

Supreme Court Practice Directions (Amendment No. 2 of 2021)

Part I: Introduction

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 References to repealed provisions of written laws

In these Practice Directions, any reference to a repealed provision of any written law is a reference to that provision as in force immediately before the date the provision is repealed.

Part III: Originating Processes and Documents

Para 30: Originating Summonses

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(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);

~~(a)~~ (b) applications to wind up a company (Rule 5 of the Companies (Winding Up) Rules ~~(Cap. 50, Rule 1)~~ or Rule 6(1)(b) of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020); ~~and~~

~~(b)~~ (c) applications to wind up a limited liability partnership (Rule 5 of the Limited Liability Partnerships (Winding Up) Rules) ~~2005 (Cap. 163A, Rule 2); and~~

~~(b)~~ (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).

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Part IV: Interlocutory Applications

Para 38: Summonses to be heard in open Court

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(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 ~~under section 343 of the Companies Act (Cap. 50)~~);

(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);

~~(e)~~ (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) ~~or~~ (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);

~~(d)~~ (e) applications to rectify the register of members of a company under the Companies Act (Cap. 50) ~~Register in relation to winding up of a company or a limited liability partnership~~ (See Rule 5(1)(e) of the Companies (Winding Up) Rules ~~(Cap. 50, Rule 1) and Rule 5 of Limited Liability Partnerships (Winding Up) Rules 2005~~);

(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:

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(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); ~~and~~

(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.

Part XII: Taxation Matters and Costs

Para 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 ~~(Cap. 20, Rule 2)~~ or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020.

Para 98: Taxations involving the Official Assignee, the Official Receiver, the Public Trustee or the Director of Legal Aid

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(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:

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(b) for:

(i) party-and-party bills filed by the creditor under the Bankruptcy (Costs) Rules ~~(Cap. 20, Rule 2)~~ or the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020, to which the estate of the bankrupt is the respondent;

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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.

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Part XX: Bankruptcy and Winding Up Matters

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 ~~under Part V of the Bankruptcy Act.~~

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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~~ allows a debtor to apply to set aside a statutory demands ~~within 14 days from the date of service; or, where the demand was served outside jurisdiction, within 21 days.~~ 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.

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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

Bundles of documents

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(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 12 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.

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Timeline for tendering documents

(6) ~~Paragraph 60(8) to (10)~~ Paragraph 71(8) to (10) shall apply, *mutatis mutandis*, to proceedings to which this paragraph applies.

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.

Appendix A: Forms

Form 11B. Questionnaire for the Examination of (Name of Officer of Judgment Debtor)

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14. Please state whether the Company has taken any steps to apply or is it in the process of applying to Court for a Scheme of Arrangement to compromise its debts with its creditors under the Companies Act **or the Insolvency, Restructuring and Dissolution Act 2018**.

Yes/No If so, please state particulars.

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Appendix C: Sample Bills of Costs

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Para 94(3)(b) **Sample Bill of Costs for non-contentious matters:**

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Basis for taxation: Rule 165 of the Companies (Winding Up) Rules ~~1969~~ / Rule 147 of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020

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