

# IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

## REGISTRAR'S CIRCULAR NO. 3 OF 2004

### CITATION OF SECONDARY AUTHORITIES IN COURT

The Honourable the Chief Justice has noted with concern a recent trend among counsel to cite secondary authorities in court without sufficient regard to their relevance or status as sources of law.


2 Counsel are advised to be more circumspect in their use of secondary authorities such as textbooks, journals, periodicals and other legal treatises. In future, counsel should abide by the following guidelines:

- (a) As far as possible, counsel should rely on primary authorities to support the proposition of law argued for; and
- (b) If it is necessary to cite secondary authorities, counsel should ensure that the material to be cited is directly relevant to the case before the court. Counsel are also reminded of their duty to ensure that such material is not cited out of context. The following are specific guidelines for the citation of different types of secondary authorities:
  - (i) Textbooks that are generally recognised as leading textbooks in the relevant area of the law may be readily cited to the court.
  - (ii) If counsel wish to cite academic articles in journals and periodicals in support of a particular proposition of law, they should ensure that they are citing a statement, rather than a critique, of the law. Citation of academic articles should be limited to those written by eminent authors of reputable standing. The articles should also have been published in established journals and periodicals.
  - (iii) Legal opinions written by other counsel not having conduct of the case before the court should generally not be cited as authority. Such legal opinions are considerably less authoritative than academic articles, as the views expressed in these private opinions have not been subjected to the rigorous scrutiny of editorship and public critique.

3 Counsel's judicious use of secondary authorities in court will further improve the efficiency of time spent in legal proceedings, and prevent unnecessary costs from being incurred in filing large bundles of authorities.

4 Finally, the attention of the counsel is drawn to Order 59 Rule 8 of the Rules of Court which gives the court the power to make an order for costs personally against errant advocates and solicitors, who have wasted or incurred costs unreasonably or improperly. The court will not hesitate to invoke its power under Order 59 Rule 8 in cases where costs have been wasted due to counsel's indiscriminate citation of unnecessary and irrelevant secondary authorities.

Dated this 15<sup>th</sup> day of March 2004



KOH JUAT JONG  
REGISTRAR  
SUPREME COURT