

Rules of Court (Amendment No. 2) Rules 2009

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No. S 605

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 2) RULES 2009

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, commencement and application

1.—(1) These Rules may be cited as the Rules of Court (Amendment No. 2) Rules 2009 and shall come into operation on 1st January 2010.

(2) Rule 3 shall apply only to third party notices issued on or after 1st January 2010.

Amendment of Order 14

2. Order 14, Rule 14 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by deleting the word “No” and substituting the words “Unless the Court otherwise orders, no”.

Amendment of Order 16

3. Order 16 of the principal Rules is amended —

- (a) by deleting the words “who has entered an appearance” in Rule 1(1);
- (b) by inserting, immediately after the words “the defendant may” in Rule 1(1), the words “, after having entered an appearance if required to do so under these Rules,”;
- (c) by deleting paragraph (3) of Rule 3 and substituting the following paragraphs:

“(3) Subject to paragraphs (1) and (2), in an action begun by writ, the provisions of Order 6, Rule 3(2), Order 10 (except Rule 1(4) thereof), Order 11 and Order 12 shall apply in relation to a third party notice and to the proceedings begun thereby as if —

- (a) the third party notice were a writ and the proceedings begun thereby an action; and
- (b) the defendant issuing the third party notice were a plaintiff and the person against whom it is issued a defendant in that action.

(4) Subject to paragraphs (1) and (2), in an action begun by originating summons, the provisions of Order 6, Rule 3(2), Order 10 (except Rule 1(3) and (4) thereof) and Order 11 shall apply in relation to a third party notice and to the proceedings begun thereby as if —

- (a) the third party notice were an originating summons and the proceedings begun thereby an action; and
- (b) the defendant issuing the third party notice were a plaintiff and the person against whom it is issued a

defendant in that action.”;

- (d) by deleting paragraphs (1) and (2) of Rule 4 and substituting the following paragraphs:

“(1) The defendant who issued a third party notice must, by summons in Form 20 to be served on all the other parties to the action, apply to the Court for directions, except that where the action was begun by writ, such application shall not be made before the third party enters an appearance in Form 19.

(2) If no summons is served on the third party under paragraph (1), the third party may —

- (a) in an action begun by writ, not earlier than 7 days after entering an appearance; or
- (b) in an action begun by originating summons, not earlier than 14 days after service of the notice on him,

by summons in Form 20 to be served on all the other parties to the action, apply to the Court for directions or for an order to set aside the third party notice.”;

- (e) by inserting, immediately after the words “at the trial” in Rule 4(4), the words “or hearing”;
- (f) by deleting the words “does not enter an appearance” in Rule 5(1) and substituting the words “who is required by these Rules to enter an appearance does not do so”;
- (g) by deleting the words “who has entered an appearance” in Rule 8(1);
- (h) by inserting, immediately after the words “the defendant may,” in Rule 8(1), the words “after having entered an appearance if required to do so under these Rules,”;
- (i) by inserting, immediately after the words “is a plaintiff therein” in Rule 8(3), the words “or if the action was begun by originating summons”;
- (j) by deleting the words “(where he has entered an appearance in the action or is a plaintiff)” in Rule 8(3) and substituting the words “(where, in an action begun by writ, he has entered an appearance in the action or is a plaintiff)”;
- (k) by deleting paragraph (4) of Rule 8 and substituting the following

paragraph:

“(4) If no summons under Rule 4(1) is served on the person on whom a notice has been served under this Rule, that person may, not earlier than 14 days after service of the notice on him, by summons in Form 20 to be served on all the other parties to the action, apply to the Court for directions or for an order to set aside the notice.”.

Amendment of Order 35

4. Order 35, Rule 2(2) of the principal Rules is amended by deleting the word “An” and substituting the words “Unless the Court otherwise orders, an”.

Amendment of Order 38A

5. Order 38A of the principal Rules is amended —

- (a) by inserting, immediately after the words “an audio recording system” in Rule 1(1)(a), the words “approved by the Registrar”;
- (b) by deleting paragraph (3) of Rule 1 and substituting the following paragraphs:

“(3) An application for a copy of the official record of hearing consisting of an audio recording must be made in Form 72A and the grant of such an application shall be subject to the approval of the Court.

(4) The Court may, in approving an application under paragraph (3), impose such conditions or make or give such orders or directions in relation to the release and use of the copy of the audio recording as the Court thinks fit.

(5) The costs of producing a copy or a transcript of the official record of hearing may be claimed as an item of disbursement unless otherwise ordered by the Court.”; and

- (c) by inserting, immediately after Rule 3, the following Rule:

**“Prohibition on unauthorised audio recording
(O. 38A, r. 4)**

4.—(1) No person shall make any audio recording of any hearing without the approval of the Court.

(2) A person who contravenes paragraph (1) is guilty of contempt of Court.”.

Amendment of Order 59

6. Part II of Appendix 2 to Order 59 of the principal Rules is amended —

- (a) by inserting, immediately after sub-paragraph (e) of the paragraph appearing below paragraph 2(3), the following sub-paragraph:

	<i>Disbursement to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
(f) Title searches	Actual cost	Actual cost	Actual cost; and

- (b) by inserting, immediately below sub-paragraph (6) of paragraph 2 (before Part IIA of Appendix 2), the following sub-paragraphs:

	<i>Disbursement to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
(7) Where bankruptcy or winding up searches are required by the Court	Actual cost	Actual cost	Actual cost
(8) Where the law firm is a GST-registered firm	Actual GST payable	Actual GST payable	Actual GST payable
(9) Any other item approved by the Registrar	Actual amount allowed	Actual amount allowed	Actual amount allowed.

Amendment of Order 69A

7. Order 69A, Rule 3(1) of the principal Rules is amended by deleting the words “section 12(7)” in sub-paragraph (c) and substituting the words “section 12A”.

Amendment of Order 78

8. Order 78 of the principal Rules is amended by deleting Rule 7 and substituting the following Rule:

“Evidence in mitigation of damages (O. 78, r. 7)

7. In an action for libel and slander, in which the defendant does not by his defence assert the truth of the statement complained of, the defendant shall not be entitled at the trial or hearing to give evidence in chief, with a view to mitigation of