

Rules of Court (Amendment) Rules 2000

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No. S 613

SUPREME COURT OF JUDICATURE ACT

(CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 2000

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. These Rules may be cited as the Rules of Court (Amendment) Rules 2000 and shall come into operation on 1st January 2001.

Amendment of Order 11

2. Order 11 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by deleting the words “Corruption (Confiscation of Benefits) Act (Chapter 65A), the Drug Trafficking (Confiscation of Benefits) Act (Chapter 84A)” in Rule 1 (*n*) and substituting the words “Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A)”.

Amendment of Order 21

3. Order 21 of the principal Rules is amended —

(a) by deleting paragraph (6) of Rule 2 and substituting the following paragraphs:

“(6) Subject to paragraph (6A), if no party to an action or a cause or matter has, for more than one year (or such extended period as the Court may allow under paragraph (6B)), taken any step or proceeding in the action, cause or matter that appears from records maintained by the Court, the action, cause or matter is deemed to have been discontinued.

(6A) Paragraph (6) shall not apply where the action, cause or matter has been stayed pursuant to an order of court.

(6B) The Court may, on an application by any party made before the one year referred to in paragraph (6) has elapsed, extend the time to such extent as it may think fit.”;

(b) by inserting, immediately after the word “discontinued” in the 2nd line of Rule 4, the words “or is deemed to have discontinued”; and

(c) by inserting, immediately after the word “discontinued” in the 1st line of

paragraph (1) of Rule 5, the words “or is deemed to have discontinued”.

Amendment of Order 25

4. Order 25, Rule 3 of the principal Rules is amended by deleting sub-paragraphs (e) to (i) of paragraph (1) and substituting the following sub-paragraphs:

- “(e) whether the evidence in chief of each expert witness should be set out in a single affidavit;
- (f) whether any direction should be made for a discussion between the experts prior to the exchange of their affidavits exhibiting their reports for the purpose of requiring them to identify the issues in the proceedings and where possible, reach agreement on an issue, and if such a direction should be made, whether —
 - (i) to specify the issues which the experts are to discuss; and
 - (ii) to direct the experts to prepare a joint statement indicating the agreed issues, the issues not agreed and a summary of the reasons for any non-agreement;
- (g) the period within which objections to the contents of the affidavit or other evidence of a witness must be taken; and
- (h) whether any orders should be made pursuant to Order 20, Rule 5, Order 38, Rules 2 to 7, Order 40A, Rules 1 to 4 and Order 70, Rule 25(3).”.

Amendment of Order 32

5. Order 32 of the principal Rules is amended by deleting Rule 12 and substituting the following Rule:

“Obtaining assistance of assessors or experts (O. 32, r. 12)

12. If the Court thinks it expedient in order to enable it better to determine any matter arising in proceedings in Chambers, it may obtain the assistance of an assessor or expert pursuant to Order 33 or Order 40, as the case may be.”.

Amendment of Order 33

6. Order 33 of the principal Rules is amended —

- (a) by deleting Rule 1 and substituting the following Rule:

“Mode of trial (O. 33, r. 1)

1. Subject to the provisions of these Rules, a cause or matter, or any question or issue arising therein, may be tried before a Judge or the Registrar with or without the assistance of assessors.”; and

(b) by deleting Rule 4 and substituting the following Rule:

“Trial with assistance of assessors (O. 33, r. 4)

4.—(1) This Rule applies where the Court appoints one or more assessors under section 10A or 30 (4) of the Supreme Court of Judicature Act (Chapter 322) or section 33 of the Subordinate Courts Act (Chapter 321).

(2) The assessor shall assist the Court in dealing with a matter in which the assessor has skill and experience.

(3) An assessor shall take such part in the proceedings as the Court may direct.

(4) Not less than 14 days before appointing an assessor, the Court will notify each party in writing of the name of the proposed assessor and of the qualifications of the assessor.

(5) Where any person has been proposed for appointment as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party.

(6) Any such objection must be made in writing and filed with the Court within 7 days of receipt of the notification referred to in paragraph (4) and shall be taken into account by the Court in deciding whether or not to make the appointment.

(7) The remuneration to be paid to the assessor for his services shall be determined by the Court, and shall form part of the costs of the proceedings.

(8) The Court may order any party to deposit in court a specified sum in respect of the assessor’s fees and, where it does so, the assessor will not be asked to act until the sum has been deposited.

(9) Paragraphs (7) and (8) shall have no application where the remuneration of the assessor is to be paid out of moneys provided by Parliament.”.

Amendment of Order 38

7. Order 38 of the principal Rules is amended by deleting Rule 4.

Amendment of Order 40

8. Order 40, Rule 1 of the principal Rules is amended —

- (a) by inserting, immediately after the words “at any time,” in the 2nd line of paragraph (1), the words “on its own motion or”;
- (b) by deleting the words “An expert appointed under this paragraph is referred to in this Order as a court expert.” in the 7th and 8th lines of paragraph (1); and
- (c) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) An expert appointed under this Order or under Order 32, Rule 12 shall be referred to as a court expert.”.

New Order 40A

9. The principal Rules are amended by inserting, immediately after Order 40, the following Order:

“ORDER 40A

EXPERTS OF PARTIES

Limitation of expert evidence (O. 40A, r. 1)

1.—(1) The Court may, at or before the trial of any action, by order limit the number of expert witnesses who may be called at the trial to such number as it may specify.

(2) A reference to an “expert” in this Order is a reference to an expert who has been instructed to give or prepare evidence for the purpose of court proceedings.

Expert’s duty to the Court (O. 40A, r. 2)

2.—(1) It is the duty of an expert to assist the Court on the matters within his expertise.

(2) This duty overrides any obligation to the person from whom he has