solicitor-and-own-client bill is required to be taxed by virtue of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189), a bill should be drawn up for taxation between the solicitor and his own client *and* another bill drawn up for taxation between the client and the other party to the proceedings in which the solicitor acted for the client. A waiver of the filing fees for the solicitor-and–own-client bill may be requested when this bill is filed.

(i) The party-and-party bill should be filed first and the solicitor-and-own-client bill should reference the first bill.

(ii) The party-and-party bill and the solicitor-and-own client bill can be drawn up as described in sub-paragraphs (3)(a) and (3)(c) with the modification set out in sub-paragraph (3)(d)(iii) below.

(iii) It is not necessary to repeat serially in the solicitor-and-own-client bill the items which have already been serially set out in the party-and-party bill. It is sufficient, ordinarily, to incorporate all such items by reference and proceed to set out in detail any additional items, i.e. items not already set out in the party-and-party bill.

However, if a sum claimed for an item of disbursement in the solicitor-and-own-client bill is different from the corresponding sum claimed in the party-and-party bill, it will be necessary to set out serially again in the solicitor-and-own-client bill all the items of disbursement already set out in the party-and-party bill (including, where appropriate, the different sum or sums claimed) as well as additional items of disbursement not so set out. In addition, the global sums claimed for sections 1 and 2 of the solicitor-and-own-client bill should be indicated at the end of the respective sections whether or not they are the same sums as those claimed for sections 1 and 2 of the party-and-party bill.

***Particulars***

(4) Sufficient particulars must be included in the bill of costs so as to enable the Registrar to exercise his discretion under paragraph 1(2) of Appendix 1 to Order 59. Without prejudice to sub-paragraph (3), the Registrar may, at the taxation hearing, order the claiming or receiving party to furnish full details in support of the sums claimed under the bill.

***Goods and services tax***

(5) A party claiming goods and services tax (GST) in a bill of costs must comply with the directions set out in this sub-paragraph. A party who fails to comply with the directions set out in this sub-paragraph will be presumed not to be claiming GST in the bill concerned.

***REGISTRATION NUMBERS***

(a) For registration numbers,

(i) The GST registration number allocated by the Comptroller of Goods and Services Tax to the solicitors for the receiving party or parties should appear at the top left-hand corner of the first page of the bill of costs.

(ii) The GST registration numbers, if any, allocated to the receiving parties or to any one or more of them, as the case may be, must also appear at the same location in all documents.

(iii) The GST registration numbers should be indicated as follows: "GST Reg. No. (solicitors for plaintiff/solicitors for 1st Defendant/2nd Defendant (or as the case may be)): xxxxx."

(iv) Where no GST registration number has been allocated to a receiving party, a statement to this effect should be included after the GST registration numbers of the solicitors for the receiving parties, or the receiving parties, as the case may be, in the following manner: "1st and 2nd defendants/3rd plaintiff/(or as the case may be): no GST Reg. No."

***INPUT TAX ALLOWABLE***

(b) The proportion of input tax for which the receiving parties, or one or more of them, are not entitled to credit should be stated, as a percentage, in parentheses after the GST registration number of the party or parties concerned. For a person who is not liable to be registered within the meaning of the First Schedule to the Goods and Services Tax Act (Cap. 117A), this proportion should be 100%.

***APPORTIONMENT***

(c) For apportionment:

(i) The first and second sections of the bill of costs, which set out the work done in the cause or matter except for taxation of costs and the work done for and in the taxation of costs, should each be divided into such number of parts as will enable the bill to reflect the different rates of GST applicable during the relevant period of time.

(ii) The third section, which sets out the disbursements made in the cause or matter, should similarly be divided, with the first part setting out the disbursements on which no GST is chargeable by the solicitors for the

receiving party or the receiving party, as the case may be.

***SUMMARY OF THE GOODS AND SERVICES TAX CLAIMED FOR WORK DONE***

(d) Where applicable, the following information should be included at the end of the first and of the second sections:

(i) the global sum of costs claimed for work done during each period for which a different rate of GST applies or no GST applies;

(ii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit;

(iii) a quantification of the input tax on the costs claimed in the section concerned for which the receiving parties, or one or more of them, are not entitled to credit; and

(iv) a quantification of the GST claimed on the costs claimed in the section concerned.

***SUMMARY OF THE GOODS AND SERVICES TAX CLAIMED FOR DISBURSEMENTS***

(e) Where applicable, the following information should be included at the end of the third section:

(i) a summation of the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be; a summation of the disbursements on which GST at the applicable rate is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;

(ii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit; and

(iii) a quantification of the input tax on the disbursements on which GST is chargeable by the solicitors for the receiving party for which the receiving parties, or one or more of them, are not entitled to credit; and

(iv) a quantification of the GST claimed on the disbursements.

***REGISTRAR'S CERTIFICATE***

(f) The total amount of GST allowed on a bill of costs will be indicated as a separate item in the Registrar's certificate. Solicitors are responsible for ensuring that the GST figures accurately reflect the sums allowed by the Registrar.

## 95. Electronic filing of bills of costs for taxation

(1) Each bill of costs submitted to the Court through the Electronic Filing Service must:

(a) be in Portable Document Format (PDF);

(b) comply with paragraph 94 of these Practice Directions; and

(c) be accompanied by a bill of costs summary, the electronic form of which will be composed online through the Electronic Filing Service. The information required by the Electronic Filing Service to compose the bill of costs summary includes the costs claimed under Sections 1, 2 and 3 of the bill of costs.

(2) As the Registrar's certificate of costs under Order 59, Rule 32 of the Rules of Court will be composed online based on the summary in sub-paragraph (1)(c), solicitors should ensure that the information contained in the summary accurately reflects the information contained in the bill of costs submitted. Solicitors should also ensure that the amounts claimed for goods and services tax in the Registrar's certificate of costs are correct.

(3) There is no necessity for lawyers to collect the taxed bill of costs from the Legal Registry to prepare the Registrar's

certificate. The procedure for preparation of draft orders in paragraph 75 of these Practice Directions shall, mutatis mutandis, apply to the preparation of the Registrar's certificate.

(4) For the avoidance of doubt, the Registrar's certificate of costs shall be filed as a Portable Document Format (PDF) document for bills of costs filed before 1 January 2013. For all other cases, the Registrar's certificate of costs shall be composed online through the Electronic Filing Service.

## 96. Objections

(1) Any objections in principle or as to quantum of the items claimed in a bill of costs must be indicated by the filing and service of a Notice of Dispute in Form 19 of Appendix A of these Practice Directions at least 7 days before the date fixed by the Registrar for the taxation of the bill of costs.

(2) The Notice of Dispute shall be filed through the Electronic Filing Service in Portable Document Format (PDF) and be accompanied by a Notice of Dispute summary, the electronic form of which will be composed online through the Electronic Filing Service. The information required by the Electronic Filing Service to compose the Notice of Dispute summary includes the amounts of costs to be awarded under Sections 1, 2 and 3 of the bill of costs according to the respondent.

## 97. Amount allowed as disbursements on account of use of Electronic Filing Service

(1) If a document is filed using the Electronic Filing Service, $0.40 for each page of the document thus filed shall be allowed as costs between parties to proceedings. Such costs may be claimed by a receiving party from the paying party where the receiving party is entitled to costs for the filing of the document. These costs shall be allowed in addition to all other disbursements and Court fees.

(2) This paragraph shall apply to the taxation of costs as well as cases where the Court fixes a gross sum in lieu of taxation.

(3) This paragraph shall not apply to any document filed through the service bureau.

## 98. Taxations involving the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid

(1) The directions contained in this paragraph shall be followed in respect of all taxations in which the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid is involved.

(2) Subject to sub-paragraph (4) below, for all taxations in which the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid is involved:

(a) the receiving party must, prior to the filing of the bill of costs in Court through the Electronic Filing Service, send the bill of costs to be filed to the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid, as the case may be;

(b) the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid should then inform the receiving party whether he or she agrees or disagrees with the amounts claimed in the bill of costs; and

(c) when filing the bill of costs in Court through the Electronic Filing Service, the receiving party must state whether the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid disagrees with the amounts claimed in the bill of costs. The bill of costs should also be served on the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid, as may be applicable, on the same day that the bill of costs is filed.

(3) If the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid, as may be applicable, agrees with the amounts claimed in the bill of costs, then:

(a) for solicitor-and-client costs required to be taxed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189):

(i) where no party-and-party bill of costs has been filed; or

(ii) where the solicitor-and-client costs is not referenced to a party-and-party bill filed earlier,

the receiving party and the Public Trustee need not attend at the taxation and the bill will be taxed in their absence. However, if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Public Trustee at a later date;

(b) for:

(i) party-and-party bills filed by the creditor under the Bankruptcy (Costs) Rules or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020, to which the estate of the bankrupt is the respondent;

(ii) party-and-party bills filed by the creditor in companies winding-up matters where the Official Receiver is appointed liquidator and to which the company in liquidation is the respondent to the bill of costs; or

(iii) solicitor-and-client bills filed pursuant to the Legal Aid and Advice Act (Cap. 160) where the Director of Legal Aid is the respondent,

the receiving party and the Official Assignee, the Official Receiver or the Director of Legal Aid, as the case may be, need not attend at the taxation and the bill will be taxed in their absence. However, if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Official Assignee, the Official Receiver or the Director of Legal Aid, as the case may be, at a later date.

(4) If solicitor-and-client costs are required to be taxed pursuant to the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act and the bill of costs claiming the same is referenced to an earlier party-and-party bill filed pursuant to paragraph 94(3)(d), the Public Trustee need not attend the taxation of the bill and the party-and-party and solicitor-and-client costs will be taxed in the absence of the Public Trustee. However, the Public Trustee may attend at the taxation if he so wishes, and shall attend if an express direction is made by the taxing Registrar that he attend in relation to a particular bill of costs.

## 99. Fixing costs *in lieu* of ordering taxation

(1) The Court may, where appropriate, fix costs at the end of a hearing or trial in lieu of ordering taxation. Counsel should therefore be prepared to make submissions on the entitlement to and quantum of costs at the end of a hearing or trial, whether before or after judgment is delivered.

(2) Counsel should note that the Court may fix costs where costs have been ordered to be in the cause, or on hearing applications for dismissal or striking out pursuant to an unless order, and be prepared to make submissions accordingly.

## 99A. Costs Scheduling

(1) The directions contained in this paragraph shall apply to:

(a) trials in open court for all writ actions and originating summonses ordered to be continued as if the cause or matter had been begun by writ;

(b) originating summonses involving cross-examination of any deponent; and

(c) civil appeals before the Court of Appeal and civil appeals before the Appellate Division.

(2) Each party to the proceedings described in sub-paragraph (1) shall be required to file a costs schedule using Form 18A in Appendix A of these Practice Directions. The costs schedule should set out with sufficient particularity the quantum of party-and-party costs and disbursements that the party intends to claim in the event that the party succeeds. A specimen form illustrating the use of Form 18A can be found in Appendix F of these Practice Directions.

(3) The relevant costs schedule will be taken into account for the purposes of assessing the quantum of costs to be awarded for the proceedings.

(4) The costs schedule for the proceedings described in sub-paragraphs (1)(a) and (b) shall be filed together with the parties' written closing submissions or, where there are no written closing submissions, before the parties' oral closing submissions are presented.

(5) The costs schedule for the proceedings described in sub-paragraph 1(c) shall be filed together with the parties' skeletal arguments.

### 99B. Costs Guidelines

(1) Solicitors making submissions on party-and-party costs (whether at taxation hearings or otherwise) or preparing their costs schedules pursuant to paragraph 99A of these Practice Directions may have regard to the costs guidelines set out in Appendix G of these Practice Directions (the "Costs Guidelines").

(2) The Costs Guidelines are to serve only as a general guide for party-and-party costs awards in the Supreme Court. The precise amount of costs awarded remains at the discretion of the Court making the award and the Court may depart from the amounts set out in the Costs Guidelines depending on the circumstances of each case.

(3) For the avoidance of doubt, nothing in the Costs Guidelines is intended to guide or influence the charging of solicitor-and-client costs.

## Part XIII: Electronic Filing and Service

110. Limits on the size and number of documents submitted using the Electronic Filing Service

111. Documents which cannot be converted into an electronic format

112. Rejection of documents, back-dating and refund of penalty

113. Urgent hearing

114. Hard copies of documents

115. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service

## 100. Application

(1) The directions in this Part apply to the filing, service, delivery and conveyance of documents in civil proceedings under Order 63A of the Rules of Court.

(2) Where the words and phrases set out in Order 63A, Rule 1 are used in this Part, they shall have the same meaning as defined in Order 63A, Rule 1, unless otherwise specified.

## 101. Establishment of Electronic Filing Service and appointment of network service provider

In exercise of the powers conferred by Order 63A, Rules 2 and 3 of the Rules of Court, the Registrar, with the approval of the Chief Justice, hereby establishes an Electronic Filing Service known as the Integrated Electronic Litigation System or eLitigation and accessible at <www.elitigation.sg> and appoints CrimsonLogic Pte Ltd as the Electronic Filing Service provider for this service, with the Electronic Litigation Systems Committee of the Singapore Academy of Law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).

## 102. Appointment of agent to establish service bureau

Pursuant to Order 63A, Rule 4 of the Rules of Court, the Registrar appoints CrimsonLogic Pte Ltd as an agent to establish a service bureau in the Supreme Court of Singapore; with the Electronic Litigation Systems Committee of the Singapore Academy of Law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).

## 103. Registered users and authorised users

(1) Under Order 63A of the Rules of Court, any entity may apply to be a registered user. For the purpose of Order 63A, the identification code of an authorised user shall be his or her SingPass ID.

(2) The following procedures shall apply to applications to become a registered user and for designating authorised users:

(a) The application to become a registered user must be made to the Registrar using Form 20 of Appendix A of these Practice Directions. In Form 20, the registered user must nominate at least one authorised user. Form 20 must be accompanied by the following:

(i) a recent business profile report from the Accounting and Corporate Regulatory Authority (ACRA) of the registered user;

(ii) an application form including the subscriber agreement for subscription to the Electronic Filing Service; and

(iii) two sets of GIRO application forms for the electronic payment of filing and hearing fees, and electronic filing and other charges.

## 104. Documents which must be filed, served, delivered or otherwise conveyed using the Electronic Filing Service

(1) Pursuant to Order 63A, Rules 1 and 8 of the Rules of Court, the Registrar hereby specifies that all documents to be filed with, served on, delivered or otherwise conveyed to the Registrar in all proceedings other than criminal proceedings (which are governed by Part XIV of these Practice Directions and the Criminal Procedure Code (Electronic Filing and Service) Regulations), subject to the exceptions which appear later in this paragraph, must be so filed, served, delivered or otherwise conveyed using the Electronic Filing Service.

(2) It shall not be necessary to use the Electronic Filing Service in respect of the following proceedings:

(a) any proceedings commenced by a writ of summons before March 2000, subject to the provisions in sub-paragraphs (c), (d), (e) and (f);

(b) any proceedings commenced by an originating summons before 18 December 2001;

(c) any proceedings for taxation commenced by a bill of costs, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;

(d) any proceedings commenced by an originating summons or summons for interpleader relief, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;

(e) any notices of appeal under Order 55D, including proceedings resulting or arising from such appeals, filed before 18 December 2001;

(f) any notices of appeal under Order 57, including proceedings resulting or arising from such appeals, filed before 18 December 2001;

(g) any proceedings commenced by a petition for the admission of advocates and solicitors filed before 18 December 2001;

(h) any proceedings for winding up of a company commenced by a petition filed before 28 May 2002;

(i) any proceedings commenced by an Admiralty writ *in rem* or *in personam* filed before 28 May 2002;

(j) any proceedings commenced by an originating motion filed before 28 May 2002;

(k) any proceedings commenced by an originating petition filed before 28 May 2002;

(l) any proceedings commenced by a petition of course filed before 28 May 2002;

(m) any proceedings or applications under the Bankruptcy Act (Cap. 20) or Bankruptcy Rules (Cap. 20, Rule 1) filed before 28 May 2002;

(n) any proceedings for a grant under Order 71, Rule 5 of the Rules of Court filed before 28 May 2002;

(o) any applications to deposit an instrument creating a power of attorney filed before 28 May 2002; and

(p) any proceedings commenced by a petition under Part X of the Women's Charter (Cap. 353) filed before 15 December 2003.

(3) Documents which are filed pursuant to Order 34, Rule 3A(1) may, instead of being filed through the Electronic Filing Service, be filed in accordance with the procedure outlined in paragraph 71(3) to (7).

(4) In respect of appeals under Order 55D, it shall not be necessary to file, serve, deliver or convey any document at the General Division using Electronic Filing Service if its filing, service, delivery or conveyance is not required under Order 55D.

## 105. Certificate of Service

Where documents are served using the Electronic Filing Service, a Certificate of Service will automatically be generated and stored in the electronic case file.

## 106. Form of documents

(1) It is also not necessary for documents that are electronically filed in Court to have a cover page or backing sheet.

(2) Parties are reminded that they must, at all times, ensure that the information stored in the front end system is up-to-date and free from errors as the same information will be reproduced in electronic forms that are generated by the Electronic Filing Service. Documents generated by the Electronic Filing Service containing outdated or wrong information will be rejected by the Legal Registry of the Supreme Court and the fee payable shall be that stipulated in Appendix B of the Rules of Court.

(3) In the event that the Electronic Filing Service fails to automatically generate the document information page, parties may undertake the procedure outlined in paragraph 112(2).

## 107. Pagination of documents

Every single page of a document must be paginated so that the pagination on the actual document corresponds with the pagination of the Portable Document Format (PDF) document in the electronic case file. Solicitors' attention is drawn to paragraphs 57(5) and 59(3) in this regard. This is to facilitate hearings involving reference to both printed and soft copies of the same document.

## 108. Filing documents through service bureau

(1) Solicitors and law firms are encouraged file documents through the Electronic Filing Service. However, in the event that certain documents cannot be filed through the Electronic Filing Service, solicitors and law firms may file documents through the service bureau. Litigants in person may also file documents through the service bureau.

(2) The operating hours of the service bureau may be found on the eLitigation's website at https://www.elitigation.sg.

## 109. Filing of documents to the Supreme Court through a State Courts service bureau

Pursuant to Order 63A, Rule 18(4) of the Rules of Court, the Registrar hereby prescribes that any service bureau established or authorised to be established by the Registrar of the State Courts may assist in the filing, service, delivery or conveyance of documents pertaining to Supreme Court proceedings using the Electronic Filing Service if the service bureau, or, if there are more than one, all the service bureaux, established or authorised to be established by the Registrar are unable to provide such services owing to failure of hardware or software, or both.

## 110. Limits on the size and number of documents submitted using the Electronic Filing Service

(1) The following limits currently apply to the filing of documents using the Electronic Filing Service:

(a) the total number of documents in a single submission cannot exceed 99.

(b) The total number of pages in a single document cannot exceed 9,999.

(c) The size of a single transmission cannot exceed 500 mega-bytes.

(2) The limits described above will apply to filing both online through the Electronic Filing Service and the service bureau.

(3) The resolution for scanning, unless otherwise directed by the court, shall be no more than 300 DPI.

(4) In the event that any solicitor wishes to file documents which exceed the limits specified in sub-paragraph (1), he should inform the Registrar at least 14 days before the intended filing date. The solicitor will then be asked to attend before the Registrar for directions on how the documents should be filed.

## 111. Documents which cannot be converted into an electronic format

(1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hard copy of the document must be filed at the Legal Registry of the Supreme Court.

(2) If the Court receives a document which the filing party says cannot be converted in whole or in part into an electronic format, and it can discern no good reason why the document cannot be wholly converted into an electronic format, the document may be rejected.

## 112. Rejection of documents, back-dating and refund of penalty

(1) Care must be taken to enter correct, complete and accurate information into the electronic form. If the information entered into the electronic form and the actual document differ, the document is likely to be rejected by the Court. If a document is rejected by the Court for any reason, a penalty may nonetheless be payable in respect of the document, as specified in Appendix B of the Rules of Court. In this regard, solicitors' attention is also drawn to Order 63A, Rule 17 of the Rules of Court.

(2) In the event however that any document is rejected through no fault of the filing party, a solicitor may:

(a) re-file the document with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to Order 63A, Rule 10; and

(b) request for a refund by submitting the requisite electronic form through the Electronic Filing Service.

## 113. Urgent hearing

Subject to the directions of the Court, solicitors may appear before the Judge or Registrar with paper documents for an urgent hearing. The solicitors so appearing must give an undertaking to file all the documents used at the hearing using the

Electronic Filing Service by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

## 114. Hard copies of documents

(1) The Registrar may, at his discretion, request for hard copies of any documents filed electronically.

(2) Upon such request, the filing party or his solicitors shall furnish hard copies of the relevant documents at the venue specified by the Registrar:

(a) within the specified time frame; or

(b) within 24 hours of the request, if no time frame is specified.

(3) The Registrar may also direct that any documents shall be filed in hard copy instead of using the Electronic Filing Service for such period or periods as he in his discretion thinks fit.

## 115. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service

(1) The solicitor having the conduct of any cause or matter may delegate the task of filing originating processes and documents in Court to an assistant or a suitably experienced law clerk or secretary, provided always that the solicitor shall personally satisfy himself as to the accuracy and completeness of the information submitted to the Court, and shall personally bear responsibility for any errors or deficiencies.

(2) In particular, solicitors should ensure the following:

(a) that the title of the action generated using the Electronic Filing Service is accurate and correct;

(b) where an action is commenced by way of writ of summons, that at least one nature of claim is selected that adequately represents the subject matter of the action; and

(c) where an action is commenced by way of originating summons, that either the relevant legislation under which the action is brought is provided or at least one nature of claim is selected that adequately represents the subject matter of the action.

# Part XIV: Electronic Filing and Service for Criminal Proceedings



## 116. Application

(1) The directions contained in this Part shall apply to the filing, service, delivery and conveyance of documents in criminal proceedings commenced in the High Court on or after 10 January 2005 but before 2 January 2021 or in the General Division

on or after 2 January 2021, and criminal proceedings commenced in the Court of Appeal on or after 10 January 2005.

(2) The attention of solicitors is drawn to the Criminal Procedure Code (Electronic Filing and Service for Supreme Court) Regulations 2012, which shall have effect in relation to any document that is required to be filed with, served on, delivered or otherwise conveyed to the Supreme Court or any party to any criminal matter that is to be heard in the Supreme Court under the Criminal Procedure Code (Cap 68).

(3) In addition, the following paragraphs of these Practice Directions shall apply, *mutatis mutandis*, to specified documents filed under this Part:

(a) 12(8);

(b) 27;

(c) 31(6);

(d) 34(3)(b) and (c);

(e) 35(2) to (6);

(f) 57, save for sub-paragraph (4)(e);

(g) 106;

(h) 107;

(i) 108, save for the provisions relating to fees;

(j) 109;

(k) 110;

(l) 111;

(m) 112, save for the provision relating to fees;

and

(n) 112.

## 117. Hard copies of documents

(1) The provisions of this paragraph are without prejudice to the provisions of the Criminal Procedure Code (Electronic Filing and Service for Supreme Court) Regulations 2012.

(2) Counsel in magistrate's appeals, criminal revisions, criminal motions, show cause proceedings and special case hearings before the General Division should ensure that 2 hard copies each of any skeletal arguments and/or bundles of authorities are tendered to the Legal Registry of the Supreme Court.

(3) Counsel in criminal appeals, criminal motions and criminal references before the Court of Appeal should ensure that 4 hard copies of any skeletal arguments are tendered to the Legal Registry.

(4) For the avoidance of doubt, it shall not be necessary for bundles of authorities to be filed electronically.

## 118. Timelines for filing

(1) Skeletal arguments that are to be electronically filed must be filed and served in accordance with the following timelines:

(a) in a case where the matter is before the General Division, at least 10 days before the hearing; and

(b) in a case where the matter is before the Court of Appeal, by 4 p.m. on the Monday three weeks before the start of the Court of Appeal sitting period within which that matter is scheduled for hearing, regardless of the actual day (within that sitting period) on which that matter is scheduled for hearing before the Court of Appeal. (For example, if the sitting period starts on Monday, 18 February 2019 and ends on Friday, 8 March 2019, all skeletal arguments for matters listed before the Court of Appeal in that sitting period must be filed by 4 p.m. on Monday, 28 January 2019.)

(2) Hard copies of bundles of authorities shall be tendered to the Legal Registry of the Supreme Court at the same time as hard copies of skeletal arguments.

(3) Where an accused person intends to plead guilty to the charge(s) proceeded with at a preliminary inquiry or committal hearing, the prosecution shall tender hard copies of the following to the Legal Registry of the Supreme Court at least 2 working days before the hearing:

(a) a statement of the facts of the case;

(b) the draft charge(s) the prosecution will be proceeding with, where applicable; and

(c) any other supporting documents, including any documents referred to in the statement of the facts of the case.

(4) In all other cases fixed for a preliminary inquiry or committal hearing, the prosecution shall tender hard copies of the following to the Legal Registry of the Supreme Court at least 5 clear days before the hearing:

(a) the conditioned statements of all witnesses;

(b) the draft charge(s) the prosecution will be proceeding with, where applicable; and

(c) any other supporting documents, including any exhibits referred to in the conditioned statements of all witnesses.

### 119. Filing fees

The attention of solicitors is drawn to Regulations 7 and 8 of the Criminal Procedure Code (Electronic Filing and Service) Regulations 2012, which govern the payment of fees for the use of the service bureau and the electronic filing service for criminal proceedings.

## Part XV: Technology Facilities



### 120. Use of the Video Conference Facilities and the Mobile Infocomm Technology Facilities

(1) The video conference facilities and the Mobile Infocomm Technology Facilities ("MIT facilities") may, at the discretion of

the Registrar, be used:

(a) for the hearing of any matter, whether before a Judge or Registrar, in open Court or in Chambers; or

(b) for any other dispute resolution process.

(2) The Registrar may refuse any request for the use of any of the services described in this Part at any time owing to the unavailability of staff or equipment or for any other reason. The Registrar need not give any reasons for the refusal of such a request.

## 121. Applications to use the Video Conference Facilities and Usage of Additional Equipment

(1) A request to use the video conference facilities for the hearing of any matter before a Judge or Registrar must be made by filing a Request through the Electronic Filing Service at least 14 working days before the hearing at which those facilities are to be used and Form 21 of Appendix A of these Practice Directions in Portable Document Format (PDF) must be annexed to the Request electronic form.

(2) An application to use the video conference facilities for any other dispute resolution process must be made by submitting Form 21 of Appendix A of these Practice Directions to the Registrar, through the relevant person-in-charge at the organisation at which the dispute resolution process is carried out, at least 14 working days before the dispute resolution proceedings at which it is to be used.

(3) [deleted]

(4) [deleted]

(5) Upon a successful request to use the video conference facilities,

(a) prior arrangements for equipment testing have to be made at least 5 working days before the first day fixed for the hearing, in order to ensure equipment compatibility;

(b) applicants will be informed of the number for video conferencing during the testing session; and

(c) as a matter of general practice, the remote site will connect to the number and it is the responsibility of the party requesting the video conference to coordinate the booking and calling in from the remote site.

(6) Any person who desires to use audio-visual and computer equipment additional to those provided in a Courtroom will be asked to provide details of such equipment. The applicant must also be prepared to have the equipment available for testing with the audio-visual system of the Courtroom at least 3 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide equipment that is compatible with the audio-visual system of the Courtroom.

## 122. Applications to use the Mobile Infocomm Technology Facilities

(1) A request to use the MIT facilities for the hearing of any matter in open Court or in Chambers before a Judge or Registrar must be made by filing a Request through the Electronic Filing Service at least 14 working days before the hearing at which the MIT facilities are to be used and Form 21 of Appendix A of these Practice Directions in Portable Document Format (PDF) must be annexed to the Request electronic form.

(2) An application to use the MIT facilities for any other dispute resolution process must be made by submitting Form 21 to the Registrar through the relevant person-in-charge at the organisation at which the dispute resolution process is carried out as soon as practicable, as availability of the resources are on a first-come-first served basis.

(3) The mobile audio-visual equipment is available for use in both open Court and in Chambers while the mobile videoconferencing equipment is only for use in Chambers.

(4) Any applicant desiring to use the mobile audio-visual equipment is required to provide details of the type of evidence presenting and media format in the application form. The applicant must also be prepared to have the presentation material or media available for testing with the audio-visual system at least 5 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide presentation materials or media format that is compatible with the equipment provided by the Court.

# Part XVI: Admiralty Matters



## 124. Arrest of ships

(1) The plaintiff will apply to a Judge for an omnibus order in every case where a ship or vessel is arrested, giving the Sheriff discretion to take various measures for the safe and satisfactory custody of the arrested property. The usual prayers in the application for an omnibus order are prayers 7 to 11 of Annex B (Standard Appraisement and Sale Prayers and Omnibus Prayers) to the current edition of the Admiralty Court Guide issued pursuant to a Registrar's Circular (the "Admiralty Court Guide").

(2) Solicitors representing plaintiffs in admiralty proceedings are required to provide an undertaking that the Sheriff shall be indemnified and be provided with sufficient funds as and when required by the Sheriff to meet the charges and expenses that may be incurred in consequence of their request for the arrest of a vessel. If such an undertaking is not fulfilled within a reasonable time, the Sheriff may take such steps as may be necessary to enforce the undertaking against the solicitors concerned.

(3) Upon the arrest of vessel, funds are required immediately to meet the Sheriff's expenses, such as guard charges, port and garbage dues, and the supply of minimum victuals, domestic fuel and water to crew members where necessary. Funds to meet such expenses are not provided for by the Government.

(4) To enable the Sheriff to discharge his duties effectively, upon the arrest of a vessel, the Sheriff will require the solicitors representing arresting parties to deposit with the Sheriff a sum of $10,000. Such deposit is in addition to the usual undertaking.

(5) During the relevant period as defined in Order 70, Rule 10A(5) of the Rules of Court, the solicitors representing arresting parties must make reasonable efforts to notify the following persons and entities in writing of the service of the warrant of arrest or the writ in an action *in rem* as soon as practicable after the warrant of arrest or the writ (as the case may be) is served in accordance with Order 70, Rule 10A(1) of the Rules of Court:

(a) the owner of the ship;

(b) the demise charterer (if any) of the ship;

(c) the Master of the ship;

(d) the manager of the ship; and

(e) if the ship is in a shipyard — the shipyard.

(6) For the purposes of Order 70, Rules 10A(3)(a) and (4)(a)(ii) of the Rules of Court, the plaintiff must annex a copy of the results of a search on the ship conducted on the website of the Maritime and Port Authority of Singapore at https://digitalport.mpa.gov.sg showing:

(a) the identity of the agent of the ship; and

(b) the location of the ship or, where the property is cargo, the ship in which the cargo was carried, within the limits of the port declared under section 3(1) of the Maritime and Port Authority of Singapore Act, on the date and at the time of the service of the warrant of arrest or the writ in an action *in rem* (as the case may be).

## 124A. Arrest of ships in shipyards

(1) In every case where a vessel is arrested in or within a shipyard, the plaintiff must, within 14 days of the arrest or within 3 days from a request by a shipyard to move the vessel, whichever is the earlier, apply to a Judge for an omnibus order giving the Sheriff discretion to take appropriate measures for the safe and satisfactory custody of the arrested property.

(2) The usual prayers in the application for an omnibus order are prayers 7 to 11 of Annex B (Standard Appraisement and Sale Prayers and Omnibus Prayers) to the Admiralty Court Guide. In addition, in circumstances where the shipyard is asserting a possessory lien against the vessel, the omnibus order should stipulate that the order is without prejudice to the shipyard's possessory lien.

## 125. Form of undertaking

In order to ensure that there is no undue delay in the issuance and execution of warrants of arrest and release as well as commissions for appraisement and sale, members of the Bar are requested to prepare the undertaking in accordance with Form 24 of Appendix A of these Practice Directions.

## 126. Release of vessel lying under arrest

(1) If the arresting party requires the Sheriff to attend at the port in which a vessel is lying under arrest for the purpose of releasing the vessel from arrest, whether during or after office hours, he or she must do so by filing the requisite Request for attendance electronic form tothe Sheriff through the Electronic Filing Service. A Request for attendance made in any other manner will not be acceded to.

(2) The fees prescribed by Appendix B to the Rules of Court will be payable in respect of any attendance by the Sheriff.

## 126A. Caveat against release

(1) With respect to property as to which a caveat against release is in force, a party, before applying for the issuance of a release, must give at least 24 hours' prior written notice to any party at whose instance a subsisting caveat against release has been entered to either withdraw the caveat or arrest the property in another action.

(2) A release may be issued by the Court pursuant to Order 70, Rule 12(2)(b) with respect to property as to which a caveat against release is in force if such caveat is not withdrawn or where the caveator has failed to arrest the property in another action notwithstanding that the prior notice in paragraph (1) has been given.

## 127. Filing of supporting documents

The attention of solicitors is drawn to paragraph 9 which sets out the opening hours of the Legal Registry of Supreme Court. Solicitors shall ensure that the necessary documents are filed within the opening hours of the Legal Registry to enable execution to be effected. The directions in paragraph 11 apply when an urgent application has to be made after the Legal Registry's opening hours.

## 128. Hard copies at hearing of admiralty matters

Order 70, Rule 26 of the Rules of Court provides that the party by whom an admiralty action is set down for trial must file any preliminary act and a Request for an assessor's attendance (where applicable) not less than 7 days before the trial. In addition to this rule, the party must tender 3 hard copies of the preliminary act(s) to the Legal Registry ofthe Supreme Court.

## 129. Searches for caveats against arrest or release

Order 70, Rule 4(2)(b) of the Rules of Court provides that the party applying for a warrant of arrest to be issued must procure a search to be made in the record of caveats to ascertain whether there is a caveat against arrest in force. Order 70, Rule 12(2) provides that a release shall not be issued if a caveat against release is in force, unless, either (a) at the time of the issue of release the property is under arrest in one or more other actions, or (b) the Court so orders. A party applying for either arrest or release of a particular property shall provide documentation evidencing a search for caveats against arrest or release, as the case may be, reflecting a search done no more than 15 minutes before the hearing of the application.

## 130. Registration of service clerks for admiralty matters

(1) Pursuant to Order 70, Rule 7(3) and Rule 9(2) of the Rules of Court, service of a writ or execution of a warrant of arrest may be effected by a solicitor or a solicitor's clerk whose name and particulars have been notified to the Registrar.

(2) Solicitors' attention is drawn to paragraph 32(2) of these Practice Directions which requires solicitors to notify the Legal Registry of the Supreme Court of the particulars of authorised process servers, who have been authorised by them to serve processes and execute warrants of arrest by submitting a request to authorise user through the Electronic Filing Service. Where such authorised process servers are no longer so authorised, solicitors are to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Solicitors' clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.

(3) Paragraphs 32(3) to 32(6) of these Practice Directions shall, mutatis mutandis, apply to the assignment of the Sheriff to effect service of a writ or execute a warrant of arrest.

## 130A. Applications for appraisement and sale

(1) Any party applying for the appraisement and sale of any property in an admiralty action shall include a prayer to the Court to appoint one or more appraisers to value the property. The applicant shall submit with the application a list of appraisers maintained by the Sheriff.

(2) The Court appointed appraiser(s) must be named in Form 170 of Appendix B to the Rules of Court.

(3) The list of appraisers referred to in sub-paragraph (1) may be found on the Supreme Court website at http://www.supremecourt.gov.sg or will be provided by the Legal Registry of the Supreme Court upon request.

# Part XVII: Adoption and Probate Matters



# Part XVIII: Matters Under The Legal Profession Act



## 134. Applications for admission as an advocate and solicitor of the Supreme Court

(1) The attention of applicants for admission as an advocate and solicitor of the Supreme Court is drawn to the filing and service deadlines as set out in Rules 25, 26 and 27 of the Legal Profession (Admission) Rules 2011.

(2) In view of the requirements under Rules 25, 26 and 27 of the Legal Profession (Admission) Rules 2011, an applicant is to ensure the requisite document(s) for admission are served on the Attorney-General, the Law Society of Singapore and the Singapore Institute of Legal Education in compliance with the timelines stipulated in the respective Rules (“applicable timelines”).

(3) All applications for admission shall be filed through the Electronic Filing Service. Supervising solicitors may allow their practice trainees to file the relevant papers for admission as an advocate and solicitor through the Electronic Filing Service using the law practice’s front-end system. Alternatively, applicants may file their requisite documents for admission through the Service Bureau.

(4) The applicant shall file a Request for hearing together with the applicant’s affidavit for admission as advocate and solicitor. In the Request for hearing, the applicant shall request the issuance of the following documents:

(a) the instrument of admission under section 16(3) of the Legal Profession Act; and

(b) the declaration required under Rule 30 of the Legal Profession (Admission) Rules 2011.

The declaration will be generated for the applicant's signature at the hearing if the applicant's application for admission as an advocate and solicitor is granted. $120 is payable when filing the Request for hearing which includes $100 for the issuance of the instrument of admission (under the Legal Profession (Prescribed Fees) Rules).

(5) Upon the filing of the Request for hearing and all requisite documents for admission in accordance with the applicable timelines, the admission application will be fixed for hearing by the Legal Registry ("Original Call Date").

(6) An applicant who is not able to comply with the applicable timelines may apply for an abridgment of time ("abridgement application"). An abridgment application shall be made by way of a summons, supported by an affidavit and filed through the Electronic Filing Service at least 14 days before the applicant's intended admission hearing date ("Intended Call Date"). The abridgement application is to be served on the Attorney-General, the Law Society of Singapore and the Singapore Institute of Legal Education, any of whom may object to the abridgement application.

(a) Where the abridgment application has been filed at least 14 days before the Intended Call Date, it will be fixed for hearing on the Monday before the Intended Call Date. If the abridgment application is granted, the admission application will be re-fixed for hearing on the Intended Call Date.

(b) Where the abridgment application is filed less than 14 days before the Intended Call Date, the abridgment application will be fixed on the Monday before the Original Call Date. If the applicant wishes to bring forward the hearing date to the Monday before the Intended Call Date, the applicant has to obtain the written consent of Attorney-General, the Law Society of Singapore and the Singapore Institute of Legal Education and file a Request to bring forward the hearing date of the abridgment application enclosing the relevant written consent.

## 135. "Part-call" applications pursuant to section 32(3) of the Legal Profession Act

Section 32(3) of the Legal Profession Act allows "part-call" applications to be brought in respect of practice trainees who have completed not less than 3 months of their practice training period. A "part-call" application must be brought by way of a summons, supported by an affidavit, to be served on the Attorney-General, the Law Society and the Singapore Institute of Legal Education. The attendance of representatives of the Attorney-General, the Law Society and the Singapore Institute of Legal Education at the hearing of a "part-call" application is not required, unless there are any objections to the application or if the Court directs otherwise.

## 136. Electronic applications for practising certificates

(1) Subject to section 26 of the Legal Profession Act, section 25 of the same requires all practising solicitors to have in force a valid Practising Certificate issued by the Registrar, before he does any act in the capacity of an advocate and solicitor. Unless directed otherwise, with effect from 2 January 2014, all applications for practising certificates shall be made only through the Practising Certificate Module (PC Module) of the Integrated Electronic Litigation System (eLitigation) according to the procedures set out on the Electronic Filing Service website (www.elitigation.sg).

(2) Solicitors who do not have access to eLitigation may file an application through the Service Bureau established pursuant to Order 63A, Rule 4 of the Rules of Court. Payment for applications made through the Service Bureau must be made by way of NETS, cashier's orders, cash or a law firm-issued cheque.

(3) Payment for applications made directly through the PC Module of eLitigation must be by way of GIRO electronic payment. It is the applicant's responsibility to ensure that the designated bank account has sufficient funds for GIRO electronic payment of all applicable subscriptions, levies, contributions, fees and charges (which may include outstanding amounts due to the Law Society and/or the Singapore Academy of Law) at the time of the application. The issuance of any practising certificate is subject to the clearance of funds. Upon notification that a payment transaction is unsuccessful, the applicant shall make arrangements to effect full payment within five (5) working days. At any time before full payment is

made, the applicant shall, immediately upon demand, surrender to the Registrar all paper copies of any practising certificate issued to him for the practice year for which payment has not been settled and certify to the Registrar that he has destroyed all electronic copies thereof.

(4) Section 27(3) of the Legal Profession Act requires solicitors to notify the Registrar and the Council of any changes in particulars submitted in the course of applying for a practising certificate or with respect to the status of his practising certificate. This notification shall be made only through the PC Module of eLitigation.

(5) The Registrar may exercise his discretion to issue another practising certificate to a solicitor after receiving notification of any change of particulars. If the Registrar subsequently issues another practising certificate, section 26(9)(c) of the Legal Profession Act provides that the earlier practising certificate will cease to be in force.

# Part XIX: Matrimonial Proceedings and Matters Relating To The Guardianship of Infants



## 138. Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings

(1) The Honourable the Chief Justice has made the following orders under section 28A of the Supreme Court of Judicature Act (Cap. 322):

(a) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 1996, which came into operation on 1 April 1996 (“the 1996 Transfer Order”);

(b) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2003, which came into operation on 15 December 2003 (“the 2003 Transfer Order”);

(c) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2005, which came into operation on 1 April 2006 (“the 2005 Transfer Order”); and

(d) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2007, which came into operation on 1 January 2008 (“the 2007 Transfer Order”).

(2) To improve efficiency in the administration of justice and to provide for speedier disposal of proceedings commenced in the High Court before 1 October 2014, pursuant to the 1996 Transfer Order, the 2003 Transfer Order, the 2005 Transfer Order and the 2007 Transfer Order:

(a) all proceedings under section 59 and Part X of the Women’s Charter (Cap. 353) and the Guardianship of Infants Act (Cap. 122) (referred to in this Part as “family proceedings”), commenced in the High Court on or after 1 April 1996 but before 1 October 2014, shall be transferred to and be heard and determined by a District Court; and

(b) all family proceedings commenced before 1 April 1996 as well as any proceedings ancillary thereto shall continue to

be heard and determined by the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

(3) The transfer of family proceedings to the District Court can result in the District Court hearing family proceedings in which the value of the matrimonial assets concerned far exceeds the normal civil jurisdictional limit of the District Court. Further, to encourage the growth of family law jurisprudence, the 2003 Transfer Order and the 2005 Transfer Order provide that proceedings under Part X of the Women's Charter, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of $1.5 million or more, shall be transferred from the District Court to the High Court to be heard and determined. This "transfer back" to the High Court based on the gross value of assets applied to proceedings under Part X of the Women's Charter commenced on or after 15 December 2003 but before 1 January 2008.

(4) There can however be cases where the actual net value of the assets available for matrimonial distribution is in fact much lower than $1.5 million, because of existing liabilities such as an outstanding mortgage loan on the matrimonial property. In order to ensure that the High Court's resources are utilised to deal only with those cases where the actual value of the matrimonial assets available for distribution is sufficiently high, the 2007 Transfer Order provides that the net value instead of the gross value shall be used to determine whether the proceedings should be transferred from the District Court to the High Court.

(5) The new jurisdictional threshold based on net value takes effect from 1 January 2008 and applies to proceedings under Part X of the Women's Charter commenced on or after 15 December 2003 but before 1 October 2014. However, proceedings under Part X of the Women's Charter which have already been transferred to the High Court based on the gross value threshold, pursuant to the 2003 Transfer Order or the 2005 Transfer Order, will not be affected and will remain in the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

(6) Practitioners should pay particular attention to the requirement of leave to appeal in the relevant provisions of the 2007 Transfer Order.

(7) Practitioners are responsible for identifying the correct Transfer Order applicable to their case.

(8) Pursuant to the Family Justice Act 2014 (Act No. 27 of 2014), with effect from 1 October 2014, family proceedings shall be heard and determined by the Family Justice Courts. Notwithstanding this, any family proceedings commenced in or transferred to the High Court before 1 October 2014 shall, on and after that date, be continued in and dealt with by the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

## 139. Transfer of Section 17A(2) Supreme Court of Judicature Act Proceedings

(1) In relation to proceedings which may be heard and determined by the High Court before 2 January 2021 or the General Division on or after 2 January 2021 pursuant to section 17A(2) of the Supreme Court of Judicature Act (referred to in this Part as "section 17A(2) proceedings"), the Honourable the Chief Justice has made the following orders under section 28A of the Supreme Court of Judicature Act:

(a) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 1999, which came into operation on 1 August 1999 ("the 1999 Transfer Order");

(b) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2004, which came into operation on 1 November 2004 ("the 2004 Transfer Order"); and

(c) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2007, which came into operation on 1 January 2008 ("the 2007 Transfer Order for section 17A(2) proceedings").

(2) To improve efficiency in the administration of justice and to provide for more speedy disposal of proceedings commenced in the High Court before 1 October 2014, pursuant to the 1999 Transfer Order, the 2004 Transfer Order and

the 2007 Transfer Order, all section 17A(2) proceedings shall be transferred to and be heard and determined by a District Court.

(3) The transfer of section 17A(2) proceedings to the District Court can result in the District Court hearing section 17A(2) proceedings in which the value of the matrimonial assets concerned far exceeds the normal civil jurisdictional limit of the District Court. Further, to encourage the growth of family law jurisprudence, the 2004 Transfer Order provides that section 17A(2) proceedings, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of $1.5 million or more, shall be transferred from the District Court to the High Court to be heard and determined. This "transfer back" to the High Court based on the gross value of assets applied to section 17A(2) proceedings commenced on or after 1 November 2004 but before 1 January 2008.

(4) There can however be cases where the actual *net* value of the assets available for matrimonial distribution is in fact much lower than $1.5 million, because of existing liabilities such as an outstanding mortgage loan on the matrimonial property. In order to ensure that the High Court's resources are utilised to deal only with those cases where the actual value of the matrimonial assets available for distribution is sufficiently high, the 2007 Transfer Order for section 17A(2) proceedings provides that the net value instead of the *gross* value shall be used to determine whether the proceedings should be transferred from the District Court to the High Court.

(5) The new jurisdictional threshold based on net value takes effect from 1 January 2008 and applies to section 17A(2) proceedings commenced on or after 1 November 2004 but before 1 October 2014. However, section 17A(2) proceedings which have already been transferred to the High Court based on the gross value threshold, pursuant to the 2004 Transfer Order, will not be affected and will remain in the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

(6) Practitioners should pay particular attention to the requirement of leave to appeal in the relevant provisions of the 2007 Transfer Order for section 17A(2) proceedings.

(7) Practitioners are responsible for identifying the correct Transfer Order applicable to their case.

(8) Pursuant to the Family Justice Act 2014, with effect from 1 October 2014, section 17A(2) proceedings shall be heard and determined by the Family Justice Courts. Notwithstanding this, any section 17A(2) proceedings commenced in or transferred to the High Court before 1 October 2014 shall, on and after that date, be continued in and dealt with by the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

## 140. Documents to be filed at the Legal Registry of the Supreme Court

(1) All documents relating to family proceedings and section 17A(2) proceedings which are to be heard and determined by the High Court before 2 January 2021, or the General Division on or after 2 January 2021, shall be filed at the Legal Registry of the Supreme Court. These include:

(a) all originating processes to commence family proceedings before 1 April 1996;

(b) all subsequent applications and documents in or ancillary to family proceedings commenced before 1 April 1996;

(c) all applications and documents in or ancillary to family proceedings commenced on or after 15 December 2003 but before 1 October 2014 involving the division of matrimonial assets with a net value of $1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the State Courts;

(d) all applications and documents in or ancillary to section 17A(2) proceedings commenced on or after 1 November 2004 but before 1 October 2014 involving the division of matrimonial assets with a net value of $1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the State Courts; and

(e) all applications and documents to vary any Order of the High Court or the General Division (as the case may be) in the

proceedings referred to in sub-paragraphs (1)(a) to (d).

(2) Save for the documents listed in sub-paragraph (1), the Legal Registry will cease to accept the filing of the processes in relation to family proceedings with effect from 1 April 1996.

(3) For the avoidance of doubt, all documents relating to family proceedings that are filed at the Legal Registry shall bear the title "In the High Court of the Republic of Singapore" if they are filed before 2 January 2021 or "In the General Division of the High Court of the Republic of Singapore" if they are filed on or after 2 January 2021.

## 141. Forms of orders, including *Mareva* injunctions and search *orders*

(1) The format of all orders made in applications taken out in proceedings by way of writ of summons under Part X of the Women's Charter (Cap. 353) on or after 1 April 2006 shall comply with Form 32 of Appendix A of the Family Justice Courts Practice Directions. Orders made in proceedings commenced by way of petition under Part X of the Women's Charter shall comply with Form 24 of the Women's Charter (Matrimonial Proceedings) Rules 2003 (S 167/2003).

(2) Paragraphs 41 and 42 shall be applicable to an application for a Mareva injunction and a search order. The orders of Court for such applications shall contain the text set out in Forms 6, 7 and 8 of Appendix A of these Practice Directions.

## 142. Appeals on ancillary matters in Divorce Proceedings, Custody Matters or Section 17A(2) Supreme Court of Judicature Act Proceedings filed before 1 October 2014

(1) Appeals against final orders made by the District Judge in chambers on ancillary matters in divorce proceedings under the Women's Charter (Cap. 353), custody proceedings under the Guardianship of Infants Act (Cap. 122), or section 17A(2) proceedings, which are filed before 1 October 2014, shall be heard and determined by the High Court before 2 January 2021 or the General Division on or after 2 January 2021, and are governed by Order 55C of the Rules of Court. In practice, the District Judges furnish grounds of decision within 8 weeks of the filing of the notice of appeal although the furnishing of grounds of decision is not a requirement under the Rules of Court.

(2) To facilitate the conduct of appeal hearings before the Judge in Chambers, parties are required to file the following documents prior to the appeal hearing:

(a) the appellant shall, within one week from the date of the release of the grounds of decision, file his submission, the record of appeal, and where the record of appeal exceeds 1000 pages, a core bundle, and serve a copy thereof on every respondent to the appeal or his solicitor; and

(b) the respondent shall, within one week from the date of the service of the documents referred to in sub-paragraph (2)(a), file his submission and a supplemental core bundle, where necessary, and serve a copy thereof on the appellant or his solicitor.

(3) The submissions to be filed by parties shall set out as concisely as possible:

(a) the circumstances out of which the appeal arises;

(b) the issues arising in the appeal;

(c) the contentions to be urged by the party filing it and the authorities in support thereof; and

(d) the reasons for or against the appeal, as the case may be.

(4) The parties shall file together with their submissions a bundle of authorities relied on by the Court below as well as other

authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.

(5) The record of appeal shall consist of:

(a) the notice of appeal;

(b) the certified copy of the grounds of decision;

(c) the certified copy of the notes of evidence;

(d) the originating process and all subsequent pleadings;

(e) the affidavits filed or referred to by parties for the hearing and any other documents, so far as relevant to the matter decided and the nature of the appeal; and

(f) the judgment or order appealed from.

(6) The core bundle shall contain a copy of:

(a) the grounds of decision;

(b) the judgment or order appealed from;

(c) the documents, including notes of evidence, pleadings and affidavits or portions thereof that are of particular relevance to any question in the appeal or that will be referred to at the appeal; and

(d) an index of the documents included therein, which shall cross-refer each document to its location in the record of appeal.

(7) If the respondent intends to refer to documents at the appeal that are not included in the core bundle filed by the appellant, the respondent shall file a supplemental core bundle that contains a copy of the documents, together with an index of the documents which shall cross-refer each document to its location in the record of appeal.

(8) The core bundle filed by the appellant shall not exceed 100 pages and the supplemental core bundle filed by the respondent shall not exceed 50 pages. In computing the number of pages, the copy of the order appealed from, the grounds of decision and the index of documents shall be excluded. The Judge hearing the appeal may take into consideration any failure to comply with this direction in deciding the costs to be awarded at the hearing of the appeal.

(9) The submissions, the record of appeal, the core bundle and the respondent's core bundle shall be filed at the Registry of the State Courts.

(10) In order to assist the Judge hearing the appeal, the appellant and the respondent are to tender one hard copy of the record of appeal, submissions and the core bundle, where applicable, as well as any bundle of authorities to be relied upon to the Legal Registry of the Supreme Court not less than 5 working days before the hearing of the appeal.

# Part XX: Bankruptcy and Winding Up Matters

143. Bankruptcy applications

144. Applications to set aside statutory demands made under the Bankruptcy Rules or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020

145. Judicial Management and Winding Up applications under the Companies Act or the Insolvency, Restructuring and Dissolution Act 2018

146. Documents for use in open Court trials of contested winding-up applications

- Bundles of documents
- Bundles of authorities
- Opening statements
- Timeline for tendering documents

## 143. Bankruptcy applications

The following arrangements will apply to hearings of bankruptcy matters:

(1) Bankruptcy matters are divided into 2 parts, namely,

(a) applications for bankruptcy orders; and

(b) other applications under the Bankruptcy Act (Cap. 20) or Bankruptcy Rules (Cap. 20, R1), or under Parts 13 to 21 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020, including:

- (i) applications to set aside statutory demands;
- (ii) applications to extend the time to set aside statutory demands; and
- (iii) applications for interim orders.

(2) *Ex parte* applications for substituted service in bankruptcy proceedings will be dealt with by the Duty Registrar.

## 144. Applications to set aside statutory demands made under the Bankruptcy Rules or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020

(1) Rule 97 of the Bankruptcy Rules and Rule 67 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 allow a debtor to apply to set aside a statutory demand within such of the following periods, after the date on which the statutory demand is served or deemed to be served on the debtor, as may be applicable:

(a) in a case where the debtor was served or deemed to be served with a statutory demand during the prescribed period under the COVID-19 (Temporary Measures) Act 2020 (Act 14 of 2020) – 6 months;

(b) in any other case –

- (i) 14 days; or
- (ii) where the demand was served outside jurisdiction – 21 days.

(2) Without prejudice to Rule 98 of the Bankruptcy Rules or Rule 68 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020, on an application to set aside a statutory demand based on a judgment or an order, the Court will not go behind the judgment or order and inquire into the validity of the debt.

(3) When the debtor:

(a) claims to have a counterclaim, set-off or cross demand (whether or not he could have raised it in the action or proceedings in which the judgment or order was obtained) which equals or exceeds the amount of the debt or debts specified in the statutory demand; or

(b) disputes the debt (not being a debt subject to a judgment or order),

the Court will normally set aside the statutory demand if, in its opinion, on the evidence there is a genuine triable issue.

## 145. Judicial Management and Winding Up applications under the Companies Act or the Insolvency, Restructuring and Dissolution Act 2018

After a winding up application has been filed, the applicant or his solicitor should file the necessary documents using the checklist provided in the Electronic Filing Service. Once the necessary documents under the checklist have been filed, the applicant or his solicitor should generate and file the winding up memorandum before attending before the Duty Registrar in compliance with Rule 32 of the Companies (Winding Up) Rules or Rule 73 of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020. This requirement shall similarly apply to judicial management applications under the Companies Act (Cap. 50) or the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

## 146. Documents for use in open Court trials of contested winding-up applications

(1) This paragraph shall apply to trials of contested winding-up applications in open Court.

(2) To improve the conduct of contested winding-up applications and to reduce the time taken in the presentation of cases in Court, the following documents shall be prepared by the respective solicitors of the parties:

(a) a bundle of documents (an agreed bundle where possible);

(b) a bundle of authorities; and

(c) an opening statement.

***Bundles of documents***

(3) For bundles of documents:

(a) Documents to be used at trial should be consolidated into bundles paginated consecutively throughout at the top right hand corner. An index of the contents of each bundle in the manner and form set out in Form 10 of Appendix A of these Practice Directions must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.

(b) It is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.

(c) In cases where certain documents cannot be agreed upon, these should be separately bundled as the applicant's or plaintiff's bundle or such other party's bundle as the case may be.

(d) The requirements set out in paragraph 71(11)(c)-(f) shall, *mutatis mutandis*, be complied with in respect of proceedings falling within this paragraph.

(e) The bundles of documents including the agreed bundle and core bundle, if applicable, shall be filed and served on all relevant parties at least 5 working days before trial.

***Bundles of authorities***

(4) The requirements set out in paragraph 71(12) to (13) shall, *mutatis mutandis*, be complied with in respect of proceedings falling within this paragraph.

***Opening statements***

(5) The requirements set out in paragraph 71(14) shall, *mutatis mutandis*, be complied with.

***Timeline for tendering documents***

(6) Paragraph 71(8) to (10) shall apply, *mutatis mutandis*, to proceedings to which this paragraph applies.

# Part XXI: Applications Under The Mental Capacity Act



## 147. Transfer of mental capacity proceedings to District Court

(1) The Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010, made under section 28A of the Supreme Court of Judicature Act (Cap. 322), came into operation on 1 March 2010 ("the Transfer Order").

(2) Pursuant to the Transfer Order –

(a) any proceedings under the Mental Capacity Act (Cap. 177A) (referred to in this Part as "the MCA") commenced in the High Court on or after 1 March 2010 but before 1 October 2014 shall be transferred to and be heard and determined by a District Court; and

(b) any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) (referred to in this Part as "the MDTA") in force before that date, shall be heard and determined by the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

(3) Pursuant to the Family Justice Act 2014, with effect from 1 October 2014, proceedings under the MCA shall be heard and determined by the Family Justice Courts. Notwithstanding this, any proceedings under the MCA commenced in the High Court before 1 October 2014 shall, on and after that date, be continued in and dealt with by the High Court before 2 January 2021 or the General Division on or after 2 January 2021.

## 148. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building

(1) All documents relating to mental capacity proceedings which are to be heard and determined by the High Court before 2 January 2021 or the General Division on or after 2 January 2021 shall be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:

(a) all applications and documents to vary any Order of the High Court or the General Division (as the case may be) in proceedings under the MDTA commenced before 1 March 2010;

(b) all documents in or ancillary to any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part 1 of the MDTA in force before that date; and

(c) all applications and documents to vary any Order of the High Court or the General Division (as the case may be) in proceedings referred to in sub-paragraph (b) above.

(2) All applications subsequent to the filing of the originating summons in any mental capacity proceedings in the High Court or the General Division (as the case may be) shall be made by way of summons.

(3) An affidavit stating clearly the grounds for the application shall be filed together with the summons.

(4) Where permission is not required to make the application, the affidavit should state the applicant's belief that he or she falls within the categories of persons listed within section 38(1) of the MCA and Order 99, Rule 2(3) of the Rules of Court as in force immediately before 1 January 2015.

(5) Where permission is required to make the application, that prayer may be included in the main application itself. There is no requirement for a separate application for permission. The grounds upon which the applicant is relying to obtain such permission must be stated clearly in the supporting affidavit. The Court will decide whether to grant such permission based on the grounds stated in the affidavit.

(6) Relevant documents, such as copies of birth certificates, marriage certificates, the lasting powers of attorney, or of the court orders appointing deputies, must be exhibited to support the averments in the affidavit. Originals of the exhibits must be made available for inspection by the Court during the hearing, if required.

(7) Where an order is sought relating to the property and affairs of a person under section 20 of the MCA, the affidavit should set out the necessary supporting facts. In particular, in an application to sell the residential property of the person lacking capacity, the supporting affidavit should elaborate on why it is just or for the benefit of that person that a sale of the property is ordered, and where that person will be residing if the property were sold.

(8) The affidavit must include any other material information and supporting documents, such as the consents of all relevant family members and a property valuation report.

## 149. Doctor's affidavit exhibiting medical report

***Affidavit by doctor required***

(1) Under Order 40A, Rule 3 of the Rules of Court, expert evidence "is to be given in a written report signed by the expert and exhibited in an affidavit sworn to or affirmed by him testifying that the report exhibited is his and that he accepts full responsibility for the report". Where a medical report is relied on for the purposes of an application under the MCA, the doctor who prepared the medical report should affirm or swear to an affidavit and exhibit his or her medical report.

(2) In addition, the doctor should indicate in the affidavit that he or she is aware that his or her report is being adduced for the purpose of the application under the MCA, for example, obtaining a declaration that the person concerned lacks capacity in relation to matters specified in the application.

***The medical report***

(3) In order to assist the Court, the medical report should:

(a) distinguish clearly between observations or conclusions based on information given to the doctor and those that are based on the doctor's examination of the person concerned;

(b) contain a clear opinion as to whether the person concerned lacks capacity in relation to matters specified in the application;

(c) contain a clear opinion on the prognosis of the person concerned and, if necessary, the likelihood of requiring increased or reduced medical expenses in the foreseeable future; and

(d) be current and should be made not more than 6 months before the date of the hearing of the application.

## 150. Notification

(1) The definition of “P” in Order 99, Rule 1 of the Rules of Court shall be applicable in these Practice Directions. “P” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity (within the meaning of the MCA) and to whom any proceedings under the MCA relate.

(2) Under Order 99, Rule 6 of the Rules of Court, P shall be notified of certain matters by:-

(a) the plaintiff, applicant, or appellant (as the case may be); or

(b) such other person as the Court may direct.

(3) Where P is to be notified that an application has been filed, the person effecting notification must explain to P:-

(a) who the plaintiff or applicant is;

b) that the application raises the question of whether P lacks capacity in relation to a matter or matters, and what that means;

(c) what will happen if the Court makes the order or direction that has been applied for;

(d) where the application is for the appointment of a deputy, details of who that person is, and

(e) the date on which the application is fixed for hearing.

(4) Where P is to be notified that an application has been withdrawn, the person effecting notification must explain to P:-

(a) that the application has been withdrawn; and

(b) the consequences of that withdrawal.

(5) Where P is to be notified that a notice of appeal has been filed, the person effecting notification must explain to P:-

(a) who the appellant is;

(b) the issues raised by the appeal;

(c) what will happen if the appeal is dismissed or allowed; and

(d) the date on which the appeal is fixed for hearing.

(6) Where P is to be notified that a notice of appeal has been withdrawn, the person effecting notification must explain to P:-

(a) that the notice of appeal has been withdrawn; and

(b) the consequences of that withdrawal.

(7) Where P is to be notified that an order which affects P has been made by the Court, the person effecting notification must explain to P the effect of the order.

(8) In all cases of notification, the person effecting notification must provide P with the information required under Order 99, Rule 6 of the Rules of Court and this Part of these Practice Directions in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).

(9) The person effecting notification must also inform P that he may seek legal advice and assistance in relation to any matter of which he is notified.

(10) The certificate of notification filed under Order 99, Rule 6(5) of the Rules of Court shall be in Form 26 of Appendix A of these Practice Directions.

***Dispensing with notification***

(11) Under the MCA, notification of P shall be the norm rather than the exception. However, in certain appropriate circumstances, the person required to notify P may apply to Court for an order to dispense with the requirement to notify P. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state, or where notification is likely to cause significant and disproportionate distress to P. The reasons for seeking dispensation of notification shall be stated in the supporting affidavit of the plaintiff or applicant.

(12) The Court may, on its own motion, dispense with the notification of P.

## 151. Application subsequent to the appointment of deputy

(1) An application to vary an order made in mental capacity proceedings shall be made by way of summons supported by affidavit and served on every party who had initially been served with the originating summons as well as on the Public Guardian, within 2 working days after the date on which the application is filed.

(2)If an application under sub-paragraph (1) is filed more than 6 months from the date of the order, the application must be served personally on every defendant. If such an application is filed 6 months or less from the date of the order, the service on every party to the proceedings may be by way of ordinary service.

## 152. Where P ceases to lack capacity or dies

(1) Where P ceases to lack capacity or dies, the following steps in sub-paragraphs (2) to (7) may, where relevant, need to be taken to finalise the court's involvement in P's affairs.

***Application to end proceedings***

(2) Where P ceases to lack capacity in relation to the matter or matters to which the proceedings relate, an application may be made by any of the following people to the Court to end the proceedings and discharge any orders made in respect of that person:

(a) P;

(b) his litigation representative; or

(c) any other person who is a party to the proceedings.

(3) The application should be supported by evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

***Applications where proceedings have concluded***

(4) Where P ceases to lack capacity after proceedings have concluded, an application may be made to the Court to discharge any orders made (including an order appointing a deputy or an order in relation to security).

(5) The affidavit filed in support should exhibit the orders sought to be discharged and contain evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

***Procedure to be followed when P dies***

(6) An application for final directions (including discharging an order appointing a deputy or discharging the security) may be made following P's death. The application should be supported by an affidavit exhibiting a copy of P's death certificate.

***Discharge of security***

(7) The Public Guardian may require a deputy to submit a final report upon P ceasing to lack capacity or P's death. If security has been ordered by the Court, the Court must be satisfied that the Public Guardian either does not require a final report or is satisfied with the final report provided by the deputy before the said security can be discharged.

# Part XXII: Civil Proceedings That Do Not Use The Electronic Filing Service



## 153. Application

The directions contained in this Part shall apply to proceedings that do not require the use of the Electronic Filing Service under paragraph 104(2).

## 154. Information to be provided in cause papers and documents that are filed in the Legal Registry of the Supreme Court

To facilitate the contacting of lawyers having conduct of an action or charge of a matter by members of the staff of the Supreme Court, the following information shall be inserted on backing sheets of all cause papers and documents filed in the Legal Registry in the format set out:

> (Name of lawyer(s) having conduct of action or charge of matter.)
>
> (Name of law firm.)
>
> (Address of law firm.)
>
> Tel : (Contact telephone number.)
>
> Ref : (File reference of law firm.)

The information is to be inserted as a block near the bottom right hand corner of the backing sheets.

## 155. Form of affidavits

(1) In addition to the requirements set out in paragraph 57, affidavits shall be:

(a) on A4-ISO paper of durable quality with a blank margin not less than 35mm wide on all 4 sides of the page;

(b) produced by printing, lithography or typewriting, and in any case not by carbon copying. A document produced by a photographic or similar process giving a positive and permanent representation free from blemishes will be treated, to the extent that it contains a facsimile of matter produced by one of the above processes, as if it were so produced. Photographic copies which are not clearly legible will be rejected;

(c) printed or typed and double-spaced; and

(d) printed on white paper except in bankruptcy proceedings, where the paper shall be light blue.

***Binding of affidavits***

(2) Affidavits of 30 pages or less (including exhibits and dividing and backing sheets) may be stapled at the top left hand corner of the paper firmly. Any affidavit (including exhibits, dividing and backing sheets) exceeding 30 pages shall be bound with plastic ring binding or plastic spine thermal binding (the plastic rings or spines to be red for plaintiffs/appellants, and blue for defendants/respondents) with a transparent plastic cover in front and at the back.

## 156. Documentary exhibits to affidavits

***Dividing sheets***

(1) The dividing sheet that separates the documentary exhibits shall be in light colour *other than white*, marked, typed or

stamped clearly with an exhibit mark as follows:

***More than 10 documentary exhibits***

(2) In addition to the requirements set out in paragraph 59 (except sub-paragraphs 59(5)), when there are more than 10 different documentary exhibits in an affidavit, each document shall be flagged by means of a plastic tag, marked in accordance with the exhibit reference and such flags shall run vertically down the right edge of the exhibits evenly spaced out so as not to overlap one another. The table of contents itself shall bear the top most flag, marked "TABLE".

## 157. File inspection and obtaining hard copy extracts or certified true copies of documents

(1) In order to inspect a case file in civil proceedings that do not use the Electronic Filing Service, the following procedure should be followed:

(a) A hard copy ***Request*** should be submitted to obtain leave to inspect the case file. The Request should state the name of the person who is to carry out the search or inspection. If this person is not a solicitor, his identity card number should also be included in the Request, after his name and a copy of his identity card should be provided. The Request should also state the interest that the applicant has in the matter, and the reason for the search or inspection. If the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, the Request should clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.

(b) Once approval for inspection has been received from the Court, a copy of the approval should be presented at the service bureau.

(c) After verifying the approval, the service bureau will assign the inspecting party a personal computer for the inspection to be carried out.

(d) An inspecting party will usually be allowed 60 minutes to carry out the inspection. If a longer period is required, the service bureau may impose a charge for use of the computer. The service bureau may impose additional charges for downloading softcopies of documents from the case file undergoing inspection.

(2) Applications to obtain hard copy extracts or certified true paper copies of documents in civil proceedings that do not use the Electronic Filing Service may be made by submitting a Request in hard copy to the Legal Registry.

(a) The intended use of the hard copy extracts or certified true paper copies should be clearly stated in the Request. The relevance and necessity of the hard copy extracts or certified true paper copies in relation to their intended use should also be clearly described.

(b) Once approval is received from the Court, the applicant should obtain a printed copy of the approved Request and present it at the Legal Registry. After verifying that the Request has been approved, the Legal Registry will inform the applicant of any additional fees payable. Where additional fees are payable, these should then be stamped on the Request at the Cashier's Office at the Legal Registry. Upon presentation of this stamped Request, the documents will be furnished to the applicant.

(c) The fees prescribed by Appendix B to the Rules of Court will be payable for the above services in addition to further printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

(3) The Legal Registry will only accept Requests which are printed or typewritten on paper of good quality and signed by the solicitors concerned. Requests which have any erasure marks on them will be rejected. Requests which are double stamped (i.e. the Requests were originally short stamped and later stamped to add up to the correct fee) may be rejected.

# Part XXIII: Medical Negligence Claims



## 158. Compliance with protocol

(1) With effect from 1 July 2017, parties in medical negligence claims are to comply with the Protocol for Medical Negligence Cases in the General Division of the High Court at Appendix J of these Practice Directions. A breach by one party will not exempt the other parties in the claim from following the protocol insofar as they are able to do so.

(2) In exercising its discretion as to costs, the Court will consider compliance with the protocol. If non-compliance with the protocol has led to unnecessary costs, the Court may make the following orders:

(a) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds;

(b) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and

(c) an order that the defaulting party pay those costs on an indemnity basis.

(3) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:

(a) an order awarding a successful party who has complied with the protocol interest from a date earlier than the date from which he would otherwise have been entitled to obtain interest; and

(b) an order depriving a successful party who has not complied with the protocol of interest in respect of such period as may be specified.

# Part XXIV: Reference to Actuarial Tables in Personal Injury and Death Claims



## 159. Reference to Actuarial Tables for the Assessment of Damages in Personal Injury and Death Claims

(1) In all proceedings for the assessment of damages in personal injury and death claims that are heard on or after 1 April 2021, the Court will refer to the "Actuarial Tables with Explanatory Notes for use in Personal Injury and Death Claims" published by Academy Publishing of the Singapore Academy of Law (the "Actuarial Tables") to determine an appropriate multiplier, unless the facts of the case and ends of justice dictate otherwise. This is so regardless of when the accidents or incidents that gave rise to those claims occurred, and regardless of the dates on which the actions were commenced.

(2) The Actuarial Tables will serve as a guide and the selection of the appropriate multipliers and the amount of damages awarded remain at the discretion of the Court. Where appropriate on the facts and circumstances of the case, the Court may depart from the multipliers in the Actuarial Tables.

# Part XXV: Other Matters Specific to Criminal Proceedings



## 160. Judge Pre-Trial Conference Checklist for criminal cases in the General Division

(1) For every criminal case in the General Division that is scheduled for a Judge Pre-Trial Conference, unless the Defence has indicated that the accused wishes to plead guilty or the Court otherwise directs, the Prosecution and the Defence must each file, at least 7 days before the date of the Judge Pre-Trial Conference, a Checklist (called the "Judge Pre-Trial Conference Checklist") in Form 33 of Appendix A of these Practice Directions.

(2) Where the accused is unrepresented, the Legal Registry of the Supreme Court will arrange, at least 4 weeks before the date of the Judge Pre-Trial Conference, for a copy of the Judge Pre-Trial Conference Checklist to be sent to, or collected by, the accused.

# Appendices

## Appendix A : Forms

## Appendix B : Waiting Periods



## Appendix C : Sample Bills Of Costs

2. Sample Bill of Costs for contentious matters other than trials

3. Sample Bill of Costs for non-contentious matters

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SAMPLE COSTS SCHEDULE

## Appendix G : Guidelines for Party-and-Party costs awards in the Supreme Court of Singapore

GUIDELINES FOR PARTY-AND-PARTY COSTS AWARDS IN THE SUPREME COURT OF SINGAPORE

## Appendix H : Registrar, Deputy Registrar, Divisional and Deputy Divisional Registrars, and Senior Assistant Registrars

REGISTRAR, DEPUTY REGISTRAR, DIVISIONAL AND DEPUTY DIVISIONAL REGISTRARS, AND SENIOR ASSISTANT REGISTRARS

## Appendix I : Guidelines for Advocates and Solicitors advising clients about ADR

GUIDELINES FOR ADVOCATES AND SOLICITORS ADVISING CLIENTS ABOUT ADR

## Appendix J : Protocol for Medical Negligence Cases in The General Division of The High Court

PROTOCOL FOR MEDICAL NEGLIGENCE CASES IN THE GENERAL DIVISION OF THE HIGH COURT