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No. S 51

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 2018

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 2018 and come into operation on 1 February 2018.

Amendment of Order 70

2. Order 70 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “him or” in Rule 5(1);
- (b) by inserting, immediately after paragraph (7) of Rule 20, the following paragraph:

“(7AA) A copy each of the summons and the affidavit verifying the facts on which the action is based must be served, by or on behalf of the applicant, at least 2 clear days before the hearing of the summons, on each of the persons mentioned in Rule 11(2).”;
- (c) by inserting, immediately after paragraph (2) of Rule 33, the following paragraph:

“(3) Paragraph (2) does not apply to a summons mentioned in Rule 20(7).”; and
- (d) by inserting, immediately after Rule 36, the following Rule:

“Limitation action: Constitution of limitation fund (O. 70, r. 36A)

36A.—(1) The Court may allow a person seeking relief in a limitation action to constitute a limitation fund —

(a) by making payment into Court under an order of the Court; or

(b) by producing a letter of undertaking from a Protection and Indemnity Club acceptable to the Court.

(2) A limitation fund may be established before or after the commencement of a limitation action.

(3) If a limitation action is not commenced within 75 days after the date on which a limitation fund is established —

(a) the limitation fund will lapse; and

(b) all money paid into Court (including interest) will be repaid to the person who made the payment into Court.

(4) Any money paid into Court under paragraph (1) cannot be paid out except under an order of the Court.”.

Amendment of Order 101

3. Order 101 of the principal Rules is amended —

(a) by deleting the full-stop at the end of paragraph (b) of Rule 6 and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(c) Bermuda.”;

(b) by deleting the word “and” at the end of Rule 7(a); and

(c) by deleting the full-stop at the end of paragraph (b) of Rule 7 and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(c) where the specified foreign country is Bermuda, the Supreme Court of Bermuda is a specified court.”.

Amendment of Appendix A

4. Appendix A to the principal Rules is amended by deleting Form 162 and substituting the following Form:

“ 162.
 O. 70, r. 5 CAVEAT AGAINST ARREST
 (Description of property giving name, if a ship).
 We, _____ of _____, solicitors
 for _____ of _____ hereby file a caveat against the arrest
 of (description of property giving name, if a ship) in respect of
 (Description of the kind of proceedings or claim to which the caveat
 applies)* and hereby undertake to enter an appearance in any action that
 may be begun in the High Court against the said _____ and, within
 3 days after receiving notice that such an action has been begun, to give
 bail in the action in a sum not exceeding _____ dollars or to pay that sum
 into Court. We consent that the writ of summons and any other
 document in the action may be left for us at _____ .
 Issued by: _____ (Solicitors for the _____).

* List the kind of proceedings or claim to which the caveat applies, such as “all proceedings”, “any proceedings on a claim mentioned in section 3(1)(g) or (h) of the High Court (Admiralty Jurisdiction) Act (Cap. 123)”, or “a collision between the vessels “ABC” and “DEF” ”, as appropriate.

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*[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]*

Made on 24 January 2018.

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.

[SUPCT.RJW.013.0102; AG/LEGIS/SL/322/2015/1 Vol. 7]

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