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SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 5) RULES 2020

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. 5) Rules 2020 and come into operation on 2 January 2021.

Amendment of Order 1

2. Order 1 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by inserting, immediately before the words “Order 57” in item 4 of the Table below Rule 2(2) under the heading “*Applicable Provisions*”, the words “Order 56A,”;
- (b) by inserting, immediately before the definition of “attend” in Rule 4(1), the following definition:

““Appellate Division” means the Appellate Division of the High Court;”;
- (c) by deleting the words “High Court” in paragraph (c) of the definition of “Family Court proceedings” in Rule 4(1) and substituting the words “General Division”;
- (d) by inserting, immediately after the definition of “Form” in Rule 4(1), the following definition:

““General Division” means the General Division of the High Court;”;

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- (e) by deleting the words “judge of the High Court” in the definition of “Judge” in Rule 4(1) and substituting the words “judge sitting in the General Division”;
 - (f) by deleting the words “means the High Court” in Rule 4(2) and substituting the words “means the General Division”;
 - (g) by deleting the words “judge of the High Court” in Rule 4(2) and substituting the words “judge sitting in the General Division”;
 - (h) by inserting, immediately after sub-paragraph (a) of Rule 9(5), the following sub-paragraph:
 - “(aa) any matter or proceeding commenced in, or any appeal under any written law from any tribunal to, the Appellate Division;”;
 - (i) by inserting, immediately after the words “in the High Court” in Rule 9(5)(b), the words “before 2 January 2021 or the General Division on or after that date,”;
 - (j) by inserting, immediately after paragraph (a) of the definition of “Court” in Rule 9(6), the following paragraph:
 - “(aa) the Appellate Division, if the relevant matter or proceeding is —
 - (i) any matter, proceeding or appeal referred to in paragraph (5)(aa); or
 - (ii) any appeal referred to in paragraph (5)(b), (c) or (d) to the Appellate Division, in respect of which no leave has been given under paragraph (2) or (3) by a court below;”;
 - (k) by deleting the words “the High Court” wherever they appear in paragraph (b) of the definition of “Court” in Rule 9(6) and substituting in each case the words “the High Court before 2 January 2021 or the General Division on or after that date”.

Amendment of Order 55D**3. Order 55D of the principal Rules is amended —**

- (a) by deleting paragraph (5A) of Rule 6 and substituting the following paragraph:

“(5A) If all the parties to an appeal that is deemed to have been withdrawn under paragraph (5) consent to the payment —

(a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor’s undertaking is to be discharged; or

(b) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor’s undertaking is to be discharged.”;

- (b) by deleting paragraph (3) of Rule 10 and substituting the following paragraph:

“(3) If all the parties to the appeal that has been deemed withdrawn and struck out under paragraph (2) consent to the payment —

(a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the

appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor's undertaking is to be discharged; or

- (b) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor's undertaking is to be discharged.”;
- (c) by deleting the words “the High Court may, in lieu of ordering a new trial” in Rule 12(5) and substituting the words “the General Division may”;
- (d) by deleting the comma at the end of Rule 12(5)(b) and substituting a full-stop; and
- (e) by deleting the words “but except as aforesaid the High Court shall not have power to reduce or increase the damages.” in Rule 12(5).

Amendment of Order 56

4. Order 56 of the principal Rules is amended —

- (a) by inserting, immediately after the words “decision of the Registrar” in Rule 1(1), the words “except for a judgment, an order or a decision made under Order 56A, Rule 18 or Order 57, Rule 16A”;
- (b) by deleting the words “section 28B” in Rule 2(1) and substituting the words “section 29B”; and
- (c) by deleting Rule 3 and substituting the following Rule:

“Leave to appeal against decision of General Division (O. 56, r. 3)

3.—(1) This Rule applies where any written law —

(a) expressly provides that an appeal may be brought against a decision of the General Division only with leave, or that no appeal may be brought against a decision of the General Division except with leave; and

(b) further specifies that the General Division is the court from which such leave must be obtained, or the court which may grant such leave.

(2) A party applying for any leave mentioned in paragraph (1) to appeal against a decision of the General Division must file the party’s application in the General Division within 7 days after the date of the decision.

(3) A party who has obtained leave under this Rule to appeal against a decision of the General Division must file and serve the notice of appeal within one month after the date on which such leave was given.”.

New Order 56A

5. The principal Rules are amended by inserting, immediately after Order 56, the following Order:

“ORDER 56A

APPEALS TO APPELLATE DIVISION

Application of Order to appeals (O. 56A, r. 1)

1.—(1) This Order applies to every appeal to the Appellate Division (including any appeal from any tribunal that lies to the Appellate Division under any written law, and any appeal transferred from the Court of Appeal to the Appellate Division) not being an appeal for which other provision is made by these Rules.