

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

ePRACTICE DIRECTION NO. 3 OF 2007

**SERVICE, ADJOURNMENT/VACATION, ATTENDANCE BEFORE DUTY
REGISTRAR & AFFIDAVITS FOR ANCILLARY MATTERS HEARING**

Various amendments have been made to bring the Practice Directions in line with the new edition of the Supreme Court Practice Directions. These amendments are as follows:

- (a) the times for attempts at personal service for the purpose of obtaining an order of substituted service in Paragraph 11 have been changed to take into account the five-day work week;
 - (b) Paragraph 20 makes it clear that parties are required to seek the consent of the other party before requesting for vacation or adjournment of hearings other than trials; and
 - (c) Paragraph 140(4) makes it clear that a litigant in person can appear before the Duty Registrar.
2. In line with existing practice, Paragraph 28(1)(d)(v)(II) has also been amended to reflect more accurately the title of the document name to be selected in the Electronic Filing System for an affidavit for ancillary matters hearing.
3. This Practice Direction will take effect on 17 September 2007.

4. A complete and updated version of The Subordinate Courts Practice Directions (2006 Ed.) may be downloaded in PDF Adobe Acrobat format at the “Legislation and Directions” section of the Subordinate Courts website at <http://www.subcourts.gov.sg>.

5. For manual and loose-leaf updating, the specific new and amended paragraphs and the directions for amendments may also be downloaded at the “Legislation and Directions” section of the Subordinate Courts website at <http://www.subcourts.gov.sg>.

Dated this 11th day of September 2007



TOH HAN LI
REGISTRAR
SUBORDINATE COURTS

Directions for Amendments

- (1) The existing Appendix A to be removed and the new amended Appendix A substituted therefor.
- (2) The existing Paragraph 11 to be removed and the new amended Paragraph 11 substituted therefor.
- (3) The existing Paragraph 20 to be removed and the new amended Paragraph 20 substituted therefor.
- (4) The existing paragraph 28 to be removed and the new amended Paragraph 28 substituted therefor.
- (5) The existing paragraph 140 to be removed and the new amended Paragraph 140 substituted therefor.

APPENDIX A

PRACTICE DIRECTIONS ISSUED TO AMEND THE SUBORDINATE COURTS PRACTICE DIRECTIONS (2006 ED.)

As at 11 September 2007

The following Practice Directions are issued to amend The Subordinate Courts Practice Directions (2006 Ed.):

1. ePD 1 of 2006 Change to Mode of Commencement of Matrimonial Proceedings
2. ePD 2 of 2006 Amendment of Originating Processes, Pleadings and Documents
3. ePD3 of 2006 (1) Amendments to the Rules of Court
(2) Pre-action Protocol for Medical Negligence Claims
4. ePD1 of 2007 Interest on Judgments, Costs and under Order 30, Rule 6(2)
5. ePD2 of 2007 Request for Digital Audio Recording and Transcription Service
6. ePD3 of 2007 Service, Adjournment/Vacation, Attendance before Duty Registrar & Affidavits for Ancillary Matters Hearing

11. Substituted service

- (1) The Directions contained in this Paragraph shall be complied with before an application for an order for substituted service is made. These Directions apply in respect of attempts at personal service made on or after 17 September 2007.
- (2) Two reasonable attempts at personal service should be made.
- (3) The attempts at personal service should be made at the residence of the party to be served, if known; otherwise, or if the claim relates to that party's business or work, the attempts should be made at the party's place of business or work.
- (4) The attempts at personal service at a party's residence should be made:
 - (a) before 8.00 a.m. or after 6.30 p.m. on weekdays; or
 - (b) at any reasonable time on Saturdays, Sundays and public holidays.
- (5) The attempts at personal service at a party's place of business or work should be made after 8.30 a.m. or before 6.00 p.m. on weekdays. Attempts at personal service at a party's place of business or work should not be made on Saturdays, Sundays or Public Holidays.
- (6) The above Directions are subject to the discretion of the Court hearing the application for an order for substituted service.

20. Adjournment and vacation of hearings other than trials

- (1) Before parties write to the Court to request for an adjournment or vacation of any hearings other than trials, they should seek the consent of the other party or parties to the matter. Unilateral requests made without first seeking the consent or views of the other party or parties to the matter will not be entertained, except in the most exceptional circumstances.
- (2) The request should be made at least 2 working days before the hearing date, setting out the reasons for the request.
- (3) If the consent of all other parties to the matter is obtained, the letter should state that all parties have consented to the request for the adjournment or vacation. However, this does not mean that the request will be granted as a matter of course. The Court will still evaluate the merits of the request before making its decision.
- (4) If the consent of one or more of the other parties is not obtained, the letter should set out the reasons for the other parties' objections, or explain why the consent of one or more of the other parties cannot be obtained. Any relevant correspondence between the parties should also be annexed. The Court will then evaluate the contents of the request and the relevant correspondence before deciding whether the request should be allowed.

28. Form of affidavits

Affidavits filed electronically

- (1) This sub-paragraph shall apply to affidavits which are to be filed through the Electronic Filing Service (EFS).
 - (a) Affidavits may be sworn in one of the two ways described in Order 63A, Rule 15, of the Rules of Court.
 - (b) Affidavits shall have a blank margin of not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and must be double-spaced.
 - (c) The textual portion of the affidavits, as opposed to the exhibits, must be white.
 - (d) At the top right hand corner of the first page of every affidavit there shall be typed or printed in a single line the following:
 - (i) the party on whose behalf the affidavit is filed;
 - (ii) the name of the deponent;
 - (iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent;
 - (iv) the date the affidavit is to be filed; and
 - (v) for affidavits filed in respect of proceedings under Section 59 and Part X of the Women's Charter (Cap. 353, 1997 Revised Edition), proceedings under the Administration of Muslim Law Act (Cap. 3, 1999 Revised Edition), section 17A of the Supreme Court of Judicature Act (Cap. 322, 1999 Revised Edition) or the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition):
 - (I) the top right hand corner of the first page of every affidavit shall also state whether the affidavit has been filed in respect of a contested divorce ("CD"), uncontested divorce ("UD"), summons ("SUM"), ancillary matters ("AM") or originating summons ("OS") hearing, and if the affidavit is filed in respect of a summons

hearing, it shall state the number of the said summons, where the number is available.

For example, “Defendant: Tan Ah Kow: 4th: 15.4.2000: AM hearing”; and “Defendant: Tan Ah Kow: 4th: 15.4.2000: SUM hearing: SUM no. 1234 of 2000”; and

- (II) the document name that is selected in the EFS for an affidavit for ancillary matters hearing shall be “Affidavit for Ancillary Matters Hearing”.
- (e) Every page of the affidavit (*including* separators and exhibits) shall be paginated consecutively, and the page number shall be placed at the centre top of the page.
- (f) Sub-paragraph 1(d)(v) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353, 1997 Revised Edition) filed before 1 April 2006 as if:
 - (i) any reference to the defendant were a reference to the respondent; and
 - (ii) any reference to summons (“SUM”) were a reference to summons-in-chambers (“SIC”).”

Affidavits that are not filed electronically

- (2) This sub-paragraph applies to affidavits which are not required to be filed through the EFS.
 - (a) **Form of affidavits generally**
 - (i) Affidavits shall be on A4-ISO paper of durable quality with a blank margin not less than 35 mm wide on all 4 sides of the page.
 - (ii) The paper used shall be white.
 - (iii) Affidavits shall be produced by printing, lithography or typewriting, and in any case not by carbon copying. A document produced by a photographic or similar process giving a positive and permanent representation free from blemishes will be treated, to the extent that it contains a facsimile of matter produced by one of the above

processes, as if it were so produced. Photographic copies which are not clearly legible will be rejected.

- (iv) Affidavits shall be printed or typed, double-spaced, on one side of the paper only.

(b) **Markings on affidavits**

At the top right hand corner of the first page of every affidavit, and also on the backing sheet, there shall be typed, printed or written clearly and in a single line:

- (i) the party on whose behalf it is filed;
- (ii) the name of the deponent;
- (iii) the number of affidavits in relation to the deponent; and
- (iv) the date of filing.

For example, “2nd Deft: Tan Ah Kow: 4th: 23.08.2005”.

(c) **Markings on affidavits filed in respect of family proceedings**

In respect of proceedings filed under Section 59 and Part X of the Women’s Charter (Cap. 353, 1997 Revised Edition), proceedings under the Administration of Muslim Law Act (Cap. 3, 1999 Revised Edition), section 17A of the Supreme Court of Judicature Act (Cap. 322, 1999 Revised Edition) or the Guardianship of Infants Act (Cap. 122, 1985 Revised Edition), at the top right hand corner of the first page of every affidavit, and also on the backing sheet, there shall be typed or printed in a single line the following:

- (i) the party on whose behalf the affidavit is filed;
- (ii) the name of the deponent;
- (iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent;
- (iv) the date the affidavit is to be filed; and
- (v) whether the affidavit has been filed in respect of a contested divorce (“CD”), uncontested divorce (“UD”), summons (“SUM”), ancillary matters (“AM”) or originating summons (“OS”) hearing, for example,

“Defendant: Tan Ah Kow: 4th: 15.4.2006: AM hearing”;
and

- (vi) if the affidavit is filed in respect of a summons hearing, to state the number of the said summons, where the number is available, for example, “Defendant: Tan Ah Kow: 4th: 15.4.2006: SUM hearing: SUM no. 1234 of 2006”.

(d) **Binding of affidavits**

Affidavits of 30 pages or less (including exhibits and dividing and backing sheets) may be stapled at the top left hand corner of the paper firmly. Any affidavit (including exhibits, dividing and backing sheets) exceeding 30 pages shall be bound with plastic ring binding or plastic spine thermal binding (the plastic rings or spines to be red for plaintiffs/appellants, and blue for defendants/respondents) with a transparent plastic cover in front and at the back.

(e) **Pagination of affidavits**

Every page of the affidavit shall be paginated consecutively, and the page number shall be placed at the centre top of the page.

- (f) Sub-paragraph 2(c) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353, 1997 Revised Edition) filed before 1 April 2006 as if:

- (i) any reference to the defendant were a reference to the respondent; and
- (ii) any reference to summons (“SUM”) were a reference to summons-in-chambers (“SIC”).

140. Duty Registrar and Duty Magistrate

- (1) The duties of the Duty Registrar are:
 - (a) to hear applications made *ex parte* or by consent (except probate matters) provided that the summons has been entered in the summonses book;
 - (b) granting approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files; and
 - (c) signing and certifying documents.
- (2) The duties of the Duty Magistrate shall include the examination of complainants when they file a Magistrate's Complaint.
- (3) The duty hours shall be:
 - (a) Mondays to Fridays - 9.30 a.m. to 1.00 p.m.
and
2.30 p.m. to 5.30 p.m.;
 - (b) Saturdays - 9.30 a.m. to 1.00 p.m.
- (4) Only advocates and solicitors (or, where a party is not represented, a litigant in person) shall appear before the Duty Registrar.
- (5) Except where the attendance of the advocate and solicitor is required under sub-paragraph (8), the filing of the relevant documents will be sufficient for the Duty Registrar's disposal of any application or matter. Documents which are filed using the Electronic Filing Service (EFS) will be returned to the advocate and solicitor by electronic transmission to the In-Tray of the law firm's computer system or through the service bureau. Documents which are not electronically filed shall be collected from the Civil Registry not earlier than one clear day after the documents have been filed.
- (6) All documents which are not required to be filed using the EFS should be duly stamped before presentation to the Duty Registrar for his signature and/or decision.
- (7) A solicitor who wishes to attend before a Duty Registrar and to refer him to documents filed using the EFS must either:

- (a) File the document sufficiently far in advance before attending before the Duty Registrar such that the documents are already included in the electronic case file for the Duty Registrar's reference. In this regard, solicitors should only attend before the Duty Registrar after they have received notification from the Court that the document has been accepted; or
 - (b) Attend before the Duty Registrar with the paper documents, if these exist. The Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day after the attendance before dealing with the matter.
- (8) The advocate and solicitor's attendance is compulsory only:
- (a) when he is requesting an early or urgent date for hearing before the Registrar or Judge;
 - (b) when an application or document is returned marked with "solicitor to attend" ; or
 - (c) when so required by any provision of law.
- (9) A solicitor may, if he wishes to expedite matters, attend before the Duty Registrar even if his attendance is not ordinarily required.
- (10) This Paragraph shall apply to both civil and criminal proceedings.