

**PART VII: DOCUMENTS AND AUTHORITIES FOR USE IN COURT**

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**PART VII**

**DOCUMENTS AND AUTHORITIES FOR USE IN COURT**

**58. Filing of documents and authorities for use in Court**

- (1) Subject to any directions in these Practice Directions to the contrary, in particular paragraphs 60(3) and 93, all documents for use at any hearing in Court must be filed using the Electronic Filing Service (EFS) at least 1 clear day in advance of the hearing. These documents include written submissions, skeletal arguments, bundles of documents, bundles of pleadings, bundles of affidavits, core bundles and all opening statements.
- (2) In the event that it is not possible to file the documents in advance of the hearing, counsel may apply to the Judge or Registrar conducting the hearing for leave to use paper documents during the hearing. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must also give an undertaking to file using the EFS all the documents used at the hearing by the next working day after the hearing. Any document not filed using the EFS will not be included in the Court's case file.

*Bundle of authorities*

- (3) Bundles of authorities may be filed, served, delivered or otherwise conveyed using the EFS. A party may also choose not to file bundles of authorities and may instead use these for hearings in paper form according to the directions in this Part.
- (4) The party using the paper copy of the bundle of authorities shall bear the onus of producing the bundle at every hearing at which it is required. The Court will neither retain nor undertake to produce for hearings the paper copy of the bundle. The Judge or Registrar may, if he or she so chooses,

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retain the paper copy of the bundle of authorities for his or her own reference. The paper copy so retained will not, however, form part of the Court's record in respect of the proceedings in which it was used.

**59. Bundle of documents filed on setting down**

- (1) Order 34, Rule 3 of the Rules of Court requires a bundle containing certain documents to be filed together with the request for setting down. The documents in the bundle should be included in the order in which these appear in Order 34, Rule 3(1):

**Filing documents when setting down (O. 34, r. 3)**

**3.** —(1) In order to set down for trial an action, the party setting it down must deliver to the Registrar, a request in Form 61 that the action may be set down for trial together with a bundle for the use of the Judge consisting of one copy of each of the following documents:

- (a) the writ;
  - (b) the pleadings (including any affidavits ordered to stand as pleadings), any notice or order for particulars and the particulars given; and
  - (c) all orders made on the summons for directions.
- (2) In addition, parties should endeavour to file a core bundle of documents. This core bundle should comprise only documents that are relevant to the hearing in question, or which will be referred to in the course of the hearing.
- (3) These documents must be prepared in an electronic format.
- (4) If there are other documents, the relevance of which is uncertain, these documents should be brought to the hearing in paper form. Such documents should only be filed electronically as and when directed by the Court.

*Directions for electronic filing of bundles of documents*

- (5) The bundle to be filed in Court may take 3 different forms:
- (a) It may comprise a cover page, together with one or more portable document format (PDF) documents.
  - (b) It may comprise a cover page, together with one or more PDF documents. In addition, if a document has already been filed in

Court, and a party wishes to include this document in the bundle to be filed in Court, the party need not include an actual PDF copy of that document in the bundle. The party may instead include a reference to the Document Control Number (DCN) of the document already filed (using the system function in the computer system provided by the network service provider).

- (c) It may comprise a cover page, together with the DCN of the documents already filed.
- (6) The following directions shall apply to the filing of bundles:
- (a) Index pages shall be prepared. However, it will not be necessary to include the page number reference in the index.
  - (b) In addition to these index pages, where the index refers to more than one document within a single PDF file in a bundle, a book-mark should be created in that PDF file for each such reference in the index. There should be as many book-marks in that PDF file as there are references in the index to documents in that PDF file.
  - (c) The book-marking should be effected using the book-marking function provided in the Adobe Acrobat Exchange programme.
  - (d) The name given to each book-mark should be the same as the corresponding reference in the index.
  - (e) The various PDF documents or DCN references, as the case may be, should be arranged chronologically or in some logical order.
- (7) The fees payable for the filing of documents by way of references to their DCN are found in items 71D(1)(d) and 71D(2)(d) of Appendix B of the Rules of Court.

**60. Documents for use in trials of writ actions in open Court**

- (1) This paragraph shall apply to trials in open Court of:
  - (a) writ actions; and
  - (b) originating summonses ordered to be continued as if the cause of action had been begun by writ.
  
- (2) Order 34, Rule 3A of the Rules of Court requires the originals of the affidavits of the evidence-in-chief of all witnesses, a bundle of documents and the opening statements to be filed not less than 5 working days before the trial of an action. In addition, to improve the conduct of civil proceedings and to reduce the time taken in the presentation of cases in Court, the respective solicitors of the parties shall also prepare a bundle of authorities, which shall also be filed and served along with the documents on all relevant parties.

*Only opening statement to be filed through the Electronic Filing Service*

- (3) The opening statement must be filed in Court as a *separate document* using the Electronic Filing Service. With the exception of opening statements, the following documents need not be filed through the Electronic Filing Service:
  - (a) The affidavits of the evidence-in-chief of all witnesses and the bundle of documents may be tendered to the Legal Registry of the Supreme Court in hard copy together with an electronic copy stored on a CD-ROM in portable document format (PDF) and complying with the provisions of this paragraph.
  - (b) A party may choose not to include the bundles of authorities in the CD-ROM and may instead tender it in hard copy.
  
- (4) Any Court fees payable, pursuant to Appendix B of the Rules of Court, on filing the documents in this sub-paragraph, shall be payable at the cashier at the Legal Registry. Parties should, when making payment at the cashier,

indicate to the cashier the precise number of pages which comprise the documents. For the avoidance of doubt, item 71D of Appendix B of the Rules of Court shall not apply to such documents.

- (5) Payment of the Court fees on such documents should be made before the documents are filed in Court in compliance with Order 34, Rule 3A. As such, the hard copy of documents tendered to Court should show, on the front page, the amount of Court fees paid on the document.
- (6) The electronic copy must tally in all respects with the hard copy, as it will be uploaded into the case file by the Legal Registry staff and will form part of the electronic case file. Unnecessarily large electronic files should not be submitted. Parties should adhere as far as possible to the guidelines set out on the Electronic Filing Service website (<http://www.efs.com.sg>) on the resolution to be used when scanning documents into PDF.
- (7) In the event that parties elect to electronically file such documents, they must nevertheless tender a bundle of these documents to the Legal Registry in hard copy. It shall not be necessary to pay any additional Court fees in respect of the hard copy in such circumstances.

*Timeline for filing documents*

- (8) Parties are to note that the timeline in Order 34, Rule 3A (*ie.* not less than 5 days before the trial) is to be adhered to strictly, and that it will in particular apply to the electronic copy on CD-ROM and the filing of the opening statement as a separate document.
- (9) At the trial of the cause or matter, an adjournment may be ordered if:
  - (a) the documents or any of them (save for the opening statement in cases where it is not required or dispensation was granted) were not filed and served within the prescribed time or at all; or

- (b) one party seeks to tender any of the above documents or supplements thereto (except for supplements to the opening statement at the trial of the cause or matter).
- (10) If an adjournment is ordered for any of the reasons set out in subparagraph (9), the party in default may be ordered to bear the costs of the adjournment.

*Bundles of documents*

- (11) The bundle of documents required to be filed by Order 34, Rule 3A should be paginated consecutively throughout at the top right hand corner.
- (a) An index of contents of each bundle in the manner and form set out in Form 12 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) Under Order 34, Rule 3A(3) 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) 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 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 possible, they do not overlap one another; and

- (iii) be legible. Clear and 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.
- (d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.
- (e) 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.
- (f) A core bundle should also be provided, unless one is clearly unnecessary. The core bundle should contain the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should not only 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.

*Bundles of authorities*

- (12) The bundle of authorities must:
  - (a) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;
  - (b) be properly bound 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;

- (c) have flags to mark out the authorities. Such flags shall bear the appropriate indicium by which the authority is referred to. Flags shall be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another;
  - (d) be paginated consecutively at the top right hand corner of each page. Pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle; and
  - (e) contain an index of the authorities in that bundle and be appropriately flagged for easy reference; and
  - (f) be legible. Clear legible photocopies of original authorities 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.
- (13) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

*Opening statements*

- (14) A proper opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. The need for brevity is emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose.

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- (a) Opening statements will be required from all parties in all cases commenced by writ in the High Court, except where dispensation has been granted by the Court and in motor vehicle accident actions. Statements submitted may be taken as read by the trial Judge.
- (b) All opening statements must include the following:
  - (i) the nature of the case generally and the background facts insofar as they are relevant to the matter before the Court and indicating which facts, if any, are agreed;
  - (ii) the precise legal and factual issues involved are to be identified with cross-references as appropriate to the pleadings. These issues should be numbered and listed, and each point should be stated in no more than one or two sentences. The object here is to identify the issues in dispute and state each party's position clearly, not to argue or elaborate on them;
  - (iii) the principal authorities in support of each legal proposition should be listed, while the key documents and witnesses supporting each factual proposition should be identified;
  - (iv) where there is a counterclaim or third party action, the opening statement must similarly address all issues raised therein; and
  - (v) an explanation of the reliefs claimed (if these are unusual or complicated).
- (c) In cases where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court will have no hesitation in making a special order for costs against the relevant person.
- (d) The following format shall be adhered to when preparing opening statements:

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- (i) all pages shall be paginated, with the first page (not including any cover page) numbered as 'Page 1';
  - (ii) the minimum font size to be used is Times New Roman 12 or its equivalent;
  - (ii) the print of every page shall be double spaced;
  - (iv) each page should be printed only on one side; and
  - (v) every page shall have a margin on all 4 sides, each of at least 35 mm in width.
- (e) All opening statements should not exceed 20 pages (including all annexes and appendices, but excluding the cover page and backing page).
- (f) Opening Statements may be amended at trial, but counsel will be expected to explain the reasons for the amendments. The amended opening statements will be subject to the fees prescribed by items 22A and 22B of Appendix B of the Rules of Court for late filing and for excess pages upon filing respectively.

**61. Bundles of authorities for other open Court hearings**

- (1) 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 60(12) to (13) shall, *mutatis mutandis*, be complied with.
- (2) This paragraph also applies to disciplinary proceedings (or appeals therefrom) brought under any statute, including the Legal Profession Act (Cap. 161, 2001 Rev Ed) and the Medical Registration Act (Cap. 174, 2004 Rev Ed) which are heard by a Court of 3 Judges.

**62. Hearings in Chambers**

- (1) In all hearings in Chambers before a Judge or Registrar, counsel shall submit their own bundles of documents (where necessary) and bundles of authorities. Order 34, Rule 3A of the Rules of Court and the requirements of paragraph 60(11) to (13) 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.
- (2) The party using the paper copy of the bundle of authorities should file via EFS a list of authorities to be used at least one clear day in advance of the hearing. In the event that it is not possible for the party to do so, he must explain to the Judge or Registrar conducting the hearing why it was not possible for him to do so and must also undertake to file the list of authorities using EFS by the next working day after the hearing.

**63. Citation of written judgments**

*The neutral citation system*

- (1) A neutral citation is a Court-approved system of citation which is independent of the series of law reports or other publication, and unique to each written judgment. Each written judgment from a particular level of Court is assigned a sequential number, starting from 1 at the beginning of each calendar year.

*Specific paragraph citations*

- (2) Counsel should make specific citations by referring to the paragraph number of the judgment, and not to the page number of the judgment or report. For consistency, square brackets ([xx]) should be used to denote paragraph numbers. The paragraph mark (§) should no longer be used.

*Court designators*

- (3) SGCA – Singapore Court of Appeal  
 SGHC – Singapore High Court

*Application of the neutral citation system*

- (4) The application of the system is as follows:
- (a) Cases reported in the Singapore Law Reports shall be cited using their Singapore Law Reports citations, in priority to their neutral citations.
- (b) Unreported decisions shall be cited using their neutral citations.

*Example and explanation*

- (5) *ABC Co Pte Ltd v XYZ Co Ltd* [2003] SGCA 5, at [3], [8].

Year of the decision	[2003]
Level of Court	SGCA (Singapore Court of Appeal)
Sequential Number	5 (fifth written judgment rendered by the Court of Appeal in 2003)
Paragraph Number(s)	Paragraphs 3 and 8 of the judgment