

Singapore International Commercial Court Practice Directions

(Effective 1 August 2022)

These Practice Directions apply to every case commenced in the SICC before 1 April 2022, transfer proceedings for cases commenced in the General Division before 1 April 2022 and every case so transferred to the SICC, and every appeal or originating summons filed in the Court of Appeal before 1 April 2022 save where the Singapore International Commercial Court Rules 2021 apply to such case, proceedings, appeal or originating summons pursuant to Order 1, Rule 2(1) and (2) of those Rules: see paragraph 5 of these Practice Directions.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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PART I

SCOPE AND APPLICATION

1. Citation

These Practice Directions may be cited as the Singapore International Commercial Court Practice Directions.

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;

“Appellate Division” means the Appellate Division of the High Court;

“counsel” means –

- (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>;

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

“General Division” means the General Division of the High Court;

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

“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);

“Rules of Court” means the Rules of Court (Cap. 322, R 5, 2014 Rev Ed) as in force immediately before 1 April 2022;

“Service Bureau” means the Lawnet & CrimsonLogic Service Bureau, whose addresses and contact details may be found on the eLitigation website at <https://www.elitigation.sg>;

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

“Third-Party Funder” means a Third-Party Funder (as defined in section 5B of the Civil Law Act (Cap. 43)) under a contract mentioned in the definition of “third-party funding contract”;

“third-party funding contract” means a third-party funding contract (as defined in section 5B of the Civil Law Act) entered into on or after 28 June 2021.

3. Commencement

These Practice Directions shall come into effect on 1 January 2015.

4. Updating of these Practice Directions

(1) Amendments to these Practice Directions will be done on a paragraph-for-paragraph basis.

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

5. Scope of application of these Practice Directions

(1) On and after 1 April 2022, these Practice Directions shall apply only to:

- (a) every case commenced in the Court before 1 April 2022 (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 commenced before 1 April 2022 from the General Division 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 filed before 1 April 2022 from, and every originating summons filed before 1 April 2022 in the Court of Appeal in relation to, a judgment or an order of the Court.

(2) Despite subparagraph (1), these Practice Directions do not apply to any case, proceedings, appeal or originating summons mentioned in that subparagraph to which the Singapore International Commercial Court Rules 2021 (G.N. No. S 924/2021) apply pursuant to Order 1, Rule 2(1) and (2) of those Rules.

6. Forms

The forms in Appendix B of these Practice Directions shall be used where applicable, with such variations as the circumstances of the case may require.

PART II
GENERAL MATTERS

7. Operating hours and location of the SICC Registry

- (1) The SICC Registry is open from 9.00 a.m. to 5.30 p.m. from Mondays to Thursdays. On Fridays, it is open from 9.00 a.m. to 5.00 p.m. It is not open on Public Holidays.
- (2) The SICC Registry is located at Level 2 of the Supreme Court Building.

8. Hours for the sittings of the Court

- (1) The Judges shall sit from 10.00 a.m. to 1.00 p.m. and from 2.30 p.m. to 5.00 p.m. The Registrars shall sit from 9.00 a.m. to 1.00 p.m. and from 2.30 p.m. to 5.00 p.m.
- (2) Sub-paragraph (1) is subject to the discretion of the Judge or Registrar to:
 - (a) commence or conclude a hearing at an earlier or later time; and
 - (b) fix a hearing to accommodate the schedules of the Judge, parties or witnesses and/or the time zones where they are located.

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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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.

(4) If a Judge conducts proceedings through a live video link or live television link, and the parties attend the proceedings in the Courtroom, unless the Court otherwise directs, the attire for both men and women will be the same as for open Court.

10. Forms of address

The following forms of address shall apply:

(1) The Chief Justice, the Justices of the Court of Appeal, the Judges of the Appellate Division, the Judges of the High Court, the Senior Judges, the International Judges and the Judicial Commissioners shall, when sitting in open Court or in Chambers, be addressed as “Your Honour”, and on social occasions or other extra-judicial occasions, as “Chief Justice” or “Judge”, as the case may be.

(2) The Chief Justice, the Justices of the Court of Appeal, the Judges of the Appellate Division, the Judges of the High Court, the Senior Judges, the International Judges and the Judicial Commissioners shall, in all cause lists, orders of Court, correspondence and other documents, be described in the following manner without any accompanying gender prefix.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

| Office | Form of Address | Abbreviated Form of Address |
|---------------------------------|------------------------|------------------------------------|
| Chief Justice | “Chief Justice [name]” | “[name] CJ” |
| Justice of the Court of Appeal | “Justice [name]” | “[name] JCA” |
| Judge of the Appellate Division | | “[name] JAD” |
| Judge of the High Court | | “[name] J” |
| Senior Judge | | “[name] SJ” |
| International Judge | | “[name] IJ” |
| Judicial Commissioner | | “Judicial Commissioner [name]” |

11. **Communications with the SICC Registry**

(1) All requests relating to or in connection with any pending cause or matter are to be made using the forms set out in Appendix B of these Practice Directions where available. Where a form is available for the request that is sought, the SICC Registry has the discretion to refuse acceptance of other forms of written correspondence (including emails and letters) and to refuse to act on such correspondence.

(2) Where there are no forms available for the request that is sought, the request may be made by way of correspondence addressed to the Registrar.

(3) Unless otherwise ordered by the Court, all requests coming within sub-paragraphs (1) and (2) shall be submitted to the SICC Registry either:

- (a) by online submission using the applicable forms through the Electronic Filing Service;
- (b) by way of email forwarded to Supcourt_SICCRegistry@supcourt.gov.sg;
- (c) (deleted)
- (d) by post to the attention of the SICC Registry; or
- (e) by delivery at the counter of the SICC Registry.

(4) Further, all requests:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (a) should be captioned with the number of the cause or matter to which they relate and the names of the parties. If the request or correspondence relates to an interlocutory application, the number of that interlocutory application should be stated in the caption below the parties' names; and
- (b) shall be copied to all other parties to the cause or matter or to their counsel unless there are good reasons for not so doing. Counsel are further reminded that the Court should not be copied on correspondence between parties or their counsel. The SICC Registry has the discretion to reject or refuse to act on any inappropriate or *ex parte* correspondence.

(5) Compliance with the directions in this paragraph will facilitate the expeditious location of the relevant cause file.

12. Authorisation for collection of mail and court documents

Where a party has appointed representation

(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) Any counsel may collect documents and mail on behalf of his firm and on behalf of the party or parties who, according to the Court's records, he is representing. Any litigant in person may collect documents and mail intended for him in any matter in which he is a party.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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

13. Calculation of time

Unless otherwise stated, the provisions in the Rules of Court shall apply to the calculation of time in these Practice Directions. In particular:

(1) The following definition of “working day” in Order 1, Rule 4 of the Rules of Court is applicable in these Practice Directions:

“‘Working day’ means any day other than a Saturday, Sunday or public holiday.”

(2) The provisions of Order 3 of the Rules of Court shall also apply to the calculation of time:

“Month’ means calendar month (O. 3, r. 1)

1. Without prejudice to the Interpretation Act (Cap. 1), in its application to these Rules, the word “month”, where it occurs in any judgment, order, direction or other document forming part of any proceedings in Court, means a calendar month unless the context otherwise requires.

Reckoning periods of time (O. 3, r. 2)

2. — (1) Any period of time fixed by these Rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with this Rule.

(2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a day other than a working day, that day shall be excluded.

Time expires on a day other than a working day (O. 3, r. 3)

3. Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a day other than a working day, the act shall be in time if done on the next working day.

Extension, etc., of time (O. 3, r. 4)

4. —(1) The Court may, on such terms as it thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(2) The Court may extend any such period as is referred to in paragraph (1) although the application for extension is not made until after the expiration of that period.

(3) The period within which a person is required by these Rules, or by any order or direction, to serve, file or amend any pleading or other document may be extended by consent (given in writing) without an order of the Court being made for that purpose, unless the Court specifies otherwise.

(4) In this Rule, references to the Court shall be construed as including references to the Court of Appeal.

(5) Paragraph (3) shall not apply to the period within which any action or matter is required to be set down for trial or hearing or within which any notice of appeal is required to be filed.”

(3) For the avoidance of doubt, any reference to time in these Practice Directions shall mean Singapore time (GMT +8).

14. Urgent applications during office hours

(1) There may be occasions when applications for interim injunctions or interim preservation of subject matter of proceedings, evidence and assets to satisfy judgments need to be heard on an urgent basis. To request the urgent hearing of such applications,

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the applicant may attend before the Registrar on duty during the Court's operating hours regarding the fixing of a suitable hearing date or for directions. Alternatively, the applicant may contact the SICC Registry to arrange for a teleconference or video conference with the Registrar on duty.

(2) Before the applicant attends before the Registrar on duty to request an urgent hearing before a Judge of any application, the applicant should complete (as far as possible) and file Form 2AA of Appendix B of these Practice Directions. A copy of Form 2AA should be served on each respondent to the application at the time of filing, unless the application is an *ex parte* application and service of Form 2AA would or might defeat the purpose of the application.

(3) The applicant should prepare skeletal submissions for the urgent hearing before the Judge, and file the skeletal submissions at the same time as Form 2AA. A copy of the skeletal submissions should be served on each respondent to the application at the time of filing, unless the application is an *ex parte* application and service of the skeletal submissions would or might defeat the purpose of the application. If the skeletal submissions are not filed, the applicant should inform the Registrar on duty whether the skeletal submissions will be filed and served by the time of the urgent hearing before the Judge.

(4) If, due to urgency, the applicant is unable to file or serve Form 2AA and/or the skeletal submissions before attending before the Registrar on duty, the applicant should provide a copy each of Form 2AA and the skeletal submissions to each respondent to the application when the parties attend before the Registrar. Each such copy of Form 2AA or the skeletal submissions must be a hard copy, if the parties attend before the Registrar on duty physically, or in soft copy, if the parties attend before the Registrar on duty by live video or live television link. Thereafter, Form 2AA and the skeletal submissions should be filed as soon as possible and, in any event, no later than the next working day after the attendance before the Registrar on duty, unless the Court directs otherwise. If any respondent does not attend before the Registrar on duty, Form 2AA and the skeletal submissions should be served on that respondent as soon as possible after the hearing before the Registrar, and, in any event, before the urgent hearing before the Judge, unless the Court directs otherwise.

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(5) In cases of extreme urgency where the applicant is unable to comply with the requirement to file or provide a copy of the skeletal submissions by the time of the urgent hearing before the Judge, the applicant should inform the Registrar on duty of the applicant's intention to seek a dispensation of that requirement at the hearing before the Judge, and provide supporting reasons for the dispensation.

(6) The applicant's skeletal submissions should contain the following:

- (a) the relevant facts;
- (b) the applicable law;
- (c) the reason(s) for requesting an urgent hearing; and
- (d) a summary of arguments.

(7) The applicant's skeletal submissions should be in the following format:

- (a) all pages should be paginated;
- (b) the skeletal submissions should not exceed 10 pages (excluding the cover page and backing page);
- (c) the minimum font size to be used is Times New Roman 12 or its equivalent;
- (d) the print of every page must be double spaced; and
- (e) every page must have a margin on all 4 sides, each of at least 35 mm in width.

(8) Paragraph 54 of these Practice Directions will apply to hearings of such urgent applications.

15. **Urgent applications after office hours, on weekends and public holidays**

(1) When an urgent application for interim injunctions or interim preservation of subject matter of proceedings, evidence and assets to satisfy judgments arises on a weekend or on a public holiday, the applicant should contact the Registrar on duty at (+65) 6332 4351 or (+65) 6332 4352. The Registrar will only arrange for the hearing of applications which the Registrar considers are so urgent that they cannot be heard the next working day.

(2) Before contacting the Registrar on duty, all the necessary papers required for the application must be prepared together with the appropriate draft orders of Court and

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forwarded by way of an email to this address Supcourt_SICCRRegistry@supcourt.gov.sg.

(2A) A counsel or a litigant who is not legally represented (collectively, “parties”) who wishes to attend before the Registrar on duty by way of video conferencing must call the Case Management Officer (“CMO”) to notify the Court of the following:

- (a) when the application and all related documents were filed;
- (b) the case number;
- (c) if there is no case number assigned, the name(s) of the parties and names of the counsel and law firm(s) acting for such parties;
- (d) whether any natural person or business corporate entity involved in the case is unrepresented, and if so, the name of that person or entity;
- (e) explain briefly the nature of the application and directions sought from the Registrar on duty;
- (f) the time and date that he wishes to attend before the Registrar on duty;
- (g) whether he wishes to send in any documents via the Electronic Filing Service ahead of the hearing or during the hearing before the Registrar on duty;
- (h) whether he wishes to tender any hard copy documents ahead of the hearing before the Registrar on duty;
- (i) the name(s) of all the parties who will be attending the hearing before the Registrar on duty, and the email address and telephone number of these parties.

If parties wish to tender any hard copy documents ahead of the hearing before the Registrar on duty, parties should as far as possible provide the hard copies and ensure that they have been placed before the Registrar on duty at least 1 hour before the scheduled hearing. Parties should check with the CMO that the documents have been placed before the Registrar on duty before the scheduled hearing.

(3) Paragraph 54 of these Practice Directions will apply to hearings of such urgent applications.

(4) Hearings of urgent applications (interlocutory or otherwise) may be conducted through teleconference or video conference if directed by the Judge hearing the application. Each party shall make its own arrangements to procure the necessary

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telecommunications facilities or services in order to participate in the teleconference or video conference. Each party shall be responsible for ensuring that it joins the teleconference or video conference at the designated date and time. Costs reasonably incurred in participating in such teleconference or video conference may, subject to the discretion of the Court as to costs, be claimable as disbursements in the cause or matter.

16. **Interpreters and translation**

(1) The Supreme Court's Interpreters Section provides interpretation and translation services for court proceedings in the Supreme Court, including court proceedings in the SICC.

(2) The directions set out in sub-paragraphs (3) to (9) below are to be followed in relation to all requests for the interpretation services of interpreters from the Supreme Court's Interpreters Section, whether the services are required for hearings in open Court or in Chambers.

(3) Not less than 7 working days before the day on which the services of an interpreter are required ("scheduled day"), the requesting party must file a Request addressed to the appropriate Head Interpreter from the Supreme Court's Interpreters Section in accordance with paragraph 11 of these Practice Directions. The Request must be accompanied by Form 2A of Appendix B of these Practice Directions, in Portable Document Format (PDF).

(4) The request in sub-paragraph (3) must also be filed for hearings of matters which have been adjourned or part-heard, even if the services of an interpreter were requested and provided at an earlier hearing of the same matter. In the event that a Request is made in respect of an adjourned or part-heard matter, the Request should state the date of the earlier hearing.

(5) The requesting party shall make payment of any prescribed fees for interpretation services under the Rules of Court upon approval of the Request. The Registrar may deduct such fees from the party's deposit where the party has maintained a deposit with the SICC Registry.

(6) In the event that the services of the interpreter are for any reason not required on any of the scheduled days specified in the Request, the requesting party shall immediately

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notify the appropriate Head Interpreter either by letter or email. This shall serve as a notice of cancellation.

(7) Any request for refund of the fee paid under sub-paragraph (5) must be submitted in accordance with paragraph 11 of these Practice Directions within one month after the date on which the reason for the refund arose. The supporting reasons and the amount of refund sought must be clearly indicated in the request for refund.

(8) Unless otherwise decided by the Registrar, the fee paid for any scheduled day may be refunded only if a notice of cancellation under sub-paragraph (6) is given at least 1 clear working day prior to that scheduled day.

(9) The provision of interpretation services by the Supreme Court's Interpreters Section is subject to the availability of suitable interpreters on the day that the interpretation services are required. Failure to comply with the directions set out in sub-paragraphs (3) to (5) may result in the services of interpreters not being available or provided.

(10) Engagement of private interpreters (i.e. interpreters not from the Supreme Court's Interpreters Section):

- (a) For the avoidance of doubt, a party may engage the services of a private interpreter for interpretation services in respect of the languages listed in Appendix C of these Practice Directions.
- (b) If a party requires the services of an interpreter in a language apart from those listed in Appendix C to these Practice Directions, it shall be the duty of the party to engage such an interpreter directly to obtain his or her services for the scheduled hearing.
- (c) Interpreters who are not from the Supreme Court's Interpreters Section must be sworn in before the Duty Registrar before they may provide interpretation services for proceedings in the Court.

(11) Requests for translation of documents in Chinese, Malay or Tamil for use in proceedings in the Court must be filed through the Electronic Filing Service at least 4 weeks before the date the translations are required. Failure to comply with the directions set out in this sub-paragraph may result in the translations not being available or provided by the date they are required.

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(12) In the event that the Supreme Court's Interpreters Section is unable to accept a translation request, parties and counsel should approach a private translation service instead.

(13) Litigants who are not legally represented may submit their requests for interpretation services or translation of documents for proceedings in the Court using the respective forms available on the SICC website.

17. Production of record of hearing

(1) There shall be audio recording of all hearings in open Court or Chambers at the Court unless the Court directs otherwise. Such audio recording may be made using the Digital Transcription System (DTS). Where a hearing is conducted by means of video conferencing or telephone conferencing using a remote communication technology approved by the Chief Justice or authorised by the Court, and the Court has authorised the making of a recording of the hearing using such remote communication technology, the recording so made will, unless the Court otherwise directs, constitute the official record of the hearing.

(2) Where the Court hearing the cause or matter directs that no audio recording be made, the notes of hearing shall be taken down by the Judge, judicial officer, Justices' Law Clerk or court officer, whether by hand or through the use of a computer or electronic device.

(3) The provisions of sub-paragraphs (1) and (2) are subject to any directions made by the Court hearing the cause or matter, whether or not upon application by the parties. Such directions may include the use of alternative means of producing transcripts.

(4) Where the Court makes such directions under sub-paragraph (3):

(a) the notes of hearing shall, pursuant to Order 38A, Rule 1(1)(b) of the Rules of Court, constitute the official record of hearing; and

(b) the parties shall inform the SICC Registry at least 7 working days before the scheduled hearing as to the mode by which the proceedings will be recorded.

(5) A copy of the certified transcripts of the official record of hearing may be provided to the parties upon request and upon payment of the applicable fees. The costs of

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engaging a service provider for the production of the transcripts of hearing shall be paid by the parties directly to the service provider.

(6) Requests for the certified transcripts of the official record of hearing shall be made in accordance with paragraph 11 of these Practice Directions.

18. Use of electronic and other devices

(1) In order to maintain the dignity of Court proceedings, video and/or image recording is strictly prohibited in all hearings in open Court or Chambers before a Judge.

(2) Additionally, audio recording during a hearing is strictly prohibited without prior approval of the Judge hearing the matter.

(3) Court users are permitted to use notebooks, tablets, mobile phones and other electronic devices to:

(a) take notes of evidence and for other purposes pertaining to the proceedings in open Court or Chambers; or

(b) communicate with external parties in all hearings in open Court,

provided that such use does not in any way disrupt or trivialise the proceedings.

(3) The attention of court users is also drawn to section 5 of the Administration of Justice (Protection) Act 2016 (Act No. 19 of 2016).

19. Certification of transcripts

Pursuant to Order 38A, Rule 2 of the Rules of Court, the Registrar directs that the transcripts of any record of hearing or notes of hearing may be certified by:

(a) the Judge having conduct of the proceedings;

(b) with the approval of the Court, the personal secretary to the Judge having conduct of the proceedings; or

(c) with the approval of the Court, the service provider providing transcription services.

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

Access by parties to a case file

(1) All parties to a case may, subject to this paragraph and any directions of the Court, access the online case file.

- (a) Where a party to a case is a registered user of the Electronic Filing Service, that party may access the online case file through the Electronic Filing System directly and may inspect, download soft copies or print hard copies of documents accessible to the parties in the online case file.
- (b) Where a party to a case is not a registered user of the Electronic Filing Service, or is unable to access the electronic case file through the Electronic Filing Service for any reason, he may either:

- (i) submit a request in accordance with paragraph 11 of these Practice Directions; or
- (ii) attend at the Service Bureau to seek assistance;

to inspect or download copies of documents accessible to the parties in the online case file, or for hard copies of such documents to be provided. Printing charges may be chargeable by the Court or the Service Bureau for reproducing documents in paper form.

(2) All parties to a case shall have the liberty to make amendments at will to administrative details contained in the electronic case file through the Electronic Filing Service. Administrative details include the contact details of counsel, the identities of counsel, and the nature of the claim. Where a party to a case is not a registered user of the Electronic Filing Service or is unable to access the case file through the Electronic Filing Service, he may attend at the Service Bureau to seek assistance to amend the administrative details contained in the electronic case file.

(3) The SICC Registry may require parties to a case to provide supporting documents to substantiate proposed amendments to other details of the electronic case file before the amendment is allowed to be effected. For example, amendments to add or remove a party to the case have to be supported by an order of court; and amendments to change

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the name, gender, identification number, or marital status of a party to the case have to be substantiated by documentary proof.

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 representing the non-party, his identification and contact details should also be included in the request, and his identification document (including physical or digital identity card) should be produced for verification when requested;
 - (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.

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- (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 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 shall be responsible for informing their clients of this.

Obtaining certified true copies of documents

(7A) Users are encouraged to use the Authentic Court Order system to validate orders of court issued after 2 January 2020 by going to <https://www.courtorders.gov.sg>. However, certified true copies of orders of court will still be available upon application.

(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) The applicant will be informed of the outcome to his request and the fees payable for the provision of the certified true copies if the request is

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approved. Upon confirmation of the receipt of payment of the fees payable, the certified true copies will be released to the applicant.

- (c) The SICC Registry may require verification of the identity of the applicant against his identification document (including physical or digital identity card) prior to release of the certified true copies.
- (d) The fees prescribed in Appendix BA to the Rules of Court will be payable for the provision of the above service.

(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 shall be responsible for informing their clients of this.

Electronic cause books and registers maintained by the Registry

(10) Order 60 of the Rules of Court provides that the Supreme Court Registry shall maintain information prescribed or required to be kept by the Rules of Court and Practice Directions issued by the Registrar. In addition to any provisions in the Rules of Court, the Registrar hereby directs that the following information shall be maintained by the SICC Registry:

- (a) details of all originating processes including:
 - (i) details of interlocutory applications;
 - (ii) details of appeals filed therein;
 - (iii) details of admiralty proceedings;
 - (iv) details of caveats filed against arrest of vessels;
- (b) details of appeals filed in the Court of Appeal; and
- (c) any other information as may from time to time be found necessary.

(11) Information in respect of any writs of execution, writs of distress and warrants of arrest relating to or in connection with an originating process originating from or transferred to the Court are maintained by the Supreme Court Registry. Parties and

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counsel who wish to obtain such information should therefore approach the Supreme Court Registry.

(12) Searches of this information under Order 60, Rule 3 of the Rules of Court may be conducted through the Electronic Filing Service or at a Service Bureau. The fees prescribed in Appendix BA to the Rules of Court will be payable for such searches.

(13) An application may be made by any person for a licence to use any information contained in any electronic cause book or register subject to such terms and conditions as the Registrar may determine. Successful applicants will be required to enter into separate technical services agreements with the Electronic Filing Service provider. Applications under this paragraph must be made in writing, identifying the data fields sought and providing details of how the information will be used.

21. Personal Data

General

(1) For the purposes of the following sub-paragraphs:

- (a) “personal data” shall have the same meaning as defined in the Personal Data Protection Act 2012 (Act No. 26 of 2012); and
- (b) “data subject” means a person whose personal data appears in any document filed in the SICC Registry, or in any electronic cause book or register maintained by the SICC Registry.

Consent to collection, use or disclosure of personal data

(2) Consent to the collection, use or disclosure of personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar need not be obtained.

(3) Pursuant to Order 60, Rule 2 of the Rules of Court, the Registrar may compile and maintain electronic cause books and registers by extracting information, including personal data, contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Access to personal data

(4) Personal data contained in documents filed with, served on, delivered or otherwise conveyed to the Registrar: A data subject who wishes to access his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar must comply with the applicable provisions in the Rules of Court and these Practice Directions relating to the access to and inspection of case files. A data subject shall not be entitled to request information about the ways in which his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar has been used or disclosed.

(5) Personal data contained in electronic cause books and registers maintained by the SICC Registry: A data subject who wishes to access his personal data contained in any electronic cause book or register must conduct a search through the Electronic Filing Service or at a Service Bureau and shall pay the fees prescribed in Appendix BA to the Rules of Court. A data subject shall not be entitled to request information about the ways in which his personal data contained in any electronic cause book or register has been used or disclosed.

Correction of personal data

(6) A data subject who wishes to correct any error or omission in his personal data in any document filed in the SICC Registry must comply with the applicable provisions in the Rules of Court and these Practice Directions relating to the amendment of the relevant document.

(7) A data subject who wishes to correct any error or omission of his personal data in any electronic cause book or register maintained by the SICC Registry shall comply with the following procedure:

- (a) The request to correct the error or omission must be made in writing by the data subject or by his counsel, together with the reason for the requested correction. The request must clearly identify the record and the personal data to be corrected;

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- (b) If the data subject is not represented, his identification and contact details should also be included in the request and his identification document (including physical or digital identity card) should be produced for verification when requested; and
- (c) The following documents should accompany the request:
 - (i) recent copy of the record identifying the error or omission; and
 - (ii) supporting document(s) to substantiate the proposed correction.

(8) Where a correction is made pursuant to a request under sub-paragraph (7), any information that is licensed for use under paragraph 20(13) of these Practice Directions will be updated accordingly with the corrected personal data.

22. Filing directions to Accountant-General for payment into and out of Court

(1) Where monies are to be paid into Court pursuant to a judgment or order of the Court, a copy of the judgment or order must be attached to the draft direction to the Accountant-General for payment in and submitted to the SICC Registry for approval. The direction to the Accountant-General for payment in must be in Form 219A of Appendix A to the Rules of Court.

(2) Where monies are to be paid out of Court, a copy of one of the following documents must be attached to the draft direction to the Accountant-General for payment out and submitted to the SICC Registry for approval:

- (a) a copy of the judgment or order of court; or
- (b) the notice of acceptance of money paid into Court in Form 32 of Appendix A to the Rules of Court.

The direction to the Accountant-General for payment out must be in Form 219A of Appendix A to the Rules of Court.

(3) Each draft direction to the Accountant-General for payment in or payment out of Court shall contain amounts in a single currency. Where monies in different currencies are to be paid into or out of Court, separate draft directions must be prepared for each currency in which payment is to be made.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Direction to Accountant-General for Payment In or Payment Out

(4) Where the direction to the Accountant-General for payment in has been approved, the party or his counsel (as the case may be; collectively “the Payment In Party”) must send a copy of the approved direction to the Accountant-General for payment in and the relevant judgment or order of court to VITAL by email to [VITAL FS Receivable@vital.gov.sg](mailto:VITAL_FS_Receivable@vital.gov.sg). Upon successful receipt of the documents, VITAL will provide instructions on how electronic payment is to be effected. A receipt will be issued by VITAL to the Payment In Party when payment is received by the Accountant-General.

(5) Where the direction to the Accountant-General for payment out has been approved, the party or his counsel (as the case may be; collectively “the Payment Out Party”) must send a copy of the approved direction to the Accountant-General for payment out and the relevant judgment or order of court to VITAL by email to [VITAL FS Receivable@vital.gov.sg](mailto:VITAL_FS_Receivable@vital.gov.sg). Upon successful receipt of the documents, VITAL will provide instructions on the process for the release of the monies.

Furnishing security for costs by depositing monies in the SICC Registry

(6) Where a party wishes to furnish security for costs for an appeal or an application filed in the SICC by depositing monies in the SICC Registry, he must deposit the monies in one of the following manners:

(a) By electronic payment: The party is to send his case details by email to the Finance Directorate of the Supreme Court at [SUPCOURT_FIN Revenue@supcourt.gov.sg](mailto:SUPCOURT_FIN_Revenue@supcourt.gov.sg). The party will be provided with a QR code or the bank account details for electronic payment to be made. Upon receipt of monies, a receipt will be emailed to the party by the Finance Directorate.

(b) By making payment at the Supreme Court: The party will be required to complete a requisite form when he attends at the Supreme Court. The accepted payment modes are Cash, Cashier’s Order (made payable to “Registrar Supreme Court/AG”), NETS and credit card. Upon payment at the counter, a receipt will be issued to the party.

The party must provide proof of such deposit when filing the appeal or application.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(7) Where security for costs is to be paid out to any party pursuant to the Rules of Court or an order or direction of the Court, the party entitled to payment of the security may write to the SICC Registry to request payment out. Once the request for payment out is approved by the SICC Registry, the party entitled to the payment must send a copy of the SICC Registry's approval to the Finance Directorate of the Supreme Court at SUPCOURT_FIN_Revenue@supcourt.gov.sg. The Finance Directorate of the Supreme Court will provide instructions on the documents to be furnished to process the release of the monies.

Request for information on balance of monies paid into Court or deposited in the SICC Registry

(8) Where a party wishes to request information on the balance of monies paid into Court or deposited in the SICC Registry, the party or his counsel may send the request, accompanied by the case details and reasons for the request, by email to:

- (a) VITAL_FS_Receivable@vital.gov.sg, if the monies were lodged with the Accountant-General; or
- (b) SUPCOURT_FIN_Revenue@supcourt.gov.sg, if the monies were deposited in the SICC Registry.

PART III

CONSTITUTION OF THE COURT AND COURT OF APPEAL

23. Constitution of the Court

(1) Subject to sub-paragraph (2) below, proceedings in the Court will generally be presided over by a single Judge.

(2) Pursuant to Order 110, Rule 53(1) of the Rules of Court, proceedings in the Court must be heard by three Judges:

- (a) where all parties to the proceedings so agree, unless the Chief Justice directs otherwise; or
- (b) where the Chief Justice determines, as and when appropriate, that three Judges should hear the cause of matter.

(3) Where all parties to the proceedings agree, any party may apply for three Judges to be designated to hear the matter. The application shall be made by way of a letter to the Registrar, stating the reasons for the application and exhibiting the consent of all parties to the application. The application shall be made as soon as practicable, or by any deadline which the Judge may direct at a Case Management Conference.

(4) Where an application is made under sub-paragraph (3) and such application is approved by the Chief Justice, the SICC Registry will inform the parties of any additional fees payable. Where additional fees are payable, such fees shall be deducted from the deposit of each party in accordance with paragraph 38 of these Practice Directions.

24. Constitution of the Court of Appeal

(1) Pursuant to section 50(1) of the Supreme Court of Judicature Act (Cap. 322), an appeal to the Court of Appeal may be heard by three or more Judges.

(2) Pursuant to Order 110, Rule 53(2) of the Rules of Court, proceedings in the Court of Appeal in any appeal from the Court must be heard before five Judges:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (a) where all parties to the appeal so agree, unless the Chief Justice directs otherwise; or
- (b) where the Chief Justice determines, as and when appropriate, to convene a panel of five Judges.

(3) Where all parties to the appeal agree, any party may apply for five Judges to be designated to hear the appeal. The application shall be made by way of a letter to the Registrar, stating the reasons for the application and exhibiting the consent of all parties to the application. The application shall be made as soon as practicable, and in any event no later than 7 working days after the date on which the Respondent's Case is due to be filed.

(4) Where an application is made under sub-paragraph (3) and such application is approved by the Chief Justice, the SICC Registry will inform the parties of any additional fees payable. Where additional fees are payable, such fees shall be deducted from the deposit of each party in accordance with paragraph 38 of these Practice Directions.

When an appeal to the Court of Appeal is to be heard by two Judges

(5) Notwithstanding sub-paragraph (1) and pursuant to section 54(1) of the Supreme Court of Judicature Act (Cap. 322), the following matters and appeals to the Court of Appeal from the Court may be presided over by two Judges:

- (a) an application to extend the time for filing and serving a notice of appeal;
- (b) an application to discharge or vary any direction or order made under section 58(1) of the Supreme Court of Judicature Act (Cap. 322) by the Court of Appeal consisting of a single Judge;
- (c) an application for leave to appeal to the Court of Appeal, whether under the Supreme Court of Judicature Act (Cap. 322) or any other written law, or to extend time for applying for such leave;
- (ca) an application to the Court of Appeal for a stay of execution (whether pending or after the appeal) or a stay of proceedings under the decision appealed from;

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (d) an appeal against an interlocutory judgment;
- (e) an appeal against any judgment or order obtained after the hearing of an assessment of damages;
- (f) an appeal against any judgment or order obtained after the hearing of a taking of accounts between parties;
- (g) an appeal against any judgment or order obtained after any proceedings other than the trial or hearing of any action or matter commenced by any originating process; or
- (h) an appeal which, under any written law, may be heard and decided by 2 Judges.

25. **List of Judges**

A non-exhaustive list of Judges may be found on the SICC website at <<http://www.sicc.gov.sg>>.

PART IV

REPRESENTATION

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:

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

(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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(Cap. 161) and the Legal Profession (Representation in 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 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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(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.

PART V

OFFSHORE CASES

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

“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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

PART VI

(deleted)

30. (deleted)

31. (deleted)

32. (deleted)

33. (deleted)

34. (deleted)

35. (deleted)

PART VII

FEES

36. Provision of deposit

Writs and Originating Summonses

(1) An initial deposit of S\$ 8,000 shall be furnished by the plaintiff upon the commencement of a writ action or an originating summons in the Court. Payment of the deposit shall be in Singapore Dollars (SGD) and not in any other currency.

(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 SICC 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.

(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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(5A) Where a case is transferred to the Court, and the General Division, 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 General Division 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 General Division, 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.

37. Maintenance of deposit

(1) The SICC Registry will make available via the Electronic Filing Service a statement of the deposit standing to the credit of each party. Notwithstanding Order 110, Rule 49(4) of the Rules of Court, each party shall be responsible for ensuring that it maintains the following minimum credits standing in its deposit:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (a) For proceedings commenced by a writ of summons, each party shall maintain a credit of at least S\$ 3,000;
- (b) For proceedings commenced by originating summons, the plaintiff shall maintain a credit of at least S\$ 3,000; and
- (c) For appeals to the Court of Appeal from the Court, the appellant, and any respondent required to furnish a deposit under paragraph 36(6A) of these Practice Directions, shall maintain a credit of at least S\$ 3,000.

Each party shall, on its own accord without demand, furnish such amounts as may be required to maintain its deposit at or above the stipulated amounts.

(2) From time to time, the SICC Registry may make a written request to a party requiring that it fortifies its deposit. A party thus notified shall ensure that it furnishes, within 14 calendar days of the date of the request, such additional amounts as may be required to ensure that its deposit is at or above the amount stipulated in the request.

(3) In the event that the deposit falls below the amount stipulated in sub-paragraph (1) or where the deposit has not been fortified after the issuance of a written request pursuant to sub-paragraph (2), the Registrar may, pursuant to Order 110, Rule 50 of the Rules of Court, refuse to administer or continue administering proceedings in the Court or in an appeal from the Court with respect to the party in default. Notwithstanding the foregoing, the party that is not in default may take steps to advance its case against the defaulting party. Pursuant to Order 110, Rule 50 of the Rules of Court, any party may pay to the Registrar any unpaid fee or deposit, and upon the full payment of all fees and deposits, the Registrar must administer or continue to administer the proceedings.

38. Deductions from deposit

(1) Deductions shall be made from the deposit of each party upon the occurrence of events and of the quantum so prescribed in Order 110, Rules 47 and 48 of the Rules of Court.

(2) Upon the occurrence of a prescribed event, the SICC Registry shall debit each party's deposit by the prescribed amount and shall make available to each party via the Electronic Filing Service a written advice of the exact amount deducted from its deposit. For charges and fees other than those payments under a prescribed event, the

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

SICC Registry shall make available to a party via the Electronic Filing Service written notice of the amount to be debited from its deposit and may effect such debit no less than 3 working days after the date of such written notice.

(3) Where a party to the proceedings is not a subscriber to the Electronic Filing Service, the correspondence referred to in sub-paragraph (2) shall be furnished upon request to that party by e-mail sent to the party's e-mail address indicated in the electronic case file. Parties and counsel are therefore reminded to ensure that the administrative details contained in the electronic case file in the Electronic Filing Service are kept up-to-date. This may be done via the methods set out at paragraphs 20(2) and 20(3) of these Practice Directions.

39. Statements of account

(1) The SICC Registry shall make available to each party with statements of such amounts standing to its credit in its deposit via the Electronic Filing Service.

(2) Where a party to the proceedings is not a subscriber to the Electronic Filing Service, such statement shall be furnished upon request to the party by e-mail sent to the party's e-mail address indicated in the electronic case file. Parties and counsel are therefore reminded to ensure that the administrative details contained in the electronic case file in the Electronic Filing Service are kept up-to-date. This may be done via the methods set out at paragraphs 20(2) and 20(3) of these Practice Directions.

40. Refunds of deposits

(1) After the conclusion of each case, the SICC Registry shall render a final statement to each party of its deposit together with a Return of Deposit form. Upon receipt of such final statement, each party with a credit in its deposit shall select its preferred option for the return of its deposit and return the Return of Deposit Form to the SICC Registry.

(2) After the expiry of the period of 30 calendar days from the date of receipt of the Return of Deposit Form the SICC Registry shall return such amounts standing to the credit of that party in the manner selected in the Return of Deposit Form, less any amounts that may be reasonably incurred by reason of the mode of payment selected.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(3) Where:

(a) within 30 calendar days from the date of the final statement, the Return of Deposit form referred to in sub-paragraph (1) is not returned; or

(b) no option for the return of the party's deposit is selected,

the SICC Registry shall determine the manner in which such amounts standing to the credit of that party is to be returned and shall return such amounts accordingly.

41. Electronic payment of fees and charges

Implementation of the electronic system for the payment of fees

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

Modes of payment by electronic means

(2) Payment by electronic means includes payment effected by wire transfer (e.g. SWIFT), Interbank GIRO (IBG), NETS 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 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 where fees are paid over the counter. A law firm using IBG for such purposes will authorise the Supreme Court to deduct the fees from its bank account upon lodgement of the prescribed form.

Scope of payment by electronic means

(5) The electronic means of payment cover all fees, including court fees, hearing fees (whether the hearing is held in Court, by teleconference or video conference) and all other fees and charges for services or otherwise that may be payable to the Court in relation to proceedings in the Court.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Registrar's discretion

(6) The Registrar may, in any case, waive the requirements for payment to be effected by electronic means, on such terms and conditions as he deems fit.

PART VIII

ELECTRONIC FILING AND USE OF TECHNOLOGY FACILITIES

42. Application

- (1) The directions in this Part apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court in all proceedings in the Court.
- (2) Where the words and phrases set out in Order 63A, Rule 1 of the Rules of Court are used in this Part, they shall have the same meaning as defined in Order 63A, Rule 1 of the Rules of Court, unless otherwise specified.

43. Extension of Electronic Filing Service and Service Bureau to the Court

- (1) The Electronic Filing Service established under Order 63A, Rules 2 and 3 of the Rules of Court shall be extended to all causes or matters filed in the Court.
- (2) The Service Bureau established under Order 63A, Rule 4 of the Rules of Court shall be extended to all causes or matters filed in the Court.

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 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 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 Foreign Lawyer to file, serve, deliver or otherwise convey documents to the Registrar using the Electronic Filing

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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 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 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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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-paragraph (4)(b) or (4)(c) for such documents. In any event, parties must ensure that the size of each electronic mail 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 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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

details contained in the electronic case file unless counsel or parties request another mode of delivery.

45. Filing documents via the Service Bureau

(1) In the event that documents cannot be filed, delivered or otherwise conveyed to the Registrar through the Electronic Filing Service or the means set out in paragraph 44(4) of these Practice Directions, counsel and law firms may file documents through the Service Bureau. Litigants who are not legally represented may also file documents through the Service Bureau.

(2) The operating hours of the Service Bureau may be found on the eLitigation's website at <https://www.elitigation.sg>.

46. Documents which cannot be converted into an electronic format

(1) If a document which is to be filed, served, delivered or otherwise conveyed using the Electronic Filing Service pursuant to paragraph 44(1) of these Practice Directions cannot be converted in whole or in part into an electronic format for any reason, the hard copy of the document must be filed at the SICCR Registry.

(2) If the Court receives a document referred to in sub-paragraph (1) which the filing party says cannot be converted in whole or in part into an electronic format, and it can discern no good reason why the document cannot be wholly converted into an electronic format, the document may be rejected.

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:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (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 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 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 Foreign Lawyers to the Electronic Filing Service

- (1) A Full Registration 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 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 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 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;

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (b) driver's licence containing a recent photograph;
- (c) identification card issued by the Full Registration 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 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 Foreign Lawyer in his application for registration. The Full Registration 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 Foreign Lawyer shall be responsible for ensuring that he joins the video conference at the designated date and time.

49. Certificate of Service

- (1) Where documents are served using the Electronic Filing Service, a Certificate of Service will automatically be generated and stored in the electronic case file.
- (2) Where an Affidavit of Service is required and documents are not served using the Electronic Filing Service, the Affidavit of Service must be filed and recorded in the electronic case file.

50. Form of documents

Parties are reminded that they must, at all times, ensure that the information stored in the front end system is up-to-date and free from errors as the same information will be reproduced in the electronic forms that are generated by the Electronic Filing Service.

51. Pagination of documents

- (1) Every single page of a document must be paginated so that the pagination on the actual document corresponds with the pagination of the Portable Document Format (PDF) document in the electronic case file.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(2) In this regard:

- (a) in relation to affidavits filed and used in proceedings in this Court, every page of the affidavit (including separators and exhibits, if any) shall be paginated consecutively, and the page number shall be inserted at the centre top of the page; and
- (b) every page of the exhibits to any such affidavits, including cover pages, dividing sheets or separators between exhibits, shall be consecutively numbered at the top right hand corner of each page, following from the page numbers of the affidavits (i.e. the first page of the exhibits shall take the number following the last page of the affidavit's main text). The page number of the affidavit must correspond to the page number in the Portable Document Format (PDF) version that is filed through the Electronic Filing Service.

(3) Pagination of documents in such a manner is to facilitate hearings involving reference to both printed and soft copies of the same document.

52. Limits on the size and number of documents submitted using the Electronic Filing Service

(1) The following limits currently apply to the filing of documents using the Electronic Filing Service:

- (a) the total number of documents in a single submission cannot exceed 99;
- (b) the total number of pages in a single document cannot exceed 9,999; and
- (c) the size of a single transmission cannot exceed 500 mega-bytes.

(2) The limits described above will apply to filing both online through the Electronic Filing Service and the Service Bureau, as well as to documents recorded in the Court's case file using the Electronic Filing Service.

(3) The resolution for scanning, unless otherwise directed by the court, shall be no more than 300 DPI.

(4) In the event that any counsel wishes to file documents which exceed the limits specified in sub-paragraph (1) above, he should inform the Registrar at least 14 calendar

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

days before the intended filing date. The Registry may issue directions on how the documents should be filed at a hearing or by way of correspondence.

53. Rejection of documents and back-dating

Documents submitted or filed through the Electronic Filing Service

(1) Care must be taken to enter correct, complete and accurate information into the electronic form in the Electronic Filing System. If the information entered into the electronic form and the actual document differ, the document may be rejected by the Court.

Documents submitted, filed or transmitted through any other modes

(2) Similarly, care must be taken to ensure that correct, complete and accurate information is contained in any documents submitted, filed or transmitted to the SICC Registry through any other modes accepted in these Practice Directions. If the information contained in these documents differs from the information in the electronic case file, the document may be rejected by the Court.

Effect of acceptance of a document for filing by the Court

(3) The acceptance of a document for filing by the Court does not mean that there are no errors in the document, or that the contents of the document have been approved. The Court may direct, at any time, that an amended document be filed to address any errors in the document.

Back-dating

(4) In the event that any document is rejected through no fault of the party submitting the document, counsel may re-file the document with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to Order 63A, Rule 10 of the Rules of Court.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

54. Urgent hearing

(1) Subject to the directions of the Court, counsel may appear before the Judge for an urgent hearing with paper documents or using electronic documents which are electronically transmitted to the Judge (e.g. electronic mail or online file sharing) even before the filing of the relevant documents using the Electronic Filing Service or the alternative means set out under paragraph 44(4) of these Practice Directions.

(2) Counsel so appearing must give an undertaking to file all the documents used at the hearing using the Electronic Filing Service or the alternative means set out in paragraph 44(4) of these Practice Directions by the next working day after the hearing.

(3) Paragraphs 14 and 15 of these Practice Directions will apply to urgent applications during office hours, and on weekends and public holidays.

55. Hard copies of documents

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

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

(a) within the specified time frame; or

(b) within 5 working days of the request, if no time frame is specified.

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

56. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service

(1) Counsel having the conduct of any cause or matter may delegate the task of filing originating processes and documents in Court to an assistant or a suitably experienced law clerk or secretary, provided always that counsel shall personally satisfy himself as to the accuracy and completeness of the information submitted to the Court, and shall personally bear responsibility for any errors or deficiencies.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(2) In particular, counsel should ensure the following:

- (a) that the title of the action generated using the Electronic Filing Service is accurate and correct;
- (b) where an action is commenced by way of writ of summons, that at least one nature of claim is selected that adequately represents the subject matter of the action; and
- (c) where an action is commenced by way of originating summons, that either the relevant legislation under which the action is brought is provided or at least one nature of claim is selected that adequately represents the subject matter of the action.

57. Technology facilities for use during trials or hearings

(1) Teleconference, video conference and the Mobile Infocomm Technology facilities may, at the discretion of the Registrar, be used at any trial or hearing conducted in the Court.

(2) The Registrar may refuse any request for the use of any of the services described in paragraphs 58 and 59 of these Practice Directions at any time owing to the unavailability of staff or equipment or for any other reason. The Registrar need not give any reasons for the refusal of such a request.

58. Applications to use teleconference and video conference facilities and usage of additional equipment

(1) A request to use teleconference and video conference facilities for the hearing of any cause or matter in the Court must be made in Form 7 of Appendix B of these Practice Directions and filed in accordance with paragraph 11 of these Practice Directions at least 14 calendar days before the hearing at which the said facilities are to be used.

(2) (deleted)

(3) Upon a successful request to use the teleconference and video conference facilities:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (a) prior arrangements for equipment testing have to be made at least 5 working days before the first day fixed for the hearing, in order to ensure equipment compatibility;
- (b) applicants will be informed of the number for teleconference or video conferencing during the testing session; and
- (c) as a matter of general practice, the remote site will connect to the number and it is the responsibility of the party requesting the teleconference or video conference to coordinate the booking and calling in from the remote site.

(4) Any person who desires to use audio-visual equipment and/or computers additional to those provided in a courtroom or Chambers will be asked to provide details of such equipment. The applicant must also be prepared to have the equipment available for testing with the audio-visual system of the courtroom or Chambers (as the case may be) at least 5 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide equipment that is compatible with the audio-visual system of the courtroom or Chambers.

59. Applications to use the Mobile Infocomm Technology Facilities (“MIT facilities”)

(1) MIT facilities are audio-visual equipment located on a mobile cart and which may be moved from location-to-location within the Court. A list of MIT facilities available is set out in Form 7 of Appendix B of these Practice Directions.

(2) A request to use the MIT facilities for the hearing of any matter in open Court or in Chambers must be made in Form 7 of Appendix B of these Practice Directions and filed in accordance with paragraph 11 of these Practice Directions at least 14 calendar days before the hearing at which the MIT facilities are to be used.

(3) MIT facilities are available for use in both open Court and in Chambers.

(4) Any applicant desiring to use MIT facilities is required to provide details of the type of evidence to be presented and media format in the application form. The applicant must also be prepared to have the presentation material or media available for testing with the MIT facilities at least 5 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide presentation materials or media format that is compatible with the equipment provided by the Court.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

60. (deleted)

PART IX

COMMENCEMENT, TRANSFER AND CESSATION OF PROCEEDINGS IN THE COURT

61. Commencement of proceedings

(1) Pursuant to Order 110, Rule 7 of the Rules of Court, 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) 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) explain why the action is of an international and commercial nature; and

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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

(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 General Division 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 1(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

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.

63. Transfer of proceedings to and from the Court

(1) Any party to proceedings commenced before 2 January 2021 in the High Court, or commenced on or after that date in the General Division, who desires to transfer the proceedings to the Court should make the application for the transfer to the General Division.

(2) Likewise, any party to proceedings in the Court who desires to transfer the proceedings to the General Division 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 General Division 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), (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), (4) and 58 of the Rules of Court, the General Division may, of its own motion, order proceedings in the General Division to be transferred to the Court. The General Division will hear submissions from the parties before making such an order.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(7) Unless otherwise ordered by the High Court before 2 January 2021, the General Division or the 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 before 2 January 2021, or from the General Division, to the Court, the parties shall continue to pay the applicable fees which are payable in the General Division; and
- (b) for proceedings transferred from the Court to the General Division, 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 before 2 January 2021, the General Division 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 before 2 January 2021, or by the General Division, on its own motion to transfer proceedings from the High Court or the General Division (as the case may be) to the Court is appealable only with leave.

64. Cessation of proceedings

(1) A party may discontinue proceedings or withdraw appearance in the Court in accordance with the procedure prescribed in Order 21 of the Rules of Court.

(2) Pursuant to Order 110, Rule 10(3)(b) of the Rules of Court, where the Court decides that it has no jurisdiction or that it should decline to assume jurisdiction, the Court may dismiss or stay the proceedings, or make any other order it sees fit.

PART X

ORIGINATING PROCESSES AND DOCUMENTS

65. Proceedings commenced by Writ of Summons

(1) Pursuant to Order 110, Rule 4 of the Rules of Court, a writ of summons filed in the Court shall be in Form 249 of the Rules of Court.

(2) All trials of proceedings commenced by writ of summons shall be heard in open Court unless a confidentiality order has been made pursuant to Order 110, Rule 30(1) of the Rules of Court. All interlocutory applications in proceedings commenced by writ of summons shall be heard in Chambers unless otherwise provided under any written law, or where the Judge directs otherwise.

(3) Pursuant to Order 12, Rule 4 of the Rules of Court, a defendant to an action begun by writ of summons must enter appearance:

- (a) within 8 days after service of the writ on him if the writ was served within the jurisdiction unless the time for appearance has been extended by or by virtue of the Rules of Court; or
- (b) within 21 days after service of the writ on him if the writ was served out of jurisdiction, or such extended time as the Court may otherwise allow.

(4) The timelines referred to in sub-paragraph (3) apply equally to third parties who are treated as defendants in the third party action pursuant to Order 16, Rule 3 of the Rules of Court.

66. Proceedings commenced by Originating Summons

(1) Where any legislation requires a party to file an originating summons and the form is not provided within the legislation, the originating summons may be filed using Form 250 (Originating Summons) of Appendix A of the Rules of Court.

(2) Pursuant to Order 12, Rule 9 of the Rules of Court, no appearance needs to be entered for an originating summons.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Ex parte Originating Summonses

(3) In all cases where a party approaches the Court on an *ex parte* basis, that party must consider its duty to make full and frank disclosure to the Court and the potential consequences of material non-disclosure. Parties should also bear in mind their continuing duty to make full and frank disclosure of all disclosable matters that arise or occur to the party after the grant of *ex parte* relief.

(4) When an *ex parte* originating summons is filed, the affidavit(s) in support of the application should be filed together with the *ex parte* originating summons.

Originating Summonses to be heard in open Court

(5) Order 28, Rule 2 of the Rules of Court provides that all originating summonses shall be heard in Chambers, subject to any provision in the Rules of Court, written law, directions by the Court, or practice directions issued by the Registrar.

(6) In addition to any provisions in the Rules of Court or other written law, and subject to such further directions made by the Court pursuant to a confidentiality order made pursuant to Order 110, Rule 30(1) of the Rules of Court or otherwise, the Registrar hereby directs that the following applications made by originating summonses shall be heard in open Court:

- (a) applications to the Court of Appeal in Order 57, Rule 16 of the Rules of Court;
- (b) [deleted]
- (c) applications for apportionment of salvage in Order 70, Rule 32 of the Rules of Court;
- (d) applications and appeals under the Trade Marks Act (Cap. 332) in Order 87, Rules 2 and 4; and
- (e) applications and appeals under the Patents Act (Cap. 221) in Order 87A, Rules 9, 10 and 13 of the Rules of Court.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

66A. Timelines for proceedings commenced by Writ of Summons and by Originating Summons

(1) For the avoidance of doubt, save as otherwise provided in Order 110 of the Rules of Court, all timelines set out in the Rules of Court for the conduct of proceedings commenced by Writ of Summons or by Originating Summons shall apply to proceedings in this Court.

(2) Where parties agree that a case should proceed on an expedited basis, they may, in accordance with paragraph 75(2)(c) of these Practice Directions, apply to the Court to fix a Case Management Conference for the purposes of obtaining directions for expedited timelines.

67. Identification numbers to be stated in cause papers

Parties named in the title of the documents

(1) Where a party to any proceedings in the Court first files a document in such proceedings, he shall provide his identification number in accordance with the Electronic Filing System data entry fields for identification number.

Parties not named in the title of the documents

(2) Where a party to any proceedings in the Court first files a document in such proceedings, and the name of the party does not appear in the title of the document but does appear in the body of the document, the identification number of the party should be provided in accordance with the Electronic Filing System data entry fields for identification number.

Documents filed by 2 or more parties

(3) Sub-paragraphs (1) and (2) shall apply, *mutatis mutandis*, to documents which are filed by more than one party.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Identification numbers for non-parties

(4) If any person (living or dead), any entity or any property is the subject matter of any proceedings, or is affected by any proceedings, but is not a party thereto, and the name of such person, entity or property is to appear in the title of the documents filed in the proceedings, the party filing the first document in the proceedings must provide the identification number of such person, entity or property in accordance with the Electronic Filing System data entry fields for identification number. If the party filing the first document in the proceedings is unable, after reasonable enquiry, to discover the identification number of the person, entity or property, he may state “(ID No. not known)”.

Special cases

(5) The following directions shall apply in addition to the directions contained in sub-paragraphs (1) to (4):

- (a) Where a party is represented by a litigation representative (formerly known as “next friend”) or guardian in adoption (formerly known as “guardian ad litem”), sub-paragraphs (1) to (3) shall apply to the litigation representative or guardian in adoption as if he was a party to the proceedings, and the identification numbers of the party, the litigation representative and/or guardian in adoption must be provided in accordance with the Electronic Filing System data entry fields for identification number;
- (b) Where parties are involved in any proceedings as the personal representatives of the estate of a deceased person, sub-paragraphs (1) to (3) shall apply to the deceased person as if he were a party; and
- (c) Where more than one identification number applies to any party, person, entity or property, the identification numbers shall be stated in any convenient order.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Identification numbers

(6) When entering the identification number in the Electronic Filing Service, the full identification number, including the letters before and after the number should be entered.

Guidelines for the selection of identification numbers

(7) The following guidelines should be followed in deciding on the appropriate identification number:

- (a) Natural person with Singapore identity card: For a natural person who is a Singapore citizen or permanent resident, the identification number shall be the number of the identity card issued under the National Registration Act (Cap. 201). The 7-digit number as well as the letters at the front and end should be stated. For example, “(NRIC No. S1234567A)”.
- (b) Natural person with Foreign Identification Number (FIN): For a natural person (whether a Singapore citizen or permanent resident or not) who has not been issued with an identity card under the National Registration Act, but has been assigned a FIN under the Immigration Regulations (Cap. 133, Regulation 1), the identification number shall be the FIN. The number should be preceded by the prefix “FIN No.”.
- (c) Natural person – birth certificate or passport number: For a natural person (whether a Singapore citizen or permanent resident or not) who has not been issued with an identity card under the National Registration Act (Cap. 201) or assigned a FIN under the Immigration Regulations (Cap. 133, Regulation 1), the identification number shall be the birth certificate or passport number. The number should be preceded by either of the following, as appropriate: “(Issuing country) BC No.” or “(Issuing country) PP No.”.
- (d) Natural person – other numbers: For a natural person who is not a Singapore citizen or permanent resident, and has not been assigned a FIN under the Immigration Regulations (Cap. 133, Regulation 1) and does not have a birth certificate or passport number, the identification number shall be the number of any identification document he may possess. Both the number as well as

some descriptive words which will enable the nature of the number given and the authority issuing the identification document to be ascertained should be stated. For example, “Japanese Identification Card No.”.

- (e) Deceased person: For a deceased natural person, the identification number shall be as set out in sub-paragraph (7)(a) to (7)(d) above. However, if such numbers are not available, the identification number shall be the death registration number under the Registration of Births and Deaths Rules (Cap.267, Rule 1) or the equivalent foreign provisions, where the death is registered abroad. The number as well as the following words should be stated: “(Country or place of registration of death) Death Reg. No.”.
- (f) Company registered under the Companies Act: For a company registered under the Companies Act (Cap. 50), the identification number shall be the Unique Entity Number (UEN).
- (g) Company registered outside Singapore: For a company registered outside Singapore which is not registered under the Companies Act (Cap. 50), the identification number shall be the registration number of the company in the country of registration.
- (h) Business registered under the Business Names Registration Act 2014: For a body registered under the Business Names Registration Act 2014, the identification number shall be the UEN number.
- (i) Limitation Liability Partnership registered under the Limited Liability Partnerships Act: For a limited liability partnership registered under the Limited Liability Partnerships Act 2005 (Cap. 163A), the identification number shall be the UEN number.
- (j) Other bodies and associations: For any other body or association, whether incorporated or otherwise, which does not fall within sub-paragraph (7)(f) to (7)(i) above, the identification number shall be any unique number assigned to the body or association by any authority. Both the number as well as some descriptive words which will enable the nature of the number given and the authority assigning the number to be ascertained should be stated. For example, “Singapore Trade Union Reg. No. 123 A”.

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- (k) Ship or vessel: For a ship or vessel, the identification number shall be the registration number assigned by the port of registry. If no such registration number is available, the identification number assigned by the International Maritime Organisation (IMO) or the number of the licence granted by any authority shall be the identification number.
- (l) No identification numbers exist: Where the appropriate identification numbers prescribed by sub-paragraphs (7)(a) to (7)(k) above do not exist, the following words should be stated immediately below or after the name of the party, person, entity or property concerned: “(No ID No. exists)”.

Inability to furnish identification number at the time of filing a document

(8) If a party who wishes to file a document is unable at the time of filing to furnish the necessary identification numbers required by this paragraph, the party may indicate “(ID No. Not Known)” at the time of filing. However, when the necessary identification numbers have been obtained, the party will have to furnish the necessary identification numbers to the SICC Registry in accordance with paragraph 11 of these Practice Directions.

Meaning of document

(9) For the avoidance of doubt, the words “document” and “documents” when used in this paragraph include all originating processes filed in the Court.

Non-compliance

(10) Any document which does not comply with this paragraph may be rejected for filing by the SICC Registry.

68. Endorsements on originating processes and other documents

- (1) Where it is necessary to include endorsements on any document, the directions in this paragraph shall apply.
- (2) Endorsements are normally made on originating processes and other documents to show renewal, amendments and authorisation for service of the document in question. Such endorsements on originating processes and other documents do not require the Registrar's signature as they are made pursuant to either an order of Court or the Rules of Court. The Registrar should therefore not be asked to sign such endorsements.
- (3) For documents that are filed through the Electronic Filing Service as electronic forms composed online:
 - (a) Counsel should select the appropriate endorsement, and check the accuracy of the electronic form in the preview stage before filing the originating process or other document. The acceptance by the SICC Registry of electronic forms composed online does not affect the regularity or otherwise of any endorsements on the document.
 - (b) Where endorsements can be made prior to the filing or issuance of a document, those endorsements shall be incorporated into the document before the document is filed or issued.
 - (c) Where endorsements must be made on a document which has already been filed or issued, a fresh copy of the document containing the relevant endorsements shall be prepared, and the document must be re-filed or re-issued, as the case may be. An example of this would be renewals of writs of summons.

69. Amendment of documents

- (1) The directions in this paragraph shall apply to documents and pleadings filed in any proceedings in the Court.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Amendment of any document

(2) Where a document is required to be amended and filed in Court, a fresh copy of the document with the amendments included must be prepared, regardless of the number and length of the amendments sought to be made.

(3) The procedure for amending a document is as follows:

- (a) a fresh amended copy of the document should be produced.
- (b) the number of times the document has been amended shall be indicated in parentheses after the name of the document. It should therefore be entitled “[document name] (Amendment No. 1)” or “[document name] (Amendment No. 2)” as appropriate.
- (c) the changes made in the document from the latest version of the document filed in Court should be indicated in the following way:
 - (i) deletions shall be made by drawing a single line across the words to be deleted; and
 - (ii) insertions shall be underlined.

(4) The directions in sub-paragraph (3)(b) shall not apply to originating summonses and summonses amended from an *inter partes* application to an *ex parte* application or vice versa.

(5) The directions in sub-paragraph (3)(c) shall not apply to the originating processes, summonses and other electronic forms that are composed online through the Electronic Filing Service.

(6) Where the amendments are so numerous or of such a nature or length that to make written alterations of the document would make it difficult or inconvenient to read, the amended document should comprise two versions:

- (a) a clean version without the amendments shown; followed in the same document by
- (b) a version showing the amendments in colour.

Where the document being amended is a writ, the amended writ must be reissued.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(7) A writ, pleading or other documents which has been amended must be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the Order (if any) authorising the amendment was made and the date thereof, or, if no such order was made, the particular Rule in Order 20 of the Rules of Court pursuant to which the amendment was made.

Amendment of pleadings

(8) The directions in sub-paragraphs (2), (3) and (7) shall apply to the amendment of pleadings. A Statement of Claim which is amended for the first time should be filed as “Statement of Claim (Amendment No. 1)” and a Defence that is amended for the second time should be filed as “Defence (Amendment No. 2)”.

Colour schemes for amendments

(9) The following colours shall be used to indicate the history of the amendments in the pleadings:

- (a) black for the first round of amendments;
- (b) red for the second round of amendments;
- (c) green for the third round of amendments;
- (d) blue for the fourth round of amendments; and
- (e) brown for subsequent rounds of amendments.

Amendments for third time or more

(10) From the third round of amendments onwards, the amended pleading should comprise two versions of the document:

- (a) a clean version without the amendments shown; followed in the same document by
- (b) a version showing the amendments in colour.

Only one amended pleading consisting of these two versions is required to be filed.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Amendment endorsements on electronic forms

(11) Order 20, Rule 10(2) of the Rules of Court requires that an amended pleading or other document be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date thereof, and if no such order was made, the number of the Rule in Order 20 pursuant to which the amendment was made. Where electronic forms are amended, the amendment endorsement shall take either one of the following forms:

- (a) by order of court made on [date order was made]; or
- (b) pursuant to Order 20, Rule [cite specific rule number].

(12) The amendment endorsement shall be appended to the title of the electronic form, after the amendment number as required under sub-paragraph (3)(b) above. Where an electronic form is amended more than once, the endorsement need only cite the basis for the most recent amendment. For example,

“Originating Summons (Amendment No 3,
by order of court made on 1 January 2013)”

“Writ of Summons (Amendment No 1, pursuant to O 20, r 3)”

(13) The date of the electronic form shall reflect the date on which the document is amended.

PART XI

SERVICE

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 required to notify the SICC Registry of the particulars 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. 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.

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(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

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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 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 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):

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- (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.

73. Ordinary service of documents

(1) Order 62, Rule 6 of the Rules of Court shall apply in relation to the service of documents other than those required to be served personally pursuant to any provision in the Rules of Court.

(2) For the purposes of Order 62, Rule 6(1)(e), and without limiting the scope of Order 62, Rule 6(4) of the Rules of Court, the manner in which the Court may direct service of any document to be effected shall include by way of courier, e-mail and social media.

74. General

(1) Where any document is served before midnight on any particular day, it shall be deemed to have been served on that day.

(2) Where the service of any document is effected before 4:00 p.m. on a working day, it shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on that working day and, in any other case, on the next working day.

(3) For the avoidance of doubt, nothing in these directions shall be construed as prescribing the hours within which service must be effected in order to be valid.

(4) An affidavit of service of any document must be in Form 138 of the Rules of Court and must state by whom the document was served, the day of the week and date on which it was served, where it was served and how.

(5) Where any document is required to be served on any person but is not required to be served personally, and at the time when service is to be effected that person is in default as to entry of appearance or has no address for service, then that document need

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not be served on that person unless otherwise provided in the Rules of Court or directed by the Court.

(6) The Court may, in an appropriate case, dispense with service of any document on any person.

PART XII

CASE MANAGEMENT

Writ actions in the Court

75. Fixing of Case Management Conferences

- (1) A Case Management Conference may be fixed at any time by the Court.
- (2) Fixing of the first Case Management Conference:
 - (a) for matters commenced in the Court, and unless otherwise directed by the Court, the first Case Management Conference will generally be fixed 2 weeks from the close of pleadings or when pleadings are deemed to be closed.
 - (b) for matters transferred to the Court:
 - (i) the plaintiff shall write to the SICC Registry within 14 calendar days of the date of the transfer order for a Case Management Conference to be convened. Such request shall be made in accordance with paragraph 11 of these Practice Directions;
 - (ii) if the plaintiff fails to make the request under sub-paragraph (2)(b) above, any other party to the proceedings may request that a Case Management Conference be convened.
 - (c) for the avoidance of doubt, any party may, at any time earlier than that provided in sub-paragraphs (2)(a) and (2)(b) above, apply in writing to the Court to fix a Case Management Conference.
- (3) A Case Management Conference may not be postponed or adjourned without leave of Court.

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

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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;

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- (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:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (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 SICCR Registry in accordance with paragraph 11 of these Practice Directions. The request shall be

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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, 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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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.

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(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.

78. Case Management Bundle

(1) Unless otherwise directed, a Case Management Bundle shall be prepared by counsel for the plaintiff.

(2) The Case Management Bundle shall include:

- (a) pleadings;
- (b) Case Memorandum;
- (c) List of Issues; and
- (d) Proposed Case Management Plan.

(3) The plaintiff (or the party responsible for the preparation of the Case Management Bundle as directed by the Court at a Case Management Conference or otherwise) shall, in consultation with the other parties, be responsible for the preparation and upkeep of the Case Management Bundle.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

79. Case Memorandum

(1) The purpose of a Case Memorandum is to inform the Judge conducting the Case Management Conference of the general nature of the case and the issues which are expected to arise.

(2) The Case Memorandum shall contain:

- (a) a short and uncontroversial description of what the case is about; and
- (b) a short and uncontroversial summary of the material procedural history of the case.

(3) The Case Memorandum does not play any part in the trial. It is therefore unnecessary for parties to be unduly concerned about the precise terms in which it is drafted, provided it contains a reasonably fair and balanced description of the case.

Preparation of the Case Memorandum

(4) Parties shall try to prepare an agreed Case Memorandum for use at the Case Management Conference(s).

(5) If parties are unable to agree on a Case Memorandum, the plaintiff shall prepare the Case Memorandum and send a copy to the other parties for comments. The Case Memorandum, together with comments of the other parties, shall be furnished to the SICC Registry in accordance with the timelines stipulated in paragraph 76(3) of these Practice Directions.

(6) Failure to agree to a Case Memorandum is a matter which the Court may take into account when dealing with costs of the Case Management Conference.

80. List of Issues

(1) Parties shall try to prepare an agreed List of Issues. If it is not possible, the plaintiff shall draft a List of Issues and send a copy to the other parties for comments.

(2) The agreed List of Issues (or the plaintiff's list of issues with the other parties' comments) is to be furnished to the SICC Registry in accordance with the timelines stipulated in paragraph 76(3) of these Practice Directions.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(3) The List of Issues should identify the principal issues in a structured manner. Parties are reminded to avoid long lists of detailed issues; sub-issues should only be identified where there is a specific purpose in doing so.

(4) The List of Issues:

(a) is a document for use as a case management tool (e.g. to determine issues such as scope of documents to be produced, factual and expert evidence, and whether there are issues which may be summarily or preliminarily determined); and

(b) does not supersede the parties' pleadings in the case. In the event of any conflict between the pleadings and the List of Issues, the pleadings shall prevail.

(5) The Judge will, at his discretion, discuss with the parties and approve the List of Issues at the first or any subsequent Case Management Conference. Once the List of Issues has been approved by the Judge, the parties shall not amend or revise the List of Issues without the approval of the Judge.

81. Proposed Case Management Plan

(1) All parties attending a Case Management Conference must be prepared to discuss the issues raised in the Proposed Case Management Plan. The Proposed Case Management Plan shall be in Form 10 of Appendix B of these Practice Directions.

(2) The purpose of the Proposed Case Management Plan is to facilitate the conduct of the proceedings by providing a framework to guide the discussion of various matters that may have to be dealt with prior to trial. The Judge may, after discussion with counsel, make such order or give such direction as the Judge thinks fit.

(3) The Judge may require parties to provide clarification in relation to the information set out in the Proposed Case Management Plan or any other additional information as the Judge deems fit. When so directed by the Court, the parties shall provide to the Court (and copied to all other parties) such information in accordance with the timelines stipulated in paragraph 76(3) above, or otherwise in accordance with any timelines that the Judge may direct.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(4) If parties have any specific or particular directions which they wish to seek from the Judge at a Case Management Conference, the parties shall indicate the orders sought in the Proposed Case Management Plan and provide the Court (and copied to all other parties) such proposed orders in accordance with the timelines stipulated in paragraph 76(3) of these Practice Directions.

82. Compliance with directions made at Case Management Conferences

(1) It is the responsibility of the parties and their counsel to comply with any directions given by the Judge at a Case Management Conference. This includes complying with any directions or timelines set out in the Proposed Case Management Plan that has been approved by the Judge.

(2) In the event that parties are unable to comply with any directions or timelines, it is the duty of parties to inform the Court of the same as soon as practicable. Parties may request that a Case Management Conference be fixed for the purposes of obtaining further directions from the Judge in respect of the management of the cause or matter.

(3) The Registrar may, at any time, require an update on the progress of the cause or matter and give further directions as he deems fit. Unless otherwise directed by the Registrar, such updates and directions shall be by way of correspondence.

Failure to comply with case management directions

(4) Where a party fails to comply with any directions (including any timelines directed) by the Court, the other party may make an application to Court to:

- (a) direct the non-complying party to comply;
- (b) impose costs or other sanctions for the non-compliance; and/or
- (c) seek directions on the further conduct of the cause or matter.

(5) The application referred to in sub-paragraph (4) should be brought without delay. However, prior to making the said application, the applying party should inform the non-complying party of its intention to do so.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Variation or amendment of case management directions

(5A) Where all parties to the proceedings agree, any party may apply for an order to vary or amend any direction or timeline. The application shall be made by way of a letter to the Registrar, stating the reason for the application and exhibiting a draft consent order signed by all parties or their counsel. The application shall be made as soon as practicable. The Court may:

- (a) make the order proposed by the parties;
- (b) direct that the parties attend a further Case Management Conference; and/or
- (c) give any other directions on the further conduct of the cause or matter.

Where non-compliance with directions may have an impact on trial dates

(6) Parties are reminded that once trial dates have been fixed, the postponement or vacation of such dates will be a measure of last resort. Where there has been any non-compliance with directions (including any directions on timelines) from the Court which may lead to a postponement or vacation of trial dates, the Court shall have the discretion to exercise its powers in a manner which will enable a cause or matter to proceed to trial within the period previously fixed, including but not limited to:

- (a) directing parties to comply with expedited or contracted timelines;
- (b) directing trial to proceed on one or more issues which can be made ready for trial, and for remaining issues to be determined at a later tranche of the trial; and/or
- (c) imposing costs or other sanctions for non-compliance with any directions given by the Court.

(7) Where the postponement or vacation of trial dates cannot be avoided, the Court may fix new trial dates at the earliest available dates and give expedited timelines to enable the cause or matter to proceed to trial.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

83. Preparation for subsequent Case Management Conferences (if any)

(1) Where necessary or appropriate, and whether on the request of parties or otherwise, the Judge may fix Case Management Conferences to monitor the progress of the cause or matter.

Updated Case Management Bundle

(2) Where a Case Management Conference is fixed in accordance with subparagraph (1), and unless otherwise directed by the Judge, an updated Case Management Bundle shall be lodged with the SICC Registry at least 7 working days before any such Case Management Conference.

Responsibility for updating the Case Management Bundle

(3) Unless otherwise directed by the Judge, counsel for the plaintiff is responsible for revising and updating the Case Management Bundle (if necessary) for subsequent Case Management Conferences.

(4) Where parties (other than the plaintiff) have submitted comments to the Case Memorandum or List of Issues in accordance with paragraphs 79 and 80 of these Practice Directions, counsel for that party shall be responsible for revising the comments as necessary.

84. Progress Monitoring

(1) At a Case Management Conference, the Court may fix a progress monitoring date which will generally be 14 calendar days after the date for the production of documents. The Progress Monitoring Information Sheet shall be in Form 11 of Appendix B of these Practice Directions.

(2) At least 7 working days before the progress monitoring date, parties are to complete the Progress Monitoring Information Sheet and to submit the same to the SICC Registry (copying to all other parties) in accordance with paragraph 11 of these Practice Directions.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(3) The purpose of the Progress Monitoring Information Sheet is to inform the Court whether:

- (a) parties have complied with the pre-trial timetable, and if not, the respect in which they have not been complied with; and
- (b) parties will be ready for trial commencing on the fixed date(s) specified in the pre-trial timetable, and if they will not be ready, the reasons why they are unable to meet the date(s) specified.

(4) Upon reviewing the Progress Monitoring Information Sheet, the Judge may:

- (a) direct the parties to provide further information on the progress of the cause or matter; and/or
- (b) call for another Case Management Conference.

85. Pre-Trial Case Management Conference and Trial Timetable

Pre-Trial Case Management Conference

(1) The Court will order a pre-trial Case Management Conference in any case in which it considers appropriate to do so. A pre-trial Case Management Conference will normally take place between 8 and 4 weeks before the date fixed for trial, subject to the discretion of the Court.

(2) Lead counsel for each party shall attend the pre-trial Case Management Conference unless otherwise directed by the Court.

(3) All parties attending the pre-trial Case Management Conference must prepare and complete a draft trial timetable and the Pre-Trial Checklist in accordance with subparagraph (4) below.

Pre-Trial Checklist and Trial Timetable

(4) Before the pre-trial Case Management Conference, parties must:

- (a) attempt to agree on a timetable for the trial, including time estimates for oral submissions, examinations-in-chief (if any) and cross-examination of witnesses of fact and expert witnesses. Any differences of view on the trial

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timetable between the parties or their counsel should be clearly identified and briefly explained; and

- (b) complete a Pre-Trial Checklist. The Pre-Trial Checklist shall be in Form 12 of Appendix B of these Practice Directions.

(5) At least 7 working days before the date fixed for the pre-trial Case Management Conference, the party responsible for the preparation and updating of the Case Management Bundle in accordance with paragraph 83(3) of these Practice Directions (or any directions given by the Judge) shall file a copy of the draft trial timetable and the Pre-Trial Checklist.

(6) At the pre-trial Case Management Conference, the Judge will consider the trial timetable provided by the parties, but is not required to follow the said trial timetable. The Judge may set a timetable for the trial and give such other directions for the conduct of the trial as appropriate.

Filing of Trial Timetable and Pre-Trial Checklist where no Pre-Trial Case Management Conference has been fixed

(7) Where the Judge has directed that no pre-trial Case Management Conference is necessary, the party responsible for the preparation and updating of the Case Management Bundle in accordance with paragraph 83(3) shall file, at least 7 working days before the trial is due to commence:

- (a) an agreed timetable for the trial, including time estimates for oral submissions, examinations-in-chief (if any) and cross-examination of witnesses of fact and expert witnesses. Any differences of view on the trial timetable between the parties or their counsel should be clearly identified and briefly explained; and
- (b) a Pre-Trial Checklist in Form 12 of Appendix B of these Practice Directions.

(8) For the avoidance of doubt, the Judge will consider the trial timetable provided by the parties, but is not required to follow the said trial timetable in the conduct of the trial.

Originating Summonses in the Court

86. *Inter partes* Originating Summonses

(1) The following sub-paragraphs apply to originating summonses that are to be heard on an *inter partes* basis.

(2) When an originating summons is filed, the affidavit or affidavits in support of the application should be filed in accordance with Order 28, Rule 3(1) of the Rules of Court.

(3) The originating summons will be endorsed with an originating summons number and thereafter returned to the plaintiff by the SICC Registry. Parties and counsel are therefore reminded to serve the endorsed originating summons and supporting affidavit(s) as soon as possible after the originating summons is returned by the SICC Registry.

(4) The SICC Registry will inform the parties and counsel of the hearing date of the originating summons. The hearing date will be after the timelines set out in Order 28, Rule 3(3) of the Rules of Court for the filing of any affidavit or affidavits in response by the defendant.

(5) In the event that service of the originating summons and supporting affidavit(s) cannot be effected at least 3 working days before the scheduled hearing date, the plaintiff should write to the Registrar, copied to the defendant, indicating the date of service of the originating summons (if known) and requesting that the date of the hearing be re-fixed. Such request should be made in accordance with paragraph 11 of these Practice Directions.

(6) If necessary, parties may be asked to attend a Case Management Conference for directions in respect of the conduct of the originating summons. Parties may also request that a Case Management Conference be convened. Such request shall be submitted in accordance with paragraph 11 of these Practice Directions.

(7) At the Case Management Conference, the Judge will determine the readiness of the parties for a substantive hearing and give directions (if any) for the further conduct of the proceedings, including directions on the exchange of written submissions.

PART XIII

EXPERT WITNESSES

87. Appointment of expert witnesses

(1) In cases where expert witnesses will be called to give evidence at the trial, counsel for each party intending to call an expert witness or expert witnesses shall write to all other parties in accordance with the timelines directed by the Judge (at a Case Management Conference or otherwise) to:

- (a) inform the other parties of the name(s) of the expert(s) which that party intends to engage;
- (b) set out the areas or issues which the expert(s) will be providing testimony; and
- (c) attach the curriculum vitae of the expert(s).

(2) Counsel for each party is to inform all other parties in accordance with the timelines directed by the Judge on whether there are any objections to the experts that will be called by the other parties.

(3) Counsel may raise objections about the experts at or prior to a Case Management Conference, and seek directions from the Judge at the Case Management Conference. If objections are raised prior to a Case Management Conference, such objections should be in writing and sent to all other parties.

88. Preparation for witness conferencing for expert witnesses

(1) The Court will, as a default practice, direct that the experts meet before trial to discuss their respective reports, to determine where they are in agreement on the issues, and, where they do not agree, the extent of their disagreement. The parties and their lawyers will not be permitted to attend these expert meetings unless otherwise directed by the Court. The experts will thereafter be expected to prepare a joint experts' report setting out:

- (a) a list of issues and/or technical issues;

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- (b) areas/issues where they are agreed;
- (c) areas/issues where they disagree;
- (d) the reasons, nature and extent of their disagreement; and
- (e) any other information which may assist the Court.

(2) If the experts reach an agreement on an issue or issues, the parties shall not be bound by it unless the parties expressly agree to be bound by it. However, the Court will be entitled to take cognizance of the experts' agreement.

(3) Accordingly, as far as possible, and in accordance with the timelines directed by the Judge (at a Case Management Conference or otherwise), parties should agree on a timetable for:

- (a) the experts' meeting; and
- (b) the preparation of a joint experts' report.

(4) Counsel for each party is to seek consensus with counsel for all other parties on the issue of use of concurrent evidence procedure (see paragraph 90 of these Practice Directions) for experts pursuant to Order 40A, Rule 6 of the Rules of Court, and to update the Court at a Case Management Conference or by correspondence, as may be directed by the Court.

89. Expert evidence at trial

(1) The provisions of Order 40A of the Rules of Court shall apply to all aspects of expert evidence.

(2) Generally, at the trial, expert witnesses will give evidence after all the witnesses of fact have been heard. This issue will usually be discussed at the Case Management Conference(s).

(3) Expert witnesses may be examined concurrently as a panel (see paragraph 90 of these Practice Directions). This issue will usually be discussed at the Case Management Conference(s).

(4) Sub-paragraphs (2) and (3) above are subject to the parties waiving their right or rights to submit no case to answer. For the avoidance of doubt, if the parties do not

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agree to waive their right or rights to submit no case to answer, there will not be concurrent examination of the expert witnesses as a panel.

(5) To avoid doubt, paragraph 111A of these Practice Directions applies where leave is sought for an expert witness who is outside Singapore to give evidence by live video or live television link.

90. Concurrent evidence procedure

(1) The Court may direct that the evidence of several experts be taken concurrently. Where the taking of concurrent evidence is contemplated, experts may be directed to agree on a list of issues and the order in which expert evidence on those issues are to be given. For this purpose, an experts' meeting may be directed for experts to:

- (a) discuss without the presence of counsel (unless such presence is otherwise directed by the Court); and
- (b) agree on the list of issues and the order in which expert evidence on those issues are to be given.

(2) Where concurrent expert evidence is directed, the manner in which concurrent expert evidence is to be taken is at the Court's discretion. Parties should note that in general, a full cross-examination or re-examination is neither necessary nor appropriate.

PART XIV

REQUESTS FOR PRODUCTION OF DOCUMENTS

Physical Documents

91. Production of physical documents

(1) The Court may order the production of documents under Order 110, Rule 17 of the Rules of Court if the requirements stated in Order 110, Rule 15(3) are satisfied and none of the objections stated in Order 110, Rule 17(2) applies.

(2) In particular, the documents sought to be produced must be relevant and material to the case. It is not sufficient that the documents may lead to a train of inquiry resulting in the obtaining of information which may adversely affect or support a party's case.

Electronic Documents

92. Production of electronic documents

(1) Paragraphs 92 to 96 of these Practice Directions provide a framework for proportionate and economical requests for the production of electronic copies of electronically stored documents. This Part or any portion thereof applies:

- (a) by mutual agreement of all parties in the cause or matter; or
- (b) when the Court so orders, either on its own motion or on application by a party.

A party that seeks to rely on this Part must cite the relevant paragraph(s) in any request or application made hereunder.

(2) Parties are encouraged to collaborate in good faith and agree on issues relating to production of electronically stored documents within the scheme for production of documents set forth in Order 110, Rules 14 to 21 of the Rules of Court.

(3) Parties should consider the application of this Part or any portion thereof in the following cases:

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- (a) where the claim or the counterclaim exceeds S\$ 1 million;
 - (b) where documents that may be produced by a party exceeds 2,000 pages in aggregate; or
 - (c) where documents that may be produced in the case or matter comprise substantially of electronic mail and/or electronic documents.
- (4) For the avoidance of doubt, this Part applies to pre-action production of documents, production of documents between parties in a pending cause or matter, and production of documents by third parties.

Location of electronically stored documents

(5) Electronically stored documents may reside in storage management systems, folders or directories in storage locations, electronic media or recording devices, including folders or directories where temporarily deleted files are located (for example, the Recycle Bin folder or Trash folder). Electronically stored documents or parts thereof may also reside in the unallocated file space or file slack on an electronic medium or recording device as deleted files or file fragments which may be recovered through the use of computer forensic tools or techniques.

Meaning of “metadata information”

(6) Metadata information refers to the non-visible and not readily apparent information embedded in or associated with electronically stored documents and may include both application metadata, which is created by the application software used to create the electronic documents, and system metadata, which is created by the operating or storage system. Examples of application metadata include hidden columns or text, formatting and display codes, formulae, prior edits and editorial comments; examples of system metadata include data relating to creation, modification and access of the electronic document, its size, file format and storage location, and other document profile information like title, author, subject and keywords or tags. Metadata information may be stored internally within the electronically stored document or externally in a separate file or database. Externally stored metadata information shall be produced as separate documents.

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Meaning of “not reasonably accessible documents”

- (7) Electronically stored documents which are not reasonably accessible include:
- (a) deleted files or file fragments containing information which may be recovered only through the use of computer forensic tools or techniques; and
 - (b) documents archived using backup software and stored off-line on backup tapes or other storage media.

Meaning of “forensic inspection”

(8) A forensic inspection of an electronic medium or recording device means a reasonable search of the electronic medium or recording device for the purpose of recovering deleted electronic documents, which may extend to a forensic examination of the unallocated file space or file slack of the electronic medium or recording device using computer forensic tools and/or techniques.

93. Production of metadata information

(1) Internally stored metadata information shall be produced as part of the electronically stored document in which it is embedded. Externally stored metadata information shall be produced separately from the electronically stored documents or class of electronically stored documents that it is associated with. Unless a request for production specifies that production of externally stored metadata information of the requested electronically stored documents is required, the party providing production of documents shall not be required to produce externally stored metadata information.

(2) An application for production of externally stored metadata information of any electronically stored document or class of electronically stored documents must be supported by an affidavit showing that a request for such externally stored metadata information had been made previously.

94. Reasonable searches for electronically stored documents

(1) A class of electronically stored documents may be described by specifying or describing a search term or phrase to be used in a search for electronically stored documents which shall be sufficiently particularised (“reasonable search”). A request for production by describing a class of electronically stored documents with reference to search terms or phrases is deemed to be sufficiently particularised if it specifies or describes limits on the scope of the search; such limits shall include at least the following:

- (a) specifying or describing custodians and repositories, for example, physical or logical storage locations, media or devices; and
- (b) specifying the period during which the requested electronically stored documents were created, received or modified.

(2) Subject to paragraph 95 of these Practice Directions, requests for reasonable searches shall not extend to electronically stored documents which are not reasonably accessible unless the conditions in this paragraph are met. A party requesting a reasonable search for electronically stored documents which are not reasonably accessible must demonstrate that the relevance and materiality of the electronically stored documents justify the cost and burden of retrieving and producing them.

(3) The obligations of a party responding to a request for reasonable search for electronically stored documents is fulfilled upon that party carrying out the search to the extent stated in the request and producing any electronically stored documents located as a result of that search. The party producing documents shall not be required to review the search results for relevance.

Applications to Court

(4) An application for production of any electronically stored document or class of electronically stored documents which specifies or describes a search term or phrase to be used in a reasonable search for electronically stored documents must specify or describe limits on the scope of the search to be conducted.

(5) An application for production of any electronically stored document or class of electronically stored documents which specifies or describes a search term or phrase to

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be used in a reasonable search for electronically stored documents which are *not reasonably accessible* must:

- (a) specify or describe limits on the scope of the search to be conducted; and
- (b) be supported by an affidavit demonstrating that the relevance and materiality of the electronically stored documents sought to be produced justify the cost and burden of retrieving and producing them.

Review for the purpose of asserting privilege

(6) Nothing in this paragraph shall prevent the party producing documents from reviewing the responsive electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents shall not extend to the intentional deletion, removal or alternative or metadata information. Review for the purpose of asserting privilege must, unless otherwise agreed by parties or ordered by the Court, be concluded within 14 calendar days after the search results are made available to the party producing documents.

95. Matters to which regard shall be had in determining whether production is necessary

(1) In determining an application under Order 110, Rule 17 of the Rules of Court, where it is for the production of electronic documents, the Court shall, in addition to the matters set out in Order 110, Rule 17(2)(b) of the Rules of Court, have regard to the following matters:

- (a) the number of electronic documents involved;
- (b) the nature of the case and complexity of the issues;
- (c) the value of the claim and the financial positions of the parties;
- (d) the ease and expense of retrieval of any particular electronically stored document or class of electronically stored documents, including –
 - (i) The accessibility, location and likelihood of locating any relevant and material documents,

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- (ii) the costs of recovering and producing any relevant and material documents,
 - (iii) the likelihood that any relevant and material documents will be materially altered in the course of recovery, or the production; and
- (e) The significance of any particular electronically stored document or class of electronically stored documents which are likely to be located to the issues in dispute.

96. Production of electronic copies

(1) A person required to produce electronically stored documents shall generally produce an electronic copy in the native format in which the requested electronic documents are ordinarily maintained and in one or more read-only optical disc(s).

(2) Metadata information internally stored in the native format of the responsive electronically stored documents shall not be intentionally deleted, removed or altered without the agreement of the parties or an order of Court. Where the party required to produce electronically stored documents objects to production for inspection of certain responsive electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, but does not object to the production of the electronic documents without the internally stored metadata information, copies of such documents may be supplied in a reasonably usable format with all or such of the metadata information over which privilege is claimed removed.

Requests for the supply of copies

(3) A request for copies of responsive electronically stored documents may specify the format and manner in which such copies are to be supplied. If the party producing documents does not agree with the specified format or manner or both, he may either:

- (a) propose a reasonably usable format and/or storage medium and/or a reasonable manner in which he intends to supply copies of the requested electronic documents; or

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(b) in default of agreement, supply copies of the requested documents in accordance with sub-paragraph (1).

(4) The party required to produce electronically stored documents shall not be required to supply copies of responsive electronic documents in more than one format.

(5) The file formats set out in Appendix E of these Practice Directions shall be deemed to be reasonably usable formats for the purpose of this paragraph.

Applications for the supply of copies

(6) Applications for the supply of copies of responsive electronically stored documents shall specify the format and manner in which copies of such electronic documents are to be supplied.

PART XV
CONFIDENTIALITY IN PROCEEDINGS
BEFORE THE COURT

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.

PART XVI

CONDUCT OF HEARINGS

98. Conduct of Hearings

(1) Except as provided by sub-paragraph (2) or (5), all hearings of any cause or matter shall be conducted at the premises of the Court at the Supreme Court Building with the attendance of all parties or their counsel.

(2) Hearings may be conducted through video conferencing or telephone conferencing if directed by the Court hearing the matter. Each party shall make its own arrangements to procure the necessary telecommunications facilities or services in order to participate in the video conference or telephone conference. Each party shall be responsible for ensuring that it joins the video conference or telephone conference at the designated date and time. Costs reasonably incurred in participating in such video conference or telephone conference may, subject to the discretion of the Court as to costs, be claimable as disbursements in the cause or matter.

(2A) Where the Court issues directions for a hearing to be conducted by way of video conferencing or telephone conferencing:

(a) Counsel may write to the Court to raise any concerns that they may have within 2 days after receiving notification of such directions; and

(b) A party who is not legally represented is strongly encouraged to use video conferencing or telephone conferencing, but may inform the Court if he does not wish to do so.

(2B) The Court retains full discretion to decide (a) whether to conduct any hearing by video conferencing or telephone conferencing, and (b) whether to conduct any hearing with one or more parties attending by video conferencing or telephone conferencing and any other party attending physically in Court.

(2C) Unauthorised audio or visual recording of hearings is strictly prohibited and in appropriate cases, the Court may require an undertaking that no such recording will be made. The attention of parties is drawn to section 5 of the Administration of Justice (Protection) Act 2016 regarding contempt of court by unauthorised recordings.

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(2D) Where hearings are conducted by video conferencing or telephone conferencing, all court rules and practices on dress and etiquette will continue to apply. However, it will not be necessary to stand and/or bow to the Court at the start or end of the hearing or to stand when addressing the Court.

(3) Parties who wish to apply for the hearing to be conducted via video conferencing or telephone conferencing 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 hearing, and only after seeking the consent of all the other parties to do so.

(4) In the event that parties are unable to agree on the conduct of the hearing by video conferencing or telephone conferencing, the requesting party shall seek directions from the Court 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 hearing.

(5) Where parties consent, the Court may determine any application or matter on the basis of the documents filed for that application or matter, and without the need for oral arguments or submissions by counsel pursuant to Order 110, Rule 51 of the Rules of Court.

99. Requesting a hearing date

(1) When filing applications, counsel may make a request for a preferred hearing date.

(2) Where possible, counsel should confer with counsel for all parties to the application before informing the SICC Registry of the preferred hearing date. Counsel arguing the application for all parties should be available to attend the hearing on the date(s) selected.

100. Updating status of cause or matter

(1) Counsel should inform the SICC Registry when there are any developments which are likely to affect the length of the hearing of any application or of the trial, or any prospects of settlement.

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(2) In relation to trial, the attention of counsel is drawn to Order 34, Rule 5 of the Rules of Court, which provides:

“It shall be the duty of all parties to an action entered in any list to furnish without delay to the Registrar all available information as to the action being or being likely to be settled, or affecting the estimated length of the trial, and, *if the action is settled or withdrawn, to notify the Registrar of the fact without delay.*” [emphasis added]

101. **Adjournment or vacation of trial dates and part-heard trials**

(1) Where dates have been fixed for the trial of any cause or matter, any request for an adjournment or vacation of the trial dates shall be made to the Court by way of a formal application with a supporting affidavit, even in those cases where counsel for the other party or parties consent to the adjournment.

(2) Such application should be filed, served, delivered or otherwise conveyed to the SICC Registry in accordance with paragraph 44, 45 or 46 of these Practice Directions at least 14 calendar days before the trial. The supporting affidavit should state the reasons for the adjournment or vacation of trial date(s). Parties are reminded that even where the consent of the other parties to the adjournment or vacation of trial 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 application before making its decision.

(3) When a case is adjourned, the Judge shall, with the objective of completing the adjourned hearing as soon as possible, fix such days as are available for the hearing of the case after consulting with the parties or the Registrar may do so after consulting with the trial Judge and the parties.

(4) In the event that the hearing of a case is not concluded within the number of days allotted, the trial Judge may, after consulting with the parties, direct the hearing of the case to continue beyond the allotted time, rather than adjourning the case part-heard to another date.

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 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.

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103. Requests for further arguments before the Judge

(1) All requests for further arguments shall be made by way of a request filed through the Electronic Filing Service or otherwise submitted to the SICC Registry in accordance with paragraph 11 of these Practice Directions. The request shall:

- (a) state the party making the request;
- (b) identify the Judge who heard the matter in question;
- (c) specify when the order concerned was made;
- (d) state the provision of law under which the request is made;
- (e) set out the proposed further arguments briefly, together with any authorities;
and
- (f) include a copy of each of the authorities cited.

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

PART XVII

INTERLOCUTORY APPLICATIONS (INCLUDING APPLICATIONS FOR INJUNCTIONS)

104. Interlocutory applications

Inter partes interlocutory applications

(1) An *inter partes* interlocutory application should be filed as a summons. Any supporting affidavit(s) should be filed together with the application. The application should be filed, served, delivered or otherwise conveyed to the SICC Registry in accordance with paragraph 44, 45 or 46 of these Practice Directions. The applicant may, at the time of filing the application, indicate a preferred hearing date.

(2) The application will be endorsed with a summons number and hearing date, and thereafter be returned to the applicant by the SICC Registry. Where no hearing date has been indicated on the endorsed summons, the SICC Registry will inform parties of the hearing date subsequently. Generally, the hearing date will not be less than two weeks after the date of issuance of the summons.

(3) Parties are reminded to serve the application and all supporting affidavits as soon possible after the endorsed application is returned by the SICC Registry to the applicant.

(4) In the event that the hearing date referred to at sub-paragraph (2) is not suitable, parties may make a request for a different or preferred hearing date in accordance with paragraph 102 of these Practice Directions.

Ex parte interlocutory applications

(5) In all cases where a party approaches the Court on an *ex parte* basis, that party must consider its duty to make full and frank disclosure to the Court and the potential consequences of material non-disclosure. Parties should also bear in mind their continuing duty to make full and frank disclosure of all disclosable matters that arise or occur to the party after the grant of *ex parte* relief.

(6) An *ex parte* interlocutory application should be filed as a summons. When an *ex parte* interlocutory application is filed, the affidavit(s) in support of the application

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should be filed together with the *ex parte* summons. The application should be filed, delivered or otherwise conveyed to the SICC Registry in accordance with paragraph 44, 45 or 46 of these Practice Directions. The applicant may, at the time of filing, indicate a preferred hearing date.

105. Hearing of interlocutory applications

(1) All interlocutory applications in matters before the Court will be heard in Chambers by a Judge unless otherwise directed by the Court.

(2) As far as possible, the SICC Registry will assign all interlocutory applications in matters before the Court to the Judge who will be hearing the trial or other dispositive hearing of the matter.

106. Hearing of “*ex parte*” and “by consent” summonses

(1) Ordinary summonses which are endorsed:

- (a) “*ex parte*” must bear a certificate to that effect signed by the applicant’s counsel;
- (b) “by consent” must bear a certificate to that effect signed by all counsel concerned.

(2) Any other summons not endorsed as described in sub-paragraph (1) will be regarded as a contentious matter.

(3) After the filing of any “*ex parte*” or “by consent” summons, the application will be considered by a Judge. If the Judge is satisfied that the application is in order and all other requirements have been complied with, he may, in accordance with Order 110, Rule 51 of the Rules of Court, dispose of the application on the day fixed for the hearing of the application without the attendance of the parties or their counsel.

106A. Summary Table for Applications for Further and Better Particulars, Discovery, Production of Documents or Interrogatories

(1) Unless otherwise directed, this paragraph applies to any application made for an order under Order 18, Rule 12, Order 24, Rule 1, 5, 6, 11 or 12 or Order 110, Rule 17, 18 or 22 of the Rules of Court, where:

- (a) more than 5 categories or sub-categories of particulars, documents or interrogatories are sought, or the parties agree that this paragraph applies to the application; and
- (b) the application is contested.

The Court may also direct that this paragraph applies to any other application.

(2) With a view to enhancing the efficacy of an oral hearing, the parties must complete the summary table in Form 12A in Appendix B of these Practice Directions (the “Summary Table”), in lieu of filing written submissions. In exceptional circumstances (*e.g.* where there are novel issues to be determined), the parties may seek leave of the Court to file written submissions in addition to the Summary Table.

(3) Unless otherwise directed by the Court, the parties must complete the Summary Table in the following manner:

- (a) The applicant must complete Columns A and B of the Summary Table, and serve the Summary Table on the respondent, when filing the application. The applicant may also complete Column C of the Summary Table before the applicant serves the Summary Table on the respondent under this subparagraph.
- (b) If the applicant did not complete Column C of the Summary Table when the application was filed, the applicant must complete Column C of the Summary Table, and serve the Summary Table with Column C completed on the respondent, no later than 8 working days before the date of the hearing.
- (c) The respondent must complete Column D of the Summary Table, and serve the Summary Table with Column D completed on the applicant, within 3 working days after receiving from the applicant the Summary Table with Column C completed.

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- (d) The applicant must complete Column E of the Summary Table, serve on the respondent the completed Summary Table, and file the completed Summary Table using the Electronic Filing Service as an “Other Hearing Related request”, within 3 working days after receiving from the respondent the Summary Table with Column D completed and, in any event, no later than 2 working days before the date of the hearing.

(4) Where a party wishes to adduce any evidence for the purposes of the application, or the Court grants a party leave to file written submissions in addition to the Summary Table:

- (a) the Court may adjust the timelines mentioned in sub-paragraph (3); and
- (b) the party must file and serve the party’s affidavit or written submissions (as the case may be) in accordance with the timelines directed by the Court.

107. ***Ex parte* applications for injunctions and search orders**

(1) Order 29, Rule 1 of the Rules of Court provides that an application for the grant of an injunction may be made *ex parte* in cases of urgency. Nevertheless, a respondent to an *ex parte* application, especially where the application seeks injunctive relief, should be invited to attend at the hearing of the application.

(2) In view of this, any party applying *ex parte* for an injunction (including a *Mareva* injunction) must give notice of the application to the other concerned parties prior to the hearing. The notice may be given by way of email, facsimile transmission or telex, or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the leave of the Court, the party shall give a minimum of two hours’ notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and the nature of the relief sought. If possible, a copy of the originating process, the *ex parte* summons and supporting affidavit(s) should be given to each of the other parties in draft form as soon as they are ready to be filed in Court.

(3) At the hearing of the *ex parte* application, in the event that some or all of the other parties are not present or represented, the applicant’s counsel should inform the Court of:

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- (a) the attempts that were made to notify the other parties or their counsel of the making of the application;
- (b) what documents were given to the other parties or their counsel and when these documents were given; and
- (c) whether the other parties or their counsel consent to the application being heard without their presence.

(4) The directions set out in sub-paragraph (2) need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the *ex parte* application.

(5) All *ex parte* applications for injunctions and search orders must be supported by an affidavit containing the following information under clearly defined headings:

- (a) Reason(s) the application is taken out on an *ex parte* basis, including whether the applicant believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;
- (b) Urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;
- (c) Factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the opponent dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the opponent;
- (d) Factual basis for any reasonable defences that may be relied on by the opponent;
- (e) Whether the applicant is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of jurisdiction, and if so, whether any application relating to these issues has been or will be made;
- (f) An undertaking to pay for losses that may be caused to the opponent or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and

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(g) Any other material facts which the Court should be aware of.

(6) An applicant must prepare skeletal submissions on the points to be raised at the hearing of the *ex parte* application. At the hearing, the applicant shall give a copy of the skeletal submissions to the Court and to any opponent present. As soon as possible after the hearing, the applicant shall file the skeletal submissions in Court.

(7) The Court may also require the applicant to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the court documents on any opponent who is not present at the hearing or within a reasonable time after the service of the court documents.

108. ***Mareva* injunctions and search orders**

(1) Applicants for *Mareva* injunctions and search orders are required to prepare their orders in accordance with the following forms in Appendix B of these Practice Directions:

- (a) Form 13: Search order;
- (b) Form 14: Worldwide *Mareva* injunction; and
- (c) Form 15: *Mareva* injunction limited to assets within the jurisdiction.

(2) The language and layout of the forms are intended to make it easier for persons served with these orders to understand what they mean. These forms of orders should be used save to the extent that the Judge hearing the application considers there is a good reason for adopting a different form. Any departure from the terms of the prescribed forms should be justified by the applicant in his supporting affidavit(s).

(3) The applicant should undertake not to inform any third party of the proceedings until after the return date.

(4) Where practicable, applications should be made sufficiently early so as to ensure that the Judge has sufficient time to read and consider the application in advance.

(5) On an *ex parte* application for either a *Mareva* injunction or search order, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by payment to be made into Court, a bond to be issued by an insurance company with a place of business within Singapore, a written guarantee to be issued

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from a bank with a place of business within Singapore or any other mode which the Court deems fit.

109. Execution of a search order

(1) The attention of counsel is drawn to *Universal Thermosensors Ltd v Hibben* [1992] 1 WLR 840 at 861 where it was suggested that a search order be served by a supervising solicitor and carried out in his presence and under his supervision:

- (a) The supervising solicitor should be an experienced solicitor who is not a member or employee of the firm acting for the applicant and who has some familiarity with the operation of search orders. The evidence in support of the application should include the identity and experience of the proposed supervising solicitor.
- (b) Where the premises are likely to be occupied by an unaccompanied woman, at least one of the persons attending on the service of the order should be a woman.
- (c) Where the nature of the items removed under the order makes this appropriate, the applicant will be required to insure them.

(2) In this regard, the supervising solicitor should be an Advocate and Solicitor.

PART XVIII

EVIDENCE FOR TRIALS AND OTHER HEARINGS

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 or will be represented by counsel, a Restricted Registration Foreign Lawyer or a Registered Law Expert who 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 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 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

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- (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.

111. **Witnesses of Fact**

(1) All affidavits of evidence-in-chief shall be in English. Where a witness is not fluent in English or does not understand English, and intends to rely on or refer to a translation of his affidavit at trial, the translated affidavit should be provided to the counsel for the other party at the time that affidavits of evidence-in-chief are exchanged.

(2) An affidavit of evidence-in-chief should, as far as possible, be in the witnesses' own words and should not contain legal or other arguments. It should identify which statements are made from the deponent's own knowledge and which statements are based on information or belief, and if the latter, should identify the source or basis for the statement of information or belief.

(3) A witness giving oral evidence at trial may, with the permission of the Court and subject to any directions or limitations the Court may impose, be allowed to orally supplement his evidence in response to matters arising after the filing of affidavits of evidence-in-chief or in response to assertions by the other party or parties which the witness has not had a reasonable opportunity to respond to.

Release of witness upon completion of evidence

(4) Every witness will be released from his oath by the Court upon completion of his evidence. If counsel does not wish for the witness to be released, it is his duty to apply to the Court and inform the Court of the reason for this application.

111A. Giving of evidence by person outside Singapore through live video or live television link in any proceedings

(1) Any application for leave for any person outside Singapore to give evidence by live video or live television link in any proceedings must be made expeditiously and, in any case, unless the Court otherwise directs, not later than eight weeks before the date of commencement of the hearing at which the person is to give evidence. The application may also contain a prayer for the issue of a letter of request, to the relevant authorities of a foreign jurisdiction, for permission for evidence to be given by live video or live television link by a person located in that jurisdiction, if the laws of that jurisdiction require the issue of such a letter of request.

(2) A party applying for leave for any person outside Singapore to give evidence by live video or live television link must take note of the relevant legislation and requirements in force in the foreign country or territory where the person is giving evidence. Certain countries or territories may impose prohibitions against, restrictions on, or requirements to obtain permission for or relating to, the giving of evidence by a person in that country or territory for court proceedings in a different country or territory. The party applying for leave must make all necessary enquiries, and take all necessary steps, to ensure that the foreign country or territory where the person is giving evidence raises no objection, to the giving of evidence in that country or territory for court proceedings in Singapore. This may be done by any means that the party considers appropriate, including:

- (a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign country or territory;
- (b) making enquiries with the relevant authorities; or
- (c) obtaining permission from the relevant foreign country or territory, in accordance with any applicable procedure, for evidence to be given by a person located in that country or territory through a live video or live television link, if such permission is required.

(3) An application for the issue of a letter of request, to the relevant authorities of a foreign jurisdiction, for permission for evidence to be given by live video or live television link by a person located in that jurisdiction, if not contained in an application mentioned in sub-paragraph (1), must be made expeditiously and, in any case, unless

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the Court otherwise directs, not later than eight weeks before the date of commencement of the hearing at which the person is to give evidence.

(4) To avoid doubt, the proceedings mentioned in sub-paragraph (1) include all civil proceedings involving the examination of any person.

Evidence by Affidavit

112. Form of Affidavits

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

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

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

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

- (a) The party on whose behalf the affidavit is filed;
- (b) The name of the deponent;
- (c) The ordinal number of the affidavit in relation to the previous affidavits filed in the cause or matter by the deponent;
- (d) the date the affidavit is to be filed (in day-month-year format)

For example, “2nd Deft; John Tan; 4th; 30.05.2014”.

(5) Every page of the affidavit (including separators and exhibits) shall be paginated consecutively, and the page number shall be inserted at the centre top of the page. The page number of the printed copy of the affidavit must coincide with the page number of the electronic copy of the affidavit.

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

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

113. **Non-documentary exhibits to affidavits**

(1) Non-documentary exhibits (e.g. tapes, samples of merchandise, etc.) shall be clearly marked with the exhibit mark in such a manner that there is no likelihood of the exhibit being separated or misplaced. The affidavit should indicate that the exhibit (e.g. tapes, samples of merchandise, etc.) is a non-documentary exhibit and refer to it according to the relevant exhibit number.

(2) Where the exhibit consists of more than one item (e.g. CD-ROMs in a box) each and every such separate item of the exhibits shall similarly be separately marked with enough of the usual exhibit marks to ensure precise identification.

(3) Where it is impracticable to mark on the article itself, such article or the container thereof shall be tagged or labelled with the exhibit mark securely attached to the exhibit in such a manner that it is not easily removable.

(4) Very small non-documentary exhibits shall be enclosed or mounted in a sealed transparent container and tagged or labelled as aforesaid. An enlarged photograph showing the relevant characteristics of such exhibits shall, where applicable, be exhibited in the affidavit.

114. **Documentary exhibits to affidavits**

(1) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be inserted in appropriate places.

More than 10 documentary exhibits

(2) Where there are more than 10 different documentary exhibits in an affidavit:

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- (a) There shall be a table of contents of the documentary exhibits inserted before the first of such exhibits enumerating every exhibit in the affidavit in the manner of the example set out below:

| Reference in affidavit | Nature of Exhibit | Page No. |
|-------------------------------|--|-----------------|
| “JT-1” | Certification of Incorporation of Company | 6 |
| “JT-2” | Joint Venture Agreement | 8 |

and

- (b) Exhibits shall be set out in the sequence in which references are made to them in the affidavit.

Pagination

(3) Every page of the exhibits, including cover pages, dividing sheets or separators between exhibits, shall be consecutively numbered at the top right hand corner of each page, following from the page numbers of the affidavit (i.e. the first page of the exhibits shall take the number following the last page of the affidavit’s main text). Where applicable, the page number of the affidavit must correspond to the page number in the Portable Document Format (PDF) version that is filed through the Electronic Filing Service.

Dividing sheets

(4) The exhibits in an affidavit shall be prefaced by a dividing sheet, marked, typed or stamped clearly with an exhibit mark as follows:

“This is the exhibit marked [letter of the alphabet or a number] referred to in the affidavit of [name of the deponent] and sworn/affirmed before me this [date on which the affidavit is sworn or affirmed].

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Before me,

SGD

A Commissioner for Oaths / A Notary Public”

Bookmarks

(5) Each exhibit in the affidavit must be separately bookmarked in the Portable Document Format (PDF) document that is filed. The names of the bookmarks should follow the initials of the deponent of the affidavit, for example, “JT-1”, “JT-2”.

Numbering

(6) Where a deponent deposes to more than one affidavit with exhibits in the same action, the numbering of the exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit. For instance, where a deponent in his first affidavit has marked two exhibits as “JT-1” and “JT-2”, the first exhibit in his second affidavit should be marked as “JT-3” instead of “JT-1”.

References to exhibits in text of affidavit

(6A) Where the text of an affidavit makes reference to a documentary exhibit, the page number(s) of the affidavit where the relevant portions of the documentary exhibit can be found should be set out alongside the number of the exhibit in question.

References to exhibits in other affidavits

(7) Where a deponent wishes to refer to documents already exhibited to another deponent’s affidavit, he shall be required to exhibit them in his own affidavit.

Related documents

(8) Related documents (e.g. correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with sub-paragraph (3) above, and

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the exhibit must have a front page showing the table of contents of the items in the exhibit.

114A. Swearing and signing of affidavits in Singapore before, and completing of attestation by, commissioner for oaths through live video link or live television link

(1) A remote communication technology mentioned in Order 41, Rule 13(1) of the Rules of Court must be capable of creating a live video link or live television link through which a commissioner for oaths is able to do all of the things mentioned in Order 41, Rule 13(3) of the Rules of Court.

(2) For the purposes of Order 41, Rule 13(2) of the Rules of Court, the deponent and the commissioner for oaths may sign the affidavit electronically by applying a security procedure that results in a secure electronic signature under section 18 of the Electronic Transactions Act (Cap. 88).

(3) Where an affidavit is made pursuant to Order 41, Rule 13 of the Rules of Court, the affidavit should be made, as far as possible, as if the deponent were appearing before the commissioner for oaths in person, and the attestation must state that the affidavit was sworn (or affirmed) and signed in Singapore with the deponent appearing before the commissioner for oaths through a live video link or live television link, or that the affidavit was signed by the deponent and/or the commissioner for oaths electronically in Singapore, or both, as the case may be.

115. Effect of non-compliance

Any affidavit or exhibit which does not comply with the directions contained in this Part may be rejected by the Court and made the subject of an order for costs.

116. Objections to the contents of affidavits of evidence-in-chief

(1) If, on an application for directions under Order 25, Rule 3 or Order 27, Rule 1 of the Rules of Court, or pursuant to Case Management Conference(s), orders are made

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prescribing the time within which objection to the contents of affidavits of evidence-in-chief must be taken, the objections must be taken in accordance with the directions contained in this paragraph and not otherwise.

(2) Objections to the contents of affidavits of evidence-in-chief filed pursuant to an order of Court made under Order 25, Rule 3 or Order 37, Rule 1 of the Rules of Court or otherwise, must be taken by filing and serving a notice in Form 18 of Appendix B of these Practice Directions.

(3) The notice in Form 18 of Appendix B to these Practice Directions should set out all the objections to the contents of affidavits of evidence-in-chief that will be raised at the hearing of the cause or matter and all the grounds thereof.

(4) An adjudication on the material objected to in affidavits of evidence-in-chief filed pursuant to an order of Court would generally be sought before the Judge, whether at the trial or hearing of the cause or matter for which affidavits of evidence-in-chief were filed, or at any other time that the Judge may direct.

PART XIX

TRIALS AND OTHER HEARINGS

117. Trial in public

(1) All trials heard in the Court shall be in public unless a confidentiality order has been made.

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

118. Applicable rules of evidence

Subject to any orders made by the Court under Order 110, Rule 23 of the Rules of Court on the applicable rules of evidence, this Part shall apply to all trials and other hearings heard in the Court.

119. Opening Statements

(1) An opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. The need for brevity is emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose.

(a) Opening statements will be required from all parties in all actions commenced by writ in the Court, except where dispensation has been granted by the Court.

(b) All opening statements must include the following:

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

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- (ii) the precise legal and factual issues involved are to be identified with cross-references as appropriate to the pleadings. These issues should be numbered and listed, and each point should be stated in no more than one or two sentences. The object here is to identify the issues in dispute and state each party's position clearly, not to argue or elaborate on them;
 - (iii) the principal authorities in support of each legal proposition should be listed, while the key documents and witnesses supporting each factual proposition should be identified;
 - (iv) where there is a counterclaim or third party action, the opening statement must similarly address all issues raised therein; and
 - (v) an explanation of the reliefs claimed (if these are unusual or complicated).
- (c) In cases where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court may impose costs or other sanctions against the relevant person.
- (d) The following format shall be adhered to when preparing opening statements:
- (i) all pages shall be paginated, with the first page (including the cover page) numbered as 'Page 1' so that the page numbers of the hard copy correspond to the page numbers in the Portable Document Format (PDF) version;
 - (ii) the minimum font size to be used is Times New Roman 12 or its equivalent;
 - (iii) the print of every page shall be double spaced;
 - (iv) each page may be printed on one side or both sides; and
 - (v) every page shall have a margin on all 4 sides, each of at least 35 mm in width.
- (e) All opening statements should not exceed 20 pages (including all annexes and appendices, but excluding the cover page and backing page).

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

(2) Subject to the Court's directions, each party may supplement their opening statements with an oral address before the Court. These supplementary opening statements should be as brief as the circumstances allow and in any event, subject to the previously directed timetable at the Case Management Conference(s) or any other time limit as the Judge may allow.

120. **Examination and Cross-Examination of Witnesses**

General

(1) The examination, cross-examination, and re-examination of all witnesses shall be subject to the time limits set out in any previously directed timetable at the Case Management Conference or at the Pre-trial Review, or any other time limit as the trial Judge may allow. Counsel are expected to stay within those time limits.

Witnesses of fact

(2) Where a witness of fact has already deposed to an affidavit of evidence-in-chief, the examination of that witness should be confined to confirming the truth of that affidavit, correcting or clarifying any typographical or clerical errors in that affidavit, and where the Court has granted leave in accordance with paragraph 111(3) of these Practice Directions, clarifying or supplementing his evidence with oral testimony.

(3) Upon completion of evidence-in-chief, the witness will then be cross-examined. Where a witness is cross-examined by more than one party, the Court shall determine the order in which the other parties cross-examine the witnesses. Counsel are expected to comply with the rules of evidence found in Singapore law, whether under the Evidence Act (Cap. 97) or elsewhere, or other applicable evidential rules if any rule of evidence found in Singapore law has been disapplied pursuant to an order under Order 110, Rule 23 of the Rules of Court. Counsel are also expected to comply with all relevant ethical codes in the conduct of the cross-examination.

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(4) Unless expressly allowed by the Court, once the witness commences cross-examination, the witness shall not be permitted to discuss his evidence with anyone, including any counsel, until that witness is released from his oath after re-examination.

(5) Upon completion of cross-examination(s), the witness shall be re-examined by the party who called the witness.

(6) The Court may, at any time, ask the witness questions. Where the questions elicit answers which parties have not previously dealt with, the Court shall allow parties a reasonable opportunity to direct questions to that witness on the answers given.

(7) The Court may, where appropriate, direct that cross-examination and re-examination be conducted on an issue by issue basis. The witness will be cross-examined and re-examined on the first issue, then cross-examined and re-examined on the second issue, and so on.

121. Use of presentation slides for trial and other hearings (other than proceedings before the Court of Appeal)

Subject to approval by the Court, parties may utilise presentation slides to assist in the conduct of trial and other hearings (other than proceedings before the Court of Appeal). Presentation slides may be projected in the courtroom or Chambers at the appropriate time (e.g. during oral submissions, in the course of examination of witnesses etc.). Presentation slides shall comply with the following standards:

Typeface

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

Colours

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

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Animation and sounds

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

Corporate logos

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

122. Closing Submissions

(1) Unless otherwise directed, the Court will require written closing submissions from the parties.

(2) Written closing submissions will, unless the Court deems otherwise appropriate, be by way of an exchange of submissions, and unless otherwise directed, followed by reply submissions responding and confined to points raised in the other party's initial closing submissions.

(3) After the written closing submissions have been filed and exchanged, the parties will be allowed to make oral submissions if so directed by the Court. The Court may impose time limits on the length of time each party is given for oral submission.

123. Documents to be in electronic format

(1) The documents required to be filed in accordance with the Rules of Court or with these Practice Directions or to be used in any trials or other hearings are to be prepared in an electronic format. They include, but are not limited to:-

- (a) the writ;
- (b) pleadings;
- (c) affidavits;
- (d) opening statements;

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- (e) bundles of documents required under Order 34, Rule 3A of the Rules of Court;
- (f) skeletal arguments or written submissions; and
- (g) bundles of authorities.

(2) All documents are to be filed, served, delivered or otherwise conveyed to the Registrar in all proceedings in accordance with paragraph 44, 45 or 46 of these Practice Directions.

124. **Creation and filing of bundles**

(1) This paragraph applies to any bundles that are required to be filed in accordance with the Rules of Court or these Practice Directions or that may be used at any trials or other hearings in the Court. Examples of such bundles include bundles of pleadings, bundles of affidavits, bundles of documents filed on setting down, the bundles of documents required under Order 34, Rule 3A of the Rules of Court and bundles of authorities.

(2) An electronic bundle containing the following may be created *online* and filed through the Electronic Filing Service:

- (a) Documents in the electronic case file; and
- (b) Documents that have been uploaded into the electronic case file by counsel or other persons given access to the shared folder in the electronic case file.

(3) The following directions should be noted when bundles in an electronic format are prepared:

- (a) Index pages shall be prepared. Bookmarks should be created in the Portable Document Format (PDF) file for each such reference in the index. There should be as many bookmarks in that PDF file as there are references in the index to documents in that PDF file.
- (b) The name given to each bookmark should be the same as the corresponding reference in the index.
- (c) The various PDF documents should be arranged chronologically or in some logical order.

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

125. Filing of voluminous bundles

(1) For voluminous bundles that cannot be filed through the Electronic Filing Service or by electronic mail, parties may file such bundles by:

- (a) providing soft copies of the documents in Portable Document Format (PDF) in one or more finalised optical discs (e.g. CD-ROM) or portable storage device (e.g. external hard disks or flash drive) to the SICC Registry by way of personal delivery or courier. Parties should be aware that the storage media or device that is provided will be retained by the SICC Registry as part of the record of the case; or
- (b) uploading soft copies of the documents in Portable Document Format (PDF) in online folders (e.g. a Cloud drive) designated by the SICC Registry for such purposes. Counsel are reminded to make prior arrangements with the SICC Registry for access to such online folders before this option may be utilised.

(2) Where the soft copies of documents are filed, served, delivered or otherwise conveyed pursuant to sub-paragraph (1), these documents will be recorded by the SICC Registry in the Court's electronic case file using the Electronic filing service.

(3) Parties are reminded not to transmit voluminous documents by electronic mail and should instead use the transmission methods set out at sub-paragraph (1) above.

126. Bundle of documents filed on setting down ("Set Down Bundle")

(1) Order 34, Rule 3 of the Rules of Court requires a bundle containing certain documents to be filed together with the notice for setting down. They include:

- (a) the writ;
- (b) the pleadings (including any affidavits ordered to stand as pleadings), any notice or order for particulars and the particulars given;

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- (c) any orders made on the summons for directions and any order made at any stage of the proceedings that relate to the subject matters ordinarily dealt within a summons for directions;
- (d) any orders made under Order 110, Rule 23 of the Rules of Court; and
- (e) any orders made under Order 110, Rule 25 of the Rules of Court.

127. Documents for use in trials of writ actions in open Court (“Trial Bundle”)

(1) This paragraph applies to trials of:

- (a) writ actions; and
- (b) originating summonses ordered to be continued as if the cause of action had begun by writ.

(2) Order 34, Rule 3A of the Rules of Court requires the affidavits of evidence-in-chief of all witnesses, a bundle of documents and the opening statements to be filed no less than 5 working days before the trial of an action. In addition, to improve the conduct of civil proceedings and to reduce the time taken in the presentation of cases in Court, the respective counsel of the parties shall also prepare a bundle of authorities, which shall also be filed and served along with the documents on all relevant parties.

Strict adherence to the timelines for filing Trial Bundles

(3) Parties are to note that the timeline in Order 34, Rule 3A of the Rules of Court (i.e. no less than 5 working days before the trial) is to be adhered to strictly. If an adjournment of the trial is necessitated by the failure to comply with the timeline for filing the trial bundle, the Court may impose costs or other sanctions against the party in default.

Bundles of documents

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

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- (a) An index of contents of each bundle in the manner and form set out in Form 17 of Appendix B of these Practice Directions must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.
- (b) Under Order 34, Rule 3A(3) of the Rules of Court, it is the responsibility of counsel for all parties to agree and prepare an agreed bundle of documents as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.
- (c) The documents in the bundles should:
 - (i) be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spinets should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;
 - (ii) have flags to mark out documents to which repeated references will be made in the course of hearing. Such flags shall bear the appropriate indicium by which the document is indicated in the index of documents so that, as far as possible, they do not overlap one another; and
 - (iii) be legible. Clear and legible photocopies of original documents may be exhibited instead of the originals provided that the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.
- (d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.
- (e) Only documents which are relevant or necessary for the trial shall be included in the bundles. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary documents, the Court may impose costs or other sanctions against the relevant person.
- (f) A core bundle should also be provided, unless one is clearly unnecessary. The core bundle should contain the most important documents upon which

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the case will turn or to which repeated reference will have to be made. The documents in this bundle should not only be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

128. **Bundles of authorities**

General requirements

(1) Counsel must adhere to the following directions when preparing bundles of authorities for use in Court:

- (a) The bundle of authorities shall contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on.
- (b) The bundle of authorities shall be arranged in the following order – statutes in alphabetical order of the title, subsidiary legislation in alphabetical order of the title, cases in alphabetical order of the case name, secondary materials (such as textbooks and articles) in alphabetical order of the last name of the author, and any other materials in alphabetical order of the title or last name of the author as is appropriate.
- (c) The bundle of authorities shall be paginated consecutively at the top right hand corner of each page. Pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle.
- (d) The bundle of authorities shall have a table of contents immediately after the title page. Where the bundle of authorities consists of more than one volume, each volume shall have a table of contents clearly indicating the authorities that are contained in that volume.
- (e) The items in the table of contents shall be numbered sequentially, and bound in the order in which they are listed.
- (f) The table of contents shall contain a concise statement of the relevance of each authority to the specific issues before the Court. The relevance of each authority shall be succinctly expressed and comprise no more than 3

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sentences. The statement shall be set out immediately after the name of the case. For example:

Cartier International BV v Lee Hock Lee and another application
[1992] 3 SLR 340

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

Rickshaw Investments Ltd & Anor v Nicolai Baron von Uexkull [2008]
1 SLR(R) 377

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

- (g) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial.

(2) Where hard copies of the bundle of authorities are prepared, they shall:

- (a) be properly bound with plastic ring binding or plastic spine thermal binding. The rings and spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;
- (b) have flags to mark out the authorities. Such flags shall bear the appropriate indicium by which the authority is referred to. Flags shall be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another; and
- (c) may be printed on one side or both sides of each page.
- (d) be legible. Clear legible photocopies of original authorities may be exhibited instead of the originals provided the originals may be made available for inspection (if required) by the other parties before the hearing and by the Judge at the hearing.

(3) The Court may reject bundles of authorities that are not in compliance with the general requirements in this paragraph, and in exercising its discretion as to costs, take such non-compliance into account.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

129. Hard copies of Trial Bundles and bundles of authorities for trial

In addition to the filing of the trial bundle and the bundle of authorities in an electronic format in accordance with paragraph 123 of these Practice Directions, parties must tender hard copies of the those bundles to the SICC Registry no less than 5 working days before the trial of an action. The hard copy should tally in all respects with the electronic copies of the trial bundles. In particular, the page numbers of the hard copy should correspond to the numbers in the Portable Document Format (PDF) version.

130. Use of documents at hearings other than trials

(1) Subject to any directions in these Practice Directions to the contrary, all documents for use at any Chambers hearings before a Judge must be filed, served, delivered or otherwise conveyed to the SICC Registry in accordance with paragraph 44, 45 or 46 of these Practice Directions at least 7 working days in advance of the hearing. The documents could include written submissions, skeletal arguments, bundles of affidavits, bundles of authorities and all other documents to be relied upon at the hearing.

(2) In the event that it is not possible to file, serve, deliver or otherwise convey the documents in advance of the hearing, counsel may apply to the Judge conducting the hearing for leave to use paper documents during the hearing. The paper documents may be printed on one side or both sides of each page. Counsel must explain why it was not possible to file, serve, deliver or otherwise convey the documents in advance of the hearing, and must also give an undertaking to file, serve, deliver or otherwise convey to the SICC Registry in accordance with paragraph 44, 45 or 46 of these Practice Directions all the documents used at the hearing by the next working day after the hearing.

131. Written submissions and bundles of authorities for hearings other than trials

(1) For any contested hearing before a Judge and unless otherwise directed by the Judge, each party shall, in addition to complying with paragraph 123 of these Practice Directions, submit to the Court and serve on the other party a hard copy of the following at least 7 working days in advance of the hearing:

- (a) written submissions; and

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(b) bundle of authorities (which are in compliance with the requirements under paragraph 128 of these Practice Directions).

(2) If any party does not intend to rely on written submissions at the contested hearing referred to in sub-paragraph (1) above (e.g., where the hearing does not involve complex issues), the party should seek the Court's approval for a waiver by way of a request in accordance with paragraph 11 of these Practice Directions at least 7 working days before the hearing.

(3) Counsel are reminded to comply with the timelines set out in this paragraph as far as possible. In the event counsel are unable to comply with these timelines, counsel should be prepared to furnish reasons for the non-compliance at the hearing.

(4) Sub-paragraph (1) should not be read as prohibiting written submissions and bundles of authorities where appropriate (e.g. at an *ex parte* hearing) or affecting the Judge's discretion to ask for written submissions at non-contested hearings, if appropriate.

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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(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 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.

PART XX

JUDGMENTS AND ORDERS

133. General

(1) Order 42 of the Rules of Court deals with the forms of judgments and orders, and with their drawing up and entry in Court.

(2) Order 43 of the Rules of Court deals with accounts and inquiries.

(3) Orders 42 and 43 of the Rules of Court should be read with the forms of judgment prescribed by Appendix A of the Rules of Court, and with Order 45 of the Rules of Court.

134. Draft orders

(1) Order 42, Rule 8(1) and (2) of the Rules of Court place the responsibility of approving the drafts of *inter partes* judgments and orders on counsel. Counsel should therefore approve the drafts and not submit these drafts to the Registrar for approval.

(2) The Registrar's signature on a judgment or order is only for the purpose of validity and does not in any way affect the regularity or irregularity of the contents of any judgment or order.

(3) Subject to sub-paragraph (4), parties in *inter partes* applications should proceed to engross a final copy of the draft judgment for signature by the Registrar after agreeing on the draft. Draft orders of Court for *ex parte* applications may be submitted with the summons and the supporting affidavit when these are filed.

(4) For draft orders in electronic form that are composed online through the Electronic Filing Service, the process for extracting judgments and orders shall be as follows:

- (a) parties have the option of filing a system-generated order of court through the Electronic Filing Service.
- (b) before filing the system-generated order of court, the party extracting the order must:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (i) review and edit the electronic form of the order of court to ensure that it accurately reflects the orders made by the Court; and
 - (ii) obtain the approval of all other parties to the application and provide evidence of such approval when filing the draft order of court, for example, a Portable Document Format (PDF) copy of a draft order of court signed by counsel of all parties to the application; and
- (c) where parties disagree over one or more terms of the order of court, the party filing the draft order of court shall be responsible for including in the electronic form of the order of court all versions of the disputed terms by editing the electronic form of the order of court. All relevant correspondence concerning the dispute must be provided when filing the draft order of court.
- (5) Order 42, Rule 8(3), (4) and (5) of the Rules of Court shall continue to apply:
- (a) in any case where the counsel concerned are unable to agree upon the draft, any one of them may seek clarification by way of a letter submitted in accordance with paragraph 11 of these Practice Directions, of which notice shall be given to the other, to settle the terms of the judgment or order;
 - (b) for judgments or orders composed online through the Electronic Filing Service, any counsel may similarly seek clarification by way of correspondence. That counsel shall be responsible for including in the electronic form of the draft judgment all versions of the disputed terms by editing the electronic form of the judgment or order.
- (6) An order of court containing terms which are (a) approved by both parties or (b) settled after submission to the SICC Registry will be sealed and engrossed.
- (7) Where the other party has no counsel or where an order is made on an *ex parte* application, the draft shall be submitted to the Registrar. The draft which is approved by the Court shall be sealed and engrossed by the SICC Registry.

135. Judgment in default of appearance or service of defence

- (1) The procedure for applying for judgment in default of appearance or service of defence will be by way of filing (in accordance with paragraph 44, 45 or 46 of these Practice Directions) a request to enter judgment in Form 79A together with the

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

judgment in Form 79 of Appendix A to the Rules of Court. Counsel's attention is drawn to Order 13, Rule 7(1) and Order 19, Rule 8A of the Rules of Court, which state:

“Judgment shall not be entered against a defendant under this Order unless a request to enter judgment in Form 79A is filed with the judgment in Form 79.”

(2) For requests to enter judgment through electronic forms composed online in the Electronic Filing Service, a signed hard copy of the request to enter judgment in the electronic form shall be retained by the counsel concerned and produced to the Court when required by the Court to do so.

(3) In order to satisfy itself that a defendant is in default of appearance or service of defence, the Court may require an affidavit to be filed stating the time and manner service of the writ of summons was effected on the defendant, as well as the steps taken to ascertain that the defendant had failed to enter an appearance or serve a defence, as the case may be.

136. **Judgment Interest**

Interest rates in default judgments

(1) The directions set out in sub-paragraphs (2) to (3) shall be observed when entering judgments in default of appearance or service of defence under Orders 13 and 19 respectively of the Rules of Court. In respect of post-judgment interest for such default judgments under Order 42, Rule 12, please refer to sub-paragraph (4) below.

Non-Contractual Interest

(2) For non-contractual interest:

- (a) Pursuant to Order 13, Rule 1(2) and Order 19, Rule 2(2), the rate of interest shall be 5.33% per annum until further notice.
- (b) The period of interest shall be from the date of the writ to the date of the judgment.
- (c) The total amount of interest payable need not be specified.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Contractual Interest

(3) For contractual interest:

(a) For fixed or constant rate:

- (i) The rate of interest provided shall be specified.
- (ii) The period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment.
- (iii) The total amount of interest payable need not be specified.

(b) For fluctuating rate:

- (i) There shall be an appendix attached to the judgment in the following form:

| | |
|--|-----------------|
| Rate of interest | ... % p.a. |
| Principal sum | \$ |
| Period of interest | From ... to ... |
| Amount of interest | \$ |
| Total amount of interest payable to date of judgment | \$ |

- (ii) The period of interest shall be as pleaded, except that it shall end on the date of judgment and not on the date of payment.
- (iii) The total amount of interest payable shall be specified in the judgment.

(c) Evidence of the agreement as to the rate of interest shall be attached to the judgment.

Post-judgment interest

(4) The directions set out in sub-paragraph (5) shall apply to judgments granted on or after. The directions set out in sub-paragraph (5) shall also apply to judgments entered

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

in default of appearance or service of defence under Orders 13 and 19 or in default of an order of Court (i.e. “unless” or peremptory orders) on or after.

(5) Pursuant to Order 42, Rule 12 of the Rules of Court, unless it has been otherwise agreed between the parties, interest payable after the date of judgment shall be 5.33% per annum until further notice and calculated to the date when the judgment is satisfied. The Court retains the discretion under Order 42, Rule 12 of the Rules of Court to revise the default rate of interest to such other rate not exceeding the default rate on the facts of the individual case.

Interest on costs

(6) Interest on costs is at the discretion of the Court pursuant to Order 110, Rule 46(3)(d) of the Rules of Court.

Pre-judgment interest

(7) Counsel may wish to submit to the Court to consider that the interest rate for the period prior to the date of judgment should be the default interest rate of 5.33% per annum. Counsel should note that the Court retains the overriding discretion to depart from the default interest rate based on the facts of the individual case.

Interest under Order 30, Rule 6(2) of the Rules of Court

(8) The directions set out in sub-paragraph (9) shall apply to orders made under Order 30, Rule 6(2) of the Rules of Court for payment of interest on or after 1 April 2007.

(9) Pursuant to Order 30, Rule 6(2) of the Rules of Court, the interest ordered by the Court on the sum shown by the receiver’s account as due from him and which the receiver has failed to pay into Court shall be 5.33% per annum until further notice. Interest shall accrue for the period which the sum was in possession of the receiver.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

137. Consent judgments or orders involving disposition or transfer of property

(1) In any request or application for a consent judgment or order involving any disposition or transfer of property, parties must provide the following information to the Court:

- (a) the owner of the property subject to disposition or transfer;
- (b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;
- (c) whether the property is subject to any encumbrances which would affect a disposition or transfer of the property; and
- (d) any other relevant information which ought to be disclosed to the Court in granting the consent judgment or order.

(2) The Court may require the information in this paragraph to be provided by way of affidavit, including exhibiting the relevant searches where applicable.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

PART XXI

ENFORCEMENT OF JUDGMENTS AND ORDERS

138. General

Where a judgment or order of the Court is to be enforced in Singapore, that judgment or order of the SICC may be enforced in accordance with the Rules of Court. For the avoidance of doubt, such enforcement proceedings are to be commenced in the General Division.

PART XXII

APPEALS

139. General

(1) The directions in this Part of the Practice Directions shall apply to any appeal from any judgment or order of the Court.

(2) Any appeal from a judgment or order of the Court will be heard or determined by the Court of Appeal.

(3) In relation to any agreement between the parties to restrict or limit the right to appeal:

(a) If the parties agree in writing to waive, limit or vary the right to appeal against any judgment or order of the Court, an appeal may be brought only to the extent as agreed between the parties.

(b) If the parties agree in writing that there shall be no appeal against any judgment or order of the Court, such judgment or order shall be binding on the parties and no appeal shall lie against it.

140. Notice of Appeal

(1) Subject to sections 29 and 29A of the Supreme Court of Judicature Act (Cap. 322) and Order 57 of the Rules of Court, any party who is dissatisfied with any judgment or order of the Court may file a notice of appeal to the Court of Appeal.

(2) An appeal to the Court of Appeal must be brought by a notice of appeal.

(3) A notice of appeal may be filed either in respect of the whole or in respect of any specified part of the judgment or order of the Court below; and every such notice must state whether the whole or part only, and what part, of the judgment or order is complained of, contain an address for service, and be signed by the appellant or his counsel.

(4) For the avoidance of doubt, any party who desires to contend that the decision of the Court below should be varied in any event must file and serve a notice of appeal.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

141. Time for appealing

Subject to Order 57, Rule 2A(10) of the Rules of Court, every notice of appeal must be filed and served within one month –

- (a) in the case of an appeal from an order in Chambers, from the date when the order was pronounced or when the appellant first had notice thereof;
- (b) in the case of an appeal against the refusal of an application, from the date of the refusal;
- (c) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act, from the date mentioned in section 29B(4)(b) of that Act; and
- (d) in any other case, from the date on which the judgment or order appealed against was pronounced.

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

Pursuant to Order 57, Rule 16 of the Rules of Court, a respondent may make an application to strike out a notice of appeal within the time frame provided in the Rule. Pursuant to Order 57, Rule 16(13) of the Rules of Court, the leave of the Court of Appeal is required before any further affidavits shall be received in evidence in relation to such an application.

142A. Applications that may be made either to the Court or to the Court of Appeal

(1) Where an application may be made either to the Court or to the Court of Appeal, and the application is first made to the Court pursuant to section 57 of the Supreme Court of Judicature Act 1969:

- (a) if the application is refused by the Court, and the applicant still wishes to obtain the relief sought in the refused application, the applicant should make an application to the Court of Appeal for the same relief, instead of filing an appeal to the Court of Appeal; and

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (b) in any event, any party who wishes to vary or discharge any direction or order made by the Court on the application should likewise make an application to the Court of Appeal to vary or discharge that direction or order, instead of filing an appeal to the Court of Appeal.

(2) Except as provided in subparagraph (1), any party who is dissatisfied with a decision of the Court may file an appeal to the Court of Appeal against that decision in accordance with the relevant provisions of the Supreme Court of Judicature Act 1969 and the applicable rules of civil procedure.

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 \$15,000 for any appeal against an interlocutory order and in the sum of \$20,000 for any other appeal by

–

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

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

(1A) Pursuant to rule 14 of the Rules of Court (Amendment No. 5) Rules 2020, Order 57, Rule 3(3) of the Rules of Court as in force immediately before 2 January 2021 and sub-paragraph (2) continue to apply:

- (a) to any appeal against a decision of the Court that is brought to the Court of Appeal before 2 January 2021 and that continues, on or after that date, in the Court of Appeal in accordance with section 31(3) of the Supreme Court of Judicature (Amendment) Act 2019 (the “Amendment Act”); and

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(b) to any appeal against a decision of the Court, where that decision is made before 2 January 2021 in the circumstances mentioned in section 31(4) of the Amendment Act and either of the following applies:

(i) leave is granted as mentioned in section 31(4)(c) of the Amendment Act to bring an appeal against that decision to the Court of Appeal;

(ii) leave to appeal to the Court of Appeal is sought from the Court of Appeal under section 34 of the Supreme Court of Judicature Act as in force immediately before 2 January 2021.

(2) The Chief Justice has, in exercise of the powers conferred on him by Order 57, Rule 3(3) of the Rules of Court as in force immediately before 2 January 2021, 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 mentioned in sub-paragraph (1A)(a) or (b) 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.

144. Appeals Information Sheet for civil appeals to the Court of Appeal

(1) For civil appeals to the Court of Appeal, parties shall file and serve on every other party to the appeal or his counsel an Appeals Information Sheet in Form 18 of Appendix B to these Practice Directions at the same time as their respective Cases under Order 57, Rules 9 and 9A of the Rules of Court are filed and served.

(2) Where appropriate, parties or their counsel may be required to attend to take directions on the conduct of the appeal.

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:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (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

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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.

146. Request for leave to exceed page limit for Appellant's Case, Respondent's Case and Appellant's Reply for civil appeals to the Court of Appeal

(1) Parties shall apply for leave of the Court of Appeal to exceed the page limit for the Appellant's Case, the Respondent's Case or the Appellant's Reply by filing a request in the Electronic Filing Service or otherwise in accordance with paragraph 11 of these

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Practice Directions. The request shall state the reasons for requiring additional pages and the number of additional pages required.

(2) The application for leave to exceed the page limit for the Appellant's Case or the Respondent's Case shall be filed at least 14 calendar days before the date the Appellant's Case or the Respondent's Case, as the case may be, is due to be filed. The application for leave to exceed the page limit for the Appellant's Reply shall be filed at least 7 working days before the date the Appellant's Reply is due to be filed. Applications filed out of time will be rejected.

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;
- (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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (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 –

1st Appellant – Appellant's Case

1st Appellant – Appellant's Reply

1st Appellant – Bundle of Authorities Vol 1

1st Appellant – Bundle of Authorities Vol 2

1st Appellant – Record of Appeal Vol 1

1st Appellant – Record of Appeal Vol 2

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

148. Preparation of appeal records in hearings of civil appeals to the Court of Appeal

(1) For the purpose of this paragraph, “appeal records” means the Record of Appeal and Core Bundles to be used in hearings of civil appeals to the Court of Appeal.

Arrangement of Record of Appeal

(2) This sub-paragraph sets out the manner of arranging the Record of Appeal.

- (a) To facilitate cross-referencing, the Record of Appeal shall be arranged in the following separate volumes:
 - (i) Volume I – Judgment or grounds of decision and the engrossed order of Court of judgment appealed from.
 - (ii) Volume II – Notice of appeal, certificate of security for costs and pleadings (to include all originating processes).
 - (iii) Volume III – Affidavits (in chronological order), and transcripts or notes of evidence and arguments.
 - (iv) Volume IV – All such exhibits and documents as they were tendered in the Court below, but which did not form an exhibit to any affidavit.
 - (v) Volume V – The Agreed Bundle (if any) in its original physical form as it was tendered in the Court below.
- (b) Where there are no exhibits or documents referred to in sub-paragraph (2)(a)(iv) above, Volume IV need not be produced, and Volume V shall be renumbered as Volume IV.
- (c) If any volume exceeds 300 pages, then that volume shall be sub-divided, at a convenient page, into sub-volumes designated as part thereof, for example, Volume III Part A, Volume III Part B and so on. Conversely, if any of the volumes (with the exception of Volumes I and II which shall remain as separate volumes) should be less than 100 pages each, these may be amalgamated into combined volumes, each not exceeding 300 pages, and renumbered accordingly.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (d) The following additional directions shall apply to the form of the Record of Appeal:
- (i) The documents in Volumes I, II, and III shall be arranged strictly in the order stated in sub-paragraph (2)(a) above.
 - (ii) The documentary exhibits in Volume IV shall be arranged in the most convenient way for the use of the Court, as the circumstances of the case require. The documents shall, as far as suitable, be arranged in chronological order, mixing plaintiff's and defendant's documents together when necessary (for example, in a series of correspondence). If proceedings in a suit other than the one under appeal appear as exhibits, then these shall be kept together. However, the documents from each suit shall be arranged in the chronological order of the suits.
 - (iii) Each document in Volume IV shall show its exhibit mark and whether it is the plaintiff's or the defendant's document, unless this is clear from the mark.

Pagination in soft copy

- (3) This sub-paragraph sets out the manner of paginating the soft copy of the appeal records.
- (a) The first page of each volume shall state the title and the Civil Appeal number of the appeal, the names of the parties, the volume number, a short description of its contents, the names and addresses of the appellants and respondents, and the date of filing.
 - (b) The page number of each volume of the appeal records must correspond to the page number in the Portable Document Format (PDF) version of that volume. Each separate volume of the appeal records shall start at page 1 and every page shall be numbered consecutively. If separator sheets are used, these shall also be numbered.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Table of contents

- (4) This sub-paragraph sets out the format of the table of contents for appeal records.
- (a) The table of contents of all volumes of the records shall be placed at the beginning of Volume I, immediately after the first title page in the manner and form set out in Form 22 of Appendix B of these Practice Directions.
 - (b) Each volume and, if any, parts thereof, shall also contain its own index of the contents.
 - (c) Items in the table of contents shall be numbered serially, and listed in the order in which they are found in the records.
 - (d) The items relating to the transcripts or notes of the evidence of witnesses shall have a sub-table of contents of the evidence of each witness, and the number and name of each witness shall be shown in such sub-table.
 - (e) If an exhibit consists of a bundle of documents, then the documents in the bundle shall be listed in a sub-table of contents under the item relating to such bundle.
 - (f) Electronic bookmarks for each item of the table of contents and sub-table of contents must be added to each volume of the PDF version of the appeal records. The description of each bookmark shall correspond with the description of that item in the table of contents or sub-table of contents, unless an abbreviated description is appropriate.

Spacing

- (5) The line spacing on every page of the records of which the original is type-written (e.g., notice of appeal) shall be double-spaced.

Core bundles – Order 57, Rule 9(2A) of the Rules of Court

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (a) Volume I – a copy of the grounds of the judgment or order, the judgment or order appealed from and an index of the documents included therein.
- (b) Volume II – all other documents referred to in Order 57, Rule 9(2A), and an index of the documents included therein.

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

(6A) The indexes of the core bundle and supplemental core bundle shall correspond with the indexes of documents found in the form of core bundle and form of supplemental core bundle filed under paragraph 145(3) of these Practice Directions. Any document listed in the indexes should be suitably described in such a manner as to allow the Court to identify the nature of the document. Examples of suitable descriptions are set out below for reference:

- (a) Joint Venture Agreement between Party A and Party B dated 1 December 2017;
- (b) Minutes of meeting held on 1 December 2017 between Party A and Party B;
and
- (c) Email dated 1 December 2017 from Party A and Party B.

Parties should avoid the use of generic description such as “extracts from the affidavit of Party A filed on 1 December 2017” “or exhibits from the affidavit of Party A filed on 1 December 2017”.

Responsibility for good order and completeness of appeal records

(7) The counsel having the conduct of the appeal may delegate the preparation of the appeal records to an assistant or a suitably experienced law clerk or secretary, provided always that that counsel shall personally satisfy himself as to the good order and completeness of every copy of the appeal records lodged in Court in accordance with these Practice Directions, paragraph 148A included, and shall personally bear responsibility for any errors or deficiencies.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Superfluous, irrelevant and duplicate documents

(8) With regard to the inclusion of documents, counsel's attention is drawn to the provisions of Order 57, Rules 9(2), (2A), (3) as well as Order 57, Rules 9A(2A) and 5(C) of the Rules of Court. Only documents which are relevant to the subject matter of the appeal, or, in the case of Core Bundles and Supplemental Core Bundles, will be referred to in the Cases, shall be included in the appeal records.

(9) Parties are reminded not to exhibit duplicate documents in their Supplemental Core Bundle if such documents are already included in a Core Bundle or Supplemental Core Bundle that has been filed earlier. Documents shall not appear more than once in the records, even if exhibited to different affidavits.

(10) The Court of Appeal may impose costs or other sanctions in cases in which it is of the opinion that costs have been wasted by the inclusion of superfluous, irrelevant or duplicate documents.

148A. Inclusion in appeal bundles of documents ordered to be sealed or redacted

(1) This paragraph applies only where certain documents tendered before the court below have been ordered to be sealed or redacted.

(2) Counsel should carefully consider whether it is necessary to include in the record of appeal, core bundle or supplemental core bundle (collectively known as "appeal bundles") any document that has been ordered to be sealed or redacted, having regard to paragraph 148(8) of these Practice Directions.

Inclusion of redacted documents in appeal bundles

(3) Where it is necessary to include in the appeal bundles documents that have been ordered to be redacted, parties should do so by complying with the following directions:

- (a) All documents subjected to a redaction order should not be included in the appeal bundles in their unredacted form. Instead, such documents should be included in the appeal bundles in their redacted form.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (b) In the margins against the redacted portions of the appeal bundles, the basis for the redaction should be stated (for example, “This information has been redacted pursuant to SIC/ORC 1/2017 made on 3 January 2017”).
- (c) When tendering the appeal bundles, the parties should also tender a separate bundle, consisting only of documents subjected to a redaction order. These documents should be included in this bundle in their unredacted form (the “Bundle of Documents Subjected to Redaction Order” or “BDSRO”).
- (d) The BDSRO should be tendered in both hard copies and soft copies. Where hard copies are concerned, parties should tender the number of copies as provided in paragraph 147(2) of these Practice Directions. Where soft copies are concerned, the BDSRO may be included in the CD-ROM mentioned in paragraph 147(3) of these Practice Directions and should be named in the format provided in paragraph 147(4) of these Practice Directions.
- (e) The BDSRO should contain a table of contents. The format of the table of contents should comply with that provided in paragraph 148(4) of these Practice Directions.
- (f) The pagination of the documents in the BDSRO should follow the pagination of the corresponding documents in the appeal bundles. Fresh pagination should not be assigned to the documents in the BDSRO.
- (g) At the time when the parties tender the appeal bundles and the BDSRO, they should by way of a letter to the Legal Registry: (i) inform the Legal Registry that the BDSRO contains redacted information, (ii) specify the basis for the redaction; and (iii) request that the Legal Registry seal the BDSRO in the electronic case file and keep the hard copies from public inspection.

(4) Counsel are reminded of their responsibility under paragraph 148(7) to personally satisfy themselves as to the good order of the appeal records. At the time the appeal bundles and BDSRO are tendered, the counsel having conduct of the appeal shall provide an undertaking to the Court that he has satisfied himself that the appeal bundles do not contain any document ordered to be redacted in its unredacted form. This undertaking shall be in Form 23 of Appendix B to these Practice Directions.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Inclusion of sealed documents in appeal bundles

(5) Where it is necessary to include in the appeal bundles documents that have been ordered to be sealed, parties should do so by complying with the following directions:

- (a) All documents subjected to a sealing order should not be included in the appeal bundles. Instead, each and every such document should be represented in the appeal bundles by a separate holding page.
- (b) Each and every holding page should be blank save that: (i) the basis for the sealing should be stated across each holding page (for example, “The affidavit of Tan filed on 30 December 2016 has been sealed pursuant to SIC/ORC 1/2017 made on 3 January 2017”); and (ii) the cross-references required under sub-paragraph (5)(f) should be indicated (for example, “Reference: BDSSO – Pages 1-10”).
- (c) When tendering the appeal bundles, the parties should also tender a separate bundle, consisting only of documents subjected to a sealing order (the “Bundle of Documents Subjected to Sealing Order” or “BDSSO”).
- (d) The BDSSO should be tendered both in hard copies and soft copies. Where hard copies are concerned, parties should tender the number of copies as is provided in paragraph 147(2) of these Practice Directions. Where soft copies are concerned, the BDSSO may be included in the CD-ROM mentioned in paragraph 147(3) of these Practice Directions and should be named in the format provided in paragraph 147(4) of these Practice Directions.
- (e) The BDSSO should contain a table of contents. The format of the table of contents should comply with that provided in paragraph 148(4) of these Practice Directions.
- (f) Given that each and every document subjected to a sealing order is represented only by a single holding page in the appeal bundles but is reproduced in full in the BDSSO, fresh pagination will have to be assigned to the pages in the BDSSO. Each holding page should contain cross-references to the pages of the BDSSO that the holding page represents (for

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

example, “Reference: BDSSO – Pages 1-10”).

- (g) At the time when the parties tender the appeal bundles and the BDSSO, they must by way of a letter to the Legal Registry: (i) inform the Legal Registry that the BDSSO contains documents ordered to be sealed, (ii) specify the basis for the sealing; and (iii) request that the Legal Registry seal the BDSSO in the electronic case file and keep the hard copies from public inspection.

(6) Counsel are reminded of their responsibility under paragraph 148(7) to personally satisfy themselves as to the good order of the appeal records. At the time the appeal bundles and BDSSO are tendered, the solicitor having conduct of the appeal shall provide an undertaking to the Court that he has satisfied himself that the appeal bundles do not contain any document ordered to be sealed. This undertaking shall be in Form 23 of Appendix B to these Practice Directions.

(7) For the avoidance of doubt, documents that have been ordered to be expunged should not in any event be tendered to the Court of Appeal in any form.

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 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;
- (ba) the final paragraph(s) should contain the parties’ submissions on costs, stating (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court;
- (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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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 start of the Court of Appeal sitting period within which that appeal or matter is scheduled for hearing, regardless of the actual day (within that sitting period) on which that appeal or matter is scheduled for hearing before the Court of Appeal. (For example, if the sitting period starts on Monday, 18 February 2019 and ends on Friday, 8 March 2019, all skeletal arguments for appeals or matters listed before the Court of Appeal in that sitting period must be filed by 4 p.m. on Monday, 28 January 2019.). 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.

(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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

149A. **(deleted)**

149B. Applications before the Court of Appeal

- (1) Unless otherwise provided by any written law or otherwise directed, reply affidavits (if any) for applications before the Court of Appeal are to be filed and served within 7 days after the date the application and the affidavit in support of the application (if any) are served on the party.
- (2) No further affidavits shall be filed without the leave of the Court of Appeal.
- (3) Unless otherwise provided by any written law or unless otherwise directed, parties are to file and serve written submissions (if any) in respect of the application before the Court of Appeal within 7 days after the date the reply affidavit is due for filing and service. Parties shall include in the final paragraph(s) of the written submissions their submissions on costs, stating (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court.
- (4) The written submissions should comply with the following requirements:
 - (a) they should not exceed 20 pages, excluding the cover page and the backing page;
 - (b) all pages should be paginated, with the first page (not including any cover page) numbered as “Page 1”;
 - (c) the minimum font size to be used is Times New Roman 12 or its equivalent;
 - (d) the print of every page shall be double-spaced; and
 - (e) every page shall have a margin on all 4 sides, each of at least 35mm in width.
- (5) If no affidavits or submissions are filed by the timelines prescribed by this paragraph, the Court of Appeal will proceed on the basis that the party does not intend to file any affidavit or submissions and may decide the matter based on the documents before it without hearing oral arguments.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

149C. Applications to the Court of Appeal for leave to appeal in civil matters

(1) Any written submissions in respect of an application to the Court of Appeal under Order 57, Rule 2A of the Rules of Court for leave to appeal against a decision of the Court shall be in Form 25 or 26 of these Practice Directions.

(2) The written submissions mentioned in sub-paragraph (1) should comply with the following requirements:

- (a) they should not exceed 12 pages, excluding the cover page and the backing page;
- (b) all pages should be paginated, with the first page (not including any cover page) numbered as “Page 1”;
- (c) the minimum font size to be used is Times New Roman 12 or its equivalent;
- (d) the print of every page shall be double-spaced; and
- (e) every page shall have a margin on all 4 sides, each of at least 35mm in width.

(3) If no written submissions are filed by the timelines prescribed by Order 57, Rule 2A of the Rules of Court, the Court of Appeal will proceed on the basis that the party does not intend to file any written submissions and may decide the matter based on the documents before it without hearing oral arguments.

(4) This paragraph does not apply to any application for leave to appeal against a decision of the Court made before 2 January 2021 against which no appeal was brought before 2 January 2021, in a case where leave of the Court of Appeal was required to bring an appeal to the Court of Appeal under section 34(2), (2A) or (4) of the Supreme Court of Judicature Act as in force immediately before 2 January 2021. For any such application for leave to appeal, paragraph 149B sets out the directions for the filing of affidavits and written submissions.

150. Use of presentation slides for all proceedings before the Court of Appeal

Subject to approval by the Court of Appeal, paragraph 121 of these Practice Directions on the use of presentation slides for trial shall apply to proceedings before the Court of Appeal.

151. Further arguments before the Court of Appeal

(1) From time to time, requests are received for further arguments to be presented before the Court of Appeal after the conclusion of the hearing of the appeal. Such requests should not be made as all relevant arguments should have been presented at the hearing proper.

(2) As a general rule, unless asked for by the Court of Appeal itself, the Court of Appeal will not receive further arguments after the conclusion of the hearing of the appeal.

(3) The general rule will be relaxed in only very exceptional circumstances, for example, if an authority not available at the hearing would be decisive. Counsel seeking to submit further arguments should therefore satisfy themselves that very exceptional circumstances exist. If they are of the view that such circumstances do exist, they must also seek the consent of the other parties to their request.

(4) All requests for further arguments shall be made by submitting a request to the SICC Registry in accordance with paragraph 11 of these Practice Directions and should:

- (a) state the party making the requests;
- (b) identify the Judges constituting the Court of Appeal who heard the matter in question;
- (c) specify when the order concerned was made;
- (d) state the very exceptional reasons which justify the request;
- (e) state whether the other parties consent to the request;
- (f) set out the proposed further arguments briefly, together with any authorities;
and
- (g) include a copy of each of the authorities cited.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(5) Any request for further arguments must be received by the Registrar within one week after the conclusion of the hearing of the appeal, failing which it cannot be considered and will be rejected.

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

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

PART XXIII

COSTS

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 SICCC 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(3):
 - (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 and the existence, scope, extent and terms of any third-party funding contract;
 - (iii) order costs to be paid by counsel, a Restricted Registration Foreign Lawyer, or a Registered Law Expert personally, by a Third-Party Funder, or by any other 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:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (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.

PART XXIV

TECHNOLOGY, INFRASTRUCTURE AND CONSTRUCTION LIST

153. Application of this Part and definitions

(1) This Part applies to —

- (a) every case that is placed in the TIC List under paragraph 155 of these Practice Directions; and
- (b) any proceedings under paragraph 155 of these Practice Directions for the placement of a case in the TIC List.

(2) In this Part, unless the context otherwise requires —

“TIC Judge” means any Judge who is appointed by the Chief Justice to hear a case placed in the TIC List;

“TIC List” means the Technology, Infrastructure and Construction List of the Court established under paragraph 155 of these Practice Directions.

154. TIC Claim

(1) In this Part, “TIC Claim” means a claim in relation to which the following requirements are met:

- (a) the Court has jurisdiction to hear and try the case in which the claim is made;
- (b) the claim involves technically complex issues or questions; and
- (c) it is desirable for the case in which the claim is made to be placed in the TIC List.

(2) For the purposes of subparagraph (1)(c), the following matters are to be taken into account when assessing whether it is desirable for a case in which a claim is made to be placed in the TIC List:

- (a) whether the placing of the case in the TIC List —

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (i) is warranted by the financial value of the claim or the complexity of the claim, or both; or
 - (ii) will assist in the disposal of the claim;
- (b) the effect that placing the case in the TIC List would have on the likely costs of the proceedings, the speed with which the matter can be resolved, and any other questions of convenience to the parties.
- (3) Despite subparagraph (2), for the purposes of subparagraph (1)(c), it is desirable for a case in which a claim is made to be placed in the TIC List if the claim is, or relates to, any of the following matters:
- (a) any building or other construction dispute;
 - (b) any engineering dispute;
 - (c) any claim by or against any engineer, architect, surveyor, accountant or other specialised adviser relating to any service provided by the engineer, architect, surveyor, accountant or specialised adviser (as the case may be);
 - (d) any claim relating to the design, supply or installation of any computer, any computer software or any related network system;
 - (e) any claim relating to the quality of any goods sold or hired, or any work done, material supplied or service rendered, for any technology, infrastructure or construction project;
 - (f) any challenge to a decision of an arbitrator in any construction or engineering dispute (including any application for leave to appeal against any such decision, and any appeal against any such decision).

155. **Placement in TIC List**

- (1) A case in which a TIC Claim is made may be placed in the TIC List if —
- (a) each party to the case has agreed in writing that the case is to be placed in the TIC List; and
 - (b) the Court, on its own motion or on the application of a party, orders that the case be placed in the TIC List.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(2) Where there ceases to be any TIC Claim made in a case placed in the TIC List under subparagraph (1), the case may be transferred out of the TIC List by the Court on its own motion or on the application of a party.

(3) Every case placed in the TIC List will be dealt with by one TIC Judge or, where Order 110, Rule 53(1) of the Rules of Court applies, by a Court consisting of 3 Judges who will be assigned taking into account the nature, circumstances and requirements of the case.

(4) If 2 or more parties have agreed in writing to apply a relevant pre-action protocol to any dispute between them involving a TIC Claim or any particular dispute between them involving a TIC Claim, then where any of those parties wishes to commence in the Court, or to have placed in the TIC List, a case concerning any such dispute or that particular dispute (as the case may be), the terms of that protocol will apply.

(5) In subparagraph (4), “relevant pre-action protocol” means the protocol set out in Part 1 of Appendix G of these Practice Directions, or a version of that protocol containing such modifications as may be agreed in writing by the parties.

156. General matters concerning expert evidence

(1) Orders 40 and 40A of the Rules of Court apply to every case placed in the TIC List under paragraph 155 of these Practice Directions.

(2) Under Order 110, Rule 3(2) of the Rules of Court, the Court may make any order in relation to expert evidence in addition to, or in place of, any requirement under Order 40 or 40A of the Rules of Court.

157. Parties to seek approval for expert evidence

(1) If any party intends to adduce expert evidence, that party must seek the approval of the Court, at the earliest opportunity, to do so.

(2) Before seeking the Court’s approval, a party must answer questions 14 to 18 of the Case Management Plan filed under paragraph 81(1) of these Practice Directions.

(3) Where the Court has approved the adducing of expert evidence, the following apply, unless the Court directs otherwise:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (a) The parties must attempt to agree on —
 - (i) the list of issues to be referred for expert evidence (which must as far as possible be expressed in the form of questions which can be answered with “yes” or “no”); and
 - (ii) the common set of agreed or assumed facts that the experts are to rely on.
- (b) The parties must obtain the Court’s approval of any list of issues agreed between the parties and the common set of agreed or assumed facts.
- (c) If there is no agreement, the Court may decide the list of issues and the common set of agreed or assumed facts.
- (d) The expert evidence must be confined to the approved issues and must rely only on the approved common set of agreed or assumed facts.

158. Joint statement and joint report by experts

(1) Where 2 or more experts are appointed to give evidence on a matter, the Court may direct the experts to produce a joint statement setting out the issues on which they agree and the issues on which they disagree, accompanied by a brief statement of the reasons for their disagreement.

(2) The Court may direct the experts to produce a joint report, signed by all of the experts, on the issues on which the experts agree, and to produce an individual report by each expert only on the issues on which the experts disagree.

159. Court may convene case management conference with experts

(1) Without affecting Order 40A, Rule 5 of the Rules of Court, the Court may convene a case management conference at any time the Court thinks appropriate, to be attended by such of the experts as are directed by the Court, and by the parties or their counsel or both, as provided for under paragraph 77(1) of these Practice Directions.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

160. Affidavits of evidence-in-chief to be filed before document disclosure

(1) The Court may, after pleadings have been filed and served but before any documents are produced, order each party to file and serve the affidavits of evidence-in-chief of all or some of that party's witnesses.

(2) In deciding whether to make an order under subparagraph (1), the Court must consider whether there are any circumstances necessitating the earlier production of documents.

161. Presentation of parties' cases using Scott Schedules

(1) The Court may direct the parties to submit a Scott Schedule instead of, or in addition to, tendering a list of issues or written submissions (including opening statements or closing submissions).

(2) In this paragraph, "Scott Schedule" means a table in which are set out each issue to be determined by the Court, and each party's case or submissions on that issue (including, where applicable, the evidence relied on).

162. Simplified adjudication process protocol

(1) If each party to a case placed in the TIC List has agreed in writing, before the affidavits of evidence-in-chief for the case are filed and served, to apply a simplified adjudication process protocol to the case, then, unless the Court directs otherwise, the simplified adjudication process protocol will apply to the case.

(2) The parties to a case placed in the TIC List must indicate, in the Case Management Plan filed under paragraph 81(1) of these Practice Directions, whether there is any agreement in writing between the parties to apply a simplified adjudication process protocol to the case.

(3) Where the parties to a case have agreed in writing to apply a simplified adjudication process protocol to the case —

(a) the parties must inform the Court of the agreement without delay;

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (b) each party must arrange for the forms for the information required to apply the protocol to be completed and signed by the counsel for that party or, if that party acts in person, by that party; and
 - (c) the parties must file the signed forms mentioned in subparagraph (b).
- (4) After the signed forms mentioned in subparagraph (3)(b) are filed, no amendment is to be made to those forms, except in exceptional circumstances and with the approval of the Court.
- (5) Where a simplified adjudication process protocol applies to a case under subparagraph (1), the Court may do either or both of the following to facilitate the just, expeditious and economic disposal of the case:
- (a) with the consent of the parties, modify the protocol or any provision of the protocol;
 - (b) give such further directions consistent with the protocol as the Court sees fit to supplement the protocol.
- (6) In this paragraph, “simplified adjudication process protocol” means the protocol set out in Part 2 of Appendix G of these Practice Directions or a version of that protocol containing such modifications as may be agreed in writing by the parties.

163. Alternative dispute resolution

- (1) Each party to a case placed in the TIC List must consider the use of alternative dispute resolution.
- (2) To avoid doubt, paragraphs 76(1) and 77(9), (10) and (11) of these Practice Directions apply to a case placed in the TIC List.
- (3) To avoid doubt, the parties to a case placed in the TIC List must answer questions 31 and 32 of the Case Management Plan filed under paragraph 81(1) of these Practice Directions.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

APPENDIX A

(deleted)

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

APPENDIX B

FORMS

Form 1

(deleted)

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 2

Para 12(5)

Specimen Authorisation Letter for Parties Acting in Person

[Date]

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

Dear Sir,

CASE NUMBER: []

CASE NAME: []

LETTER OF AUTHORISATION FOR COLLECTION OF COURT DOCUMENTS AND MAIL FROM THE COURT

Please be informed that I, (Name) (Personal identification number / Passport number), the [plaintiff/defendant] in the above captioned matter hereby authorise (Name) (Personal identification number / Passport number) to collect all court documents and mail from the court relating to the above-captioned matter on my behalf.

Thank you.

Yours faithfully,

[Signature]

[Name and contact details]

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 2AA

Para 14

Request for Urgent Hearing before Judge

| | |
|--|---|
| Case Number(s) and Case Name(s) | |
| Sub-Case Number(s) (if applicable) | |
| Name(s) of Applicant(s) | |
| Details of Applicant(s) | (Plaintiff/ Defendant/ Third Party) |
| Counsel for Applicant(s) <i>(if represented)</i> | (Name(s) of counsel and Law Practice) |
| Contact Number(s) of Counsel for Applicant(s) <i>(if represented)</i> or of Applicant(s) <i>(if unrepresented)</i> | |
| Name(s) of Respondent(s) | |
| Counsel for Respondent(s) <i>(if represented)</i> | (Name(s) of counsel and Law Practice) |
| Contact Number(s) of Counsel for Respondent(s) <i>(if represented)</i> or of Respondent(s) <i>(if unrepresented)</i> | |
| Summary of relief sought | (E.g. Mareva Injunction) |
| Proposed hearing dates for the application(s) | (Please indicate the dates on which all parties are able to attend) |

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| | |
|---|---|
| Estimated duration of the hearing | (E.g. 1 hour or less, Half-day, Full-day) |
| Summary of relevant facts: (<i>Maximum 500 words</i>) | |
| Reason(s) for urgency: (<i>Maximum 300 words</i>) | |
| Have all requisite Court papers been filed and are they in order? | |
| Is this an <i>ex parte</i> application? | |
| Does paragraph 107 of the Singapore International Commercial Court Practice Directions apply? | (If yes, please state whether the directions set out in paragraph 107 have been complied with. If the directions under paragraph 107(2) on giving of notice of the application to the other concerned parties prior to the hearing have been complied with, please state the date, time and manner in which notice was given. If the said directions have not been complied with, please state whether and when notice will be given and, if not, the reasons for not giving notice.) |
| Has/Have the Applicant(s) notified the Respondent(s) of the attendance before the Registrar on Duty? | (If not, please state the reason(s) why.) |
| Has there been any previous request for an urgent hearing of the application(s)? | (If yes, please state the date and outcome of each previous request, and the reason(s) for making this request.) |
| Skeletal Submissions* (please select the applicable option): | |
| <input type="checkbox"/> I confirm that the skeletal submissions have been filed together with this Form. <input type="checkbox"/> The skeletal submissions could not be filed together with this Form, but will be filed as soon as possible and, in any event, no later than the next working day after the attendance before the Registrar on duty, unless the Court directs otherwise. <input type="checkbox"/> Due to the extreme urgency, the skeletal submissions cannot be filed or provided in hard copy by the time of the hearing before the Judge, and I intend to seek a dispensation of this requirement at the hearing before the Judge. | |

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Signature of Counsel for Applicant or of Applicant:

Name:

Date:

** The skeletal submissions must comply with the requirements stated in paragraph 14 of the Singapore International Commercial Court Practice Directions.*

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Form 2A

Para 16(3)

Request for Interpretation Services

Date:

To: Head Interpreter (Chinese) / Head Interpreter (Indian) /
Head Interpreter (Malay) (delete as applicable)
Supreme Court
1 Supreme Court Lane
Singapore 178879
(Email: SUPCOURT_Head_Interpreters@supcourt.gov.sg)

REQUEST FOR INTERPRETATION SERVICES

Application by : Law Firm Individual

Party making request or on whose
behalf request is made : _____
(Plaintiff or Defendant as the case may be)

Name of applicant/law Firm : _____

Name of lawyer/secretary-in-charge
of matter : _____

Address : _____

E-mail address : _____

Telephone number : _____

Case number : _____

Name of parties : _____

Court number or Chamber number : _____
(if known)

Date(s) and time(s) interpretation
services are required : _____

Name(s) of party(ies) and/or

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witness(es) requiring interpretation : _____

Language/dialect : Cantonese Hokkien Teochew
 Mandarin Tamil Malayalam
 Malay Javanese Boyanese

Date of previous hearing : _____
(to be filled if the hearing described above is an adjourned or a part-heard hearing)

We undertake to pay the applicable fee prescribed by the Rules of Court immediately upon approval of the request.

We undertake to inform the appropriate Head Interpreter immediately by letter/email in the event that the services of the interpreter are not required for any reason on any of the scheduled days specified in the request.

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

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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:

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:

- (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)

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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:* 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: _____

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Form 4

Paras 29(1)(b) &
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 .

*[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)*

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 5

(deleted)

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 6

Para 47(2)

Application to be Registered User of the Electronic Filing Service

[Date]

The Registrar
Supreme Court
1 Supreme Court Lane
Singapore 178879

Dear Sir

APPLICATION TO BE REGISTERED USER OF THE ELECTRONIC FILING SERVICE

I, [name of managing partner of foreign law practice], am the managing partner of [name of foreign law practice], [foreign law practice UEN], and I am duly authorised to make this application on behalf of [name of foreign law practice].

2. The law practice of [name of foreign law practice] hereby applies to be a registered user of the electronic filing service, eLitigation, established under Order 63A of the Rules of Court, for causes or matters filed in the Singapore International Commercial Court.

3. As required under Order 63A, I hereby designate (name of appointed administrator), NRIC/FIN/RFL (NRIC/FIN/RFL number of appointed administrator), as an authorised user to administer the service on behalf of my law practice. The SingPass identification code of the said authorised user is his NRIC number/FIN number/ RFL access code.

4. The duly completed application form and subscriber agreement with the designated electronic filing service provider, CrimsonLogic Pte Ltd, for the use of the electronic filing service, eLitigation, and the duly completed application form for interbank GIRO payment facilities for the payment of all fees and charges incurred by my law practice's use of the electronic filing service are annexed hereto.

Yours faithfully

[Signature of authorised signatory]

[Name and designation of authorised signatory]

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Form 7

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

Request to use Teleconference and Video Conference Facilities / Mobile Infocomm Technology Facilities (MIT Facilities)

REQUEST TO USE TELECONFERENCE AND VIDEO CONFERENCE FACILITIES / MOBILE INFOCOMM TECHNOLOGY FACILITIES (MIT FACILITIES)

Date:

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

Part I

Application by : Law Firm/Full Registration 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 : _____

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Date(s) of hearing : From _____ to _____

PART II

Application for the use of: Teleconference and video conference facilities
 MIT Facilities

(A) Date(s) and time when use of teleconference and video conference facilities are required:

Dates of scheduled use: _____ Total No. of days: _____

Start date and time (1st scheduled day of use):

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

| Facility (tick box) | Date(s) | Time (state from _____ to _____) |
|--|---------|--|
| Video-conferencing and teleconferencing system (State the country, state and city) | | |

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

Dates of scheduled use: _____ Total No. of days: _____

Start date and time (1st 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 | | |
| (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) | | |

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| Facility (Tick box) | Date(s) | Time (state from _____ to _____) |
|---|---------|--|
| (d) Multi-format disc player (which allows the playback of DVD-audio, DVD-video, DVDRAM, DVD-R, CD, CD-R/RW and SVCD media) | | |
| 2. Audio Visual Projection Facility | | |
| 3. Other Audio Visual Equipment | | |
| (a) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVD-RAM, DVD-R) | | |
| (b) Visualiser | | |
| (c) Others (please list): * | | |

* Subject to availability of such equipment

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

[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.]
- (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 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]

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Form 9

(deleted)

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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

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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?

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- 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)?

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?

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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.

Questions relating to the Technology, Infrastructure and Construction List (or TIC List) of the Court

33. Are the parties of the view that this case contains a TIC Claim (as defined in paragraph 154 of these Practice Directions)? If yes, please indicate whether parties have agreed for this case to be placed in the TIC List under paragraph 155 of these Practice Directions.
34. If the parties have agreed for this case to be placed in the TIC List under paragraph 155 of these Practice Directions, please indicate:
 - a. Whether the parties have agreed to apply the pre-action protocol at Part 1 of Appendix G of these Practice Directions, or a version of that protocol containing such modifications as may be agreed in writing by the parties. If yes, please indicate whether that protocol was applied by the parties prior to the commencement of these proceedings.
[Note: If a modified version of the pre-action protocol was applied, please exhibit a copy of the protocol applied by the parties at the end of this Form.]
 - b. Whether the parties have agreed to apply the simplified adjudication process protocol at Part 2 of Appendix G of these Practice Directions, or a version of that protocol containing such modifications as may be agreed in writing by the parties.
[Note: If the parties have agreed to a modified version of the simplified adjudication process protocol at Part 2 of Appendix G of these Practice Directions, please exhibit a copy of the modified protocol at the end of this Form.]

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Dated this day of , 20 .

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 11

Para 84(1)

Progress Monitoring Information Sheet

[Title as in cause or matter]

PROGRESS MONITORING INFORMATION SHEET

[Impt: This information sheet should be completed with the involvement of the lead counsel instructed for trial]

[The information supplied should be printed in **bold** characters]

Filing party : _____

Name(s) of counsel : _____

Trial date(s) : _____

- (1) Have you complied with the pre-trial timetable in all respects?
- (2) If you have not complied, in what respects have you not complied with the pre-trial timetable?
- (3) Will you be ready for a trial commencing on the hearing date specified in the pre-trial timetable?
- (4) If you will not be ready, please state the reasons why and explain.

Dated this day of , 20 .

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 12

Paras 85(4)(b), 85(7)(b)

Pre-Trial Checklist

[Title as in cause or matter]

PRE-TRIAL CHECKLIST

[Imp: This information sheet should be completed with the involvement of the lead counsel instructed for trial]

[The information supplied should be printed in **bold** characters]

- a. Filing party : _____
- b. Name(s) of Counsel : _____
- c. Trial date(s) : _____

Questions

1. Are you ready to file the trial bundles in accordance with the Rules of Court and Practice Directions?
2. If not, when will you be filing the trial bundles?
3. How many witnesses of fact do you intend to call? Please provide the name(s).
4. How many expert witnesses do you intend to call (if directions for expert evidence have been given)? Please provide the name(s).
5. Will an interpreter be required for any witness and if so, have all necessary arrangements been made for an interpreter to be present at the trial?
6. Have directions been given for any witness to give evidence by video link? If so, have all necessary arrangements been made?
7. What are the time estimates of the minimum and maximum lengths of the trial?
8. What are the estimates for the pre-reading time likely to be required by the trial judge?
9. What are the time estimates for oral submissions (if any)?
10. What are the time estimates for examinations-in-chief (if any) and cross-examination of the witness(es) of fact and expert witness(es)?
11. What is the estimate of costs already incurred and to be incurred at trial?

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Dated this day of , 20 .

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 12A

Para 106A(2)

Form of Summary Table for Applications for Further and Better Particulars, Discovery, Production of Documents or Interrogatories

| Case number | | | | | |
|------------------------|---|---|---------------------------|-----------------------------|--|
| Case Title | | | | | |
| Application for | Further & Better Particulars / Discovery / Production of Documents / Interrogatories (<i>Delete as appropriate</i>) | | | | |
| S/N | A | B | C | D | E |
| | Category / Request | Issue / reference to pleading / affidavit* | Applicant's submissions** | Respondent's submissions*** | Applicant's submissions in reply to respondent's submissions |
| 1. | (E.g. Minutes of Meeting of Board of Directors on 2 Jan 2021) | (E.g. Relevancy, Privilege) (E.g. paragraphs 13 to 15 of the Defence / paragraphs 3 to 6 and page 32 of the affidavit of X dated dd/mm/yy) | | | |
| 2. | | | | | |
| 3. | | | | | |

* Reference to the specific paragraph and/or page of a pleading or affidavit should be stated. Parties are to categorise the requests and confer on points of agreement.

** The applicant is to state the applicant's submissions.

***The respondent is to state the respondent's submissions. Where the respondent agrees to the request, the respondent may state so in this column.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 13

Para 108(1)(a)

Order to Allow Entry and Search of Premises

[Title as in cause or matter]

BEFORE THE HONOURABLE JUSTICE _____ IN CHAMBERS

ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES

IMPORTANT:- NOTICE TO THE DEFENDANT

(a) This order orders you to allow the persons mentioned below to enter the premises described in the order and to search for, examine and remove or copy the articles specified in the order. This part of the order is subject to restrictions. The order also requires you to hand over any of the articles which are under your control and to provide information to the plaintiff's counsel. You are also prohibited from doing certain acts. You should read all the terms of the order very carefully. You are advised to consult a lawyer as soon as possible.

(b) Before you the defendant or the person appearing to be in control of the premises allow anybody onto the premises to carry out this order, you are entitled to have the counsel who serves you with this order explain to you what it means in everyday language.

(c) You are entitled to insist that there is nobody [or nobody except (name)] present who could gain commercially from anything he might read or see on your premises.

(d) You are entitled to refuse to permit entry before 9.00 a.m. or after 5.00 p.m. or at all on Saturdays, Sundays and public holidays.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(e) You are entitled to seek legal advice, and to ask the Court to vary or discharge this order, provided you do so at once, and provided that meanwhile you permit [the supervising solicitor (who is an officer of the Court acting independently of the plaintiff) and] α the plaintiff’s counsel to enter, but not start to search. See paragraph 3 below.

(f) If you, [] (the defendant), disobey this order, you will be guilty of contempt of Court and may be sent to prison or fined. β

THE ORDER

An application was made today [date] by counsel for the plaintiff, [] to Justice [] by way of Ex-parte Summons No. [] of []. Justice [] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [] that:

Entry and search of premises and vehicles on the premises

1. (a) The defendant must allow [name] (“the supervising solicitor”), together with [name] the plaintiff’s counsel and up to [] other persons being [their capacity] accompanying [him/them/as appropriate] to enter the premises mentioned or described in Schedule 1 to this order and any vehicles on the premises so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the plaintiff’s counsel all the documents and articles which are listed or described in Schedule 2 to this order (“the listed items”) or which [name] believes to be listed items. The defendant must allow those persons to remain on the premises until the search is complete, and if necessary to re-enter the premises on the same or the following day in order to complete the search.
- (b) This order must be complied with either by the defendant himself or by a responsible employee of the defendant or by the person appearing to be in control of the premises.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(c) This order requires the defendant or his employee or the person appearing to be in control of the premises to permit entry to the premises immediately when the order is served upon him, except as stated in paragraph 3 below.

[] Relevant information to be inserted.

α Where a supervising solicitor is ordered.

β This Notice is not a substitute for the endorsement of a penal notice.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Restrictions on the service and carrying out of paragraph 1 of this order

2. Paragraph 1 of this order is subject to the following restrictions:

(a) This order may only be served between 9.00 a.m. and 5.00 p.m. on a weekday which is not a public holiday.

(b) This order may not be carried out at the same time as any search warrant.

(c) [This order must be served by the supervising solicitor, and paragraph 1 of the order must be carried out in his presence and under his supervision.]^α [At least 1 of the persons accompanying him as provided by paragraph 1 of this order shall be a woman.]^χ [At least 1 of the persons carrying out the order shall be a woman.]^δ

(d) This order does not require the person served with the order to allow anyone [or anyone except (name)] who could gain commercially from anything he might read or see on the premises if the person served with the order objects.

(e) No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the person served with the order, and he has been given a reasonable opportunity to check the list.

(f) The premises must not be searched, and items must not be removed from them, except in the presence of the defendant or a person appearing to be a responsible employee of the defendant.

[(g) If the supervising solicitor is satisfied that full compliance with subparagraphs (e) or (f) above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.]^α

^α Where a supervising solicitor is ordered.

^χ These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman and the supervising solicitor is a man.

^δ These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Obtaining legal advice and applying to the Court

3. Before permitting entry to the premises by any person other than [the supervising solicitor and]^α the plaintiff's counsel, the defendant or other person appearing to be in control of the premises may seek legal advice, and apply to the Court to vary or discharge this order, provided he does so at once. While this is being done, he may refuse entry to the premises by any other person, and may refuse to permit the search to begin, for a short time [not to exceed 2 hours, unless (the supervising solicitor or)^α the plaintiff's counsel agrees to a longer period].

Delivery of listed items and computer print-outs

4. (a) The defendant must immediately hand over to the plaintiff's counsel any of the listed items which are in his possession or under his control.

(b) If any of the listed items exists only in computer readable form, the defendant must immediately give the plaintiff's counsel effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out. A print-out of the items must be given to the plaintiff's counsel or displayed on the computer screen so that they can be read and copied. All reasonable steps shall be taken by the plaintiff to ensure that no damage is done to any computer or data. The plaintiff and his representatives may not themselves search the defendant's computers unless they have sufficient expertise to do so without damaging the defendant's system.

Disclosure of information by the defendant

5. (a) The defendant must immediately inform the plaintiff's counsel:
 - (i) where all the listed items are; and
 - (ii) so far as he is aware:
 - (A) the name and address of everyone who has supplied him, or offered to supply him, with listed items;
 - (B) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and
 - (C) the full details of the dates and quantities of every such supply and offer.
- (b) Within [] days after being served with this order, the defendant must prepare and swear an affidavit confirming the above information.
- (c) Nothing in this order shall abrogate the defendant's right against self-incrimination.

^α Where a supervising solicitor is ordered.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

6. (a) Except for the purpose of obtaining legal advice [or advising his banker], the defendant must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the plaintiff until [].
- (b) [Insert any negative injunctions.]

EFFECT OF THIS ORDER

7. (a) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (b) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

UNDERTAKINGS

8. The plaintiff, [the supervising solicitor and]α the plaintiff's counsel give to the Court the undertakings contained in Schedules 3, 4 and 5 respectively to this order.

DURATION OF THIS ORDER

9. Paragraph 6(b) of this order shall remain in force until the trial or further order.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

VARIATION OR DISCHARGE OF THIS ORDER

10. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's counsel.

NAME AND ADDRESS OF PLAINTIFF'S COUNSEL

11. The plaintiff's counsel are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Registered Foreign Lawyer No. (if applicable)]
[Name of law firm.]
[Address of law firm.]
Tel : [Telephone number.]
Fax : [Facsimile number.]
Email: [Email address(es)]
Ref : [File reference of law firm.]

[INTERPRETATION OF THIS ORDER

12. (a) In this order references to "he", "him", or "his" include "she" or "her" and "it" or "its".
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to "the defendants" mean both or all of them;
 - (ii) An order requiring "the defendants" to do or not to do anything requires each defendant to do or not to do the specified thing;
 - (iii) A requirement relating to service of this order, or of any legal proceedings, on "the defendants" means service on each of them; and
 - (iv) Any other requirement that something shall be done to or in the presence of "the defendants" means to or in the presence of one of them.]

Dated this [] day of [], [].

Registrar.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

SCHEDULE 1

The premises

SCHEDULE 2

The listed items

SCHEDULE 3

Undertakings given by the plaintiff

1. If the Court later finds that this order or the carrying out of it has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
- [2. As soon as practicable the plaintiff shall issue a writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief].]
3. The plaintiff shall [swear and file an affidavit] [cause an affidavit to be sworn and filed] [substantially in the terms of the draft produced to the Court] [confirming the substance of what was said to the Court by the plaintiff's counsel.]
4. The plaintiff shall serve on the defendant at the same time as this order is served on him, the writ and copies of the affidavits and exhibits containing the evidence relied on by the plaintiff. [Copies of the confidential exhibits (specify) need not be served, but they must be made available for inspection by or on behalf of the defendant in the presence of the plaintiff's counsel while the order is carried out. Afterwards they must be provided to the counsel representing the defendant who gives a written undertaking not to permit the defendant to see them or make copies of them except in his presence and not to permit the defendant to make or take away any note or record of the exhibits.]
- [5. The plaintiff shall serve on the defendant a copy of the supervising solicitor's report on the carrying out of this order as soon as it is received and to produce a copy of the report to the Court.]^α
6. The plaintiff shall not without the leave of the Court inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of carrying out this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.
7. [The plaintiff shall insure the items removed from these premises.]^ε

^α Where a supervising solicitor is ordered.

^ε In appropriate cases.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

SCHEDULE 4

Undertakings given by the plaintiff's counsel

1. To answer at once to the best of their ability any question as to whether a particular item is a listed item.
2. To return the originals of all documents obtained as a result of this order (except original documents which belong to the plaintiff) as soon as possible and in any event within 2 working days of their removal.
3. While ownership of any item obtained as a result of this order is in dispute, to deliver the article into the keeping of counsel acting for the defendant within 2 working days from receiving a written undertaking by them to retain the article in safekeeping and to produce it to the Court when required.
4. To retain in their own safekeeping all other items obtained as a result of this order until the Court directs otherwise.
5. To execute this order calmly and orderly and in a manner respectful of the defendant's business.
6. Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of the carrying out of this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

SCHEDULE 5

Undertakings given by the supervising solicitor

1. To offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to seek legal advice and apply to vary or discharge the order as mentioned in paragraph 3 of the order.
2. To make and provide the plaintiff's counsel a written report on the carrying out of the order.]^α

^α Where a supervising solicitor is ordered

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 14

Para 108(1)(b)

Injunction Prohibiting Disposal of Assets Worldwide

[Title as in cause or matter]

BEFORE THE HONOURABLE JUSTICE _____ IN CHAMBERS

INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE

IMPORTANT:- NOTICE TO THE DEFENDANT

- (a) **This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a lawyer as soon as possible. You have a right to ask the Court to vary or discharge this order.**
- (b) **If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.φ**

[] Relevant information to be inserted.

φ The notice is not a substitute for the endorsement of a penal notice.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

THE ORDER

An application was made today [date] by counsel for the plaintiff, [] to Justice [] by way of Ex-parte Summons No. [] of []. Justice [] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [] that:

Disposal of assets

1. (a) The defendant must not:
 - (i) remove from Singapore any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value of [\$]; or
 - (ii) in any way dispose of or deal with or diminish the value of any of his assets whether they are in or outside Singapore whether in his own name or not and whether solely or jointly owned up to the same value.
- (b) This prohibition includes the following assets, in particular:
 - (i) the property known as [] or the net sale money after payment of any mortgages if it has been sold;
 - (ii) the property and assets of the defendant's business known as [] (or carried on at []) or the sale money if any of them have been sold; and
 - (iii) any money in the accounts numbered [] at [].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$]. If the total unencumbered value of the defendant's assets in Singapore does not exceed [\$], the defendant must not remove any of those assets from Singapore and must not dispose of or deal with any of them, but if he has other assets outside Singapore, the defendant may dispose of or deal with those assets so long as the total unencumbered value of all his assets whether in or outside Singapore remains not less than [\$].

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Disclosure of information

2. The defendant must inform the plaintiff in writing at once of all his assets whether in or outside Singapore and whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the plaintiff's counsel within [] days after this order has been served on the defendant.

EXCEPTIONS TO THIS ORDER

3. This order does not prohibit the defendant from spending [\$] a week towards his ordinary living expenses and also [\$] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the plaintiff's counsel the source of that money.
4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the plaintiff [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the plaintiff's counsel that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

EFFECT OF THIS ORDER

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

THIRD PARTIES

Effect of this order

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

Effect of this order outside Singapore

9. The terms of this order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:
 - (a) a person to whom this order is addressed or an officer or an agent appointed by power of attorney of such a person; or
 - (b) a person who is subject to the jurisdiction of this Court; and

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (i) has been given written notice of this order at his residence or place of business within the jurisdiction of this Court; and
- (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order.

Assets located outside Singapore

10. Nothing in this order shall, in respect of assets located outside Singapore, prevent any third party from complying with:
- (a) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the defendant; and
 - (b) any orders of the Courts of that country or state, provided that reasonable notice of any application for such an order is given to the plaintiff's counsel.

Set-off by banks

11. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

Withdrawals by the defendant

12. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE]

13. (a) The plaintiff may serve the writ of summons on the defendant at [] by [mode of service].
- (b) If the defendant wishes to defend the action, he must enter an appearance within [] days of being served with the writ of summons.]

UNDERTAKINGS

14. The plaintiff gives to the Court the undertakings set out in Schedule 1 to this order.

DURATION OF THIS ORDER

15. This order will remain in force until the trial or further order.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

VARIATION OR DISCHARGE OF THIS ORDER

16. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

NAME AND ADDRESS OF PLAINTIFF'S COUNSEL

17. The plaintiff's counsel are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Registered Foreign Lawyer No. (if applicable)]
[Name of law firm.]
[Address of law firm.]
Tel: [Telephone number.]
Fax: [Facsimile number.]
Email: [Email address(es)]
Ref: [File reference of law firm.]

[INTERPRETATION OF THIS ORDER

18. (a) In this order references to "he", "him" or "his" include "she" or "her" and "it" or "its".
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to "the defendants" mean both or all of them;
 - (ii) An order requiring "the defendants" to do or not to do anything requires each defendant to do or not to do the specified thing; and
 - (iii) A requirement relating to service of this order, or of any legal proceedings, on "the defendants" means service on each of them.]

Dated this [] day of [], [].

Registrar.

SCHEDULE 1

Undertakings given to the Court by the plaintiff

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
- [2. The plaintiff, in respect of any order the Court may make pursuant to para (1) above, will:
 - (a) on or before [date] provide to the defendant security in the sum of [\$] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / any other mode which the Court deems fit]*; and
(*Delete where appropriate)
 - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
3. As soon as practicable the plaintiff shall [issue and] serve on the defendant [a] [the] writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
4. The plaintiff shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the plaintiff's counsel].
5. As soon as practicable the plaintiff shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the plaintiff.
6. Anyone notified of this order will be given a copy of it by the plaintiff's counsel.
7. The plaintiff shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff will comply with any order the Court may make.
8. If this order ceases to have effect, the plaintiff will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- [9. The plaintiff shall not without the leave of the Court begin proceedings against the defendant in any other jurisdiction or use information obtained as a result of an order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction.
10. The plaintiff shall not without the leave of the Court seek to enforce this order in any

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

country outside Singapore [or seek an order of a similar nature including orders conferring a charge or other security against the defendant or the defendant's assets].]

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 15

Para 108(1)(c)

Injunction Prohibiting Disposal of Assets in Singapore

[Title as in cause or matter]

BEFORE THE HONOURABLE JUSTICE _____ IN CHAMBERS

INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE

IMPORTANT:- NOTICE TO THE DEFENDANT

- (a) **This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a lawyer as soon as possible. You have a right to ask the Court to vary or discharge this order.**

- (b) **If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.φ**

[] Relevant information to be inserted.

φ This notice is not a substitute for the endorsement of a penal notice.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

THE ORDER

An application was made today [date] by counsel for the plaintiff, [] to Justice [] by way of Ex-parte Summons No. [] of []. Justice [] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [] that:

Disposal of assets

1. (a) The defendant must not remove from Singapore in any way dispose of or deal with or diminish the value of any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value [\$].
- (b) This prohibition includes the following assets, in particular:
 - (i) the property known as [] or the net sale money after payment of any mortgages if it has been sold;
 - (ii) the property and assets of the defendant's business known as [] (or carried on at []) or the sale money if any of them have been sold; and
 - (iii) any money in the accounts numbered [] at [].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$].

Disclosure of information

2. The defendant must inform the plaintiff in writing at once of all his assets in Singapore whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the plaintiff's counsel within [] days after this order has been served on the defendant.

EXCEPTIONS TO THIS ORDER

3. This order does not prohibit the defendant from spending [\$] a week towards his ordinary living expenses and also [\$] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the plaintiff's counsel the source of that money.
4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the plaintiff [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the plaintiff's counsel that the above spending limits

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

EFFECT OF THIS ORDER

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

THIRD PARTIES

Effect of this order

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

Set-off by banks

9. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

Withdrawals by the defendant

10. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE

11. (a) The plaintiff may serve the writ of summons on the defendant at [] by [mode of service].
(b) If the defendant wishes to defend the action he must enter an appearance within [] days of being served with the writ of summons.]

UNDERTAKINGS

12. The plaintiff gives to the Court the undertakings set out in Schedule 1 to this order.

DURATION OF THIS ORDER

13. This order will remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

14. The defendant (or anyone notified of this order) may apply to the Court at any time to

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's counsel.

NAME AND ADDRESS OF PLAINTIFF'S COUNSEL

15. The plaintiff's counsel are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Registered Foreign Lawyer No. (if applicable)]
[Name of law firm.]
[Address of law firm.]
Tel : [Telephone number.]
Fax : [Facsimile number.]
Email: [Email address(es)]
Ref : [File reference of law firm.]

[INTERPRETATION OF THIS ORDER

16. (a) In this order references to "he", "him" or "his" include "she" or "her" and "it" or "its".
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to "the defendants" mean both or all of them;
 - (ii) An order requiring "the defendants" to do or not to do anything requires each defendant to do or not to do the specified thing; and
 - (iii) A requirement relating to service of this order or of any legal proceedings on "the defendants" means service on each of them.]

Dated this [] day of [], [].

Registrar.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

SCHEDULE 1

Undertakings given to the Court by the plaintiff

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
- [2. The plaintiff, in respect of any order the Court may make pursuant to para (1) above, will:
 - (a) on or before [date] provide to the defendant security in the sum of [\$] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / any other mode which the Court deems fit]*; and
(*Delete where appropriate)
 - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
3. As soon as practicable the plaintiff shall [issue and] serve on the defendant [a] [the] writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
4. The plaintiff shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the plaintiff's counsel].
5. As soon as practicable the plaintiff shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the plaintiff.
6. Anyone notified of this order shall be given a copy of it by the plaintiff's counsel.
7. The plaintiff shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff will comply with any order the Court may make.
8. If this order ceases to have effect, the plaintiff will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 16

Para 116 (2) & (3)

Notice of Objections to Contents of Affidavits of Evidence-in-Chief

[Title as in cause or matter]

Take notice that the [plaintiff or defendant or as the case may be] intends to object to the contents of the affidavit(s) [or the identified portions thereof] at the trial or hearing of the cause or matter for which these were filed for the reasons stated below.

1. The first [or second or as the case may be] affidavit of [name of deponent] filed on [date] on behalf of the [plaintiff or defendant or as the case may be].

2. The grounds for this objection are [state the grounds].

OR

1. Paragraphs 1, 2 and 3, and exhibits AB-1 and AB-2 of the first [or second or as the case may be] affidavit of [name of deponent] filed on [date] on behalf of the [plaintiff or defendant or as the case may be].

2. The grounds for this objection are [state the grounds].

Dated this day of , 20 .

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 17

Para 127(4)(a)

Form of Index for Bundle of Documents

INDEX OF CONTENTS FOR BUNDLE OF DOCUMENTS

| No. (To be numbered serially) | Description | Original/Copy | Scope of agreement | Page |
|--|--------------------|----------------------|-------------------------------|-------------|
| | | | | |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 18

Para 144(1)

Appeals Information Sheet

| | |
|-----------------------------------|--|
| Case Number(s) | |
| Name(s) of Party / Parties | |
| Name(s) of Lead Counsel | |

Important or Significant Questions of Law on Appeal

1. Please specify if there is any important or significant question of law raised in the appeal. This includes, but is not limited to, any question of law that (a) is novel or highly complex; (b) may lead to a significant development in the law; (c) involves potentially distinguishing or overruling of existing precedent cases; and (d) is of significant public importance.

If there is any such question of law raised in the appeal, please state the question of law and the factor or factors that make it important or significant.

Please include relevant case citations with pinpoint references if possible.

Related Matters

2. Please state any proceedings (pending or concluded) in the Court of Appeal, the Appellate Division or the General Division (including the Singapore International Commercial Court) which are related to the appeal.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Unavailability Dates

3. Are there any days, within the sitting for which the appeal is fixed, that you will not be able to attend court for the appeal hearing?

Yes No

4. If “Yes”, please provide details.

| Date(s) Unavailable | Reason(s) |
|---------------------|-----------|
| | |

Applications

5. Do you have any applications (*ie* Court of Appeal summonses) to make in the appeal?

Yes No

6. If “Yes”, please state the nature of the application (*eg* application to strike out the appeal, application to adduce fresh evidence, application for judge(s) to be recused, *etc*).

| Application | Brief Description of Application | Number of Judges required |
|-------------|----------------------------------|---------------------------|
| | | |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Possible Alternative Dispute Resolution

7. Would some form of Alternative Dispute Resolution assist to resolve or narrow the disputes on appeal? Has this been considered between the party / parties and its legal representatives and / or explored with the other party / parties to the appeal?

Any Other Matters or Comments

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 19

Para 145(4)

Form of Record of Appeal

FORM OF RECORD OF APPEAL

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(2) of the Rules of Court, deemed to be filed.

| S/N. | Filing Date | Description of Document | Pages |
|------|-------------|---|-------|
| 1. | | Notice of appeal | |
| 2. | | Certificate of payment of security for costs | |
| | | Record of proceedings: - | |
| 3. | | (a) (to be itemised) | |
| 4. | | (b) (to be itemised) | |
| 5. | | (c) (to be itemised) | |
| 6. | | Affidavit of evidence in chief of X | |
| 7. | | Affidavit of evidence in chief of Y | |
| | | Pleadings: - | |
| 8. | | (a) [to be itemised] | |
| 9. | | (b) [to be itemised] | |
| | | Documents relevant to the matter decided and the nature of the appeal: - | |
| 10. | | (a) letter dated dd/mm/yyyy | |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

| | | | |
|-----|-------------------------------------|--|--|
| 11. | To state filing date of affidavit Z | (b) Agreement between Y and Z dated dd/mm/yyyy | (Eg pages 12 to 15* of affidavit of Z) |
| 12. | | Judgment or order appealed from | |

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

The format of the separate table of contents under paragraph 145(6) is as follows:-

| S/N. | Description of Document | Pages** |
|-------------|--------------------------------|----------------|
| | | |
| | | |

** Counsel's attention is drawn to the directions in paragraph 148(3) pertaining to pagination.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 20

Para 145(4)

Form of Core Bundle

FORM OF 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* |
|------|---|--|---------------------------------|
| 1. | | Grounds of judgment or order | |
| 2. | | Judgment or order appealed from | |
| | | Documents that are relevant to any question in the appeal or will be referred to in the Appellant's Case, the Respondent's Case or the joint Case or at the appeal | |
| 3. | (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) |
| 4. | | (b) (to be itemised) | |

** 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).

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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).

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 22

Para 148(4)

Table of Contents

TABLE OF CONTENTS

INDEX TO VOLUME 1

| NO. | DESCRIPTION | PAGE |
|-----|-------------|------|
|-----|-------------|------|

INDEX TO VOLUME II

| NO. | DESCRIPTION | PAGE |
|-----|-------------|------|
|-----|-------------|------|

INDEX TO VOLUME III

| NO. | DESCRIPTION | PAGE |
|-----|-------------|------|
|-----|-------------|------|

INDEX TO VOLUME IV

| NO. | EXHIBIT MARKING | DESCRIPTION | Whether or not included in records | PAGE |
|-----|--------------------|-------------|---------------------------------------|------|
|-----|--------------------|-------------|---------------------------------------|------|

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

INDEX TO VOLUME V

| NO. | DESCRIPTION | PAGE |
|------------|--------------------|-------------|
|------------|--------------------|-------------|

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 23

Para 148A

**Certification that Appeal Bundles Do Not Contain
Sealed or Unredacted Documents**

(Title as in cause or matter)

I, , counsel for the , certify that the Record of Appeal/ Core Bundle/ Respondent’s Supplemental Core Bundle/ Appellant’s Supplemental Core Bundle* does/do* not contain any document ordered to be sealed from inspection or any document ordered to be redacted in its unredacted form.

Signed: _____

Dated: _____

* Delete as appropriate.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 24

Para 149A and 152(4)

[This sample costs schedule is a template only and can / should be modified as appropriate.]

IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT

BETWEEN:

X

Plaintiff

-and-

Y

Defendant

COSTS SCHEDULE ON BEHALF OF [X]/[Y]

A. COUNSEL'S FEES

[A] – S\$? per hour

[B] – S\$? per hour

[C] – S\$? per hour

[D] – S\$? per hour

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

| | A @ S\$? ph | B @ S\$? ph | C @ S\$? ph | D @ S\$? ph | Total S\$ |
|--|------------------------------|------------------------------|------------------------------|------------------------------|----------------------------|
| Stage 1 – Commencement of Proceedings/Pleadings | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 1 | | | | | |
| Stage 2 – CMC/Interlocutory hearing(s) | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 2 | | | | | |
| Stage 3 – Disclosure | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 3 | | | | | |
| Stage 4 – Affidavits | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 4 | | | | | |
| Stage 5 – Expert Evidence | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 5 | | | | | |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

| | A @ S\$? ph | B @ S\$? ph | C @ S\$? ph | D @ S\$? ph | Total S\$ |
|---|------------------------------|------------------------------|------------------------------|------------------------------|----------------------------|
| Stage 6 – Preparation for hearing(s) | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 6 | | | | | |
| Stage 7 – Attending hearing(s) | | | | | |
| | | | | | |
| | | | | | |
| Sub-total for Stage 7 | | | | | |

Sub-total for stages 1 to 7:

B. DISBURSEMENTS

| Disbursements | S\$ |
|--|---|
| Court Fees/Disbursements | |
| Experts (by expert discipline) <i>A: \$X per hour</i> <i>B: \$Y per hour</i> <i>C: \$Z per hour</i> | Sub-total for A: \$### Sub-total for B: \$### Sub-total for C: \$### <u>Grand-total: \$###</u> |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

| | |
|-------------------------|--|
| Other Disbursements | |
| <u>Sub-total</u> | |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 25

Para 149C(1)

Submissions for Application for Leave to Appeal against a Decision of the General Division / Singapore International Commercial Court (Applicant)

Part A

| | |
|---|--|
| Case Number(s) | |
| Name(s) of Applicant(s) and Counsel | |
| Brief summary of the decision in respect of which leave to appeal is sought | |
| Pertinent facts / procedural history | |
| Ground(s) of the application (to be elaborated upon below in Part B) | <input type="checkbox"/> <i>Prima facie</i> case of error <input type="checkbox"/> Question of general principle decided for the first time <input type="checkbox"/> Question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage <input type="checkbox"/> Other(s): |

Part B

Ground(s) of the application

1. [State the first ground of the application, corresponding to the ground(s) as indicated in Part A]

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

[State supporting reasons and include references to citations of legal authorities where relevant.]

2. *[State the second ground (if any) of the application, corresponding to the ground(s) as indicated in Part A]^*

[State supporting reasons and include references to citations of legal authorities where relevant.]

[^] Please omit/repeat as appropriate, corresponding to the ground(s) of the application as indicated in Part A.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Submissions on costs

[State (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court.]

Any Other Matters

Signature of Applicant(s) or Counsel:

Name:

Date:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form 26

Para 149C(1)

Submissions for Application for Leave to Appeal against a Decision of the General Division / Singapore International Commercial Court (Respondent)

Part A

| | |
|--|--|
| Case Number(s) | |
| Name(s) of Respondent(s) and Counsel | |
| Brief summary of the decision in respect of which leave to appeal is sought | |
| Pertinent facts / procedural history | |
| Ground(s) for contesting the application (to be enumerated in brief and to be elaborated upon below in Part B) | |

Part B

Ground(s) for contesting the application

1. *[State the first ground for contesting the application, corresponding to the ground(s) as indicated in Part A]*

[State supporting reasons and include references to citations of legal authorities where relevant.]

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

2. *[State the second ground (if any) for contesting the application, corresponding to the ground(s) as indicated in Part A]^*

[State supporting reasons and include references to citations of legal authorities where relevant.]

[^] Please omit/repeat as appropriate, corresponding to the ground(s) for contesting the application as indicated in Part A.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Submissions on costs

[State (with reasons) the appropriate costs order and the quantum (including the disbursements incurred) that should be awarded by the Court.]

Any Other Matters

Signature of Respondent(s) or Counsel:

Name:

Date:

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

APPENDIX C

Para 16

LANGUAGES

The Supreme Court's Interpreters Section provides interpretation and translation services for court proceedings in the Supreme Court.

The languages and dialects available for interpretation services are as follows:

| | |
|--------------------------|---------------------------------------|
| Chinese Languages | Mandarin, Hokkien, Teochew, Cantonese |
| Malay Languages | Malay, Javanese, Boyanese |
| Indian Languages | Tamil, Malayalam |

The languages available for translation services are as follows:

English
Chinese
Malay
Tamil

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

APPENDIX D

(deleted)

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

APPENDIX E

Part XIV

REASONABLY USABLE FORMATS

| File Format | Version |
|---|--|
| <i>Office documents</i> | |
| Hypertext Markup Language | HTML 4.01 or ISO/IEC 15445:2000 |
| Extensible Hypertext Markup Language | XHTML 2.0 |
| Rich Text Format (RTF) | RTF 1.9.1 |
| Plaintext Format | ASCII or Unicode |
| Portable Document Format (PDF) | PDF 1.7 or ISO 32000-1:2008 |
| Microsoft Office file formats | Word 97-2007 Binary File Format (.doc) Specification PowerPoint 97-2007 Binary File Format (.ppt) Specification Excel 97-2007 Binary File Format (.xls) Specification Excel 2007 Binary File Format (.xlsb) Specification Office Drawing 97-2007 Binary Format Specification |
| <i>Electronic Mail</i> | |
| Multipurpose Internet Mail Extension (MIME) | RFC 5322 |
| .eml | Mozilla Thunderbird, Windows Mail and Microsoft Outlook Express e-mail messages |
| .msg | Microsoft Office Outlook e-mail messages |
| Personal Storage Table (PST) | Microsoft Outlook |
| Notes Storage Format (NSF) | Lotus Notes |
| <i>Images</i> | |
| Joint Photographic Experts Group (JPEG) | ISO/IEC 10918-1 |
| JPEG 2000 | ISO/IEC 15444-1:2000 |
| Portable Network Graphics (PNG) | ISO/IEC 15948:2004 |

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

| | |
|---|-----------------------------|
| Tagged Image File Format | TIFF |
| Portable Document Format (PDF) | PDF 1.7 or ISO 32000-1:2008 |
| <i>Audio</i> | |
| MPEG-1 Audio Layer 3 (MP3) | ISO/IEC 11172-3 |
| Advanced Audio Coding (AAC) | ISO/IEC 14496-3:2005 |
| <i>Video</i> | |
| Moving Picture Experts Group (MPEG-1) | ISO/IEC-11172 |
| H.264 | ITU-T H.264 |
| MPEG-4 Part 10 or MPEG-4 AVC (Advanced Video Coding) | ISO/IEC 14496-10 |
| <i>Multimedia container formats</i> | |
| Audio Video Interleave | AVI |
| Quicktime | MOV |
| MPEG-4 Part 14 | ISO/IEC 14496-14:2003 |

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

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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 ____.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

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.

APPENDIX G PART 1

Part XXIV

PRE-ACTION PROTOCOL FOR DISPUTE INVOLVING TIC CLAIM

This Protocol is voluntary, and the parties may agree to apply this Protocol or a version of this Protocol containing such modifications as may be agreed in writing by the parties. If the parties agree in writing to apply this Protocol or a modified version of this Protocol, then paragraph 155(4) of these Practice Directions applies.

1. Definition

In this Protocol, “TIC Claim” has the same meaning as in paragraph 154 of these Practice Directions.

2. General

(1) This Protocol seeks to facilitate the early exchange of information about a plaintiff’s claims and a defendant’s response to those claims in order to:

- (a) put the parties in a position to make informed decisions about the possibility of settlement without recourse to litigation; and
- (b) support the efficient management of proceedings where litigation is necessary.

(2) This Protocol must not be used to secure an unfair advantage or to incur costs unnecessarily.

(3) The costs incurred from complying with this Protocol should be proportionate to the complexity and monetary value involved in the dispute.

(4) Where litigation is commenced in respect of a dispute involving a TIC claim, any costs incurred by a party from complying with this Protocol before the commencement of the litigation cannot be recovered, unless the party satisfies the Court that those costs constitute costs of or incidental to the litigation proceedings, and that the party is entitled to recover such costs as against any other party under Order 59, Rule 3(1) and (2) or Order 110, Rule 46(1) of the Rules of Court.

3. Letter of claim

The plaintiff must send to each proposed defendant a letter of claim which:

- (a) states the plaintiff's full name and address;
- (b) states the full name and address of each proposed defendant;
- (c) contains a brief summary of each claim, including:
 - (i) a list of the main contractual or statutory provisions relied on in support of the claim;
 - (ii) a summary of every relief claimed, including, where applicable, the monetary value of the claim and an appropriate breakdown of that monetary value;
 - (iii) a list of the issues to which expert evidence, if any, will be directed; and
 - (iv) the names of any experts (who have already been engaged by the plaintiff) on whose evidence the plaintiff intends to rely; and
- (d) exhibits, in an annex to the letter of claim, the documents relied on in support of the claim.

4. Objections to claim

(1) If a proposed defendant intends to object to the whole or any part of a plaintiff's claim on the ground that:

- (a) the court lacks jurisdiction;
- (b) the matter should be referred to arbitration; or
- (c) the proposed defendant has been wrongly named in the letter of claim as a defendant,

the objection must be raised by the proposed defendant in writing, by way of a letter of objection that is sent to the plaintiff within 28 days after the date the proposed defendant receives the letter of claim.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(2) The letter of objection must specify each part of the claim to which the objection relates, set out the grounds relied on and, where appropriate, identify the correct person to be named as a defendant (if known).

(3) Any failure to take such objection does not affect a proposed defendant's right to do so in any litigation proceedings, but the Court may take such failure into account when considering the question of costs in the litigation proceedings.

(4) Where a proposed defendant sends a letter of objection, the proposed defendant is not required to send a letter of response in accordance with paragraph 5, in relation to any claim or part of a claim to which the letter of objection relates.

(5) If, at any stage before a plaintiff commences proceedings, a proposed defendant withdraws any objection stated in the letter of objection, then paragraph 5 applies to any claim or part of a claim to which the withdrawn objection relates, as if the letter of claim had been received on the date on which the objection is withdrawn.

5. The proposed defendant's response

(1) A proposed defendant must, within 28 days after the date the proposed defendant receives a letter of claim, send a letter of response to the plaintiff.

(2) The letter of response must:

(a) contain a brief summary of the proposed defendant's response to each claim, including:

(i) a list of the main contractual or statutory provisions relied on in resisting the claim;

(ii) a summary of the basis for resisting the claim;

(iii) a list of the issues to which expert evidence, if any, will be directed; and

(iv) the names of any experts (who have already been engaged by the proposed defendant) on whose evidence the proposed defendant intends to rely;

(b) contain, if the proposed defendant intends to make any counterclaim, a brief summary of each counterclaim containing the matters set out in paragraph 3(c); and

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (c) exhibit, in an annex to the response, the documents relied on to resist the plaintiff's claim or in support of the proposed defendant's counterclaim.

(3) If a plaintiff does not receive a letter of response within 28 days after the date a proposed defendant receives the plaintiff's letter of claim, the plaintiff is entitled to commence proceedings against that proposed defendant without further compliance with this Protocol, and this Protocol ceases to apply to the dispute.

6. Plaintiff's response to counterclaim

(1) A plaintiff shall provide a response to a proposed defendant's counterclaim within 21 days after the date the plaintiff receives the proposed defendant's letter of response.

(2) The plaintiff's response to the counterclaim must:

- (a) contain a brief summary of the plaintiff's response to the counterclaim, including the matters set out in paragraph 5(2)(a); and
- (b) exhibit, in an annex to the response, the documents relied on to resist the defendant's counterclaim, if such documents differ from those exhibited in the plaintiff's letter of claim.

7. Pre-action meeting

(1) The parties must convene a pre-action meeting within 21 days after —

- (a) the date the plaintiff receives the proposed defendant's letter of response; or
- (b) if the proposed defendant has included a counterclaim in the proposed defendant's letter of response — the date the proposed defendant receives the plaintiff's letter of response to the counterclaim.

(2) The pre-action meeting should generally be attended by:

- (a) where a party is an individual, that individual, or, where a party is a body corporate, a representative of that body who has authority to settle or recommend settlement of the dispute;
- (b) each party's legal counsel, if any;

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

- (c) where an insurer is involved in the matter, a representative of the insurer or the insurer's legal counsel, or both; and
 - (d) where a claim is made or defended on behalf of some other party (such as, for example, a claim made by a main contractor pursuant to a contractual obligation to pursue claims on behalf of a subcontractor), the party on whose behalf the claim is made or defended or that party's legal counsel, or both.
- (3) The aim of the pre-action meeting is to identify the main issues in and root causes of the dispute, and to consider the following matters:
- (a) whether, and if so how, the dispute might be resolved without recourse to litigation; and
 - (b) if litigation is necessary, the steps that ought to be taken to ensure that the litigation is conducted in accordance with the following general principles:
 - (i) the expeditious and efficient administration of justice according to law;
 - (ii) procedural flexibility;
 - (iii) fair, impartial and practical processes;
 - (iv) procedures compatible with and responsive to the needs and realities of international commerce.
- (4) The parties may agree to replace a pre-action meeting with an alternative dispute resolution process such as mediation.
- (5) If the parties are unable to agree on a means of resolving the dispute other than by litigation, the parties are to seek to agree on the following matters:
- (a) if there is any area where expert evidence is likely to be required, how expert evidence is to be dealt with, including whether a common expert may be appointed and, if so, who that common expert should be;
 - (b) whether disclosure of documents in the litigation may be dispensed with in view of the disclosure of documents pursuant to this Protocol; the extent and manner of any further disclosure of documents with a view to saving costs; and whether further disclosure should take place only after parties

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

have filed and served the affidavits of evidence-in-chief of all or some of the witnesses;

(c) whether the simplified adjudication process protocol set out in Part 2 of Appendix G of these Practice Directions or a version of that protocol containing such modifications as may be agreed in writing by the parties, should apply in the litigation, and if so, the claims which should be governed by that protocol;

(d) the conduct of the litigation, with the aim of proceeding in accordance with the general principles referred to in paragraph 7(3)(b).

(6) Any party who attends any pre-action meeting is at liberty, and may be required, to disclose to the Court:

(a) that the pre-action meeting took place, the date and time of the meeting and the attendees present;

(b) the identity of any party who refused to attend, and the grounds for such refusal;

(c) any agreements concluded between the parties; and

(d) whether alternative means of resolving the dispute were considered or agreed.

(7) Except as provided in paragraph 7(6), everything said by a party at a pre-action meeting must be treated as being said without prejudice to that party's rights in any litigation that may be commenced.

(8) If no pre-action meeting takes place, any party involved in the discussions concerning the pre-action meeting may be required to disclose to the Court the reasons why the pre-action meeting did not take place.

(9) The process under this Protocol ends at the completion of the pre-action meeting or, if no meeting takes place, 14 days after the date of the expiry of the period in which the meeting should otherwise have taken place.

8. Non-compliance with Protocol

(1) Where litigation is commenced in respect of the parties' dispute, the Court may, where the Court deems it appropriate, impose costs on a party for any non-compliance with this Protocol.

(2) The Court must consider all relevant circumstances when determining whether costs ought to be imposed on a party for non-compliance with this Protocol.

9. Exceptions

(1) If compliance with any part of this Protocol will render a plaintiff's claim time-barred under any applicable law, the plaintiff may commence litigation without first complying with this Protocol, but must apply to the Court for directions as to whether the proceedings ought to be stayed pending compliance with this Protocol.

(2) A plaintiff is not required to comply with this Protocol before commencing litigation, if the proposed proceedings:

- (a) include a claim for interim injunctive relief;
- (b) will be the subject of a claim for summary judgment under Order 14 of the Rules of Court; or
- (c) relate to the same or substantially the same issues that were previously the subject of a formal alternative dispute resolution procedure such as mediation.

APPENDIX G PART 2

Part XXIV

SIMPLIFIED ADJUDICATION PROCESS PROTOCOL

This Protocol is voluntary, and each party to the case may agree to apply this Protocol or a version of this Protocol containing such modifications as may be agreed in writing by the parties. If the parties agree in writing to apply this Protocol or a modified version of this Protocol, then paragraph 162 of these Practice Directions applies.

1. Purpose

This Protocol seeks to provide a cost-effective simplified adjudication process for certain claims in a case placed in the TIC List.

2. Definitions and Application

(1) In this Protocol, unless the context otherwise requires:

“Excluded Claim” means a claim pleaded in a plaintiff’s Statement of Claim or a defendant’s Counterclaim or third-party notice that is listed, by the agreement of the parties, in a copy of Form A of this Protocol that is signed by the parties;

“Higher Value Excluded Claim” means an Excluded Claim the value of which is equal to or above the Threshold Quantum;

“Lower Value Excluded Claim” means an Excluded Claim the value of which is below the Threshold Quantum;

“Main Claim” means any claim pleaded in a plaintiff’s Statement of Claim or a defendant’s Counterclaim or third-party notice that is not an Excluded Claim;

“Scott Schedule” has the same meaning as in paragraph 161 of these Practice Directions;

“third party notice” means a third party notice mentioned in Order 16, Rule 1(1) of the Rules of Court;

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

“Threshold Quantum” means \$50,000 or, if the parties have agreed otherwise, such other quantum as the parties have indicated in a copy of Form B of this Protocol that is signed by the parties;

“TIC Claim” has the same meaning as in paragraph 154 of these Practice Directions;

“TIC List” has the same meaning as in paragraph 153(2) of these Practice Directions.

(2) The simplified adjudication process set out in this Protocol applies to every Excluded Claim.

(3) This Protocol applies, with the necessary modifications, to a Counterclaim and to any third-party proceedings as if a defendant that issues a Counterclaim or a third-party notice were a plaintiff and a person against whom a Counterclaim or a third-party notice is issued were a defendant, and to any subsequent party proceedings.

(4) Every Lower Value Excluded Claim is to be determined in accordance with paragraph 3 of this Protocol.

(5) Every Higher Value Excluded Claim is to be determined in accordance with paragraph 4 of this Protocol.

(6) The simplified adjudication process set out in this Protocol does not apply to any Main Claim.

3. Proportionate recovery for Lower Value Excluded Claim

(1) Unless the parties agree otherwise, each party is entitled to recover such percentage of that party’s Lower Value Excluded Claims as is proportionate to the percentage of that party’s Main Claims that is recovered by that party.

(2) If the parties have agreed to a different basis for determining the percentage of a party’s Lower Value Excluded Claims that the party is entitled to recover, the parties must indicate that basis in a copy of Form C of this Protocol that is signed by the parties, and each party is entitled to recover such percentage of that party’s Lower Value Excluded Claims as is determined on that basis.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Illustration A: The parties agree that the plaintiff is entitled to recover a percentage of its Lower Value Excluded Claims that is proportionate to the percentage of that party's Main Claims that is recovered by that party. The total value of the plaintiff's Main Claims is \$1m. The total value of the plaintiff's Lower Value Excluded Claims is \$50,000. If the Court determines that the plaintiff is entitled to 80% of its Main Claims, i.e. \$800,000, the plaintiff would be entitled to 80% of its Lower Value Excluded Claims, i.e. \$40,000.

Illustration B: The parties agree that the plaintiff would be entitled to recover 100% of its Lower Value Excluded Claims if the plaintiff recovers at least 50% of its Main Claims; otherwise, the plaintiff would not be entitled to any amount of its Lower Value Excluded Claims. The total value of the Main Claims of the plaintiff is \$1m. The total value of the Lower Value Excluded Claims of the plaintiff is \$50,000.

- (a) If the Court determines that the plaintiff is entitled to recover 60% of its Main Claims, i.e. \$600,000, the plaintiff would be entitled to recover 100% of its Lower Value Excluded Claims, i.e. \$50,000.*
- (b) If the Court determines that the plaintiff is entitled to recover 40% of its Main Claims, i.e. \$400,000, the plaintiff would not be entitled to recover any amount of its Lower Value Excluded Claims.*

Illustration C: The parties agree that the plaintiff would be entitled to recover 50% of its Lower Value Excluded Claims regardless of whether it succeeds in its Main Claims. The total value of the plaintiff's Main Claims is \$1m. The total value of the plaintiff's Lower Value Excluded Claims is \$50,000.

- (a) If the Court determines that the plaintiff is entitled to recover 100% of its Main Claims, i.e. \$1m, the plaintiff would be entitled to recover 50% of its Lower Value Excluded Claims, i.e. \$25,000.*
- (b) If the Court determines that the plaintiff is not entitled to recover any amount under its Main Claims, the plaintiff would still be entitled to recover 50% of its Lower Value Excluded Claims, i.e. \$25,000.*

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(3) No factual or expert evidence is to be given in relation to any Lower Value Excluded Claim. To avoid doubt, this subparagraph does not prevent any party from adducing factual or expert evidence that is relevant to any Main Claim in the action.

4. Simplified adjudication procedure for Higher Value Excluded Claim

Agreed Bundle of Documents

(1) The parties are to jointly prepare an Agreed Bundle of Documents for the Higher Value Excluded Claims in accordance with the following subparagraphs.

- (a) The plaintiff must send to all other parties a copy of the draft index for the Agreed Bundle of Documents.
- (b) Each party (other than the plaintiff) must, within 2 weeks after receiving the draft index, inform the plaintiff and every other party in writing of the scope of its agreement to the contents of the Agreed Bundle and of any amendments that it wishes to make to the draft index.
- (c) Unless the Court determines otherwise, any party who fails to comply with subparagraph (b) will be treated as having agreed to the contents of the Agreed Bundle.
- (d) The plaintiff must indicate the scope of any agreement or disagreement to the contents of the Agreed Bundle in the index for the Agreed Bundle of Documents.

Scott Schedule

(2) The parties must jointly prepare a Scott Schedule briefly setting out the parties' positions on each Higher Value Excluded Claim in the following manner.

- (a) The Scott Schedule must set out each Higher Value Excluded Claim in a column.
- (b) Each party's case or submissions on liability for, and the quantum of, a Higher Value Excluded Claim are to be set out against that Higher Value Excluded Claim in subsequent adjacent columns.

Evidence

(3) No factual evidence is to be given in relation to any Higher Value Excluded Claim. To avoid doubt, this subparagraph does not prevent any party from adducing factual evidence that is relevant to any Main Claim in the action.

(4) If any person is appointed to give expert evidence of a technical nature on, or on the quantum of, any Main Claim, that person may also give expert evidence on any Higher Value Excluded Claim, if necessary, in accordance with subparagraphs (5) to (8).

(5) The expert evidence is to be confined to a list of issues, and is to be based on a common set of agreed or assumed facts that is determined in accordance with paragraph 157(3) of these Practice Directions.

(6) The persons who will give expert evidence of a technical nature (each called in this paragraph a technical expert) must confer and prepare a joint statement setting out the issues on which they agree, and the issues on which they disagree, accompanied by a brief statement of the reasons for their disagreement. Each party's technical expert must then prepare an individual report, limited to the areas of disagreement. A joint report under paragraph 158(2) of these Practice Directions, in respect of the issues on which the experts agree, need not be prepared.

(7) The persons who will give expert evidence on the quantum of a Higher Value Excluded Claim (each called in this paragraph a quantum expert) must confer and prepare a joint schedule setting out the amount that a party is entitled to recover for each Higher Value Excluded Claim, on the assumption that liability for that Higher Value Excluded Claim is established, in accordance with the following subparagraphs.

(a) The quantum experts must, as far as possible, agree on the amount that a party is entitled to recover for each Higher Value Excluded Claim.

(b) If the quantum experts are unable to agree on the amount that a party is entitled to recover for a Higher Value Excluded Claim, the amount assessed by each party's quantum expert must be stated in the joint schedule, and the quantum experts are to include in the joint schedule a concise joint explanation (not exceeding 250 words for each Higher Value Excluded Claim) on the reasons for their difference in opinion.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

(8) Each expert who issued a technical experts' joint statement, a technical expert's individual report, or a quantum experts' joint schedule, must sign the statement, report or schedule (as the case may be) and exhibit it in an affidavit made by that expert. Unless the Court directs otherwise, no technical expert or quantum expert is to give oral evidence or be cross-examined on the Higher Value Excluded Claims.

Submissions

(9) Unless the Court directs otherwise, the parties may include written closing submissions on the Higher Value Excluded Claims in their written closing submissions for the Main Claims.

(10) Unless the Court directs otherwise, each party's written closing submissions must not exceed 1 page for each Higher Value Excluded Claim, and must not exceed 30 pages in total for all Higher Value Excluded Claims.

(11) Unless the Court directs otherwise, no oral submissions are to be made for Higher Value Excluded Claims.

(12) Subparagraphs (10) and (11) do not affect the Court's power to request further written or oral submissions on any issue identified by the Court, if the Court considers that such further submissions would assist in determining the Higher Value Excluded Claims.

Determination

(13) The Court may determine the issues relating to liability for and the quantum of the Higher Value Excluded Claims based on the documents in the Agreed Bundle of Documents mentioned in subparagraph (1), the parties' Scott Schedule mentioned in subparagraph (2), the expert evidence mentioned in subparagraphs (3) to (8), the parties' submissions mentioned in subparagraphs (9) to (12), and the Court's determination of the Main Claims.

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form A

Claims governed by Simplified Adjudication Process (“Excluded Claims”)

Plaintiff’s Claims

| S/N | Description of plaintiff’s claim | Paragraph number(s) of the plaintiff’s Statement of Claim where the claim is pleaded | Amount claimed by the plaintiff |
|------------|---|---|--|
| 1. | | | |
| 2. | | | |
| 3. | | | |

Defendant’s Claims*

| S/N | Description of defendant’s claim | Paragraph number(s) of the defendant’s Counterclaim or third-party notice where the claim is pleaded | Amount claimed by the defendant |
|------------|---|---|--|
| 1. | | | |
| 2. | | | |
| 3. | | | |

**This table may be omitted if it is not applicable.*

*[signature]***

Solicitors for the plaintiff:

Date:

*[signature]***

Solicitors for the defendant:

Date:

***In the event a party is acting in person, this Form may be signed by the party who is acting in person.*

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form B
Agreed Threshold Quantum

The “Threshold Quantum” is \$50,000 as stated in paragraph 2(1) of this Protocol.

OR

The parties agree to vary the “Threshold Quantum” under paragraph 2(1) of this Protocol from \$50,000 to \$_____.

*[signature]**

Solicitors for the plaintiff:

Date:

*[signature]**

Solicitors for the defendant:

Date:

**In the event a party is acting in person, this Form may be signed by the party who is acting in person.*

These Practice Directions apply only to certain matters (mentioned in paragraph 5 of these Practice Directions) that are commenced or filed before 1 April 2022.

Form C

Agreed Proportion of Recovery for Lower Value Excluded Claims

The parties agree that: [*please indicate one of the following*]

- the claiming party is entitled to recover a percentage of that party's Lower Value Excluded Claims that is proportionate to the percentage of that party's Main Claims recovered by that party.
- the claiming party is entitled to recover [*please state*]% of its Lower Value Excluded Claims in the event that it recovers at least [*please state*]% of its Main Claims; otherwise, the claiming party will not be entitled to recover any amount of its Lower Value Excluded Claims.
- the claiming party is entitled to recover [*please state*]% of its Lower Value Excluded Claims regardless of whether that party succeeds in its Main Claims.
- the basis for determining the claiming party's entitlement to recover its Lower Value Excluded Claims is as follows:

[*Please state any other agreed basis for determining the claiming party's entitlement.*]

[*signature*]**

Solicitors for the plaintiff:

Date:

[*signature*]**

Solicitors for the defendant:

Date:

***In the event that a party is acting in person, this Form may be signed by that party.*