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No. S 35

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) 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) Rules 2020 and come into operation on 15 January 2020.

Amendment of Order 1

2. Order 1 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by inserting, immediately after item 6 of the Table below Rule 2(2), the following item:

“7. Proceedings relating to the winding up of variable capital companies and their sub-funds.	Variable Capital Companies Act 2018 (Act 44 of 2018), s. 164.	(a) Order 63A and items 54 to 59 and 63 of Appendix B; and (b) Order 88A, Rule 2(4).”.
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New Order 88A

3. The principal Rules are amended by inserting, immediately after Order 88, the following Order:

“ORDER 88A

VARIABLE CAPITAL COMPANIES ACT 2018

Interpretation (O. 88A, r. 1)

1. In this Order —

“sub-fund” has the meaning given by section 2(1) of the VCC Act;

“VCC” has the meaning given by section 2(1) of the VCC Act;

“VCC Act” means the Variable Capital Companies Act 2018 (Act 44 of 2018).

Applications to Court (O. 88A, r. 2)

2.—(1) Unless otherwise provided in the VCC Act or this Order, every application under the VCC Act must be made by originating summons and these Rules apply subject to this Order.

(2) An application under section 156 of the VCC Act may be made by *ex parte* originating summons.

(3) An application under section 216 of the Companies Act (Cap. 50) (as applied by section 142 of the VCC Act) must be made by writ.

(4) In the case of a winding up application made under paragraph (i) of the provision that replaces section 254(1) of the Companies Act under section 130(8) of the VCC Act, the Court may order the proceedings to continue as if the proceedings had been begun by writ and may, in particular, order that —

(a) pleadings be delivered or that the originating summons or any affidavits are to stand as pleadings, with or without liberty to any of the parties to add or to apply for particulars thereof;

(b) any persons be added as parties to the proceedings; and

- (c) Order 25, Rules 2 to 7 is to apply, with the omission of so much of Rule 7(1) of that Order as requires parties to serve a notice specifying the orders and directions which they require and with any other necessary modifications, as if there had been a summons for directions in the proceedings.

Entitlement of proceedings (O. 88A, r. 3)

3.—(1) Every originating summons to which this Order relates and all affidavits, notices and other documents in those proceedings must be entitled in the matter of the VCC in question, or of the VCC on behalf of a sub-fund or sub-funds in question, and in the matter of the VCC Act.

(2) The originating summons by which an application for leave under section 58(6) of the VCC Act is made must be entitled in the matter of the VCC (if any) in relation to which the applicant was convicted and in the matter of the VCC Act.

Summons for directions (O. 88A, r. 4)

4. Without limiting Order 28, Rule 4, on the first hearing of an originating summons to which this Order relates, the Court may by order give such direction as to the proceedings to be taken as it thinks fit including, in particular, directions for the publication of notices and the making of any inquiry.”

Amendment of Appendix B

4. Appendix B to the principal Rules is amended by inserting, immediately after “(Cap. 50)” in item 4 under the heading “*Items*”, the words “or the Variable Capital Companies Act 2018 (Act 44 of 2018)”.

*[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]*

Made on 2 January 2020.

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.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
Advocate and Solicitor.

KUAH BOON THENG, SC
Advocate and Solicitor.

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