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

**RULES OF COURT
(AMENDMENT NO. 2)
RULES 2011**

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, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Rules of Court (Amendment No. 2) Rules 2011 and shall come into operation on 1st May 2011.

Amendment of Order 53

2. Order 53 of the Rules of Court (R 5) is amended —

(a) by deleting paragraph (1) of Rule 1 and substituting the following paragraph:

“(1) An application for a Mandatory Order⁷, Prohibiting Order⁹ or Quashing Order¹⁰ (referred to in this paragraph as the principal application) —

(a) may include an application for a declaration; but

(b) shall not be made, unless leave to make the principal application has been granted in accordance with this Rule.”;

(b) by deleting paragraph (1) of Rule 2 and substituting the following paragraph:

“(1) When leave has been granted to apply for a Mandatory Order⁷, Prohibiting Order⁹ or Quashing Order¹⁰ —

(a) the application for the order and any included application for a declaration must be made by

summons to a Court in the originating summons in which leave was obtained; and

- (b) unless the Judge granting leave has otherwise directed, there must be at least 8 clear days between the service of the summons and the day named therein for the hearing.”; and
- (c) by deleting Rules 7 and 8 and substituting the following Rules:

“Power of Court to grant relief in addition to Mandatory Order⁷, etc. (Order. 53, r. 7)

7.—(1) Subject to the Government Proceedings Act (Cap. 121), where, upon hearing any summons filed under Rule 2, the Court has made a Mandatory Order⁷, Prohibiting Order⁹, Quashing Order¹⁰ or declaration, and the Court is satisfied that the applicant has a cause of action that would have entitled the applicant to any relevant relief if the relevant relief had been claimed in a separate action, the Court may, in addition, grant the applicant the relevant relief.

(2) For the purposes of determining whether the Court should grant the applicant any relevant relief under paragraph (1), or where the Court has determined that the applicant should be granted any such relief, the Court may give such directions, whether relating to the conduct of the proceedings or otherwise, as may be necessary for the purposes of making the determination or granting the relief, as the case may be.

(3) Before the Court grants any relevant relief under paragraph (1), any person who opposes the granting of the relief, and who appears to the Court to be a proper person to be heard, shall be heard.

(4) In this Rule, “relevant relief” means any liquidated sum, damages, equitable relief or restitution.

Appeal to Court of Appeal (O. 53, r. 8)

8. An appeal shall lie from an order made by a Judge in Chambers under this Order as it does in the case of an interlocutory order.