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SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)

SUPREME COURT (PRESIDENTIAL ELECTIONS)
(APPLICATION FOR AVOIDANCE OF ELECTION)
(AMENDMENT) RULES 2017

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act, Article 93A(3) of the Constitution of the Republic of Singapore 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 (Presidential Elections) (Application for Avoidance of Election) (Amendment) Rules 2017 and come into operation on 1 June 2017.

Amendment of rule 2

2. Rule 2 of the Supreme Court (Presidential Elections) (Application for Avoidance of Election) Rules (R 7) (called in these Rules the principal Rules) is amended —

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

“ “defendant” means the person in respect of whose election an application under section 71 has been made;”; and

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

“ “plaintiff” means a person making an application under section 71, and includes the Presidential Elections Committee making such an application;”.

Amendment of rule 5

3. Rule 5 of the principal Rules is amended by deleting the words “a defendant’s” and substituting the words “the defendant’s”.

Amendment of rule 6

4. Rule 6 of the principal Rules is amended by inserting, immediately after the word “concerned”, the words “, unless the Judge otherwise directs”.

Amendment of rule 7

5. Rule 7(1) of the principal Rules is amended by deleting the words “every plaintiff and defendant” and substituting the words “every plaintiff and the defendant”.

Amendment of rule 8

6. Rule 8(3) of the principal Rules is amended by deleting the words “a defendant” and substituting the words “the defendant”.

Amendment of rule 12

7. Rule 12 of the principal Rules is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) This rule and rules 13 and 14 do not apply to the Presidential Elections Committee in any proceedings under these Rules.”.

Amendment of rule 18

8. Rule 18 of the principal Rules is amended —

- (a) by deleting the words “any defendant” in paragraph (2) and substituting the words “the defendant”;
- (b) by deleting the words “every plaintiff and defendant” in paragraph (4) and substituting the words “every plaintiff and the defendant”; and
- (c) by deleting the words “every defendant” in paragraph (4)(a) and substituting the words “the defendant”.

Amendment of rule 22

9. Rule 22 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraphs:

“(3) An application to withdraw an application under section 71(a), (b), (c), (d) or (e) can only be made with the consent of all the plaintiffs who made applications under those provisions.

(4) An application to withdraw an application under section 71(f) can only be made by the Presidential Elections Committee.”.

Amendment of rule 23

10. Rule 23 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) An application to withdraw an application under section 71 must be supported —

- (a) if the latter application is made under section 71(a), (b), (c), (d) or (e) of the Act — by affidavits filed by all the parties to the latter application, by their solicitors, and by the election agents of the parties who were candidates at the election; or
- (b) if the latter application is made under section 71(f) of the Act — by affidavits filed by the Chairman or any member of the Presidential Elections Committee on behalf of the Committee, and by the defendant.”.

Amendment of rule 24

11. Rule 24 of the principal Rules is amended —

(a) by deleting paragraph (a) and substituting the following paragraph:

“(a) serve on the defendant and every other plaintiff a copy of the application for withdrawal and the affidavits supporting the application; and”;

(b) by deleting the word “his” in paragraph (b) and substituting the words “the applicant’s”.

Amendment of rule 25

12. The principal Rules are amended by renumbering rule 25 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) To avoid doubt, paragraph (1) does not apply to an application for withdrawal made by the Presidential Elections Committee.”.

Amendment of rule 27

13. Rule 27 of the principal Rules is amended by inserting, immediately after paragraph (5), the following paragraph:

“(6) This rule does not apply to an application for withdrawal made by the Presidential Elections Committee.”.

New rule 27A

14. The principal Rules are amended by inserting, immediately after rule 27, the following rule:

“Withdrawal of section 71(f) application not to affect other section 71 applications, and vice versa

27A.—(1) An application under section 71(a), (b), (c), (d) or (e) is not affected by the withdrawal of any application under section 71(f).

(2) An application under section 71(f) is not affected by the withdrawal of any application under section 71(a), (b), (c), (d) or (e).”.

Amendment of rule 28

15. Rule 28 of the principal Rules is amended by deleting the words “the person whose election to such office is the subject of the application under section 71” and substituting the words “the defendant”.

Amendment of rule 29

16. Rule 29 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) To avoid doubt, this rule and rule 30 do not apply to an application under section 71(f).”.

Amendment of rule 30

17. Rule 30(1) of the principal Rules is amended by deleting the words “any defendant” and substituting the words “the defendant”.

Amendment of rule 31

18. Rule 31 of the principal Rules is amended —

(a) by deleting the words “a defendant” in paragraph (1) and substituting the words “the defendant”; and

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- (b) by deleting the words “A defendant who does not intend to oppose the application under section 71 shall” in paragraph (2) and substituting the words “If the defendant does not intend to oppose the application under section 71, the defendant must”.

Amendment of rule 34

19. Rule 34 of the principal Rules is amended —

- (a) by deleting the words “a defendant” in paragraph (1) and substituting the words “the defendant”;
- (b) by deleting the words “the plaintiff and any other defendant” in paragraph (2) and substituting the words “every plaintiff”; and
- (c) by inserting, immediately after paragraph (3), the following paragraph:

“(4) Despite paragraph (3), an application made by the Presidential Elections Committee under section 71(f) of the Act —

- (a) must be determined on its merits, unless the Committee withdraws the application; and
- (b) must not be amended, struck out, stayed or dismissed on the grounds in paragraph (3).”.

New rule 36A

20. The principal Rules are amended by inserting, immediately after rule 36, the following rule:

“Presidential Elections Committee not to be ordered to pay costs

36A. Despite anything to the contrary in these Rules, no order for costs or security for costs may be made against the Presidential Elections Committee in any proceedings under these Rules.”.

Amendment of Schedule

21. Forms 2 and 3 of the Schedule to the principal Rules are deleted and the following Forms substituted therefor:

“FORM 2

Rule 4(4)

AFFIDAVIT

I _____, of _____, Singapore, *(make oath) (affirm) and say as follows:

1. I am a person who *(voted) (had a right to vote) (was a candidate) (claims to have had a right to be returned) (was the Chairman/a member of the Presidential Elections Committee) at the election held on the ___ day of _____ 20__, when _____ were candidates.

2. On the ___ day of _____ 20__ the Returning Officer returned _____ as being duly elected as President of the Republic of Singapore.

3. *(Here state the facts and grounds relied on in support of the application)*

4. I am therefore *(seeking) (seeking on behalf of the Presidential Elections Committee) a declaration *(that the said _____ was not duly elected or returned and that the election was void) (that the said _____ was duly elected and ought to have been returned) (that the said _____ was not duly elected and ought not to have been returned) (that the said _____ was not duly elected and that the said _____ was duly elected and ought to have been returned or in the alternative that the election was void).

OR

I am therefore seeking an order that there be a scrutiny of the votes recorded as having been cast in the election.

*Sworn/Affirmed at Singapore this ___ day of _____ 20__

Before me,

Commissioner for Oaths

*Delete whichever is inapplicable.

FORM 3

Rule 24(b)

SUPREME COURT (PRESIDENTIAL ELECTIONS)
(APPLICATION FOR AVOIDANCE OF ELECTION)
RULES

NOTICE OF APPLICATION FOR LEAVE
TO WITHDRAW APPLICATION UNDER SECTION 71

In the application made under section 71 of the Presidential Elections Act in which _____ is plaintiff and _____ defendant.

NOTICE is hereby given that the above plaintiff did on the ___ day of _____ 20__ file at the office of the Registrar of the Supreme Court an application for leave to withdraw the application under section 71, and set out below is a copy of the application for leave to withdraw:

(Set out application here).

*AND TAKE NOTICE that under the Supreme Court (Presidential Elections) (Application for Avoidance of Election) Rules, any person who might have been a plaintiff in respect of the said election may, within 5 days after the date of publication of this notice, file a notice in writing with the Registrar of the Supreme Court of the person's intention on the hearing of the application to be substituted as a plaintiff in the application under section 71.

**(Signature of Plaintiff)

*Delete this paragraph if the notice is given on behalf of the Presidential Elections Committee in respect of an application under section 71(f).

** To be signed by the Chairman or any other member of the Presidential Elections Committee if the notice is given on behalf of the Presidential Elections Committee in respect of an application under section 71(f).

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Made on 12 May 2017.

SUNDARESH MENON
Chief Justice.

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.

SEE KEE OON
Presiding Judge of the State Courts.

TAN PUAY BOON
District Judge.

CAVINDER BULL, SC
Advocate and Solicitor.

ANG CHENG HOCK, SC
Advocate and Solicitor.

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