

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTION NO. 2 OF 2005

INTRODUCTION OF ELECTRONIC FILING TO CRIMINAL PROCEEDINGS

With effect from 10 January 2005, electronic filing will be introduced for the filing of selected documents in criminal proceedings in the High Court and the Court of Appeal.

- 2 The documents which shall be electronically filed are:
- (a) Fiats in criminal cases;
 - (b) Charges in criminal cases;
 - (c) Orders for committal in criminal cases;
 - (d) Skeletal arguments in all criminal proceedings;
 - (e) Notices of appeal, petitions of appeal and notices of discontinuance/withdrawal of appeal in criminal appeals;
 - (f) Petitions, affidavits and documentary exhibits in criminal revisions;
 - (g) Criminal motions and affidavits in criminal motions;
 - (h) Statements of case in criminal references; and
 - (i) Petitions for clemency.

Further, documents which are required by law to be filed, or which the court or the Registrar has directed to be filed, shall be filed electronically.

3 Documents which are filed in the Subordinate Courts for the purpose of High Court proceedings, such as notices of appeal in magistrates' appeals, will continue to be filed manually in the Subordinate Courts.

4 For the avoidance of doubt, it shall not be necessary to electronically file documents that are tendered in open court, unless otherwise ordered.

5 Notwithstanding the above, skeletal arguments and bundles of authorities will need to be filed in hardcopy, although bundles of authorities need not be electronically filed. Counsel's attention is drawn to the provisions of the new paragraphs 44C and 44D, which state the number of hardcopies to be filed and provide the timelines by which documents should be filed, respectively.

6 Finally, no transmission or processing fees shall be payable for documents that are electronically filed in criminal proceedings. Where the documents are filed using the services of the Lawnet Service Bureau, the service bureau may impose an administrative charge on a filing party who is represented by counsel.

7 Consequential amendments to titling and pagination and the renumbering of various paragraphs of *The Supreme Court Practice Directions (1997 Ed.)* follow.

8 This practice direction will take effect from 10 January 2005 and will apply to all criminal proceedings commenced on or after 10 January 2005.

9 This practice direction should be included in *The Supreme Court Practice Directions (1997 Ed.)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (1997 Ed.)* are contained in the Appendix hereto.

Dated this 10th day of January 2005


KOH JUAT JONG
REGISTRAR
SUPREME COURT

APPENDIX

- 1) The existing page iii to be replaced with the attached page iii.
- 2) The existing page iiiB to be replaced with the attached page iiiB.
- 3) The existing page iv to be replaced with the attached page iv.
- 4) The existing page 52A to be replaced with the attached page 52A.
- 5) The existing page 52A(II) to be replaced with the attached page 52A(II).
- 6) The existing pages 53 to 55 to be replaced with the attached pages 53 to 55A.
- 7) The existing page 145 to be replaced with the attached page 145.

PART V : FIXING OF MATTERS FOR HEARING 25A

29.	Waiting time for the hearing of matters.....	26
30.	Fixing of hearing dates.....	26
31.	Adjournment and vacation of hearing dates and part-heard cases.....	27
32.	Short-Notice Cause List.....	28

PART VI: DOCUMENTS AND AUTHORITIES FOR USE IN COURT 28A

33.	Bundle of documents filed on setting down	29
34.	Documents for use in trials in open Court, of writ actions	29
	• Bundles of documents.....	30
	• Bundles of Authorities.....	32
	• Opening statements.....	32
35.	Bundles of authorities for other hearings.....	35
36.	Hearings in Chambers.....	35
36A.	Documents for use in trials in open Court of contested divorce petitions and contested companies winding-up petitions.....	35
	• Bundles of documents.....	36
	• Bundles of Authorities	36B
	• Opening statements.....	36B

**PART VII : THE TECHNOLOGY COURTS AND THE TECHNOLOGY
CHAMBER37**

37.	Scope.....	37A
38.	Application to use the Technology Courts or the Technology Chamber	37A
39.	Technology Court 1	38
40.	Technology Court 2	40
40A.	Technology Chamber.....	41
41.	Audio Recordings and transcripts of proceedings	42
42.	Fees	42
43.	Provision of services.....	42

[Pages 43 - 52 not used]

**PART VIIA: ELECTRONIC FILING AND SERVICE FOR CIVIL
PROCEEDINGS..... 52A**

43A.	Application.....	52A(II)
43B.	Establishment of electronic filing service and appointment of network service provider.....	52A(II)
43C.	Appointment of agent to establish service bureau	52A
43D.	Documents which must be filed, served, etc., using the electronic filing service.....	52B
43E.	Preparation and submission of a specified document to Court.....	52C
43F.	Limits on the size and number of documents submitted using the electronic filing service.	52F
43G.	Form of specified documents.....	52G

PART VIIB: ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS.....53

44.	Application.....	53A
44A.	Documents which must be filed, served, etc. using the electronic filing service	53B
44B.	Filing of specified documents.....	53C
44C.	Hardcopies of documents.....	53D
44D.	Timelines for filing	53E
44E.	Filing fees.....	53E

PART VIII : ADMIRALTY MATTERS.....54

45.	Arrest of ships by Sheriff.....	54A
45A.	Form of undertaking.	54B
46.	Filing of supporting documents	54B

PART IX: DIVORCE, MATRIMONIAL CAUSES AND GUARDIANSHIP OF INFANTS 55

47.	Uncontested divorce matters.....	55A
48.	Arrangements for the welfare of children.....	56
49.	Additional copies of certain documents required	56
50.	Transfer of divorce proceedings, matrimonial causes and matters relating to the guardianship of infants to the Family Court of the Subordinate Courts	57
50A.	Documents to be filed at the Registry of the Supreme Court at the City Hall Building.....	58
50B.	Forms of orders, including <i>Mareva</i> injunctions and <i>Anton Piller</i> orders.....	58A
50C.	Appeals on ancillary matters or custody matters from the Family Court to the High Court	58B

(The next page is page iv)

PART X : APPEALS59

51.	Requests for further arguments before the Judge/Registrar.....	59A
52.	Skeletal arguments for hearings other than civil hearings before the Court of Appeal.....	59A
52A.	Skeletal arguments for all civil hearings before the Court of Appeal.....	60A
53.	Preparation of appeal records in civil appeals to the Court of Appeal	61
	• Arrangement	61
	• Binding and pagination..	63
	• Table of contents.....	63
	• Photocopying process...	64
	• Paper, print and spacing.....	64
	• Flagging	65
	• Margins and head notes	65
	• Alphabetical lettering in the margin	66
	• Responsibility for good order and completeness of appeal record	66
	• Order 57, Rules 9 (2) and (3), Rules of Court 1996	67
	• Superfluous and irrelevant documents.....	67
	• Core bundles - Order 57, Rule 9(2A), Rules of Court.....	67
54.	Further arguments before the Court of Appeal	67
54A.	Whether an appeal to the Court of Appeal is to be heard by a court of 2 or 3 judges.....	68A
54B.	Increase in security to be provided under Order 57, Rule 3(3) of the Rules of Court.....	68B

PART XI : BILLS OF COSTS FOR TAXATION 68C

55.	Scope of certain paragraphs	69
56.	Form of bill of costs	69
	• Notice of taxation.....	69
	• Paper	69
	• Margin.....	69
	• Pagination	69
	• Columns	70
	⇒ Party-and-party bills.....	70
	⇒ Solicitor-and-own-client bills	70
	⇒ Bills of costs required to be taxed under Section 18 (3) of the Motor Vehicles (Third Party Risks and Compensation) Act (Cap. 189)... ..	70
	• Particulars	72
	• Goods and services tax.....	72
	⇒ Registration numbers	72
	⇒ Input tax allowable.....	73

TABLE OF CONTENTS

PART VIIA: ELECTRONIC FILING AND SERVICE FOR CIVIL PROCEEDINGS.....	52A
43A. Application.....	52A(II)
43B. Establishment of electronic filing service and appointment of network service provider.....	52A(II)
43C. Appointment of agent to establish service bureau	52A(II)
43D. Documents which must be filed, served, etc., using the electronic filing service.....	52B
43E. Preparation and submission of a specified document to Court.....	52C
43F. Limits on the size and number of documents submitted using the electronic filing service.	52F
43G. Form of specified documents.....	52G
43GA. Filing of specified documents.	52G
43GB. Pagination of specified documents	52H(I)
43H. Visible representations of signatures on specified documents	52I
43I. Identification numbers	52I
43J. Backing sheets	52J
43K. Colour pages	52J
43L. Endorsements on specified documents	52K
43M. Documents which cannot be converted into an electronic format	52K
43N. Time for filing.....	52K
43O. Rejection of documents, back-dating and refund of penalty	52L
43P. Filing of writs of execution.....	52L
43Q. Issuance of writs of subpoena.....	52M
43R. Correspondence.....	52M
43S. Service of specified documents	52M
43T. Search for appearance	52N
43U. File inspection and obtaining extracts or certified true copies of documents using the Index Search and Extract Service	52O
43V. Amendment of specified documents.....	52Q
43W. Form of affidavits	52Q(I)
43X. Swearing affidavits electronically.....	52S
43Y. Bundles of documents filed on setting down and for hearings.....	52W
43YA. Filing of documents in general by way of reference to Document Control Numbers.....	52Y
43Z. Duty Registrar	52Y
43AA. Filing a document for which a hearing date is required.....	52Z
43BB. Hearings	52Z
43CC. Filing documents via service bureau.....	52CC
43DD. [Deleted]	
43EE. Filing of documents to the Supreme Court via a Subordinate Courts service bureau	52NN
43FF. Registered users	52OO
43GG. Hard copies of documents.....	52SS

PART VIIA

ELECTRONIC FILING AND SERVICE FOR CIVIL PROCEEDINGS

43A. Application

- (1) The directions contained in paragraphs 43A to 43GGG shall apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court.
- (2) All other paragraphs in these directions shall also apply to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court, except and to the extent that the contrary is specified in paragraphs 43A to 43GGG.
- (3) If anything in paragraphs 43A to 43GGG has the effect of modifying any other direction, whether expressly or impliedly, then such other direction shall apply in relation to the filing, service, delivery and conveyance of documents under Order 63A of the Rules of Court with such modification.
- (4) Any reference in this part to Order 63A is a reference to Order 63A of the Rules of Court. In addition, where the words and phrases set out in Order 63A, Rule 1 are used in this part, they shall have the same meaning as defined in Order 63A, Rule 1 unless otherwise specified.

43B. Establishment of electronic filing service and appointment of network service provider

In exercise of the powers conferred by Order 63A, Rules 2 and 3, the Registrar, with the approval of the Chief Justice, hereby establishes an electronic filing service and appoints CrimsonLogic Pte Ltd as the network service provider for this service.

43C. Appointment of agent to establish service bureau

In pursuance of Order 63A, Rule 4, the Registrar appoints CrimsonLogic Pte Ltd as an agent to establish a service bureau at the second level of the City Hall building.

TABLE OF CONTENTS

PART VIIB: ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS.....	53
44. Application.....	53A
44A. Documents which must be filed, served, etc. using the electronic filing service	53B
44B. Filing of specified documents.....	53C
44C. Hardcopies of documents.....	53D
44D. Timelines for filing	53E
44E. Filing fees.....	53E

PART VIIB

ELECTRONIC FILING AND SERVICE FOR CRIMINAL PROCEEDINGS

44. Application

- (1) The directions contained in this Part shall apply to the filing, service, delivery and conveyance of documents in criminal proceedings commenced in the High Court and the Court of Appeal on or after 10 January 2005.
- (2) The provisions of Order 63A of the Rules of Court, save Rule 15(2)(a), (3), (5) and (7), shall apply to specified documents filed under this Part notwithstanding that the specified documents filed under this Part are filed in criminal proceedings.
- (3) The following paragraphs of Part VIIA of these directions shall apply, *mutatis mutandis*, to specified documents filed under this Part:
 - (a) 43B;
 - (b) 43C;
 - (c) 43E, save sub-paragraphs (2)(e) and 2(g), and the fees provision in sub-paragraph (2)(a)(iii)(II);
 - (d) 43F;
 - (e) 43G;
 - (f) 43GB;
 - (g) 43H;
 - (h) 43I;
 - (i) 43J;
 - (j) 43K;
 - (k) 43L;
 - (l) 43M;
 - (m) 43N;

- (n) 43O, save the fees provision in sub-paragraph (1);
- (o) 43R;
- (p) 43S, save the fees provision in sub-paragraph (5);
- (q) 43V, save sub-paragraph (4);
- (r) 43W, save sub-paragraph (5)(e);
- (s) 43YA, save sub-paragraph (3) and the references to paragraph 43Y in sub-paragraph (1);
- (t) 43Z;
- (u) 43AA;
- (v) 43CC, save the fees provisions in sub-paragraphs (5)(b), (6)(a)(iv), (6)(c)(vii)(II), (10)(e), (15), (18) and (19);
- (w) 43EE;
- (x) 43FF; and
- (y) 43GG.

44A. Documents which must be filed, served, etc. using the electronic filing service

- (1) The following documents must be filed, served, delivered or otherwise conveyed using the electronic filing service and shall be referred to in this Part as “specified documents”:
 - (a) fiats in criminal cases;
 - (b) charges in criminal cases;
 - (c) orders for committal in criminal cases;
 - (d) skeletal arguments;
 - (e) notices of appeal in criminal appeals;
 - (f) petitions of appeal in criminal appeals;
 - (g) notices of discontinuance/withdrawal of appeal in criminal appeals;
 - (h) petitions in criminal revisions;
 - (i) affidavits in criminal revisions and criminal motions;

- (j) documentary exhibits in criminal revisions;
 - (k) criminal motions;
 - (l) statements of case in criminal references;
 - (m) petitions for clemency; and
 - (n) any other documents whose filing may be required by law or by the court or Registrar.
- (2) Documents that are filed in the Subordinate Courts for the purposes of High Court proceedings shall continue to be manually filed in the Subordinate Courts.
- (3) For the avoidance of doubt, it shall not be necessary for documents that are tendered in open court to be filed via the electronic filing service, unless otherwise ordered.

44B. Filing of specified documents

- (1) The specified documents to which the Court will assign a case number or a document number (which will be referred to hereinafter in this part as Main Documents) are the following:
- (a) Criminal trials;
 - (b) Criminal appeals;
 - (c) Magistrates' appeals;
 - (d) Criminal revisions;
 - (e) Criminal motions;
 - (f) Criminal references;
 - (g) Show cause proceedings; and
 - (h) Special cases.
- (2) If documents which are related to Main Documents are filed, the following directions will apply:
- (a) If the related document is filed in the same submission as a Main Document, then the Court's computer system will automatically create a logical link between the Main Document and the related document.

- (b) If the related document is filed after the Main Document in a different submission, then the person filing the related document must include the document number of the Main Document as the Reference Document Number in the electronic template filed for the submission containing the related document. This is to ensure that the documents related to Main Documents may be easily located in the Court's electronic case file.
- (c) An example of a related document is an affidavit filed in support or in opposition to a criminal motion brought in a criminal appeal. If the affidavit is filed in a different submission from the criminal motion, the document number of the criminal motion must be entered as the Reference Document Number of the affidavit in the electronic template of the submission containing the affidavit.

44C. Hardcopies of documents

- (1) The provisions of this paragraph are without prejudice to the provisions of paragraph 44A.
- (2) Counsel in magistrate's appeals, criminal revisions, criminal motions, show cause proceedings and special case hearings before the High Court should ensure that two hardcopies each of any skeletal arguments or bundles of authorities are tendered to the Registry.
- (3) Counsel in criminal appeals, criminal motions and criminal references before the Court of Appeal should ensure that four hardcopies each of any skeletal arguments or bundles of authorities are tendered to the Registry.
- (4) For the avoidance of doubt, it shall not be necessary for bundles of authorities to be filed electronically.

44D. Timelines for filing

- (1) The timelines provided in Paragraph 52 of these directions shall apply to all skeletal arguments that are electronically filed under this Part.
- (2) Hardcopies of bundles of authorities shall be tendered to the Registry at the same time as hardcopies of skeletal arguments.

44E. Filing fees

- (1) No transmission or processing fees shall be payable in respect of documents filed under this Part.
- (2) Electronic filing at the service bureau shall be subject to such administrative charges as may be imposed by the service bureau from time to time. However, the service bureau has agreed to waive the payment of any administrative charges by unrepresented accused persons.

(The next page is page 54.)

TABLE OF CONTENTS

PART VIII : ADMIRALTY MATTERS.....54

45. Arrest of ships by Sheriff..... 54A

45A. Form of undertaking. 54B

46. Filing of supporting documents 54B

PART VIII
ADMIRALTY MATTERS

45. Arrest of ships by the Sheriff

- (1) The Sheriff will apply to a Judge for an omnibus order in every case where a ship/vessel is arrested giving the Sheriff discretion to take various measures for the safe and satisfactory custody of the arrested property. The usual terms of the order would be:
 - (a) that the Sheriff may be at liberty at his discretion at any time to take measures to preserve the ship/vessel, her machinery and equipment;
 - (b) that the Sheriff may be at liberty at his discretion at any time to move the ship/vessel within the limits of the port where she is lying under arrest, either for her own safety or to comply with the requirements of the port authority; and
 - (c) that the costs and expenses incurred in the implementation of the order be deemed to be part of the Sheriff's expenses and in the event of a sale be paid first out of the proceeds of sale.
- (2) Solicitors representing plaintiffs in admiralty proceedings are required to provide an undertaking that the Sheriff shall be indemnified and be provided with sufficient funds as and when required by the Sheriff to meet the charges and expenses that may be incurred in consequence of their request for the arrest of a vessel. If such undertaking is not fulfilled within a reasonable time, the Sheriff may take such steps as may be necessary to enforce the undertaking against the solicitors concerned.
- (3) Upon the arrest of vessel, funds are required immediately to meet the Sheriff's expenses, such as guard charges, port and

garbage dues, and the supply of minimum victuals, domestic fuel and water to crew members where necessary. Funds to meet such expenses are not provided for by the Government. Further, in the past, certain solicitors' firms have not been prompt in complying with their undertaking to provide sufficient funds in respect of these expenses.

- (4) To enable the Sheriff to discharge his duties effectively, upon the arrest of a vessel, solicitors representing arresting parties are required to deposit with the Sheriff a sum of between \$5,000 to \$10,000, depending on the facts of each case. Such deposit is in addition to the usual undertaking.

45A. Form of undertaking

In order to ensure that there is no undue delay in the issuing of warrants of arrest and release, members of the Bar are requested to prepare the undertaking in accordance with Form 15 of Appendix B of these directions.

46. Filing of supporting documents

The attention of members of the Bar is drawn to section 72 of the Supreme Court of Judicature Act (Cap. 322) which states:

“72.-(1) Subject to Rules of Court, the Registry of the Supreme Court shall be open on every day of the year except Sundays and public holidays.

(2) The office hours shall be from 10 a.m. to 4 p.m. except on Saturdays, when the Registry shall close at 1 p.m.”

Members of the Bar shall ensure that the necessary documents are filed within the Registry hours to enable execution to be effected.

(The next page is page 55.)

TABLE OF CONTENTS

PART IX: DIVORCE, MATRIMONIAL CAUSES, GUARDIANSHIP OF INFANTS AND PROCEEDINGS PURSUANT TO SECTION 17A(2) OF THE SUPREME COURT OF JUDICATURE ACT (CAP 322)	55
47. Uncontested divorce matters.....	55A
48. Arrangements for the welfare of children.....	56
49. Additional copies of certain documents required	56
50. Transfer of divorce proceedings, matrimonial causes, matters relating to the guardianship of infants, and proceedings pursuant to section 17A(2) of the Supreme Court of Judicature Act (Cap 322) to the Family Court of the Subordinate Courts.....	57
50A. Documents to be filed at the Registry of the Supreme Court at the City Hall Building.....	58
50B. Forms of orders, including <i>Mareva</i> injunctions and <i>Anton Piller</i> orders.....	58A
50C. Appeals on ancillary matters, custody matters or proceedings pursuant to section 17A(2) of the Supreme Court of Judicature Act (Cap 322) from the Family Court to the High Court	58B

PART IX
DIVORCE, MATRIMONIAL CAUSES, GUARDIANSHIP OF INFANTS
AND PROCEEDINGS PURSUANT TO SECTION 17A(2) OF
THE SUPREME COURT OF JUDICATURE ACT (CAP 322)

47. Uncontested divorce matters

(1) The contents of the divorce petitions are verified by affidavit pursuant to rule 6 of the Women's Charter (Matrimonial Proceedings) Rules. As such, where a petition is uncontested, there is no need for petitioners to be made to confirm every paragraph in them. For the hearing of uncontested divorce petitions, therefore, counsel will only need to put to petitioners in the witness box the questions which will prove the following matters:

- (a) the marriage (including the production of the marriage certificate);
- (b) the particulars of children (if any);
- (c) the ground on which the petition is founded; and
- (d) the prayer.

For this purpose and to facilitate the proceedings, counsel should supply a copy of the petition to their respective petitioners.

(2) If agreement has been reached between the parties on the custody of children, access to them, maintenance or other ancillary matters, counsel should submit draft orders incorporating the agreement for the approval of the Court. Where no agreement has been reached, these ancillary matters will normally be adjourned into Chambers for further consideration.

(3) Notwithstanding the adoption of this simplified procedure, counsel will still be expected to bring to the attention of the court any specific matters in connection with or arising from the petition of which the Court should be aware before a divorce is

(The next page is page 56)

15.

Para. 45A

UNDERTAKING TO THE SHERIFF

(Title as in action).

PARTICULARS OF PROPERTY TO BE ARRESTED:-

It is requested that the Warrant of Arrest/Release/Commission of Appraisalment and Sale lodged herewith be executed by the arrest/release/sale of the vessel _____lying _____.

Note:

If freight is to be arrested, insert the words “and of the said vessel’s cargo for the freight mentioned in the warrant” or if cargo and freight are to be arrested, insert the words “and of the said vessel’s cargo and freight mentioned in the warrant”.

An Undertaking is hereby given that the Sheriff shall be indemnified and be provided with sufficient funds as and when required by the Sheriff to meet the charges and expenses that may be incurred in consequence of these instructions.

Dated the day of , 20 .

Solicitors