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SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 5) RULES 2020

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Rules of Court (Amendment No. 5) Rules 2020 and come into operation on 2 January 2021.

Amendment of Order 1

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

- (a) by inserting, immediately before the words “Order 57” in item 4 of the Table below Rule 2(2) under the heading “*Applicable Provisions*”, the words “Order 56A,”;
- (b) by inserting, immediately before the definition of “attend” in Rule 4(1), the following definition:

““Appellate Division” means the Appellate Division of the High Court;”;
- (c) by deleting the words “High Court” in paragraph (c) of the definition of “Family Court proceedings” in Rule 4(1) and substituting the words “General Division”;
- (d) by inserting, immediately after the definition of “Form” in Rule 4(1), the following definition:

““General Division” means the General Division of the High Court;”;

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- (e) by deleting the words “judge of the High Court” in the definition of “Judge” in Rule 4(1) and substituting the words “judge sitting in the General Division”;
- (f) by deleting the words “means the High Court” in Rule 4(2) and substituting the words “means the General Division”;
- (g) by deleting the words “judge of the High Court” in Rule 4(2) and substituting the words “judge sitting in the General Division”;
- (h) by inserting, immediately after sub-paragraph (a) of Rule 9(5), the following sub-paragraph:
- “(aa) any matter or proceeding commenced in, or any appeal under any written law from any tribunal to, the Appellate Division;”;
- (i) by inserting, immediately after the words “in the High Court” in Rule 9(5)(b), the words “before 2 January 2021 or the General Division on or after that date,”;
- (j) by inserting, immediately after paragraph (a) of the definition of “Court” in Rule 9(6), the following paragraph:
- “(aa) the Appellate Division, if the relevant matter or proceeding is —
- (i) any matter, proceeding or appeal referred to in paragraph (5)(aa); or
- (ii) any appeal referred to in paragraph (5)(b), (c) or (d) to the Appellate Division, in respect of which no leave has been given under paragraph (2) or (3) by a court below;”;
- and
- (k) by deleting the words “the High Court” wherever they appear in paragraph (b) of the definition of “Court” in Rule 9(6) and substituting in each case the words “the High Court before 2 January 2021 or the General Division on or after that date”.

Amendment of Order 55D**3. Order 55D of the principal Rules is amended —**

(a) by deleting paragraph (5A) of Rule 6 and substituting the following paragraph:

“(5A) If all the parties to an appeal that is deemed to have been withdrawn under paragraph (5) consent to the payment —

(a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor’s undertaking is to be discharged; or

(b) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor’s undertaking is to be discharged.”;

(b) by deleting paragraph (3) of Rule 10 and substituting the following paragraph:

“(3) If all the parties to the appeal that has been deemed withdrawn and struck out under paragraph (2) consent to the payment —

(a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the

appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor's undertaking is to be discharged; or

- (b) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor's undertaking is to be discharged.”;
- (c) by deleting the words “the High Court may, in lieu of ordering a new trial” in Rule 12(5) and substituting the words “the General Division may”;
- (d) by deleting the comma at the end of Rule 12(5)(b) and substituting a full-stop; and
- (e) by deleting the words “but except as aforesaid the High Court shall not have power to reduce or increase the damages.” in Rule 12(5).

Amendment of Order 56

4. Order 56 of the principal Rules is amended —

- (a) by inserting, immediately after the words “decision of the Registrar” in Rule 1(1), the words “except for a judgment, an order or a decision made under Order 56A, Rule 18 or Order 57, Rule 16A”;
- (b) by deleting the words “section 28B” in Rule 2(1) and substituting the words “section 29B”; and
- (c) by deleting Rule 3 and substituting the following Rule:

“Leave to appeal against decision of General Division (O. 56, r. 3)

3.—(1) This Rule applies where any written law —

(a) expressly provides that an appeal may be brought against a decision of the General Division only with leave, or that no appeal may be brought against a decision of the General Division except with leave; and

(b) further specifies that the General Division is the court from which such leave must be obtained, or the court which may grant such leave.

(2) A party applying for any leave mentioned in paragraph (1) to appeal against a decision of the General Division must file the party’s application in the General Division within 7 days after the date of the decision.

(3) A party who has obtained leave under this Rule to appeal against a decision of the General Division must file and serve the notice of appeal within one month after the date on which such leave was given.”.

New Order 56A

5. The principal Rules are amended by inserting, immediately after Order 56, the following Order:

“ORDER 56A

APPEALS TO APPELLATE DIVISION

Application of Order to appeals (O. 56A, r. 1)

1.—(1) This Order applies to every appeal to the Appellate Division (including any appeal from any tribunal that lies to the Appellate Division under any written law, and any appeal transferred from the Court of Appeal to the Appellate Division) not being an appeal for which other provision is made by these Rules.

(2) In this Order, “Judge” has the meaning given by section 2 of the Supreme Court of Judicature Act (Cap. 322).

**Application of Order to applications for new trial
(O. 56A, r. 2)**

2. This Order (except so much of Rule 5(1) as provides that an appeal is by way of rehearing and except Rule 15(1)) applies to an application to the Appellate Division for a new trial or to set aside a finding or judgment after trial, as it applies to an appeal to the Appellate Division, and references in this Order to an appeal and to an appellant are to be construed accordingly.

**Application to Appellate Division for leave to appeal
against decision of General Division (O. 56A, r. 3)**

3.—(1) Subject to paragraph (2), an application to the Appellate Division for leave to appeal to the Appellate Division against a decision of the General Division must be made within 7 days after the date of the decision of the General Division.

(2) An application to the Appellate Division for leave to appeal to the Appellate Division against a decision to which section 29B of the Supreme Court of Judicature Act applies must be made within 7 days after —

- (a) in any case where the Judge who made the decision hears further arguments in respect of the decision — the date the Judge affirms, varies or sets aside the decision after hearing further arguments;
- (b) in any case where a request for further arguments was made, but the Judge who made the decision certifies, or is deemed to have certified, that no further arguments are required — the date the Judge certifies, or is deemed to have certified, that no further arguments are required; or
- (c) in any other case — the earlier of the following:
 - (i) the time on which the judgment or order relating to the decision is extracted;

(ii) the 15th day after the date on which the decision is made.

(3) Despite paragraphs (1) and (2), where —

(a) a party has made an application to the Court of Appeal for leave to appeal against a decision of the General Division under Order 57, Rule 2A within the time provided under that Rule; and

(b) the Court of Appeal has decided that the court from which leave to appeal must be obtained, or which may grant leave to appeal, is the Appellate Division,

that party may make an application to the Appellate Division for leave to appeal against the General Division's decision mentioned in sub-paragraph (a) within 14 days after the date of the Registrar's notification of the Court of Appeal's decision mentioned in sub-paragraph (b).

(4) A party applying for leave under this Rule —

(a) must file written submissions in accordance with practice directions issued by the Registrar; and

(b) may file a bundle of documents comprising not more than 20 pages of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits.

(5) The application and written submissions mentioned in paragraph (4)(a) and bundle of documents mentioned in paragraph (4)(b), if any, must be filed and served on all other parties to the proceedings in which the judgment or order was obtained, or on their solicitors.

(6) A party who wishes to oppose an application for leave under this Rule —

(a) must file written submissions in accordance with practice directions issued by the Registrar; and

- (b) may, together with the written submissions mentioned in sub-paragraph (a), file a bundle of documents comprising not more than 20 pages of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits,

within 7 days after the application, written submissions mentioned in paragraph (4)(a) and bundle of documents mentioned in paragraph (4)(b), if any, are served on the party.

(7) The written submissions mentioned in paragraph (6)(a) and bundle of documents mentioned in paragraph (6)(b), if any, must be served on all other parties to the proceedings in which the judgment or order was obtained, or on their solicitors.

(8) No affidavit is to be filed in an application for leave under this Rule without the leave of the Appellate Division.

(9) A party who has obtained leave to appeal to the Appellate Division under this Rule must file and serve a notice of appeal within one month after the date on which such leave is given.

Oral arguments in application to Appellate Division for leave to appeal (O. 56A, r. 4)

4.—(1) This Rule applies to all applications to the Appellate Division for leave to appeal to the Appellate Division against any decision of the General Division.

(2) No oral arguments are to be made in an application to which this Rule applies unless a notice under paragraph (3) states otherwise.

(3) For the purposes of an application to which this Rule applies, the Registrar must issue and serve on the parties a notice stating —

- (a) the Judges who will constitute the Appellate Division deciding the application;
- (b) whether oral arguments are to be made in the application; and

(c) if oral arguments are to be made, the date on which the oral arguments are to be made.

(4) Where the Appellate Division consists of 2 Judges and is divided on whether to hear oral arguments in an application —

(a) oral arguments are to be made; and

(b) the Registrar must state in the notice under paragraph (3) that oral arguments are to be made in the application.

Notice of appeal (O. 56A, r. 5)

5.—(1) An appeal to the Appellate Division is by way of rehearing and must be brought by notice of appeal in Form 112.

(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) To avoid 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 provide security for the respondent's costs of the appeal in the sum of \$15,000 for any appeal against an interlocutory order and in the sum of \$20,000 for any other appeal by —

(a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or

(b) procuring an undertaking in Form 116 from the appellant's solicitor and filing a certificate in Form 117.

(5) Unless the Appellate Division otherwise orders, where costs are payable by the appellant to the respondent under any order made by the Appellate Division —

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- (a) the deposit or sum held pursuant to the undertaking mentioned in paragraph (4)(a) or (b) is to be paid out without set-off to the respondent towards partial or total satisfaction (as the case may be) of such costs; and
- (b) the balance, if any, of the deposit or sum held pursuant to the undertaking is to be paid out to the appellant.
- (6) Unless the Appellate Division otherwise orders, where no costs are payable by the appellant to the respondent under any order made by the Appellate Division —
- (a) the deposit referred to in paragraph (4)(a) is to be paid out to the appellant; or
- (b) the undertaking referred to in paragraph (4)(b) is to be discharged.
- (7) The Appellate Division may at any time, in any case where it thinks fit, order further security for costs to be given.
- (8) The Registrar must assign a number to the notice of appeal and enter the appeal on the list of appeals, stating in that list the title of the cause or matter, the name of the appellant and the appellant's solicitor, if any, and the date of such entry.
- (9) 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 at the time of filing the notice of appeal; and, subject to Rule 11, it is not necessary to serve the notice on parties not so affected.

Time for appealing (O. 56A, r. 6)

6. Subject to Rule 3(9), every notice of appeal must be filed and served under Rule 5(9) within one month after —
- (a) in the case of an appeal from an order in Chambers — the date when the order was pronounced or when the appellant first had notice of the order;
- (b) in the case of an appeal against the refusal of an application — the date of the refusal;

- (c) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act — the date mentioned in section 29B(4)(b) of that Act; and
- (d) in any other case — the date on which the judgment or order appealed against was pronounced.

Record of proceedings (O. 56A, r. 7)

7.—(1) When a notice of appeal has been filed, the Judge who gave the judgment or made the order must, unless the judgment was written, certify in writing the grounds of the judgment or order.

(2) If no certified ground of the judgment or order has been given by the Judge within a period of 6 months after the date of the notice of appeal, the appellant must nonetheless proceed with the appeal and apply in writing to the Registrar for a copy of the record of proceedings as provided in paragraph (4).

(3) As soon as possible after notice of appeal has been filed, the Registrar must cause to be served on the appellant or his solicitor at his address for service specified in the notice of appeal a notice that a copy of the record of proceedings is available and thereupon the appellant or his solicitor must pay the prescribed fee.

(4) The record of proceedings consists of a certified copy of the judgment or grounds of judgment or order (if any), and a copy of the certified transcript of the official record of hearing taken at the hearing of the cause or matter.

Record of Appeal and Appellant's Case (O. 56A, r. 8)

8.—(1) Within 2 months after service of the notice mentioned in Rule 7(3), the appellant must file —

- (a) one copy of the record of appeal;
- (b) subject to Rule 9, the Appellant's Case referred to in that Rule; and

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- (c) a core bundle of documents (referred to in this Order as the core bundle),

and serve a copy each of these documents on every respondent to the appeal or that respondent's solicitor, except that if the appeal before the Appellate Division is to be heard by 2 Judges, these documents must be filed and served within one month after the date of service of the notice mentioned in Rule 7(3).

- (2) The record of appeal is to consist of a copy each of —
- (a) the notice of appeal;
 - (b) the certificate of payment of security for costs;
 - (c) the record of proceedings referred to in Rule 7(4);
 - (d) the affidavits of evidence-in-chief;
 - (e) the documents in the nature of pleadings;
 - (f) any other documents that are relevant to the matter decided and the nature of the appeal; and
 - (g) the judgment or order appealed from.
- (3) The core bundle must contain —
- (a) a copy of the grounds of the judgment or order referred to in Rule 7(1);
 - (b) any other documents (including the whole or any portion of any notes of evidence, pleadings and affidavits) that are relevant to any question in the appeal or will be mentioned in the Appellant's Case, the Respondent's Case or the joint Case or at the appeal;
 - (c) the judgment or order appealed from; and
 - (d) an index of the documents included in the core bundle, which must cross-refer each document to its location in the record of appeal or joint record of appeal, as the case may be.
- (4) A draft index of the documents to be included in the record of appeal must be sent by the appellant's solicitor to the

solicitors for the respondents who or (if more than one) any of whom may within 3 days object to the inclusion or exclusion of any document.

(5) Where in the course of preparation of the record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists on its being included, the record (as finally printed or typed) must, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

(6) Where an appellant omits to comply with paragraph (1), the appeal is deemed to have been withdrawn, but nothing in this Rule limits or restricts the powers of extending time conferred upon the Appellate Division.

(7) If all the parties to an appeal that is deemed to have been withdrawn under paragraph (6) consent to the payment —

- (a) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor's undertaking is to be discharged; or
- (b) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor's undertaking is to be discharged.

Preparation of Cases (O. 56A, r. 9)

9.—(1) The appellant must file the appellant’s Case (called in this Order the Appellant’s Case) within the time specified in Rule 8.

(2) The respondent must file the respondent’s Case (called in this Order the Respondent’s Case) —

(a) within one month after service on the respondent of the record of appeal, the Appellant’s Case and the core bundle; or

(b) in the event a joint record of appeal is filed, within one month after service on the respondent of the Appellant’s Case and the core bundle.

(3) If the respondent intends to refer to any document in the Respondent’s Case or at the appeal, and such document is not included in the core bundle, the respondent must file, at the same time as the Respondent’s Case, a supplemental core bundle (called in this Order the Respondent’s supplemental core bundle) which is to contain —

(a) such additional documents as are not included in the core bundle; and

(b) an index of the documents included in the supplemental core bundle, which must cross-refer each document to its location in the record of appeal or joint record of appeal, as the case may be.

(4) The form of the Case must comply with the following requirements:

(a) it must consist of paragraphs numbered consecutively;

(b) it must state, as concisely as possible —

(i) the circumstances out of which the appeal arises;

(ii) the issues arising in the appeal;

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- (iii) the contentions to be urged by the party filing it and the authorities in support of those contentions; and
 - (iv) the reasons for or against the appeal, as the case may be;
- (c) it must be in the same size and style as the record of appeal and the core bundles, with alphabetical lettering in the left hand margin at every fifth line, the first letter “A” being placed against the first line in each page, and with references in the right hand margin to the relevant pages of the record of appeal, the core bundle and the Respondent’s supplemental core bundle (if any);
- (d) care must be taken to avoid, as far as possible, the recital of long extracts from the record of appeal or the core bundle.

(5) If a party —

- (a) is abandoning any point taken in the Court below; or
- (b) intends to apply in the course of the hearing for leave to introduce a new point not taken in the Court below,

this should be stated clearly in the Case, and if the new point mentioned in sub-paragraph (b) involves the introduction of fresh evidence, this should also be stated clearly in the Case and an application for leave must be made under Rule 17 to adduce the fresh evidence.

(6) A respondent who, not having appealed from the decision of the Court below, desires to contend on the appeal that the decision of that Court should be varied in the event of an appeal being allowed in whole or in part, or that the decision of that Court should be affirmed on grounds other than those relied upon by that Court, must state so in his Case, specifying the grounds of that contention.

(7) An appellant must file an Appellant’s Reply within 2 weeks after service on the appellant of the Respondent’s Case where —

- (a) the respondent states in the Respondent’s Case that the decision of the Court below should be varied in the event of an appeal being allowed in whole or in part, or that the decision of that Court should be affirmed on grounds other than those relied upon by that Court; and
- (b) the appellant disagrees with any of the grounds of contention of the respondent mentioned in sub-paragraph (a) as stated in the Respondent’s Case.

(8) The Appellant’s Reply must be limited to addressing the issues referred to in paragraph (7)(a) raised by the respondent in the Respondent’s Case.

(9) If the appellant intends to refer to any document in the Appellant’s Reply or at the appeal, and that document is not included in either the core bundle or the Respondent’s supplemental core bundle, the appellant must file, at the same time as the Appellant’s Reply, a supplemental core bundle (called in this Order the Appellant’s supplemental core bundle) containing —

- (a) any additional documents that are not included in the core bundle and the Respondent’s supplemental core bundle; and
- (b) an index of the documents included in the Appellant’s supplemental core bundle, which cross-refers each such document to its location in the record of appeal or joint record of appeal, as the case may be.

(10) Unless the context otherwise requires, this Rule and Rule 11 apply, with the necessary modifications, in relation to an Appellant’s Reply as they apply in relation to a Case.

(11) Except with the leave of the Appellate Division, a respondent is not entitled on the hearing of the appeal —

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- (a) to contend that the decision of the Court below should be varied upon grounds not specified in the Respondent's Case;
 - (b) to apply for any relief not so specified; or
 - (c) to support the decision of the Court below upon any grounds not relied upon by that Court or specified in the Respondent's Case.

(12) A Case may be amended at any time with the leave of the Appellate Division.

(13) Except to such extent as may be necessary to the development of the argument, a Case need not set out or summarise the judgment of the Court below, nor set out statutory provisions, nor contain an account of the proceedings below or of the facts of the case.

(14) Every Case must conclude with a numbered summary of the reasons upon which the argument is founded, and must bear the name and signature of the solicitor who has prepared the Case or who will appear before the Appellate Division.

(15) The solicitor of any party, in drafting a Case, should assume that it will be read in conjunction with the documents included in the core bundle and any supplemental core bundle.

(16) All the appellants may join in one Appellants' Case, and all the respondents may similarly join in one Respondents' Case.

(17) A party whose interest in the appeal is passive (such as a stake-holder, a trustee or an executor) is not required to file a separate Case but should ensure that his position is explained in one of the Cases filed.

(18) The filing of a joint Case on behalf of both appellant and respondent may be permitted in special circumstances.

(19) No Case need be filed in any interlocutory matter or application to be heard by the Appellate Division, but Cases must be filed in any appeal arising from any interlocutory order.

(20) A party to an appeal must file together with the party's Case a bundle of authorities relied on by the Court below as well

as other authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.

(21) A respondent who fails to file the Respondent's Case within the time specified in paragraph (2) may be heard only with the leave of the Appellate Division and on such terms and conditions as the Appellate Division may impose.

(22) Except with the leave of the Appellate Division, a party cannot file any bundle of documents for an appeal before the Appellate Division, other than —

- (a) the core bundle;
- (b) the Respondent's supplemental core bundle; or
- (c) the Appellant's supplemental core bundle.

Related appeals (O. 56A, r. 10)

10.—(1) Where there are related appeals in the Appellate Division, the Appellate Division may give directions for the filing and service of a joint record of appeal, joint Cases, a joint core bundle, a joint bundle of authorities, or any other joint document, being a joint version of a document required (in this Order or any practice directions issued by the Registrar) to be filed and served for an appeal before the Appellate Division.

(2) The directions in paragraph (1) may be given by the Appellate Division on its own motion or on the application or request of any party to any of the related appeals.

Directions of Court as to service (O. 56A, r. 11)

11.—(1) The Appellate Division may in any case direct that the record of appeal, the core bundle, any supplemental core bundle and the Cases be served on any party to the proceedings in the Court below on whom it has not been served, or on any person not party to those proceedings.

(2) In any case in which the Appellate Division directs the record of appeal, the core bundle, any supplemental core bundle and the Cases to be served on any party or person, the Court may also direct that a Case be filed by such party or person.

(3) The Appellate Division may in any case where it gives a direction under this Rule —

- (a) postpone or adjourn the hearing of the appeal for such period and on such terms as may be just; and
- (b) give such judgment and make such order on the appeal as might have been given or made if the persons served pursuant to the direction had originally been parties.

Transfer of appeal under section 29D(1)(a) of Supreme Court of Judicature Act (O. 56A, r. 12)

12.—(1) For the purposes of section 29D(2)(c)(ii) of the Supreme Court of Judicature Act, the Court of Appeal may exercise its power under section 29D(1)(a) of that Act, on an application to the Court of Appeal to transfer an appeal that has been made to the Appellate Division, on the ground that it is more appropriate for the Court of Appeal to hear the appeal.

(2) For the purposes of section 29D(3) of the Supreme Court of Judicature Act, the Court of Appeal may, on its own motion or on a reference by the Appellate Division, exercise its power under section 29D(1)(a) of that Act only where —

- (a) the appeal was not made to the Appellate Division in accordance with section 29C of that Act;
- (b) it is more appropriate for the Court of Appeal to hear the appeal; or
- (c) one or more of the legal issues raised in the appeal engage one or more of the matters set out in the Sixth Schedule to that Act.

(3) For the purposes of paragraphs (1) and (2)(b), when determining whether it is more appropriate for the Court of Appeal to hear an appeal that has been made to the Appellate Division, the Court of Appeal may have regard to one or more of the following matters:

- (a) whether the proceedings relate to a matter of national or public importance;

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- (b) whether the appeal will raise a point of law of public importance;
 - (c) the complexity and novelty of the issues in the appeal;
 - (d) whether there is a decision of the Court of Appeal in relation to a point of law raised in the appeal which may be material to the outcome of the appeal;
 - (e) whether there are conflicting judicial decisions;
 - (f) the significance of the results of the proceedings;
 - (g) any other relevant matter.

(4) An application under section 29D(2)(c)(i) of the Supreme Court of Judicature Act must be made in accordance with Order 57, Rule 16, and must be filed and served within 14 days after the date of service of the notice of appeal on the respondents in the appeal.

(5) An application under section 29D(2)(c)(ii) of the Supreme Court of Judicature Act must be made in accordance with Order 57, Rule 16, and must be filed and served no later than 14 days after the date of service of the Respondent's Case.

Withdrawal of appeal (O. 56A, r. 13)

13.—(1) An appellant may at any time before his appeal is called on for hearing, file and serve on the parties to the appeal a notice to the effect that he does not intend further to prosecute the appeal.

(2) If all parties to the appeal consent to the intended withdrawal of the appeal, the appellant must file the document signifying such consent signed by the parties or by their solicitors, and upon the filing of that document, the appeal is deemed to have been withdrawn and is to be struck out of the list of appeals by the Registrar.

(3) If all the parties to the appeal that has been deemed withdrawn and struck out under paragraph (2) consent to the payment —

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- (a) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor's undertaking is to be discharged; or
 - (b) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor's undertaking is to be discharged.
- (4) If any party to the appeal does not consent to the intended withdrawal of the appeal —
- (a) the appellant, or any other party to the appeal, may apply in writing to the Appellate Division —
 - (i) for directions on any issue as to costs or otherwise that remains outstanding between the parties to the appeal; and
 - (ii) for an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the appeal;
 - (b) no oral arguments are to be made in an application under sub-paragraph (a) unless the Court otherwise directs; and
 - (c) the Registrar may, upon receiving an application under sub-paragraph (a) —
 - (i) remove the appeal from the list of appeals; and

- (ii) give directions on the making of written submissions for the application.

(5) Except as provided under paragraph (4), if any party to the appeal does not consent to the intended withdrawal of the appeal —

- (a) the appeal remains on the list of appeals; and
- (b) the Appellate Division may, at the hearing of the appeal —
 - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal; and
 - (ii) make an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the appeal.

General powers of Court (O. 56A, r. 14)

14.—(1) In hearing and deciding an appeal, the Appellate Division has all the powers and duties, as to amendment or otherwise, of the General Division.

(2) The powers of the Appellate Division under paragraph (1) and section 41(3) to (6) of the Supreme Court of Judicature Act may be exercised despite that —

- (a) no notice of appeal has been given in respect of any particular part of the decision of the Court below or by any particular party to the proceedings in that Court; or
- (b) any ground for allowing the appeal or for affirming or varying the decision of that Court is not specified in any of the Cases filed pursuant to Rule 9 or 11,

and the Appellate Division may make any order, on such terms as the Appellate Division thinks just, to ensure the determination on the merits of the real question in controversy between the parties.

(3) The powers of the Appellate Division in respect of an appeal are not to be restricted by reason of any interlocutory order from which there has been no appeal.

Powers of Court as to new trial (O. 56A, r. 15)

15.—(1) On the hearing of any appeal, the Appellate Division may, if it thinks fit, make any such order as could be made pursuant to an application for a new trial or to set aside any finding or judgment of the Court below.

(2) In any appeal on the ground that damages awarded are excessive or inadequate, the Appellate Division may —

- (a) substitute for the sum awarded such sum as appears to the Appellate Division to be proper; or
- (b) reduce or increase the sum awarded by such amount as appears to the Appellate Division to be proper in respect of any distinct head of damages erroneously included in or excluded from the sum so awarded.

(3) A new trial is not to be ordered by reason of the ruling of any Judge that a document is sufficiently stamped or does not require to be stamped.

Interest on stay of execution pending appeal (O. 56A, r. 16)

16. On an appeal from the General Division, interest for such time as execution has been delayed by the appeal must be allowed unless the General Division or Appellate Division otherwise orders.

Applications to Appellate Division (O. 56A, r. 17)

17.—(1) Except where this Order provides otherwise, every application to the Appellate Division is to be made either by originating summons or, in an appeal before the Appellate Division, by summons.

(2) Except where Rule 3(8) and paragraph (15) provide otherwise, a party to an application to the Appellate Division must, if the party wishes to file an affidavit in opposition to the

application, file that affidavit within such period as may be specified in practice directions issued by the Registrar.

(3) An affidavit is not to be received in evidence in an application to the Appellate Division unless —

(a) the affidavit is —

(i) the supporting affidavit for the application; or

(ii) an affidavit filed in accordance with Rule 3(8) or paragraph (2) or (15) (as the case may be) in opposition to the application, or in reply to the supporting affidavit for the application; or

(b) the Appellate Division gives leave for the affidavit to be received in evidence in the application.

(4) Where an appeal is to be made to the Appellate Division, and an ex parte application has been refused by the Court below, an application for a similar purpose may be made to the Appellate Division ex parte within 7 days after the date of the refusal.

(5) Whenever under these Rules an application may be made either to the Court below or to the Appellate Division, it must not be made in the first instance to the Appellate Division, except where there are special circumstances that make it impossible or impracticable to apply to the Court below.

(6) Where a party files an application to be heard by the Appellate Division, and Rule 5(4) does not apply, the party must at the time of filing the application provide security for the opposing party's costs of the application in the sum of \$5,000 by —

(a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or

(b) procuring an undertaking in Form 116 from the party's solicitor and filing a certificate in Form 117.

(7) Paragraph (6) does not apply to any application filed in a pending appeal before the Appellate Division, where security

for the respondent's costs of the appeal has been previously provided under Rule 5(4).

(8) An applicant may at any time before his application is dealt with by the Appellate Division, file and serve on the parties to the application a notice to the effect that he does not intend further to prosecute the application.

(9) If all parties to the application consent to the intended withdrawal of the application, the applicant must file the document signifying such consent signed by the parties or by their solicitors, and upon the filing of that document, the application is deemed to have been withdrawn and is to be struck out of the list of appeals by the Registrar.

(10) If all parties to the application deemed withdrawn and struck out under paragraph (9) consent to the payment —

- (a) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the application to the applicant, and the applicant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the application is to be paid out to the applicant or any solicitor's undertaking is to be discharged; or
- (b) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the application to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the application is to be paid out to the respondent or any solicitor's undertaking is to be discharged.

(11) If any party to the application does not consent to the intended withdrawal of the application —

- (a) the applicant, or any other party to the application, may request in writing —

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- (i) for directions on any issue as to costs or otherwise that remains outstanding between the parties to the application; and
 - (ii) for an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the application;
- (b) after a request under sub-paragraph (a) is made, no oral arguments are to be made in the application unless the Court otherwise directs; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
- (i) remove the application from the list of appeals; and
 - (ii) give directions on the making of written submissions for the application.

(12) Except as provided under paragraph (11), if any party to the application does not consent to the intended withdrawal of the application —

- (a) the application remains on the list of appeals; and
- (b) the Appellate Division may, at the hearing of the application —
 - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the application; and
 - (ii) make an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the application.

(13) Any application to the Appellate Division to strike out a notice of appeal must be made by summons supported by affidavit stating the grounds of the application.

(14) The summons and the supporting affidavit mentioned in paragraph (13) must be filed and served by the applicant on the parties to the application within 14 days after service of the notice of appeal on the applicant.

(15) A party to the application mentioned in paragraph (13), who wishes to reply to the applicant's affidavit, must file and serve that party's affidavit in reply, on the applicant and the other parties to the application, within 14 days after the date of service of the applicant's summons and affidavit on that party.

(16) No further affidavit is to be received in evidence without the leave of the Appellate Division.

Powers in section 40(1) of Supreme Court of Judicature Act exercisable by Registrar (O. 56A, r. 18)

18.—(1) The Registrar may exercise the powers of the Appellate Division in section 40(1)(a) of the Supreme Court of Judicature Act in the following circumstances:

- (a) where the direction or order is for the extension of time to file or serve a record of appeal, a core bundle, an Appellant's Case or a Respondent's Case, and all of the parties consent to the making of the direction or order;
- (b) where the direction or order is for the extension of time to file or serve any of the following documents:
 - (i) a supplemental core bundle, a bundle of authorities or an Appellant's Reply in an appeal;
 - (ii) written submissions required (under practice directions issued by the Registrar) to be filed and served for an application, or an affidavit in an application;
- (c) where the direction is a direction under Rule 10(1);
- (d) where the direction or order is for the amendment of any of the following documents, and all of the parties consent to the making of the direction or order:

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- (i) a notice of appeal, a record of appeal, an Appellant's Case, a Respondent's Case, a core bundle, a supplemental core bundle or a bundle of authorities in an appeal;
 - (ii) any written submissions required (under practice directions issued by the Registrar) to be filed and served for an application;
- (e) where the direction or order relates to expunging any document filed for any appeal or application, and all of the parties consent to the making of the direction or order, and for consequential directions in relation to the direction or order;
- (f) where the direction or order relates to rescheduling any hearing.

(2) An application to vary or discharge any direction or order of the Registrar under paragraph (1) may be made, to a single Judge sitting in the Appellate Division, within 7 days after the date on which that direction or order is made, and the decision of that Judge is final.

Application for leave under section 40(4) of Supreme Court of Judicature Act (O. 56A, r. 19)

19. An application for the leave of a Judge under section 40(4)(b) of the Supreme Court of Judicature Act, to make an application to discharge or vary any direction or order mentioned in section 40(4)(a) of that Act, must be filed within 7 days after the date on which that direction or order is made.

Extension of time (O. 56A, r. 20)

20. Without prejudice to the power of the Appellate Division under Order 3, Rule 4 to extend the time prescribed by any provision of this Order, the period for filing and serving the notice of appeal under Rule 6, or for making an application ex parte under Rule 17(4), may be extended by the Court below on application made before the expiration of that period.

Appellant or respondent not appearing (O. 56A, r. 21)

21.—(1) If on any day fixed for the hearing of an appeal, the appellant does not appear in person or by an advocate, the appeal may be dismissed.

(2) If the appellant appears, and any respondent fails to appear, either in person or by an advocate, the appeal must proceed in the absence of such respondent, unless the Appellate Division for any sufficient reason sees fit to adjourn the hearing of the appeal.

(3) Where any appeal is dismissed or allowed under paragraph (1) or (2), the party who was absent may apply to the Appellate Division for the rehearing of the appeal; and where it is proved that there was sufficient reason for the absence of such party, the Appellate Division may order that the appeal be restored for hearing upon such terms as to costs or otherwise as the Appellate Division thinks fit.

Judgment (O. 56A, r. 22)

22.—(1) Subject to paragraphs (3) and (4), the judgment of the Appellate Division must be pronounced in open Court, either on the conclusion of the hearing of the appeal or application or on a subsequent day of which notice must be given by the Registrar to the parties to the appeal or application.

(2) The judgment of the Appellate Division may be pronounced in the absence of any of the Judges who composed the Appellate Division, and the judgment of such Judge may be read by any Judge present.

(3) Whenever the Appellate Division has a written judgment or judgments to be delivered, it may deliver the judgment or judgments by directing copies of the judgment to be handed to the parties or their solicitors upon payment of the appropriate charges.

(4) Where the Appellate Division decides an appeal or application without hearing oral arguments, the Appellate

Division may direct the Registrar to inform the parties of the decision of the Appellate Division.

(5) Subject to paragraph (6), where proceedings in the Appellate Division are heard in camera pursuant to any written law, any judgment pronounced or delivered in such proceedings must not be available for public inspection.

(6) Despite paragraph (5), the Appellate Division may, on such terms as it may impose, allow an inspection of such judgment by, or a copy of such judgment to be furnished to, a person who is not a party to the proceedings.

(7) Subject to paragraph (5), a copy of every judgment of the Appellate Division is to be available for public inspection upon payment of the prescribed fee, and a copy of the judgment may be handed to any member of the public upon payment of the appropriate charges, and nothing in Order 60, Rule 4 applies to this Rule.

Consent judgment or order (O. 56A, r. 23)

23.—(1) In any appeal or application to the Appellate Division, the parties may inform the Registrar in writing that they wish to record a consent judgment or order without appearing before the Appellate Division.

(2) For the purposes of paragraph (1), the parties must inform the Registrar of the terms of the consent judgment or order that they wish to record.

(3) The Appellate Division may record the consent judgment or order without requiring the parties to appear before the Appellate Division.

(4) Where the Appellate Division has recorded a consent judgment or order under paragraph (3), the Registrar must inform the parties of —

- (a) the recording of the consent judgment or order; and
- (b) the Judge or Judges who constituted the Appellate Division.

Expedited appeals and applications (O. 56A, r. 24)

24.—(1) Where an appeal or application is one of urgency, any party may apply to a Judge sitting in the Appellate Division or, if one is not available, to a Judge sitting in the General Division (including the Judge hearing the proceedings in the Court below), for such directions as may be appropriate with a view to expediting the appeal or application for hearing before the Appellate Division.

(2) Such an application must be made by summons supported by affidavit or may, with the leave of the Judge to whom the application is made, be made orally.

(3) Such an application may be made at any stage of the proceedings.

(4) The Judge to whom the application is made may deal with such an application in such manner as he considers fit in the interests of justice, including —

(a) making directions without the need to inform or to hear any party; and

(b) dispensing with compliance with any of these Rules (including this Rule) or any Practice Direction, or directing that such Rule or Practice Direction be modified in its application to the proceedings.

(5) Any party seeking a revocation or variation of any directions made under this Rule, or seeking further directions, may apply in the manner provided in this Order.”.

Amendment of Order 57

6. Order 57 of the principal Rules is amended —

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

“Application of Order to appeals (O. 57, r. 1)

1.—(1) This Order applies to every appeal to the Court of Appeal (including any appeal transferred to that Court and any appeal to that Court from any tribunal from which an appeal lies to that Court under

any written law) not being an appeal for which other provision is made by these Rules.

(2) In this Order, “Judge” has the meaning given by section 2 of the Supreme Court of Judicature Act (Cap. 322).”;

(b) by deleting Rule 2A and substituting the following Rule:

“Application to Court of Appeal for leave to appeal against decision of General Division or Appellate Division (O. 57, r. 2A)

2A.—(1) Subject to paragraph (2), an application to the Court of Appeal for leave to appeal to that Court against a decision of the General Division or the Appellate Division must be made within 7 days after the date of the decision of the General Division or the Appellate Division, as the case may be.

(2) An application to the Court of Appeal for leave to appeal to that Court against a decision to which section 29B of the Supreme Court of Judicature Act applies must be made within 7 days after —

- (a) in any case where the Judge who made the decision hears further arguments in respect of the decision — the date the Judge affirms, varies or sets aside the decision after hearing further arguments;
- (b) in any case where a request for further arguments was made, but the Judge who made the decision certifies, or is deemed to have certified, that no further arguments are required — the date the Judge certifies, or is deemed to have certified, that no further arguments are required; or
- (c) in any other case — the earlier of the following:

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- (i) the time on which the judgment or order relating to the decision is extracted;
 - (ii) the 15th day after the date on which the decision is made.

(3) For the purposes of section 47(3) of the Supreme Court of Judicature Act, in deciding whether to grant leave under section 47(1) of that Act, the Court of Appeal is to have regard (in addition to the matter specified in section 47(2) of that Act of whether the appeal will raise a point of law of public importance) to whether it is appropriate for that Court to hear a further appeal from the Appellate Division, taking into account all relevant matters, including either or both of the following:

- (a) whether a decision of the Court of Appeal is required to resolve the point of law;
- (b) whether the interests of the administration of justice, either generally or in the particular case, require the consideration by the Court of Appeal of the point of law.

(4) Despite paragraphs (1) and (2), where —

- (a) a party has made an application to the Appellate Division for leave to appeal against a decision of the General Division under Order 56A, Rule 3 within the time provided under that Rule; and
- (b) the Appellate Division has decided that the court from which leave to appeal must be obtained, or which may grant leave to appeal, is the Court of Appeal,

that party may make an application to the Court of Appeal for leave to appeal against the General Division's decision mentioned in sub-paragraph (a) within 14 days after the date of the Registrar's

notification of the Appellate Division's decision mentioned in sub-paragraph (b).

(5) A party applying for leave under this Rule —

(a) must file written submissions in accordance with practice directions issued by the Registrar; and

(b) may file a bundle of documents comprising not more than 20 pages of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits.

(6) The application and written submissions mentioned in paragraph (5)(a) and bundle of documents mentioned in paragraph (5)(b), if any, must be filed and served on all other parties to the proceedings in which the judgment or order was obtained, or on their solicitors.

(7) A party who wishes to oppose an application for leave under this Rule —

(a) must file written submissions in accordance with practice directions issued by the Registrar; and

(b) may, together with the written submissions mentioned in sub-paragraph (a), file a bundle of documents comprising not more than 20 pages of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits,

within 7 days after the application, written submissions mentioned in paragraph (5)(a) and bundle of documents mentioned in paragraph (5)(b), if any, are served on the party.

(8) The written submissions mentioned in paragraph (7)(a) and bundle of documents mentioned in paragraph (7)(b), if any, must be served on all other parties to the proceedings in which the judgment or order was obtained, or on their solicitors.

(9) No affidavit is to be filed in an application for leave under this Rule without the leave of the Court of Appeal.

(10) A party who has obtained leave to appeal to the Court of Appeal under this Rule must file and serve a notice of appeal within one month after such leave is given.”;

- (c) by deleting the words “judgment or order of the High Court” in Rule 2B(1) and substituting the words “decision of the General Division or the Appellate Division”;
- (d) by deleting the words “Judges of Appeal” in Rule 2B(3)(a) and (4) and substituting in each case the word “Judges”;
- (e) by deleting the words “\$10,000 or such other sum as may be fixed from time to time by the Chief Justice” in Rule 3(3) and substituting the words “\$15,000 for any appeal against an interlocutory order and in the sum of \$20,000 for any other appeal”;
- (f) by deleting the words “Rule 2A(8) and Order 56, Rule 3(2)” in Rule 4 and substituting the words “Rule 2A(10)”;
- (g) by deleting the word “and” at the end of Rule 4(b);
- (h) by deleting paragraph (c) of Rule 4 and substituting the following paragraphs:
 - “(c) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act — from the date mentioned in section 29B(4)(b) of that Act; and

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- (d) in any other case — from the date on which the judgment or order appealed against was pronounced.”;
- (i) by deleting the words “the Judge” in Rule 5(1) and the proviso and substituting in each case the words “the Judge or Judges”;
- (j) by deleting the words “and a copy of the certified transcript” in Rule 5(3) and substituting the words “and, in an appeal from the General Division, a copy of the certified transcript”;
- (k) by deleting sub-paragraph (a) of Rule 9(1) and substituting the following sub-paragraph:
- “(a) one copy of the record of appeal or, in the case of a further appeal from the Appellate Division, one copy of the supplemental record of appeal;”;
- (l) by deleting the words “Judges of Appeal” in Rule 9(1) and substituting the word “Judges”;
- (m) by inserting, immediately after paragraph (2) of Rule 9, the following paragraph:
- “(2AA) In a further appeal from the Appellate Division —
- (a) the record of appeal filed under Order 56A, Rule 8(1) stands as the record of appeal in the Court of Appeal; and
- (b) the supplemental record of appeal consists of a copy each of —
- (i) the notice of appeal to the Court of Appeal;
- (ii) the certificate of payment of security for costs in respect of the appeal to the Court of Appeal;

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- (iii) the record of proceedings mentioned in Rule 5(3);
 - (iv) the order granting leave to appeal to the Court of Appeal; and
 - (v) the Cases filed under Order 56A, Rule 9.”;
- (n) by deleting paragraph (4A) of Rule 9 and substituting the following paragraph:
- “(4A) If all the parties to an appeal that is deemed to have been withdrawn under paragraph (4) consent to the payment —
- (a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor’s undertaking is to be discharged; or
 - (b) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor’s undertaking is to be discharged.”;
- (o) by inserting, immediately after the words “the record of appeal” in Rule 9A(2)(a), the words “or supplemental record of appeal”;

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- (p) by inserting, immediately after the words “the record of appeal” in Rule 9A(5C)(b), the words “, supplemental record of appeal”;
- (q) by deleting paragraphs (18) to (22) of Rule 9A;
- (r) by inserting, immediately after Rule 9A, the following Rule:

“Related appeals (O. 57, r. 9B)

9B.—(1) Where there are related appeals in the Court of Appeal, the Court of Appeal may give directions for the filing and service of a joint record of appeal, a joint supplemental record of appeal, joint Cases, a joint core bundle, a joint bundle of authorities, or any other joint document, being a joint version of a document required (in this Order or any practice directions issued by the Registrar) to be filed and served for an appeal before the Court of Appeal.

(2) The directions in paragraph (1) may be given by the Court of Appeal on its own motion or on the application or request of a party to any of the related appeals.”;

- (s) by inserting, immediately after the words “the record of appeal” in Rule 10(1) and (2), the words “or supplemental record of appeal”;
- (t) by inserting, immediately after Rule 10, the following Rule:

**“Transfer of appeal under section 29E(1) of
Supreme Court of Judicature Act (O. 57, r. 10A)**

10A.—(1) For the purposes of section 29E(3) of the Supreme Court of Judicature Act, the Court of Appeal is to have regard to the following matters, in deciding whether to exercise the power in section 29E(1) of that Act on its own motion, to transfer to the Appellate

Division an appeal against a decision of the General Division that has been made to the Court of Appeal:

- (a) the appeal was not made to the Court of Appeal in accordance with section 29C of that Act;
- (b) none of the legal issues raised on appeal engage any of the matters set out in the Sixth Schedule to that Act;
- (c) all of the legal issues raised on appeal in relation to the matters set out in the Sixth Schedule to that Act relate to issues of settled law.

(2) An application under section 29E(2)(b) of the Supreme Court of Judicature Act to transfer to the Appellate Division an appeal against a decision of the General Division that has been made to the Court of Appeal —

- (a) must be made in accordance with Rule 16; and
- (b) must be filed and served within 14 days after the date of service of the notice of appeal on the respondents in the appeal.”;

(u) by deleting paragraph (2) of Rule 11 and substituting the following paragraphs:

“(2) If all parties to the appeal consent to the intended withdrawal of the appeal, the appellant must file the document signifying such consent signed by the parties or by their solicitors, and upon the filing of that document, the appeal is deemed to have been withdrawn and is to be struck out of the list of appeals by the Registrar.

(2A) If all the parties to the appeal that has been deemed withdrawn and struck out under paragraph (2) consent to the payment —

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- (a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the appellant, and the appellant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the appellant or any solicitor’s undertaking is to be discharged; or
- (b) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the appeal to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the appeal is to be paid out to the respondent or any solicitor’s undertaking is to be discharged.”;
- (v) by inserting, immediately after the words “sub-paragraph (a)” in Rule 11(3)(b), the words “unless the Court otherwise directs”;
- (w) by deleting paragraphs (1), (2) and (3) of Rule 13 and substituting the following paragraph:
- “(1) In hearing and deciding an appeal, the Court of Appeal has all the powers and duties, as to amendment and otherwise, of the General Division.”;
- (x) by deleting the words “paragraphs (1), (2) and (3)” in Rule 13(4) and substituting the words “paragraph (1) and section 59(3) to (6) of the Supreme Court of Judicature Act”;
- (y) by deleting paragraphs (2) and (3) of Rule 14;
- (z) by deleting the words “, in lieu of ordering a new trial” in Rule 14(4);

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- (za) by deleting the comma at the end of Rule 14(4)(b) and substituting a full-stop;
 - (zb) by deleting the words “but except as aforesaid the Court of Appeal shall not have power to reduce or increase the damages.” in Rule 14(4);
 - (zc) by deleting Rule 15 and substituting the following Rule:

**“Interest on stay of execution pending appeal
(O. 57, r. 15)**

15. On an appeal from the General Division or the Appellate Division, interest for such time as execution has been delayed by the appeal must be allowed unless the court whose decision is appealed against or the Court of Appeal otherwise orders.”;

- (zd) by deleting paragraph (2B) of Rule 16;
- (ze) by inserting, immediately after the word “Where” in Rule 16(3), the words “an appeal is to be made to the Court of Appeal, and”;
- (zf) by deleting the words “or such other sum as may be fixed from time to time by the Chief Justice” in Rule 16(5);
- (zg) by deleting paragraph (8) of Rule 16 and substituting the following paragraphs:

“(8) If all parties to the application consent to the intended withdrawal of the application, the applicant must file the document signifying such consent signed by the parties or by their solicitors, and upon the filing of that document, the application is deemed to have been withdrawn and is to be struck out of the list of appeals by the Registrar.

(8A) If all parties to the application deemed withdrawn and struck out under paragraph (8) consent to the payment —

- (a) of any sum lodged in Court or any sum held pursuant to a solicitor’s undertaking as security for the costs of the application to

the applicant, and the applicant files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the application is to be paid out to the applicant or any solicitor's undertaking is to be discharged; or

(b) of any sum lodged in Court or any sum held pursuant to a solicitor's undertaking as security for the costs of the application to the respondent, and the respondent files the document signifying such consent signed by the parties or by their solicitors, then any sum lodged in Court as security for the costs of the application is to be paid out to the respondent or any solicitor's undertaking is to be discharged.”;

(zh) by inserting, immediately after the word “application” in Rule 16(9)(b), the words “unless the Court otherwise directs”;

(zi) by deleting Rule 16A and substituting the following Rules:

“Powers in section 58(1) of Supreme Court of Judicature Act exercisable by Registrar (O. 57, r. 16A)

16A.—(1) The Registrar may exercise the powers of the Court of Appeal in section 58(1)(a) of the Supreme Court of Judicature Act (Cap. 322) in the following circumstances:

(a) where the direction or order is for the extension of time to file or serve a record of appeal, a core bundle, an Appellant's Case or a Respondent's Case, and all of the parties consent to the making of the direction or order;

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- (b) where the direction or order is for the extension of time to file or serve any of the following documents:
 - (i) a supplemental core bundle, a bundle of authorities or an Appellant's Reply in an appeal;
 - (ii) written submissions required (under practice directions issued by the Registrar) to be filed and served for an application, or an affidavit in an application;
 - (c) where the direction is a direction under Rule 9B(1);
 - (d) where the direction or order is for the amendment of any of the following documents, and all of the parties consent to the making of the direction or order:
 - (i) a notice of appeal, a record of appeal, an Appellant's Case, a Respondent's Case, a core bundle, a supplemental core bundle or a bundle of authorities in an appeal;
 - (ii) any written submissions required (under practice directions issued by the Registrar) to be filed and served for an application;
 - (e) where the direction or order relates to expunging any document filed for any appeal or application, and all of the parties consent to the making of the direction or order, and for consequential directions in relation to the direction or order;
 - (f) where the direction or order relates to rescheduling any hearing.

(2) An application to vary or discharge any direction or order of the Registrar under paragraph (1) may be made, to a single Judge sitting in the Court of Appeal, within 7 days after the date on which that direction or order is made, and the decision of that Judge is final.

Application for leave under section 58(4) of Supreme Court of Judicature Act (O. 57, r. 16B)

16B. An application for the leave of a Judge under section 58(4)(b) of the Supreme Court of Judicature Act, to make an application to discharge or vary any direction or order mentioned in section 58(4)(a) of that Act, must be filed within 7 days after the date on which that direction or order is made.”;

(zj) by deleting paragraphs (1) and (2) of Rule 19 and substituting the following paragraphs:

“(1) Subject to paragraphs (3) and (3A), the judgment of the Court of Appeal must be pronounced in open Court, either on the conclusion of the hearing of the appeal or application or on a subsequent day of which notice must be given by the Registrar to the parties to the appeal or application.

(2) The judgment of the Court of Appeal may be pronounced in the absence of any of the Judges who composed the Court of Appeal, and the judgment of such Judge may be read by any Judge present.”;

(zk) by inserting, immediately after paragraph (3) of Rule 19, the following paragraph:

“(3A) Where the Court of Appeal decides an appeal or application without hearing oral arguments, the Court of Appeal may direct the Registrar to inform the parties of the decision of the Court of Appeal.”;

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- (zl) by deleting the words “Judges of Appeal” in Rule 19A(4)(b) and substituting the words “Judge or Judges”;
 - (zm) by deleting the words “to a Judge of Appeal or, if one is not available, to a Judge” in Rule 20(1) and substituting the words “to a Judge sitting in the Court of Appeal or, if one is not available, to a Judge sitting in the General Division or the Appellate Division”;
 - (zn) by deleting the words “Judge of Appeal or the Judge, as the case may be” in Rule 20(2) and substituting the words “Judge to whom the application is made”; and
 - (zo) by deleting the words “Judge of Appeal or the Judge, as the case may be,” in Rule 20(4) and substituting the words “Judge to whom the application is made”.

Amendment of Order 69

7. Order 69 of the principal Rules is amended —

- (a) by deleting the full-stop at the end of the definition of “arbitral tribunal” in Rule 1 and substituting a semi-colon, and by inserting immediately thereafter the following definition:
 - ““appellate court” has the same meaning as in the Act.”;
- (b) by deleting the words “Court of Appeal” in Rule 8 and substituting the words “appellate court”;
- (c) by deleting the words “Court within” in Rule 8 and substituting the words “appellate court within”; and
- (d) by deleting the words “Court of Appeal” in the rule heading of Rule 8 and substituting the words “appellate court”.

Amendment of Order 90A

8. Order 90A of the principal Rules is amended —

- (a) by deleting the words “before the Court of Appeal” in Rules 2(1) and 5(1) and substituting in each case the words “before the Appellate Division or the Court of Appeal”;
- (b) by inserting, immediately after the words “withdrawn under” in Rule 2(4)(a), the words “Order 56A or”;
- (c) by deleting the words “fee in Court of Appeal” in the Rule heading of Rule 2 and substituting the words “fees in Appellate Division and Court of Appeal”;
- (d) by deleting the words “before the Court of Appeal to that Court” in Rule 5(2) and substituting the words “before the Appellate Division or the Court of Appeal to the Appellate Division or the Court of Appeal (as the case may be)”; and
- (e) by deleting the words “The Court” in Rule 5(3) and substituting the words “The General Division, the Appellate Division”.

Amendment of Order 90B

9. Order 90B of the principal Rules is amended —

- (a) by inserting, immediately after the words “the core bundle under” in Rule 1(1)(a) and (2)(c), the words “Order 56A, Rule 8(3) or”;
- (b) by inserting, immediately after the words “the Respondent’s supplemental core bundle under” in Rule 1(1)(b) and (2)(d), the words “Order 56A, Rule 9(3) or”;
- (c) by inserting, immediately after the words “the Appellant’s supplemental core bundle under” in Rule 1(1)(c) and (2)(e), the words “Order 56A, Rule 9(9) or”;
- (d) by inserting, immediately after the words “any bundle of documents that” in Rule 1(1)(d), the words “the Appellate Division has given leave under Order 56A, Rule 9(22) to file or”; and

(e) by deleting Rule 2 and substituting the following Rule:

“Refund of fees paid under Rule 1 (O. 90B, r. 2)

2.—(1) The Appellate Division may, on the application of a party to an appeal, order a refund of the whole or any part of any fee which has been paid under Rule 1 for a bundle mentioned in Rule 1(1)(a), (b), (c) or (d), if the Appellate Division is satisfied that the documents comprised in that bundle were necessary for the just, expeditious and economical disposal of the appeal.

(2) The Court of Appeal may, on the application of a party to an appeal, order a refund of the whole or any part of any fee which has been paid under Rule 1 for a bundle mentioned in Rule 1(1)(a), (b), (c) or (d), if the Court of Appeal is satisfied that the documents comprised in that bundle were necessary for the just, expeditious and economical disposal of the appeal.”.

Amendment of Order 110

10. Order 110 of the principal Rules is amended —

(a) by deleting the words “ “High Court” does not include” in Rule 1(1A) and substituting the words “ “General Division” and “High Court” do not include”;

(b) by inserting, immediately after sub-paragraph (ca) of Rule 1(2), the following sub-paragraph:

“(cb) where an agreement to submit to the jurisdiction of the General Division is concluded on or after 2 January 2021, the agreement is to be construed as including an agreement to submit to the jurisdiction of the Court, unless a contrary intention appears in the agreement;”;

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- (c) by deleting the words “High Court” wherever they appear in the following provisions and substituting in each case the words “General Division”:
- Rules 1(2)(d) and (3)(b), 2(b), 10(3)(a) and (b), 12(3), (4), (4A) and (4B), 21(1), 47(1)(b), 48(1)(b), 49(1)(b) and (2A) and 57(1);
- (d) by inserting, immediately after words “in the High Court” in Rule 1(3B)(a), the words “before 2 January 2021 or the General Division, as the case may be”;
- (e) by deleting paragraph (6) of Rule 1 and substituting the following paragraph:
- “(6) Paragraph (4) does not apply to any reference in Order 57, Rules 9(4A), 11(2A) and (3) and 16(8A) and (9) to a solicitor’s undertaking.”;
- (f) by deleting paragraph (3A) of Rule 10 and substituting the following paragraph:
- “(3A) For the purposes of paragraph (3)(a)(ii), where a choice of court agreement designates the High Court or the General Division as a court for the case, the Court is to treat each party to the agreement as a party who consents to the proceedings being heard in the General Division.”;
- (g) by deleting paragraph (5) of Rule 10 and substituting the following paragraph:
- “(5) The following decisions of the Court under this Rule are final for the purposes of section 29(a) of the Act, unless leave to appeal is granted:
- (a) a decision that the Court has and will assume jurisdiction;
- (b) a decision of the Court to transfer the proceedings to the General Division under paragraph (3)(a).”;

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- (h) by deleting paragraph (1) of Rule 12 and substituting the following paragraphs:

“(1) A case commenced before 2 January 2021 in the High Court, or commenced on or after that date in the General Division, may be transferred to the Court.

(1A) A case commenced in the Court may be transferred to the General Division.”;

- (i) by deleting paragraphs (3A) and (3B) of Rule 12 and substituting the following paragraphs:

“(3A) For the purposes of paragraph (3)(b), where a choice of court agreement designates the High Court or the General Division as a court for the case, the Court is to treat the application for the transfer of the case to the General Division as being made with the consent of each party to the agreement.

(3B) Where the Choice of Court Agreements Act (Cap. 39A) applies in a case by virtue of section 8 of that Act, and an exclusive choice of court agreement designates the High Court or the General Division as a chosen court for the case, the case may be transferred from the General Division to the Court only if the following requirements are met:

(a) the General Division considers that —

- (i) the conditions in Rule 7(1)(a) and (c) are met; and
- (ii) it is more appropriate for the case to be heard in the Court;

(b) either —

- (i) a party to the case has applied, with the consent of every other party to the case, for the transfer in accordance with Rule 13; or
- (ii) the General Division, with the consent of every party to the case,

orders the transfer on its own motion.”;

(j) by deleting Rule 13A and substituting the following Rule:

“Variation of exclusive choice of court agreement in case mentioned in Rule 10(3) or 12(3) or (3B) (O. 110, r. 13A)

13A.—(1) Where the Choice of Court Agreements Act applies in any case mentioned in Rule 10(3) or 12(3) by virtue of section 8 of that Act, and an exclusive choice of court agreement designates the Court, but not the High Court or the General Division, as a chosen court for the case, the Court may, before transferring the proceedings or case (as the case may be) to the General Division, direct every party to the agreement to vary that agreement, so as to designate the General Division as a chosen court for the case.

(2) In any case mentioned in Rule 12(3B) where an exclusive choice of court agreement designates the High Court or the General Division, but not the Court, as a chosen court for the case, the General Division may, before transferring the case to the Court, direct every party to the exclusive choice of court agreement to vary that agreement, so as to designate the Court as a chosen court for the case.”;

- (k) by inserting, immediately after the words “the High Court” in Rule 21A(2)(a), the words “or the General Division”;
- (l) by deleting the words “section 34(1)(e)” in Rules 25(5), 27(5), 30(14), 36(9) and 37(6) and substituting in each case the words “section 29(a)”;
- (m) by inserting, immediately after the words “the High Court” in Rule 26(4)(c), the words “before 2 January 2021, the Appellate Division, the General Division”;

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- (n) by deleting the words “the High Court” wherever they appear in Rules 45(2A), 47(1)(c) and 48(1)(c) and substituting in each case the words “the High Court before 2 January 2021 or the General Division”;
 - (o) by deleting the words “sections 30(2) and 36” in Rule 53(2) and substituting the words “sections 54(1) and 58”;
 - (p) by deleting the words “Judges of Appeal” in Rule 53(2) and substituting the word “Judges”; and
 - (q) by deleting Rule 58 and substituting the following Rule:

**“Transfer from General Division to Court
(O. 110, r. 58)**

58.—(1) Any proceedings relating to international commercial arbitration, that are commenced in the High Court before 2 January 2021 or the General Division by way of any originating process, may be transferred from the General Division to the Court only if —

(a) the General Division considers that the condition in Rule 57(1) is met; and

(b) either —

(i) a party has, with the consent of all other parties, applied for the transfer in accordance with Rule 13; or

(ii) the General Division, after hearing the parties, orders the transfer on its own motion.

(2) Rule 12(5) applies where the High Court before 2 January 2021 or the General Division transfers proceedings to the Court under this Rule.”.

Amendment of Appendix A**11. Appendix A to the principal Rules is amended —**

- (a) by deleting the words “HIGH COURT” in Forms 2, 4, 5, 16, 101, 102, 110A, 148, 159, 253 and 257 and substituting in each case the words “GENERAL DIVISION OF THE HIGH COURT”;
- (b) by deleting the words “High Court” wherever they appear in Forms 15, 27, 76, 82, 84, 85, 87, 101, 103, 111, 138, 148, 168, 253 and 257 and substituting in each case the words “General Division of the High Court”;
- (c) by deleting the words “Court of Appeal” in paragraph 31 of Form 44 and substituting the words “Appellate Division of the High Court/Court of Appeal”;
- (d) by deleting the words “Judge in High Court in Chambers/High Court” in Form 112 and substituting the words “Judge sitting in the General Division of the High Court in Chambers/General Division of the High Court/Appellate Division of the High Court”;
- (e) by deleting the words “to the High Court or Court of Appeal” in Form 112 and substituting the words “to the General Division of the High Court/Appellate Division of the High Court/Court of Appeal”;
- (f) by deleting the form reference specified in the second column of the Table and substituting the new form reference specified in the third column of the Table against the respective Forms specified in the first column of that Table:

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Form</i>	<i>Current form reference</i>	<i>New form reference</i>
Form 112	O. 55B, r. 1 O. 55C, r. 1 O. 55D, r. 3 O. 56, r. 1 O. 57, r. 3	O. 55B, r. 1 O. 55C, r. 1 O. 55D, r. 3 O. 56, r. 1 O. 56A, r. 5 O. 57, r. 3
Form 115	O. 55D, r. 3 O. 57, r. 3 O. 57, r. 16 O. 69, r. 6 O. 69, r. 7	O. 55D, r. 3 O. 56A, r. 5 O. 56A, r. 17 O. 57, r. 3 O. 57, r. 16 O. 69, r. 6 O. 69, r. 7
Form 116	O. 55D, r. 3 O. 57, r. 3 O. 57, r. 16	O. 55D, r. 3 O. 56A, r. 5 O. 56A, r. 17 O. 57, r. 3 O. 57, r. 16
Form 117	O. 55D, r. 3 O. 57, r. 3 O. 57, r. 16	O. 55D, r. 3 O. 56A, r. 5 O. 56A, r. 17 O. 57, r. 3 O. 57, r. 16

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- (g) by inserting, immediately after the words “Rule 3(3A) and (3B)” in Form 116, the words “/Order 56A Rule 5(5) and 5(6)”;
 - (h) by deleting the words “Court of Appeal” wherever they appear in Form 116 and substituting in each case the words “Appellate Division/Court of Appeal”;
 - (i) by deleting the words “Order 55D, Rule 3/Order 57, Rule 3” in Form 117 and substituting the words “Order 55D, Rule 3/Order 56A, Rule 5/Order 56A, Rule 17/Order 57, Rule 3”;
 - (j) by deleting the words “Judges of the Supreme Court” in paragraph 1 of Form 120 and substituting the words “Supreme Court Judges”;
 - (k) by deleting the words “in the High Court” in Form 162 and substituting the words “in the General Division of the High Court”; and
 - (l) by deleting the words “HIGH COURT” in Forms 254, 255 and 256 and substituting in each case the words “GENERAL DIVISION OF THE HIGH COURT / APPELLATE DIVISION OF THE HIGH COURT”.

Amendment of Appendix B

12. Appendix B to the principal Rules is amended —

- (a) by deleting the words “High Court” in items 15, 16 and 65 under the heading “*Items*” and substituting in each case the words “General Division”;
- (b) by deleting the words “Judge of the High Court” in item 27 under the heading “*Items*” and substituting the words “Judge sitting in the General Division”;
- (c) by deleting the words “*High Court*” in the heading immediately above items 29 and 37 under the heading “*Items*” and substituting in each case the words “*General Division*”;

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- (d) by deleting the words “the Court of Appeal” in items 29, 35B and 36 under the heading “*Items*” and substituting in each case the words “the Appellate Division or the Court of Appeal”;
 - (e) by deleting the words “(Order 57)” in items 31, 32, 33 and 33A under the heading “*Items*” and substituting in each case the words “(Order 56A or 57)”;
 - (f) by inserting, immediately before the words “Order 57” in item 34 under the heading “*Items*”, the words “Order 56A, Rule 8 or”;
 - (g) by inserting, immediately before the words “Order 57” in item 35 under the heading “*Items*”, the words “Order 56A, Rule 9(3) or”;
 - (h) by inserting, immediately before the words “Order 57” in item 35A under the heading “*Items*”, the words “Order 56A, Rule 9(9) or”;
 - (i) by inserting, immediately before the words “Order 57” in item 35B under the heading “*Items*”, the words “Order 56A, Rule 9(22) or”;
 - (j) by deleting the words “High Court” in item 37 under the heading “*Items*” and substituting the words “the General Division”; and
 - (k) by inserting, immediately after the words “3 Judges” in item 65 under the heading “*Items*”, the words “, the Appellate Division”.

Miscellaneous amendments

13. The principal Rules are amended —

- (a) by deleting the words “High Court” wherever they appear in the following provisions and substituting in each case the words “General Division”:
 - Order 11, Rule 4(1) and (2)
 - Order 34, Rule 3A(1)(c)
 - Order 39, Rule 2(2)(a) and (3)

Order 52, Rules 1(5), 4A(1), (2) and (3) and Rule heading and 5(1)

Order 53, Rule 5(2)

Order 55, Rule 1(1)

Order 55A, Rules 1(1), 3(2) and 4(1)

Order 55C, Rules 2(1)(b) and 4

Order 55D, Rules 1, 2, 3(1) and (6), 4(2)(b) and (3)(b), 6(5), 7(6), (7), (9), (15) and (16), 9(1), (2) and (3), 11(1), (2), (3) and (4), 12(1), (2), (4) and (5)(a) and (b), 13(1) and (2), 14, 15(2) and (3) and 17

Order 58A, Rules 1(2) and (4), 2(1), (4) and (5), 3 and 4(1) and (2)

Order 59, Rules 2(1), 4(2), 9(2)(a) and 27(5)

Order 66, Rule 1(1)

Order 67, Rules 1, 2 and 13(1) and Rule heading

Order 70, Rules 3(2)(c) and (d) and 21(3)(a)

Order 85, Rule 1(1)

Order 87, Rule 2(1) and (3)

Order 89, Rules 1(1) and (2), 2(1) and 3(1) and (3) and Rule heading

Order 90A, Rule 1(1)(d) and (e)

Order 100, Rules 1 (definition of “application”), 4(4), 5(2) and 6(1)

Order 111, Rules 2(1) and 3(1);

(b) by deleting the words “Judge in Chambers” in the following provisions and substituting in each case the words “Judge sitting in chambers in the General Division”:

Order 32, Rule 9(1)

Order 53, Rule 8

Order 56, Rule 1(1) and Rule heading;

(c) by deleting the words “or 30(4)” in the following provision and substituting the words “, 32(3) or 50(3)”:

Order 33, Rule 4(1);

- (d) by deleting the words “High Court” in the following provisions and substituting in each case the words “General Division, the Appellate Division”:

Order 35, Rule 9(1)

Order 52, Rule 4

Order 64, Rule 4(1)

Order 101, Rule 1 (definition of “Court”);

- (e) by deleting the words “Judge of the High Court” in the following provisions and substituting in each case the words “Judge sitting in the General Division”:

Order 38, Rule 14(5)

Order 55C, Rule 1(1) and (3)

Order 55D, Rule 16(1), (2) and (4)

Order 58A, Rule 1(3)

Order 59, Rule 34(5)

Order 85, Rules 2(1) and 3(1)

Order 90A, Rule 6(1);

- (f) by deleting the words “to Court of Appeal” in the following provision and substituting the words “from order made by Judge in Chambers”:

Order 53, Rule 8 (Rule heading);

- (g) by deleting the words “HIGH COURT” in the following provisions and substituting in each case the words “GENERAL DIVISION”:

Order 55 (Order heading)

Order 55A (Order heading);

- (h) by deleting the words “section 21(2B)” in the following provision and substituting the words “section 21(1)”:

Order 55C, Rule 1(1);

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- (i) by deleting the words “Judges of the Supreme Court” in the following provisions and substituting in each case the words “Supreme Court Judges”:
- Order 58, Rules 1(1) and (2) (definition of “Tribunal”) and 4(1) and (2);
- (j) by inserting, immediately after the words “Order 55D” in the following provision, the words “, Order 56A”:
- Order 59, Rule 10(5);
- (k) by inserting, immediately after the words “any proceedings in” in the following provision, the words “the Appellate Division or”:
- Order 59, Rule 29(1)(c);
- (l) by deleting the words “*High Court*” wherever they appear in the following provision and substituting in each case the words “*General Division*”:
- Order 59, Appendix 2, Parts II, IIA and III;
- (m) by deleting Rule 1 of Order 61;
- (n) by deleting the words “the vacation judge” in the following provision and substituting the words “a Judge who sits during that vacation in accordance with section 10B(2) of the Supreme Court of Judicature Act”:
- Order 61, Rule 2;
- (o) by deleting the words “Judge in Chambers” in the following provision and substituting the words “Judge sitting in chambers in that Division”:
- Order 67, Rule 1;
- (p) by deleting the words “High Court in Singapore” in the following provision and substituting in each case the words “General Division”:
- Order 67, Rule 13(4) and (5);
- (q) by deleting the words “Judge in chambers” in the following provisions and substituting in each case the words “Judge sitting in chambers in the Court”:

Order 74, Rules 2 and 5(1);

- (r) by deleting the words “Judge in Chambers” in the following provisions and substituting in each case the words “Judge sitting in chambers in the Court”:

Order 78, Rule 5(1)

Order 98, Rule 5(4)

Order 111, Rule 1(3);

- (s) by deleting the definition of “order” in Order 90, Rule 1 and substituting the following definition:

““order” means an order or judgment of a District Court, the General Division, the Appellate Division or the Court of Appeal, whether made in Court or in Chambers, as the case may be.”;

- (t) by deleting the words “Judge in the High Court” in the following provision and substituting the words “Judge sitting in the General Division”:

Order 90A, Rule 1(1)(c);

- (u) by deleting the words “*Judge in the High Court*” in the following provision and substituting the words “*Judge sitting in the General Division*”:

Order 90A, Rule 1(1) (sub-heading (C) of the Table);

- (v) by deleting the words “*High Court*” in the following provision and substituting in each case the words “*General Division*”:

Order 90A, Rule 1(1) (second and third column headings immediately below sub-headings (C) and (E) of the Table);

- (w) by deleting the words “*High Court Registrar*” in the following provision and substituting in each case the words “*Registrar in the General Division*”:

Order 90A, Rule 1(1) (sub-headings (D) and (E) of the Table);

- (x) by deleting the words “Judge of the High Court” in the following provision and substituting the words “Judge sitting in the General Division”:

Order 90A, Rule 1(1) (item 1 immediately below sub-heading (D) of the Table);

- (y) by deleting the definition of “Court” in Order 111, Rule 1(1) and substituting the following definition:

““Court” means the High Court before 2 January 2021 or the General Division;”;

- (z) by deleting the definition of “Court” in Order 112, Rule 1 and substituting the following definition:

““Court” means the High Court before 2 January 2021, the General Division, the Appellate Division or the Court of Appeal;” and

- (za) by deleting the words “the High Court” in the following provision and substituting the words “the High Court before 2 January 2021 or the General Division”:

Order 113, Rule 6.

Saving and transitional provisions

14.—(1) Orders 56A and 57 of the amended Rules apply, on or after 2 January 2021, to any decision of the High Court made before 2 January 2021 against which an appeal is brought to the Court of Appeal on or after 2 January 2021, as if the decision were a decision of the General Division of the High Court.

(2) Where an appeal against a decision of the High Court has been brought to the Court of Appeal before 2 January 2021 and the appeal continues, on or after that date, in the Court of Appeal in accordance with section 31(3) of the Amendment Act —

- (a) Orders 56A and 57 of the amended Rules do not apply to the appeal; and
- (b) Order 57 of the unamended Rules continues to apply to that appeal as if these Rules had not been enacted, subject to the following modifications:

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- (i) any reference to the High Court in Order 57 of the unamended Rules is to be read as a reference to the General Division of the High Court;
 - (ii) “Judge of Appeal” has the meaning given to “Judge” (in relation to the Court of Appeal) by section 2 of the Supreme Court of Judicature Act (Cap. 322).

(3) Despite paragraph (1), where the High Court has made a decision before 2 January 2021 in the circumstances mentioned in section 31(4) of the Amendment Act and leave is granted as mentioned in section 31(4)(c) of the Amendment Act to bring an appeal against that decision to the Court of Appeal —

- (a) Orders 56A and 57 of the amended Rules do not apply to an appeal against that decision; and
- (b) Order 57 of the unamended Rules continues to apply to that appeal as if these Rules had not been enacted, subject to the following modifications:
 - (i) any reference to the High Court in Order 57 of the unamended Rules is to be read as a reference to the General Division of the High Court;
 - (ii) “Judge of Appeal” has the meaning given to “Judge” (in relation to the Court of Appeal) by section 2 of the Supreme Court of Judicature Act.

(4) Despite paragraph (1), where the High Court has made a decision before 2 January 2021 in the circumstances mentioned in section 31(4) of the Amendment Act and leave to appeal to the Court of Appeal is sought from the Court of Appeal under section 34 of the unamended Act —

- (a) Order 56A and Order 57 of the amended Rules do not apply to that application to the Court of Appeal for leave to appeal; and
- (b) Order 57 of the unamended Rules continues to apply to that application as if these Rules had not been enacted, subject to the following modifications:

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- (i) any reference to the High Court in Order 57 of the unamended Rules is to be read as a reference to the General Division of the High Court;
 - (ii) “Judge of Appeal” has the meaning given to “Judge” (in relation to the Court of Appeal) by section 2 of the Supreme Court of Judicature Act.

(5) In this Rule —

“amended Rules” means the principal Rules as in force on or after 2 January 2021;

“Amendment Act” means the Supreme Court of Judicature (Amendment) Act 2019 (Act 40 of 2019);

“unamended Act” means the Supreme Court of Judicature Act as in force immediately before 2 January 2021;

“unamended Rules” means the principal Rules as in force immediately before 2 January 2021.

*[G.N. Nos. S 299/2014; S 390/2014; S 671/2014;
S 714/2014; S 753/2014; S 850/2014; S 175/2015;
S 278/2015; S 756/2015; S 235/2016; S 474/2016;
S 105/2017; S 322/2017; S 543/2017; S 51/2018;
S 183/2018; S 697/2018; S 850/2018; S 707/2019;
S 773/2019; S 35/2020; S 220/2020; S 458/2020;
S 636/2020]*

Made on 10 December 2020.

SUNDARESH MENON
*Chief Justice,
Singapore.*

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
Advocate and Solicitor.

KUAH BOON THENG, SC
Advocate and Solicitor.

[SUPCT.RNJ.009.0200; AG/LEGIS/SL/322/2020/1 Vol. 1]

(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act).