

Supreme Court Practice Directions (Amendment No. 4 of 2013)

Part III: Originating Processes and Documents

35A. Pleadings

(1) The attention of advocates and solicitors is drawn to the pleading requirements laid down by the Court of Appeal in the case of *Sembcorp Marine Ltd v PPL Holdings Pte Ltd and anor* [2013] SGCA 43 for disputes involving a contextual approach to the construction of a contract.

(2) In particular, the Court of Appeal made the following observations at paragraph 73 of the judgment:

(a) parties who contend that the factual matrix is relevant to the construction of the contract must plead with specificity each fact of the factual matrix that they wish to rely on in support of their construction of the contract;

(b) the factual circumstances in which the facts in sub-paragraph (2)(a) were known to both or all the relevant parties must also be pleaded with sufficient particularity;

(c) parties should in their pleadings specify the effect which such facts will have on their contended construction; and

(d) the obligation of the parties to disclose evidence would be limited by the extent to which the evidence is relevant to the facts pleaded in sub-paragraphs (2)(a) and (2)(b).