

Rules of Court (Amendment No. 2) Rules 2004

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SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 2) RULES 2004

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 2004 and shall come into operation on 1st December 2004.

(2) Rule 2 shall apply to originating motions and interlocutory motions filed on or after 1st December 2004.

(3) Rules 3, 4 and 11 shall apply to proceedings commenced on or after 1st December 2004.

(4) Rule 5 shall apply to originating summonses and interpleader summonses filed on or after 1st December 2004.

(5) Rules 6 and 14(a) shall apply to actions begun by writ in the High Court where the trial commences on or after 8th December 2004.

(6) Rules 9(a), (c) and (d), 13 and 14(b) shall apply to writs of executions issued on or after 1st December 2004.

(7) Rule 10 shall apply to applications for leave to apply for an order of *certiorari* in respect of any judgment, order or conviction made on or after 1st December 2004 or in respect of any other proceeding commenced on or after that date.

Amendment of Order 8

2. Order 8, Rule 2 of the Rules of Court (R 5, 2004 Ed.) (referred to in these Rules as the principal Rules) is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Unless the Court gives leave to the contrary —

- (a) there must be at least 7 clear days between the service of notice of an originating motion and the day named in the notice for hearing the motion; and

- (b) a notice of any other motion must be served within 3 days of its date of issue and there must be at least 7 clear days between the service of notice of motion and the day named in the notice for hearing the motion.”.

Amendment of Order 12

3. Order 12, Rule 7 of the principal Rules is amended —

- (a) by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) A defendant who wishes to contend that the Court should not assume jurisdiction over the action on the ground that Singapore is not the proper forum for the dispute shall enter an appearance and, within the time limited for filing a defence, apply to Court for an order staying the proceedings.

(3) An application under paragraph (1) or (2) must be made by summons supported by an affidavit verifying the facts on which the application is based and a copy of the affidavit must be served with the summons.”;

- (b) by inserting, immediately after the words “paragraph (1)” in paragraph (4), the words “or (2)”; and

- (c) by deleting the rule heading and substituting the following rule heading:

“Dispute as to jurisdiction, etc. (O. 12, r. 7)”.

Amendment of Order 14

4. Order 14, Rule 14 of the principal Rules is amended by deleting the words “14 days” and substituting the words “28 days”.

Amendment of Order 17

5. Order 17, Rule 4 of the principal Rules is amended —

- (a) by deleting the word “personally” in paragraph (1); and
- (b) by inserting, immediately after paragraph (1), the following paragraphs:

“(1A) The originating summons referred to in paragraph (1) must be served personally.

(1B) The interpleader summons referred to in paragraph (1) need

not be served personally unless ordered by the Court.”.

Amendment of Order 34

6. Order 34, Rule 3A(1) of the principal Rules is amended —

- (a) by deleting the word “and” at the end of sub-paragraph (a); and
- (b) by deleting the full-stop at the end of sub-paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:
 - “(c) where the trial is in the High Court, opening statements of all parties as may be prescribed in any practice directions for the time being issued by the Registrar.”.

Amendment of Order 41

7. Order 41 of the principal Rules is amended by deleting Rule 12 and substituting the following Rule:

“Affidavit taken outside Singapore admissible without proof of seal, etc. (O. 41, r. 12)

12. A document purporting to have affixed or impressed thereon or subscribed thereto the seal or signature of a court, judge, notary public or person having authority to administer oaths in any country in testimony of an affidavit being taken before it or him shall be admitted in evidence without proof of the seal or signature being the seal or signature of that court, judge, notary public or person.”.

Amendment of Order 45

8. Order 45 of the principal Rules is amended by inserting, immediately after Rule 11, the following Rule:

“Matters occurring after judgment: Enforcement Conference (O. 45, r. 11A)

11A. Notwithstanding anything in these Rules, the Court may, at any time after the commencement of any execution proceedings, of its own motion or upon written request by any party, direct any party to those proceedings to appear before it, in order that the Court may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of such proceedings including striking out of any writ of execution.”.

Amendment of Order 46

9. Order 46 of the principal Rules is amended —

- (a) by deleting the words “in one of the forms” in Rule 4(2);
- (b) by inserting, immediately after paragraph (2) of Rule 6, the following paragraph:

“(2A) For the purposes of this Rule, “wholly executed” means —

- (a) in the case of a writ of seizure and sale, the sale of all the seized property by the Sheriff;
- (b) in the case of a writ of delivery, the transfer of possession of the movable property by the Sheriff to the judgment creditor; and
- (c) in the case of a writ of possession, the transfer of possession of the immovable property by the Sheriff to the judgment creditor.”;

- (c) by deleting the words “Form 93A” in Rule 11(1)(b) and substituting the words “Form 92 or 93A”;
- (d) by deleting paragraph (2) of Rule 11 and substituting the following paragraphs:

“(2) Where the execution creditor has caused a date appointed for the execution to be vacated or postponed, the Sheriff may, if he thinks that such vacation or postponement is without good reason, direct that any fee paid and expenses incurred by the execution creditor in respect of the appointment shall not be recovered by the execution creditor as a disbursement.

(3) For the purposes of paragraph (2), where the execution creditor has filed a praecipe in Form 92, the fee for the request for a date to be appointed shall be limited to the amount specified in item 104 of Appendix B.”;

- (e) by inserting, immediately after the words “Subject to these Rules” in the 1st line of Rule 17(3), the words “and any written law”;
- (f) by deleting the words “licensed auctioneer” wherever they appear in Rule 24 (including rule heading) and substituting in each case the words “authorised auctioneer”; and
- (g) by deleting the words “2 days” in Rule 24(1) and substituting the words “14 days”.