

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 1 OF 2013

Dear Sir/Mdm,

It is hereby notified that changes have been made to the following paragraphs in the Supreme Court Practice Directions, to take effect from 1 March 2013:

- a. Para 13A on “Attendance at hearings in Chambers” to state for the avoidance of doubt that while chambers hearings in civil proceedings are private in nature, subject to any written law, the Court may, in its discretion, permit interested parties to attend hearings in chambers.
- b. Para 27(1A) on “Requests and other Correspondence” to remind solicitors about the appropriate practice with regard to correspondence between parties and/or the Court.
- c. Para 86A on “Appeals Information Sheet for civil appeals to the Court of Appeal” and Appendix A, to institute a new practice under which each party to a civil appeal will have to file an information sheet related to the appeal, and may also be required to attend before the Court to take directions on the conduct of the appeal.
- d. Para 87(4A) on “Filing of records of appeal, core bundles and written Cases for civil appeals under Order 57, Rules 9 and 9A of the Rules of Court” and Para 87A on “Request for leave to exceed page limit for Appellant’s Case and Respondent’s Case for civil appeals to the Court of Appeal”, to institute new requirements relating to page limits and document formatting *vis-à-vis* the Appellant’s and Respondent’s Cases in civil matters before the Court of Appeal.
- e. Para 90(6) on “Skeletal arguments for civil matters before the Court of Appeal”, to reflect a change in timelines for the filing of skeletal arguments for civil matters before the Court of Appeal.

Please find [below] a document reflecting the marked-up amendments to the Practice Directions.

The electronic Practice Directions will be amended to reflect these changes on 28 February 2013.

Dated this 20th day of February 2013

JAM CHEE CHONG
SENIOR ASSISTANT DIRECTOR (CORPORATE COMMUNICATIONS)
SUPREME COURT OF SINGAPORE

SUPREME COURT PRACTICE DIRECTIONS (AMENDMENT NO. 1 of 2013)

Part II: General Matters

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.

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 or facsimiles) 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 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 only in one of 2 ways:

(a) Using the Electronic Filing Service; or

(b) By facsimile transmission.

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 (3), 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.

Part XI: Appeals and Hearings Before Court of 3 Judges

86. Quantum of security to be provided under Order 57, Rule 3(3) of the Rules of Court

(1) Order 57, Rule 3(3) of the Rules of Court provides:

(3) The appellant must at the time of filing the notice of appeal provide security for the respondent's costs of the appeal in the sum of \$10,000 or such other sum as may be fixed from time to time by the Chief Justice by —

(a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or

(b) procuring an undertaking in Form 116 from his solicitor and filing a certificate in Form 117.

(2) The Honourable the Chief Justice has, in exercise of the powers conferred on him by Order 57, Rule 3(3), 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 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

(1) The Chief Justice has directed that for civil appeals to the Court of Appeal, 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 57, Rules 9 and 9A of the Rules of Court 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 57, Rules 9 and 9A of the Rules of Court

(1) Under Order 57, Rule 9(1) of the Rules of Court, the appellant is required to file the record of appeal, the Appellant's Case and the core bundle. Under Order 57, Rule 9A(2), the respondent has to file the Respondent's Case and the supplemental core bundle (if any). The record of appeal, core bundle and supplemental core bundle are collectively referred to in this paragraph as "appeal bundles".

(2) For the purpose of complying with 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 57, Rules 9(1) and 9A(2).

(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;
- (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 supplemental core bundle (if any) in lieu of the supplemental core bundle.

(3) The form of the record of appeal, form of core bundle and form of 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, 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 shall not exceed 50 pages unless leave of the Court of Appeal is obtained. The process for obtaining leave of the Court of Appeal may be found in paragraph 87A of these Practice Directions. Any Appellant's Case and Respondent's Case 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 57, Rule 9A of the Rules of Court in respect of the preparation of their Cases 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;
- (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.

(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. The parties should then pay the Court fees as indicated.

87A. Request for leave to exceed page limit for Appellant's Case and Respondent's Case for civil appeals to the Court of Appeal

(1) Parties shall apply for leave of the Court of Appeal to exceed the page limit for the Appellant's Case and the Respondent's Case 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 in sub-paragraph (1) 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. Applications filed out of time will be rejected.

90. Skeletal arguments for appeals before the High Court, 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 High Court, excluding appeals from the Registrar to a Judge in Chambers;
- (b) civil appeals and any other civil matters, including interlocutory applications, 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, 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

(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 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, the skeletal arguments must be filed by 4 p.m. on the Monday ~~immediately preceding the three weeks before~~ the week of the Court of Appeal sitting (e.g., the skeletal arguments for the Court of Appeal sitting in the week of 8 April 2013 must be filed by 4 p.m. on 18 March 2013).

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. For the avoidance of

doubt, this timeline applies regardless of the actual day on which the particular appeal is scheduled for hearing before the Court of Appeal.

(7) Parties whose skeletal arguments have been rejected for filing may re-file their skeletal arguments, provided they comply with sub-paragraphs (4) to (6) above.

Timelines for submission of skeletal arguments for appeal before the High Court

(8) Where the appeal is a civil appeal before the High Court, the skeletal arguments should be sent to the Legal Registry at least 2 working days before the hearing of the appeal.

(9) Where the appeal is a criminal appeal before the High Court, 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

(10) Sub-paragraphs (1) to (7) 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.

APPENDIX A

27.

Para 86A Appeals Information Sheet

Case Number:

Party:

Names of Lead Counsel:

Subject Matter of the Appeal

Please indicate the subject matter of the appeal (tick one or more boxes):

- Arbitration
- Building and Construction, Shipbuilding or Factually Complex matter
- Company, Insolvency or Trusts
- Employment
- Finance, Securities, Banking, or Complex Commercial matter
- Intellectual Property or Information Technology
- Public Law and Judicial Review
- Revenue Law
- Shipping and Insurance
- Tort Claims
- Others (please specify the subject matter of the appeal):

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Questions of Law on Appeal

Please specify the critical questions of law on appeal, including but not limited to any questions of law which may give rise to substantial consideration and/or potential distinguishing/overruling of existing precedent cases. Please include the relevant case citations with pinpoint citations if possible.

Appeal Hearing

How long do you estimate the appeal hearing will take? _____ days _____ hours _____ minutes

Please provide the relevant details if the estimated time for the appeal hearing is more than half a day.

Are there any days when you will not be able to attend court for the appeal hearing?

_____ Yes No

If "Yes", please provide details

<u>Date(s) unavailable</u>	<u>Reason(s)</u>

Applications

Do you have any applications (ie CA Summonses) to make in this appeal?

_____ Yes No

If "Yes", state the nature of the application (*eg*, application to strike out the appeal, application to adduce new evidence, application for judge(s) to be recused, *etc*).

<u>Application</u>	<u>Brief Description of Application</u>	<u>Number of Judges required¹</u>

Possible Alternative Dispute Resolution

Would some form of Alternative Dispute Resolution assist to resolve or narrow the disputes on appeal? Has this been considered between the party/parties and its legal representatives and/or explored with other party/parties to the appeal?

Costs

What do you estimate your costs of the appeal incurred to date to be?

¹ See sections 30 and 36 of the Supreme Court of Judicature Act (Cap 322)

What do you estimate your overall costs of the appeal to be?

Any Other Matters or Comments

---- End of Form ----