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No. S 535

SUPREME COURT OF JUDICATURE ACT 1969

RULES OF COURT (AMENDMENT NO. 3) RULES 2024

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act 1969 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 No. 3) Rules 2024 and come into operation on 28 June 2024.

Amendment of Order 4

2. In the Rules of Court 2021 (G.N. No. S 914/2021), in Order 4, in Rule 8, after paragraph (9), insert —

“(10) In any application to which Order 24A applies, the requirements in Order 24A, Rule 4 apply in addition to the requirements in this Rule.”.

New Order 24A

3. In the Rules of Court 2021, after Order 24, insert —

“ORDER 24A

POST-APPEAL APPLICATIONS IN CAPITAL CASES

Interpretation and mode of application (O. 24A, r. 1)

1.—(1) In this Order, “Act” means the Supreme Court of Judicature Act 1969, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act.

(2) Expressions used in this Order which are used in Division 4 of Part 5 of the Act have the meanings given by section 60F.

(3) An application to which this Order applies must be made —

- (a) in the case of an application for PACC permission, by originating application; and
- (b) in the case of a PACC application, by summons in the originating application in which the application for PACC permission was granted.

Application for PACC permission (O. 24A, r. 2)

2.—(1) For the purposes of section 60G(3), an application for PACC permission must be fixed for hearing within 21 days after the date on which the application is filed.

(2) For the purposes of section 60G(4), the applicant in an application for PACC permission must file written submissions in support of the application, and the other documents mentioned in paragraph (4), at the same time as the filing of the application.

(3) The written submissions mentioned in paragraph (2) are subject to a page limit of 35 pages (including any cover page and contents page), unless the Court of Appeal otherwise allows.

(4) For the purposes of section 60G(4), the other documents that the applicant in an application for PACC permission must file are as follows:

- (a) where the applicant is represented by one or more counsel, an affidavit made by the counsel (if only one counsel is appointed), or a separate affidavit made by each counsel as the deponent or a joint affidavit made by all of the counsel as deponents (if more than one counsel is appointed), stating all of the following:
 - (i) the date on which each counsel was instructed, and who instructed each counsel;

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- (ii) the material (being evidence or legal arguments) that will be relied on in the PACC application to be made;
 - (iii) the date on which the material mentioned in sub-paragraph (ii) was first obtained, regardless whether by the applicant or the counsel;
 - (iv) the reason why the material mentioned in sub-paragraph (ii) could not have been adduced in Court before the relevant date, even with reasonable diligence;
 - (v) the reason for the length of the interval of time between the date mentioned in sub-paragraph (iii) and the date on which the application for PACC permission is filed;
 - (vi) whether any argument similar to that in the PACC application to be made had been made previously by any person in any Court and if so, whether the argument was dismissed by the Court;
 - (vii) the details of —
 - (A) every application for review permission, and every review application, made by the applicant (whether alone or together with any other person) under Division 1B of Part 20 of the Criminal Procedure Code 2010; and

(B) every other application for PACC permission and every PACC application made by the applicant (whether alone or together with any other person),

with or without the involvement of any counsel (including the date and case number of such application, the order sought in such application, the decision of the Court in such application, and whether there was any finding of abuse of process in such application);

(viii) the details of —

(A) every application (other than an application mentioned in sub-paragraph (vii)) made by the applicant (whether alone or together with any other person) on or after 28 June 2024; and

(B) every action filed by the applicant (whether alone or together with any other person) on or after 28 June 2024,

with or without the involvement of any counsel, in relation to which the Court of Appeal has found that the applicant had abused the process of the court in order to delay or frustrate the carrying out of the sentence of death (including the date and case number of such application or action, the order sought in such application or action, and the decision of the Court in such application or action);

(ix) that each counsel genuinely believes the PACC application to be made to be of merit;

(x) the reason why each counsel believes the PACC application to be made to be of merit, including the reasons why the counsel believes the legal

arguments in the PACC application to be made to be persuasive;

- (xi) that each counsel is aware of the consequences of making a false statement in the affidavit;
- (b) where the applicant is not represented by counsel, an affidavit made by the applicant stating all of the following:
- (i) the material (being evidence or legal arguments) that will be relied on in the PACC application to be made;
 - (ii) the date on which the applicant first obtained the material mentioned in sub-paragraph (i);
 - (iii) the reason why the material mentioned in sub-paragraph (i) could not have been adduced in Court before the relevant date, even with reasonable diligence;
 - (iv) the reason for the length of the interval of time between the date mentioned in sub-paragraph (ii) and the date on which the application for PACC permission is filed;
 - (v) the details of —
 - (A) every application for review permission, and every review application, made by the applicant (whether alone or together with any other person) under Division 1B of Part 20 of the Criminal Procedure Code 2010; and
 - (B) every other application for PACC permission and every PACC application made by the applicant (whether alone or together with any other person),

with or without the involvement of any counsel (including the date and case number of such application, the order sought in such

application, the decision of the Court in such application, and whether there was any finding of abuse of process in such application);

(vi) the details of —

(A) every application (other than an application mentioned in sub-paragraph (v)) made by the applicant (whether alone or together with any other person) on or after 28 June 2024; and

(B) every action filed by the applicant (whether alone or together with any other person) on or after 28 June 2024,

with or without the involvement of any counsel, in relation to which the Court of Appeal has found that the applicant had abused the process of the court in order to delay or frustrate the carrying out of the sentence of death (including the date and case number of such application or action, the order sought in such application or action, and the decision of the Court in such application or action);

(vii) whether the applicant is or was assisted by any person or organisation in the commencement, continuation or conduct of the application for PACC permission or PACC application to be made and if so, who provided the assistance and the manner of assistance provided.

(5) To avoid doubt, any affidavit mentioned in sub-paragraph (a) or (b) of paragraph (4) must state the information mentioned in that sub-paragraph even if that information relates to any event that took place before 28 June 2024, where applicable.

(6) The applicant in an application for PACC permission must serve the application, the written submissions in support of that

application, and the other documents mentioned in paragraph (4), on the respondent in that application.

(7) Paragraphs (8) and (9) apply to an applicant in any of the following circumstances:

- (a) an applicant was represented by one or more counsel when the application for PACC permission was filed, and appoints one or more additional counsel or different counsel (by way of filing a notice of appointment of solicitor or notice of change of solicitor (as the case may be)) to represent the applicant in the application for PACC permission after the filing of the application for PACC permission;
- (b) an applicant was not represented by any counsel when the application for PACC permission was filed, and appoints one or more counsel (by way of filing a notice of appointment of solicitor) to represent the applicant in the application for PACC permission after the filing of the application for PACC permission.

(8) For the purposes of section 60G(4), the applicant mentioned in paragraph (7) must, within 3 days after the appointment of the counsel mentioned in paragraph (7)(a) or (b), file an affidavit made by the counsel (if only one counsel is appointed), or a separate affidavit made by each counsel as the deponent or a joint affidavit made by all of the counsel as deponents (if more than one counsel is appointed), that states all of the matters mentioned in paragraph (4)(a)(i) to (xi).

(9) The applicant must serve every affidavit filed in accordance with paragraph (8) on the respondent.

(10) For the purposes of section 60G(5), the respondent in an application for PACC permission may file written submissions in relation to the application —

- (a) within 3 days after the date on which the application is filed and served on the respondent; and

(b) where paragraphs (7), (8) and (9) apply —

- (i) if the affidavit of the counsel or the joint affidavit made by all of the counsel (as the case may be) is filed and served on the respondent, or all the separate affidavits made by each counsel are filed and served on the respondent at the same time — within 3 days after the affidavit or affidavits (as the case may be) is or are filed and served on the respondent; or
- (ii) if more than one affidavit of any kind mentioned in paragraph (8) is filed and served on the respondent at different times — within 3 days after each affidavit is filed and served on the respondent.

(11) The written submissions mentioned in paragraph (10) are subject to a page limit of 35 pages (including any cover page and contents page), unless the Court of Appeal otherwise allows.

(12) The respondent in an application for PACC permission may also file an affidavit in support of the written submissions mentioned in paragraph (10) at the same time as the filing of those written submissions.

(13) The Court of Appeal may allow the page limit mentioned in paragraphs (3) and (11) to be exceeded in special circumstances.

Hearing of PACC application (O. 24A, r. 3)

3.—(1) For the purposes of section 60H(1), where the Court of Appeal grants the application for PACC permission, the PACC application must be made to the Court of Appeal within 3 days after the date on which the permission is granted.

(2) For the purposes of section 60H(1), a PACC application must be fixed for hearing within 21 days after the date on which the PACC application is made.

(3) For the purposes of section 60H(2), the applicant must —

- (a) file any affidavit in support of the PACC application at the same time as the filing of the PACC application; and
- (b) file written submissions in support of the PACC application within 3 days after the date on which the PACC application is made.

(4) The applicant in a PACC application must serve the application, and any affidavit in support of the application, on the respondent in the application within the day on which that application is made.

(5) For the purposes of section 60H(3), any written submissions in response to a PACC application, and any affidavit in support of the written submissions, must be filed by the respondent in the application within 3 days after the date on which the application is made and served on the respondent.

(6) The written submissions mentioned in paragraphs (3)(b) and (5) are subject to a page limit of 35 pages, unless the Court of Appeal otherwise allows.

(7) The Court of Appeal may allow the page limit mentioned in paragraph (6) to be exceeded in special circumstances.

(8) Each party to a PACC application must serve its written submissions (if any) on every other party within the day on which the written submissions are filed.

Appointment of solicitor in application for PACC permission or PACC application (O. 24A, r. 4)

4. Where an applicant in an application for PACC permission or a PACC application who is represented by one or more counsel in that application decides to appoint one or more additional counsel (whether from the same firm as any counsel representing the applicant or from any other firm) for the purpose of that application, the applicant must file and serve a

notice of appointment in Form 3 naming each additional counsel.”.

*[G.N. Nos. S 205/2022; S 206/2022; S 293/2022;
S 91/2023; S 780/2023; S 37/2024; S 504/2024]*

Made on 26 April 2024.

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
Justice of the Court of Appeal.

WOO BIH LI
Judge of the Appellate Division.

AUDREY LIM
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

EDWIN SAN ONG KYAR
*District Judge and Registrar of the
State Courts.*

SIRAJ OMAR, SC
Advocate and Solicitor.

CHAN TAI-HUI JASON, SC
Advocate and Solicitor.

[63/009 Criminal Procedure Code Vol. 61;
AG/LEGIS/SL/322/2020/18]

(To be presented to Parliament under section 80(6) of the Supreme
Court of Judicature Act 1969).