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**No. S 543**

SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)

RULES OF COURT  
(AMENDMENT NO. 3)  
RULES 2017

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. 3) Rules 2017 and come into operation on 1 October 2017.

**Amendment of Order 11**

2. Order 11, Rule 1 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by deleting the word “or” at the end of paragraph (r); and
- (b) by deleting the full-stop at the end of paragraph (s) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(t) the claim is for an order of committal under Order 52 (whether or not, apart from this paragraph, an originating summons containing such a claim can be served out of Singapore under this Rule).”.

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**Amendment of Order 38A**

3. Order 38A of the principal Rules is amended —
- (a) by deleting the words “a copy or a transcript” in Rule 1(2) and (5) and substituting in each case the words “a certified transcript”;
  - (b) by deleting paragraphs (3) and (4) of Rule 1;
  - (c) by deleting the words “The authenticity of a” in Rule 2 and substituting the word “A”; and
  - (d) by deleting Rule 4.

**Amendment of Order 52**

4. Order 52 of the principal Rules is amended —
- (a) by inserting, immediately before Rule 1, the following Rule:
    - “Definitions (O. 52, r. 1A)**
    - 1A.** In this Order, unless the context otherwise requires —
      - “Act” means the Administration of Justice (Protection) Act 2016 (Act 19 of 2016);
      - “contempt of court” means contempt of court under the Act and includes, subject to section 8, contempt of court under the common law;
      - “non-publication direction” means a direction under section 13;
      - “section” means a section of the Act.”;
  - (b) by deleting paragraphs (1) to (4) of Rule 1 and substituting the following paragraph:
    - “(1) The power of the Court to punish for contempt of court may be exercised by an order of committal in Form 109.”;

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- (c) by deleting the word “Court” in the rule heading of Rule 1 and substituting the word “court”;
  - (d) by deleting the words “entered for hearing” in Rule 3(3) and substituting the word “filed”;
  - (e) by deleting the words “contempt of Court” in Rules 4, 5(2)(b) and 7(1) and substituting in each case the words “contempt of court”;
  - (f) by inserting, immediately after Rule 4, the following Rule:

**“Transfer to High Court (O. 52, r. 4A)**

**4A.**—(1) An application under section 10(4) to transfer a case in a State Court to the High Court must be made to a Judge of the latter Court by originating summons.

(2) In hearing such an application, the High Court may order the case sought to be transferred and any related proceedings to be stayed until after the final determination of the application.

(3) Where the High Court orders a case in a State Court to be transferred to the High Court under section 10(4) —

- (a) the High Court may —
  - (i) set aside or affirm any order made by the State Court in the case;
  - (ii) modify Rules 2 and 3 in their application to the case; and
  - (iii) make any other order relating to the transfer;
- (b) the Registrar of the State Courts must send to the Registrar of the Supreme Court the file of the proceedings, all documents, exhibits and a certified copy of the notes of evidence (if any) of the proceedings; and

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- (c) the Registrar of the Supreme Court must give notice of the transfer to every party to the case.”;
- (g) by inserting, immediately after the word “committal” in Rule 5(1), the words “or an application under section 10(4) to transfer a case to the High Court”;
- (h) by inserting, immediately after sub-paragraph (b) of Rule 5(1), the following sub-paragraph:
- “(ba) where the application is made in the High Court and arises out of proceedings in a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321);”;
- (i) by deleting the words “failing to comply with a judgment or order requiring him to” in Rule 7(2) and substituting the words “contempt of court under section 4 in relation to his failure to”;
- (j) by deleting the words “Rules 1” in Rule 8 and substituting the words “Rules 1A”;
- (k) by deleting the words “a person guilty of contempt of Court, or” in Rule 8;
- (l) by deleting the words “contempt of Court, to” in Rule 8 and substituting the words “contempt of court, to”;
- (m) by deleting the words “This Order (except Rule 5(1) and (2)) applies” in Rule 10(1) and substituting the words “Rules 1A to 9 (except Rule 5(1) and (2)) apply”;
- (n) by inserting, immediately after paragraph (2) of Rule 10, the following paragraphs:
- “(2A) The court fees prescribed in Appendix B apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a District Court.

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(2B) The hearing fees prescribed in the Employment Claims Rules 2017 (G.N. No. S 104/2017) apply to the hearing of any proceedings under this Order in a tribunal.”;

(o) by inserting, immediately after Rule 10, the following Rules:

**“Committal proceedings before Small Claims Tribunal (O. 52, r. 11)**

11.—(1) Rules 1A to 9 (except Rule 5(1) and (2)) apply to committal proceedings before a tribunal.

(2) For the purposes of applying this Order to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a Referee; and

(b) any reference to a Judge is a reference to a Referee.

(3) The court fees prescribed in Appendix B apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a Magistrate’s Court.

(4) The hearing fees prescribed in Order 90A, Rule 1 apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a Magistrate’s Court.

(5) In this Rule —

“Referee” means a Referee appointed under section 4(1) of the Small Claims Tribunals Act (Cap. 308);

“tribunal” means a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321).