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**SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)**

**RULES OF COURT
(AMENDMENT NO. 6) RULES 2021**

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Rules of Court (Amendment No. 6) Rules 2021 and come into operation on 1 September 2021.

Amendment of Order 39

2. Order 39 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “judicial authorities” in Rules 2(1)(a) and 3(1) and substituting in each case the words “relevant authorities”;
- (b) by deleting the word “country” wherever it appears in Rules 2(1)(a) and (b) and (2) and 3(1) and substituting in each case the word “jurisdiction”;
- (c) by inserting, immediately after paragraph (3) of Rule 2, the following paragraph:

“(4) An application under this Rule must be made by summons supported by an affidavit setting out the basis for the application and, where the application is made under paragraph (1)(a), enclosing a copy of each document the applicant intends to file in the Registry pursuant to Rule 3.”;

- (d) by deleting paragraph (2) of Rule 3 and substituting the following paragraph:

“(2) The party obtaining the order must prepare the letter of request and file it in the Registry, and the letter must be —

(a) in a case where the jurisdiction in which the evidence is to be taken is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or

(b) in any other case — in Form 76,

with such variations as may be required by the jurisdiction in which the evidence is to be taken or by the order.”;

- (e) by deleting paragraph (4) of Rule 3 and substituting the following paragraph:

“(4) A letter of request filed under paragraph (2), or a document filed under paragraph (3) or attached to the letter, must be accompanied by a translation of the letter or document in a language specified by the jurisdiction in which the evidence is to be taken, unless that jurisdiction accepts the letter or document in English.”;

- (f) by deleting the words “the Minister” in Rule 3(6) and substituting the words “an issuing authority or a transmitting authority”;

- (g) by deleting the words “the office of that Minister” in Rule 3(6) and substituting the words “the issuing authority or transmitting authority”; and

- (h) by inserting, immediately after paragraph (6) of Rule 3, the following paragraph:

“(7) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.”.

New Order 39A

3. The principal Rules are amended by inserting, immediately after Order 39, the following Order:

“ORDER 39A

EVIDENCE BY LIVE VIDEO LINK OR LIVE TELEVISION LINK

Where person to be examined is out of jurisdiction (O. 39A, r. 1)

1.—(1) Where —

- (a) an application is made for permission for any person outside Singapore to give evidence by live video link or live television link in any proceedings; and

- (b) the laws of the jurisdiction where the person is located require the issue of a letter of request to the relevant authorities of that jurisdiction for such evidence to be given,

an application may be made for an order in Form 77A for the issue of the letter of request.

(2) An application under this Rule can only be made in the General Division even if the proceedings are commenced in the State Courts.

(3) An application under this Rule must be made by summons and supported by an affidavit setting out the basis for the application and enclosing a copy of each document the applicant intends to file in the Registry pursuant to Rule 2.

Order for issue of letter of request (O. 39A, r. 2)

2.—(1) Where an order is made under Rule 1 for the issue of a letter of request to the relevant authorities of a jurisdiction to permit evidence to be given by live video link or live television link by any person in that jurisdiction, paragraphs (2) to (5) apply.

(2) The party obtaining the order must prepare the letter of request and file it in the Registry, and the letter must be —

- (a) in a case where the jurisdiction in which the evidence is to be given is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or

- (b) in any other case — in Form 76,

with such variations as may be required by the jurisdiction in which the evidence is to be given or by the order.

(3) A letter of request filed under paragraph (2), or a document attached to the letter, must be accompanied by a translation of the letter or document in a language specified by the jurisdiction in which the evidence is to be given, unless that jurisdiction accepts the letter or document in English.

(4) Every translation filed under paragraph (3) must be certified by the person making it to be a correct translation; and the certificate must contain a statement of that person's full name, address and qualifications for making the translation.

(5) The party obtaining the order must, when the party files in the Registry the documents mentioned in paragraphs (2), (3) and (4), also file in the Registry an undertaking in Form 77 signed by the party or the party's solicitor to be responsible personally for all expenses incurred by an issuing authority or a transmitting authority in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

(6) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.”.