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SUPREME COURT OF JUDICATURE ACT 1969

SUPREME COURT OF JUDICATURE (PROTECTION FROM HARASSMENT) (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act 1969 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 Supreme Court of Judicature (Protection from Harassment) (Amendment) Rules 2022 and come into operation on 1 April 2022.

Amendment of rule 2

2. Rule 2(1) of the Supreme Court of Judicature (Protection from Harassment) Rules 2021 (G.N. No. S 359/2021) (called in these Rules the principal Rules) is amended —

(a) by deleting the definition of “proper address” and substituting the following definition:

““proper address” means —

(a) in the case of a natural person, the person’s usual or last known address or the business address of the person’s solicitor; or

(b) in the case of an entity, its registered or principal office or, if none exists, its last known place of business or its solicitor’s address;” and

(b) by deleting the definition of “Rules of Court” and substituting the following definition:

““Rules of Court” means the Rules of Court 2021 (G.N. No. S 914/2021);”.

Amendment of rule 17

3. Rule 17(5) of the principal Rules is amended by deleting the words “or an interim false statement order” and substituting the words “, an interim stop publication order or an interim notification order”.

Amendment of rule 21

4. Rule 21 of the principal Rules is amended by deleting the word “leave” in paragraphs (1), (2)(b), (3)(b), (4) and (5)(b) and substituting in each case the word “permission”.

Amendment of rule 22

5. Rule 22 of the principal Rules is amended by deleting the word “leave” in paragraphs (1), (2)(b) and (4)(b) and substituting in each case the word “permission”.

Amendment of rule 24

6. Rule 24 of the principal Rules is amended —

- (a) by deleting the word “leave” in paragraphs (1) and (2) and substituting in each case the word “permission”; and
- (b) by deleting the word “Leave” in the rule heading and substituting the word “Permission”.

Amendment of rule 26

7. Rule 26 of the principal Rules is amended by deleting the word “leave” in paragraphs (2)(h) and (4) and substituting in each case the word “permission”.

Amendment of rule 29

8. Rule 29 of the principal Rules is amended by deleting the word “leave” in paragraphs (1)(c), (2)(e), (f) and (g), (3) and (4) and substituting in each case the word “permission”.

Amendment of rule 30

9. Rule 30(3) of the principal Rules is amended by deleting the word “leave” in sub-paragraphs (b) and (c) and substituting in each case the word “permission”.

Amendment of rule 35

10. Rule 35(6) of the principal Rules is amended by deleting the word “leave” and substituting the word “permission”.

Amendment of rule 40

11. Rule 40 of the principal Rules is amended —

- (a) by deleting the word “leave” wherever it appears and substituting in each case the word “permission”;
- (b) by deleting the words “7 days” in paragraphs (4)(a) and (5) and substituting in each case the words “14 days”; and
- (c) by deleting the word “Leave” in the rule heading and substituting the word “Permission”.

Amendment of rule 41

12. Rule 41 of the principal Rules is amended —

- (a) by deleting the word “leave” in paragraphs (1) and (2)(a) and substituting in each case the word “permission”; and
- (b) by deleting the words “7 days” in paragraph (2)(a) and substituting the words “14 days”.

Amendment of rule 45

13. Rule 45(4) of the principal Rules is amended by deleting the word “leave” and substituting the word “permission”.

Amendment of rule 46

14. Rule 46(3) of the principal Rules is amended by deleting the word “leave” and substituting the word “permission”.

Amendment of rule 48

15. Rule 48 of the principal Rules is amended —

- (a) by deleting the word “execution” and substituting the word “enforcement”; and
- (b) by deleting the word “execution” in the rule heading and substituting the word “enforcement”.

Amendment of rule 50

16. Rule 50 of the principal Rules is amended by deleting the words “filing fees” in paragraphs (2) and (3) and substituting in each case the words “document fees”.

Amendment of rule 53

17. Rule 53 of the principal Rules is amended —

- (a) by deleting the words “originating summons” in paragraphs (1), (2)(a) and (4) and substituting in each case the words “originating application”;
- (b) by deleting the word “leave” in paragraphs (5) and (6) and substituting in each case the word “permission”; and
- (c) by deleting the words “Order 28, Rule 8” in paragraph (8) and substituting the words “Order 15, Rule 7(6)(c)”.

Amendment of rule 54

18. Rule 54 of the principal Rules is amended —

- (a) by inserting, immediately after the words “must be served” in paragraph (2)(b), the words “by the applicant”; and
- (b) by deleting the word “leave” in paragraph (6) and substituting the word “permission”.

Amendment of rule 55

19. Rule 55(1) of the principal Rules is amended by deleting the words “originating summons” in sub-paragraph (a) and substituting the words “originating application”.

Amendment of rule 56

20. Rule 56 of the principal Rules is amended —

- (a) by deleting the words “originating summons” in paragraphs (1), (2)(a) and (4)(a) and (b) and substituting in each case the words “originating application”;
- (b) by deleting the words “ex parte summons” in paragraph (4)(b) and substituting the words “a summons or a summons without notice (as the case may be)”;
- (c) by deleting the word “leave” in paragraphs (5) and (6) and substituting in each case the word “permission”;
- (d) by deleting the words “interim false statement order” in paragraph (7) and substituting the words “interim stop publication order or interim notification order”; and
- (e) by deleting the words “Order 28, Rule 8” in paragraph (8) and substituting the words “Order 15, Rule 7(6)(c)”.

Amendment of rule 57

21. Rule 57 of the principal Rules is amended —

- (a) by inserting, immediately after the words “must be served” in paragraphs (1)(b) and (2)(b), the words “by the applicant”; and
- (b) by deleting the word “leave” in paragraph (6) and substituting the word “permission”.

Amendment of rule 58

22. Rule 58(1) of the principal Rules is amended by deleting the words “originating summons” in sub-paragraph (a) and substituting the words “originating application”.

Amendment of rule 59

23. Rule 59 of the principal Rules is amended by deleting the words “writ under Order 6 of” and substituting the words “originating claim under”.

New rule 59A

24. The principal Rules are amended by inserting, immediately after rule 59, the following rule:

“Appeal relating to application for protection order or false statement order

59A.—(1) Subject to paragraph (2), Order 2, Rule 10 or Rule 12, Order 18 and Order 19 of the Rules of Court (as the case may be) apply to an appeal against a decision of a court in relation to a protection order or false statement order or the refusal of such an order.

(2) For the purposes of paragraph (1), the references to “all parties who have an interest in the appeal” in the provisions of the Rules of Court mentioned in that paragraph are to be read, unless the Court otherwise directs, as a reference to the following persons:

- (a) the applicant for the protection order or false statement order;
- (b) the respondent to the application for the protection order or false statement order;
- (c) every relevant party in relation to the protection order or false statement order;
- (d) any other person on whom the application is directed to be served under rule 68(1) of the Supreme Court of Judicature (Protection from Harassment) Rules 2021, within the time required by rule 68(2) of those Rules.”.

Amendment of rule 60

25. Rule 60 of the principal Rules is amended by deleting the words “Order 15, Rule 6” and substituting the words “Order 9, Rule 10”.

Deletion and substitution of rule 61

26. Rule 61 of the principal Rules is deleted and the following rule substituted therefor:

“Costs, disbursements and fees for PH proceedings

61.—(1) The fees in the Fourth Schedule to the Rules of Court applicable to a Magistrate’s Court apply in relation to PH proceedings in the Protection from Harassment Court, despite the Protection from Harassment Court being a District Court.

(2) Subject to paragraph (3), the costs and disbursements awarded to a person who commenced PH proceedings in accordance with Part 3 in any court on or after 1 April 2022, when those proceedings could have been commenced in accordance with Part 2 instead, must not exceed the costs and disbursements which would have been awarded if the proceedings were conducted under Part 2.

(3) Paragraph (2) does not apply if the court is satisfied there was reason to believe that it was just, expeditious and economical to do so instead of commencing the proceedings in accordance with Part 2.”.

Amendment of rule 63

27. Rule 63(2) of the principal Rules is amended by deleting the word “leave” in sub-paragraph (a) and substituting the word “permission”.

Amendment of rule 64

28. Rule 64(2) of the principal Rules is amended by deleting the word “leave” in sub-paragraph (a) and substituting the word “permission”.

Amendment of rule 65

29. Rule 65 of the principal Rules is amended —

- (a) by deleting the words “the appropriate Form or Form 18 (as the case may be) supported by an affidavit in the appropriate Form or Form 19, as the case may be” in paragraph (2) and substituting the words “Form 18 supported by an affidavit in Form 19, or in the appropriate Form, as the case may be”; and
- (b) by deleting the words “an affidavit in the appropriate Form or Form 20 (as the case may be)” in paragraph (4) and substituting the words “an affidavit in Form 20 or a reply in the appropriate Form (as the case may be)”.

New rule 66A

30. The principal Rules are amended by inserting, immediately after rule 66 in Part 4, the following rule:

“Appeal relating to application for mandatory treatment order

66A.—(1) Subject to paragraph (2), Order 2, Rule 10 or Rule 12, Order 18 or Order 19 of the Rules of Court (as the case may be) apply to an appeal in relation to the following decisions of the court made in standard proceedings:

- (a) a decision of the court to call or not to call for a formal assessment report;
- (b) a decision of the court in relation to a mandatory treatment order or the refusal of such an order.

(2) For the purposes of paragraph (1), the references to “all parties who have an interest in the appeal” in the provisions of the Rules of Court mentioned in that paragraph are to be read to refer to the following persons, unless the Court otherwise directs:

- (a) the applicant for a mandatory treatment order, if any;
- (b) the respondent to the application for the mandatory treatment order;

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- (c) the appointed psychiatrist in relation to the mandatory treatment order;
 - (d) any other person on whom the application or notice of appeal is directed to be served under rule 68(1) of the Supreme Court of Judicature (Protection from Harassment) Rules 2021, within the time required by rule 68(2) of those Rules.”.

Amendment of rule 69

31. Rule 69(8) of the principal Rules is amended —

- (a) by deleting the words “Order 45, Rule 7” and substituting the words “Order 23, Rule 4”; and
- (b) by deleting the words “Order 45, Rule 5” and substituting the words “Order 23, Rule 2”.

Amendment of rule 70

32. Rule 70 of the principal Rules is amended —

- (a) by deleting the words “Despite Order 11” in paragraph (1) and substituting the words “Despite Order 8”;
- (b) by deleting the words “originating summons” in paragraph (1)(a) and (c) and substituting in each case the words “originating application”;
- (c) by deleting the word “leave” in paragraphs (1)(a) and (2) and substituting in each case the word “permission”;
- (d) by deleting sub-paragraph (b) of paragraph (1) and substituting the following sub-paragraph:
 - “(b) the court may grant such approval without an application under Order 8, Rule 1 of the Rules of Court; and”;
- (e) by deleting the word “Leave” in the rule heading and substituting the word “Permission”.

Amendment of rule 71

33. Rule 71(1) of the principal Rules is amended by deleting the word “leave” in sub-paragraph (b) and substituting the word “permission”.

Amendment of rule 73

34. Rule 73 of the principal Rules is amended by deleting the word “leave” in paragraphs (1) and (2) and substituting in each case the word “permission”.

Amendment of rule 74

35. Rule 74(2) of the principal Rules is amended by inserting, immediately after sub-paragraph (a), the following sub-paragraph:

“(aa) the period within which or manner in which objections to the contents of the affidavit or other evidence of a witness must be taken;”.

Deletion and substitution of Part 6

36. Part 6 of the principal Rules is deleted and the following Part substituted therefor:

“PART 6

PERMISSION TO COMMENCE PROCEEDINGS
UNDER SECTION 16I OF ACT

Application for permission to commence Protection from Harassment proceedings

78. An application for permission to commence PH proceedings in the first instance in a Magistrate’s Court, a District Court (other than a Protection from Harassment Court) or the General Division of the High Court under section 16I of the Act —

(a) must be made by originating application; or

(b) in relation to a claim under section 11 of the Act, may be made by summons, supported by affidavit and filed in that court.”.

Amendment of rule 79

37. Rule 79(1) of the principal Rules is amended by deleting the words “originating summons” in sub-paragraph (a) and substituting the words “originating application”.

Amendment of rule 80

38. Rule 80 of the principal Rules is amended by deleting the words “(Cap. 321)” and substituting the words “1970 and subject to sections 16I and 16J of the Act and these Rules”.

Amendment of rule 82

39. Rule 82 of the principal Rules is amended —

(a) by inserting, immediately after the words “, the Rules of Court” in paragraph (1), the words “(including Order 3, Rule 2)”; and

(b) by deleting paragraph (2) and substituting the following paragraph:

“(2) Order 9, Rules 16 and 17 of the Rules of Court do not apply in relation to simplified proceedings.”.

Amendment of First Schedule

40. The First Schedule to the principal Rules is amended by deleting the word “leave” in items 2(d), 4 and 10 and substituting in each case the word “permission”.

Amendment of Second Schedule

41. The Second Schedule to the principal Rules is amended —

(a) by deleting the words “ORIGINATING SUMMONS” in Forms 1 and 8 and substituting in each case the words “ORIGINATING APPLICATION”;

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- (b) by deleting the words “as in Form 78 of Appendix A to the Rules of Court” in Forms 2, 3, 7, 9, 10, 14, 19 and 20 and substituting in each case the words “on [date] at [location] (through the interpretation of [name of interpreter])”;
- (c) by deleting the word “leave” in paragraph 35(b) of Form 2 and substituting the word “permission”;
- (d) by deleting the word “leave” in paragraph 13(b) of Form 3 and substituting the word “permission”;
- (e) by deleting the words “protection order/expedited protection order” in paragraph 1(i) under the Important Message in Form 4 and substituting the word “order”;
- (f) by deleting paragraphs 2 and 3 under the Important Message in Form 4 and substituting the following paragraph:
- “2. If this order is an expedited protection order, it cannot be appealed. However, the Court may vary, suspend or cancel this order on the application of —
- (a) the applicant;
- (b) any person to whom the order applies; or
- (c) where an expedited protection order requires an internet intermediary to disable access to a third party’s communication, that third party.”;
- (g) by deleting the words “EX PARTE SUMMONS” in Form 8A and substituting the words “SUMMONS [WITHOUT NOTICE]#”;
- (h) by inserting, immediately before the first footnote in Form 8A, the following footnote:
- “# Delete if this includes an application under section 16AA or 16BA of the Act.”;
- (i) by deleting the word “leave” in paragraph 25(b) of Form 9 and substituting the word “permission”;
- (j) by deleting the word “leave” in paragraph 7(b) of Form 10 and substituting the word “permission”;

(k) by deleting paragraphs 2 and 3 under the Important Message in Form 11 and substituting the following paragraph:

“2. If this order is an interim false statement order, it cannot be appealed against. However, the Court may vary, suspend or cancel this order on the application of —

(a) the subject or author of the relevant statement;

(b) the respondent; or

(c) an individual or entity that published the relevant statement.”; and

(l) by deleting the words “originating summons” in Form 21 and substituting the words “originating application”.

Saving and transitional provision

42. The principal Rules as in force immediately before 1 April 2022 continue to apply to PH proceedings commenced before that date, including appeals arising from those PH proceedings, as if these Rules had not been enacted.

Made on 8 March 2022.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Justice of the Court of Appeal.

STEVEN CHONG
Justice of the Court of Appeal.

BELINDA ANG SAW EAN
Judge of the Appellate Division.

QUENTIN LOH
Judge of the Appellate Division.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

CHRISTOPHER TAN PHENG WEE
*District Judge and Registrar of the
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SIRAJ OMAR, SC
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(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act 1969).