

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTION NO. 1 OF 2008

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:
- (i) 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
 - (ii) 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 (i) such judgments are not available in any law report series; or (ii) 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 (SLR) 2. 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)) 2. Weekly Law Reports (WLR) 3. All England Law Reports (All ER)
(d) Australia	1. Commonwealth Law Reports (CLR) 2. Australian Law Reports (ALR)
(e) Canada	1. Supreme Court Reports (SCR) 2. Federal Court Reports (FC) 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.

COURT DESIGNATORS

- (a) SGCA – Singapore Court of Appeal
SGHC – Singapore High Court

APPLICATION OF THE NEUTRAL CITATION SYSTEM

- (b) The application of the system is as follows:
 - (i) Cases reported in the Singapore Law Reports shall be cited using their Singapore Law Reports citations, in priority to their neutral citations.
 - (ii) Unreported decisions shall be cited using their neutral citations.

EXAMPLE AND EXPLANATION

- (c) *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 60(12) and 60(13) of *The Supreme Court Practice Directions (2007 Ed)* when preparing bundles of authorities for use in trials of writ actions in open Court.

12 This practice direction applies to all hearings, whether in open Court or chambers, in the Supreme Court.

13 This practice direction will take effect on 23 June 2008.

14 This practice direction should be included in *The Supreme Court Practice Directions (2007 Ed)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (2007 Ed)* are contained in the Appendix hereto.

Dated this 13th day of June 2008



FOO CHEE HOCK
ACTING REGISTRAR
SUPREME COURT

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- 2) The existing page PART VII - 1 to be replaced with the attached page PART VII - 1.
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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

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