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## **No. S 780**

### **SUPREME COURT OF JUDICATURE ACT 1969**

#### **RULES OF COURT (AMENDMENT NO. 2) RULES 2023**

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. 2) Rules 2023 and come into operation on 1 December 2023.

#### **Amendment of Order 1**

2. In the Rules of Court 2021 (G.N. No. S 914/2021) (called in these Rules the principal Rules), in Order 1, in Rule 2(7) —

- (a) after “Order 8, Rule 2”, insert “or 4A”; and
- (b) after “Order 64, Rule 4”, insert “or 4A”.

#### **Amendment of Order 6**

3. In the principal Rules, in Order 6, in Rule 3, replace paragraph (1) with —

“(1) Subject to this Rule, an originating claim or an originating application is valid for service —

- (a) where the originating claim or originating application is to be served out of Singapore —
  - (i) with the court’s approval under Order 8, Rule 1(2); or
  - (ii) where the court’s approval is not required under Order 8, Rule 1(3),

for 6 months beginning with the date of its issue; or

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(b) in any other case — for 3 months beginning with the date of its issue.”.

### **Amendment of Order 8**

4. In the principal Rules, in Order 8 —

(a) in Rule 2(1), replace sub-paragraph (b) with —

“(b) where there is a Civil Procedure Convention governing service in the foreign country —

(i) in the case of the Hague Service Convention as defined in Rule 4A(7) —

(A) in accordance with Rule 4A or 6, whichever is applicable; or

(B) subject to any objection made by the receiving Contracting State, in accordance with sub-paragraph (a), (c), (d), (e) or (f);

(ii) in the case of any other Civil Procedure Convention — according to the manner provided in that convention; or

(iii) in the case where both the Hague Service Convention and another Civil Procedure Convention govern service in the foreign country — in accordance with either sub-paragraph (i) or (ii);”;

(b) in Rule 2(1), replace sub-paragraph (e) with —

“(e) through a Singapore consular authority in the foreign country seeking the assistance of the relevant authority in that foreign country to effect service;”;

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(c) after Rule 4, insert —

**“Service of originating process, etc., out of Singapore on person under Article 3 of Hague Service Convention (O. 8, r. 4A)**

**4A.—**(1) This Rule applies to the service out of Singapore, under Article 3 of the Hague Service Convention, of an originating process or other court document required in connection with civil proceedings in respect of a civil or commercial matter on a person, other than a State, in a Contracting State.

(2) If any provision in this Rule is inconsistent with any other provision in this Order, the provision in this Rule prevails to the extent of the inconsistency.

(3) The person mentioned in paragraph (1) must have a known address in the Contracting State in which the documents are to be served.

(4) A person who wishes to serve any document mentioned in paragraph (1) out of Singapore under this Rule must file in the Registry a request for service in the current version of Part 1 of the Model Form, accompanied by —

- (a) a sealed copy of the document to be served;
- (b) a summary of the document to be served, in accordance with Part 3 of the Model Form;
- (c) a translation of the documents mentioned in sub-paragraphs (a) and (b) in accordance with Rule 2(4) and (5); and
- (d) a copy each of the request and the documents mentioned in sub-paragraphs (a), (b) and (c), which may be in electronic form if agreed to by the central authority.

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(5) The Registrar must send the documents filed under paragraph (4) to the central authority of the Contracting State in which the documents are to be served.

(6) Rule 2(3) does not apply in relation to any service under this Rule.

(7) In this Rule —

“central authority”, in relation to a Contracting State, means an authority that is designated by that State under Article 2 of the Hague Service Convention for receiving requests for service coming from other State parties to the Hague Service Convention;

“Contracting State” means a State (other than Singapore) which is a party to the Hague Service Convention;

“Hague Service Convention” means the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague on 15 November 1965;

“Model Form” means the model form, in 3 parts, annexed to the Hague Service Convention and set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/service>.”; and

(d) in Rule 6, after paragraph (5), insert —

“(6) Where the State is a Contracting State to the Hague Service Convention, the request in paragraph (1)(a) must be accompanied by a summary of the document to be served, in accordance with Part 3 of the Model Form.

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(7) In paragraph (6), “Contracting State”, “Hague Service Convention” and “Model Form” have the meanings given by Rule 4A(7).”.

### **Amendment of Order 64**

5. In the principal Rules, in Order 64 —

- (a) in Rule 3, after paragraph (3), insert —

“(4) This Rule does not apply where Rule 4A applies or is invoked.”;
- (b) in Rule 4, in the rule heading, after “**process**”, insert “, **etc.**”;
- (c) in Rule 4(1), replace “required in connection with civil proceedings pending before” with “or other court document required in connection with civil proceedings instituted in”;
- (d) in Rule 4(1), after “Convention”, insert “(other than the Hague Service Convention as defined in Order 8, Rule 4A(7))”;
- (e) in Rule 4(1), after “of process”, insert “or other court document”;
- (f) in Rule 4(1), after “such process”, insert “or other court document”;
- (g) in Rule 4(2) and (3), after “the process” wherever it appears, insert “or other court document”;
- (h) in Rule 4(3), after “original process”, insert “or other court document”;
- (i) in Rule 4(5), replace “process has” with “process or other court document has”;
- (j) in Rule 4(5), replace “process stating” with “process or other court document stating”;
- (k) in Rule 4(6)(a), replace “a copy of the process” with “other court document, or a copy thereof”;

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- (l) in Rule 4(6)(a), replace “service of the process” with “service”; and
- (m) after Rule 4, insert —

**“Service of foreign legal process, etc., under Article 5 of Hague Service Convention (O. 64, r. 4A)”**

**4A.—**(1) This Rule applies in relation to the service under Article 5 of the Hague Service Convention of any process or other court document required in connection with civil proceedings in respect of a civil or commercial matter instituted in a court or tribunal of a Contracting State, on a person in Singapore.

(2) If any provision in this Rule is inconsistent with any other provision in this Order, the provision in this Rule prevails to the extent of any inconsistency.

(3) The person mentioned in paragraph (1) must have a known address in Singapore.

(4) A request for service under this Rule must be made by an applicant to the Minister in the current version of Part 1 of the Model Form and be accompanied by —

- (a) the document to be served;
- (b) a summary of the document to be served, in accordance with Part 3 of the Model Form;
- (c) a translation of the documents mentioned in sub-paragraphs (a) and (b) in English, if they are not in English;
- (d) a copy each of the request for service and the documents mentioned in sub-paragraphs (a), (b) and (c); and
- (e) a sum of \$100 in respect of each address for service, for the purposes of paying the costs occasioned by the employment of a process

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server (which includes the costs of the certificate given under paragraph (11)(b)).

(5) The copies mentioned in paragraph (4)(d) may be in electronic form.

(6) Where the Minister considers that the request does not comply with paragraph (3) or (4) or the provisions of the Hague Service Convention, the Minister must inform the applicant of —

- (a) the non-compliance; and
- (b) the provisions that must be complied with before the request may be further considered.

(7) Where the Minister considers that compliance with the request may infringe the sovereignty or security of Singapore, the Minister may refuse to comply with the request and must —

- (a) inform the applicant of the refusal; and
- (b) state the reasons for the refusal.

(8) Subject to paragraph (7), where the Minister is satisfied that the request complies with paragraphs (3) and (4) and the provisions of the Hague Service Convention, the Minister must forward the request to the Supreme Court with an intimation that it is desirable that effect should be given to the request.

(9) Subject to any written law which provides for the manner in which documents may be served on a body corporate, service of the document must be effected —

- (a) by leaving the document, and a copy of the translation of the document, with the person to be served;
- (b) by a method of service authorised by these Rules for the service of analogous documents issued by the Court; or

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- (c) by a particular method requested by the applicant, unless the method is inconsistent with any law for the time being in force in Singapore.
- (10) Service must be effected by the process server.
- (11) After service of the document has been effected or (if such be the case) attempts to effect service of it have failed —
- (a) the process server must file an affidavit made by the person who served, or attempted to serve, the document stating when, where and how that person did or attempted to do so; and
- (b) the Registrar must give the applicant a certificate in the current version of Part 2 of the Model Form.
- (12) The certificate given under paragraph (11)(b) may be in electronic form and must be —
- (a) sealed with the seal of the Supreme Court for use out of jurisdiction; and
- (b) sent to the Permanent Secretary to the Minister.
- (13) In this Rule —
- “applicant” means the authority or judicial officer competent, under the law of a Contracting State from which a foreign process or other court document originates, to forward a request for service;
- “Contracting State” means a State (other than Singapore) which is a party to the Hague Service Convention;

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“Hague Service Convention” has the meaning given by Order 8, Rule 4A(7);

“Minister” means the Minister charged with the responsibility for law;

“Model Form” has the meaning given by Order 8, Rule 4A(7).

(14) For the purposes of calculating the fees that are required to be paid in respect of effecting service under this Rule, the request for service is treated as made in an action filed in the Supreme Court with a value of up to \$1 million.”.

### **Amendment of Third Schedule**

6. In the principal Rules, in the Third Schedule, after item 4, insert —

“5. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague on 15 November 1965 T 1/2023”.

### **Amendment of Fourth Schedule**

7. In the principal Rules, in the Fourth Schedule, in Part 3 —

(a) in item 13, under the heading “*Items*”, after “Sheriff”, insert “, except for service under Order 64, Rule 4A”; and

(b) after item 13, insert —

“

13A. For service of any foreign process or other court document under Order 64, Rule 4A, in respect of each address for service	\$80				Request
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[G.N. Nos. S 205/2022; S 206/2022; S 293/2022; S 91/2023]

Made on 26 November 2023.

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.*

VINODH COOMARASWAMY  
*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.*

[SUPCT.RNJ.009.0200; LAW 62/004/SC/ROC 2021;  
AG/LEGIS/SL/322/2020/18 Vol. 4]

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