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No. S 71

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 2) 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 No. 2) Rules 2021 and come into operation on 1 February 2021.

Amendment of Order 105

2. Order 105 of the Rules of Court (R 5) is amended —

- (a) by deleting the words “section 33(4)” in the definition of “Appeal Committee” in Rule 1 and substituting the words “section 48P(4)”;
- (b) by deleting the words “section 30” in Rule 2(1) and substituting the words “section 48M”;
- (c) by deleting the words “section 30(3)” in Rule 2(2) and substituting the words “section 48M(4)”;
- (d) by deleting the words “section 30” in the rule heading of Rule 2 and substituting the words “section 48M”;
- (e) by deleting paragraph (a) of Rule 3 and substituting the following paragraphs:
 - “(a) any direction made by the Commission under section 48H(2), 48I or 48L(4), including any direction varied by the Commission under section 48N(6)(b)(i) (referred to in this Order as a Direction);

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- (aa) any written notice by the Commission (referred to in this Order as a Notice) for the payment of any sum comprising —
- (i) a financial penalty imposed under section 48J(1), including a financial penalty varied by the Commission under section 48N(6)(b)(ii); and
 - (ii) any interest payable under section 48K(10) on that financial penalty; or”;
- (f) by deleting the words “section 34(4)” in Rule 3(b) and substituting the words “section 48Q(5)”;
- (g) by inserting, immediately after the words “Commission’s Direction” in the rule heading of Rule 3, the words “or Notice”;
- (h) by deleting the words “section 30” in Rule 4(1) and substituting the words “section 48M”;
- (i) by deleting the words “section 34(1)(a) or (b) or section 35(1) or (4)” in Rule 4(1)(d)(ii)(B) and substituting the words “section 48Q(1)(a) or (b) or section 48R(1) or (4)”;
- (j) by inserting, immediately after the word “Direction” wherever it appears in Rule 4(2), the words “or Notice”;
- (k) by deleting the words “section 31(1)” in Rule 4(2)(a) and (b) and substituting in each case the words “section 48N(1)”;
- (l) by deleting the words “section 31(4)(b)” in Rule 4(2)(b)(i) and (ii) and substituting in each case the words “section 48N(6)(b)”;
- (m) by deleting the words “section 34(1)(c) or section 35(1) or (4)” in Rule 4(2)(b)(ii) and substituting the words “section 48Q(1)(c) or section 48R(1) or (4)”;
- (n) by inserting, immediately after the word “Directions” in Rule 6, the word “, Notices”;

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- (o) by inserting, immediately after the word “Directions” in the rule heading of Rule 6, the word “, Notices”;
 - (p) by deleting the words “section 28(1)” in Rule 9(2)(b) and substituting the words “section 48H(1)”;
 - (q) by deleting the words “section 30(3)” in Rule 11(1) and substituting the words “section 48M(4)”;
 - (r) by deleting the words “section 30(3)” in the rule heading of Rule 11 and substituting the words “section 48M(4)”;
 - (s) by deleting the words “section 32(1)” in Rule 12 and substituting the words “section 48O(1)”;
 - (t) by deleting the words “section 32(1)” in the rule heading of Rule 12 and substituting the words “section 48O(1)”;
 - (u) by deleting the words “section 32” in Rule 13 and substituting the words “section 48O”;
 - (v) by deleting the words “section 32” in the rule heading of Rule 13 and substituting the words “section 48O”; and
 - (w) by inserting, immediately after the word “Direction” wherever it appears in the following provisions, the word “, Notice”:
 - Rules 4(1), 5(1), (2) and (3), 7(1) and (3)(a), (b) and (c), 8(2), 9, 10 and 11(1).

Amendment of Appendix A

3. Form 230 of Appendix A to the Rules of Court is amended —

- (a) by deleting the words “PERSONAL DATA PROTECTION COMMISSION DIRECTION/DATA PROTECTION APPEAL COMMITTEE DECISION*” in the Form heading and substituting the words “PERSONAL DATA PROTECTION COMMISSION DIRECTION/PERSONAL DATA PROTECTION COMMISSION NOTICE/DATA PROTECTION APPEAL COMMITTEE DECISION*”;

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- (b) by deleting the words “section 30(1)” wherever they appear and substituting in each case the words “section 48M(1)”;
- (c) by deleting the words “a Direction of the Personal Data Protection Commission/a Decision of the Data Protection Appeal Committee^{*}” and substituting the words “a Direction of the Personal Data Protection Commission/a Notice of the Personal Data Protection Commission/a Decision of the Data Protection Appeal Committee^{*}”;
- (d) by deleting the words “the Direction of the Personal Data Protection Commission/Decision of the Data Protection Appeal Committee^{*}” and substituting the words “the Direction of the Personal Data Protection Commission/Notice of the Personal Data Protection Commission/Decision of the Data Protection Appeal Committee^{*}”;
- (e) by deleting the words “Direction/Decision^{*}(s)” wherever they appear and substituting in each case the words “Direction/Notice/Decision^{*}(s)”;
- (f) by deleting the words “Direction/Decision^{*}” wherever they appear and substituting in each case the words “Direction/Notice/Decision^{*}”; and
- (g) by deleting the words “section 34(5) read with section 30(1)^{*}” and substituting the words “section 48Q(6) read with section 48M(1)^{*}”.

Saving and transitional provisions

4.—(1) Despite rule 2, Order 105 of the Rules of Court as in force immediately before 1 February 2021 continues to apply to or in relation to proceedings in connection with a specified direction, an application or an appeal (as the case may be) mentioned in section 46(2), (3), (4) or (5) of the Personal Data Protection (Amendment) Act 2020 (Act 40 of 2020).

(2) Despite rule 3, an order to register an applicable direction or decision must be drawn up in Form 230 of Appendix A to the Rules of Court as in force immediately before 1 February 2021.

(3) In this rule —

“applicable direction or decision” means —

- (a) any direction made by the Personal Data Protection Commission under section 28(2) or 29 of the Personal Data Protection Act 2012 (Act 26 of 2012), including any direction varied by the Commission under section 31(4)(b) of that Act, before 1 February 2021; or
- (b) any direction or decision of a Data Protection Appeal Committee made on appeal, under section 34(4) of the Personal Data Protection Act 2012 before 1 February 2021, against a specified direction;

“specified direction” means —

- (a) a direction made by the Personal Data Protection Commission under section 27(2) or 29(1) or (2) of the Personal Data Protection Act 2012 before 1 February 2021;
- (b) a direction or decision made by the Personal Data Protection Commission under section 28(2) of the Personal Data Protection Act 2012 before 1 February 2021; or
- (c) a decision made by the Personal Data Protection Commission under section 31(4)(b) of the Personal Data Protection Act 2012 before 1 February 2021.

[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; S 35/2021]

Made on 18 December 2020.

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
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[SUPCT.RNJ.009.0200; AG/LEGIS/SL/322/2020/1 Vol. 4]

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