
First published in the *Government Gazette*, Electronic Edition, on 21 December 2018 at 5 pm.

No. S 850

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 4) RULES 2018

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. 4) Rules 2018 and come into operation on 1 January 2019.

Amendment of Order 42

2. Order 42 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by inserting, immediately after Rule 1, the following Rule:

“Consent judgment or order (O. 42, r. 1A)

1A.—(1) In any cause or matter, the parties may inform the Registrar in writing that they wish to record a consent judgment or order without appearing before the Court.

(2) For the purposes of paragraph (1), the parties must inform the Registrar of the terms of the consent judgment or order that they wish to record.

(3) The Court may record the consent judgment or order without requiring the parties to appear before the Court.

(4) Where the Court has recorded a consent judgment or order under paragraph (3), the Registrar must inform the parties of —

- (a) the recording of the consent judgment or order; and
- (b) the Judge or the Registrar who recorded the consent judgment or order.”.

Amendment of Order 55D

3. Order 55D, Rule 11(1) of the principal Rules is amended —
- (a) by deleting the words “, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits,”; and
 - (b) by deleting the words “date of trial or hearing) shall be admitted” and substituting the words “date of the decision from which the appeal is brought) may be given”.

Amendment of Order 57

4. Order 57 of the principal Rules is amended —
- (a) by deleting paragraph (5) of Rule 2B;
 - (b) by deleting paragraph (3) of Rule 11 and substituting the following paragraphs:
 - “(3) If any party to the appeal does not consent to the intended withdrawal of the appeal —
 - (a) the appellant, or any other party to the appeal, may apply in writing to the Court of Appeal —
 - (i) for directions on any issue as to costs or otherwise that remains outstanding between the parties to the appeal; and
 - (ii) for an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor’s undertaking as security for the costs of the appeal;
 - (b) no oral arguments are to be made in an application under sub-paragraph (a); and
 - (c) the Registrar may, upon receiving an application under sub-paragraph (a) —
 - (i) remove the appeal from the list of appeals; and

(ii) give directions on the making of written submissions for the application.

(4) Except as provided under paragraph (3), if any party to the appeal does not consent to the intended withdrawal of the appeal —

(a) the appeal remains on the list of appeals; and

(b) the Court of Appeal may, at the hearing of the appeal —

(i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal; and

(ii) make an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the appeal.”;

(c) by deleting the words “, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits,” in Rule 13(2);

(d) by deleting the words “date of trial or hearing) shall be admitted” in Rule 13(2) and substituting the words “date of the decision from which the appeal is brought) may be given”;

(e) by deleting the word “Every” in Rule 16(1) and substituting the words “Except where this Order provides otherwise, every”;

(f) by inserting, immediately after paragraph (1) of Rule 16, the following paragraphs:

“(2) Except where Rule 2A(5) and paragraph (12) provide otherwise, a party to an application to the Court of Appeal must, if the party wishes to file an affidavit in opposition to the application, file that

affidavit within such period as may be specified in practice directions issued by the Registrar.

(2A) An affidavit is not to be received in evidence in an application to the Court of Appeal unless —

(a) the affidavit is —

(i) the supporting affidavit for the application; or

(ii) an affidavit filed in accordance with Rule 2A(5) or paragraph (2) or (12) (as the case may be) in opposition to the application, or in reply to the supporting affidavit for the application; or

(b) the Court of Appeal gives leave for the affidavit to be received in evidence in the application.

(2B) Where the Court of Appeal decides an application without hearing oral arguments —

(a) the judgment of the Court of Appeal may be delivered in accordance with Rule 19; or

(b) the Court of Appeal may direct the Registrar to inform the parties of the Court's decision.”;

(g) by deleting the words “called on for hearing” in Rule 16(7) and substituting the words “dealt with by the Court of Appeal”;

(h) by deleting paragraph (9) of Rule 16 and substituting the following paragraphs:

“(9) If any party to the application does not consent to the intended withdrawal of the application —

(a) the applicant, or any other party to the application, may request in writing —

- (i) for directions on any issue as to costs or otherwise that remains outstanding between the parties to the application; and
 - (ii) for an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the application;
 - (b) after a request under sub-paragraph (a) is made, no oral arguments are to be made in the application; and
 - (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
 - (i) remove the application from the list of appeals; and
 - (ii) give directions on the making of written submissions for the application.
- (9A) Except as provided under paragraph (9), if any party to the application does not consent to the intended withdrawal of the application —
- (a) the application remains on the list of appeals; and
 - (b) the Court of Appeal may, at the hearing of the application —
 - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the application; and
 - (ii) make an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's