

## **Rules of Court (Amendment No. 2) Rules 2010**

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**No. S 378**

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

### **RULES OF COURT (AMENDMENT NO. 2) RULES 2010**

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.—**(1) These Rules may be cited as the Rules of Court (Amendment No. 2) Rules 2010 and shall, with the exception of rule 3, come into operation on 15th July 2010.

(2) Rule 3 shall be deemed to have come into operation on 17th February 2010.

#### **New Order 100**

**2.** The Rules of Court (R 5) are amended by inserting, immediately after Order 99, the following Order:

## “ORDER 100

### COLLECTIVE SALE APPLICATIONS

#### **Interpretation (O. 100, r. 1)**

1. In this Order, unless the context otherwise requires —

“Act” means the Land Titles (Strata) Act (Cap. 158);

“application” means an application to the High Court under one of the following provisions of the Act after the issue of a stop order by a Board:

- (a) under section 84A(1) of the Act for an order for the sale of all the lots and common property in a strata title plan;
- (b) under section 84D(2) of the Act for an order for the sale of all the flats and the land in a development to which section 84D of that Act applies;
- (c) under section 84E(3) of the Act for an order for the sale of all the flats and the land in a development to which section 84E of that Act applies;
- (d) under section 84FA(2) of the Act for an order for the sale of all the lots and common property in a strata title plan to which section 84FA of that Act applies;

“Board” means a Strata Titles Board constituted under the Building Maintenance and Strata Management Act (Cap. 30C);

“stop order” means a stop order issued by a Board —

- (a) under section 84A(6A)(b) of the Act;
- (b) under section 84D(4A)(b) of the Act;
- (c) under section 84E(6A)(b) of the Act; or
- (d) under section 84FA(5A)(b) of the Act.

#### **Commencement of proceedings (O. 100, r. 2)**

2.—(1) Every application must be made by originating summons within the time limited by section 84A(2B), 84D(2B), 84E(3B) or 84FA(2B) of the Act, whichever is applicable.

(2) An originating summons that is an application under section 84A(1) or 84FA(2) of the Act must name as the defendant or defendants therein —

(a) every subsidiary proprietor of any lot in the strata title plan which is the subject of the application —

(i) who has not agreed to sell all the lots and common property in the strata title plan to which the application relates to a purchaser under a sale and purchase agreement, subject to an order being made under section 84A(6) or (7) or 84FA(5) or (6) of the Act, as the case may be; and

(ii) who, within the time allowed under section 84A(4) or 84FA(5A) of the Act, as the case may be, filed an objection thereunder to an application to a Board relating to the same proposed sale; and

(b) every mortgagee, chargee or other person (other than a lessee) —

(i) with an estate or interest in any lot referred to in subparagraph (a)(i) and whose interest is notified on the land-register for that lot; and

(ii) who, within the time allowed under section 84A(4) or 84FA(5A) of the Act, as the case may be, filed an objection thereunder to an application to a Board relating to the same proposed sale.

(3) An originating summons that is an application under section 84D(2) of the Act must name as the defendant or defendants therein —

(a) every proprietor of any flat in the development which is the subject of the application —

(i) who has not agreed in writing to sell all the flats and the land in the development to a purchaser under a sale and purchase agreement, subject to an order being made under section 84D(4) or (5) of the Act; and

- (ii) who, within the time allowed under section 84D(3) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale; and
  - (b) every mortgagee, chargee or other person (other than a lessee) —
    - (i) with an estate or interest in any flat referred to in subparagraph (a)(i) and whose interest is notified on the land-register for that flat; and
    - (ii) who, within the time allowed under section 84D(3) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale.
- (4) An originating summons that is an application under section 84E(3) of the Act must name as the defendant or defendants therein —
- (a) every proprietor of any flat in the development which is the subject of the application —
    - (i) who has not agreed in writing to sell all the flats and the land in the development to a purchaser under a sale and purchase agreement, subject to an order being made under section 84E(6) or (7) of the Act; and
    - (ii) who, within the time allowed under section 84E(5) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale; and
  - (b) every mortgagee, chargee or other person (other than a lessee) —
    - (i) with an estate or interest in any flat referred to in subparagraph (a)(i) and whose interest is notified on the land-register for that flat; and
    - (ii) who, within the time allowed under section 84E(5) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale.
- (5) Order 28 shall, unless expressly modified herein, apply to every originating summons under this Rule.

### **Service of summons (O. 100, r. 3)**

3. The originating summons, together with such supporting affidavit or affidavits, must be served on every defendant.

### **Supporting affidavits (O. 100, r. 4)**

4.—(1) Where the plaintiffs intend to adduce evidence in support of an originating summons that is an application, they must do so by affidavit and must file the affidavit or affidavits and serve a copy thereof on every defendant referred to in rule 2(2), (3) or (4), as the case may be, not later than 7 days after the service of the originating summons on the last such defendant.

(2) Every such affidavit under paragraph (1) must be made by or with the authority of all the authorised representatives appointed under section 84A(2) of the Act in connection with the application concerned, setting out the following:

- (a) in the case of an affidavit in connection with an application under section 84A(1) or 84FA(2) of the Act —
  - (i) the lots and common property comprised in the strata title plan and the total area and share value of all the lots (excluding any accessory lot) to which the application relates;
  - (ii) the date when the latest Temporary Occupation Permit or Certificate of Statutory Completion, as the case may be, was issued in respect of a building (other than common property) comprised in the strata title plan to which the application relates;
  - (iii) the respective share values of every subsidiary proprietor of and the respective areas of each lot in the strata title plan to which the application relates, classified according to those who have and those who have not signed the collective sale agreement;
  - (iv) the proposed method of distribution of sale proceeds under the collective sale agreement and all other particulars of the collective sale of the lots and common property comprised in the strata title plan to which the application relates;