

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

SUPREME COURT PRACTICE DIRECTIONS 2021

AMENDMENT NO. 3 OF 2023

It is hereby notified that amendments have been made to Parts 2, 13 and 22 and Appendix B, and to introduce a new Appendix CA, of the Supreme Court Practice Directions 2021. The amendments are summarised below:

- (1) introduction of new paragraph 21A on Waiting time for the hearing of matters;
- (2) amendments to paragraph 113 on Civil Appeals from the State Courts to the General Division;
- (3) amendments to paragraph 115 on Civil Appeals from Tribunals to the General Division, and applications to the General Division for a case to be stated or by way of case stated;
- (4) introduction of new paragraph 165A on Affidavit in support of criminal motion for extension of time to lodge notice of appeal or petition of appeal;
- (5) introduction of new Form B44A (Information Sheet to be exhibited in an affidavit in support of a criminal motion for an extension of time to lodge a notice of appeal under section 377(2) of the Criminal Procedure Code 2010, or to lodge a petition of appeal under section 378(1) of the Criminal Procedure Code 2010) under Appendix B; and
- (6) introduction of new Appendix CA (Waiting times).

2 The amendments will take effect on 1 November 2023 and will be reflected at <https://epd2021-supremecourt.judiciary.gov.sg> from 1 November 2023.

3 Please find attached a document reflecting the marked-up amendments to the Supreme Court Practice Directions 2021.

Dated this 16th day of October 2023.



TAN BOON HENG
REGISTRAR
SUPREME COURT

Supreme Court Practice Directions 2021 (Amendment No. 3 of 2023)

Part 2: Registry, Administration and Finance

21A. Waiting time for the hearing of matters

(1) The average waiting times for certain types of proceedings are set out in Appendix CA of these Practice Directions. Solicitors are directed to take note of these waiting times, as they must be ready to proceed at the end of the relevant periods. The average waiting times in Appendix CA do not apply to special date fixings.

(2) This paragraph applies to both civil and criminal proceedings.

Part 13: Civil Appeals before the General Division

113. Civil Appeals from the State Courts to **the** General Division

*Appeals from District Judge and Magistrate to **the** General Division under Order 18, Rule 17 of the Rules of Court 2021*

(1) Where an appeal is filed under Order 18, Rule 17 of the Rules of Court 2021, each party is to tender 1 hard copy each of his or her written submissions and bundle of authorities (if any) to the Registry ~~within the timelines prescribed in Order 18, Rule 21(5) of the Rules of Court 2021~~ not less than 5 working days before the hearing of the appeal.

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*Appeals from District Court and Magistrate's Court to **the** General Division under Order 19, Rule 14 of the Rules of Court 2021*

(4) Where an appeal is filed under Order 19, Rule 14 of the Rules of Court 2021, the appellant must tender 1 hard copy each of the following documents to the Registry not less than 5 working days before the hearing of the appeal:

(a) the record of appeal, the appellant's Case, the appellant's core bundle of documents and the appellant's bundle of authorities, ~~within the timeline prescribed in Order 19, Rule 17(4) of the Rules of Court 2021~~; and

(b) if applicable, the appellant's Reply (if any), the second core bundle (if necessary) and the appellant's second bundle of authorities (if any), ~~within the prescribed timeline in Order 19, Rule 17(10) of the Rules of Court 2021~~.

(5) Where an appeal is filed under Order 19, Rule 14 of the Rules of Court 2021, the respondent must tender 1 hard copy each of the respondent's Case, the respondent's core bundle of documents (if necessary) and the respondent's bundle of authorities to the Registry ~~within the timeline prescribed in Order 19, Rule 17(8) of the Rules of Court 2021~~ not less than 5 working days before the hearing of the appeal.

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115. Civil Appeals from Tribunals to the General Division, and applications to the General Division for a case to be stated or by way of case stated

(1) Order 20, Rule 3(4) of the Rules of Court 2021 states that the supporting affidavit must include the record of proceedings if that is available and is necessary for the appeal or the application. If the record of proceedings is necessary for the appeal or the application, and is not available at the time when the supporting affidavit is filed but subsequently becomes available, the appellant or applicant should seek permission from the Court to file a further affidavit to include the record of proceedings when it becomes available, ~~if it is necessary for the appeal~~. To facilitate this, the appellant or applicant should promptly apply for any written grounds of decision, the record of evidence or notes of arguments taken in respect of the proceedings before the tribunal.

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(4) The party using the hard copy of the bundle of authorities for the hearing must, if directed by the Court, file the list of authorities (that corresponds to the table of contents of the hard copy of the bundle of authorities) into the case file using the Electronic Filing Service within the timeline prescribed in Order 20, Rule 5(1) of the Rules of Court 2021. The bundle of authorities (whether in hard copy or soft copy) must comply with the requirements under paragraph 101(5) to (11) of these Practice Directions. In particular, where the bundle of authorities consists of more than 1 volume:

(a) the table of contents of all volumes of the bundle of authorities must be placed at the beginning of Volume I; and

(b) each volume must have a table of contents indicating the authorities that are contained in that volume.

Part 22: Other Matters Specific to Criminal Proceedings

165A. Affidavit in support of criminal motion for extension of time to lodge notice of appeal or petition of appeal

(1) Under section 407(2)(a) of the Criminal Procedure Code 2010, a criminal motion must be supported by an affidavit setting out a concise statement of the facts, the relief or remedy required and the reasons for the relief or remedy.

(2) Where the relief or remedy sought in a criminal motion is an extension of time to lodge a notice of appeal under section 377(2) of the Criminal Procedure Code 2010, or to lodge a petition of appeal under section 378(1) of the Criminal Procedure Code 2010, the affidavit supporting the criminal motion must attach as an exhibit an information sheet in Form B44A of Appendix B of these Practice Directions. The information sheet must be completed and signed by the person who makes the affidavit.

Appendix B

B44A.

Para. 165A(2)

**Information Sheet to be exhibited in
an affidavit in support of a criminal motion for an extension of time
to lodge a notice of appeal under section 377(2) of the Criminal Procedure Code 2010, or to
lodge a petition of appeal under section 378(1) of the Criminal Procedure Code 2010**

1. Under section 377(1) of the Criminal Procedure Code 2010 (the “CPC”), except in certain cases mentioned in sections 374, 375 and 376 of the CPC, a person who is not satisfied with any judgment, sentence or order of a trial court in a criminal case or matter to which the person is a party may appeal to the appellate court against that judgment, sentence or order.
2. Under section 377(2) of the CPC, a person who wishes to appeal (the “appellant”) must lodge a notice of appeal:
 - (a) in the case of an appeal against conviction — within 14 days after the date of the sentence;
 - (b) in the case of an appeal against conviction and sentence — within 14 days after the date of the sentence; and
 - (c) in any other case — within 14 days after the date of the judgment, sentence or order.
3. Under section 378(1) of the CPC, the appellant or the appellant’s advocate must lodge a petition of appeal within 14 days after the appellant or the appellant’s advocate is served with a copy each of the record of proceedings and the grounds of decision.
4. Where a person is debarred from appealing due to non-compliance with the above timelines, the person may apply to the appellate court for an extension of time to lodge a notice of appeal or petition of appeal (as the case may be). The appellate court may, under section 380(1) of the CPC, permit the person to appeal if the appellate court considers it to be in the interests of justice.
5. In deciding whether to grant an extension of time to lodge a notice of appeal or a petition of appeal, the appellate court will consider all the circumstances, including: (a) the length of the delay in lodging the notice of appeal or the petition of appeal; (b) the reasons for the delay; and (c) the prospects of the intended appeal. The burden is on the applicant to explain any delay. The longer the delay, the greater the scrutiny applied by the appellate court to the explanation put forward for the delay and the prospects of success in the intended appeal. Where there is inordinate delay or an absence of any explanation for the delay, such that the appellate court concludes that the applicant had elected to accept the merits of the original decision, the applicant for an extension of time must demonstrate that there is a powerful probability that a substantial injustice has arisen in the criminal matter in respect of which the decision of the trial court was made: see *Adeeb Ahmed Khan s/o Iqbal Ahmed Khan* [2022] 2 SLR 1197 at [2] and [19]–[22] and *Public Prosecutor v Pang Chie Wei and other matters* [2022] 1 SLR 452 at [70].
6. To assist the Court in determining whether to grant an extension of time to lodge a notice of appeal or a petition of appeal, please complete and attach this information sheet as an exhibit in the supporting affidavit.

A Please set out the background relating to the decision of the trial court intended to be appealed against

1 Was the trial court the General Division of the High Court or a State Court?

2 When was the decision intended to be appealed against made?

3 Was the applicant convicted after trial, or convicted after pleading guilty?

4 In relation to the decision intended to be appealed against: (a) what were the charges that the applicant had been convicted of, and what was the sentence imposed for each of those charges; and (b) what was the total sentence imposed on the applicant?

B Please set out the background relating to the application for an extension of time

5 Please specify whether the applicant is applying for an extension of time to lodge a notice of appeal or an extension of time to lodge a petition of appeal.

6 Please specify the date by which the notice of appeal or petition of appeal (as the case may be) was required to be lodged under section 377(2) or section 378(1) of the CPC.

7 Please specify the length of the delay in the lodging of the notice of appeal or petition of appeal in terms of number of year(s), month(s) and/or day(s). This is to be calculated based on the difference between the relevant date stated in section 6 above and the date on which the application for an extension of time is filed.

8 With reference to the length of the delay stated under section 7 above, please explain the reasons for the delay in the lodging of the notice of appeal or petition of appeal (as the case may be).

C Please set out the facts relating to the applicant's intended appeal

9 Is the applicant's intended appeal against conviction or sentence or both?

10 Please briefly state the grounds of the applicant's intended appeal and the reasons for the applicant's belief that those grounds have merit (the detailed grounds should be set out in the applicant's written submissions).

I declare that all the information contained in this information sheet is true and correct to the best of my knowledge and belief.

Name of person making the affidavit

Appendix CA

Para. 21A(1)

WAITING TIMES

S/N	TYPE OF PROCEEDINGS	TARGET
General Division of the High Court – Case Conferences		
1.	Case conference in originating claim or originating application:	
(a)	Where an originating claim or originating application is to be served in Singapore	8 weeks after the date of filing of the originating claim or originating application
(b)	Where an originating claim or originating application is to be served out of Singapore	12 weeks after the date of filing of the originating claim or originating application
General Division of the High Court – Original Civil Jurisdiction		
2.	Trial of originating claim	8 weeks after the date of setting down
3.	Bankruptcy originating application	
	- Application for bankruptcy order	6 weeks after the date of filing
	- Other originating application	2 weeks after the date of filing
4.	Companies winding-up originating application	4 weeks after the date of filing
Before Registrar / Judge		
5.	Originating application without notice	3 weeks after the date of filing
6.	Summons (for any contentious matter involving summary judgment pursuant to Order 9, Rule 17 of the Rules of Court 2021, striking out pursuant to Order 9, Rule 16 of the Rules of Court 2021, or a challenge to jurisdiction pursuant to Order 9, Rule 7 of the Rules of Court 2021) before Judge or Registrar	6 weeks after the date of filing

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| 7. | Summons (for any matter other than: (a) a single application pending trial pursuant to Order 9, Rule 9 of the Rules of Court 2021; or (b) a contentious matter mentioned in item 6) before Judge or Registrar | 3 weeks after the date of filing |
| 8. | Bankruptcy application (summons) | |
| | - Application for discharge | 4 weeks after the date of filing |
| | - Other application | 2 weeks after the date of filing |
| 9. | Assessment of bill of costs | 3 weeks after the date of filing |
| 10. | Review of assessment of bill of costs before Judge (summons) | 3 weeks after the date of filing |
| 11. | Assessment of damages | 5 weeks after the date of filing
(includes any time required for the issue and personal service of an order to attend court or order to produce documents) |
| 12. | Examination of enforcement respondent | 3 weeks after the date of filing of the request for appointment of examination |

General Division of the High Court – Appellate Civil Jurisdiction

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| 13. | Registrar’s Appeal (from General Division) | 3 weeks from the date of filing of written submissions |
| 14. | Appeals in civil matters from the State Courts | |
| | - District Court Appeal | 4 weeks after the date of receipt of the appeal papers from the State Courts |
| | - Small Claims Tribunals Appeal | 4 weeks after the date of receipt of the record of proceedings from the State Courts |

General Division of the High Court – Criminal Jurisdiction

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| 15. | Pre-trial conference in criminal case | 12 weeks after the date the accused is first charged in the State Courts |
| 16. | Trial of criminal case | 6 weeks after the date of the final criminal case disclosure conference or pre-trial conference before trial (whichever is later) |
| 17. | Appeal in criminal matter from the State Courts (Magistrate’s Appeal) | 12 weeks after the date of receipt of the record of proceedings from the State Courts |

Court of Appeal and Appellate Division of the High Court – Appellate Civil Jurisdiction

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| 18. Civil appeal in the Court of Appeal or the Appellate Division of the High Court | 19 to 22 weeks after the date of notification that the record of proceedings is ready for collection |
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Court of Appeal – Appellate Criminal Jurisdiction

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| 19. Criminal appeal in the Court of Appeal | 15 weeks after the date of last confirmation of the record of proceedings |
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