

# **Rules of Court (Amendment No. 4) Rules 2002**

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SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 4) RULES 2002

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 other 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. 4) Rules 2002 and shall, with the exception of rule 10, come into operation on 1st December 2002.

(2) Rule 10 shall come into operation on 1st January 2003.

**Amendment of Order 1**

2. Order 1 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended —

(a) by deleting item 2 in Rule 2(4) and substituting the following item:

2. Proceedings relating to the winding up of companies.	Companies Act (Chapter 50), s. 410.	(a) Order 63A and items 71D to 71I and 75 of Appendix B; and
		(b) Order 88 r. 2 (5)

(b) by inserting, immediately before the words “includes any convention” in the definition of “Civil Procedure Convention” in Rule 4(1), the words “means the conventions set out in Appendix C to these Rules and”.

**Amendment of Order 14**

3. Order 14 of the principal Rules is amended —

(a) by deleting the words “entered an appearance in the action” in the 2nd line of Rule 1 and substituting the words “served a defence to the statement of claim”;

(b) by deleting the words “21 days” in Rule 2(4) and substituting the words “14 days”;

- (c) by inserting, immediately after the words “on the plaintiff” in the 2nd line of Rule 5(1), the words “and the plaintiff has served a defence to the counterclaim”;
- (d) by deleting the word “or” at the end of sub-paragraph (a) of Rule 6(1);
- (e) by deleting the comma at the end of sub-paragraph (b) of Rule 6(1) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:
  - “(c) dismisses, or grants leave for the withdrawal of, the application under this Order.”;
- (f) by deleting the word “may” in the 10th line of Rule 6(1) and substituting the word “shall”;
- (g) by deleting the words “at any stage of the proceedings” in the 3rd and 4th lines of Rule 12(1); and
- (h) by inserting, immediately after Rule 13, the following Rule:

**“Time limit for summary judgment applications (O. 14, r. 14)**

**14.** No summons under this Order shall be filed more than 14 days after the pleadings in the action are deemed to be closed.”.

### **Amendment of Order 18**

4. Order 18, Rule 2 of the principal Rules is amended —

- (a) by deleting the words “Subject to paragraph (2), a” and substituting the word “A”; and
- (b) by deleting paragraph (2).

### **Amendment of Order 22A**

5. Order 22A, Rule 9 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Where an accepted offer to settle does not provide for costs —

- (a) where the offer was made by the plaintiff, he will be entitled to his costs assessed to the date that the notice of acceptance was served;
- (b) where the offer was made by the defendant, the plaintiff will be entitled to his costs assessed to the date he was served with the offer, and the defendant will be entitled to his costs from the date 14 days

after the date of the service of the offer assessed up to the date that the notice of acceptance was served.”.

## **Amendment of Order 25**

6. Order 25 of the principal Rules is amended —

- (a) by deleting the words “and directions have been given under the relevant Order” in sub-paragraph (a) of Rule 1(2);
- (b) by deleting the word “and” at the end of sub-paragraph (f) of Rule 1(2);
- (c) by deleting the full-stop at the end of sub-paragraph (g) of Rule 1(2) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(h) non-injury motor accident actions as defined in Order 59, Appendix 2 Part V, filed in the Subordinate Courts.”;

- (d) by inserting, immediately after Rule 1, the following Rule:

**“Non-injury motor accident actions (O. 25, r. 1A)**

**1A.**—(1) For non-injury motor accident actions as defined in Order 59, Appendix 2 Part V, filed in the Subordinate Courts, where parties have agreed on the issue of liability before action and the plaintiff causes a writ of summons to be issued to have damages assessed, within 14 days after the memorandum of appearance is served on the plaintiff, the plaintiff must take out a summons in Form 46A, for interlocutory judgment to be entered and for directions for the assessment of damages.

(2) If the plaintiff does not take out a summons in accordance with this Rule, paragraphs (4) and (5) of Rule 1 shall apply in relation to this Rule as they apply in relation to a summons for directions.”;

- (e) by inserting, immediately after the words “apprehended collision” in sub-paragraph (b) of Rule 8(6), the words “, except non-injury motor accident actions as defined in Order 59, Appendix 2 Part V, filed in the Subordinate Courts”; and
- (f) by inserting, immediately after paragraph (6) of Rule 8, the following paragraph:

“(7) This Rule shall not apply to actions in which any party has applied for judgment under Order 14.”.

### **Amendment of Order 34A**

7. Order 34A, Rule 1 of the principal Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Where the Court makes orders or gives directions under paragraph (1), it may take into account whether or not a party has complied with any relevant pre-action protocol or practice direction for the time being issued by the Registrar.”.

### **Amendment of Order 53**

8. Order 53 of the principal Rules is amended by deleting Rule 7 and substituting the following Rule:

#### **“Appeal to Court of Appeal (O.53, r.7)**

7. An appeal shall lie from an order made by a Judge in Chambers under this Order as it does in the case of an interlocutory order.”.

### **Amendment of Order 59**

9. Order 59 of the principal Rules is amended —

(a) by inserting, immediately after the word “payment” in the last line of Rule 5, the words “and the conduct of all the parties, including conduct before, as well as during, the proceedings, and in particular the extent to which the parties followed any relevant pre-action protocol or practice direction for the time being issued by the Registrar”;

(b) by inserting, immediately after sub-paragraph (2) of paragraph 1 in Part I of Appendix 2, the following sub-paragraph:

“(3) In respect of the cases set out in sub-paragraphs (1)(a) and (b), where the plaintiff is entitled under the judgment to costs on an indemnity basis, the scale of costs and disbursements set out in both Parts II and IIA of this Appendix shall apply.”;

(c) by inserting, immediately after sub-paragraph (3) of paragraph 2 in Part II of Appendix 2, the following items:

“The disbursements allowed under sub-paragraphs (2) and (3) shall be limited to disbursements reasonably incurred in connection with