
First published in the Government *Gazette*, Electronic Edition, on 21 March 2022 at 5 pm.

No. S 206

SUPREME COURT OF JUDICATURE ACT 1969

RULES OF COURT (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 Rules of Court (Amendment) Rules 2022 and come into operation on 1 April 2022 at 12.01 a.m.

Amendment of Order 18

2. In Order 18 of the Rules of Court 2021 (G.N. No. S 914/2021) (called in these Rules the principal Rules) —

(a) in the Order heading, after “APPLICATIONS IN ACTIONS”, insert “, REGISTRAR’S DECISIONS AND TRIALS OF ORIGINATING APPLICATION BY DISTRICT JUDGE OR MAGISTRATE”;

(b) in Rule 1(1)(a), replace sub-paragraph (iv) with —

“(iv) a decision made by the Registrar other than a decision mentioned in sub-paragraph (i), including a decision made on an assessment of damages or the taking of accounts, or in a hearing on the merits of an originating application;

- (iva) a decision made by a District Judge or Magistrate in a hearing on the merits of an originating application, including any application taken out or heard on the same day as such hearing or at any time after the commencement of such hearing until the giving of the decision; or”;
- (c) in Rule 1(2)(b)(i), after “the giving of the judgment”, insert “(except an application mentioned in paragraph (1)(a)(iva))”; and
- (d) in Rule 17(1), after “any application at first instance,”, insert “or hearing the merits of an originating application,”.

Amendment of Order 19

3. In Order 19 of the principal Rules —

- (a) in Rule 1(a)(i), after “in a trial”, insert “of an originating claim”; and
- (b) in Rule 13(1)(a), after “in a trial”, insert “of an originating claim”.

Amendment of Order 20

4. In Order 20 of the principal Rules, replace Rule 6 with —

“Stay of enforcement, etc. (O. 20, r. 6)

6. An appeal or application does not operate as a stay of enforcement of the tribunal’s decision unless any written law otherwise provides or the Court otherwise orders.”.

Amendment of Order 23

5. In Order 23, Rule 7 of the principal Rules, after paragraph (4), insert —

“(5) For the purposes of section 26A(9), in making any order allowing a committal respondent to give evidence or to appear (other than to give evidence) by means of a live video or live

television link under section 26A(1), the Court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the committal respondent:
 - (i) the committal respondent;
 - (ii) an advocate representing the committal respondent;
- (b) whether the order would affect the ability of the committal applicant to effectively conduct those proceedings;
- (c) whether the order would affect the ability of the committal respondent to consult and instruct his or her advocate in private;
- (d) whether adequate technical measures are available to the Court —
 - (i) to verify the identities of persons giving evidence or appearing by means of the live video or live television link;
 - (ii) to prevent the committal respondent from being coached or coerced while giving evidence or appearing by means of a live video or live television link;
 - (iii) to prevent the proceedings from being recorded; and
 - (iv) to control and restrict the persons who are able to access or observe the proceedings;
- (e) the likelihood that the Court may require the committal respondent to handle any physical evidence;
- (f) whether a judgment or order requiring the committal respondent to be taken into custody may be delivered or made during the proceedings.

(6) For the purposes of section 26A(9), in making any order allowing a witness (not being the committal respondent) to give evidence by means of a live video or live television link under section 26A(2) or (3), the Court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the committal respondent:
 - (i) the committal respondent;
 - (ii) an advocate representing the committal respondent;
- (b) whether the order would affect the ability of the committal applicant to effectively conduct those proceedings;
- (c) whether adequate technical measures are available to the Court —
 - (i) to verify the identities of persons giving evidence by means of the live video or live television link;
 - (ii) to prevent the witness from being coached or coerced while giving evidence by means of a live video or live television link;
 - (iii) to prevent the proceedings from being recorded; and
 - (iv) to control and restrict the persons who are able to access or observe the proceedings;
- (d) the likelihood that the Court may require the witness to handle any physical evidence;
- (e) in the case of an order under section 26A(3) allowing an expert witness to give evidence from a place that is not in Singapore — the reason why the expert witness is not giving evidence from Singapore.”.

New Orders 69 and 70

6. After Order 68 of the principal Rules, insert —

“ORDER 69

UNMERITORIOUS OR VEXATIOUS PROCEEDINGS

Definitions of this Order (O. 69, r. 1)

1. In this Order, unless the context otherwise requires —

“Act” means the Supreme Court of Judicature Act 1969, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act;

“civil restraint order” means —

- (a) a limited civil restraint order;
- (b) an extended civil restraint order; or
- (c) a general civil restraint order;

“Court” means the General Division, the Appellate Division or the Court of Appeal;

“extended civil restraint order” means an extended civil restraint order made in accordance with section 73C;

“general civil restraint order” means a general civil restraint order made in accordance with section 73D;

“limited civil restraint order” means a limited civil restraint order made in accordance with section 73B.

Application for civil restraint order or order mentioned in section 73A(2), (3), (5) or (6) (O. 69, r. 2)

2. An application for a civil restraint order, or for an order mentioned in section 73A(2), (3), (5) or (6), must be heard in open court.

Form and service of civil restraint order (O. 69, r. 3)

- 3.—(1) A limited civil restraint order, an extended civil restraint order and a general civil restraint order must be in Forms 99, 100 and 101, respectively.

(2) A civil restraint order must be extracted by the person that applies for the order, and must be served on all other parties to the legal proceedings in respect of which the order was made.

Application for permission to commence action or make application, or for permission to apply to amend, vary or discharge civil restraint order (O. 69, r. 4)

4.—(1) Where an extended civil restraint order or a general civil restraint order is in force against a party, an application by that party for permission to commence an action, and the supporting affidavit for that application, must be served —

- (a) on every intended defendant to the action; and
- (b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(2) Where any civil restraint order is in force against a party, an application by that party for permission to make an application, and the supporting affidavit for the application for such permission, must be served —

- (a) on every intended respondent to the application; and
- (b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(3) An application for permission to apply to amend, vary or discharge any civil restraint order, and the supporting affidavit for that application, must be served on every party to the application pursuant to which that civil restraint order was made, except the person that applies for such permission.

(4) A person served with an application for permission mentioned in paragraph (1), (2) or (3) may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(5) The Court may give other directions for the service of an application for permission mentioned in paragraph (1), (2) or (3), and for the filing and service of affidavits in such an application.

Action commenced or application made without permission, etc. (O. 69, r. 5)

5.—(1) Where a party against whom an extended civil restraint order or a general civil restraint order is in force, commences an action without the permission of the Court under section 73C(2)(a) or 73D(2)(a), as the case may be —

- (a) any other party to the action, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the action is treated as struck out pursuant to section 73C(3) or 73D(3), as the case may be.

(2) Where a party against whom any civil restraint order is in force, makes an application, or applies to amend, vary or discharge that civil restraint order, without the permission of the Court under section 73B(2)(a) or (b), 73C(2)(a) or (b) or 73D(2)(a) or (b), as the case may be —

- (a) any other party to the application made without such permission, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the application is treated as dismissed pursuant to section 73B(3), 73C(3) or 73D(3), as the case may be.

(3) Where a party, against whom any order mentioned in section 73A(2), (3), (5) or (6) is in force, files any document in the legal proceedings in respect of which that order was made —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for that document to be struck out; and

- (b) the Court may, on an application under sub-paragraph (a), or on the Court's own motion, strike out that document.

ORDER 70

VEXATIOUS LITIGANTS

Definitions of this Order (O. 70, r. 1)

1. In this Order, unless the context otherwise requires —

“Act” means the Supreme Court of Judicature Act 1969, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act;

“application for permission” means an application, by a person against whom an order under section 74(1) is in force, for permission under section 74(1) to institute any legal proceedings, or to continue any legal proceedings instituted by that person before the making of that order.

Application for order under section 74(1) (O. 70, r. 2)

2. An application for an order under section 74(1) must be heard in open court.

Form and service of order under section 74(1) (O. 70, r. 3)

- 3.—(1) An order under section 74(1) must be in Form 102.

(2) An order under section 74(1) must be extracted by the person that applies for the order, and must be served on all other parties to the legal proceedings in respect of which the order was made.

Application for permission to institute or continue legal proceedings (O. 70, r. 4)

- 4.—(1) Where an order under section 74(1) is in force against a person, an application by that person for permission under section 74(1) to institute any legal proceedings, or to continue any legal proceedings instituted by that person before the

making of that order, and the supporting affidavit for that application, must be served —

- (a) on the Attorney-General; and
- (b) on every other party to the legal proceedings to be instituted or continued.

(2) A person served with an application for permission may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(3) The Court may give other directions for the service of an application for permission, and for the filing and service of affidavits in such an application.

Institution or continuance of legal proceedings with permission (O. 70, r. 5)

5. A person who is given permission under section 74(1) to institute or continue any legal proceedings must, within 14 days after the date of the order giving such permission or such other period as that order may specify —

- (a) file that order, and the process or document by which the legal proceedings are to be instituted or continued; and
- (b) serve that order, and that process or document, on every other party to the legal proceedings to be instituted or continued.

Institution or continuance of legal proceedings without permission (O. 70, r. 6)

6. Where a person against whom an order under section 74(1) is in force, institutes any legal proceedings, or continues any legal proceedings instituted by that person before the making of that order, without the permission of the General Division under section 74(1) —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made,

may apply for those legal proceedings to be struck out; and

- (b) the Court may, on an application under sub-paragraph (a), or on the Court’s own motion, strike out those legal proceedings.”.

Amendment of First Schedule

7. In the First Schedule to the principal Rules, in paragraph 1(d), replace “originating application” with “originating summons”.

Amendment of Fourth Schedule

8.—(1) In the Fourth Schedule to the principal Rules, in Part 1 —

- (a) after item 21, insert —

“

21A. On filing a notice of appeal from the Registrar, Supreme Court to a Judge in the General Division under Division 4 of Order 18	\$500	\$1,000			The Notice
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”;

- (b) in item 24, in paragraph (a) under the heading “*Items*”, replace “cases” with “Cases”;
- (c) in item 34, under the heading “*Items*”, after “Order 19, Rule 26(12)”, replace the comma with “or”;
- (d) in item 34, under the heading “*Items*”, delete “or Order 19, Rule 41(6)”;
- (e) in item 35, in paragraph (a) under the heading “*Items*”, replace “cases” with “Cases”;
- (f) in item 35, in paragraph (iv) under the heading “*With value up to \$1 million*”, replace “of” with “or”;
- (g) in item 35, in paragraph (iv) under the heading “*With value of more than \$1 million*”, replace “of” with “or”; and
- (h) in item 38, under the heading “*With value of more than \$1 million*”, replace “\$100” with “\$200”.

(2) In the Fourth Schedule to the principal Rules, in Part 3, in item 15, under the heading “*Items*”, after “appointment”, insert “, or for the arrest of a debtor”.

(3) In the Fourth Schedule to the principal Rules, in Part 4, in item 1(a), under the heading “*With value of more than \$1 million*”, replace “\$10” with “\$20”.

Made on 18 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
State Courts.*

SIRAJ OMAR, SC
Advocate and Solicitor.

CHAN TAI-HUI JASON, SC
Advocate and Solicitor.

[SUPCT.RNJ.009.0200; LAW 06/015/001/V14;
AG/LEGIS/SL/322/2020/18 Vol. 1]

(To be presented to Parliament under section 80(6) of the Supreme
Court of Judicature Act 1969).