

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

**PRACTICE DIRECTION NO. 1 OF 2006**

**PHASE 2 OF THE SIMPLIFICATION OF MODES OF COMMENCEMENT OF PROCEEDINGS**

The Statutes (Miscellaneous Amendments) (No. 2) Act 2005 was passed on 7 December 2005 to amend several statutes in order to reduce the modes of commencement of proceedings, from four to two: the writ of summons and the originating summons. The first phase of these amendments took effect on 1 January 2006. The second phase of these amendments will commence on 1 April 2006 and involves the following proceedings:

- (a) bankruptcy proceedings;
- (b) proceedings relating to the winding up of companies and limited liability partnerships;
- (c) judicial management proceedings; and
- (d) proceedings under Part X of the Women's Charter.

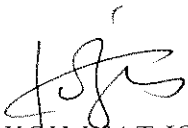
Solicitors may refer to the Supreme Court website at <http://www.supremecourt.gov.sg> for more information concerning these changes.

2 A new edition of the Supreme Court Practice Directions was issued on 16 December 2005 to reflect the changes made pursuant to phase one of the simplification of modes of commencement. This practice direction introduces two additional parts – Matrimonial Proceedings and Proceedings Relating to the Guardianship of Infants; and Bankruptcy and Winding Up Proceedings – to *The Supreme Court Practice Directions (2006 Ed.)*. Appendix B (Waiting Periods) and paragraph 99(1) have also been amended to reflect the change in modes of commencement.

3 This practice direction will take effect on 1 April 2006.

4 This practice direction should be included in *The Supreme Court Practice Directions (2006 Ed.)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (2006 Ed.)* are contained in the Appendix hereto.

Dated this 17<sup>th</sup> day of March 2006.



KOH JUAT JONG  
REGISTRAR  
SUPREME COURT

## **APPENDIX**

- 1) The existing pages xviii to xix to be replaced with the attached pages xviii to xxi.
- 2) The existing page PART I - 4 to be replaced with the attached page PART I - 4.
- 3) The existing page PART XII - 19 to be replaced with the attached page PART XII - 19.
- 4) The attached pages PART XVIII - 1 to PART XVIII - 10 and PART XIX - 1 to PART XIX - 6 to be inserted after existing page PART XVII - 10 and immediately before existing page A - 1.
- 5) The existing page A - 1 to be replaced with the attached page A - 1.
- 6) The existing pages B - 1 to B - 3 to be replaced with the attached pages B - 1 to B - 3.

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**3. Revocation of existing practice directions**

All existing practice directions are revoked with effect from 1 April 2006.



- (y) originating summonses or summonses under sections 112 or 124 of the Legal Profession Act (Cap. 161, 2001 Rev Ed);
  - (z) all requests;
  - (za) warrants of arrest;
  - (zb) bankruptcy orders;
  - (zc) powers of attorney;
  - (zd) deeds of substitution;
  - (ze) supplementary Deeds;
  - (zf) deeds of Revocation;
  - (zg) deeds of Rectification;
  - (zh) caveats against grants of probate;
  - (zi) bankruptcy originating summonses;
  - (zj) originating summonses for winding up;
  - (zk) for matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Rev Ed) commenced before 1 April 2006,
    - (i) certificates of making decree nisi absolute (Nullity);
    - (ii) certificates of making decree nisi absolute (Divorce);
    - (iii) certificates of making decree nisi absolute (Presumption of Death and Divorce);
  - (zl) for matrimonial proceedings under Part X of the Women's Charter commenced on or after 1 April 2006:
    - (i) certificates of making interim judgment final (Nullity);
    - (ii) certificates of making interim judgment final (Divorce); and
    - (iii) certificates of making interim judgment final (Presumption of Death and Divorce).
- (2) If documents which are related to Main Documents (referred to in this subparagraph as related 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.

**PART XVIII: MATRIMONIAL PROCEEDINGS AND MATTERS RELATING  
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## PART XVIII

### MATRIMONIAL PROCEEDINGS AND MATTERS RELATING TO THE GUARDIANSHIP OF INFANTS

**135. 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 to the Family Court of the Subordinate Courts**

- (1) The Honourable the Chief Justice had on 12 March 1996 made an order under section 28A of the Supreme Court of Judicature Act (Cap. 322) for all proceedings under section 59 and Part X of the Women’s Charter (Cap. 353) and the Guardianship of Infants Act (Cap. 122) (referred to in this Part as “family proceedings”) commenced in the High Court on or after 1 April 1996 to be transferred to and be heard and determined by a District Court (“the 1996 Transfer Order”). The order was gazetted on 15 March 1996 and came into operation on 1 April 1996.
  
- (2) Pursuant to the 1996 Transfer Order –
  - (a) all family proceedings commenced in the High Court on or after 1 April 1996 shall be transferred to and be heard and determined by a District Court; and
  - (b) all family proceedings commenced before 1 April 1996 as well as any proceedings ancillary thereto shall continue to be heard and determined by the High Court.
  
- (3) The Honourable the Chief Justice had on 11 November 2003 made an order under section 28A of the Supreme Court of Judicature Act for all

family proceedings commenced in the High Court on or after 15 December 2003 to be transferred to and be heard and determined by a District Court (“the 2003 Transfer Order”). The order was gazetted on 1 December 2003 and came into operation on 15 December 2003.

- (4) The Honourable the Chief Justice had on 28 December 2005 made an order under section 28A of the Supreme Court of Judicature Act for all family proceedings commenced in the High Court on or after the date of commencement of item (36) in the First Schedule to the Statutes (Miscellaneous Amendments) (No. 2) Act 2005 (1 April 2006) to be transferred to and be heard and determined by a District Court (“the 2005 Transfer Order”). The order was gazetted on 28 December 2005 and came into operation on 1 April 2006.
- (5) Pursuant to the 2003 Transfer Order and 2005 Transfer Order –
  - (a) all family proceedings commenced in the High Court on or after 15 December 2003 shall be transferred to and be heard and determined by a District Court; and
  - (b) proceedings under Part X of the Women’s Charter transferred to a District Court as stated in sub-paragraph (5)(a), in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more shall, upon the direction of the Registrar of the Subordinate Courts that the ancillary issues are ready for hearing, be transferred to and be heard and determined by the High Court.
- (6) The Honourable the Chief Justice had on 8 October 2004 made an order under section 28A of the Supreme Court of Judicature Act for all

proceedings under section 17A of the Supreme Court of Judicature Act (referred to in this part as “section 17A proceedings”) commenced in the High Court on or after 1 November 2004 to be transferred to and be heard and determined by a District Court. The order was gazetted on 12 October 2004 (“the 2004 Transfer Order”) and came into operation on 1 November 2004.

- (7) Pursuant to the 2004 Transfer Order -
- (a) all section 17A proceedings commenced in the High Court on or after 1 November 2004 shall be transferred to and be heard and determined by a District Court; and
  - (b) section 17A proceedings transferred to a District Court as stated in sub-paragraph (7)(a) above, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more shall, upon the direction of the Registrar of the Subordinate Courts that the proceedings are ready for hearing, be transferred to and be heard and determined by the High Court.
- (8) A sub-registry of the Registry of the Supreme Court (referred to in this direction as the “sub-registry of the Supreme Court”) and sub-registry of the Registry of the Subordinate Courts (referred to in this direction as the “sub-registry of the Subordinate Courts”) have been set up in the Family and Juvenile Court Building (at No. 3, Havelock Square) (“the Family & Juvenile Court”).

**136. Documents to be filed at the Legal Registry of the Supreme Court**

- (1) All documents relating to family proceedings and section 17A proceedings which are to be heard and determined by the High Court shall be filed at the Legal Registry of the Supreme Court. These include:
  - (a) all originating processes to commence family proceedings before 1 April 1996;
  - (b) all subsequent applications and documents in or ancillary to family proceedings commenced before 1 April 1996;
  - (c) all applications and documents in or ancillary to family proceedings commenced on or after 15 December 2003 involving the division of matrimonial assets with a gross value of \$1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the Subordinate Courts;
  - (d) all applications and documents in or ancillary to section 17A proceedings commenced on or after 1 November 2004 involving the division of matrimonial assets with a gross value of \$1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the Subordinate Courts; and
  - (e) all applications and documents to vary any Order of the High Court in the proceedings referred to in sub-paragraphs (1)(a) to (d).
- (2) Save for the documents listed in sub-paragraph (1), the Legal Registry will cease to accept the filing of the processes in relation to family proceedings with effect from 1 April 1996. These processes shall be filed at the sub-registry of the Supreme Court or at the Family and Juvenile Court.
- (3) For the avoidance of doubt, all documents relating to family proceedings that are filed at the Legal Registry shall bear the title “In the High Court of the Republic of Singapore”.

**137. Forms of orders, including *Mareva* injunctions and search orders<sup>†</sup>**

- (1) The format of all orders made in applications taken out in proceedings by way of writ of summons under Part X of the Women's Charter (Cap. 353, 1997 Rev Ed) on or after 1 April 2006 shall comply with Form 25 of the Women's Charter (Matrimonial Proceedings) Rules 2005 (S 854/2005). Orders made in proceedings commenced by way of petition under Part X of the Women's Charter shall comply with Form 24 of the Women's Charter (Matrimonial Proceedings) Rules (Cap 353, R 4, 2004 Rev Ed).
  
- (2) Paragraphs 41 and 42 shall be applicable to an application for a *Mareva* injunction and a search order. The orders of court for such applications shall contain the text set out in Forms 8, 9 and 10 of Appendix A of these Practice Directions.

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<sup>†</sup> Formerly known as "*Anton Piller* order".

**138. Certificate of Making Interim Judgment Final**

- (1) This paragraph applies to proceedings commenced under Part X of the Women's Charter (Cap. 353, 1997 Rev Ed) using the Electronic Filing Service (EFS).
- (2) The Certificate of Making Interim Judgment Final (Form 26 of the Women's Charter (Matrimonial Proceedings) Rules 2005 (S 854/2005)) shall be submitted by entering the relevant information in the appropriate electronic template without attaching the document in the portable document format (PDF).
- (3) Upon the Court's acceptance of the submission of the documents under sub-paragraph (1) above, the EFS will auto-generate the document in PDF, based on the information furnished by the parties in the electronic template, and a copy of the said document will be sent to the party who made the submission.
- (4) Sub-paragraphs (2) and (3) shall also apply to the submission of a Certificate of Making Decree Nisi Absolute (Form 22 of the Women's Charter (Matrimonial Proceedings) Rules (Cap 353, R 4, 2004 Rev Ed)) in relation to proceedings commenced by way of petition under Part X of the Women's Charter before 1 April 2006.



**139. Appeals on ancillary matters in divorce proceedings, custody matters or proceedings pursuant to section 17A(2) of the Supreme Court of Judicature Act from the Family Court to the High Court**

- (1) Appeals against final orders made by the District Judge in chambers on ancillary matters in divorce proceedings under the Women's Charter (Cap. 353, 1997 Rev Ed), custody proceedings under the Guardianship of Infants Act (Cap. 122, 1985 Rev Ed), or proceedings pursuant to section 17A(2) of the Supreme Court of Judicature Act (Cap. 322, 1999 Rev Ed) are governed by Order 55C of the Rules of Court. In practice, the District Judges furnish grounds of decision within 8 weeks of the filing of the notice of appeal although the furnishing of grounds of decision is not a requirement under the Rules of Court.
  
- (2) To facilitate the conduct of appeal hearings before the Judge of the High Court in Chambers, parties are required to file the following documents prior to the appeal hearing:
  - (a) the appellant shall, within one week from the date of the release of the grounds of decision, file his submission, the record of appeal, and where the record of appeal exceeds 1000 pages, a core bundle, and serve a copy thereof on every respondent to the appeal or his solicitor; and
  - (b) the respondent shall, within one week from the date of the service of the documents referred to in sub-paragraph (2)(a), file his submission and a supplemental core bundle, where necessary, and serve a copy thereof on the appellant or his solicitor.
  
- (3) The submissions to be filed by parties shall set out as concisely as possible:

- (a) the circumstances out of which the appeal arises;
  - (b) the issues arising in the appeal;
  - (c) the contentions to be urged by the party filing it and the authorities in support thereof; and
  - (d) the reasons for or against the appeal, as the case may be.
- (4) The parties shall file together with their submissions a bundle of authorities relied on by the court below as well as other authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.
- (5) The record of appeal shall consist of:
- (a) the notice of appeal;
  - (b) the certified copy of the grounds of decision;
  - (c) the certified copy of the notes of evidence;
  - (d) the originating process and all subsequent pleadings;
  - (e) the affidavits filed or referred to by parties for the hearing and any other documents, so far as relevant to the matter decided and the nature of the appeal; and
  - (f) the judgment or order appealed from.
- (6) The core bundle shall contain a copy of:
- (a) the grounds of decision;
  - (b) the judgment or order appealed from;
  - (c) the documents, including notes of evidence, pleadings and affidavits or portions thereof that are of particular relevance to any question in the appeal or that will be referred to at the appeal; and
  - (d) an index of the documents included therein, which shall cross-refer each document to its location in the record of appeal.
- (7) If the respondent intends to refer to documents at the appeal that are not included in the core bundle filed by the appellant, the respondent

shall file a supplemental core bundle that contains a copy of the documents, together with an index of the documents which shall cross-refer each document to its location in the record of appeal.

- (8) The core bundle filed by the appellant shall not exceed 100 pages and the supplemental bore bundle filed by the respondent shall not exceed 50 pages. In computing the number of pages, the copy of the order appealed from, the grounds of decision and the index of documents shall be excluded. The Judge of the High Court may take into consideration any failure to comply with this direction in deciding the costs to be awarded at the hearing of the appeal.
- (9) The submissions, the record of appeal, the core bundle and the respondent's core bundle shall be filed at the Registry of the Subordinate Courts.
- (10) In order to assist the Judge hearing the appeal, the appellant and the respondent are to tender one hard copy of the record of appeal, submissions and the core bundle, where applicable, as well as any bundle of authorities to be relied upon to the Legal Registry of the Supreme Court not less than 5 working days before the hearing of the appeal.

**PART XIX: BANKRUPTCY AND WINDING UP MATTERS**

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## PART XIX

### BANKRUPTCY AND WINDING UP MATTERS

#### 140. Bankruptcy applications

The following arrangements will apply to hearings of bankruptcy matters:

- (1) Bankruptcy matters are divided into 2 parts, namely,
  - (a) applications for bankruptcy orders; and
  - (b) other applications under the Bankruptcy Act (Cap. 20, 2000 Rev Ed) or Bankruptcy Rules (Cap 20, R1, 2002 Rev Ed), including:
    - (i) applications to set aside statutory demands;
    - (ii) applications to extend the time to set aside statutory demands; and
    - (iii) applications for interim orders under Part V of the Bankruptcy Act.
- (2) *Ex parte* applications for substituted service in bankruptcy proceedings will be dealt with by the Duty Registrar.
- (3) All documents filed with, served on, delivered or otherwise conveyed to the Registrar in respect of the bankruptcy proceedings shall be filed using white-coloured paper regardless of whether the documents are filed, served, delivered or otherwise conveyed by electronic transmission or via the service bureau.

**141. Applications to set aside statutory demands made under the Bankruptcy Rules**

- (1) Rule 97 of the Bankruptcy Rules allows debtors to apply to set aside statutory demands within 14 days from the date of service; or, where the demand was served outside jurisdiction, within 21 days. It has been noted that requests are frequently made at the hearings of such applications for adjournments pending the hearing of an application to set aside the judgment or order founding the debt in respect of which a statutory demand was made.
  
- (2) Without prejudice to Rule 98 of the Bankruptcy Rules, on an application to set aside a statutory demand based on a judgment or an order, the Court will not go behind the judgment or order and inquire into the validity of the debt nor, as a general rule, adjourn such an application pending the outcome of an application to set aside the judgment or order.
  
- (3) When the debtor:
  - (a) claims to have a counterclaim, set-off or cross demand (whether or not he could have raised it in the action or proceedings in which the judgment or order was obtained) which equals or exceeds the amount of the debt or debts specified in the statutory demand; or
  - (b) disputes the debt (not being a debt subject to a judgment or order),the Court will normally set aside the statutory demand if, in its opinion, on the evidence there is a genuine triable issue.

**142. Documents for use in open Court trials of contested winding-up applications**

- (1) This paragraph shall apply to trials of contested winding-up applications in open Court.
- (2) To improve the conduct of contested winding-up applications and to reduce the time taken in the presentation of cases in Court, the following documents shall be prepared by the respective solicitors of the parties:
  - (a) a bundle of documents (an agreed bundle where possible);
  - (b) a bundle of authorities; and
  - (c) an opening statement.

*Bundles of documents*

- (3) For bundles of documents,
  - (a) Documents to be used at trial should be consolidated into bundles paginated consecutively throughout at the top right hand corner. An index of the contents of each bundle in the manner and form set out in Form 14 of Appendix A 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) It is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.
  - (c) In cases where certain documents cannot be agreed upon, these should be separately bundled as the applicant's or plaintiff's bundle or such other party's bundle as the case may be.
  - (d) The documents in the bundles should:
    - (i) be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines 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 the hearing. Such flags shall bear the appropriate indicium by which the document is indicated in the index of contents. Flags shall be spaced out evenly along the right side of the bundle so that as far as possibly they do not overlap one another; and
  - (iii) be legible. Clear legible photocopies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.
- (e) Where originals and copies of documents are included in one bundle, the index should indicate whether each document is an original or a copy.
- (f) 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 will have no hesitation in making a special order for costs against the relevant person.
- (g) A core bundle should (unless clearly unnecessary) also be provided containing the really important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should normally 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.
- (h) The bundles of documents including the agreed bundle and core bundle, if applicable, shall be filed and served on all relevant parties at least 5 working days before trial.



*Bundles of authorities*

- (4) The requirements set out in paragraph 60(9) to (11) shall, *mutatis mutandis*, be complied with in respect of proceedings falling within this paragraph.

*Opening statements*

- (5) The requirements set out in paragraph 60(12) shall, *mutatis mutandis*, be complied with.

*Timeline for tendering documents*

- (6) Paragraphs 60(13) to (15) shall apply, *mutatis mutandis*, to proceedings to which this paragraph applies.

## APPENDIX A: FORMS

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## APPENDIX B

Para. 53(1)

### WAITING PERIODS

S/N	TYPE OF PROCEEDINGS	Target
<b>Pre-trial conferences</b>		
1.	Pre-Trial Conferences in Suits:	
	(a) Where the writ has not been served.	10 weeks from the date of commencement of writ
	(b) Where the writ has been served or memorandum of appearance has been entered.	7 weeks from the date of service of writ/memorandum of appearance
<b>High Court – Original Civil Jurisdiction</b>		
2.	Trials in Suits	8 weeks from the date of setting down
3.	Bankruptcy Originating Summonses	
	- Application for bankruptcy order	6 weeks from the date of filing
	- Other originating summonses	2 weeks from the date of filing
4.	Probate Originating Summonses and Summonses	4 weeks from the date of filing
5.	Companies Winding-Up and Judicial Management Originating Summonses	4 weeks from the date of filing
<b>Before Registrar / Judge</b>		
6.	Originating Summons	
	(a) <i>Inter Partes</i> Originating Summons	6 weeks from the date of filing of Originating Summons

	(b) <i>Ex parte</i> Originating Summons	3 weeks from the date of filing of Notice of Appointment to hear Originating Summons
	(c) Originating Summons for O 69, r 6 on arbitration	13 weeks from the date of filing (statutory minimum of 3 months)
	(d) Application for discovery or interrogatories against a network service provider under paragraph 23A of these Practice Directions	5 days from the date of filing of Originating Summons
7.	Summonses before Judge and Registrar other than applications for summary judgment	3 weeks from the date of filing
8.	Applications for summary judgment pursuant to Order 14	5 weeks from date of filing (statutory minimum period)
9.	Summonses for Directions	3 weeks from the date of filing
10.	Bankruptcy Applications (summonses)	
	- Application for Discharge	4 weeks from the date of filing
	- Other applications	2 weeks from the date of filing
11.	Taxation : General bills	3 weeks from the date of filing
12.	Review of Taxation before Judges	3 weeks from the date of filing
13.	Assessment of Damages	3 weeks from the date of filing [Includes time taken to subpoena witness to court]
14.	Examination of Judgment Debtors	3 weeks from the date of filing of request* for hearing date

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\* Formerly known as “praecipe”.  
 Inserted with effect from 1 April 2006  
 pursuant to Practice Direction No. 1 of 2006

### **High Court – Appellate Civil Jurisdiction**

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|-----|--|--|
| 15. | Registrar’s Appeals (from High Court)  | 4 weeks from the date of filing for appeals involving assessment of damages;<br><br>3 weeks from the date of filing for other appeals. |
| 16. | Appeals in civil matters from Subordinate Courts (District Court Appeals and Small Claims Tribunals Appeals) | 4 weeks from the of receipt of the record of proceedings from Subordinate Courts   |

### **High Court – Criminal Jurisdiction**

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|-----|--|--|
| 17. | Pre-trial conference in Criminal Cases                                     | 12 weeks from date accused is first charged in the Subordinate Courts. |
| 18. | Trials of Criminal Cases   | 4 weeks from date of preliminary inquiry                               |
| 19. | Appeals in criminal matters from Subordinate Courts (Magistrate’s Appeals) | 8 weeks from date of receipt of the record of proceedings              |

### **Court of Appeal**

- |     |                  |   |
|-----|------------------|---|
| 20. | Civil Appeals    | Appeals before 3 Judges:<br>Ready to be heard in 16 weeks from date of Notification to collect Records of Proceedings.<br><br>Appeals before 2 Judges:<br>Ready to be heard in 12 weeks from date of Notification to collect Records of Proceedings |
| 21. | Criminal Appeals | 6 weeks from the date of service of the Record of Proceedings   |