

Rules of Court (Amendment No. 3) Rules 2010

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No. S 504

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 3) 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. These Rules may be cited as the Rules of Court (Amendment No. 3) Rules 2010 and shall come into operation on 15th September 2010.

Amendment of Order 14

2. Order 14, Rule 7 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) If the Court dismisses an application under Rule 1 or gives a defendant

against whom such an application is made unconditional leave to defend the action with respect to the claim or any part thereof to which the application relates, the Court may make such order as to costs against the plaintiff as it considers fit.”.

Amendment of Order 59

3. Order 59 of the principal Rules is amended —

(a) by deleting Rule 5 and substituting the following Rule:

**“Special matters to be taken into account in exercising discretion
(O. 59, r. 5)**

5. The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account —

- (a) any payment of money into Court and the amount of such payment;
 - (b) the conduct of all the parties, including conduct before and during the proceedings;
 - (c) the parties’ conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution; and
 - (d) in particular, the extent to which the parties have followed any relevant pre-action protocol or practice direction for the time being issued by the Registrar.”;
- (b) by deleting the words “at the hearing or within 7 days thereof so certifies” in Rule 19(1) and substituting the words “so certifies at the hearing or upon an application made by that party within one month from the date of the judgment or order”;
- (c) by deleting the words “all the relevant circumstances, and in particular to —” in paragraph 1(2) of Appendix 1 and substituting the words “the principle of proportionality and all the relevant circumstances and, in particular, to the following matters.”; and
- (d) by deleting sub-paragraph (c) of paragraph 1(1) of Part I of Appendix 2 and substituting the following sub-paragraph:

“(c) cases in which —

- (i) the plaintiff obtains final judgment under

Order 14 unconditionally;

- (ii) the Court dismisses an application under Order 14, Rule 1; or
- (iii) the Court gives the defendant against whom an application under Order 14, Rule 1 is made unconditional leave to defend.”.

New Order 101

4. The principal Rules are amended by inserting, immediately after Order 100, the following Order:

“ORDER 101

REFERRALS ON ISSUES OF LAW

Interpretation (O. 101, r. 1)

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

“Court” means the High Court or the Court of Appeal;

“foreign country” means a country or territory outside Singapore;

“specified foreign country” means a foreign country that is specified in Rule 6.

Order for reference of questions of foreign law to foreign courts on application of parties (O. 101, r. 2)

2.—(1) Where in any proceedings before the Court there arises any question relating to the law of any specified foreign country or to the application of such law, the Court may, on the application of one or more of the parties, order that proceedings be commenced in a court of competent jurisdiction in that specified