

# **Rules of Court (Amendment No. 4) Rules 2010**

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## **No. S 708**

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

#### **RULES OF COURT (AMENDMENT NO. 4) 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. 4) Rules 2010 and shall come into operation on 1st January 2011.

### **Amendment of Order 32**

2. Order 32, Rule 9 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended —

- (a) by deleting the words “the Supreme Court of Judicature Act (Chapter 322) or these Rules” in paragraph (1) and substituting the words “any written law”;
- (b) by inserting, at the end of paragraph (2)(a), the word “and”; and
- (c) by deleting sub-paragraph (b) of paragraph (2).

### **Amendment of Order 52**

3. Order 52, Rule 6 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Where the execution of an order of committal has been suspended under paragraph (1), the applicant for the order of committal may, on the ground that any of the terms of the suspension has been breached, apply for the suspension to be lifted.

(4) An application under paragraph (3) must be made by summons supported by an affidavit.

(5) Unless the Court otherwise directs, the summons and the supporting affidavit under paragraph (4) must be served on the person against whom the order of committal has been granted.”.

### **Amendment of Order 55C**

4. Order 55C of the principal Rules is amended —

- (a) by inserting, immediately after the words “DISTRICT JUDGES” in the Order heading, the words “OR MAGISTRATES”;
- (b) by deleting paragraph (1) of Rule 1 and substituting the following paragraph:

“(1) Subject to section 21(2B) of the Supreme Court of Judicature Act (Chapter 322), an appeal shall lie to a Judge of the High Court in Chambers from —

- (a) any judgment, order or decision of a District Judge

in Chambers (not given or made in his capacity as the Registrar), including a judgment given, or an order or a decision made, on appeal from the Registrar; and

- (b) any judgment, order or decision of a Magistrate in Chambers (not given or made in his capacity as the Registrar).”;
- (c) by inserting, immediately after the words “District Judges” in the rule heading of Rule 1, the words “or Magistrates”; and
- (d) by deleting paragraph (1) of Rule 2 and substituting the following paragraph:

“(1) A party applying for leave under section 21(1) of the Supreme Court of Judicature Act to appeal against any judgment, order or decision of a District Judge or Magistrate in Chambers (not given or made in his capacity as the Registrar), must file his application —

- (a) to the District Judge or Magistrate in Chambers within 7 days from the date of the judgment, order or decision; and
- (b) in the event that leave is refused by the District Judge or Magistrate, to the High Court within 7 days from the date of the refusal.”.

### **Amendment of Order 55D**

5. Order 55D, Rule 4 of the principal Rules is amended —

- (a) by deleting the words “a District Court” in paragraph (2)(a) and substituting the words “the District Court”;
- (b) by inserting, immediately after the words “7 days” in paragraphs (2)(a) and (b) and (3)(a) and (b), the words “from the date”; and
- (c) by deleting the words “a Magistrate’s Court” in paragraph (3)(a) and substituting the words “the Magistrate’s Court”.

### **Amendment of Order 56**

6. Order 56 of the principal Rules is amended —

- (a) by deleting the words “further argument in Court pursuant to section