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No. S 35

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 2021

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 2021 and come into operation on 22 January 2021.

Amendment of Order 57

2. Order 57, Rule 3(3) of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by deleting the word “The” and substituting the words “Subject to Order 110, Rule 45A, the”.

Amendment of Order 70

3. Order 70 of the principal Rules is amended —

- (a) by inserting, immediately after the words “Subject to paragraph (5)” in Rule 9(6), the words “and Rule 10A”;
- (b) by inserting, immediately after the words “Subject to paragraph (2)” in Rule 10(1), the words “and Rule 10A”;
- and
- (c) by inserting, immediately after Rule 10, the following Rule:

**“Service on ships, etc., during relevant period
(O. 70, r. 10A)**

10A.—(1) Despite Rules 9(6) and 10(1), but subject to Rule 10(2), during the relevant period, service of a

warrant of arrest or writ in an action *in rem* against a ship, freight or cargo may be effected —

- (a) by leaving a copy of the warrant of arrest or writ (as the case may be) with the agent of the ship or, in any case where the agent of the ship is a body corporate, at the registered or principal office of the agent of the ship; and
 - (b) by transmitting the warrant of arrest or writ (as the case may be) in either of the following ways:
 - (i) by FAX to the FAX number (if any) specified by the agent of the ship as the FAX number of that agent;
 - (ii) by electronic mail to the electronic mail address (if any) specified by the agent of the ship as the electronic mail address of that agent.
- (2) Where the warrant of arrest or writ is served in accordance with paragraph (1) —
- (a) the warrant of arrest or writ (as the case may be) is deemed to be served on the property against which it is issued; and
 - (b) the time of service of the warrant of arrest or writ is the later of —
 - (i) the time that the warrant of arrest or writ (as the case may be) is left in accordance with paragraph (1)(a); or
 - (ii) the time that the entire warrant of arrest or writ (as the case may be) is received by FAX or electronic mail transmitted in accordance with paragraph (1)(b)(i) or (ii) (whichever is applicable).

(3) Where a warrant of arrest is served in accordance with paragraph (1), the report of the arrest mentioned in Rule 9(7) must —

(a) have annexed to it a copy of the results of a search showing —

(i) the identity of the agent of the ship; and

(ii) the location of the ship or, where the property is cargo, the ship in which the cargo was carried, within the limits of the port declared under section 3(1) of the Maritime and Port Authority of Singapore Act (Cap. 170A), on the date and at the time of the service of the warrant of arrest; and

(b) state the date and time on which the search mentioned in sub-paragraph (a) was conducted.

(4) Despite Rule 2(5), where a writ issued under this Order is served in accordance with paragraph (1), Order 10, Rule 1(4) does not apply to the writ, and the plaintiff in the action begun by the writ is not entitled to enter final or interlocutory judgment in default of appearance or in default of defence, unless —

(a) within 8 days after service, the plaintiff files a memorandum of service in Form 6 —

(i) containing all of the following particulars:

(A) the day of the week, date and time on which the writ was served;

(B) where the writ was served;

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- (C) how it was served;
 - (D) the person on whom the writ was served and the capacity in which that person was served;

(ii) to which is annexed a copy of the results of a search showing —

(A) the identity of the agent of the ship; and

(B) the location of the ship or, where the property is cargo, the ship in which the cargo was carried, within the limits of the port declared under section 3(1) of the Maritime and Port Authority of Singapore Act, on the date and at the time of the service of the writ; and

(iii) stating the date and time on which the search mentioned in sub-paragraph (ii) was conducted; or

(b) the Court otherwise orders.

(5) In this Rule, “relevant period” means any period on or after 22 January 2021 when the provisions mentioned in either or both of the following sub-paragraphs are in force:

(a) regulations 61A, 61B and 61C of the Maritime and Port Authority of Singapore (Port) Regulations (Cap. 170A, Rg 7);

(b) Part 3 of the Second Schedule to the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020).”.

Amendment of Order 110

4. Order 110 of the principal Rules is amended by inserting, immediately after Rule 45, the following Rule:

“Quantum of security for appeal from judgment or order of Court (O. 110, r. 45A)

45A. Despite Order 57, Rule 3(3), the security for the respondent’s costs of an appeal against any judgment or order of the Court is to be —

(a) in the sum of \$20,000 for any appeal against an interlocutory order; and

(b) in the sum of \$30,000 for any other appeal.”.

[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; S 35/2020; S 220/2020; S 458/2020; S 636/2020; S 1043/2020]

Made on 20 January 2021.

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.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
Advocate and Solicitor.

KUAH BOON THENG, SC
Advocate and Solicitor.

[SUPCT.RNJ.009.0200; AG/LEGIS/SL/322/2020/1 Vol. 1]

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