

**Singapore International Commercial Court Practice Directions  
(Amendment No. 2 of 2018)**

**2. Interpretation**

In these Practice Directions, unless the context otherwise requires –

“Advocate and Solicitor” means an advocate and solicitor of the Supreme Court;

“ADR” means alternative dispute resolution;

“counsel” means – ~~an Advocate and Solicitor or a Registered Foreign Lawyer;~~

- (a) an Advocate and Solicitor;
- (b) a person admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161); or
- (c) a Full Registration Foreign Lawyer;

“Court” means the Singapore International Commercial Court;

“Electronic Filing Service” means the Integrated Electronic Litigation System or eLitigation which is accessible at [www.elitigation.sg](http://www.elitigation.sg);

“Full Registration Foreign Lawyer” means a Registered Foreign Lawyer who is granted full registration under section 36P of the Legal Profession Act (Cap. 161);

“Judge” means a Judge, Judicial Commissioner, Senior Judge or International Judge of the Supreme Court;

“Registered Foreign Lawyer” means a foreign lawyer registered under section 36P of the Legal Profession Act (Cap. 161);

“Registered Law Expert” means a law expert registered under section 36PA of the Legal Profession Act (Cap. 161);

“Restricted Registration Foreign Lawyer” means a Registered Foreign Lawyer who is granted restricted registration under section 36P of the Legal Profession Act (Cap. 161);

“Service Bureau” means the Lawnet & CrimsonLogic Service Bureau, whose addresses and contact details may be found in Appendix A to these Practice Directions;

“SICC Registry” means the Singapore International Commercial Court Division of the Supreme Court Registry.

**5. Scope of application of these Practice Directions**

These Practice Directions shall apply to:

- (a) every case commenced in the Court (unless the case is transferred out of the Court pursuant to Order 110, Rules 10 or 12 of the Rules of Court);
- (b) any proceedings for the transfer of a case from the High Court to the Court pursuant to Order 110, Rules 12 or 58 of the Rules of Court, and every case so transferred; and
- (c) every appeal from a judgment or an order of the Court.

**8A. Attendance at hearings in Chambers**

(1) For the avoidance of doubt, the general rule is that hearings in chambers in civil proceedings are private in nature, and that members of the public are not entitled to attend such hearings.

(2) However, subject to any written law, the Court may, in its discretion, permit interested parties, such as instructing solicitors, foreign legal counsel and parties to the matter, to attend hearings in chambers. In exercising its discretion, the Court may consider a broad range of factors including: (a) the interest that the person seeking permission has in the matter before the Court; (b) the interests of the litigants; (c) the reasons for which such permission is sought; and (d) the Court's interest in preserving and upholding its authority and dignity.

9. **Court dress**

(1) The attire for male counsel, **Restricted Registration Foreign Lawyers or Registered Law Experts** appearing in open Court will be an ordinary long-sleeved white shirt with a turn-down collar, a tie of a subdued or sober colour, a dark jacket, dark trousers and black or plain-coloured shoes. Conspicuous jewellery or ornaments should not be worn.

(2) The attire for female counsel, **Restricted Registration Foreign Lawyers or Registered Law Experts** appearing in open Court will be a long-sleeved white blouse high to the neck, a dark jacket, a dark skirt or dark trousers and black or plain-coloured shoes. Conspicuous jewellery or ornaments should not be worn.

(3) When appearing before a Judge in Chambers or Registrar, the attire for both men and women will be the same as for open Court.

12. **Authorisation for collection of mail and court documents**

*Where a party has appointed representation*

~~(1) Law firms and Registered Foreign Lawyers are to indicate their authorisation of any particular person to collect Court documents or mail from the Court on their behalf by providing such person with a card which shall conform with the specimen set out in Form 1 of Appendix B of these Practice Directions.~~

~~(2) The card shall:~~

~~(a) be clearly typed;~~

~~(b) measure 8.50 cm x 5.00 cm;~~

~~(c) be laminated, or held in a clear plastic envelope, case or wallet;~~

~~(d) be numbered, sealed, signed and dated by the issuing law firm or numbered, signed and dated by the issuing Registered Foreign Lawyer; and~~

~~(e) remain valid only up to 31 December of each year, provided always that no card shall be valid for any period exceeding one year.~~

~~(3) Law firms and Registered Foreign Lawyers remain responsible to recall or destroy any cards issued to persons whose authority to collect that firm's documents has been revoked. The SICC Registry must be immediately informed in writing of any lost or misplaced cards.~~

(1) Without prejudice to sub-paragraphs (4) and (4A), all law firms and Full Registration Foreign Lawyers are required to notify the SICC Registry of the particulars of person(s) authorised to collect Court documents or mail from the Court on their behalf by submitting a request to authorise user. The request should be made in accordance with paragraph 11 of these Practice Directions.

(2) Where such authorised persons are no longer authorised, law firms and Full Registration Foreign Lawyers are required to revoke or delete the authorisation immediately by submitting a request in accordance with paragraph 11 of these Practice Directions. Until receipt of such notification of revocation or deletion, Court documents and mail shall continue to be released to such authorised persons upon production of evidence of identification.

(3) (deleted)

~~(4) Court documents and mail will only be released to persons bearing the aforesaid written authorisation. However, a~~ Any counsel may collect documents and mail on behalf of his firm,~~any Registered Foreign Lawyer may collect documents and mail~~ and on behalf of the party or parties who, according to the Court's records, he is representing.,~~and a~~ Any litigant in person may collect documents and mail intended for him in any matter in which he is a party.

(4A) A law firm or a Full Registration Foreign Lawyer may authorise a courier service-provider to collect Court documents or mail from the Court on his behalf. At the time of collection, the authorised courier service-provider should produce a letter of authorisation which is printed on the law firm's or Full Registration Foreign Lawyer's letterhead and addressed to the authorised courier service-provider. The said letter of authorisation should clearly state the case number, the name of the authorised courier service-provider and the Court documents or mail to be collected. An employee or representative of the authorised courier service-provider collecting the Court documents or mail may be requested to provide evidence that will allow the SICC Registry to verify that he is an employee or representative of the authorised courier service-provider and will have to acknowledge receipt of the Court documents or mail collected.

*Where a party is a litigant in person, or who has yet to appoint representation*

(5) Parties to a pending cause or matter in the Court who are acting in person, or who have yet to appoint legal representation, may authorise any particular person to collect Court documents or mail from the Court on their behalf by providing such person with an authorisation letter in Form 2 of Appendix B of these Practice Directions.

(5A) A litigant in person may authorise a courier service-provider to collect Court documents or mail from the Court on his behalf. At the time of collection, the authorised courier service-provider should produce a letter of authorisation from the litigant in person addressed to the authorised courier service-provider. The said letter of authorisation should clearly state the case number, the name of the authorised courier service-provider and the Court documents or mail to be collected. An employee or representative of the authorised courier service-provider collecting the Court documents or mail may be requested to provide evidence that will allow the SICC

Registry to verify that he is an employee or representative of the authorised courier service-provider and will have to acknowledge receipt of the Court documents or mail collected.

(6) The party is responsible to recall or destroy any authorisation letter issued to persons whose authority to collect documents has been revoked.

(7) Court documents and mail will only be released to persons bearing the aforesaid authorisation letter.



20. **Access to case file, inspection, obtaining copies and searches**

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*File inspection and obtaining copies of documents by non-parties*

(4) In order to inspect a case file, the following procedure should be followed:

- (a) A request must be made to obtain leave to inspect the file. The request shall be in Form 3 of Appendix B of these Practice Directions and filed in accordance with paragraph 11 of these Practice Directions. The request shall state the following:
  - (i) the name of the person who is to carry out the search or inspection. If this person is not a ~~counsel an Advocate and Solicitor or Registered Foreign Lawyer~~ representing the non-party, his identity card or passport number should also be included in the request after his name, and a copy of his identity card or passport should be provided;
  - (ii) the interest that the applicant has in the matter; and
  - (iii) the reason for the search or inspection. If the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, the request should clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.
- (b) Once approval for inspection has been received from the Court:
  - (i) registered users can inspect the case file online through the Electronic Filing Service;
  - (ii) parties who are not registered users can inspect the case file by presenting a copy of the approval at the Service Bureau.
- (c) After verifying the approval, the Service Bureau will assign the inspecting party a personal computer for the inspection to be carried out.
- (d) An inspecting party will usually be allowed 60 minutes to carry out the inspection. If a longer period is required, the Service Bureau may impose a

charge for use of the computer. The Service Bureau may impose additional charges for downloading soft copies or printing hard copies of documents from the case file being inspected.

(5) A case file which has been sealed, whether under Order 110, Rule 30 of the Rules of Court or otherwise, shall not be inspected by a non-party to those proceedings unless leave of Court is obtained pursuant to Order 110, Rule 30(10) and (11) of the Rules of Court.

(6) ~~Counsel Advocates and Solicitors and Registered Foreign Lawyers~~ must communicate to the Registrar in writing the names of persons authorised by them to make searches and inspections. Such authority may be in respect of a specific search or inspection or for a specified period.

(7) For the avoidance of doubt, a non-party who has obtained approval to inspect a case file may take and retain a soft copy of any document that is available for inspection. All copies of documents taken in the course of inspection should not be used for purposes other than those stated in the request to inspect unless leave is obtained from the Court. ~~Counsel Advocates and Solicitors and Registered Foreign Lawyers~~ shall be responsible for informing their clients of this.

*Obtaining certified true copies of documents*

(8) Applications to obtain certified true paper copies of documents should be made by way of filing a request in accordance with paragraph 11 of these Practice Directions.

- (a) The intended use of the certified true copies should be clearly stated in the request. The relevance and necessity of the certified true copies in relation to their intended use should also be clearly described.
- (b) Once approval is received from the Court, the applicant should present a copy of the approved request at the SICC Registry.
- (c) After verifying that the request has been approved, the SICC Registry will inform the applicant of any additional fees payable. Upon payment of the applicable fees, the SICC Registry will furnish the documents to the applicant.

(d) The fees prescribed in Appendix BA to the Rules of Court will be payable for the above services in addition to further printing charges which may be chargeable by the Service Bureau for reproducing the copies in paper form.

(9) All certified true copies obtained pursuant to the applications referred to at subparagraph (8) should not be used for purposes other than those stated in the applications unless leave is obtained from the Court. ~~Counsel Advocates and Solicitors and Registered Foreign Lawyers~~ shall be responsible for informing their clients of this.

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26. **Circumstances under which representation by Registered Foreign Lawyers and Registered Law Experts are allowed**

(1) A party to proceedings commenced in or transferred to the Court and in appeals from such proceedings, may be represented by Full Registration Foreign Lawyers foreign lawyers:

~~(a) in a joint request or application for a pre-action certificate;~~

~~(a)(b) where the case is treated as an offshore case pursuant to Order 110, Rule 34 of the Rules of Court;~~

~~(b)(e) where the Court decides a case is not or is no longer an offshore case, but exercises discretion to allow foreign representation under Order 110, Rule 37(5) of the Rules of Court; or~~

~~(c)(d) in an application under Order 52 of the Rules of Court for leave to commit a person for contempt in respect of any judgment or order made by the Court or the Court of Appeal in connection with proceedings and foreign representation was allowed in the underlying proceedings.; or~~

~~(d) where the Court has made:~~

~~(i) an order under Order 110, Rule 25 of the Rules of Court that any question of foreign law be determined on the basis of submissions instead of proof; and~~

~~(ii) an order permitting a named Registered Foreign Lawyer to make submissions on the question of foreign law on behalf of a party.~~

(2) Where the Court or the Court of Appeal, in any proceedings commenced in or transferred to the Court or in any appeals from such proceedings (as the case may be), has made an order under Order 110, Rule 25 or Rule 29(1)(b) of the Rules of Court permitting a named Registered Foreign Lawyer or Registered Law Expert to make submissions on any question of foreign law on behalf of a party, the named Registered Foreign Lawyer or Registered Law Expert may appear in those proceedings or appeals for such purpose.

27. **Registration of foreign lawyers**

Every foreign lawyer representing a party to proceedings commenced in ~~or transferred to~~ the Court, and in appeals from such proceedings, shall be registered under section 36P of the Legal Profession Act (Cap. 161). The qualifications, requirements, conditions and procedure for registration are prescribed in the Legal Profession Act (Cap. 161) and the Legal Profession Act (~~Foreign Representation in for the~~ Singapore International Commercial Court) Rules 2014.

**27A. Registration of law experts**

Every law expert permitted to make submissions on questions of foreign law on behalf of a party to proceedings commenced in or transferred to the Court, and in appeals from such proceedings, shall be registered under section 36PA of the Legal Profession Act (Cap. 161). The qualifications, requirements, conditions and procedure for registration are prescribed in the Legal Profession Act (Cap. 161) and the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014.

28. **Notification of counsel on record**

(1) Pursuant to Order 110, Rule 33 of the Rules of Court, a party to any proceedings in the Court must file and serve a notice (in either Form 251 or 252 of the Rules of Court) stating all the counsel acting for the party in the proceedings.

(2) A party shall file a notice in Form 251 of the Rules of Court in the following circumstances:

(a) where proceedings are commenced in the Court:

- (i) the plaintiff shall file the applicable notice upon commencement of the proceedings;
- (ii) any other party shall file the applicable notice when that party first files any document in the proceedings;

(b) where the proceedings are transferred to the Court:

- (i) the parties shall file the applicable notices ~~at the time the proceedings are transferred,~~ upon the transfer of the proceedings; and
- (ii) any other party shall file the applicable notice when that party first files any document in the proceedings;

(c) where a party appoints additional counsel, that party shall file the applicable notice within 7 working days of the appointment of the additional counsel.

(2A) Despite sub-paragraphs (1) and (2)(b)(i), where any proceedings are transferred to the Court, a party to those proceedings at the time of the transfer need not file the notice in sub-paragraph (1) upon the transfer, if that party did not change counsel after the transfer.

(3) In the event that a party changes the counsel acting for him or appoints counsel after acting in person, that party shall file a notice in Form 252 of the Rules of Court within 7 working days of any change of counsel or appointment of counsel, as the case may be.

29. **General**

(1) Pursuant to Order 110, Rule 34 of the Rules of Court, an action is treated as an offshore case in any of the following circumstances, unless the Court subsequently decides that the action is not or is no longer an offshore case:

~~(a) there is exhibited, in accordance with Order 110, Rule 43(1) of the Rules of Court, a pre-action certificate stating that the intended action is an offshore case;~~

~~(a)(b)~~ a party has filed an offshore case declaration in Form 4 of Appendix B of these Practice Directions;

~~(b)(e)~~ the Court decides under Order 110, Rule 36 of the Rules of Court that the action is an offshore case.

*Illustrations of when the “subject-matter of the dispute” is regulated by or otherwise subject to Singapore law*

(2) The illustrations set out in this sub-paragraph are intended to demonstrate, as a matter of general principle, cases where the subject-matter of the dispute is regulated by or otherwise subject to Singapore law for the purposes of Order 110, Rule 1(2)(f)(i) of the Rules of Court. Such cases would, consequently, fall outside the scope of offshore cases:

(a) where there is a dispute over the sale of shares in a Singapore incorporated company pursuant to a share purchase agreement governed by New York law, the subject-matter of the dispute (i.e. the shares) is regulated by or otherwise subject to Singapore law;

(b) where there is a dispute over the transfer of land in Singapore pursuant to a contract governed by English law, the subject-matter of the dispute (i.e. the land) is regulated by or otherwise subject to Singapore law; and

(c) where there is a dispute over the affairs of a company pursuant to a shareholders’ agreement governed by Indonesian law and one of the issues relates to the use of a patent registered in Singapore, the subject-matter of the dispute (i.e. the patent) is regulated by or otherwise subject to Singapore law.



*“Substantial connection to Singapore”*

(3) For the purposes of Order 110, Rule 1(2)(f)(ii) of the Rules of Court, the existence of each of the following factors will not, by itself, constitute a substantial connection between the dispute and Singapore:

- (a) any of the witnesses in the case may be found in Singapore;
- (b) any of the documents that are relevant to the dispute may be located in Singapore;
- (c) funds connected with the dispute have passed through Singapore or are located in bank accounts in Singapore;
- (d) one of the parties to the dispute has properties or assets in Singapore that are not the subject matter of the dispute;
- (e) where one of the parties is a Singapore party, or where a party is not a Singapore party, but has Singapore shareholders.

*“Action in rem”*

(4) For the purposes of the definition of an “offshore case” under Order 110, Rule 1(1) of the Rules of Court, an *action in rem* (against a ship or any other property) under the High Court (Admiralty Jurisdiction) Act (Cap. 123) shall not be considered an offshore case.

*“Proceedings under the International Arbitration Act (Cap. 143A)”*

(5) For the purposes of the definition of an “offshore case” under Order 110, Rule 1(1) of the Rules of Court, any proceedings under the International Arbitration Act (Cap. 143A) that are commenced by way of any originating process shall not be considered an offshore case.

## PART VI

### ~~PRE-ACTION CERTIFICATE (deleted)~~

30. (Deleted)

#### ~~Purpose of a pre-action certificate~~

~~(1) A pre-action certificate allows a party who intends to commence an action in the Court, or who may be a party to an action commenced in the Court, to obtain an early indication from the Court on all or any of the following matters set out in Order 110, Rule 39(1) of the Rules of Court:~~

- ~~(a) the claims in an intended action are of an international and commercial nature for the purposes of Order 110, Rule 7(1)(a) of the Rules of Court;~~
- ~~(b) the intended action is an offshore case;~~
- ~~(c) that there should be all or any of the following orders in the intended action:
  - ~~(i) an order that the intended action be heard in camera;~~
  - ~~(ii) an order that no person must reveal or publish any information or document relating to the case;~~
  - ~~(iii) an order that the Court file for the intended action be sealed.~~~~

~~(2) A pre-action certificate in relation to sub-paragraph (1)(a) above is relevant to the issue of jurisdiction. One of the jurisdictional requirements under Order 110, Rule 7 of the Rules of Court is that the claims between the plaintiffs and the defendants named in the originating process when it was first filed must be of an international and commercial nature. There are, however, other jurisdictional requirements under Order 110, Rule 7 of the Rules of Court. Further, the Court may decline to assume jurisdiction under Order 110, Rule 8 of the Rules of Court. Counsel's attention is drawn in this regard to Order 110, Rule 39(2) of the Rules of Court, which makes clear that certification that an action is of an international and commercial nature for the purposes of Order 110, Rule 7(1)(a) does not by itself mean that the Court has or would assume jurisdiction in that action.~~

~~(3) A pre-action certificate in relation to sub-paragraph (1)(b) above is relevant to:~~

- ~~(a) the issue of foreign representation; and~~

~~(b)—an application for confidentiality orders under Order 110, Rule 30(1) of the Rules of Court.~~

~~Parties may be represented by registered foreign lawyers in an offshore case. Further, in deciding whether to make a confidentiality order under Order 110, Rule 30(1) of the Rules of Court, the Court may have regard to whether the case is an offshore case and any agreement between the parties on the making of a confidentiality order: see Order 110, Rule 30(2) of the Rules of Court; see, also, paragraph 97 of these Practice Directions.~~

~~(4) A pre-action certificate is optional. A person who has not applied for or who has been refused a pre-action certificate is not precluded from bringing an action in the Court, and among other things:~~

~~(a)—a plaintiff is not precluded, at the commencement of the action, from:~~

~~(i)—making a plaintiff's declaration under Order 110, Rule 4 of the Rules of Court to explain why the action is of an international and commercial nature for the purposes of satisfying one of the jurisdictional requirements under Order 110, Rule 7(1) of the Rules of Court;~~

~~(ii)—making an offshore case declaration under Order 110, Rule 35 of the Rules of Court to explain why the action is an offshore case for the purposes of engaging foreign representation. The offshore case declaration shall be in Form 4 of Appendix B of these Practice Directions; or~~

~~(iii)—applying for confidentiality orders under Order 110, Rule 30(1) of the Rules of Court.~~

~~(b)—other parties are not precluded, when filing the first document, from:~~

~~(i)—making an offshore case declaration under Order 110, Rule 35 of the Rules of Court to explain why the action is an offshore case for the purposes of engaging foreign representation. The offshore case declaration shall be in Form 4 of Appendix B of these Practice Directions; or~~

~~(ii) — applying for confidentiality orders under Order 110, Rule 30(1) of the Rules of Court.~~

~~(e) — no party is precluded, post commencement of the action, from:~~

~~(i) — applying to the Court under Order 110, Rule 36 of the Rules of Court, where an offshore case declaration was not made under Order 110, Rule 35 of the Rules of Court; or~~

~~(ii) — applying for confidentiality orders under Order 110, Rule 30(1) of the Rules of Court.~~

31. (Deleted)

**Modes of applying for a pre-action certificate**

~~There are two modes of applying for a pre-action certificate: through an administrative process by submitting a joint request under Order 110, Rule 40 of the Rules of Court or through a judicial process by submitting a single party application under Order 110, Rule 41.~~

32. (Deleted)

**~~Joint request for a pre-action certificate under Order 110, Rule 40 of the Rules of Court~~**

~~(1) A joint request for a pre-action certificate may be made by a person intending to commence an action in the Court together with all persons who will be named as defendants in that action when it is first filed. The joint request shall be in Form 5 of Appendix B of these Practice Directions and must be supported by a statement:~~

~~(a) describing the intended action;~~

~~(b) stating all the facts and reasons that are relevant to deciding whether the relevant matters under Order 110, Rule 39(1) of the Rules of Court ought to be certified; and~~

~~(c) exhibiting a copy of the written jurisdiction agreement that will be relied on in the intended action.~~

~~(2) A joint request will be processed administratively and may be determined on paper by a Judge or Registrar.~~

33. (Deleted)

**~~Single-party application for a pre-action certificate under Order 110, Rule 41 of the Rules of Court~~**

~~(1) A single-party application for a pre-action certificate may be made by a person who intends to commence an action in the Court or who may be a party to an intended action in the Court, if that person does not wish or is not able to make a joint request under Order 110, Rule 40 of the Rules of Court. A single-party application shall be made by way of an ex parte originating summons supported by an affidavit:~~

~~(a) describing the intended action;~~

~~(b) stating all the facts and reasons that are relevant to deciding whether the relevant matters under Order 110, Rule 39(1) of the Rules of Court ought to be certified; and~~

~~(c) exhibiting a copy of the written jurisdiction agreement that will be relied on in the intended action.~~

~~(2) The Judge or Registrar hearing the single-party application may order it to be served on any person. Single-party applications for pre-action certificates shall generally be heard in Chambers unless otherwise directed by the Court. In this regard, counsel's attention is drawn to Order 32, Rule 11(1) of the Rules of Court. Pursuant to Order 110, Rule 41(5) of the Rules of Court, the Court must also, on its own motion, consider whether to order that:~~

~~(a) the application be heard in camera;~~

~~(b) no person must reveal or publish any information or document relating to the application; and/or~~

~~(c) the Court file for the application be sealed.~~

~~(3) A decision to grant or refuse a pre-action certificate is final for the purposes of section 34(1)(e) of the Supreme Court of Judicature Act (Cap. 322). However, as indicated, the applicant is not precluded from taking the actions listed at paragraph 30(4) of these Practice Directions.~~

34. (Deleted)

**Reliance on a pre-action certificate**

~~(1) If a plaintiff wishes to rely on a pre-action certificate obtained, the plaintiff must, within 6 months after the date on which the certificate was granted, exhibit the certificate (together with the application or joint request for the pre-action certificate and any affidavit or document filed in the application or joint request) in the plaintiff's declaration under Order 110, Rule 4 of the Rules of Court in an action commenced in the Court.~~

~~(2) If any other party wishes to rely on a pre-action certificate obtained, that party must, within 6 months after the date on which the certificate was granted, exhibit the certificate (together with the application or joint request for the pre-action certificate and any affidavit or document filed in the application or joint request) with the first document filed by that party in the action in the Court.~~

~~(3) A pre-action certificate lapses 6 months after the date on which it was granted, unless it is exhibited in accordance with Order 110, Rule 43(1) of the Rules of Court and sub-paragraphs (1) and (2) above. The time within which a pre-action certificate may be exhibited cannot be extended. However, the lapsing of a pre-action certificate does not preclude any person from applying for another pre-action certificate.~~



35. (Deleted)

**~~Pre-action certificate conclusive unless set aside~~**

~~(1) A pre-action certificate is conclusive as to the matters therein stated if exhibited in accordance with Order 110, Rule 43(1) of the Rules of Court and paragraphs 34(1) and 34(2) of these Practice Directions, unless set aside under Order 110, Rule 44 of the Rules of Court.~~

~~(2) A pre-action certificate that is exhibited in an action may be set aside in accordance with Order 110, Rule 44 of the Rules of Court on the Court's own motion, on the application of a party to the action, or on the application of a person who is not a party to the action who has obtained leave of the Court. The grounds for setting aside and the procedure for an application to set aside are set out in Order 110, Rule 44(3), (4) and (6) of the Rules of Court.~~

~~(3) A pre-action certificate may be set aside wholly or in part.~~

~~(4) The Court's decision whether to set aside a pre-action certificate is final for the purposes of section 34(1)(e) of the Supreme Court of Judicature Act (Cap. 322).~~

36. **Provision of deposit ~~upon commencement of case (including appeals)~~**

*Writs and Originating Summonses*

(1) ~~An initial deposit of S\$ 8,000 shall be furnished by the plaintiff upon commencement of a writ action or an originating summons in the Court. An initial deposit of S\$ 8,000 shall be furnished by the plaintiff upon the commencement of a writ action in the Court. A deposit of S\$ 8,000 shall be furnished by the plaintiff upon commencement of an originating summons in the Court.~~ Payment of the deposit shall be in Singapore Dollars (SGD) and not in any other currency. ~~For the avoidance of doubt, the plaintiff is not required to furnish a deposit when applying, by way of an *ex parte* originating summons, for a pre-action certificate under Order 110, Rule 41 of the Rules of Court.~~

(2) The deposit shall be furnished by direct interbank payment or telegraphic transfer into the Court's nominated account, which details are as follows:

- (a) Bank: United Overseas Bank
- (b) Branch: Coleman
- (c) Account number: 302-311-987-9
- (d) Account name: Registrar Supreme Court/AG
- (e) Swift code: UOVBSGSG
- (f) Bank address: 1 Coleman Street #01-14 & #B1-19, Singapore 179803

(3) Once the requisite fees or deposits have been received in the nominated account and have been cleared, the prescribed amount that is payable upon the commencement of a case shall be deducted by the SICCR Registry and the case shall be entered into the Court cause book and a case number issued. The originating process shall thereafter be returned to the plaintiff.

(4) ~~The defendant shall furnish a deposit (into the Court's nominated account) of S\$ 8,000 upon filing the defendant's first document in the case.:~~

- ~~(a) S\$ 8,000 upon the entry of appearance to proceedings commenced by a writ of summons; or~~

~~(b) — when directed by the Registrar to do so,  
whichever is the earlier.~~

(5) Parties who are subsequently joined to the proceedings (including those being joined as an additional plaintiff or defendant, or a third or subsequent party) shall furnish a deposit (into the Court's nominated account) of S\$ 8,000 upon filing their first document in the case.:

~~(a) — S\$ 8,000 upon the entry of appearance in proceedings commenced by a writ of summons; or~~

~~(b) — when directed by the Registrar to do so,  
whichever is the earlier.~~

(5A) Where a case is transferred to the Court, and the High Court, when ordering the transfer of the case, directs the parties to pay the court fees and hearing fees payable in the Court, each party shall furnish an initial deposit (into the Court's nominated account) of S\$ 8,000 within 14 days after the High Court directs the parties to pay the court fees and hearing fees payable in the Court.

~~(5B) Where a case is transferred to the Court, and where the parties continue to pay the applicable fees which are payable in the High Court, the Registrar may at any time direct a deposit of S\$ 8,000 to be furnished (into the Court's nominated account). The deposit shall be furnished within 14 days after the Registrar makes the relevant direction.~~

*Appeals and applications to the Court of Appeal*

(6) An initial deposit of S\$ 20,000 shall be furnished (into the Court's nominated account) by the appellant upon the filing of an appeal from the Court. The respondent shall not be required to furnish any deposit for the appeal.

(6A) Where the respondent files an application to the Court of Appeal, the respondent shall furnish a deposit (into the Court's nominated account) of S\$ 12,000 upon the filing of any such application.

*Power of Registrar to refuse to administer proceedings*

(7) Pursuant to Order 110, Rule 50 of the Rules of Court, the Registrar may refuse to administer proceedings in the Court or in an appeal from the Court, whether in respect

of the proceedings entirely or in respect of the party in default, if any fee or deposit payable for the proceedings is not paid.

41. **Electronic payment of fees and charges**

*Implementation of the electronic system for the payment of fees*

(1) Notwithstanding anything in these Practice Directions, all deposits, fees and charges not paid using the Electronic Filing Service must be paid by electronic means.

*Modes of electronic payment*

(2) Payment through electronic means includes payment effected by wire transfer (e.g. SWIFT), Interbank GIRO (IBG), NETS, Cashcards and selected credit cards.

(3) Save that payments of fees for the purposes of becoming a Registered Foreign Lawyer or a Registered Law Expert may be made using selected credit cards through an online payment portal, payment through NETS, Cashcards and selected credit cards may only be effected at the Supreme Court cashier's counter.

(4) For Singapore law practices and law firms with a presence in Singapore, payment by IBG would be the most appropriate mode of electronic payment. A law firm using IBG will authorise the Supreme Court to deduct the fees from its bank account upon lodgement of the prescribed lodgement form. The law firm will receive detailed reports on its IBG payments to facilitate accounting and help with bank reconciliation.

...

44. **Documents which must be filed, served, delivered or otherwise conveyed to the Registrar**

(1) Singapore law practices that are registered under Order 63A of the Rules of Court shall file, serve, deliver or otherwise convey all documents to the Registrar in all proceedings using the Electronic Filing Service.

(2) **Full Registration Registered** Foreign Lawyers granted full access to the Electronic Filing Service under paragraph 48(3) are to file, serve, deliver or otherwise convey all documents to the Registrar using the Electronic Filing Service.

(3) **Full Registration Registered** Foreign Lawyers who are nominated by foreign law practices as authorised users under paragraph 47(2) are to file, serve, deliver or otherwise convey all documents to the Registrar using the Electronic Filing Service.

(4) Where it is impracticable for a **Full Registration Registered** Foreign Lawyer to file, serve, deliver or otherwise convey documents to the Registrar using the Electronic Filing Service in accordance with sub-paragraphs (2) or (3) above, a request for assistance to record such documents in the Electronic Filing Service may be made to the Registrar.

(4A) Where the request for assistance under sub-paragraph (4) is made, the documents may be sent or made accessible to the Registrar:

- (a) by electronic mail;
- (b) by personal delivery or courier to the SICC Registry of CD-ROM(s) or DVD-ROM(s) containing soft copies of the documents in Portable Document Format (PDF). Parties should note that the CD-ROM(s) or DVD-ROM(s) that is provided will be retained by the SICC Registry as part of the record of the case; or
- (c) by uploading soft copies of the documents in Portable Document Format (PDF) in online folders designated by the SICC Registry for such purposes. **Full Registration Registered** Foreign Lawyers are required to make prior arrangements with the SICC Registry for access to such online folders before this option may be utilised.

(5) The documents sent or made accessible by **Full Registration Registered** Foreign Lawyers to the Registrar, under sub-paragraph (4A), will be recorded by the SICC

Registry in the Court's electronic case file using the Electronic Filing Service under sub-paragraph (4), only after the requisite filing fees are received by the SICC Registry. The Registrar may deduct such fees from the party's deposit where the party has maintained a deposit with the SICC Registry.

(5A) The SICC Registry will provide assistance under sub-paragraph (4) only during the operating hours of the SICC Registry, as provided in paragraph 7 of these Practice Directions. Further, parties are put on notice that it may take up to one working day after the requisite filing fees are received by the SICC Registry or after the documents have been sent or made accessible to the Registrar, whichever is later, for the documents to be recorded by the SICC Registry in the Court's electronic case file.

(5B) For the avoidance of doubt:

- (a) the act of sending or making accessible documents to the Registrar by the means set out in sub-paragraph (4A) does not constitute the filing or service of the documents. Such documents shall be deemed filed only when the documents are recorded by the SICC Registry in the Court's electronic case file using the Electronic Filing Service. The SICC Registry will not assist in effecting service of documents. Parties are reminded that they must comply with any requirement to serve documents as provided in the Rules of Court or directed by the Court.
- (b) the party requesting the assistance of the Registrar, under sub-paragraph (4), to record documents in the Court's electronic case file using the Electronic Filing Service remains fully responsible for complying with any timeline or requirement that exists for the filing or service of such documents. The party should factor in time that will be required for processing such requests.

(6) Parties are reminded not to transmit voluminous documents by electronic mail and should instead use the transmission methods set out at sub-paragraphs (4)(b) or (4)(c) for such documents. In any event, parties must ensure that the size of each **electronic mail email** sent to the SICC Registry does not exceed 20 MB.

(7) For the avoidance of doubt, section 13 of the Electronic Transactions Act (Cap. 88) shall apply for the determination of the time and place of despatch and receipt of documents sent or made accessible to the Registrar under sub-paragraph (4A). For the

purpose of section 13(2) of the Electronic Transactions Act (Cap. 88), the Registrar hereby designates:

- (a) the following electronic address [Supcourt\\_SICCRegistry@supcourt.gov.sg](mailto:Supcourt_SICCRegistry@supcourt.gov.sg) in respect of documents sent by the means set out under sub-paragraph (4A)(a) above; and
- (b) in respect of documents sent by the means set out under sub-paragraph (4A)(c), the electronic address shall be the uniform resource locator (URL) of the online folder that has been designated by the SICC Registry for such purpose.

(8) Summonses that are filed using the Electronic Filing Service pursuant to sub-paragraph (1), (2) or (3) will be routed to the inbox of the applicant's counsel's Electronic Filing Service account after acceptance for filing by the Court. Summonses that are filed pursuant to sub-paragraph (4) will be returned to the applicant or his counsel by electronic mail to the electronic mail address set out in the administrative details contained in the electronic case file unless counsel or parties request another mode of delivery.



47. **Registration of foreign law practices as users of the Electronic Filing Service**

(1) Foreign law practices that are located in Singapore may register under Order 63A of the Rules of Court as a user of the Electronic Filing Service for causes or matters filed in the Court.

(2) The application to become a registered user **under Order 63A of the Rules of Court** must be made to the Registrar using Form 6 of Appendix B of these Practice Directions. In Form 6, the registered user must nominate at least one authorised user. Form 6 must be accompanied by the following:

- (a) a recent business profile report from the Accounting and Corporate Regulatory Authority (ACRA) of the registered user;
- (b) an application form including the subscriber agreement for subscription to the Electronic Filing Service; and
- (c) two sets of GIRO application forms for the electronic payment of filing and hearing fees, and electronic filing and other charges.

(3) The authorised user nominated under sub-paragraph (2) above must be:

- (a) a Singapore citizen or hold a valid employment pass; or
- (b) a **Full Registration Registered** Foreign Lawyer.

(4) For the purpose of Order 63A of the Rules of Court, the identification code of an authorised user:

- (a) who is a Singapore citizen or holds a valid employment pass, shall be his SingPass ID; or
- (b) who is a **Full Registration Registered** Foreign Lawyer, shall be the set of access codes issued by the eLitigation Project Director at the time that his registration is approved.

48. **Access of Full Registration Registered Foreign Lawyers to the Electronic Filing Service**

(1) A Full Registration Registered Foreign Lawyer will be issued with a set of access codes by the eLitigation Project Director at the time that his registration is approved.

(2) A Full Registration Registered Foreign Lawyer will be able to view the electronic case files of the cases in which he is appointed.

(3) At any time after registration, a Full Registration Registered Foreign Lawyer may request that his access to the Electronic Filing Service be changed from view-only access to enable online filing and service of documents. In order to do so, the Full Registration Registered Foreign Lawyer will have to make an appointment to be personally present at the SICC Registry with original photo-identification. The following types of photo-identification are acceptable:

- (a) valid passport or other travel document containing a recent photograph;
- (b) driver's licence containing a recent photograph;
- (c) identification card issued by the Full Registration Registered Foreign Lawyer's home country or country of residence containing a recent photograph; and
- (d) passes and visas administered by the Ministry of Manpower containing a recent photograph.

(4) If a Full Registration Registered Foreign Lawyer is not able to be personally present at the SICC Registry, he may make an appointment for verification through video conference with the photo-identification that was submitted by the Full Registration Registered Foreign Lawyer in his application for registration. The Full Registration Registered Foreign Lawyer shall make his own arrangements to procure the necessary telecommunications facilities or services in order to participate in the video conference. The Full Registration Registered Foreign Lawyer shall be responsible for ensuring that he joins the video conference at the designated date and time.

61. **Commencement of proceedings**

(1) Pursuant to Order 110, Rule 7 of the Rules of Court, ~~the Court has the jurisdiction to hear and try an action if~~ for the purposes of section 18D(1)(c) of the Supreme Court of Judicature Act (Cap. 322), the other conditions that an action (not being proceedings relating to international commercial arbitration that the Court has jurisdiction to hear under section 18D(2) of the Act) must satisfy are as follows:

- (a) the claims between the plaintiffs and the defendants named in the originating process when it was first filed are of an international and commercial nature;
- (b) each plaintiff and defendant named in the originating process when it was first filed has submitted to the Court's jurisdiction under a written jurisdiction agreement; and
- (c) the parties do not seek any relief in the form of, or connected with, a prerogative order.

(2) ~~In addition~~ For the avoidance of doubt, the Court has the jurisdiction to hear and determine:

- (a) a case transferred to the Court under Order 110, Rules 12 or 58 of the Rules of Court; and
- (b) an originating summons under Order 52 of the Rules of Court for leave to commit a person for contempt in respect of any judgment or order made by the Court.

(3) A plaintiff who desires to commence an action in the Court may proceed by way of a writ or by originating summons, ~~as appropriate~~.

(4) At the time of filing the writ or the originating summons, the plaintiff must also file a declaration in Form 8 of Appendix B of these Practice Directions. The declaration must be signed by the plaintiff or the plaintiff's counsel and must:

- ~~(a) exhibit any pre-action certificate relied on by the plaintiff, together with the application or joint request for the pre-action certificate and any affidavit or document filed for the application or joint request;~~
- (a)(b) explain why the action is of an international and commercial nature ~~(unless this is certified in a pre-action certificate)~~; and

~~(b)(e)~~ exhibit a copy of the written jurisdiction agreement to which the plaintiff and defendant are party. ~~;~~ ~~and~~

~~(d)~~ ~~if appropriate, exhibit an offshore case declaration in Form 4 of Appendix B of these Practice Directions in accordance with Order 110, Rule 35 of the Rules of Court.~~

(5) The plaintiff may, in addition to filing the plaintiff's declaration, file an offshore case declaration in Form 4 of Appendix B of these Practice Directions in accordance with Order 110, Rule 35 of the Rules of Court.

(6) Paragraphs 61(4) and 61(5) do not apply to proceedings under the International Arbitration Act (Cap. 143A) that are heard by the Court.

(7) Pursuant to Order 110, Rule 57 of the Rules of Court, and for the purposes of section 18D(2) of the Supreme Court of Judicature Act (Cap. 322), the only condition that any proceedings relating to international commercial arbitration that are commenced by way of any originating process must satisfy is that those proceedings must be proceedings that the High Court may hear under the International Arbitration Act (Cap. 143A).

(8) For the purposes of determining whether any proceedings are "proceedings relating to international commercial arbitration" under section 18D(2) of the Supreme Court of Judicature Act (Cap. 322):

(a) the arbitration is international only if it is international within the meaning of section 5(2) of the International Arbitration Act (Cap. 143A);

(b) a court may consider the interpretation of commercial in the UNCITRAL Model Law on International Commercial Arbitration, as stated in note † in Article I(1) of that Model Law set out in the First Schedule to the International Arbitration Act (Cap. 143A); and

(c) a commercial arbitration —

(i) includes, but is not limited to, an arbitration arising out of an investment, whether arising out of any contract, treaty, statute or other instrument; and

- (ii) may include an arbitration between a State (or any constituent subdivision or agency of a State) and a national of another State.

62. **Challenges to the jurisdiction of the Court**

(1) Pursuant to Order 110, Rule 10 of the Rules of Court, the Court may consider whether it has jurisdiction or whether it should decline to assume jurisdiction either on its own motion, or on an application by a party.

~~(2) Where there is a pre-action certificate certifying that the action is of an international and commercial nature, that pre-action certificate must first be set aside before the Court's jurisdiction on the ground that the action is not of an international or commercial nature may be challenged.~~

63. **Transfer of proceedings to and from the Court**

(1) Any party to proceedings in the High Court who desires to transfer the proceedings to the Court should make the application for the transfer to the High Court.

(2) Likewise, any party to proceedings in the Court who desires to transfer the proceedings to the High Court should make the application for the transfer to the Court.

(3) An application for a transfer of proceedings may only be made if all parties to the proceedings consent to the transfer. This does not apply where the High Court orders a transfer on its own motion.

(4) An application for a transfer of proceedings shall be supported by an affidavit which must:

- (a) explain how the conditions for transfer under Order 110, Rules 12(3), (3B), ~~or~~ (4) or 58 of the Rules of Court, as the case may be, are satisfied; and
- (b) exhibit the parties' consent to the transfer.

(5) All applications for transfer should be made promptly and should be brought:

- (a) where the proceedings are commenced by writ, within 28 days after the close of pleadings or after pleadings are deemed to be closed; or
- (b) where the proceedings are commenced by originating summons, within 28 days after the service of the originating summons on the defendant.

(6) Pursuant to Order 110, Rules 12(3B), ~~and~~(4) and 58 of the Rules of Court, the High Court may, of its own motion, order proceedings ~~before in~~ the High Court to be transferred to the Court. The High Court will hear submissions from the parties before making such an order.

(7) Unless otherwise ordered by the High Court or Court (as the case may be), the parties in proceedings following an order for the transfer of proceedings shall pay the following fees:

- (a) for proceedings transferred from the High Court to the Court, the parties shall continue to pay the applicable fees which are payable in the High Court; and
- (b) for proceedings transferred from the Court to the High Court, the parties shall continue to pay the applicable fees which are payable in the Court.

(8) A transfer order made pursuant to an application of the parties where all parties to the proceedings consent to the transfer is non-appealable.

(9) An order made by the High Court or the Court refusing to transfer proceedings on the application of a party is appealable **only** with leave.

(10) An order made by the High Court on its own motion to transfer proceedings from the High Court to the Court is appealable **only** with leave.



70. **Personal service of processes and documents**

(1) Subject to the provisions of any written law and the Rules of Court, all originating processes must be served personally on each defendant. The provisions of Order 10 and Order 62 of the Rules of Court in relation to personal service of documents shall apply in this regard.

(2) The attention of counsel is drawn to Order 62, Rule 2(1) of the Rules of Court which provides:

“Personal service must be effected by a process server of the Supreme Court or by a solicitor or **a solicitor’s clerk whose name and particulars have been notified to the Registrar for this purpose:**

Provided that the Registrar may, in a particular cause or matter, allow personal service to be effected by any other named person and shall, in that case, cause to be marked on the document required to be served personally, a memorandum to that effect.” [Emphasis added.]

(3) Counsel are ~~therefore~~ required to notify the SICC Registry of the particulars, ~~and any change thereof,~~ of such clerks who have been authorised by them to serve processes and documents (“authorised process servers”) by submitting a request to authorise user in accordance with paragraph 11 of these Practice Directions. ~~filing Form 9 of Appendix B of these Practice Directions.~~ Counsel’s clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.

(4) As personal service can be effected by counsel or counsel’s clerks, Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.

(5) If there are special reasons requiring personal service by a Court process server, a request for such service should be submitted to the SICC Registry in accordance with paragraph 11 of these Practice Directions, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, a process server will be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.

(6) On the appointed date, the person accompanying the **Court** process server should call at the SICC Registry. The amount required for the transport charges of the **Court**

process server (a record of which will be kept) should be tendered. Alternatively, the SICC Registry should be informed beforehand that transport for the Court process server will be provided. The SICC Registry will then instruct the Court process server to effect service.

(7) Under no circumstances should any payment be made directly to the Court process server.

71. **Service out of jurisdiction**

(1) Where an originating process, summons, notice or order issued, given or made in any proceedings to which Order 110 of the Rules of Court applies is to be served outside of Singapore, leave under Order 11, Rules 1, 8 or Order 69A, Rule 4 of the Rules of Court is not required if service is on a party to a written jurisdiction agreement. In all other circumstances, leave for service out of jurisdiction should be obtained under Order 11 or Order 69A, Rule 4 of the Rules of Court.

(2) An application for leave to serve an originating process outside of Singapore shall be made in the manner set out in Order 11, Rule 2(1) or Order 69A, Rule 4 of the Rules of Court. The Court shall not grant leave unless it shall be made sufficiently appear to the Court that the case is a proper one for service out of Singapore.

(3) The modes by which service of an originating process may be made out of jurisdiction are set out in Order 11, Rules 3 to 7 of the Rules of Court.

72. **Substituted service**

(1) The provisions of Order 62, Rule 5 of the Rules of Court shall apply with regard to the substituted service of documents in cases where it appears to the Court that personal service of such documents is impractical.

(2) An application for an order for substituted service shall be made in the manner set out in Order 62, Rule 5(2) of the Rules of Court. The Court shall, on any such application, have the discretion to authorise the service of documents in such manner as the Court is satisfied will probably be effectual in bringing such documents to the notice of the person to be served.

(3) In any application for substituted service, the applicant should persuade the Court that the proposed mode of substituted service will probably be effectual in bringing the document in question to the notice of the person to be served.

(4) Two reasonable attempts at personal service should be made before an application for an order for substituted service is filed. In an application for substituted service, the applicant shall demonstrate by way of affidavit why he believes that the attempts at service made were reasonable.

(5) The applicant should, where appropriate, also consider other modes of substituted service, such as AR registered post or electronic means (including electronic mail or Internet transmission) in addition to or in substitution of substituted service by posting on doors or gates of residential and business premises.

(6) An application for substituted service by posting at ~~an residential~~ address or by AR registered post should contain evidence (for example, relevant search results from the Inland Revenue Authority of Singapore, the Singapore Land Authority, the Housing & Development Board or the Accounting and Corporate Regulatory Authority) that the person to be served is resident ~~or can be located~~ at the property.

(7) For the avoidance of doubt, substituted service by AR registered post is deemed to be effected when the postal service has delivered the document, or attempted to deliver the document (in cases where no one is present or willing to accept the document).

(8) If substituted service is by electronic mail, it has to be shown that the ~~e-~~ **electronic** mail account to which the document will be sent belongs to the person to be served and that it is currently active.

(9) An application for substituted service by advertisement should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.

(10) The Court shall, in the exercise of its discretion referred to in sub-paragraph (2) above, give directions as to the manner in which the mode of service is to be effected, including (without limitation):

- (a) The content of any notice that must accompany the document to be served, explaining the nature of the document to be served, the steps that the Recipient must take upon receipt of the document and the possible consequences should the Recipient not take any action; and
- (b) The filing of an affidavit of service by the party effecting service of the document confirming that the directions of the Court have been adhered to.

76. **Preparation for the first Case Management Conference**

(1) Prior to the first Case Management Conference, counsel for all parties should take instructions from their clients on their intention and willingness to proceed with mediation or any other form of ADR. If parties are willing to proceed with mediation or any other form of ADR, counsel should consider whether consequential directions are required.

(2) Counsel for all parties should also confer, and where possible, reach a consensus on the conduct of the case. The matters which should be discussed include the matters set out in the Proposed Case Management Plan (see paragraph 81 of these Practice Directions), but are not limited to:

- (aa) whether parties agree that the case should proceed on an expedited basis, and if so, the timelines which parties have discussed and agreed upon;
- (aaa) whether a summary of pleadings or a memorial-style brief (which may include a summary of pleadings, the salient points of evidence and the applicable law) will assist the Court, and if so, how best to present the information to assist the Court;
- (a) whether parties wish to apply under Order 110, Rule 23 of the Rules of Court to disapply any rule of evidence found in Singapore, whether under the Evidence Act (Cap. 97) or elsewhere, and to substitute other rules of evidence (including, but not limited to, the question whether the dispute may be resolved by reference to documentary evidence only, without the need for the examination of witnesses in open Court);
- (ab) whether one or more of the protocols (see paragraph 77(13) and Appendix F of these Practice Directions) should be adopted, and whether the parties should request that a Case Management Conference be convened as soon as possible so as to seek directions regarding the adoption of one or more of the protocols;
- (b) whether there are any questions of foreign law, and if so, whether parties wish to apply under Order 110, Rule 25 of the Rules of Court for any question of foreign law to be determined on the basis of submissions instead of proof;

- (c) whether parties wish to apply for any confidentiality orders under Order 110, Rule 30 of the Rules of Court;
- (d) whether the cause or matter should be heard by one trial Judge or three trial Judges;
- (e) the timelines for **discovery and/or the production of documents, including whether affidavits of evidence-in-chief should be exchanged prior to discovery and/or the production of documents;**
- (f) the number of witnesses of fact and expert witnesses for each party;
- (g) whether experts are necessary in view of the issues in the case, and if so:
  - (i) the respective fields of the expert witnesses;
  - (ii) whether parties can agree on a single Court expert;
  - (iii) if it is not possible for parties to agree on a single Court expert, whether the parties have any objections to any other parties' individual expert witnesses and if so, the grounds on which they are objecting to the other parties' experts;
  - (iv) when the parties' respective experts can meet to discuss and narrow the issues for trial;
  - (v) whether expert witnesses should be examined concurrently as a panel;
- (h) the expected length of the trial; and
- (i) the expected period during which trial may be fixed.

(3) Parties should prepare and furnish to the SICCC Registry, at least 7 working days before the first Case Management Conference unless otherwise directed by the Court:

- (a) a Case Management Bundle (see paragraph 78 below);
- (b) a Case Memorandum (see paragraph 79 below);
- (c) a List of Issues (where possible, a joint list of issues) (see paragraph 80 below); and
- (d) a Proposed Case Management Plan (see paragraph 81 below).

**77. Conduct of Case Management Conferences**

(1) Unless otherwise directed by the Judge:

- (a) a Case Management Conference will be conducted as an oral hearing;
- (b) the attendance of lead counsel at a Case Management Conference is compulsory; and
- (c) parties are not required to attend a Case Management Conference.

(2) Counsel appearing at the Case Management Conference are expected to be in a position to inform the Judge of all matters pertinent to the making of orders or giving of directions for the just, expeditious and economical disposal of the cause or matter.

These include but are not limited to:

- (a) resolution of the matter by way of mediation or any other form of ADR;
- (b) identification of the real issues in dispute, as well as the matters set out at paragraph 76(2) of these Practice Directions;
- (c) identification of preliminary issues or separate questions, the resolution of which is likely to shorten the proceedings;
- (d) provision of a proper estimate of the timeframe for the trial, taking into account matters such as the need for interpreters, evidence to be given by audio or video link, expert conclaves and/or concurrent evidence; and
- (e) provision of a proposed agreed timetable for the preparation of the matter to trial, including the proposal of timelines for production of documents, exchange of affidavits of evidence-in-chief, pre-trial review and trial.

The Judge will play an active role in the management of the proceedings and may, after discussion with counsel, make such order or give such direction as the Judge thinks fit.

*Conduct of Case Management Conferences by teleconference or video conference*

(3) The Court may give directions for the conduct of Case Management Conferences via teleconference or video conference where the Court considers that it is appropriate to do so.



(4) Parties who wish to apply for the Case Management Conference to be conducted via teleconference or video conference shall submit a request to the SICC Registry in accordance with paragraph 11 of these Practice Directions. The request shall be submitted at least 7 working days before the date of the Case Management Conference, and only after seeking the consent of all the other parties to do so.

(5) In the event that parties are unable to agree on the conduct of Case Management Conferences by teleconference or video conference ~~(including whether the Case Management Conferences should be conducted by the same)~~, the requesting party shall seek directions from the Judge by submitting the appropriate request in accordance with paragraph 11 of these Practice Directions. Such request shall be submitted at least 7 working days before the date of the Case Management Conference.

*Conduct of Case Management Conferences by review of papers*

(6) With the consent of all parties, the Court may direct that a Case Management Conference be conducted by a review of papers in lieu of a hearing.

(7) Where parties wish to apply for a Case Management Conference to be conducted by a review of papers in lieu of a hearing, parties shall, at least 7 working days before the Case Management Conference, submit the appropriate request in accordance with paragraph 11 of these Practice Directions for consideration by the Judge.

(8) The request referred to in sub-paragraph (7) shall be accompanied by a statement signed by counsel for each party to the proceedings:

- (a) confirming that the parties have considered and discussed all the relevant issues (including the matters set out at paragraph 76(2) of these Practice Directions) and brought to the Court's attention anything that was unusual;
- (b) setting out information about any steps that had been taken to resolve the dispute by mediation or any other form of ADR, any future plans for mediation or any other form of ADR, or an explanation as to why mediation or any other form of ADR would not be appropriate;
- (c) giving a time estimate for the trial;

- (d) setting out any pre-trial timetable that parties have agreed to, including any timelines for production of documents, exchange of affidavits of evidence-in-chief, pre-trial review and trial; and
- (e) setting out any agreed directions which parties wish to seek from the Judge.

*Consideration of mediation or any other form of ADR at Case Management Conferences*

(9) Counsel should be in a position to inform the Judge of all matters relating to the suitability of the case for mediation or any other form of ADR. These include but are not limited to:

- (a) whether parties have previously attempted mediation or any other form of ADR;
- (b) whether parties are amenable to making a genuine attempt at mediation or any other form of ADR;
- (c) whether there are other related disputes and a possibility of a global settlement;
- (d) whether parties are seeking specific court-ordered remedies such as injunctions;
- (e) whether parties have interests that cannot be satisfied by court-ordered remedies such as the preservation of business reputation; and
- (f) whether parties are in a subsisting commercial relationship and whether the preservation of that relationship is important.

(10) Where parties are agreeable to mediation or any other form of ADR, the Judge may give directions for the subsequent conduct of the case, including the following:

- (a) timelines for parties to contact the Singapore International Mediation Centre or any preferred mediation or ADR service provider;
- (b) timelines for parties to conduct mediation or any other form of ADR;
- (c) timelines for parties to update the court on the outcome of mediation or any other form of ADR;

- (d) extensions of time for outstanding matters or a stay of proceedings pending the completion of mediation or any other form of ADR;
- (e) timelines for outstanding matters that can continue in parallel;
- (f) fixing of hearing dates for subsequent Case Management Conferences; and
- (g) other consequential directions.

(11) Where parties are not willing to attempt mediation or any other form of ADR, the Judge may direct that the issue of mediation or any other form of ADR be reconsidered at the next Case Management Conference or at a specified stage in the proceedings.

(12) If parties reach a settlement agreement through mediation or any other form of ADR, a consent order may be recorded on the terms of the settlement if the Judge considers that it is appropriate to record the terms of settlement as a consent order.

(13) With the consent of all parties, the Court may direct that one or more of the protocols set out at Appendix F of these Practice Directions, as amended by such order or direction as the Court may make, be adopted in the proceedings. These protocols relate to:

- (a) the memorialisation of proceedings; and
- (b) the exchange of the affidavits of evidence-in-chief prior to discovery and/or the production of documents.

97. **Confidentiality**

(1) Pursuant to Order 110, Rule 30 of the Rules of Court, the Court may, on the application of a party, make all or any of the following orders:

- (a) the case be heard in camera;
- (b) no person must reveal or publish any information or document relating to the case; and/or
- (c) the Court file be sealed.

(2) Where a party intends for a cause, matter or application to be heard otherwise than in open Court to preserve the confidentiality of the proceedings, that party may apply for an order that the cause, matter or application to be heard in camera.

(3) The Court will generally give due weight to the following factors when making any of the orders described in sub-paragraph (1):

- (a) the subject of the order(s) is an offshore case as defined in Order 110, Rule 1(1) read with Order 110, Rule 1(2)(f) of the Rules of Court; and
- (b) parties have an agreement on the orders to be made.

(4) Sub-paragraphs (1) and (3) do not apply to any proceedings under the International Arbitration Act (Cap. 143A) that are heard by the Court. For the avoidance of doubt, sections 22 and 23 of the International Arbitration Act (Cap. 143A) apply to such proceedings.

102. **Adjournment or vacation of hearings other than trials**

(1) Before counsel makes a request to the Court for an adjournment or vacation of any hearings other than trials, they should seek the consent of the other party or parties to the matter. Unilateral requests made without first seeking the consent or views of the other party or parties to the matter will not be entertained, except in the most exceptional circumstances.

(2) **Subject to sub-paragraph (2A) below,** the request should be made to the SICC Registry in accordance with paragraph 11 of these Practice Directions. Such request should be made at least 14 calendar days before the hearing, setting out the reasons for the requested adjournment or vacation of hearing date(s).

**(2A) Where an adjournment of any matter before the Court of Appeal is sought, the request should be made as soon as practicable after the hearing date is notified to the parties. Where there is a delay in the making of the request, the reason or reasons for the delay must be provided with the request. Any request for any adjournment on account of counsel's diaries will not readily be acceded to.**

(3) If the consent of all other parties to the matter is obtained, a letter stating that all parties have consented to the requested adjournment or vacation of hearings may be attached to the request referred to at sub-paragraph (2). Parties are reminded that even where the consent of the other parties to the adjournment or vacation of hearing dates is obtained, the adjournment or vacation will not be granted as a matter of course. The Court will still consider the merits of the request before making its decision.

(4) If the consent of one or more of the other parties is not obtained, the letter should set out the reasons for the other parties' objections, or explain why the consent of one or more of the other parties cannot be obtained. Any relevant correspondence between the parties should also be attached to the request referred to at sub-paragraph (2). The Court will then consider the contents of the request and the relevant correspondence before deciding whether the requested adjournment or vacation of hearing(s) should be allowed.

(5) Notwithstanding sub-paragraphs (3) and (4), the Court may direct parties to attend before the Court to make an application for an adjournment instead of making a decision based on correspondence.

110. **Foreign law**

(1) The Court may, pursuant to Order 110, Rule 25 of the Rules of Court and upon an application of a party, order that any question of foreign law arising in any cause or matter in the Court be determined on the basis of submissions instead of proof.

(2) In making the order referred to in sub-paragraph (1), the Court must be satisfied that ~~each party is~~ ~~all parties are~~ or will be represented by counsel, a **Restricted Registration Foreign Lawyer** or a **Registered Law Expert** who ~~are~~ is suitable and competent to submit on the relevant questions of foreign law. ~~For this purpose, the Court may require that party to provide evidence attesting to the suitability of the counsel, Restricted Registration Foreign Lawyer or Registered Law Expert (including evidence of good standing).~~

(3) Where the order referred to in sub-paragraph (1) is made, and a foreign lawyer ~~or law expert~~ wishes to make submissions on the relevant questions of foreign law on behalf of ~~any~~ ~~each~~ party, the foreign lawyer ~~or law expert~~ may do so provided that:

- (a) the foreign lawyer ~~or law expert~~ is **registered under sections 36P or 36PA of** ~~satisfies the registration requirements set out in~~ the Legal Profession Act (Cap. 161); and
- (b) the foreign lawyer ~~or law expert~~ is named in the said order as being authorised to make submissions on the relevant question of foreign law.

(4) In assessing competence for the purposes of sub-paragraph (2), the Court may consider:

- (a) The experience of ~~the~~ counsel, **Restricted Registration Foreign Lawyer** or **Registered Law Expert** in practising the foreign law or subject matter in question;
- (b) The qualifications of ~~the~~ counsel, **Restricted Registration Foreign Lawyer** or **Registered Law Expert** in relation to the foreign law or the subject matter in question; and
- (c) The proficiency of ~~the~~ counsel, **Restricted Registration Foreign Lawyer** or **Registered Law Expert** in the language in which the foreign law in question is in.

(5) In assessing **the counsel, Restricted Registration Foreign Lawyer or Registered Law Expert** for the purposes of sub-paragraph (2), the Court may take into account its own competence in the foreign law or subject matter in question and proficiency in the language in which the foreign law in question is in.

117. **Trial in public**

(1) All trials heard in the Court shall be in public unless a confidentiality order has been made ~~pursuant to Order 110, Rule 30(1) of the Rules of Court.~~

(2) Any party may make an application to the Court for a confidentiality order.



## 132. Citation of judgments

(1) Counsel, **Restricted Registration Foreign Lawyers or Registered Law Experts** who wish to cite a judgment as authority in support of their oral or written submissions shall adhere to the following directions.

### *Use of judgments as authorities in submissions*

(2) Counsel, **Restricted Registration Foreign Lawyers or Registered Law Experts** 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 submissions but should be sufficient to demonstrate the relevance of that judgment to the argument made. Where **the counsel, Restricted Registration Foreign Lawyers or Registered Law Experts** 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 **the counsel, Restricted Registration Foreign Lawyers or Registered Law Experts** 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.

### *Citation practice*

(4) Counsel, **Restricted Registration Foreign Lawyers or Registered Law Experts** 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.

### *Ancillary provisions*

(5) The Court in exercising its discretion as to costs may, where appropriate in the circumstances, take into account the extent to which counsel, **a Restricted Registration Foreign Lawyer or a Registered Law Expert** has complied with this **paragraph practice direction** in the citation of judgments before the Court.

(6) It will remain the duty of counsel, a **Restricted Registration Foreign Lawyer** or a **Registered Law Expert** to draw the attention of the Court to any judgment not cited by an opponent, which is adverse to the case being advanced.

(7) This paragraph applies to all hearings in the Court, both open Court and Chambers.

143. **Quantum and mode of security to be provided under Order 57, Rule 3(3) of the Rules of Court**

(1) Order 57, Rule 3(3) of the Rules of Court provides:

“(3) The appellant must at the time of filing the notice of appeal provide security for the respondent’s costs of the appeal in the sum of S\$ 10,000 or such other sum as may be fixed from time to time by the Chief Justice by –

(a) depositing the sum in the SICCR Registry or with the Accountant-General and obtaining a certificate in Form 115 of Appendix A of the Rules of Court; or

(b) procuring an undertaking in Form 116 of Appendix A of the Rules of Court from his solicitor and filing a certificate in Form 117 of Appendix A of the Rules of Court.”

(2) The Chief Justice has, in exercise of the powers conferred on him by Order 57, Rule 3(3) of the Rules of Court, fixed the sum to be provided by the appellant by way of security for the respondent’s costs of an appeal to the Court of Appeal at S\$ 20,000 for appeals against interlocutory orders and S\$ 30,000 for all other appeals.

(3) Unless a party to an appeal is represented by an Advocate and Solicitor, any security to be provided shall be provided by the mode stipulated in Order 57, Rule 3(3)(a) of the Rules of Court only.

145. **Filing of records of appeal, core bundles and written Cases for civil appeals under Order 57, Rules 9 and 9A of the Rules of Court**

(1) The documents to be filed for a single Court of Appeal case comprise the following:

- (a) Record of Appeal;
- (b) Appellant's Case;
- (c) Respondent's Case;
- (d) Appellant's Reply (if any);
- (e) The Core Bundle;
- (f) The Supplementary Core Bundle (if any);
- (g) Appellant's Bundle of Authorities;
- (h) Respondent's Bundle of Authorities;
- (i) Appellant's Skeletal Arguments; and
- (j) Respondent's Skeletal Arguments.

*Documents for appeal which must be electronically filed, served, delivered or otherwise conveyed to the SICC Registry*

(2) Under Order 57, Rule 9(1) of the Rules of Court, the appellant is required to file the Record of Appeal, the Appellant's Case and the Core Bundle. Under Order 57, Rule 9A(2) and (2A) of the Rules of Court, the respondent has to file the Respondent's Case and the supplemental Core Bundle (if any). Under Order 57, Rule 9A(5A) of the Rules of Court, the appellant may file an Appellant's Reply. In this paragraph, each Appellant's Case, Respondent's Case or Appellant's Reply is referred to as a "Case" or collectively referred to as "Cases".

(3) For the purposes of complying with Order 57, Rules 9 and 9A of the Rules of Court, the parties are required to file, deliver or otherwise convey to the SICC Registry, in accordance with the specified time frames in Order 57, Rules 9(1), 9A(2) and 9A(5A) of the Rules of Court, the following:

- (a) The appellant is required to file one copy of the following:

- (i) *Form of the record of appeal in lieu of record of appeal;*
  - (ii) *Form of the core bundle in lieu of the core bundle; and*
  - (iii) *Appellant's Case; and*
  - ~~(iv) *Appellant's Reply (if any).*~~
- (b) The respondent is required to file one copy of the following:
- (i) Respondent's Case; and
  - (ii) *Form of the Respondent's supplemental core bundle (if any) in lieu of supplemental core bundle.*
- (c) *Where applicable, the appellant may also file one copy of the following:*
- (i) *Appellant's Reply; and*
  - (ii) *Form of the Appellant's supplemental core bundle (if any) in lieu of supplemental core bundle.*

(4) The form of the record of appeal, form of core bundle and form of supplemental core bundle filed pursuant to sub-paragraph (2) must be in accordance with Forms 19, 20 and 21 of Appendix B of these Practice Directions. For the avoidance of doubt, the documents contained in the hard copies of the appeal bundles must coincide with the documents listed in the form of the appeal bundles.

(4A) Parties are to take note of the following when preparing their Cases:

- (a) Parties should ensure that all documents which they refer to in their submissions (whether in their Cases or in the oral submissions) are contained in the core bundle or the supplemental core bundle. As a matter of practice, parties should not be making submissions based on documents contained solely in the record of appeal unless they are responding to questions from the coram; and
- (b) Any document referred to in a Case should be suitably described in such a manner as to allow the court to identify the nature of the document. Parties' attention is drawn to paragraph 148(6A) for illustrations of suitable descriptions.

*Page limits for Appellant's Case and Respondent's Case in matters before the Court of Appeal*

(5) The Appellant's Case and the Respondent's Case in matters before the Court of Appeal shall not exceed 50 pages unless leave of the Court of Appeal is obtained. The Appellant's Reply, if any, shall not exceed 30 pages unless leave of the Court of Appeal is obtained. The process for obtaining leave of the Court of Appeal may be found in paragraph 146 of these Practice Directions. Any Appellant's Case, Respondent's Case, and Appellant's Reply in breach of this requirement will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages. Parties are reminded to comply with Order 57, Rule 9A of the Rules of Court in respect of the preparation of their Cases, and the Appellant's Reply, as well as the following requirements:

- (a) all pages should be paginated, with the page numbers corresponding to the Portable Document Format (PDF) version of the Case or the Appellant's Reply, as the case may be;
- (b) the minimum font size to be used is Times New Roman 12 or its equivalent;
- (c) the print of every page shall be double-spaced; and
- (d) every page shall have a margin on all 4 sides, each of at least 35 mm in width.

*Documents not already in the electronic case file*

(6) If a party wishes to rely on a document which does not exist in the electronic case file, he must file, serve, deliver or otherwise convey to the SICC Registry, in accordance with paragraph 44, 45 or 46 of these Practice Directions, the document together with the respective forms of appeal bundles. Further, a table of contents must be included for these documents. These documents must be paginated consecutively at the centre top of the page and counsel must ensure that the pagination takes into account the pages comprising the respective forms of appeal bundles and the table of contents for these additional documents. For example, if the form of the core bundle is 5 pages and the table of contents for the additional documents is 2 pages, the first page of the first document should be paginated as page 8.

147. **When hard copies and soft copies for hearing of civil appeals before the Court of Appeal are required**

(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 following documents to the SICC Registry at the same time when filing them within the prescribed time under Order 57, Rule 9A of the Rules of Court:

- (a) Appellant's and Respondent's Cases;
- (b) the Appellant's Reply (if any);
- (c) Core Bundle(s) of documents; ~~and~~
- (d) Bundle(s) of Authorities; ~~and~~
- (e) **Supplementary Core Bundle(s) of documents (if any).**

(1A) Where the hard copies referred to at sub-paragraph (1) have to be despatched from overseas, such documents shall be despatched, at the latest, on the same day that the documents are filed on the Electronic Filing Service or the same day that the documents are sent or made accessible to the Registrar pursuant to paragraph 44(4). The party sending or making accessible the documents pursuant to paragraph 44(4) shall be responsible for ensuring that the documents are received by the SICC Registry no later than 5 working days from the date of despatch.

(2) Further, in relation to the hard copies referred to at sub-paragraph (1):

- (a) where the appeal is to be heard by a 2-judge Court, 3 hard copies of the documents set out at sub-paragraphs (1)(a) to (1)(~~e~~) shall be tendered.
- (b) where the appeal is to be heard by a 3-judge Court, 4 hard copies of the documents set out at sub-paragraphs (1)(a) to (1) (~~e~~) shall be tendered.
- (c) where the appeal is to be heard by a 5-judge Court, 6 hard copies of the documents set out at sub-paragraphs (1)(a) to (1) (~~e~~) shall be tendered.

(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 and Supplementary 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 –

1<sup>st</sup> Appellant – Appellant's Case

1<sup>st</sup> Appellant – Appellant's Reply

1<sup>st</sup> Appellant – Bundle of Authorities Vol 1

1<sup>st</sup> Appellant – Bundle of Authorities Vol 2

1<sup>st</sup> Appellant – Record of Appeal Vol 1

1<sup>st</sup> 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.



**148B. Bundle of documents filed with leave of the Court of Appeal**

(1) Where leave is granted by the Court of Appeal for the filing of any bundle of documents under Order 57, Rule 9A(23) of the Rules of Court, the party shall file the bundle of documents by tendering the requisite hard copies of the bundle of documents to the SICC Registry in accordance with paragraph 147(2) of these Practice Directions.

(2) In addition to hard copies, the party filing the bundle of documents is required to tender soft copies of the bundle of documents in Portable Document Format (PDF) at the same time in a CD-ROM in accordance with paragraphs 147(3) and (4) of these Practice Directions.

(3) The directions set out in paragraph 148 of these Practice Directions in relation to the preparation of the bundles shall, with the necessary modifications, apply to the bundle of documents.

149. **Skeletal arguments for appeals before the Court of Appeal**

(1) This paragraph applies to civil appeals and any other civil matters, including applications, before the Court of Appeal.

(2) The term “skeletal arguments” includes “skeletal submissions”, “written submissions”, “written arguments” and all other variant terms by which such documents are known.

(3) Counsel should submit skeletal arguments for the hearing of the appeal or matter and give a copy to counsel for the other parties. Hard copies of skeletal arguments may be printed on one side or both sides of each page.

(4) Skeletal arguments are abbreviated notes of the arguments that will be presented. Skeletal arguments are not formal documents and do not bind parties. They are a valuable tool to the Judges and are meant to expedite the hearing of the appeal. These notes should comply with the following requirements:

- (a) they should contain a numbered list of the points proposed to be argued, stated in no more than one or 2 sentences;
- (b) each listed point should be accompanied by a full reference to the material to which counsel will be referring, i.e., the relevant pages or passages in authorities, the record of appeal, the bundles of documents, affidavits, transcripts and the judgment under appeal;
- (c) all pages should be paginated, with the first page (not including any cover page) numbered as “Page 1”;
- (d) the minimum font size to be used is Times New Roman 12 or its equivalent;
- (e) the print of every page shall be double-spaced; and
- (f) every page shall have a margin on all 4 sides, each of at least 35mm in width.

(5) The need for parties to avoid prolixity in their skeletal arguments is emphasised. All skeletal arguments in civil matters before the Court of Appeal shall not exceed 20 pages. Any skeletal arguments in breach of this requirement will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages.

(6) Where the appeal or matter is before the Court of Appeal, the skeletal arguments must be filed by 4 p.m. on the Monday three weeks before the week of the Court of

Appeal sitting (e.g., the skeletal arguments for the Court of Appeal sitting in the week of 8 April 2013 must be filed by 4 p.m. on 18 March 2013). The skeletal arguments should be filed by tendering hard copies to the SICC Registry and filing, serving, delivering or otherwise conveying to the SICC Registry one soft copy in accordance with paragraph 44, 45 or 46 of these Practice Directions). Skeletal arguments filed in breach of this timeline will be rejected. For the avoidance of doubt, this timeline applies regardless of the actual day on which the particular appeal is scheduled for hearing before the Court of Appeal.

(7) In relation to the hard copies referred to at sub-paragraph (6):

- (a) Where the appeal is to be heard by a 2-judge Court, 3 hard copies should be tendered;
- (b) Where the appeal is to be heard by a 3-judge Court, 4 hard copies should be tendered; and
- (c) Where the appeal is to be heard by a 5-judge Court, 6 hard copies should be tendered.

(8) Parties whose skeletal arguments have been rejected for filing may re-file their skeletal arguments, provided they comply with sub-paragraphs (4) to (6) above.

***Further skeletal arguments for civil matters before the Court of Appeal***

(8A) Where the Court of Appeal orders further skeletal arguments (including any submissions on costs) to be filed for any civil matter, such skeletal arguments shall not exceed 10 pages unless otherwise directed by the Court of Appeal. Any skeletal arguments filed in breach of this requirement will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages.

152. **General**

(1) The costs of and incidental to any application or proceedings shall be in the discretion of the Court and the Court shall have the full power to determine by whom and to what extent the costs are to be paid.

(2) In assessing costs, the Court:

- (a) shall have regard to Order 110, Rule 46(1) of the Rules of Court, which provides that the reasonable costs of any application or proceeding in the SICC be borne by the unsuccessful party to that application or proceeding unless the Court orders otherwise; and
- (b) may, in particular, as set out in Order 110, Rule 46(1):
  - (i) apportion costs between the parties if the Court determines that the apportionment is reasonable, taking into account the circumstances of the case;
  - (ii) take into account such circumstances as the Court considers relevant, including the conduct of the case;
  - (iii) order costs to be paid by counsel, **a Restricted Registration Foreign Lawyer, or a Registered Law Expert** personally, or by a person who is not a party to the application or proceeding;
  - (iv) order interest on costs; or
  - (v) make any ancillary order, including the time and manner of payment.

(3) In relation to sub-paragraph (2)(b)(ii) above, the circumstances which the Court may take into consideration in ordering reasonable costs of any application or proceeding under Order 110, Rule 46(1) of the Rules of Court include:

- (a) the conduct of all parties, including in particular –
  - (i) conduct before, as well as during the application or proceeding;
  - (ii) whether it was reasonable for a party to raise, pursue or contest a particular allegation or issue; and
  - (iii) the manner in which a party has pursued or contested a particular allegation or issue;

- (b) the amount or value of any claim involved;
- (c) the complexity or difficulty of the subject matter involved;
- (d) the skill, expertise and specialised knowledge involved;
- (e) the novelty of any questions raised;
- (f) the time and effort expended on the application or proceeding.

(4) Costs may be dealt with by the Court at any stage of the proceedings or after the conclusion thereof. In particular, the Court may require parties to provide a costs schedule to be submitted with closing submissions, or to submit cost estimates or budgets in the course of the proceedings. A sample costs schedule is set out in Form 24 of Appendix B to these Practice Directions.

(5) The Court may take into account any payment of money into court or offer to settle and the conduct of the parties in relation to that payment into court or offer to settle.

**APPENDIX B**

**FORMS**

**Form 1**

(Deleted)

Para 12(1)

**~~Specimen Authorisation Card~~**

~~AUTHORISATION CARD FOR COLLECTION OF MAIL AND COURT DOCUMENTS~~

~~The holder of this card ..... [Name] ..... [Personal identification no./Passport no.] is authorised to collect mail and Court documents for M/s ...../ ..... [Name] ..... [Registered Foreign Lawyer No.] for the year ending 31 December 20\_\_\_\_.~~

~~AUTHORISATION CARD NO. ....~~

~~*[Seal/ signature and date]*~~

~~*[Name of law firm/Registered Foreign Lawyer]*~~

**Form 3**

Paras 20(1)(b)(i), 20(4)(a)  
& 20(8)

**Request for Inspection, Obtaining Copies  
and Certified True Copies**

[Title as in cause or matter]

The Registrar,

1. I am requesting to:
  - (a) \*inspect the abovementioned file;
  - (b) \*take copy/copies of \_\_\_\_\_
  - (c) \*obtain certified true copy/copies of \_\_\_\_\_

2. \*My/My client's involvement and/or interest in the abovementioned case are as follows:

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3. [If the request is for inspection of case file and you also wish to inspect minute sheets in the case file:]

- (a) I wish to inspect the minute sheets for the hearing on the following dates:

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(b) I wish to inspect the minute sheets for the hearing on the abovementioned dates in paragraph 3(a) for the following reasons:

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(\*Delete as appropriate)



I understand that when I am given leave to inspect a case file, I am allowed to make a soft copy of the documents that I have access to. I undertake that I will only use the copies that I have taken **strictly** for the purposes stated in this request, and in full compliance with any restrictions that form part of the approval that is granted.

In addition, I undertake not to make copies, distribute or otherwise transmit the softcopies to any other person. (*For ~~counsel an Advocate and Solicitor or Registered Foreign Lawyer~~*: In addition, I undertake not to make copies, distribute or otherwise transmit the softcopies to any other person, save for my client).

Dated this                      day of                      , 20     .

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_  
Personal Identification No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Company: \_\_\_\_\_  
Designation/Appointment: \_\_\_\_\_

OR

Name of Counsel: \_\_\_\_\_  
Registered Foreign Lawyer No: \_\_\_\_\_  
Law Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**Form 4**

Paras 29(1)(b), ~~30(4)~~ &  
61(4)(d)

**Offshore Case Declaration**

[Title as in cause or matter]

**OFFSHORE CASE DECLARATION**

1. The \*Plaintiff/Defendant/Third Party/Others (please specify) hereby declares that this action is an offshore case.
2. [An explanation as to why the action is an offshore case and all the facts relevant to the explanation are required.]

Dated this                      day of                      , 20     .

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*[The \*Plaintiff/Defendant/Third Party/Others (please specify)  
or the Counsel for the \*Plaintiff/Defendant/Third Party/  
Others (please specify) as the case may be]*

*(\*Delete as appropriate)*

**Form 5**

(Deleted)

Para 32(1)

**Joint Request for Pre-Action Certificate**

[Date]

To: The Registrar

Supreme Court

1 Supreme Court Lane

Singapore 178879

(Attn: SICC Registry)

**JOINT REQUEST FOR PRE-ACTION CERTIFICATE**

1. ~~\*We are/We act for the Plaintiff(s) and the Defendant(s) of the action intended to be brought in the Singapore International Commercial Court. The intended action is described in the attached statement at paragraph(s) [paragraph number(s)]. The parties' particulars are set out below—~~

Plaintiff's Name: \_\_\_\_\_

Plaintiff's Identification Type & Identification No / Country of Registration & Registration / UEN No\*: \_\_\_\_\_

Represented by: \_\_\_\_\_

Defendant's Name: \_\_\_\_\_

Defendant's Identification Type & Identification No / Country of Registration & Registration / UEN No\*: \_\_\_\_\_

Represented by: \_\_\_\_\_

2. ~~In relation to the intended action, we hereby apply for certification that—~~

~~\*(a) the claim(s) in the intended action \*is/are of an international and commercial nature for the purposes of Order 110, Rule 7(1)(a). The facts and reasons that are relevant for deciding whether this ought to be certified are found at paragraph(s) [paragraph number(s)] of the attached statement.~~

~~\*(b) the intended action is an offshore case as defined in Order 110, Rule 1(1) read with Rule 1(2)(f). The facts and reasons that are relevant for deciding whether this ought to be certified are found at paragraph(s) [paragraph number(s)] of the attached statement.~~

~~\*(c) there should be the following orders in the intended action:~~

~~\*(i) an order that the intended action be heard in camera;~~

~~\*(ii) an order that no person must reveal or publish any information or document relating to the case; and~~

~~\*(iii) an order that the Court file for the intended action be sealed.~~

~~The facts and reasons that are relevant for deciding whether \*this/these ought to be certified are found at paragraph(s) [paragraph number(s)] of the attached statement.~~

*(\* Delete as appropriate)*

~~3.——We confirm that all parties named in paragraph 1 above have consented to the jurisdiction of the Singapore International Commercial Court under a jurisdiction agreement in writing.~~

~~4.——Please find attached——~~

~~(a) a copy of the jurisdiction agreement in writing; and~~

~~(b) the statement pursuant to Order 110, Rule 40(3). [NB: *The statement should describe the intended action and state all the facts and reasons that are relevant to deciding whether the relevant matters under paragraph 2 ought to be certified.*]~~

[Signature]

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~~Plaintiff or Plaintiff's Counsel~~

~~(as the case may be)~~

[Signature]

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~~Defendant or Defendant's Counsel~~

~~(as the case may be)~~

**Form 7**

Paras 58(1), 59(1) & (2)

**Request to use Teleconference, Video Conference and Audio-Visual Facilities /  
Request to use Mobile Infocomm Technology Facilities (MIT Facilities)**

**REQUEST TO USE TELECONFERENCE, VIDEO CONFERENCE AND AUDIO-VISUAL FACILITIES / MOBILE INFOCOMM TECHNOLOGY FACILITIES (MIT FACILITIES)**

Date:

To: The Registrar  
Supreme Court  
1 Supreme Court Lane  
Singapore 178879  
(Attn: SICCR Registry)

**Part I**

Application by :  Law Firm/~~Full Registration Registered~~ Foreign Lawyer  
 Individual (Unrepresented)

Name of applicant/law firm : \_\_\_\_\_

Name of lawyer/secretary-in-charge of matter : \_\_\_\_\_

Registered Foreign Lawyer No (if applicable) : \_\_\_\_\_

Address : \_\_\_\_\_

E-mail address : \_\_\_\_\_

Telephone and mobile numbers : \_\_\_\_\_

Case number : \_\_\_\_\_

Name of Parties : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) of hearing : From \_\_\_\_\_ to \_\_\_\_\_

**PART II**

- Application for the use of:  Teleconference, video conference and audio-visual facilities  
 MIT Facilities

(A) Date(s) and time when use of teleconference, video conference and audio-visual facilities is required:

Dates of scheduled use:

Total No. of days:

Start date and time (1<sup>st</sup> scheduled day of use):

End date and time (last scheduled day of use):

Facility (tick box)	Date(s)	Time (state from _____ to _____)
1. Audio-visual equipment		
(a) Projector Screen		
(b) Sound system (speakers and microphones)		
(c) Visualiser		
(d) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVD-RAM, DVD-R)		
2. Video-conferencing and teleconferencing system (State the country, state and city) <sup>+</sup>		

(B) Date(s) and time when use of MIT facilities are required:

Dates of scheduled use:

Total No. of days:

Start date and time (1<sup>st</sup> scheduled day of use):

End date and time (last scheduled day of use):

Facility (Tick box)	Date(s)	Time (state from _____ to _____)
1. Interactive Display Board with HD display <sup>+</sup>		
(a) 65" HD touch-screen display		
(b) Internet access via browser		
(c) Recording of voices and actions (e.g., annotations on image or on google maps)		
(d) Multi-format disc player (which allows the playback of DVD-audio, DVD-video, DVD-RAM, DVD-R, CD, CD-R/RW and SVCD media)		
2. Audio Visual Cart with projector <sup>+</sup>		
(a) Projector		
(b) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVD-RAM and DVD-R)		
(c) Portable 90 or 100 inch tripod screen		
3. Video conferencing Mobile Cart <sup>+</sup>		
(a) Single 65" Multimedia Display		
(b) Polycom videoconferencing system		
4. Other Audio Visual Equipment		
(a) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVD-RAM, DVD-R)		
(b) Portable visualiser		



(c) Others (please list): *			
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\* Subject to availability of such equipment

+ Fees apply

We undertake to pay all prescribed fees and to compensate the Supreme Court for all damage caused to the equipment, furniture or fittings in connection with the hearing.

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*[The Plaintiff/Defendant or the Counsel for the Plaintiff/Defendant as the case may be]*

## Form 8

Para 61(4)

### Declaration by Plaintiff in the Commencement of Proceedings

[Title as in cause or matter]

#### DECLARATION(S) BY THE PLAINTIFF IN THE COMMENCEMENT OF PROCEEDINGS

1. In commencing an action against the defendant(s) by way of \*a writ of summons/an originating summons, the Plaintiff(s) hereby declare(s) that:
  - (a) The claim(s) in the intended action \*is/are of an international and commercial nature. [An explanation as to why the claim(s) in the intended action is/are of an international and commercial nature is required, ~~unless this is certified in a pre-action certificate attached to this Declaration.~~]
  - (b) Each of the plaintiff(s) and defendant(s) named in the action has submitted to the Court's jurisdiction under a written jurisdiction agreement.
  - (c) The parties do not seek any relief in the form of, or connected with, a prerogative order (including a mandatory order, a prohibiting order, a quashing order or an order for review of detention).
  
2. Attached to this Declaration \*is/are:-
  - (a) a copy of the written jurisdiction agreement;
  - ~~(b) \*the pre-action certificate, together with the application or joint request for the pre-action certificate and the affidavit or document filed for the application or joint request. The pre-action certificate certifies that:-~~

~~(i) \*the claim(s) in the intended action \*is/are of an international and commercial nature for the purposes of Order 110, Rule 7(1)(a).~~

~~(ii) \*the intended action is an offshore case as defined in Order 110 Rule 1(1) read with Rule 1(2)(f).~~

~~\_\_\_\_\_ (iii) \*there should be the following orders in the intended action:-~~

~~\_\_\_\_\_ a. \*an order that the intended action be heard in camera.~~

~~b. \*an order that no person must reveal or publish any information or document relating to the case.~~

~~c. \*an order that the Court file for the intended action be sealed;~~

~~(b)-(e) \*the offshore declaration in Form 4 of Appendix B of these Practice Directions filed pursuant to Order 110 Rule 35 of the Rules of Court.~~

*(\*Delete as appropriate)*

Dated this                      day of                      , 20     .

\_\_\_\_\_  
*[The Plaintiff or the Counsel for the  
Plaintiff as the case may be]*

**Form 9**

(Deleted)

~~Para 70(3)~~

**Change of Authorised Service Clerks**

**~~CHANGE OF AUTHORISED SERVICE CLERKS —  
NOTIFICATION UNDER ORDER 62, RULE 2(1) OF THE RULES OF COURT~~**

~~To: The Registrar  
-Supreme Court  
1 Supreme Court Lane  
Singapore 178879  
(Attn: SICC Registry)~~

~~S/No. Identification No. Name Comments~~

~~(See Note)~~

~~The above persons are under \*my/our employment, and have been authorised by \*me/us to serve and process documents under Order 62, Rule 2 (1) of the Rules of Court.~~

\_\_\_\_\_  
\_\_\_\_\_  
[Signature]

[Counsel's name and

Registered Foreign Lawyer

No. (if applicable)}

{Name of Law Firm}

\_\_\_\_\_  
\_\_\_\_\_  
Date

~~Note: To indicate here the clerks who have left the employment of the law firm/the Registered Foreign Lawyer, and whose authorisations to serve processes and documents have been revoked.~~

~~(\*Delete as appropriate)~~

## Form 10

Para 81(1)

### Proposed Case Management Plan

[Title as in cause or matter]

#### [PLAINTIFF'S/DEFENDANT'S] PROPOSED CASE MANAGEMENT PLAN

The [Plaintiff/Defendant] hereby sets out his/her proposed Case Management Plan for the conduct of [case number] as follows:

[To state response in **bold** immediately after every question]

#### List of Factual, Legal & Technical Issues

1. Have you discussed the factual, legal and technical issues with opposing counsel?
  - a. If yes, please categorise the issues according to “Agreed Factual/Legal/Technical Issues” and consolidate the issues into a document entitled “List of Issues” for discussion at the Case Management Conference (“CMC”). Please also see Q2 below.
  - b. If not, please take the necessary steps to meet and confer with opposing counsel on parties’ respective lists of issues with the objective of preparing a list of factual, legal and technical issues. This should take place before the CMC. Please also see Q2 below.
2. Have you furnished a “List of Issues” to the SICCR Registry at least 7 clear working days prior to the first CMC?

#### **Adoption of protocols**

- 2A. Do the parties intend to adopt any of the protocols set out at Appendix F of these Practice Directions? If so, please specify which and whether the parties intend to modify the protocols in any way.

## **Pleadings**

3. Do you intend to amend any pleadings or make a request for particulars? If yes, please state briefly:
  - a. What amendments will be made to the pleadings and when can the draft amendment(s) be furnished to the other parties?
  - b. What requests for particulars will be made and when can the request for particulars be served on the other parties?
- 3A. Are the pleadings complex or voluminous? If yes, please state:
  - a. Whether a summary of pleadings with appropriate cross-references to the relevant paragraphs in the pleadings, or alternatively, a memorial-style brief, which may include a summary of the pleadings, the salient points of evidence and the applicable law, will assist the Court.
  - b. What directions in relation to form, contents and page limit, if any, are being sought from the Court.
4. Are there any outstanding requests for particulars? If yes, please provide brief details of the outstanding requests and when a response can be expected.

## **Interlocutory Applications**

5. Do you intend to make any applications between now and 4 weeks after the date of the CMC? If yes, what are the intended interlocutory applications and when can they be filed?
6. Have you informed your opposing counsel about your intended interlocutory applications? If yes, what was opposing counsel's response?

## **Production of Documents**

If parties have not completed providing to the Court and all parties documents on which each party relies pursuant to Order 110 rule 14(1):

7. When can you expect to provide to Court and to all parties documents on which you rely?
- 7A. Whether affidavits of evidence-in-chief should be exchanged prior to discovery and/or the production of documents?

If parties have complied with Order 110 rule 14(1):

8. Do you expect to serve a request to produce pursuant to Order 110 r 15(1) and if so, when will you serve the request to produce and how much time do you expect the opposing party will require to produce the documents?
9. Have you been served with a request to produce? If so, are you objecting to the request to produce? If you are objecting, when can you serve the notice of objection? If not, when can you produce the documents?
10. Have you been served with a notice of objection pursuant to Order 110 r 16(1)? If so, when will you be filing the application to the Court for documents to be produced?

## **Witnesses**

### Factual Witnesses

11. How many witnesses of fact do you propose to call to give evidence at trial? Please state the name of each witness and briefly describe the facts to which the witness will attest to.
12. Will an interpreter be required for any of the witnesses listed in Q11 above? If yes, please state which language the witness will be giving evidence in. You are reminded to make the necessary arrangements for interpreters at trial.
13. If you are unable to give the name of any of the witnesses, please explain why.

### Experts

14. Do you wish to adduce expert evidence at the trial? If yes:
  - a. Are parties able to agree on having a single Court expert to give expert evidence?
  - b. If your answer to Q14a. is in the negative, how many expert witnesses do you propose to rely on at trial?
  - c. Please give the names of each expert and identify the expert's field of expertise.
  - d. If you are unable to give the expert's/experts' names, please explain why.
  - e. Please state whether the parties have any objections to any other parties' individual expert witnesses and if so, the grounds on which the objections are being made.
15. Has the expert(s) named in Q14 above prepared a report?
  - a. If yes, has that report been served on the other party/parties?
  - b. If not, when can the expert's/experts' reports be served on the other party/parties?



16. When will your expert(s) named in Q14 above be available for a meeting of the experts?  
Please confer with opposing counsel to propose a range of dates for the meeting of the experts and/or joint inspection.
17. Is this a suitable case for a joint expert, amicus curiae and/or assessor to be appointed for any particular issue/field?
- a. If yes, please state name(s) of the joint expert(s), amicus curiae and/or assessor(s) whom parties propose to use and attach their curriculum vitae.
  - b. If not, please explain.
18. Is this a suitable case to employ the concurrent evidence procedure at the trial? Please explain why.

Factual and Expert Witnesses – Video Link

19. Will any of the factual or expert witnesses be required to give evidence via video link? If yes, please state the names of the witness(es) who will be giving evidence via video link and when you propose to take out the relevant application for evidence to be given in such a manner.

**Evidence**

20. Do you intend to make an application to disapply the Evidence Act (Cap. 97) and to substitute other rules of evidence (and, in particular, whether you wish to make an application for the matter to be determined by reference to documentary evidence only, without the examination of witnesses in open Court)? ~~any rule of evidence found in~~

~~Singapore, whether under the Evidence Act (Cap 97) or elsewhere and to substitute other rules of evidence?~~

### **Questions of Foreign Law**

21. Are there any questions of foreign law involved in the case?
22. If so, do you intend to make an application for questions of foreign law to be determined on the basis of submissions instead of proof?

### **Confidentiality Orders**

23. Do you intend to make an application to seek any confidentiality orders for the proceedings?

### **Trial**

24. How long do you estimate the trial or final hearing will take? You may provide a range of days, if appropriate.
25. What is the earliest date by which you believe you can be ready for trial?
26. Do you intend to make a request for the trial to be heard by a panel of three trial Judges instead of one trial Judge?
27. Do you intend to apply to bifurcate the trial? If yes, what are your grounds?

### **Costs**

28. What is your estimate of your costs incurred to date?
29. What do you estimate your overall costs will likely to be in the event that the matter proceeds to trial?

### **Any Other Issues**

30. Apart from the questions listed above, are there any other issues or concerns that you wish to highlight to the Court and/or opposing counsel? If yes, please state these issues briefly and how you propose for them to be addressed.

### **Settlement and Alternative Dispute Resolution (“ADR”)**

31. Have parties attempted mediation or any other form of ADR prior to the commencement of this action? If yes, please provide brief details of when this was done and why litigation remains necessary.

32. Are parties contemplating settlement through mediation or any other form of ADR?

If yes, please indicate:

- a. Whether parties have agreed to proceed for mediation or any other form of ADR.
- b. When the proposed date of mediation or any other form of ADR would be.
- c. Whether parties require any directions on how they should proceed to mediation or any other form of ADR.

If no, please state why mediation or any other form of ADR will not be appropriate.

Dated this                      day of                      , 20     .

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*[The Plaintiff/Defendant or the Counsel for the  
Plaintiff/Defendant as the case may be]*

## Form 21

Para 145(4)

### Form of Supplemental Core Bundle

#### FORM OF SUPPLEMENTAL CORE BUNDLE

The documents itemised below are listed in accordance with paragraph 145(4) of these Practice Directions. Insofar as these documents have already been filed in the electronic case file in (to state the case no.) or are available in the electronic case file, they are, for the purpose of complying with Order 57, Rule 9(2A)\* of the Rules of Court, deemed to be filed.

S/N.	Filing Date	Description of Document	Pages**
		Additional documents as defined in O 57 r 9(2A)(a)* of the Rules of Court: -	
1.	(To state the filing date of AEIC of Z)	(a) Email correspondence between Y and Z dated dd/mm/yyyy	(Eg pages 4 to 15 of AEIC of Z)
2.		(b) (to be itemised)	

*\* The references should be changed to Order 57, Rule 9A(5C) and O 57, r 9A(5C)(a) respectively in relation to any supplemental core bundle filed with an Appellant's Reply.*

*\*\* Specific pages must be stated if the party only intends to include in the form of core bundle a portion of a document which is filed or is available in the electronic case file.*

See Form 19 for the format of the separate table of contents under paragraph 145(6).

## APPENDIX F PART 1

Part XII

### OPTIONAL PROCOTOL ON THE MEMORIALISATION OF PROCEEDINGS IN THE SICC

#### 1. Timelines for submission of Memorial and Counter-Memorial

- (a) The plaintiff shall, in place of its pleadings, file and serve a Memorial by \_\_\_\_\_, setting out in full detail:
- (i) a statement of the facts supporting the claim;
  - (ii) the legal grounds or arguments supporting the claim; and
  - (iii) the relief claimed together with the amount of all quantifiable claims
- accompanied by copies of all witness affidavits, expert reports (where necessary) and documentary exhibits supporting the claim.
- (b) The defendant shall, in place of its pleadings, file and serve a Counter-Memorial by \_\_\_\_\_, setting out in full detail:
- (i) a statement of facts supporting the defence and any counterclaim;
  - (ii) the legal grounds or arguments supporting the defence and any counterclaim; and
  - (iii) the relief claimed together with the amount of all quantifiable counterclaims

accompanied by copies of all witness affidavits, expert reports (where necessary) and documentary exhibits supporting the defence and any counterclaim.

**2. Additional directions that may be considered**

- (a) If the plaintiff fails to submit its Memorial within the time specified, the Court may order that the proceedings be terminated or give such other directions as may be appropriate.
- (b) If the defendant fails to submit its Counter-Memorial within the time specified, the Court may proceed with the determination of the matter or give such other directions as may be appropriate.
- (c) The Court may, on its own motion or on an application by a party, direct that a Reply Memorial and Rejoinder Memorial be filed within specified timelines.
- (d) Parties may request for a case management conference to obtain further directions or resolve any issues in respect of the memorialisation process.

## **APPENDIX F PART 2(1)**

Part XII

### **OPTIONAL PROTOCOL ON THE EXCHANGE OF AFFIDAVITS OF EVIDENCE- IN-CHIEF BEFORE PRODUCTION OF DOCUMENTS (WHERE ORDER 110, RULE 14 APPLIES)**

#### **1. Timelines for exchange of AEICs**

- (a) Parties shall exchange the affidavits of evidence-in-chief (“AEICs”) of all witnesses they intend to call at the trial of this action by \_\_\_\_.
- (b) All documents available to a party which that party intends to rely on at trial must be exhibited to the affidavits of evidence-in-chief tendered by that party. These documents shall be exhibited in accordance with the requirements in Order 41, Rule 11.
- (c) In view of paragraph 1(b), there shall not be any order for the production of documents pursuant to Order 110, Rule 14(1).

#### **2. Timelines for production of documents after the exchange of AEICs**

- (a) A party who wishes to serve a request to produce on any person pursuant to Order 110, Rule 15(1), must do so by \_\_\_\_.
- (b) A requested person must produce to the requesting party all the requested documents, except those for which a notice of objection is served, by \_\_\_\_.
- (c) A requested person who objects to producing any of the documents requested must serve a notice of objection on the requesting party by \_\_\_\_.

- (d) A party who wishes to apply for an order for the production of documents pursuant to Order 110, Rule 17 must do so by \_\_\_\_\_.

**3. Additional documents and witnesses**

- (a) A party who wishes to rely on additional documents other than those which have already been produced must seek the leave of the Court to do so, pursuant to Order 110, Rule 14(2) of the Rules of Court.
- (b) Only witnesses whose AEICs will be exchanged in accordance with paragraph 1(a) may be called at the trial of this action, unless the Court otherwise orders.



## **APPENDIX F PART 2(2)**

Part XII

### **OPTIONAL PROTOCOL ON THE EXCHANGE OF AFFIDAVITS OF EVIDENCE- IN-CHIEF BEFORE DISCOVERY AND INSPECTION OF DOCUMENTS (WHERE ORDER 24 APPLIES)**

#### **1. Timelines for exchange of AEICs**

- (a) Parties shall exchange the affidavits of evidence-in-chief (“AEICs”) of all witnesses they intend to call at the trial of this action by \_\_\_\_.
- (b) All documents available to a party which that party intends to rely on at trial must be exhibited by that party. These documents shall be exhibited in accordance with the requirements in Order 41, Rule 11.

#### **2. Timelines for discovery after the exchange of AEICs**

- (a) Order 25, Rule 8(1)(a) shall not apply to this action.
- (b) Any application for discovery and inspection of documents in accordance with Order 24 must be filed and served by \_\_\_\_.

#### **3. Additional witnesses**

- (a) Only witnesses whose AEICs will be exchanged in accordance with paragraph 1(a) may be called at the trial of this action, unless the Court otherwise orders.