

# **Supreme Court Practice Directions 2021 (Amendment No. 2 of 2024)**

## **Part 24: Express Track for Actions in the General Division**

### **172. Application**

This Part provides for the placing of an action in the General Division on the Express Track in accordance with Order 46A, Rule 1(2) of the Rules of Court 2021, and for matters related to the Express Track.

### **173. Request for an action to be placed on the Express Track**

(1) A request mentioned in Order 46A, Rule 1(2) of the Rules of Court 2021 (the “Request”) must be made by all parties to the action by consent in Form B46 of Appendix B of these Practice Directions, but may be filed by any party to the action and served on all the other parties in the action.

(2) The Request may be filed at any time no later than 2 months after the filing of the last pleading. An application for an extension of time to make the Request may be made by a letter filed using the Electronic Filing Service as an “Other Hearing Related Request”, and must state:

- (a) the period of the delay in the making the Request;
- (b) the reasons for the delay in making the Request; and
- (c) why the action should be placed on the Express Track despite the delay in making the Request.

(3) The Request is to be filed using the Electronic Filing Service as a “Form for Election (Express Track)”. Only one Request is to be filed for an action, regardless of the number of parties to the action.

### **174. Court’s order or direction upon filing of the Request**

(1) Upon the filing of the Request, a Judge sitting in the General Division may:

- (a) by order place the action on the Express Track, or decline to make an order placing

the action on the Express Track, without hearing oral arguments; or

(b) fix a case conference to discuss with the parties the suitability of the action to be placed on the Express Track, despite the parties' consent, before deciding whether to place the action on the Express Track.

#### **175. Production of documents relied on by a party in pleadings**

(1) For the purposes of Order 46A, Rule 2 of the Rules of Court 2021, a party's list of documents must be set out in a tabular form in the following manner:

- (a) the first column should state the serial number of each document included in the list;
- (b) the second column should state the date of the document (if applicable);
- (c) the third column should set out a general description of the document; and
- (d) the fourth column should set out the relevant paragraph number(s) of the party's pleading containing the allegation that the document is relied on to prove.

(2) The documents in the list of documents should be arranged in chronological order.

#### **176. Case management for actions placed on the Express Track**

(1) At a case conference for an action placed on the Express Track, the Court will give directions on all matters that are necessary for the action to proceed expeditiously taking into consideration the Ideals in Order 3, Rule 1 of the Rules of Court 2021.

(2) The directions given by the Court at a case conference may include:

- (a) identifying and narrowing the main issues in dispute, whether factual, legal or concerning expert evidence (where applicable);
- (b) the number of affidavits and witnesses;
- (c) the timelines for filing and serving affidavits;
- (d) the timelines relating to the bundle of documents mentioned in Order 9, Rule 25(9)(b) of the Rules of Court 2021;
- (e) the date(s) and duration of the trial; and
- (f) the time allocated for the examination of each witness at trial.

(3) Where appropriate, the Court may direct parties to prepare a Scott Schedule setting out the

list of issues in dispute, whether factual, legal or concerning expert evidence (where applicable).

**177. Affidavits of evidence-in-chief**

(1) At the time the affidavits of evidence-in-chief of a party's witnesses are filed, the party's solicitor or the party (if self-represented) must file an Undertaking, in Form B47 of Appendix B of these Practice Directions, by which the party's solicitor or party (as the case may be) provides such of the following undertakings as may be applicable:

(a) an undertaking that the affidavit of evidence-in-chief of each witness (apart from any witness mentioned in subparagraph (b)) does not exceed the page limit of 30 pages (excluding exhibits) under Order 46A, Rule 3(3) of the Rules of Court 2021;

(b) where the Court has ordered or allowed under Order 46A, Rule 3(3) or (4) of the Rules of Court 2021 a different page limit to apply to the affidavit of evidence-in-chief of any witness before the filing of that affidavit of evidence-in-chief, an undertaking that the affidavit of evidence-in-chief of that witness does not exceed the page limit (excluding exhibits) ordered or allowed by the Court under Order 46A, Rule 3(3) or (4) of the Rules of Court 2021.

(2) A request for the Court's permission under Order 46A, Rule 3(4) of the Rules of Court 2021 to exceed the page limit for an affidavit of evidence-in-chief must be made no later than within 3 working days before the date of filing of that affidavit of evidence-in-chief.

(3) Where the Court allows an affidavit of evidence-in-chief of a witness to exceed 30 pages (excluding exhibits), the filing party must pay the applicable fees for the additional pages under item 44A in Part 1 of the Fourth Schedule to the Rules of Court 2021, unless the Court waives, refunds or defers the payment of those fees under Order 46A, Rule 3(5) of the Rules of Court 2021.

(4) A request for permission under Order 46A, Rule 3(4) of the Rules of Court 2021 is to be filed using the Electronic Filing Service as an "Other Hearing Related Request".

(5) Unless the permission of the Court is obtained under Order 46A, Rule 3(4) of the Rules of Court 2021, and any fees payable under item 44A in Part 1 of the Fourth Schedule to the Rules

of Court 2021 are paid or waived by the Court, the Court may reject the filing of, or expunge, an affidavit of evidence-in-chief that exceeds the page limit under Order 46A, Rule 3(3) of the Rules of Court 2021, and direct that party to re-file and re-serve each affidavit of evidence-in-chief that does not comply with the page limit.

### **178. Restriction on right of appeal**

(1) Under section 29(b) of the Supreme Court of Judicature Act 1969 read with paragraph 4(1) of the Fourth Schedule to that Act, where an action is, with the consent of all the parties, ordered by the Court to be placed on the Express Track, an appeal cannot be brought against any decision of a Judge in the action except:

- (a) in a case specified in paragraph 4(1)(a) to (i) of the Fourth Schedule to that Act; and
- (b) in any such case where permission to appeal is required under section 29A of that Act read with the Fifth Schedule to that Act, subject to obtaining such permission.

(2) Under section 29(b) of the Supreme Court of Judicature Act 1969 read with paragraph 4(2) of the Fourth Schedule to that Act, and under section 29(a) of that Act read with Order 46A, Rule 1(4) of the Rules of Court 2021, an appeal cannot be brought against any of the following decisions of a Judge:

- (a) a decision of a Judge to make an order under Order 46A, Rule 1(3) of the Rules of Court 2021 for the removal of an action from the Express Track;
- (b) a decision of a Judge to decline to make an order under Order 46A, Rule 1(2) of the Rules of Court 2021 for the placing of an action on the Express Track.

## **Appendix B**

### **B46.**

Para 173

**Form for Election (Express Track)**  
(Title as in action)

Case No.:

Date:

To: The Registrar

Take Notice that all parties to the abovementioned action consent to request that the action be placed on the Express Track in accordance with Order 46A of the Rules of Court 2021.

Issued by: Solicitor for [the Claimant / the Defendant]\* on behalf of all parties to the action  
[Name, address, email address and telephone number of solicitor]

*\*Delete as appropriate*

**B47.**

Para 177

**Undertaking**  
(Title as in action)

*[Where the affidavit of evidence-in-chief of each witness does not exceed the page limit under Order 46A, Rule 3(3) of the Rules of Court 2021]*

I, [state name], solicitor for the [state the party] / [state the party (if self-represented)]\*, provide an undertaking to the Court that the affidavit of evidence-in-chief of each witness for the [state the party] does not exceed the page limit of 30 pages (excluding exhibits) under Order 46A, Rule 3(3) of the Rules of Court 2021.

*[Where the Court has ordered or allowed under Order 46A, Rule 3(3) or (4) of the Rules of Court 2021 a different page limit to apply to the affidavit of evidence-in-chief of any witness]*

I, [state name], solicitor for the [state the party] / [state the party (if self-represented)]\*, provide an undertaking to the Court that:

- (a) the affidavit of evidence-in-chief of each witness for the [state the party] (apart from a witness specified in paragraph (b)) does not exceed the page limit 30 pages (excluding exhibits) under Order 46A, Rule 3(3) of the Rules of Court 2021; and/or
- (b) the affidavit of evidence-in-chief of the following witness / each of the following witnesses\* does not exceed the page limit (excluding exhibits) ordered or allowed by the Court under Order 46A, Rule 3(3) or (4) of the Rules of Court 2021:
  - (i) [State name of witness]: [state total number of pages (excluding exhibits) in affidavit of evidence-in-chief] pages (excluding exhibits).
  - (ii) [State name of witness]: [state total number of pages (excluding exhibits) in affidavit of evidence-in-chief] pages (excluding exhibits).\*

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

*\*Delete as appropriate*