

**IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE**

**PRACTICE DIRECTION NO. 5 OF 2005**

**INTRODUCTION OF LIMITED LIABILITY PARTNERSHIPS**

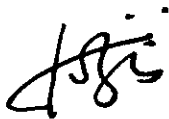
The Limited Liability Partnerships Act 2005 (Act 5 of 2005), which will come into effect on 1 April 2005, introduces the concept of the limited liability partnership. This practice direction makes the necessary amendments to *The Supreme Court Practice Directions (1997 Ed.)* to facilitate the introduction of the limited liability partnership.

2 This practice direction also makes miscellaneous amendments to bring the provisions of *The Supreme Court Practice Directions (1997 Ed.)* in line with existing practice.

3 This practice direction will take effect from 1 April 2005.

4 This practice direction should be included in *The Supreme Court Practice Direction (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 24<sup>th</sup> day of March 2005



KOH JUAT JONG  
REGISTRAR  
SUPREME COURT

## **APPENDIX**

- 1) The existing page iv to be replaced with the attached page iv.
- 2) The existing pages 1A to 2 to be replaced with the attached pages 1A to 2.
- 3) The existing pages 7 to 8 to be replaced with the attached pages 7 to 8.
- 4) The existing page 35 to be replaced with the attached page 35.
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**PART I**  
**INTRODUCTORY**

**1. Citation**

These directions may be cited as the Supreme Court Practice Directions (1997 Ed.) and are issued to consolidate all previous practice directions of the Supreme Court.

**2. Revocation**

**(1) Revocation of existing practice directions**

All existing practice directions are revoked from the date of coming into effect of these directions.

**(2) Existing Registrar's circulars to be revoked**

All Registrar's circulars are revoked from the date of coming into effect of these directions save for those listed in Appendix A.

**3. Division**

These directions consist of 14 parts and 6 appendices. Each part is divided into paragraphs which are numbered consecutively from the beginning of the first part until the end of the last. The first sub-division of each paragraph, represented by a number in parentheses, eg., "(1)", shall be referred to as a sub-paragraph. Each sub-division of a sub-paragraph, represented by a lower case letter in parentheses, e.g., "(a)", shall be referred to as a clause. Each sub-division of a clause, represented by a lower case Roman numeral in parentheses, e.g., "(i)", shall be referred to as a sub-clause. For example, the division of a party-and- party bill of costs into 4 columns is provided for by sub-clause (ii) of clause (a) of sub-paragraph (5) of paragraph 56, which is in Part XI of these directions (in short, Part XI, para. 56 (5) (a) (ii)).

**4. Application of directions to Courts of 3 Judges**

For avoidance of doubt, the following paragraphs shall apply to a Court of 3 Judges constituted under the Legal Profession Act (Cap. 161):

- (1) paragraph 35 (Part VI); and
- (2) paragraph 52A (Part X).

**5. Directions to apply to civil proceedings only unless otherwise stated**

For avoidance of doubt, these directions shall apply to civil proceedings only unless otherwise stated.

**6. Commencement**

These directions shall come into effect on the 1<sup>st</sup> day of February, 1997.

**7. Updating**

These directions are issued in a loose leaf form to facilitate amendment and updating. In the event of a fresh or amending practice direction being issued, replacement pages for these directions will be attached thereto and instructions for the replacing of the pages will be set out therein.

**7A. Forms**

The Forms in Appendix B to these directions shall be used where applicable with such variations as the circumstances of the particular case require.

(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. The number shall be preceded by the following prefix: “(*Country of registration*) RC No.”

(h) **Business registered under the Business Registration Act**

For a body registered under the Business Registration Act (Cap. 32), the identification number shall be the number of the certificate of registration issued under the Business Registration Act (Cap. 32). The number shall be preceded by the following prefix: “RB No.”

(ha) **Limited Liability Partnership registered under the Limited Liability Partnerships Act**

For a limited liability partnership registered under the Limited Liability Partnerships Act 2005 (Act 5 of 2005), the identification number shall be the number of the certificate of registration issued under the Limited Liability Partnerships Act 2005 (Act 5 of 2005). The number shall be preceded by the following prefix: “RP No.”

(i) **Other bodies and associations**

For any other body or association, whether incorporated or otherwise, which does not fall within clauses (f) to (h) above, the identification number shall be any unique number assigned to the body or association by any authority. The number should be preceded by some descriptive words which will enable the nature of the number given and the authority assigning the number to

be ascertained. For example, “Singapore Trade Union Reg. No. 123 A”.

(j) **Ship or vessel**

For a ship or vessel, the identification number shall be the registration number assigned by the port of registry. The number shall be preceded by the following words: “(*Port of registration*) Reg. No.”. If no such registration number is available, the number of the license granted by any authority shall be the identification number. The number shall be preceded by the following words: “(*Licensing country*) Licence No.”. In the event that neither number is available, the identification number shall be the LR number stated in the Lloyd’s Register of Ships. The number shall be preceded by the following prefix: “LR No.”

(k) **No identification numbers exist**

Where the appropriate identification numbers prescribed by the preceding clauses 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)”.

(7) **Inability to furnish identification number at the time of filing a document**

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, approval for the document to be filed should be sought by filing a request in Form 1 of Appendix B. The necessary identification numbers will have to be furnished within 1 month from the filing of Form 1 by filing a notice in Form 2 of Appendix B. After Form 2 has been filed, the identification numbers set out therein should be included in all cause papers filed thereafter.

(8) **Meaning of document**

For avoidance of doubt, the words “document” and “documents” when used in this paragraph include all originating processes filed in the Supreme Court regardless of whether they are governed by the Rules of Court 1996 or not. The words also include all documents filed in connection with bankruptcy proceedings.

(9) **Non-compliance**

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

*(The next page is page 9)*



- (7) If an adjournment is ordered for any of the reasons set out in sub-paragraph (6) above, the party who has failed to file or serve his documents within the prescribed time or at all or who seeks to tender a document or supplement thereto except for supplements to the opening statement may be ordered by the Court to bear the costs of the adjournment.
- (8) For the avoidance of doubt, where the period in question under this paragraph is a period of 7 days or less, it will not include Saturdays, Sundays or public holidays.

**35. Bundles of authorities for other hearings**

In all criminal proceedings and civil and criminal appeals heard in open Court in the High Court and the Court of Appeal, counsel shall submit their own bundle of authorities. In this regard, paragraph 34 (4) above shall, *mutatis mutandis*, be complied with.

**36. Hearing in Chambers**

In all hearings in Chambers before a Judge or Registrar, counsel shall submit their bundles of documents and their own bundle of authorities. Order 34, Rule 3A, and the requirements of paragraphs 34 (3) and 34 (4) shall, *mutatis mutandis*, be complied with in this regard, save that the bundles may be submitted at the hearing itself before the Judge or Registrar, as the case may be.

**36A. Documents for use in trials in open Court of contested divorce petitions and contested winding-up petitions**

- (1) This paragraph shall apply to trials in open Court of:
  - (a) contested divorce petitions; and
  - (b) contested winding-up petitions
- (2) To improve the conduct of contested divorce petitions and contested winding-up petitions and to reduce the time taken in the presentation of cases in Court, the following

**43D. Documents which must be filed, served, etc., using the electronic filing service**

- (1) Pursuant to Order 63A, Rules 1 and 8, the Registrar hereby specifies that all documents to be filed with, served on, delivered or otherwise conveyed to the Registrar in all proceedings other than criminal proceedings (which are governed by Part VIIB of these practice directions), subject to the exceptions which appear later in this paragraph, must be so filed, served, delivered or otherwise conveyed using the electronic filing service, and such documents shall be referred to in this part as “specified documents”.
- (2) Without affecting the generality of sub-paragraph (1), the following documents when filed in any of the proceedings specified in sub-paragraph (1) are “specified documents”:
  - (a) writs of summons;
  - (b) originating summonses;
  - (c) petitions for admission of advocates and solicitors;
  - (d) memoranda of appearance;
  - (e) pleadings;
  - (f) summonses-in-chambers;
  - (g) summonses for direction;
  - (h) interpleader summonses;
  - (i) all affidavits, unless expressly excluded in this paragraph;
  - (j) order of Court and judgments;
  - (k) notices of appeals;
  - (l) appellant’s Cases and respondent’s Cases;
  - (m) bills of costs;
  - (n) notices of objection;
  - (o) winding up petitions;
  - (p) petitions of course;
  - (q) admiralty writs;
  - (r) originating motions;
  - (s) originating petitions;
  - (t) bankruptcy petitions;

- (u) originating summonses for bankruptcy;
  - (v) petitions for grants of probate or letters of administration;
  - (w) instruments creating a power of attorney;
  - (x) all documents which pertain to assessment of damages, taking of accounts and inquiries before the Registrar;
  - (y) all documents which pertain to proceedings falling within the ambit of Orders 45 to 52 of the Rules of Court;
  - (z) requests for and notifications of setting down;
  - (aa) notices of motion;
  - (bb) writs of subpoena;
  - (cc) praecipes;
  - (dd) certificates, caveats and declarations;
  - (ee) letters;
  - (eea) petitions filed under Part X of the Women's Charter and all documents which pertain to proceedings under the said Part; and
  - (ff) all other documents not otherwise specifically provided for in the preceding clauses.
- (3) It shall not be necessary to use the electronic filing service in respect of the following proceedings:
- (a) any proceedings commenced by a writ of summons before 1 March 2000, subject to the provision in sub-paragraphs (c), (d), (e) and (f);
  - (b) any proceedings commenced by an originating summons before 18 December 2001;
  - (c) any proceedings for taxation commenced by a bill of costs, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;
  - (d) any proceedings commenced by an originating summons or summons for interpleader relief, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;

- (e) any notices of appeal under Order 55D, including proceedings resulting or arising from such appeals, filed before 18 December 2001;
  - (f) any notices of appeal under Order 57, including proceedings resulting or arising from such appeals, filed before 18 December 2001;
  - (g) any proceedings commenced by a petition for the admission of advocates and solicitors filed before 18 December 2001;
  - (h) any proceedings for winding up of a company commenced by a petition filed before 28 May 2003;
  - (i) any proceedings commenced by an Admiralty writ *in rem* or *in personam* filed before 28 May 2002;
  - (j) any proceedings commenced by an originating motion filed before 28 May 2002;
  - (k) any proceedings commenced by an originating petition filed before 28 May 2002;
  - (l) any proceedings commenced by a petition of course filed before 28 May 2002;
  - (m) any proceedings or applications under the Bankruptcy Act or Bankruptcy Rules filed before 28 May 2002;
  - (n) any proceedings for a grant under order 71, Rule 5 of the Rules of Court filed before 28 May 2002;
  - (o) any applications to deposit an instrument creating a power of attorney filed before 28 May 2002; and
  - (p) any proceedings commenced by a petition under Part X of the Women's Charter filed before 15 December 2003.
- (4) Documents which are filed pursuant to Order 34, Rule 3A(1) of the Rules of Court may, instead of being filed through the electronic filing service, be filed in accordance with the procedure outlined in paragraph 43Y(7).

- (5) In respect of appeals under Order 55D of the Rules of Court, it shall not be necessary to file, serve, deliver or convey any specified document at the High Court using the electronic filing service if its filing, service, delivery or conveyance is not required under Order 55D.
- (6) With the exception of the proceedings stipulated in sub-paragraph (3), any application which was previously brought by way of a notice for directions, a notice for further directions or a notice under the summons for directions must be brought by way of a summons in chambers.
- (7) Bundles of authorities which are specified documents can be filed, served, delivered or otherwise conveyed using the electronic filing service. A party may also choose not to file bundles of authorities and may instead use these for hearings in a paper form in accordance with the directions contained in this part.

*(The next page is page 52C)*

**43E. Preparation and submission of a specified document to the Court**

- (1) A specified document must be submitted to the Court in one of 2 ways, as stated in Order 63A, Rule 8:
  - (a) by electronic transmission; or
  - (b) via a service bureau.
- (1A) With effect from 2 July 2001, submission by electronic transmission shall include filing via internet at the EFS website ([www.efs.com.sg](http://www.efs.com.sg)).
  - (a) Currently, the Electronic Filing Service operates on a private EDI (Electronic Data Interchange) network (“EFS FE-Windows”). Migration would involved moving the data from the local front-end database of a law firm to the central database at CrimsonLogic Pte Ltd. Upon migration to this web-based filing system (“EFS FE-Web”), the case files can only be accessed through the EFS FE-Web.
  - (b) For existing cases created using EFS FE-Windows, registered users must continue filing related documents through the EFS FE-Windows until the migration to the EFS FE-Web is completed. Upon completion of the migration, all documents must be filed via the web.
  - (c) For new cases that have yet to be filed, registered users have a choice of filing via EFS FE-Windows or EFS FE-Web. Cases filed via EFS FE-Windows cannot be accessed using EFS FE-Web and vice-versa. Hence, it is advised that new cases be filed via the EFS FE-Web. If registered users choose to continue filing via EFS FE-Windows, they will

*(The next page is page 52D)*