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No. S 224

SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)

RULES OF COURT  
(AMENDMENT NO. 3)  
RULES 2011

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

**Citation and commencement**

1. These Rules may be cited as the Rules of Court (Amendment No. 3) Rules 2011 and shall come into operation on 3rd May 2011.

**Amendment of Order 1**

2. Order 1 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after Rule 8, the following Rule:

**“Construction of references to party, etc., in person (O. 1, r. 9)**

9.—(1) In these Rules, for the purposes of any relevant matter or proceeding, unless the context otherwise requires —

(a) a reference to a person, plaintiff or party who sues or acts in person, to a defendant or party who appears, defends or acts in person, to an appellant or a respondent who appears, who does not or fails to appear or who acts in person, or to a litigant in person includes a reference to —

(i) a company or limited liability partnership represented by an officer of the company or limited liability partnership pursuant to leave given by the Court under paragraph (2);

(ii) an unincorporated association (other than a partnership or a registered trade union) represented by an officer of the unincorporated

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association pursuant to leave given by the Court under paragraph (3); or

- (iii) a registered trade union represented by an officer of the trade union pursuant to section 26(6) of the Trade Unions Act (Chapter 333); and
- (b) a reference to the doing of any thing by any such person, plaintiff, party, defendant, appellant, respondent or litigant includes —
- (i) in any case where the person, plaintiff, party, defendant, appellant, respondent or litigant is a company or limited liability partnership referred to in sub-paragraph (a)(i), a reference to the doing of that thing by the officer of the company or limited liability partnership referred to in that sub-paragraph;
  - (ii) in any case where the person, plaintiff, party, defendant, appellant, respondent or litigant is an unincorporated association referred to in sub-paragraph (a)(ii), a reference to the doing of that thing by the officer of the unincorporated association referred to in that sub-paragraph; or
  - (iii) in any case where the person, plaintiff, party, defendant, appellant, respondent or litigant is a registered trade union, a reference to the doing of that thing by an officer of the registered trade union.

(2) For the purposes of section 34(1)(*ea*) of the Legal Profession Act (Chapter 161) and paragraph (1), the Court may, on an application by a company or a limited liability partnership, give leave for an officer of the company or limited liability partnership to act on behalf of the company or limited liability partnership in any relevant matter or proceeding to which the company or limited liability partnership is a party, if the Court is satisfied that —

- (a) the officer has been duly authorised by the company or limited liability partnership to act on behalf of the company or limited liability partnership in that matter or proceeding; and
- (b) it is appropriate to give such leave in the circumstances of the case.

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(3) For the purposes of section 34(1)(*eb*) of the Legal Profession Act and paragraph (1), the Court may, on an application by an unincorporated association (other than a partnership or a registered trade union), give leave for an officer of the unincorporated association to act on behalf of the unincorporated association in any relevant matter or proceeding to which the incorporated association is a party, if the Court is satisfied that —

- (a) the officer has been duly authorised by the unincorporated association to act on behalf of the unincorporated association in that matter or proceeding; and
- (b) it is appropriate to give such leave in the circumstances of the case.

(4) An application under paragraph (2) or (3) shall be supported by an affidavit —

- (a) stating —
  - (i) the position or office in the company, limited liability partnership or unincorporated association held by the officer;
  - (ii) the date on which, and the manner by which, the officer was authorised to act on behalf of the company, limited liability partnership or unincorporated association in that matter or proceeding; and
  - (iii) the reasons why leave should be given for the officer to act on behalf of the company, limited liability partnership or unincorporated association in that matter or proceeding;
- (b) exhibiting a copy of any document of the company, limited liability partnership or unincorporated association by which the officer was authorised to act on behalf of the company, limited liability partnership or unincorporated association in that matter or proceeding; and
- (c) made by any other officer of the company, limited liability partnership or unincorporated association.

(5) For the purposes of section 34(1)(*ea*) and (*eb*) and (3) of the Legal Profession Act and in this Rule, “relevant matter or

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proceeding” means any matter or proceeding in a District Court or a Magistrate’s Court.

(6) In this Rule —

“company” means a company incorporated under the Companies Act (Chapter 50);

“Court” means a District Court or a Magistrate’s Court;

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act (Chapter 163A);

“manager”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“officer” —

(a) in relation to a company, means any director or secretary of the company, or a person employed in an executive capacity by the company;

(b) in relation to a limited liability partnership, means any partner in or manager of the limited liability partnership;

(c) in relation to an unincorporated association (other than a partnership or a registered trade union), means the president, the secretary, or any member of the committee of the unincorporated association; or

(d) in relation to a registered trade union, has the same meaning as in the Trade Unions Act;

“partner”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“registered trade union” has the same meaning as in the Trade Unions Act.”.

### **Amendment of Order 5**

**3.** Order 5, Rule 6 of the principal Rules is amended —

(a) by deleting the words “paragraph (2)” in paragraph (1) and substituting the words “paragraphs (2) and (3)”; and

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

“(2) Subject to Order 1, Rule 9(2) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, a body corporate may not begin or carry on any proceedings in Court otherwise than by a solicitor.

(3) Subject to Order 1, Rule 9(3) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, an unincorporated association (other than a partnership) may not begin or carry on any proceedings in Court otherwise than by a solicitor.”.

#### **Amendment of Order 12**

4. Order 12, Rule 1 of the principal Rules is amended —

- (a) by deleting the words “paragraph (2)” in paragraph (1) and substituting the words “paragraphs (2) and (2A)”; and
- (b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) Subject to Order 1, Rule 9(2) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, a defendant to an action begun by writ which is a body corporate may not enter an appearance in the action or defend it otherwise than by a solicitor.

(2A) Subject to Order 1, Rule 9(3) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, a defendant to an action begun by writ which is an unincorporated association (other than a partnership) may not enter an appearance in the action or defend it otherwise than by a solicitor.”.

*[G.N. Nos. S 637/2006; S 228/2007; S 648/2007; S 508/2008;  
S 49/2009; S 605/2009; S 32/2010; S 378/2010;  
S 504/2010; S 708/2010; S 75/2011; S 218/2011]*

Made this 11th day of March 2011.

CHAN SEK KEONG  
*Chief Justice.*

SUNDARESH MENON SC  
*Attorney-General.*

V K RAJAH  
*Judge of Appeal.*

LAI SIU CHIU  
*Judge.*

BELINDA ANG SAW EAN  
*Judge.*

TAY YONG KWANG  
*Judge.*

ANDREW ANG  
*Judge.*

TAN SIONG THYE  
*Chief District Judge.*

LESLIE CHEW KWEE HOE SC  
*District Judge.*

LEE ENG BENG SC  
*Advocate and Solicitor.*

GEORGE LIM TEONG JIN SC  
*Advocate and Solicitor.*

[RSCS R7/7 Vol. 13; AG/LLRD/SL/322/2010/1 Vol. 2;  
AG/LLRD/3/2009/4]

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