

Supreme Court Practice Directions (Amendment No. 2 of 2014)

Part IV: Interlocutory Applications

40. Transfer of proceedings to the **Subordinate State** Courts

Where a claim in the High Court which may have initially exceeded \$250,000 is subsequently reduced below this amount, solicitors should bring this to the attention of the Registrar and apply by summons or at the hearing of the summons for directions for an order that the action be transferred to the District Court for trial under section 54C of the **Subordinate State** Courts Act (Cap 321), which provides:

General power to transfer from High Court to **subordinate State Courts**

54C. — (1) A party to any civil proceedings pending in the High Court may for any sufficient reason at any time apply to the High Court for an order that the proceedings be transferred to a **subordinate State** Court.

(2) Subject to subsection (3), the High Court may, if it thinks fit, and on such terms as it sees fit, and either on its own motion or on application, order that the proceedings be transferred accordingly notwithstanding any other provision of this Act.

(3) An order under subsection (2) may only be made in respect of such proceedings as could have been commenced in the **subordinate State** Court to which the application relates, if the value of the claim had been within the District Court limit or the Magistrate's Court limit, as the case may be.

Explanation — The fact that the proceedings fall within the civil jurisdiction of the **subordinate State** Courts would not, by itself, ordinarily constitute sufficient reason for transferring the proceedings to the **subordinate State** Courts, if enforcement overseas is intended of any judgment obtained in the High Court under any enforcement arrangements currently in force.

PART XI: APPEALS AND HEARINGS BEFORE COURT OF 3 JUDGES

83. Civil appeals before the High Court from the **Subordinate State** Courts

[no changes to text]

85A. Whether an appeal to the Court of Appeal is to be heard by 5 or any greater uneven number of Judges

Pursuant to section 30(1) of the Supreme Court of Judicature Act (Cap. 322) and notwithstanding any determination that may be made under paragraph 85(2) or (4) of these Practice Directions, the Court of Appeal may determine, as and when appropriate, whether to

convene a panel of 5 or any greater uneven number of Judges. Such determination of the Court of Appeal will be final.

85A85B. Leave of the Court of Appeal to receive further affidavits in relation to an application to strike out a notice of appeal

Under Order 57, Rule 16, a respondent may make an application to strike out a notice of appeal within the time frame provided in the Rule. The leave of the Court of Appeal to receive any further affidavit pursuant to Order 57, Rule 16(13), may be sought by way of correspondence to the Court of Appeal, or an appointment before a Judge of Appeal in a case management conference.

PART XIII: ELECTRONIC FILING AND SERVICE

109. Filing of documents to the Supreme Court through a Subordinate State Courts service bureau

Pursuant to Order 63A, Rule 18(4) of the Rules of Court, the Registrar hereby prescribes that any service bureau established or authorised to be established by the Registrar of the Subordinate State Courts may assist in the filing, service, delivery or conveyance of documents pertaining to Supreme Court proceedings using the Electronic Filing Service if the service bureau, or, if there are more than one, all the service bureaux, established or authorised to be established by the Registrar are unable to provide such services owing to failure of hardware or software, or both.

PART XVII: ADOPTION AND PROBATE MATTERS

131. Applications for adoption orders

Notwithstanding the concurrent jurisdiction of the High Court to receive such processes, solicitors are requested to file all applications for adoption orders in the Subordinate State Courts. This will serve to achieve the two-fold objective of enabling a more efficient allocation and use of time and resources in the High Court as well as reducing the costs incurred in the adoption process.

PART XIX: MATRIMONIAL PROCEEDINGS AND MATTERS RELATING TO THE GUARDIANSHIP OF INFANTS

138. Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to the Family Court of the Subordinate State Courts

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(8) A sub-registry of the Registry of the Supreme Court (referred to in this direction as the “sub-registry of the Supreme Court”) and sub-registry of the Registry of the Subordinate State Courts (referred to in this direction as the “sub-registry of the Subordinate State Courts

Courts”) have been set up in the Family and Juvenile Court Building (at No. 3, Havelock Square) (“the Family & Juvenile Court”).

139. Transfer of Section 17A(2) Supreme Court of Judicature Act Proceedings to the Family Court of the Subordinate State Courts

[no changes to text]

140. Documents to be filed at the Legal Registry of the Supreme Court

(1) All documents relating to family proceedings and section 17A(2) proceedings which are to be heard and determined by the High Court shall be filed at the Legal Registry of the Supreme Court. These include:

- (a) all originating processes to commence family proceedings before 1 April 1996;
- (b) all subsequent applications and documents in or ancillary to family proceedings commenced before 1 April 1996;
- (c) all applications and documents in or ancillary to family proceedings commenced on or after 15 December 2003 involving the division of matrimonial assets with a net value of \$1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the Subordinate State Courts;
- (d) all applications and documents in or ancillary to section 17A(2) proceedings commenced on or after 1 November 2004 involving the division of matrimonial assets with a net value of \$1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the Subordinate State Courts; and
- (e) all applications and documents to vary any Order of the High Court in the proceedings referred to in sub-paragraphs (1)(a) to (d).

142. Appeals on ancillary matters in Divorce Proceedings, Custody Matters or Section 17A(2) Supreme Court of Judicature Act Proceedings from the Family Court to the High Court

...

(9) The submissions, the record of appeal, the core bundle and the respondent’s core bundle shall be filed at the Registry of the Subordinate State Courts.

PART XXI: APPLICATIONS UNDER THE MENTAL CAPACITY ACT

147. Transfer of mental capacity proceedings to District Court

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(3) A sub-registry of the Registry of the Supreme Court and sub-registry of the Registry of the Subordinate State Courts have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square.

APPENDIX B

Para. 64(1)

WAITING PERIODS

S/N	TYPE OF PROCEEDINGS	TARGET
High Court – Appellate Civil Jurisdiction		
17.	Appeals in civil matters from the <u>Subordinate State</u> Courts (District Court Appeals and Small Claims Tribunals Appeals)	4 weeks from the of receipt of the record of proceedings from the <u>Subordinate State</u> Courts
High Court – Criminal Jurisdiction		
18.	Pre-trial conference in Criminal Cases	12 weeks from date accused is first charged in the <u>Subordinate State</u> Courts.
20.	Appeals in criminal matters from the <u>Subordinate State</u> Courts (Magistrate’s Appeals)	8 weeks from the date of receipt of the record of proceedings
Court of Appeal		
21.	Civil Appeals	<p>Appeals before 3 <u>or more</u> Judges: Ready to be heard in 19 weeks from date of Notification to collect Records of Proceedings*</p> <p>Appeals before 2 Judges: Ready to be heard in 15 weeks from date of Notification to collect Records of Proceedings</p>
22.	Criminal Appeals	<u>6 weeks from the date of service of the Record of Proceedings 8 weeks after the week of receipt of the last confirmation of the Record of Proceedings</u>

*Counsel should note that in appropriate appeals, including appeals of public importance or jurisprudential significance, the time period may be extended to 25 weeks from date of Notification to collect Records of Proceedings