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No. S 75

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 2012

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Rules of Court (Amendment) Rules 2012 and shall come into operation on 1st March 2012.

Amendment of Order 34A

2. Order 34A of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by deleting Rule 7 and substituting the following Rule:

“Non-disclosure (O. 34A, r. 7)

7. Subject to the law governing the admissibility of evidence at trial, no communication made in the course of a pre-trial conference in any action or proceedings shall be disclosed to the Court conducting the trial of the action or proceedings if such communication —

- (a) has been stated by any of the parties to the action or proceedings to be “confidential” or “without prejudice”;
or
- (b) has been marked by the Registrar as being “confidential” or “without prejudice”.”.

Amendment of Order 40A

3. Order 40A of the principal Rules is amended by inserting, immediately after Rule 5, the following Rule:

“Concurrent expert evidence (O. 40A, r. 6)

6.—(1) The Court may order that some or all of the expert witnesses testify as a panel, after the completion of the testimony of the non-expert witnesses of each party, or at any other time that the Court may determine.

(2) The Court shall not make an order under paragraph (1) unless the parties consent to the production and examination of expert witnesses as a panel and to a waiver of the right to submit no case to answer.

(3) Where the expert witnesses testify as a panel, they shall give their views and may be directed by the Court to comment on the views of the other panel members and to make concluding statements.

(4) Expert witnesses in the panel may pose questions to one another with the leave of the Court.

(5) The Court may direct that the expert witnesses in the panel be cross-examined and re-examined in any sequence as the Court thinks fit, before or after they have testified as a panel.

(6) The Court may give any other directions as to the giving of evidence in the circumstances referred to in paragraph (1) as the Court thinks fit.”

Amendment of Order 59

4. Order 59, Rule 20 of the principal Rules is amended by inserting, immediately after the word “Registry”, the words “within 12 months from the date on which the entire cause or matter is finally disposed of, including any appeals therefrom, unless the Court otherwise orders”.

Amendment of Order 62

5. Order 62, Rule 6(3) of the principal Rules is amended by deleting the words “shall be deemed to indicate that such a solicitor is willing

to accept service by FAX at that number in accordance with this paragraph unless he states otherwise in writing” in sub-paragraph (c) and substituting the words “shall not be deemed to indicate that such a solicitor is willing to accept service by FAX at that number in accordance with this paragraph”.

Amendment of Order 69

6. Order 69, Rule 3(3) of the principal Rules is amended by inserting, immediately after the word “urgency”, the words “or an application under section 37 or 46 of the Act for leave to enforce an award”.

Amendment of Order 69A

7. Order 69A, Rule 3(3) of the principal Rules is amended by inserting, immediately after the word “urgency”, the words “or an application under section 18, 19 or 29 of the Act for leave to enforce an award or foreign award,”.

Transitional and savings provision

8. Rule 4 shall not apply to any cause or matter which has not been finally disposed of, including any appeals therefrom, before 1st March 2012, and Order 59 of the principal Rules in force immediately before that date shall apply to any such cause or matter which has not been finally disposed of, including any appeals therefrom, as if rule 4 had not been made.

*[G.N. Nos. S 637/2006; S 228/2007; S 648/2007;
S 508/2008; S 49/2009; S 605/2009; S 32/2010;
S 378/2010; S 504/2010; S 708/2010; S 75/2011;
S 218/2011; S 224/2011; S 513/2011]*

Made this 15th day of February 2012.

CHAN SEK KEONG
Chief Justice.

SUNDARESH MENON SC
Attorney-General.

BELINDA ANG SAW EAN
Judge.

TAY YONG KWANG
Judge.

ANDREW ANG
Judge.

QUENTIN LOH
Judge.

STEVEN CHONG
Judge.

TAN SIONG THYE
Chief District Judge.

LESLIE CHEW KWEE HOE SC
District Judge.

LEE ENG BENG SC
Advocate and Solicitor.

GEORGE LIM TEONG JIN SC
Advocate and Solicitor.

[RSCS R7/7 Vol. 13; AG/LLRD/SL/322/2010/1 Vol. 3]

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