

# **Rules of Court (Amendment No. 2) Rules 1997**

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**No. S 283**

**SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)**

**RULES OF COURT (AMENDMENT NO. 2) RULES 1997**

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 1997 and shall come into operation on 1st July 1997.

(2) Rules 3, 4, 14 and 17(1) shall apply only to proceedings commenced on or after 1st July 1997.

(3) Rules 9, 10 and 11 shall apply only to appeals to the Court of Appeal in respect of which the notice of appeal was filed on or after 1st July 1997.

(4) Rules 13 and 17(4) shall apply only to cases in which the order for the discharge of the solicitor was made on or after 1st July 1997, or in which the legal aid certificate was revoked or discharged on or after 1st July 1997.

**Amendment of Order 1**

**2.** Order 1, Rule 4 of the Rules of Court (G.N. No. S 71/96) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after the definition of “cause book”, the following definition:

“ “Civil Procedure Convention” includes any convention, treaty or agreement of any description or any provision thereof between different States relating to civil procedure in the court;”.

### **Amendment of Order 10**

3. Order 10, Rule 1 of the principal Rules is amended —

- (a) by deleting the words “paragraph (2) or (3)” in the second line of paragraph (4) and substituting the words “paragraph (3)”; and
- (b) by deleting the words “the person serving it endorses on it” in the third line of paragraph (4) and substituting the words “the plaintiff files a memorandum of service in Form 11 containing”.

### **Amendment of Order 21**

4. Order 21, Rule 2 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraphs:

“(5) An action begun by writ is deemed to have been discontinued against a defendant if the memorandum of service referred to in Order 10, Rule 1(4), is not filed in respect of the service of the writ on that defendant within 12 months after the validity of the writ for the purpose of service has expired, and, within that time —

- (a) a memorandum of appearance has not been filed in the action by that defendant; and
- (b) judgment has not been obtained in the action against that defendant in respect of the whole or any part of the relief claimed against that defendant in the action.

(6) Where an action has been discontinued under paragraph (5), the Court may, on application, reinstate the action and allow it to proceed on such terms as it thinks just.”.

### **Amendment of Order 25**

5. Order 25 of the principal Rules is amended —

- (a) by deleting the words “to file and” in the first line of paragraph (1)(a) of Rule 3;
- (b) by deleting the words “and the bundles of documents referred to therein” in the third and fourth lines of paragraph (1)(a) of Rule 3;

- (c) by deleting the words “file and exchange” in the second line of Rule 8(1)(e) and substituting the words “exchange, without filing.”; and
- (d) by deleting Rule 9.

## **Amendment of Order 34**

6. Order 34, Rule 3 of the principal Rules is amended —

- (a) by inserting at the end of paragraph (1)(c), the word “and”;
- (b) by deleting sub-paragraphs (d) and (e) of paragraph (1) and substituting the following sub-paragraph:

“(d) a certificate in Form 63B, signed by all parties to the action or their solicitors, to the effect that all affidavits of the evidence-in-chief of witnesses ordered or required to be exchanged pursuant to Order 25 have been so exchanged.”;

- (c) by deleting the words “Subject to paragraph (3), the” in the first line of paragraph (2) and substituting the word “The”;
- (d) by deleting paragraph (3); and
- (e) by inserting, immediately after Rule 3, the following Rule:

### **“Lodging documents prior to trial (O. 34, r. 3A)**

**3A.—**(1) The following documents must be filed not less than 5 days before the trial of an action:

- (a) the originals of the affidavit of the evidence-in-chief of all witnesses; and
- (b) a bundle of all documents that will be relied on or referred to in the course of the trial by any party, including any documents that are exhibited to the affidavits of the evidence-in-chief of all witnesses.

(2) Each party shall file the affidavits of the evidence-in-chief of that party’s witnesses.

(3) The contents of the bundle of the documents referred to in paragraph (1)(b) shall be agreed on between all parties as far as possible and this bundle of agreed documents shall be filed by the plaintiff.

(4) If the parties are unable to agree on the inclusion of certain documents, those documents on which agreement cannot be reached shall be included in separate bundles, and each such bundle shall be filed by the party that intends to rely on or refer to the documents in that bundle at the same time as the bundle of documents referred to in paragraph (1)(b).

(5) The documents contained in bundles must be arranged chronologically or in some logical order and must be paginated.

(6) Care must be taken to avoid duplication within the same bundle.

(7) The contents and format of every bundle of documents filed in pursuance of this Rule shall comply with the requirements laid down in any practice directions for the time being issued by the Registrar.

(8) Any party may apply at any time to the Registrar for directions as to the filing, bundling and organisation of documents intended to be used at the trial of the action, and, on such application, the Registrar may make such order or give such direction as he thinks is necessary to achieve the just, expeditious and economical conduct of the trial of the action.”.

## **Amendment of Order 34A**

7. Order 34A of the principal Rules is amended —

(a) by renumbering Rule 1 as paragraph (1) of that Rule, and by inserting immediately thereafter the following paragraphs:

“(2) Where any party fails to comply with any order made or direction given by the Court under paragraph (1), the Court may dismiss the action, strike out the defence or counterclaim or make such other order as it thinks fit.

(3) The Court may, in exercising its powers under paragraph (1), make such order as to costs as it thinks fit.

(4) Any judgment, order or direction given or made against any party who does not appear before the Court when directed to do so under paragraph (1) may be set aside or varied by the Court on such terms as it thinks just.”; and