

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTION NO. 6 OF 2006

AMENDMENTS TO THE RULES OF COURT

Miscellaneous amendments have been made to the Rules of Court pursuant to the Rules of Court (Amendment) Rules 2006, including, *inter alia*:

- (a) amending Order 59 rule 19 to require certification by a Judge only if costs for *more than two* (instead of more than one) solicitors are being claimed;
- (b) extending the time frame for filing an affidavit in support of a probate originating summons from 7 days to 14 days after filing the originating summons; and
- (c) updating the term “books” in Order 60 rule 2 to “information”, and providing that the Registry will maintain information that is required to be kept by the Rules of Court and the Practice Directions.

2 The amendment Rules were gazetted on 24 November 2006 and will come into operation on 1 January 2007. Solicitors may refer to the Supreme Court website at <http://www.supremecourt.gov.sg> for more information and materials concerning the amendments.

3 This practice direction updates the sample bills of costs in Appendix C to refer to “certificate of more than two solicitors”. Paragraph 23, in particular paragraph 23(5), has also been modified to provide details of the information that will be maintained by the Registry and made available for searches. In addition, consequential amendments have been made to Part XVI and Appendix B to reflect the change in the time frame for filing of affidavits in support of probate applications.

4 This practice direction will take effect from 1 January 2007.

5 This practice direction should be included in *The Supreme Court Practice Directions (2006 Ed.)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (2006 Ed.)* are contained in the Appendix hereto.

Dated this 27th day of November 2006.



FOO CHEE HOCK
DEPUTY REGISTRAR
SUPREME COURT

APPENDIX

- 1) The existing page ii to be replaced with the attached page ii.
- 2) The existing page PART II - 1 to be replaced with the attached page PART II - 1.
- 3) The existing pages PART II - 22 to PART II - 24 to be replaced with the attached pages PART II - 22 to PART II - 24A.
- 4) The existing page PART XVI - 4 to be replaced with the attached page PART XVI - 4.
- 5) The existing pages B - 1 to B - 3 to be replaced with the attached pages B - 1 to B - 3.
- 6) The existing page C - 7 to be replaced with the attached page C - 7.
- 7) The existing page C - 13 to be replaced with the attached page C - 13.

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23. File inspection, obtaining extracts or certified true copies of documents and conducting searches of information maintained by the Registry

File inspection

- (1) In order to inspect a case file containing documents that were filed through the Electronic Filing Service (EFS), the following procedure should be followed:
 - (a) A request* should be made to obtain leave to inspect the file. This request should be filed using the EFS. Only solicitors and their duly authorised clerks may make searches and inspections of Court records and documents. 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. The request should also state the interest the applicant has in the matter, and the reason for the search or inspection.
 - (b) Once approval for inspection has been received from the Court, a copy of the approval should be printed out and be presented at the Legal Registry of the Supreme Court.
 - (c) After verifying the approval that has been presented, the staff of the Legal Registry will assign a personal computer to the inspecting party for the inspection to be carried out. An inspecting party will usually be allowed only 30 minutes to carry out the inspection. If a longer period is required, the staff of the Legal Registry should be informed of this, together with the reasons why a longer period is needed. The staff of the Legal Registry will decide on a case-by-case basis whether a longer period should be allowed.
- (2) Requests in hard copy may be submitted to inspect case files containing documents which were not filed using the EFS. The Legal Registry will only accept requests which are printed or typewritten on

* Formerly known as “praecipe”.

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, that is, if the requests were originally short stamped and later stamped to add up to the correct fee, may be rejected.

- (3) 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.

Obtaining extracts or certified true copies of documents

- (4) Applications to obtain extracts of documents, or certified true paper copies of documents under the Extract Service should continue to be made by way of request.
 - (a) The request should be filed using the EFS, unless the documents concerned have not been filed through the EFS.
 - (b) An Index Search may be conducted to identify the documents for which an applicant intends to request for extracts or certified true paper copies of. Prior approval of the Court is not required. The Index Search will display an index of the electronic case file without displaying the documents themselves. Sub-paragraphs (1) to (3) above continue to apply in respect of the procedure for file inspection.
 - (c) Once approval for obtaining an extract is granted, the soft copy extract will be transmitted electronically to the law firm where the request is made by electronic transmission. If the request is made via the service bureau, the extract will be transmitted electronically to the service bureau and the staff of the service bureau will then print out the extract in paper form for collection.

- (d) If the document is available in partially electronic form, only the soft copy extract will be transmitted electronically to the law firm or the service bureau. The hard copy portion of the extract is to be collected at the Legal Registry. 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 presented has been approved, the staff of the Legal Registry will inform the applicant of any additional fees payable. These 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.
- (e) Where the request is made for a certified true paper copy of a document using the EFS, once approval is received from the Court, the applicant should obtain a printed copy of the approved request and present it at Legal Registry. After verifying that the request presented has been approved, the staff of the Legal Registry will inform the applicant of any additional fees payable. These 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.
- (f) The fees prescribed by items 71F, 71G and 71I of Appendix B to the Rules of Court will be payable for the above services without prejudice to additional printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

Conducting searches of information maintained by the Registry

- (5) Order 60 Rule 2 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
 - (d) any other information as may from time to time be found necessary.
- (6) Searches of this information under Order 60 Rule 3 may be conducted through the “Litigation module” in Lawnet at <http://www.lawnet.com.sg>. The fees prescribed by items 71, 71B, 71C and 71D of Appendix B to the Rules of Court will be payable for the searches.

- (c) After the originating summons and Statement are filed, the original death certificate, original will, original inheritance certificate and sealed certified true copy of the foreign grant (if any) must be submitted to the Legal Registry of the Supreme Court by 4.30 p.m. on the next working day for verification. Where the original will has been retained in the custody of a foreign court, then a sealed certified true copy of the will by that foreign court must be submitted in place of the original. After verification, the original will shall be retained by the Legal Registry in order to comply with Order 71 Rule 47A.

Filing of supporting affidavit

- (1) The following directions apply to the filing of the supporting affidavit:
 - (a) The affidavit is to be filed within 14 days after filing the originating summons according to Order 71, Rule 5.
 - (b) The following documents must be exhibited to the affidavit:
 - (i) in all cases, the Statement, which shall be exhibited first; and
 - (ii) the supporting documents referred to in sub-paragraph 2(c).
 - (c) The Statement which is to be exhibited in the affidavit shall be the copy accepted by the Court through the Electronic Filing Service (EFS).
 - (d) The affidavit must include the following averment:

“The deponent avers that the Statement exhibited herein as [insert exhibit number] is the same Statement that was generated by the Electronic Filing Service and no changes have been made. The contents entered into the Electronic Filing Service, which now appear in the Statement, are true and accurate to the best of my knowledge and belief.”
 - (e) No stamp fees will be imposed for the filing of the supporting affidavit.

APPENDIX B

Para. 53(1)

WAITING PERIODS

S/N	TYPE OF PROCEEDINGS	WAITING PERIOD
Pre-trial conferences		
1.	Pre-Trial Conferences in Suits:	
	(a) Where the writ has not been served.	10 weeks from the date of commencement of writ
	(b) Where the writ has been served or memorandum of appearance has been entered.	7 weeks from the date of service of writ/memorandum of appearance
High Court – Original Civil Jurisdiction		
2.	Trials in Suits	8 weeks from the date of setting down
3.	Bankruptcy Originating Summonses	
	- Application for bankruptcy order	6 weeks from the date of filing
	- Other originating summonses	2 weeks from the date of filing
4.	Probate Originating Summonses	5 weeks from the date of filing
5.	Companies Winding-Up and Judicial Management Originating Summonses	4 weeks from the date of filing
Before Registrar / Judge		
6.	Originating Summons	
	(a) <i>Inter Partes</i> Originating Summons	6 weeks from the date of filing
	(b) <i>Ex parte</i> Originating Summons	3 weeks from the date of filing

	(c) Originating Summons for O 69 r 6 on arbitration	13 weeks from the date of filing (statutory minimum of 3 months)
	(d) Application for discovery or interrogatories against a network service provider under paragraph 43 of these Practice Directions	5 days from the date of filing
7.	Summonses before Judge and Registrar other than applications for summary judgment	3 weeks from the date of filing
8.	Applications for summary judgment pursuant to Order 14	5 weeks from the date of filing (statutory minimum period)
9.	Summonses for Directions	3 weeks from the date of filing
10.	Bankruptcy Applications (summonses)	
	- Application for Discharge	4 weeks from the date of filing
	- Other applications	2 weeks from the date of filing
11.	Summonses in Probate proceedings	4 weeks from the date of filing
12.	Taxation: General bills	3 weeks from the date of filing
13.	Review of Taxation before Judges	3 weeks from the date of filing
14.	Assessment of Damages	3 weeks from the date of filing [Includes time taken to subpoena witness to court]
15.	Examination of Judgment Debtors	3 weeks from the date of filing of request* for hearing date
High Court – Appellate Civil Jurisdiction		
16.	Registrar’s Appeals (from High Court)	4 weeks from the date of filing for appeals involving assessment of damages 3 weeks from the date of filing for other appeals

* Formerly known as “praecipe”.

17. Appeals in civil matters from Subordinate Courts (District Court Appeals and Small Claims Tribunals Appeals) 4 weeks from the receipt of the record of proceedings from the Subordinate Courts

High Court – Criminal Jurisdiction

18. Pre-trial conference in Criminal Cases 12 weeks from the date the accused is first charged in the Subordinate Courts
19. Trials of Criminal Cases 4 weeks from the date of preliminary inquiry
20. Appeals in criminal matters from Subordinate Courts (Magistrate's Appeals) 8 weeks from the date of receipt of the record of proceedings

Court of Appeal

21. Civil Appeals Appeals before 3 Judges:
Ready to be heard in 16 weeks from date of Notification to collect Records of Proceedings
- Appeals before 2 Judges:
Ready to be heard in 12 weeks from date of Notification to collect Records of Proceedings
22. Criminal Appeals 6 weeks from the date of service of the Record of Proceedings

No.	Item	Description	Remarks
9.2	Certificate of more than 2 counsel	Yes.	
10.	Costs claimed		
10.1	Amount claimed	<p><u>For Mr ABC -</u></p> <p>Work done in 2003: \$ a Work done in 2004: \$ b Work done in 2005: \$ c</p> <p>Percentage of input tax for which the 1st plaintiff is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st plaintiff is not entitled credit in respect of – Work done in 2003: \$ d Work done in 2004: \$ e Work done in 2005: \$ f</p> <p>Percentage of input tax for which the 2nd plaintiff is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2nd plaintiff is not entitled credit in respect of – Work done in 2003: \$ g Work done in 2004: \$ h Work done in 2005: \$ i</p> <p>GST for work done in 2003: \$ j GST for work done in 2004: \$ k GST for work done in 2005: \$ l</p> <p><u>For Ms DEF-</u></p> <p>Work done in 2003: \$ m Work done in 2004: \$ n Work done in 2005: \$ o</p> <p>[Set out claim for GST as above].</p>	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
7.2	Number of letters/ faxes/emails to client	150	
7.3	Meetings with opposing counsel	Not applicable	
7.4	Time spent	100 hours	
7.5	Others	Not applicable.	
8.	Counsel and solicitor involved		
8.1	Counsel and solicitors	Appellant: Mr ABC, SC, 15 years Ms DEF, 2 years Respondent: Ms GHI, 10 years Mr JKL, 5 years	Ms DEF was however an in- house counsel in an MNC for 5 years prior to practice.
8.2	Certificate of more than 2 counsel	Not applicable.	
9.	Costs claimed		
9.1	Amount claimed	[Please refer to the sample used for trials and modify as appropriate.]	
Section 2: Work done for taxation			
<i>No.</i>	<i>Item</i>	Description	<i>Remarks</i>
10.	Work done	Drawing up bill of costs, perusing documents and vouchers, attending taxation and drawing up Registrar's certificate.	
11.	Amount claimed	[Please refer to the sample used for trials and modify as appropriate.]	
Section 3: Disbursements			
<i>No.</i>	<i>Date</i>	<i>Description and amount claimed</i>	<i>Remarks</i>
12.	15/5/04	Notice of Appeal (court fees): \$ xxx	
13.	3/6/04	Core Bundle (court fees): \$ yyy	