

Rules of Court (Amendment No. 2) Rules 1998

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No. S 612

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 2) RULES 1998

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. 2) Rules 1998 and shall come into operation on 1st January 1999.

(2) Rules 3, 5, 6, 7 (*a*), 8, 11 (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) and 12 (*f*), (*g*), (*h*) and (*i*) shall apply to appeals from any judgment, order or decision of a Subordinate Court where the judgment, order or decision appealed against, or in respect of which leave to appeal is sought, was made on or after 1st January 1999.

(3) Rules 7 (*b*), (*c*) and (*d*) and 12 (*a*), (*b*), (*c*), (*d*) and (*e*) shall apply to appeals to the Court of Appeal in respect of which the notice of appeal referred to in Order 57, Rule 3(1) of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) was filed and served on or after 1st January 1999.

Amendment of Order 13

2. Order 13, Rule 1 of the principal Rules is amended by inserting, immediately after “6%” in the sixth line of paragraph (2), the words “per annum”.

Amendment of Order 14

3. Order 14 of the principal Rules is amended by deleting Rule 14.

Amendment of Order 49

4. Order 49, Rule 1 of the principal Rules is amended by deleting the words “(other than the Post Office Savings Bank)” in the third line of paragraph (3).

Amendment of Order 55B

5. Order 55B, Rule 1 of the principal Rules is amended —

(*a*) by deleting paragraph (1) and substituting the following paragraphs:

“(1) An appeal shall lie to a District Judge in Chambers from any judgment, order or decision of the Registrar in Chambers.

(2) The Chief Justice may, from time to time, direct that such

class or classes or description of proceedings be heard in Chambers, and any such proceedings, whether heard in open Court or in Chambers, shall be deemed to have been heard in Chambers for the purpose of paragraph (1).”;

- (b) by inserting, immediately after the words “District Judge” in paragraph (2), the words “in Chambers”; and
- (c) by renumbering the existing paragraphs (2), (3) and (4) as paragraphs (3), (4) and (5), respectively.

Deletion and substitution of Order 55C and new Order 55D

6. The principal Rules are amended by deleting Order 55C and substituting the following Orders:

“ORDER 55C

APPEALS FROM DISTRICT JUDGES IN CHAMBERS

Appeals from decisions of District Judges in Chambers (O. 55C, r. 1)

1.—(1) An appeal shall lie to a Judge of the High Court in Chambers from any judgment, order or decision of the 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.

(2) The Chief Justice may, from time to time, direct that such class or classes or description of proceedings be heard in Chambers, and any such proceedings, whether heard in open Court or in Chambers, shall be deemed to have been heard in Chambers for the purpose of paragraph (1).

(3) The appeal shall be brought by serving on every other party to the proceedings in which the judgment, order or decision was given or made a notice in Form 114F to attend before the Judge of the High Court in Chambers on a day specified in the notice.

(4) Unless the Court otherwise orders, the notice must be issued within 14 days

after the judgment, order or decision appealed against was given or made and served on all other parties within 7 days of it being issued.

(5) Except so far as the Court may otherwise direct, an appeal under this Rule shall not operate as a stay of the proceedings in which the appeal is brought.

Leave to appeal (O. 55C, r. 2)

2.—(1) A party applying for leave under section 21(1) of the Supreme Court of Judicature Act (Chapter 322) to appeal against any judgment, order or decision of a District Judge in Chambers (not given or made in his capacity as the Registrar), must file his application —

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

(2) A party who has obtained leave to appeal under this Rule shall file and serve the notice of appeal within 14 days from the date on which such leave was given.

Enforcement of judgments which have been the subject-matter of an appeal (O. 55C, r. 3)

3. The taking of any steps for the execution or enforcement of a judgment or order which has been the subject-matter of an appeal must be in the Subordinate Courts.

ORDER 55D

APPEALS FROM SUBORDINATE COURTS

Application of Order to appeals (O. 55D, r. 1)

1. This Order applies to every appeal to the High Court from the Subordinate Courts except for appeals to which Order 55C is applicable.

Application of Order to applications for new trial (O. 55D, r. 2)

2. This Order (except so much of Rule 3(1) as provides that an appeal shall be by way of rehearing) applies to an application to the High Court for a new trial or to set aside a finding or judgment after trial, as it applies to an appeal to that Court, and references in this Order to an appeal and to an appellant shall be construed accordingly.

Notice of appeal (O. 55D, r. 3)

3.—(1) An appeal to the High Court from the Subordinate Courts shall be by way of rehearing and must be brought by notice of appeal in Form 114A.

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the Court below; and every such notice must state whether the whole or part only, and what part, of the judgment or order is complained of, contain an address for service, and be signed by the appellant or his solicitor.

(3) For the avoidance of doubt, any party who desires to contend that the decision of the Court below should be varied in any event must file and serve a notice of appeal.

(4) The appellant must at the time of filing the notice of appeal deposit in the Registry such sum as the Registrar may require towards the fee for making copies of the record of proceedings.

(5) The appellant must at the time of filing the notice of appeal deposit a sum of \$2,000 for Magistrate's Court actions and \$3,000 for District Court actions or such other sum as may be fixed from time to time by the Chief Justice by way of security for the respondent's costs of the appeal in the Registry or with the Accountant-General and obtain a certificate in Form 114B.

(6) The High Court may at any time, in any case where it thinks fit, order further security for costs to be given.

(7) The Registrar must assign a number to the notice of appeal and enter the appeal on the list of appeals, stating therein the title of the cause or matter, the name of the appellant and his solicitor, if any, and the date of such entry.

(8) The notice of appeal must be served on all parties to the proceedings in the Court below who are directly affected by the appeal or their solicitors respectively