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No. S 543

SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)

RULES OF COURT
(AMENDMENT NO. 3)
RULES 2017

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 No. 3) Rules 2017 and come into operation on 1 October 2017.

Amendment of Order 11

2. Order 11, Rule 1 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by deleting the word “or” at the end of paragraph (r); and
- (b) by deleting the full-stop at the end of paragraph (s) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(t) the claim is for an order of committal under Order 52 (whether or not, apart from this paragraph, an originating summons containing such a claim can be served out of Singapore under this Rule).”.

Amendment of Order 38A

3. Order 38A of the principal Rules is amended —
- (a) by deleting the words “a copy or a transcript” in Rule 1(2) and (5) and substituting in each case the words “a certified transcript”;
 - (b) by deleting paragraphs (3) and (4) of Rule 1;
 - (c) by deleting the words “The authenticity of a” in Rule 2 and substituting the word “A”; and
 - (d) by deleting Rule 4.

Amendment of Order 52

4. Order 52 of the principal Rules is amended —
- (a) by inserting, immediately before Rule 1, the following Rule:
 - “Definitions (O. 52, r. 1A)**
 - 1A.** In this Order, unless the context otherwise requires —
 - “Act” means the Administration of Justice (Protection) Act 2016 (Act 19 of 2016);
 - “contempt of court” means contempt of court under the Act and includes, subject to section 8, contempt of court under the common law;
 - “non-publication direction” means a direction under section 13;
 - “section” means a section of the Act.”;
 - (b) by deleting paragraphs (1) to (4) of Rule 1 and substituting the following paragraph:
 - “(1) The power of the Court to punish for contempt of court may be exercised by an order of committal in Form 109.”;

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- (c) by deleting the word “Court” in the rule heading of Rule 1 and substituting the word “court”;
 - (d) by deleting the words “entered for hearing” in Rule 3(3) and substituting the word “filed”;
 - (e) by deleting the words “contempt of Court” in Rules 4, 5(2)(b) and 7(1) and substituting in each case the words “contempt of court”;
 - (f) by inserting, immediately after Rule 4, the following Rule:

“Transfer to High Court (O. 52, r. 4A)

4A.—(1) An application under section 10(4) to transfer a case in a State Court to the High Court must be made to a Judge of the latter Court by originating summons.

(2) In hearing such an application, the High Court may order the case sought to be transferred and any related proceedings to be stayed until after the final determination of the application.

(3) Where the High Court orders a case in a State Court to be transferred to the High Court under section 10(4) —

- (a) the High Court may —
 - (i) set aside or affirm any order made by the State Court in the case;
 - (ii) modify Rules 2 and 3 in their application to the case; and
 - (iii) make any other order relating to the transfer;
- (b) the Registrar of the State Courts must send to the Registrar of the Supreme Court the file of the proceedings, all documents, exhibits and a certified copy of the notes of evidence (if any) of the proceedings; and

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- (c) the Registrar of the Supreme Court must give notice of the transfer to every party to the case.”;
- (g) by inserting, immediately after the word “committal” in Rule 5(1), the words “or an application under section 10(4) to transfer a case to the High Court”;
- (h) by inserting, immediately after sub-paragraph (b) of Rule 5(1), the following sub-paragraph:
- “(ba) where the application is made in the High Court and arises out of proceedings in a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321);”;
- (i) by deleting the words “failing to comply with a judgment or order requiring him to” in Rule 7(2) and substituting the words “contempt of court under section 4 in relation to his failure to”;
- (j) by deleting the words “Rules 1” in Rule 8 and substituting the words “Rules 1A”;
- (k) by deleting the words “a person guilty of contempt of Court, or” in Rule 8;
- (l) by deleting the words “contempt of Court, to” in Rule 8 and substituting the words “contempt of court, to”;
- (m) by deleting the words “This Order (except Rule 5(1) and (2)) applies” in Rule 10(1) and substituting the words “Rules 1A to 9 (except Rule 5(1) and (2)) apply”;
- (n) by inserting, immediately after paragraph (2) of Rule 10, the following paragraphs:
- “(2A) The court fees prescribed in Appendix B apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a District Court.

(2B) The hearing fees prescribed in the Employment Claims Rules 2017 (G.N. No. S 104/2017) apply to the hearing of any proceedings under this Order in a tribunal.”;

(o) by inserting, immediately after Rule 10, the following Rules:

“Committal proceedings before Small Claims Tribunal (O. 52, r. 11)

11.—(1) Rules 1A to 9 (except Rule 5(1) and (2)) apply to committal proceedings before a tribunal.

(2) For the purposes of applying this Order to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a Referee; and

(b) any reference to a Judge is a reference to a Referee.

(3) The court fees prescribed in Appendix B apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a Magistrate’s Court.

(4) The hearing fees prescribed in Order 90A, Rule 1 apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a Magistrate’s Court.

(5) In this Rule —

“Referee” means a Referee appointed under section 4(1) of the Small Claims Tribunals Act (Cap. 308);

“tribunal” means a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321).

Committal proceedings before Community Dispute Resolution Tribunals (O. 52, r. 12)

12.—(1) To avoid doubt, Rules 1A to 9 (except Rule 5(1) and (2)) apply to a tribunal.

(2) For the purposes of applying this Order to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a tribunal judge; and

(b) any reference to a Judge is a reference to a tribunal judge.

(3) In this Rule —

“tribunal” means a State Court designated as a Community Disputes Resolution Tribunal under section 14(1)(a) of the Community Disputes Resolution Act 2015 (Act 7 of 2015);

“tribunal judge” means a District Judge designated as a tribunal judge under section 14(1)(b) of the Community Disputes Resolution Act 2015.

Application by Attorney-General for leave to give non-publication direction (O. 52, r. 13)

13.—(1) An application by the Attorney-General for leave to give a non-publication direction must be made by *ex parte* originating summons in Form 110A supported by an affidavit.

(2) Despite anything to the contrary in these Rules, the *ex parte* originating summons need not be served on any person (including the person to whom the proposed non-publication direction will apply) for the purposes of obtaining leave to give the proposed direction.

(3) The supporting affidavit may be deposed by a person authorised by the Attorney-General.

(4) The supporting affidavit must —

(a) have annexed to it a copy of the proposed non-publication direction;

(b) state the grounds for believing that there is a prima facie case that —

(i) the person to whom the proposed non-publication direction will apply has published the matter that is the subject of the proposed non-publication direction; and

(ii) the publication of the matter that is the subject of the non-publication direction would satisfy section 13(7)(b)(i), (ii) or (iii);

(c) state the reasons for any exception or condition in the proposed non-publication direction; and

(d) state that the Attorney-General is satisfied that it is in the public interest to give the proposed non-publication direction.

(5) Leave to give a non-publication direction lapses if the direction is not served in accordance with the Act within 14 days (or such longer period as the Court may allow) after the day on which leave is granted.

(6) After a non-publication direction is served, a person authorised by the Attorney-General must file an affidavit stating that the direction has been served in accordance with the Act and giving particulars of the service.

Application to set aside or vary non-publication direction (O. 52, r. 14)

14.—(1) This rule applies to an application under section 13(9) to vary or set aside a non-publication direction.

(2) The application must be made within 14 days (or such longer period as the Court may allow) after the direction is served on the person to whom the non-publication direction applies.

(3) To avoid doubt, paragraph (2) applies even if the application is made by the author of the matter specified in the direction.

(4) An application must be made by summons in Form 110B in the originating summons in which leave to give the non-publication direction was granted, and must be supported by an affidavit.

(5) The applicant must serve the summons and supporting affidavit on the Attorney-General, any person (other than the applicant) to whom the non-publication direction applies, and any other person whom the Court orders to be served.

(6) If the applicant is the author of the matter that is the subject of the non-publication direction, the supporting affidavit must state and give evidence of that fact.

(7) If the Court decides to set aside or vary a non-publication direction, the applicant must serve the order of the Court, within 14 days after the date of the order of the Court (or such longer period as the Court may allow) —

- (a) on the person to whom the direction applies (unless the person is the applicant); and
- (b) any other person whom the Court orders to be served.

(8) If an order of Court is required to be served in accordance with paragraph (7), the applicant must, after the order has been served, file an affidavit stating that the order has been served and giving particulars of the service.

(9) An order of Court to set aside a non-publication direction has effect from the date of the order or such other date as the Court may specify in the order.

(10) An order of Court to vary a non-publication direction has effect —

(a) insofar as the direction and the variation applies to the applicant — from the date of the order or such other date as the Court may specify in the order; and

(b) insofar as the direction and the variation applies to a person other than the applicant — from the date on which the order is served on the person, or such later date as the Court may specify in the order.”; and

(p) by deleting the Order heading and substituting the following Order heading:

“CONTEMPT OF COURT”.

Amendment of Appendix A

5. Appendix A of the principal Rules is amended —

(a) by deleting Form 72A; and

(b) by inserting, immediately after Form 110, the following Forms:

“110A.

O. 52, r. 13(1)

APPLICATION FOR LEAVE TO GIVE
NON-PUBLICATION DIRECTION
UNDER ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016

IN THE HIGH COURT
OF THE REPUBLIC OF SINGAPORE

O.S. No.)
of 20 .)

In the matter of an application under section 13(1) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016)

And

In the matter of [*Briefly describe the publication that is the subject matter of the non-publication direction*].

Applicant.

EX PARTE ORIGINATING SUMMONS

Let the applicant attend before the Judge on (date/time), on the hearing of an application for leave to give a non-publication direction under section 13(1) of the Administration of Justice (Protection) Act 2016 to [*identify publisher by name or in accordance with the Act*] in the terms of the proposed non-publication direction annexed to this application.

Dated this day of 20 .

Registrar.

This summons is taken out by the Attorney-General whose address is

110B.

O. 52, r. 14(4) APPLICATION TO SET ASIDE OR VARY
NON-PUBLICATION DIRECTION
UNDER ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016

(Title as in Form 110A)

To: The Attorney-General.

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. The non-publication direction for which leave was granted in this action be *set aside / varied as follows [*set out the variations sought*].
2. (State any other orders or directions as may be required).

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by: (Solicitors for the).

This form requires sealing by the Court and the signature of the Registrar.

* Delete whichever is inapplicable.

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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]

Made on 15 September 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.

[SUPCT.RJW.013.0101; AG/LEGIS/SL/322/2015/1 Vol. 6]

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