

Supreme Court Practice Directions (Amendment No. 3 of 2018)

Part II: GENERAL MATTERS

15. The Central Display Management System

(1) The Central Display Management System (CDMS) is used for the following types of hearings:

(a) hearings before a Registrar (including matters before a Duty Registrar) ~~except applications for bankruptcy orders~~; and

(b) hearings before a Judge in chambers, if so directed by the Judge.

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19. Submissions and examination by leading and assisting counsel

(1) In the event that a party is represented by more than one counsel at a hearing, whether in open Court or in Chambers, the making of submissions and the questioning of witnesses may be carried out by one counsel for each party only.

(2) If ~~it is necessary for a party would like~~ certain portions of the submissions, or examination, cross-examination or re-examination of witnesses to be conducted by different counsel in the same case, an oral application should be made to Court as early as is practicable and by no later than at the commencement of the trial or hearing for leave to do so. The following information should be provided to the Court for the purposes of the application:

(a) the issues on which each counsel will be making submissions; and/or

(b) the witnesses to be examined, cross-examined or re-examined by each counsel, or the portions of their evidence for which each counsel will conduct the examination, cross-examination or re-examination.

Nothing in this paragraph detracts from the responsibility of lead counsel to ensure that all counsel making submissions, or having conduct of any portion of the examination, cross-examination or re-examination of witnesses, are adequately supervised and able to handle the tasks assigned to them.

(3) If leave has been granted in accordance with sub-paragraph (2), counsel should ensure that he or she confines himself or herself to the issues or portions of evidence in respect of which leave was granted and that there is no overlap in the issues or the examination being dealt with by different counsel for the same party. Further, counsel must not repeat, clarify or expand on any submissions that have been made by another counsel for the same party, or examine, cross-examine or re-examine witnesses on portions of their evidence dealt with by another counsel for the same party.

(4) If leave of the Court is not sought in accordance with sub-paragraph (2), only one counsel will be allowed to make submissions or conduct examination, cross-examination or re-examination for a party throughout the hearing.

(5) For civil proceedings, lead counsel are strongly encouraged to apprise the client of the benefits of allocating certain advocacy tasks to junior assisting counsel, including the potential benefits of reduced legal costs and increased focus by lead counsel on the main advocacy tasks, and to therefore consider obtaining instructions to make an application in accordance with sub-paragraph (2). In this regard, lead counsel are encouraged to consider that giving junior assisting counsel more opportunities for oral advocacy could potentially benefit the client and, at the same time, promote renewal of the Bar.

(6) For civil trials:

(a) Notwithstanding sub-paragraphs (1) and (2), and save where lead counsel is a junior counsel, the junior assisting counsel shall deliver the oral opening statement unless the Court otherwise orders; and

(b) lead counsel are to inform the trial judge at the Judge Pre-Trial Conference ("JPTC"), or if a JPTC has not been fixed, at the start of the trial, whether their client will be making an application pursuant to sub-paragraph (2) above and, if so, the proposed division of advocacy tasks between lead counsel and junior assisting counsel.

(57) Unless stated otherwise, this paragraph shall apply to both civil and criminal proceedings.

Part VIII: DOCUMENTS AND AUTHORITIES FOR USE IN COURT

71. Documents for use in trials of writ actions in open Court

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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.

(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.~~

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Part XVI: ADMIRALTY MATTERS

124. Arrest of ships ~~by the Sheriff~~

(1) The ~~plaintiff Sheriff~~ will apply to a Judge for an omnibus order in every case where a ship or vessel is arrested, giving the Sheriff discretion to take various measures for the safe and satisfactory custody of the arrested property. The usual prayers in the application for an omnibus order are prayers 7 to 11 of Annex B (Standard Appraisalment and Sale Prayers and Omnibus Prayers) to the Admiralty Court Guide (which may be found as Schedule 1 of the Registrar's Circular No. 1 of 2018 and which may be amended from time to time) (the "Admiralty Court Guide"). ~~The usual terms of the order are that:~~

~~(a) the Sheriff may be at liberty at his discretion at any time to take measures to preserve the ship/vessel, her machinery and equipment;~~

~~(b) the Sheriff may be at liberty at his discretion at any time to move the ship or vessel within the limits of the port where she is lying under arrest, either for her own safety or to comply with the requirements of the port authority; and~~

~~(c) the costs and expenses incurred in the implementation of the order be deemed to be part of the Sheriff's expenses and in the event of a sale be paid first out of the proceeds of sale.~~

(2) Solicitors representing plaintiffs in admiralty proceedings are required to provide an undertaking that the Sheriff shall be indemnified and be provided with sufficient funds as and when required by the Sheriff to meet the charges and expenses that may be incurred in consequence of their request for the arrest of a vessel. If such an undertaking is not fulfilled within a reasonable time, the Sheriff may take such steps as may be necessary to enforce the undertaking against the solicitors concerned.

(3) Upon the arrest of vessel, funds are required immediately to meet the Sheriff's expenses, such as guard charges, port and garbage dues, and the supply of minimum victuals, domestic fuel and water to crew members where necessary. Funds to meet such expenses are not provided for by the Government.

(4) To enable the Sheriff to discharge his duties effectively, upon the arrest of a vessel, the Sheriff ~~may will~~ require the solicitors representing arresting parties to deposit with the Sheriff a sum of ~~between \$5,000 to~~ \$10,000. Such deposit is in addition to the usual undertaking.

124A. Arrest of ships in shipyards

(1) In every case where a vessel is arrested in or within a shipyard, the plaintiff must, within 14 days of the arrest or within 3 days from a request by a shipyard to move the vessel, whichever is the earlier, apply to a Judge for an omnibus order giving the Sheriff discretion to take appropriate measures for the safe and satisfactory custody of the arrested property.

(2) The usual prayers in the application for an omnibus order are prayers 7 to 11 of Annex B (Standard Appraisalment and Sale Prayers and Omnibus Prayers) to the Admiralty Court Guide. In addition, in circumstances where the shipyard is asserting a possessory lien against

the vessel, the omnibus order should stipulate that the order is without prejudice to the shipyard's possessory lien.

126A. Caveat against release

(1) With respect to property as to which a caveat against release is in force, a party, before applying for the issuance of a release, must give at least 24 hours' prior written notice to any party at whose instance a subsisting caveat against release has been entered to either withdraw the caveat or arrest the property in another action.

(2) A release may be issued by the Court pursuant to Order 70, Rule 12(2)(b) with respect to property as to which a caveat against release is in force if such caveat is not withdrawn or where the caveator has failed to arrest the property in another action notwithstanding that the prior notice in paragraph (1) has been given.

129. Searches for caveats against arrest or release

Order 70, Rule 4(2)(b) of the Rules of Court provides that the party applying for a warrant of arrest to be issued must procure a search to be made in the record of caveats to ascertain whether there is a caveat against arrest in force. Order 70, Rule 12(2) provides that a release shall not be issued if a caveat against release is in force, unless, either (a) at the time of the issue of release the property is under arrest in one or more other actions, or (b) the Court so orders. A party applying for either arrest or release of a particular property shall provide documentation evidencing a search for caveats against arrest or release, as the case may be, reflecting a search done no more than 15 minutes before the hearing of the application.

Appendix B

Para. 64(1)

WAITING PERIODS

S/N TYPE OF PROCEEDINGS	Target
Pre-trial conferences	
1. Pre-Trial Conferences in Suits:	
(a) Where the writ has not been served.	6 weeks from the date of commencement of writ
(b) Where the writ has been served or memorandum of appearance has been entered.	8 weeks from the date of service of writ/memorandum of appearance
High Court – Original Civil Jurisdiction	
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. Companies Winding-Up Originating Summonses	4 weeks from the date of filing
Before Registrar / Judge	
5. Originating Summons	
(a) <i>Inter Partes</i> Originating Summons	6 weeks from the date of filing
(b) <i>Ex parte</i> Originating Summons	3 weeks from the date of filing

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| 6. | Summons before Judge and Registrar other than applications for summary judgment | 3 weeks from the date of filing |
| 7. | Applications for summary judgment pursuant to Order 14 | 5 weeks from the date of filing (statutory minimum period) |
| 8. | Bankruptcy Applications (summons)
- Application for Discharge
- Other applications | 4 weeks from the date of filing
2 weeks from the date of filing |
| 9. | Taxation: General bills | 3 weeks from the date of filing |
| 10. | Review of Taxation before Judges | 3 weeks from the date of filing |
| 11. | Assessment of Damages | 3 weeks from the date of filing
[Includes time taken to subpoena witness to court] |
| 12. | Examination of Judgment Debtors | 3 weeks from the date of filing of request* for hearing date |

High Court – Appellate Civil Jurisdiction

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| 13. | Registrar’s Appeals (from High Court) | 4 weeks from the date of filing for appeals involving assessment of damages |
| | | 3 weeks from the date of filing for other appeals |

* Formerly known as “praecipe”.

14. Appeals in civil matters from the State Courts (District Court Appeals and Small Claims Tribunals Appeals) 4 weeks from the of receipt of the record of proceedings from the State Courts

High Court – Criminal Jurisdiction

15. Pre-trial conference in Criminal Cases 12 weeks from date accused is first charged in the State Courts
16. Trials of Criminal Cases 6 weeks from date of the final Criminal Case Disclosure Conference or Pre-trial Conference before trial (whichever is later)
17. Appeals in criminal matters from the State Courts (Magistrate’s Appeals) 12 weeks from the date of receipt of the record of proceedings

Court of Appeal

~~18. Civil Appeals~~

~~Appeals before 3 or more Judges:
Ready to be heard in 19 weeks from date of Notification to collect Records of Proceedings*~~

~~Appeals before 2 Judges:
Ready to be heard in 15 weeks from date of Notification to collect Records of Proceedings~~

~~19. Criminal Appeals~~

~~15 weeks after the week of receipt of the last confirmation of the Record of Proceedings~~

~~* Counsel should note that in appropriate appeals, including appeals of public importance or jurisprudential significance, the time period may be extended to 25 weeks from date of Notification to collect Records of Proceedings.~~