

## 4. Updating

(1) Amendments to these Practice Directions will be done on a paragraph-for-paragraph basis. These Practice Directions will be automatically updated with the new amended paragraphs. A list of amendments made will also be found on the Supreme Court website, on a noter-up page entitled 'Amendments'.

(2) Where legislation is cited in these Practice Directions, the citation shall be read to refer to the edition of that legislation currently in force.

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## 57. Form of affidavits

(1) Affidavits shall have a blank margin not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and double-spaced.

(2) When filing affidavits for use during a hearing of an interlocutory application, the number of the interlocutory application must be provided in the Electronic Filing Service in addition to the case number of the suit or matter.

(3) The textual portion of the affidavits, as opposed to the exhibits, must be printed on white paper.

(4) At the top right hand corner of the first page of every affidavit the following information shall be typed or printed in a single line:

(a) the party on whose behalf the affidavit is filed;

(b) the name of the deponent;

(c) the ordinal number of the affidavit in relation to the previous affidavits filed in the cause or matter by the deponent;

(d) the date the affidavit is to be filed;

For example, “2nd Deft; Tan Ah Kow; 4th; 15.12.2012”.

(e) for affidavits filed in respect of matrimonial proceedings under Part X of the Women’s Charter (Cap. 353),

(i) the top right hand corner of the first page of every affidavit shall also state whether the affidavit has been filed in respect of a summons (SUM), ancillary matters (AM) or originating summons (OS) hearing. If the affidavit is filed in respect of a summons hearing, it shall state the number of the said summons, where the number is available. For example, “Respondent: Tan Ah Kow: 4th: 15.4.2012: AM hearing”; and “Respondent: Tan Ah Kow: 4th: 15.4.2012: SUM hearing: SUM no. 1234 of 2012”; and

(ii) the document name that is selected in the electronic filing service for an affidavit for ancillary matters hearing shall be “Affidavit for AM”.

(5) Every page of the affidavit (*including* separators and exhibits) shall be paginated consecutively, and the page number shall be inserted at the centre top of the page.

(6) Every affidavit which is filed in conjunction with a summons (but not those filed in conjunction with an originating summons) must have endorsed at the top left-hand corner of the first page of the affidavit the entered number of the summons.

(7) Hard copies of affidavits may be printed on one side or both sides of each page.

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## **69. Filing of documents and authorities for use in Court**

(1) Subject to any directions in these Practice Directions to the contrary, in particular paragraphs 71(3) and 104, all documents for use at any hearing in Court must be filed using the Electronic Filing Service at least 1 clear day in advance of the hearing. These documents include written submissions, skeletal arguments, bundles of documents, bundles of pleadings, bundles of affidavits, core bundles and all opening statements.

(2) In the event that it is not possible to file the documents in advance of the hearing, counsel may apply to the Judge or Registrar conducting the hearing for leave to use paper documents during the hearing. The paper documents may be printed on one side or both sides of each page. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must also give an undertaking to file using the Electronic Filing Service all the documents used at the hearing by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

Bundle of authorities

(3) Bundles of authorities may be filed, served, delivered or otherwise conveyed using the Electronic Filing Service. A party may also choose not to file bundles of authorities and may instead use these for hearings in paper form according to the directions in this Part.

(4) The party using the paper copy of the bundle of authorities shall bear the onus of producing the bundle at every hearing at which it is required. The paper copy of the bundle of authorities may be printed on one side or both sides of each page. The Court will neither retain nor undertake to produce for hearings the paper copy of the bundle. The Judge or Registrar may, if he or she so chooses, retain the paper copy of the bundle of authorities for his or her own reference. The paper copy so retained will not, however, form part of the Court's record in respect of the proceedings in which it was used.

(5) Counsel must adhere to the following directions when preparing bundles of authorities for use in Court. These requirements shall also apply to paragraphs 71 to 73 of these Practice Directions:

(a) The bundle of authorities shall have a table of contents immediately after the first title page. Where the bundle of authorities consists of more than one

volume, each volume shall have a table of contents clearly indicating the authorities that are contained in that volume.

(b) The items in the table of contents shall be numbered sequentially, and bound in the order in which they are listed.

(c) The table of contents shall contain a concise statement of the relevance of each authority to the specific issues before the Court. The relevance of each authority shall be succinctly expressed and comprise no more than 3 sentences. The statement shall be set out immediately after the name of the case. For example:

*Cartier International BV v Lee Hock Lee and another application*

[1992] 3 SLR 340

Relevance: Where the Court is asked to punish an alleged contemnor by incarceration, the charge against him must be proved to the high standard required in a criminal charge.

*Rickshaw Investments Ltd and another v Nicolai Baron von Uexkull*  
[2007] 1 SLR(R) 377

Relevance: Choice of law considerations are relevant even when determining the natural forum to hear a dispute.

(6) The Court may reject bundles of authorities that are not in compliance with sub-paragraph (5) above, and in exercising its discretion as to costs, take such non-compliance into account.

(7) Where electronic bundles of authorities are filed through the Electronic Filing Service, the following shall apply:

(a) A bookmark should be created in the Portable Document Format (PDF) file for each authority in the bundle.

(b) The name given to each bookmark should be the same as the table of contents.

(c) The page number of each printed bundle must correspond to the page number in the Portable Document Format (PDF) version of that bundle. Each separate bundle of documents shall start at page 1 and every page shall be numbered consecutively.

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# 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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## **82. Requests for further arguments before the Judge or Registrar**

(1) All requests for further arguments shall be made by way of Request filed through the Electronic Filing Service and should, either in the Request electronic form or a document attached thereto:

- (a) state the party making the request;
- (b) identify the Judge or 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 authorities cited.

(2) A copy of the request should be furnished to all parties concerned.

(3) All requests should be addressed to the Registrar.

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

(1) In order to assist the Judges of the Court of Appeal, the appellant and the respondent are required to tender hard copies of the Appellant's and Respondent's Cases, the Appellant's Reply (if any), and core bundle(s) of documents to the Legal Registry of the Supreme Court at the same time when filing them within the prescribed time under Order 57, Rule 9A of the Rules of Court. The following directions must be complied with:

(a) Where the appeal is to be heard by a 3-judge Court, 4 hard copies of the Cases and the Appellant's Reply (if any), and 4 hard copies of the core bundle(s) shall be tendered.

(b) Where the appeal is to be heard by a 2-judge Court, 3 hard copies of the Cases and the Appellant's Reply (if any), and 3 hard copies of the core bundle(s) shall be tendered.

(2) The directions set out in paragraph 89 apply in relation to the preparation of the appeal bundles in hard copy, which may be printed on one side or both sides of each page.

(3) In addition to the hard copies, the appellant and respondent are required to tender soft copies of the following documents in Portable Document Format (PDF) at the same time in a CD-Rom:

(a) Appellant's and Respondent's Cases;

(b) the Appellant's Reply;

(c) Core bundle(s) of documents;

(d) Record of appeal; and

(e) Bundle(s) of authorities.

(4) The files in the CD-ROM should be named in accordance with the following format:

<party> - <document title>

For example -

1st Appellant – Appellant’s Case

1st Appellant – Appellant’s Reply

1st Appellant – Bundle of Authorities Vol 1

1st Appellant – Bundle of Authorities Vol 2

1st Appellant – Record of Appeal Vol 1

1st Appellant – Record of Appeal Vol 2

(5) The CD-ROM shall be clearly labelled with the case number and title of the proceedings. If there is more than one CD-ROM, the CD-ROMs shall be numbered sequentially.

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

Unavailable

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## 108. Filing documents through service bureau

(1) Solicitors and law firms are encouraged file documents through the Electronic Filing Service. However, in the event that certain documents cannot be filed through the Electronic Filing Service, solicitors and law firms may file documents through the service bureau. Litigants in person may also file documents through the service bureau.

(2) The operating hours of the service bureau are as follows:

<b>Operating Hours</b>	<b>For filing</b>	<b>For collection</b>
Mondays to Fridays (excluding Public Holidays)	9 a.m. to 5 p.m.	9 a.m. to 5 p.m.
Saturdays (excluding Public Holidays)	9 a.m. to 12.30 p.m.	9 a.m. to 12.30 p.m.
Sundays and Public Holidays	Closed	Closed

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# Filing of specified documents

Unavailable

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# Timelines for filing

Unavailable

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# **Applications under the Mental Capacity Act**

Unavailable

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Para. 150(10)

**CERTIFICATE OF NOTIFICATION**

(Title as in cause or matter.)

**CERTIFICATE OF NOTIFICATION**

I, *[name of person effecting the notification]* (ID No. \_\_\_\_\_), certify that I have notified the abovenamed P of this Originating Summons on *[date]* at *[address where notification took place]*. The notification complies with Order 99, rule 6 of the Rules of Court and Paragraph 150(10) of the Supreme Court Practice Directions. In particular, P was notified of *[please specify the matters which P was notified of]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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.....Signature and name of person effecting  
notification