

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTION NO. 1 OF 2004

**LIMITATION ON THE LENGTH AND OTHER REQUIREMENTS OF
SKELETAL ARGUMENTS FILED FOR CIVIL HEARINGS
BEFORE THE COURT OF APPEAL**

The Court of Appeal has noted with concern the length of skeletal arguments submitted by counsel in civil appeals before the Court of Appeal. There is little justification for prolixity in the submission of such skeletal arguments as parties are already required to state their arguments in their Written Cases. It has also been noted that skeletal arguments for such civil appeals are often submitted at a very late stage, even on the morning of the appeal hearing itself. The submission of skeletal arguments has also become almost a standard practice in every appeal.

2 Counsel are informed that skeletal arguments are now required to be submitted for all civil hearings before the Court of Appeal. The skeletal arguments must be filed by 4pm on the Thursday immediately preceding the monthly Court of Appeal sitting. The skeletal arguments shall not exceed 20 pages in length and their presentation shall comply with all the specifications detailed in this practice direction. Any skeletal arguments which are in breach of the said conditions shall be rejected for filing.

3 This practice direction will take immediate effect and will apply to all civil hearings before the Court of Appeal beginning with the sitting in July 2004.

4 This practice direction should be included in *The Supreme Court Practice Direction (1997 Ed.)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (1997 Ed.)* are contained in the Appendix hereto.

Dated this 2nd day of July 2004


KOH JIAT JONG
REGISTRAR
SUPREME COURT

APPENDIX

Instructions for amendment of

The Supreme Court Practice Directions (1997 Ed.)

1. The existing page iiiB should be replaced with the attached page iiiB.
2. The existing pages 59 to 61 should be replaced with the attached pages 59 to 61.

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PART X

APPEALS

51. Requests for further arguments before the Judge/Registrar

- (1) All requests for further arguments shall be by way of letter and should:
 - (a) state the party making the request;
 - (b) identify the Judge/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 authorised cited.
- (2) Where the application raises no new issue or argument but is solely for the purpose of complying with section 34 (1) (c) of the Supreme Court of Judicature Act, the applicant must state that this is so. In such a case, clauses 51 (1) (e) and (f) need not be complied with.
- (3) A copy of the request should be furnished to all parties concerned.
- (4) All requests should be addressed to the Registrar.

52. Skeletal arguments for hearings other than civil hearings before the Court of Appeal

- (1) Counsel in appeals before the High Court and the Court of Appeal, apart from appeals from the Registrar to a Judge in Chambers, should submit “skeletal arguments” for the hearing of the appeal and give a copy to counsel for the other parties to the appeal. This paragraph shall apply to both criminal and civil proceedings.

- (2) “Skeletal arguments” are abbreviated notes of the arguments that will be presented. 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 1 or 2 sentences; and
 - (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.
- (3) Where the appeal is before the Court of Appeal, the “skeletal arguments” must be filed by 4pm on the Thursday immediately preceding the monthly Court of Appeal sitting, by tendering four hardcopies to the Registry counter and transmitting one softcopy through the Electronic Filing System. “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.
- (4) Where the appeal is before the High Court, the “skeletal arguments” should be sent to the Court before the hearing of the appeal. The following time-frame is to be followed:
- (a) where the hearing of the appeal is on a Monday, the “skeletal arguments” must be submitted 72 hours before the hearing;
 - (b) where the hearing is on a week day, the “skeletal arguments” must be submitted 48 hours before the hearing.

- (5) “Skeletal arguments” are not formal documents and do not bind parties. They are meant to facilitate greater efficiency and are a valuable tool to the Judges as they reduce the occasion of making notes, thus expediting the hearing of the appeal.
- (6) For the avoidance of doubt, the term “skeletal arguments” as used in this paragraph includes “skeletal submissions”, “written submissions”, “written arguments” and all other variant terms by which such documents are known.

52A. Skeletal arguments for all civil hearings before the Court of Appeal

- (1) “Skeletal arguments” must be submitted for all civil hearings before the Court of Appeal and given to counsel of the other parties to the appeal. Without prejudice to the generality of the term “civil hearings” this shall include any substantive appeal, interlocutory appeal or interlocutory application.
- (2) In addition to the provisions of this paragraph, sub-paragraphs (2), (5) and (6) of paragraph 52 shall apply to all civil hearings before the Court of Appeal.
- (3) The following shall be adhered to when preparing “skeletal arguments” –
 - (a) All pages should be paginated, with the first page (not including any cover page) numbered as ‘Page 1’.
 - (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.
 - (d) Every page shall have a margin on all 4 sides, each of at least 35mm in width.

- (4) The need for parties to avoid prolixity in their “skeletal arguments” is emphasised. All “skeletal arguments” shall not exceed 20 single-sided 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.
- (5) All “skeletal arguments” must be filed by 4pm on the Thursday immediately preceding the monthly Court of Appeal sitting, by tendering four hardcopies to the Registry counter and transmitting one softcopy through the Electronic Filing System. “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.
- (6) Parties whose “skeletal arguments” have been rejected for filing may refile their skeletal arguments, provided they comply with sub-paragraphs (3), (4) and (5) of this paragraph, and sub-paragraph (2) of paragraph 52.

(The next page is page 61)

53. Preparation of appeal records in civil appeals to the Court of Appeal

(1) Arrangement

- (a)** To facilitate cross-referencing, appeal records 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** – Petition of appeal⁺, 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-clause 53 (1) (a) (iv), Volume IV need not be produced, and Volume V shall be renumbered as Volume IV.
- (c)** If any volume should exceed 300 pages, then that volume shall be sub-divided, at a convenient page, into sub-

⁺ The petition of appeal should not be included for appeals in respect of which the Registrar's notice referred to in Order 57, Rule 5(2), of the Rules of Court 1996 was served on or after 2 May 1994.