

# **71. Documents for use in trials of writ actions in open Court**

(1) This paragraph shall apply to trials in open Court of:

(a) writ actions; and

(b) originating summonses ordered to be continued as if the cause of action had been begun by writ.

(2) Order 34, Rule 3A of the Rules of Court requires the originals of the affidavits of the evidence-in-chief of all witnesses, a bundle of documents and the opening statements to be filed not less than 5 working days before the trial of an action. In addition, to improve the conduct of civil proceedings and to reduce the time taken in the presentation of cases in Court, the respective solicitors of the parties shall also prepare a bundle of authorities, which shall also be filed and served along with the documents on all relevant parties.

## **Only opening statement to be filed through the Electronic Filing Service**

(3) The opening statement must be filed in Court as a *separate document* using the Electronic Filing Service. With the exception of opening statements, the following documents need not be filed through the Electronic Filing Service:

(a) The affidavits of the evidence-in-chief of all witnesses and the bundle of documents may be tendered to the Legal Registry of the Supreme Court in hard copy together with an electronic copy stored on a CD-ROM in Portable Document Format (PDF) and complying with the provisions of this paragraph.

(b) A party may choose not to include the bundles of authorities in the CD-ROM and may instead tender it in hard copy.

(4) Any Court fees payable, pursuant to Appendix B of the Rules of Court, on filing the documents in this sub-paragraph, shall be payable at the cashier at the Legal Registry. Parties should, when making payment at the cashier, indicate to the cashier the precise number of pages which comprise the documents.

(5) Payment of the Court fees on such documents should be made before the documents are filed in Court in compliance with Order 34, Rule 3A. As such, the hard copy of documents tendered to Court should show, on the front page, the amount of Court fees paid on the document.

(6) The electronic copy must tally in all respects with the hard copy, as it will be uploaded into the case file by the Legal Registry staff and will form part of the electronic case file. The page numbers of the hard copy must correspond to the page numbers in the Portable Document Format (PDF) version. Unnecessarily large electronic files should not be submitted. Parties should adhere as far as possible to the guidelines set out on the Electronic Filing Service website ([www.elitigation.sg](http://www.elitigation.sg)) on the resolution to be used when scanning documents into PDF.

(7) In the event that parties elect to electronically file such documents, they must nevertheless tender a bundle of these documents to the Legal Registry in hard copy. It shall not be necessary to pay any additional Court fees in respect of the hard copy in such circumstances.

## **Timeline for filing documents**

(8) Parties are to note that the timeline in Order 34, Rule 3A (ie. not less than 5 days before the trial) is to be adhered to strictly, and that it will in particular apply to the electronic copy on CD-ROM and the filing of the opening statement as a separate document.

(9) At the trial of the cause or matter, an adjournment may be ordered if:

(a) the documents or any of them (save for the opening statement in cases where it is not required or dispensation was granted) were not filed and served within the prescribed time or at all; or

(b) one party seeks to tender any of the above documents or supplements thereto (except for supplements to the opening statement at the trial of the cause or matter).

(10) If an adjournment is ordered for any of the reasons set out in sub-paragraph (9), the party in default may be ordered to bear the costs of the adjournment.

## **Bundles of documents**

(11) The bundle of documents required to be filed by Order 34, Rule 3A should be paginated consecutively throughout at the top right hand corner and may be printed on one side or both sides of each page.

(a) An index of contents of each bundle in the manner and form set out in Form 10 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.

(b) Under Order 34, Rule 3A(3) it is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.

(c) The documents in the bundles should:

(i) be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;

(ii) have flags to mark out documents to which repeated references will be made in the course of hearing. Such flags shall bear the appropriate indicium by which the document is indicated in the index of contents. Flags shall be spaced out evenly along the right side of the bundle so that, as far as possible, they do not overlap one another; and

(iii) be legible. Clear and legible photocopies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.

(d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.

(e) Only documents which are relevant or necessary for the trial shall be included in the bundles. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary documents, the Court will have no hesitation in making a special order for costs against the relevant person.

(f) A core bundle should also be provided, unless one is clearly unnecessary. The core bundle should contain the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should not only be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

## **Bundles of authorities**

(12) In addition to requirements set out in paragraph 69(5) of these Practice Directions, the bundle of authorities must:

(a) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;

(b) be arranged in the following order – statutes in alphabetical order of the title, subsidiary legislation in alphabetical order of the title, cases in alphabetical order of the case name, secondary materials (such as textbooks and articles) in alphabetical order of the last name of the author, and any other materials in alphabetical order of the title or last name of the author as is appropriate;

(c) be properly bound with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;

(d) have flags to mark out the authorities. Such flags shall bear the appropriate indicium by which the authority is referred to. Flags shall be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another;

(e) be paginated consecutively at the top right hand corner of each page. Pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle; and

(f) contain an index of the authorities in that bundle and be appropriately flagged for easy reference; and

(g) be legible. Clear legible photocopies of original authorities may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.

(13) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

## **Opening statements**

(14) A proper opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. The need for brevity is

emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose.

(a) Opening statements will be required from all parties in all cases commenced by writ in the High Court, except where dispensation has been granted by the Court and in motor vehicle accident actions. Statements submitted may be taken as read by the trial Judge.

(b) All opening statements must include the following:

(i) the nature of the case generally and the background facts insofar as they are relevant to the matter before the Court and indicating which facts, if any, are agreed;

(ii) the precise legal and factual issues involved are to be identified with cross-references as appropriate to the pleadings. These issues should be numbered and listed, and each point should be stated in no more than one or two sentences. The object here is to identify the issues in dispute and state each party's position clearly, not to argue or elaborate on them;

(iii) the principal authorities in support of each legal proposition should be listed, while the key documents and witnesses supporting each factual proposition should be identified;

(iv) where there is a counterclaim or third party action, the opening statement must similarly address all issues raised therein; and

(v) an explanation of the reliefs claimed (if these are unusual or complicated).

(c) In cases where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court will have no hesitation in making a special order for costs against the relevant person.

(d) The following format shall be adhered to when preparing opening statements:

(i) all pages shall be paginated, with the first page (including the cover page) numbered as 'Page 1' so that the page numbers of the hard copy correspond to the page numbers in the Portable Document Format (PDF) version;

(ii) the minimum font size to be used is Times New Roman 12 or its equivalent;

(iii) the print of every page shall be double spaced;

(iv) each page may be printed on one side or both sides; and

(v) every page shall have a margin on all 4 sides, each of at least 35 mm in width.

(e) All opening statements should not exceed 20 pages (including all annexes and appendices, but excluding the cover page and backing page).

(f) Opening statements may be amended at trial, but counsel will be expected to explain the reasons for the amendments.

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## **72. Bundles of authorities for other open Court hearings**

(1) In all criminal proceedings and civil and criminal appeals heard in open Court in the High Court, counsel shall submit their own bundle of authorities. In this regard, paragraph 71(12) to (13) shall, *mutatis mutandis*, be complied with.

(2) In all criminal proceedings and civil and criminal appeals heard in open Court in the Court of Appeal, as well as disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act and the Medical Registration Act which are heard by a Court of 3 Judges, counsel shall submit a soft copy of the bundle of authorities in Adobe Portable Document Format (PDF) together with the other documents required to be submitted under paragraph 88(3).

(3) With regard to soft copy bundles of authorities, the requirements set out in paragraphs 69(5), 71(12)(a), 71(12)(b) and 71(13) shall be complied with. The soft copy bundle of authorities shall contain electronic bookmarks to each case therein, bearing the name of each of the cases for easy electronic access. The page numbers of any hard copy bundle of authorities must correspond to the page numbers in the Portable Document Format (PDF) version.

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## 80. Sale of immovable property

(1) If an execution creditor wishes to effect the sale of immovable property seized under a writ of seizure and sale, he shall file the requisite Request for sale electronic form to the Sheriff through the Electronic Filing Service stating the following:

(a) the date of registration (and expiry) at the Singapore Land Registry of the order of court/writ of seizure and sale on immovable property;

(b) that a copy of the order of court/writ of seizure and sale on immovable property has been served on the execution debtor, and the date of such service; and

(c) whether the immovable property is subject to any mortgage or charge, and if so, that the mortgagee or chargee consents to the sale.

(d) the names of 3 proposed law firms and/or solicitors, among whom the Sheriff will appoint 1 to act on its behalf in the sale of the immovable property.

(2) The Sheriff shall not be required to proceed with the sale if the immovable property is subject to a mortgage or charge and the execution creditor is unable to produce the written consent of the mortgagee or chargee to the sale.

(3) If the Sheriff proceeds with the sale of the immovable property, the Sheriff may appoint any solicitor on his behalf to settle the particulars and conditions of sale.

(4) The following applies to any sale of immovable property by the Sheriff:

(a) the Sheriff may require more than one valuation report to be submitted by a certified valuer before proceeding with the sale;

(b) the sale may be conducted by a licensed auctioneer and the immovable property may be offered for sale by way of private treaty, tender, auction or such other manner as the licensed auctioneer may advise;

(c) the immovable property shall not be sold at a price below the forced sale value as specified in the valuation report, or if there exists two or more valuation reports, in the latest valuation report; and

(d) the solicitor shall prepare all necessary conditions of sale, documentation, accounts and particulars on behalf of the Sheriff in accordance with the Sheriff's directions, and shall be entitled to recover his legal fees and disbursements from the proceeds of sale as sheriff's expenses.



## 81. Application of this Part

(1) The directions in this Part shall, subject to sub-paragraph (2) below, *mutatis mutandis*, apply to appeals before the High Court, hearings before the Court of Appeal and disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act and the Medical Registration Act which are heard by a Court of 3 Judges.

(2) Where disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act and the Medical Registration Act, are heard by a Court of 3 Judges, 1 hard copy each of the parties' written submissions, the record of proceedings, the originating summons and all affidavits filed in the originating summons shall be tendered.

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# **Hard copies for hearing of civil appeals before the Court of Appeal under Order 57 of the Rules of Court**

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

## Arrangement

(1) This sub-paragraph sets out the manner of arranging appeal records.

(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** – 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-paragraph (1)(a)(iv) above, 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 subdivided, at a convenient page, into sub-volumes designated as part thereof, for example, Volume III Part A, Volume III Part B and so on. Conversely, if any of the volumes (with the exception of Volumes I and II which shall remain as separate volumes) should be less than 100 pages each, these may be amalgamated into combined volumes, each not exceeding 300 pages, and renumbered accordingly.

(d) The following additional directions shall apply to the form of the record of appeal:

(i) The documents in Volumes I, II, and III shall be arranged strictly in the order stated in sub-paragraph (1)(a) above.

(ii) The documentary exhibits in Volume IV shall be arranged in the most convenient way for the use of the Court, as the circumstances of the case require. The documents shall, as far as suitable, be arranged in chronological order, mixing plaintiff's and defendant's documents together when necessary (for example, in a series of correspondence). If proceedings in a suit other than the one under appeal appear as exhibits, then these shall be kept together. However, the documents from each suit shall be arranged in the chronological order of the suits.

(iii) Each document in Volume IV shall show its exhibit mark and whether it is the plaintiff's or the defendant's document, unless this is clear from the mark.

## **Pagination in soft copy**

(2) This sub-paragraph sets out the manner of paginating soft copy appeal records.

(a) The first page of each volume shall state the title and the Civil Appeal number of the appeal, the names of the parties, the volume number, a short description of its contents, the names and addresses of the appellants and respondents, and the date of filing.

(b) The page number of each volume of the appeal records must correspond to the page number in the Portable Document Format (PDF) version of that volume. Each separate volume of the appeal records shall start at page 1 and every page shall be numbered consecutively. If separator sheets are used, these shall also be numbered.

## **Table of contents**

(3) This sub-paragraph sets out the format of the table of contents for appeal records.

(a) The table of contents of all volumes of the records shall be placed at the beginning of Volume I, immediately after the first title page in the manner and form set out in Form 15 of Appendix A of these Practice Directions.

(b) Each volume and, if any, parts thereof, shall also contain its own index of the contents.

(c) Items in the table of contents shall be numbered serially, and listed in the order in which they are found in the records.

(d) The items relating to the transcripts or notes of the evidence of witnesses shall have a sub-table of contents of the evidence of each witness, and the number and name of each witness shall be shown in such sub-table.

(e) If an exhibit consists of a bundle of documents, then the documents in the bundle shall be listed in a sub-table of contents under the item relating to such bundle.

(f) Electronic bookmarks for each item of the table of contents and sub-table of contents must be added to each volume of the PDF version of the appeal records. The description of each bookmark shall correspond with the description of that item in the table of contents or sub-table of contents, unless an abbreviated description is appropriate.

## **Spacing**

(4) The line spacing on every page of the records of which the original is typed-written (for example, notice of appeal) shall be double-spaced.

## **Core bundles – Order 57, Rule 9(2A)**

(5) The documents to be included in the core bundle are stipulated in Order 57, Rule 9(2A). The contents of the core bundle shall be arranged in the following separate volumes:

(a) **Volume I** – a copy of the grounds of the judgment or order, the judgment or order appealed from and an index of the documents included therein.

(b) **Volume II** – all other documents referred to in Order 57, Rule 9(2A), and an index of the documents included therein.

Each volume of the core bundle shall begin at page 1, every page shall be numbered and the page number of the core bundle shall correspond to the page number of the PDF version.

## **Responsibility for good order and completeness of appeal records**

(6) The solicitor having the conduct of the appeal may delegate the preparation of the appeal records to an assistant or a suitably experienced law clerk or secretary, provided always that the solicitor shall personally satisfy himself as to the good order and completeness of every copy of the appeal records lodged in Court in accordance with the above directions, and shall personally bear responsibility for any errors or deficiencies.

## **Superfluous and irrelevant documents**

(7) With regard to the inclusion of documents, the solicitor's attention is drawn to the provisions of Order 57, Rules 9(2), (2A) and (3). Only documents which are relevant to the subject matter of the appeal, or, in the case of core bundles, will be referred to in the Cases, shall be included in the appeal records. The Court of Appeal will have no hesitation in making a special order for costs in cases in which it is of the opinion that costs have been wasted by the inclusion of superfluous or irrelevant documents. Documents shall not appear more than once in the records, even if exhibited to different affidavits.

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# **Skeletal arguments for appeals before the High Court, Court of Appeal and Court of 3 Judges**

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# **91. Use of presentation slides for all proceedings before the High Court, Court of Appeal and Court of 3 Judges**

Subject to approval by the Court, parties may utilise presentation slides to assist in oral submissions before the Court. Presentation slides may be projected in the courtroom or hearing chambers when oral submissions are made. Presentation slides shall comply with the following standards:

## ***Typeface***

(1) A clear typeface such as Arial or Times New Roman should be used; care should be taken to ensure that the font used is of at least a size equivalent to Arial font size 32. Bold and italicised fonts should be used sparingly.

## ***Colours***

(2) There should be sufficient contrast between the slide background and text: it is preferable to use black or dark fonts with a light background. The colours used in slide backgrounds should be muted and preferably monochromatic.

## ***Animation and sounds***

(3) Animation of slides or elements within a slide should be avoided; similarly, sounds should not be incorporated in the presentation slides unless they are necessary.

## ***Corporate logos***

(4) Corporate logos of the law practice may be displayed on the presentation slides. Care should be taken to ensure that the size and location of corporate logos do not distract from the substance of the presentation slides.

*Paragraph 79A inserted to take effect from 30 June 2011  
Pursuant to Amendment No. 2 of 2011*

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## **114. Hard copies of documents**

(1) The Registrar may, at his discretion, request for hard copies of any documents filed electronically.

(2) Upon such request, the filing party or his solicitors shall furnish hard copies of the relevant documents at the venue specified by the Registrar:

(a) within the specified time frame; or

(b) within 24 hours of the request, if no time frame is specified.

(3) The Registrar may also direct that any documents shall be filed in hard copy instead of using the Electronic Filing Service for such period or periods as he in his discretion thinks fit.

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