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

RULES OF COURT (AMENDMENT NO. 2) RULES 2016

In exercise of the powers conferred on us 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. 2) Rules 2016 and come into operation on 1 October 2016.

Amendment of Order 57

2. Order 57, Rule 9A of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by inserting, immediately after the words “a supplemental core bundle” in paragraph (2A), the words “(called in this Order the Respondent’s supplemental core bundle)”;
- (b) by deleting the words “any supplemental core bundle” in paragraph (3)(c) and substituting the words “the Respondent’s supplemental core bundle (if any)”;
- (c) by deleting paragraph (5C) and substituting the following paragraphs:

“(5C) If the appellant intends to refer to any document in the Appellant’s Reply or at the appeal, and that document is not included in either the core bundle or the Respondent’s supplemental core bundle, the appellant must file, at the same time as the Appellant’s Reply, a supplemental core bundle (called

in this Order the Appellant’s supplemental core bundle) containing —

(a) any additional documents that are not included in the core bundle and the Respondent’s supplemental core bundle; and

(b) an index of the documents included in the Appellant’s supplemental core bundle, which cross-refers each such document to its location in the record of appeal or joint record of appeal (as the case may be).

(5D) Unless the context otherwise requires, this Rule and Rule 10 apply, with the necessary modifications, in relation to an Appellant’s Reply as they apply in relation to a Case.”; and

(d) by inserting, immediately after paragraph (22), the following paragraph:

“(23) Except with the leave of the Court of Appeal, a party cannot file any bundle of documents for an appeal before the Court of Appeal, other than —

(a) the core bundle;

(b) the Respondent’s supplemental core bundle; or

(c) the Appellant’s supplemental core bundle.”.

Amendment of Order 59

3. Order 59, Rule 29 of the principal Rules are amended by deleting paragraph (2) and substituting the following paragraphs:

“(2) The costs payable by a plaintiff in any proceedings mentioned in paragraph (1)(a) or (b) to the plaintiff’s solicitor (being the costs of those proceedings, costs incidental to the claim in those proceedings, or costs consequent on those proceedings) must be taxed under Rule 28 or fixed by the Court.

(2A) No costs are payable to the solicitor of a plaintiff in respect of any proceedings mentioned in paragraph (1)(a) or (b) except such amount of costs as may be —

- (a) certified in accordance with paragraph (3) on a taxation under Rule 28 of the solicitor's bill of costs to the plaintiff; or
- (b) fixed by the Court.”.

Deletion and substitution of Order 90B

4. Order 90B of the principal Rules is deleted and the following Order substituted therefor:

“ORDER 90B

COURT FEES FOR CORE BUNDLE, ETC.

Court fees for filing core bundle, etc. (O. 90B, r. 1)

1.—(1) The fees payable on the filing of the following bundles are specified in Appendix B:

- (a) the core bundle under Order 57, Rule 9(2A);
- (b) the Respondent's supplemental core bundle under Order 57, Rule 9A(2A);
- (c) the Appellant's supplemental core bundle under Order 57, Rule 9A(5C);
- (d) any bundle of documents that the Court of Appeal has given leave under Order 57, Rule 9A(23) to file.

(2) The following are to be excluded when calculating the number of pages for the purpose of determining the fees mentioned in paragraph (1):

- (a) the copy of the grounds of judgment or order;
- (b) the judgment or order appealed from;
- (c) the index of documents required to be included in the core bundle under Order 57, Rule 9(2A);

- (d) the index of documents required to be included in the Respondent's supplemental core bundle under Order 57, Rule 9A(2A);
- (e) the index of documents required to be included in the Appellant's supplemental core bundle under Order 57, Rule 9A(5C).

Refund of fees paid under Rule 1 (O. 90B, r. 2)

2. The Court of Appeal may, on the application of a party to an appeal, order a refund of the whole or any part of any fee which has been paid under Rule 1 for a bundle mentioned in Rule 1(1)(a), (b), (c) or (d), if the Court of Appeal is satisfied that the documents comprised in that bundle were necessary for the just, expeditious and economical disposal of the appeal.”.

Amendment of Order 110

5. Order 110 of the principal Rules is amended —

- (a) by inserting, immediately before the definition of “counsel” in Rule 1(1), the following definition:

“ “chosen court” has the same meaning as in section 2(1) of the Choice of Court Agreements Act 2016 (Act 14 of 2016);”;

- (b) by inserting, immediately after the definition of “Court” in Rule 1(1), the following definition:

“ “exclusive choice of court agreement” has the same meaning as in section 3 of the Choice of Court Agreements Act 2016;”;

- (c) by deleting the definition of “High Court” in Rule 1(1);
- (d) by inserting, immediately after paragraph (1) of Rule 1, the following paragraph:

“(1A) In this Order (other than paragraph (2)(c) and (ca)), unless the context otherwise requires, “High Court” does not include the Court.”;

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- (e) by deleting sub-paragraph (c) of Rule 1(2) and substituting the following sub-paragraphs:

“(c) where an agreement to submit to the jurisdiction of the High Court is concluded before 1 October 2016, the agreement does not of itself constitute an agreement to submit to the jurisdiction of the Court;

(ca) where an agreement to submit to the jurisdiction of the High Court is concluded on or after 1 October 2016, the agreement is to be construed as including an agreement to submit to the jurisdiction of the Court, unless a contrary intention appears in the agreement;”;

- (f) by inserting, immediately after paragraph (3) of Rule 10, the following paragraphs:

“(3A) For the purposes of paragraph (3)(a)(ii), where a choice of court agreement designates the High Court as a court for the case, the Court is to treat each party to the agreement as a party who consents to the proceedings being heard in the High Court.

(3B) To avoid doubt, paragraph (3)(b) does not enable the Court to make an order for the transfer of the proceedings to any other court in Singapore.”;

- (g) by inserting, immediately after paragraph (3) of Rule 12, the following paragraphs:

“(3A) For the purposes of paragraph (3)(b), where a choice of court agreement designates the High Court as a court for the case, the Court is to treat the application for the transfer of the case to the High Court as being made with the consent of each party to the agreement.

(3B) Where the Choice of Court Agreements Act 2016 (Act 14 of 2016) applies in a case by virtue of