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**No. S 235**

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

**RULES OF COURT (AMENDMENT) 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.**—(1) These Rules are the Rules of Court (Amendment) Rules 2016 and, except for rule 8, come into operation on 1 June 2016.

(2) Rule 8 is deemed to have come into operation on 18 November 2015.

**Amendment of Order 69A**

**2.** Order 69A, Rule 2 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by deleting paragraph (4) and substituting the following paragraph:

“(4) An application under paragraph (1)(d) may not be made more than 3 months after the later of the following dates:

- (a) the date on which the plaintiff received the award;
- (b) if a request is made under Article 33 of the Model Law, the date on which that request is disposed of by the arbitral tribunal.”.

**Amendment of Order 70**

**3.** Order 70, Rule 20 of the principal Rules is amended by inserting, immediately after paragraph (7), the following paragraph:

“(7A) To avoid doubt, the Court may, when giving judgment under this Rule, direct the payment of interest, computed from

the date of the writ to the date on which judgment is given, at the rate of 6% per annum or at such other rate as the Chief Justice may from time to time direct.”.

### **Amendment of Order 89A**

#### **4. Order 89A of the principal Rules is amended —**

- (a) by deleting the word “trafficking” in Rules 2(1)(a) and (b) and 5(1)(a) and (b)(i), (ii) and (iii) and substituting in each case the word “dealing”;
- (b) by inserting, immediately after Rule 10, the following Rules:

#### **“Application for substitute property confiscation order (O. 89A, r. 10A)**

**10A.—**(1) An application for a substitute property confiscation order under section 29B(1) must be filed with a supporting affidavit.

(2) The application must be entitled in the matter of the defendant (naming the defendant) and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

(3) The supporting affidavit must state —

- (a) that the defendant is convicted, or is by reason of section 26 taken to be convicted, of a drug dealing offence or a serious offence (giving particulars of the offence);
- (b) that the defendant had used or intended to use an instrumentality (giving particulars of the instrumentality) for the commission of the offence;
- (c) that the instrumentality is not available for forfeiture;
- (d) the reason mentioned in section 29B(2)(a), (b) or (c) that the instrumentality is not available for forfeiture (giving particulars of that reason);

- (e) the value of the instrumentality at the time the offence was committed;
- (f) full particulars of the realisable property in respect of which the order is sought, and the person or persons who (to the best of the deponent's knowledge) hold the property; and
- (g) the amount to be recovered under the substitute property confiscation order.

(4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources of information and grounds of belief.

(5) The application and supporting affidavit must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the defendant;
- (b) any person who has an interest in the realisable property to which the application relates; and
- (c) the receiver, where one has been appointed in the matter.

**Application for variation of substitute property confiscation order (O. 89A, r. 10B)**

**10B.**—(1) An application by the Public Prosecutor for a certificate under section 10(4) read with section 29C(1), or for an increase in the amount to be recovered under a substitute property confiscation order under section 10(6) read with section 29C(1), must be filed with a supporting affidavit.

(2) The application and supporting affidavit mentioned in paragraph (1) must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the defendant;

- (b) any person who has an interest in the realisable property to which the application relates; and
- (c) the receiver, where one has been appointed in the matter.

(3) An application by the defendant for a certificate under section 22(1) read with section 29C(1), or for a reduction in the amount to be recovered under a substitute property confiscation order under section 22(3) read with section 29C(1), must be filed with a supporting affidavit.

(4) The application and supporting affidavit mentioned in paragraph (3) must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the Public Prosecutor; and
- (b) the receiver, where one has been appointed in the matter.

**Application for restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10C)**

**10C.**—(1) An application for a restraint order under section 16 read with section 29C(1), or for a charging order under section 17 read with section 29C(1), to either of which may be joined an application for the appointment of a receiver, must be filed with a supporting affidavit.

(2) The application must be entitled in the matter of the defendant (naming the defendant) and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

(3) The supporting affidavit must —

- (a) state such of the following as may be applicable:

- (i) that proceedings have been instituted against the defendant for a drug dealing offence or a serious offence (giving particulars of the offence), and that those proceedings have not been concluded;
  - (ii) that the defendant has been officially informed under section 23(1) of the Criminal Procedure Code (Cap. 68) that the defendant may be prosecuted for a drug dealing offence or a serious offence (giving particulars of the offence);
  - (iii) that after investigations for a drug dealing offence or a serious offence (giving particulars of the offence) have been commenced against the defendant, the defendant has died or cannot be found or is outside the jurisdiction;
- (b) state all of the following matters:
- (i) that the defendant had used or intended to use an instrumentality (giving particulars of the instrumentality) for the commission of the offence mentioned in sub-paragraph (a)(i), (ii) or (iii) (as the case may be);
  - (ii) that the instrumentality is not available for forfeiture;
  - (iii) the reason mentioned in section 29B(2)(a), (b) or (c) that the instrumentality is not available for forfeiture (giving particulars of that reason);
  - (iv) the value of the instrumentality at the time the offence was committed;