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## No. S 850

### SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

#### RULES OF COURT (AMENDMENT NO. 6) RULES 2014

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 No. 6) Rules 2014 and shall come into operation on 1 January 2015.

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

2. Order 1 of the Rules of Court (R 5, 2014 Ed.) (referred to in these Rules as the principal Rules) is amended —

(a) by deleting the words “, the Family Justice Courts” in Rule 2(1);

(b) by deleting item 4 of the Table below Rule 2(2) and substituting the following item:

“	4. Family	Family Justice	Order 57 and
	proceedings.	Act 2014	items 29 to 36 of
		(Act 27 of	Appendix B.
		2014), s. 46.	”;

(c) by deleting the definition of “Family Court proceedings” in Rule 4(1) and substituting the following definition:

“ “Family Court proceedings” means —

(a) before 1 October 2014, any proceedings which were heard by a District Judge, or by the Registrar of the State Courts, sitting

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- in the Family and Juvenile Justice Division of the State Courts, and any such proceedings which were transferred to the High Court;
- (b) on or after 1 October 2014 but before 1 January 2015, any proceedings in a Family Court (whether heard by a judge of the Family Court or by the Registrar of the Family Justice Courts), and any such proceedings which were transferred to the Family Division of the High Court; and
- (c) on or after 1 October 2014, any transferred proceedings referred to in paragraph (a) which are pending in the High Court on or after that date;”;
- (d) by deleting the words “, a judge of a Family Court” in the definition of “Judge” in Rule 4(1);
- (e) by deleting the words “, the Family Justice Courts” in the definitions of “officer” and “sign” in Rule 4(1);
- (f) by deleting the words “, the Registry of the Family Justice Courts” in the definition of “Registry” in Rule 4(1);
- (g) by deleting the words “a bailiff of the Family Justice Courts and” in the definition of “Sheriff” in Rule 4(1);
- (h) by deleting the words “the High Court, a Family Court or a District Court, or a judge of the High Court, judge of the Family Court or District Judge” in Rule 4(2) and substituting the words “the High Court or a District Court, or a judge of the High Court or District Judge”; and
- (i) by deleting Rule 7A.

### **Amendment of Order 11**

3. Order 11 of the principal Rules is amended by deleting Rule 9 and substituting the following Rule:

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**“Service abroad of certain documents (O. 11, r. 9)**

**9.—(1)** An originating process issued in the State Courts which is to be served out of Singapore in any jurisdiction (other than Malaysia or Brunei Darussalam) —

- (a) shall be sent by the Registrar of the State Courts to the Registrar of the Supreme Court; and
- (b) shall be served in accordance with these Rules relating to the service out of Singapore of an originating process issued in the Supreme Court.

(2) Every certificate of service received by the Registrar of the Supreme Court in respect of such service shall be transmitted by the Registrar of the Supreme Court to the Registrar of the State Courts.”.

**Amendment of Order 15**

**4.** Order 15, Rule 8 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Where an order is made under Rule 6 —

(a) the writ by which the action in question was begun must be amended accordingly and must be endorsed with —

(i) a reference to the order in pursuance of which the amendment is made; and

(ii) the date on which the amendment is made;

(b) the amendment must be made within such period as may be specified in the order or, if no period is so specified, within 14 days after the making of the order; and

(c) if the order is for any person to be added as a defendant, the date on which the amendment is made shall be deemed to be the date on which

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the action was commenced against that person.”; and

- (b) by deleting the words “, the seal of the Family Justice Courts” in paragraphs (3) and (4)(b).

### **Amendment of Order 32**

5. Order 32, Rule 9 of the principal Rules is amended by deleting paragraph (3).

### **Amendment of Order 33**

6. Order 33, Rule 4(1) of the principal Rules is amended by deleting the words “, section 27 of the Family Justice Act 2014 (Act 27 of 2014)”.

### **Amendment of Order 34**

7. Order 34, Rule 4 of the principal Rules is amended by deleting the words “, the Presiding Judge of the Family Justice Courts”.

### **Amendment of Order 34A**

8. Order 34A of the principal Rules is amended by deleting Rule 1A.

### **Amendment of Order 35**

9. Order 35 of the principal Rules is amended —

- (a) by deleting Rule 4A; and
- (b) by deleting the words “, the Presiding Judge of the Family Justice Courts” in Rule 11(1).

### **Amendment of Order 38**

10. Order 38 of the principal Rules is amended —

- (a) by deleting the words “, the seal of the Family Justice Courts” in Rule 10(2)(a);
- (b) by deleting the words “, the Family Justice Courts” in Rule 10(2)(b); and

(c) by deleting the words “, of any Family Justice Court” in Rule 20(1).

#### **Amendment of Order 38A**

11. Order 38A of the principal Rules is amended by deleting Rule 2A.

#### **Amendment of Order 39**

12. Order 39, Rule 2(3) of the principal Rules is amended by deleting the words “a Family Court or”.

#### **Amendment of Order 42**

13. Order 42 of the principal Rules is amended —

(a) by deleting Rule 4; and

(b) by deleting the words “, the seal of the Family Justice Courts” in Rule 10(3).

#### **Amendment of Order 50**

14. Order 50 of the principal Rules is amended by deleting the words “, the seal of the Family Justice Courts” in Rules 1(2) and 3.

#### **Amendment of Order 52**

15. Order 52, Rule 1(2) of the principal Rules is amended by deleting sub-paragraph (b).

#### **Amendment of Order 53**

16. Order 53, Rule 9 of the principal Rules is amended by deleting the words “or any Family Court”.

#### **Amendment of Order 54**

17. Order 54, Rule 9 of the principal Rules is amended by deleting the words “or any Family Court”.

#### **Amendment of Order 55**

18. Order 55, Rule 1(2) of the principal Rules is amended by deleting the words “or from a Family Court,”.

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**Amendment of Order 55A**

19. Order 55A, Rule 1(2) of the principal Rules is amended by deleting the words “or in a Family Court”.

**Amendment of Order 55B**

20. Order 55B of the principal Rules is amended —

- (a) by deleting the words “AND FAMILY COURTS” in the Order heading; and
- (b) by deleting Rule 4.

**Amendment of Order 55C**

21. Order 55C of the principal Rules is amended —

- (a) by deleting the words “AND JUDGES OF FAMILY COURTS IN CHAMBERS” in the Order heading; and
- (b) by deleting Rule 4.

**Amendment of Order 55D**

22. Order 55D of the principal Rules is amended —

- (a) by deleting the words “AND FAMILY COURTS” in the Order heading; and
- (b) by deleting Rule 20.

**Amendment of Order 56**

23. Order 56 of the principal Rules is amended by deleting Rule 5.

**Amendment of Order 57**

24. Order 57 of the principal Rules is amended —

- (a) by inserting, immediately after Rule 2, the following Rules:

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**“Application to Court of Appeal for leave to appeal against judgment or order of High Court (O. 57, r. 2A)**

**2A.—**(1) This Rule applies where the High Court refuses to grant leave to appeal against a judgment or an order of the High Court.

(2) An application to the Court of Appeal for leave to appeal against the judgment or order of the High Court must be made within 7 days after the refusal of the High Court to grant leave.

(3) An application for leave under this Rule must be made by summons and be supported by an affidavit.

(4) The summons and supporting affidavit must be filed and served on all other parties to the proceedings in which the judgment or order was obtained, or on their solicitors.

(5) A party who wishes to oppose an application under this Rule may, within 7 days after the summons and supporting affidavit are served on the party, file an affidavit stating the grounds on which the party opposes the application.

(6) An affidavit under paragraph (5) must be served on all other parties to the proceedings in which the judgment or order was obtained, or on their solicitors.

(7) Except as allowed under this Rule, no affidavit is to be filed in an application for leave under this Rule without the leave of the Court of Appeal.

(8) A party who has obtained leave to appeal to the Court of Appeal under this Rule must file and serve a notice of appeal within one month after such leave is given.

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**Oral arguments in application to Court of Appeal for leave to appeal (O. 57, r. 2B)**

**2B.**—(1) This Rule applies to all applications to the Court of Appeal for leave to appeal to that Court against any judgment or order of the High Court.

(2) No oral arguments are to be made in an application to which this Rule applies unless a notice under paragraph (3) states otherwise.

(3) For the purposes of an application to which this Rule applies, the Registrar must issue and serve on the parties a notice stating —

(a) the Judges of Appeal who will constitute the Court of Appeal deciding the application;

(b) whether oral arguments are to be made in the application; and

(c) if oral arguments are to be made, the date on which the oral arguments are to be made.

(4) Where the Court of Appeal consists of 2 Judges of Appeal and is divided on whether to hear oral arguments in an application —

(a) oral arguments are to be made; and

(b) the Registrar must state in the notice under paragraph (3) that oral arguments are to be made in the application.

(5) Where the Court of Appeal decides an application without hearing oral arguments —

(a) the judgment of the Court of Appeal may be delivered in accordance with Rule 19; or

(b) the Court of Appeal may direct the Registrar to inform the parties of the Court's decision .”;

(b) by deleting the words “this Rule” in Rule 4 and substituting the words “Rule 2A(8) and Order 56, Rule 3(2)”;

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(c) by deleting the word “Where” in Rule 9A(18) and substituting the words “Subject to paragraph (19), where”;

(d) by inserting, immediately after paragraph (18) of Rule 9A, the following paragraphs:

“(19) Leave is not required under paragraph (18) if each party to each appeal consents to filing a single Case, record of appeal or core bundle (as the case may be) to cover all those appeals.

(20) Consent under paragraph (19) must be given in writing to the Registrar within the time specified in Rule 9(1), as determined with reference to the notice under Rule 5(2) that is first served on any of the consenting parties.

(21) Where consent is given under paragraph (20), any of the consenting parties may apply to the Registrar for directions as to the time by which the single Case, record of appeal or core bundle (as the case may be) must be filed.

(22) If there is no application for directions under paragraph (21), the single Case, record of appeal or core bundle (as the case may be) must be filed within the time specified in Rule 9(1), as determined with reference to the notice under Rule 5(2) that is first served on any of the consenting parties.”;

(e) by deleting paragraph (2) of Rule 16; and

(f) by inserting, immediately after Rule 19, the following Rule:

**“Consent judgment or order (O. 57, r. 19A)**

**19A.—**(1) In any appeal or application to the Court of Appeal, the parties may inform the Registrar in writing that they wish to record a consent judgment or order without appearing before the Court.

(2) For the purposes of paragraph (1), the parties must inform the Registrar of the terms of the consent judgment or order that they wish to record.

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(3) The Court of Appeal may record the consent judgment or order without requiring the parties to appear before the Court.

(4) Where the Court of Appeal has recorded a consent judgment or order under paragraph (3), the Registrar must inform the parties of —

(a) the recording of the consent judgment or order; and

(b) the Judges of Appeal who constituted the Court.”.

### **Amendment of Order 58A**

25. Order 58A of the principal Rules is amended by deleting Rule 5.

### **Amendment of Order 59**

26. Order 59 of the principal Rules is amended —

(a) by deleting the words “, the Family Justice Courts” in Rule 2(2);

(b) by deleting the words “or a Family Court” in Rule 4(3);

(c) by inserting the word “or” at the end of Rule 4(3)(b);

(d) by deleting the word “; or” at the end of Rule 4(3)(c) and substituting a full-stop;

(e) by deleting sub-paragraph (d) of Rule 4(3);

(f) by deleting paragraph (3) of Rule 12;

(g) by deleting paragraph (3) of Rule 31; and

(h) by deleting the words “a judge of the Family Court (who is a District Judge) in person,” in Rule 34(5).

### **Amendment of Order 60**

27. Order 60 of the principal Rules is amended —

(a) by deleting the words “, the Presiding Judge of the Family Justice Courts” in Rule 1(1); and

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(b) by deleting the words “a Family Justice Court,” in Rule 9.

### **Amendment of Order 61**

**28.** Order 61, Rule 3 of the principal Rules is amended by deleting the words “the Presiding Judge of the Family Justice Courts with the concurrence of the Chief Justice,” in paragraphs (1) and (2).

### **Amendment of Order 63A**

**29.** Order 63A of the principal Rules is amended —

(a) by inserting, immediately after the definition of “public authority” in Rule 1, the following definition:

“ “registered foreign lawyer” means a foreign lawyer registered under section 36P of the Legal Profession Act (Cap. 161);”;

(b) by deleting the word “and” at the end of Rule 6(2)(b)(ii);

(c) by deleting the full-stop at the end of sub-paragraph (c) of Rule 6(2) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

“(d) subject to sub-paragraph (e), where the registered user is an entity comprising one or more registered foreign lawyers, a reference to an advocate and solicitor shall be read as a reference to a registered foreign lawyer;

(e) where the registered user is an entity comprising one or more advocates and solicitors and one or more registered foreign lawyers, a reference to an advocate and solicitor shall be read as a reference to an advocate and solicitor or a registered foreign lawyer.”;

(d) by deleting the semi-colon at the end of Rule 10(1A)(b) and substituting a full-stop;

(e) by deleting sub-paragraph (c) of Rule 10(1A);

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- (f) by inserting, immediately after the words “under Rule 5” in Rule 18(3), the words “, or under the Family Justice Rules,”; and
- (g) by inserting, immediately after the words “under Rule 4” in Rule 18(6), the words “, or under the Family Justice Rules,”.

### **Amendment of Order 90**

**30.** Order 90 of the principal Rules is amended —

- (a) by deleting the words “, a Family Court” in the definition of “order” in Rule 1; and
- (b) by deleting the words “, the Registrar of the Family Justice Courts” in Rule 22(2).

### **Amendment of Order 90A**

**31.** Order 90A, Rule 1(1) of the principal Rules is amended —

- (a) by deleting the words “a judge of the Family Court,” in sub-paragraph (a);
- (b) by deleting the words “the Family Justice Courts or” in sub-paragraph (b);
- (c) by deleting the word “including” in sub-paragraphs (c) and (d) and substituting in each case the word “excluding”;
- (d) by deleting the words “*judge of Family Court,*” in sub-heading (A) of the Table below Rule 1(1);
- (e) by deleting the words “*or Family Court*” in the column heading of the second column immediately below sub-heading (A) of the Table below Rule 1(1);
- (f) by deleting the words “*Family Justice Courts Registrar or*” in sub-heading (B) of the Table below Rule 1(1);
- (g) by deleting the words “*or Family Court*” in the column heading of the second column immediately below sub-heading (B) of the Table below Rule 1(1); and
- (h) by deleting the words “, *or before Family Justice Courts Registrar for assessment of damages, taking of accounts and*

*making of inquiries*” in sub-heading (D) of the Table below Rule 1(1).

### **Amendment of Order 91**

**32.** Order 91 of the principal Rules is amended —

- (a) by deleting the words “, the Family Justice Courts” in Rule 1(1);
- (b) by deleting paragraph (1A) of Rule 1; and
- (c) by deleting the words “by the Presiding Judge of the Family Justice Courts with the concurrence of the Chief Justice,” in Rule 2.

### **New Order 110**

**33.** The principal Rules are amended by inserting, immediately after Order 109, the following Order:

“ORDER 110

SINGAPORE INTERNATIONAL  
COMMERCIAL COURT

PRELIMINARY

#### **Interpretation (O. 110, r. 1)**

**1.—(1)** In this Order, unless the context otherwise requires —

“counsel” means —

- (a) an advocate and solicitor;
- (b) a person admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161); or
- (c) a registered foreign lawyer;

“Court” means the Singapore International Commercial Court;

“High Court” does not include the Court;

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“jurisdiction agreement” means an agreement to submit to the exclusive or non-exclusive jurisdiction of the Court;

“offshore case” means an action which has no substantial connection with Singapore, but does not include an action in rem (against a ship or any other property) under the High Court (Admiralty Jurisdiction) Act (Cap. 123);

“offshore case declaration” means an offshore case declaration under Rule 35;

“plaintiff’s declaration” means a plaintiff’s declaration under Rule 4(4) and (5);

“pre-action certificate” means a pre-action certificate pursuant to a joint request under Rule 40 or an application under Rule 41;

“registered foreign lawyer” means a foreign lawyer registered under section 36P of the Legal Profession Act.

(2) In this Order, unless the context otherwise requires —

(a) a claim is international in nature if —

(i) the parties to the claim have, by a written jurisdiction agreement, agreed to submit the claim for resolution by the Court and, at the time the agreement was concluded, the parties have their places of business in different States;

(ii) none of the parties to the claim have their places of business in Singapore;

(iii) one of the following places is situated outside any State in which any of the parties have their places of business:

(A) any place where a substantial part of the obligations of the commercial relationship between the parties is to be performed;

(B) the place with which the subject-matter of the dispute is most closely connected; or

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- (iv) the parties to the claim have expressly agreed that the subject-matter of the claim relates to more than one State;
  - (b) a claim is commercial in nature if the subject-matter of the claim arises from a relationship of a commercial nature, whether contractual or not, including (but not limited to) any of the following transactions:
    - (i) any trade transaction for the supply or exchange of goods or services;
    - (ii) a distribution agreement;
    - (iii) commercial representation or agency;
    - (iv) factoring or leasing;
    - (v) construction works;
    - (vi) consulting, engineering or licensing;
    - (vii) investment, financing, banking or insurance;
    - (viii) an exploitation agreement or a concession;
    - (ix) a joint venture or any other form of industrial or business co-operation;
    - (x) a merger of companies or an acquisition of one or more companies;
    - (xi) the carriage of goods or passengers by air, sea, rail or road;
  - (c) an agreement to submit to the jurisdiction of the High Court does not of itself constitute an agreement to submit to the jurisdiction of the Court;
  - (d) an agreement to submit to the jurisdiction of the Court does not of itself constitute an agreement to submit to the jurisdiction of the High Court;
  - (e) a jurisdiction agreement is written if its contents are recorded in any form (whether or not the agreement has been concluded orally, by conduct or by other means), including an electronic communication if the

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information contained therein is accessible so as to be useable for subsequent reference; and

(f) for the purposes of the definition of “offshore case” in paragraph (1), an action has no substantial connection to Singapore where —

(i) Singapore law is not the law applicable to the dispute and the subject-matter of the dispute is not regulated by or otherwise subject to Singapore law; or

(ii) the only connections between the dispute and Singapore are the parties’ choice of Singapore law as the law applicable to the dispute and the parties’ submission to the jurisdiction of the Court.

(3) For the purposes of paragraph (2)(a)(i) —

(a) if a party has more than one place of business, its place of business shall be that which has the closest relationship to the written jurisdiction agreement; and

(b) if a party does not have a place of business, the reference to the party’s place of business shall be construed as a reference to the party’s habitual residence.

(4) A reference in these Rules to an advocate and solicitor, an advocate or a solicitor acting for a person in any proceedings shall, in relation to proceedings in the Court or to an appeal from the Court, be construed as a reference to counsel acting for the person.

### **Application (O. 110, r. 2)**

2. Subject to Rules 47 and 48, this Order applies to —

(a) every case commenced in the Court (unless the case is transferred out of the Court under Rule 10 or 12);

(b) any proceedings for the transfer of a case from the High Court to the Court under Rule 12, and every case so transferred;

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- (c) every appeal from a judgment or an order of the Court;  
and
  - (d) every application to the Court of Appeal in relation to a case under paragraph (a) or (b) or an appeal under paragraph (c).

**Rules of Court to apply subject to Order (O. 110, r. 3)**

3. Subject to this Order, the provisions of these Rules apply to all proceedings in the Court and all appeals from the Court.

COMMENCEMENT OF PROCEEDINGS  
AND SERVICE OF PROCESS

**Mode of beginning proceedings (O. 110, r. 4)**

4.—(1) Subject to this Rule, proceedings in the Court may be begun according to the provisions of these Rules for beginning civil proceedings.

(2) A writ of summons filed in the Court must be in Form 249.

(3) An originating summons filed in the Court must be in Form 250.

(4) An originating process filed in the Court must be accompanied by a plaintiff's declaration, signed by the plaintiff or the plaintiff's counsel.

(5) The plaintiff's declaration must —

- (a) exhibit any pre-action certificate relied on by the plaintiff, together with the application or joint request for the pre-action certificate and any affidavit or document filed for the application or joint request;
- (b) explain why the action is of an international and commercial nature, unless this is certified in a pre-action certificate; and
- (c) exhibit a copy of the written jurisdiction agreement to which the plaintiff and defendant are party.

(6) The plaintiff's declaration must be in such form as practice directions issued by the Registrar may specify.

(7) Where the plaintiff's declaration does not exhibit a pre-action certificate certifying that the action is an offshore case, the plaintiff may, in addition to filing the plaintiff's declaration, file an offshore case declaration.

### **Duration of originating process (O. 110, r. 5)**

5.—(1) A writ or an originating summons filed in the Court is valid in the first instance for 12 months beginning with the date of its issue.

(2) Order 6, Rule 4(1) (validity of writ in first instance) does not apply to a writ or an originating summons filed in the Court.

### **Service of originating process (O. 110, r. 6)**

6.—(1) A writ or an originating summons filed in the Court, or in a case transferred to the Court, may be served in accordance with these Rules, subject to paragraphs (2), (3) and (4).

(2) Leave under Order 11, Rule 1 is not required for the service of a writ or an originating summons outside of Singapore on a party to a written jurisdiction agreement.

(3) A defendant who is a party to a written jurisdiction agreement and who is served with a writ outside of Singapore has 21 days (or such longer time as the Court may allow) after the service to enter an appearance.

(4) Paragraph (2) does not affect the Court's power to consider its jurisdiction under Rule 10.

## **JURISDICTION, JOINDER AND TRANSFER**

### **Jurisdiction (O. 110, r. 7)**

7.—(1) The Court has the jurisdiction to hear and try an action if —

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- (a) the claims between the plaintiffs and the defendants named in the originating process when it was first filed are of an international and commercial nature;
  - (b) each plaintiff and defendant named in the originating process when it was first filed has submitted to the Court's jurisdiction under a written jurisdiction agreement; and
  - (c) the parties do not seek any relief in the form of, or connected with, a prerogative order (including a Mandatory Order<sup>7</sup>, a Prohibiting Order<sup>9</sup>, a Quashing Order<sup>10</sup> or an Order for Review of Detention<sup>11</sup>).
- (2) In addition to paragraph (1), the Court has the jurisdiction to hear and determine —
- (a) a case transferred to the Court under Rule 12; and
  - (b) an originating summons under Order 52 for leave to commit a person for contempt in respect of any judgment or order made by the Court.

**Court may decline to assume jurisdiction (O. 110, r. 8)**

**8.**—(1) Subject to paragraph (2), the Court may decline to assume jurisdiction in an action under Rule 7(1) if it is not appropriate for the action to be heard in the Court.

(2) The Court must not decline to assume jurisdiction in an action solely on the ground that the dispute between the parties is connected to a jurisdiction other than Singapore, if there is a written jurisdiction agreement between the parties.

(3) In exercising its discretion under paragraph (1), the Court shall have regard to its international and commercial character.

**Joinder of other persons as parties (O. 110, r. 9)**

**9.**—(1) In an action where the Court has and assumes jurisdiction, or in a case transferred to the Court under Rule 12, a person may, subject to paragraph (2), be joined as a party (including as an additional plaintiff or defendant, or as a third or subsequent party) to the action if —

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- (a) the requirements in these Rules for joining the person are met; and
- (b) the claims by or against the person —
- (i) do not include a claim for any relief in the form of, or connected with, a prerogative order (including a Mandatory Order<sup>7</sup>, a Prohibiting Order<sup>9</sup>, a Quashing Order<sup>10</sup> or an Order for Review of Detention<sup>11</sup>); and
  - (ii) are appropriate to be heard in the Court.
- (2) A State or the sovereign of a State may not be made a party to an action in the Court unless the State or the sovereign has submitted to the jurisdiction of the Court under a written jurisdiction agreement.
- (3) In exercising its discretion under paragraph (1), the Court must have regard to its international and commercial character.

**Court may consider jurisdiction and assumption of jurisdiction (O. 110, r. 10)**

- 10.**—(1) In an action commenced in the Court, the Court may consider whether it has jurisdiction or whether it should decline to assume jurisdiction —
- (a) on its own motion at any time (but shall not make a decision before hearing the parties); or
  - (b) on an application by a party in accordance with Rule 11.
- (2) The Court must set aside any pre-action certificate certifying that an action is international or commercial in nature before it decides that it has no jurisdiction on the ground that the action is not international or commercial in nature, as the case may be.
- (3) Where the Court decides that it has no jurisdiction or declines to assume jurisdiction —
- (a) the Court must transfer the proceedings to the High Court if —

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- (i) the Court considers that the High Court has and will assume jurisdiction in the case; and
  - (ii) all parties consent to the proceedings being heard in the High Court; or
- (b) if the proceedings are not transferred to the High Court under sub-paragraph (a), the Court may dismiss or stay the proceedings, or make any other order it sees fit.
- (4) Rule 12(5) applies where the Court transfers proceedings under paragraph (3)(a).
- (5) The following decisions of the Court under this Rule are final for the purposes of section 34(1)(e) of the Act, unless the Court or the Court of Appeal gives leave to appeal:
- (a) a decision that the Court has and will assume jurisdiction;
  - (b) a decision of the Court to transfer the proceedings to the High Court under paragraph (3)(a).

**Application and procedure (O. 110, r. 11)**

**11.**—(1) Order 12, Rule 7 (dispute as to jurisdiction, etc.) shall apply where any party wishes to dispute the Court’s jurisdiction (including whether the Court should assume jurisdiction) in an action begun by writ, with the following modifications:

- (a) an application by a defendant must be made within the time limited for serving a defence (excluding any extension of such time);
- (b) where there is exhibited according to Rule 43(1) a pre-action certificate certifying that the action is of an international and commercial nature, a party may not challenge the Court’s jurisdiction on the ground that the action is not of an international or commercial nature unless the party applies to set aside the pre-action certificate;
- (c) if the Court decides that it has no jurisdiction or declines to assume jurisdiction, Rule 10(3) applies.

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(2) Order 28, Rule 2A (dispute as to jurisdiction) shall apply where any party wishes to dispute the Court's jurisdiction (including whether the Court should assume jurisdiction) in an action begun by originating summons, with the following modifications:

- (a) where there is exhibited according to Rule 43(1) a pre-action certificate certifying that the action is of an international and commercial nature, a party may not challenge the Court's jurisdiction on the ground that the action is not of an international or commercial nature unless the party applies to set aside the pre-action certificate;
- (b) if the Court decides that it has no jurisdiction or declines to assume jurisdiction, Rule 10(3) applies.

### **Transfer of proceedings to or from Court (O. 110, r. 12)**

**12.**—(1) A case commenced in the High Court may be transferred to the Court, and vice versa.

(2) An order to transfer a case must be made by the court in which the case was commenced.

(3) A case may be transferred from the Court to the High Court only if the following requirements are met:

- (a) the Court considers that —
  - (i) the High Court has and will assume jurisdiction in the case; and
  - (ii) it is more appropriate for the case to be heard in the High Court;
- (b) a party has, with the consent of all other parties, applied for the transfer in accordance with Rule 13.

(4) A case may be transferred from the High Court to the Court only if the following requirements are met:

- (a) the High Court considers that —
  - (i) the requirements in Rule 7(1)(a) and (c) are met;

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- (ii) the Court will assume jurisdiction in the case; and
  - (iii) it is more appropriate for the case to be heard in the Court;
- (b) either —
- (i) a party has, with the consent of all other parties, applied for the transfer in accordance with Rule 13; or
  - (ii) the High Court, after hearing the parties, orders the transfer on its own motion.
- (5) Where a case is transferred —
- (a) the court to which the case is transferred must not reconsider whether it has or will assume jurisdiction;
  - (b) the court to which the case is transferred may order that any matter already adduced in the proceedings is to remain in evidence, notwithstanding that different rules of evidence will apply in the court;
  - (c) unless the court ordering the transfer otherwise directs, the parties must continue to pay the hearing fees and court fees payable in the court where the case was commenced;
  - (d) the court ordering the transfer may make such consequential orders as it sees fit; and
  - (e) the court to which the case is transferred may make such consequential orders as it sees fit, provided that such orders are not inconsistent with any orders made by the court ordering the transfer.

### **Application and procedure (O. 110, r. 13)**

**13.—**(1) An application for the purposes of Rule 12 must be made within the following times:

- (a) where the proceedings are commenced by writ, within 28 days after the close of pleadings or after pleadings are deemed to be closed;

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- (b) where the proceedings are commenced by originating summons, within 28 days after the service of the originating summons on the defendant.
- (2) The application must be made by summons and supported by an affidavit.
- (3) The supporting affidavit must —
- (a) explain how the conditions for transfer under Rule 12(3) or (4), as the case may be, are satisfied; and
- (b) exhibit the parties' consent to the transfer.

### PRODUCTION OF DOCUMENTS AND INTERROGATORIES

#### **Production of documents (O. 110, r. 14)**

**14.**—(1) Each party must provide to the Court and to all other parties all documents available to it on which it relies, within the time and in the manner ordered by the Court.

(2) A party may, with the Court's leave, provide to the Court and all other parties additional documents on which the party intends to rely.

#### **Request to produce (O. 110, r. 15)**

**15.**—(1) A party may serve a request to produce on any person (whether or not such person is a party to the proceedings) within the time ordered by the Court.

(2) Where the requested person is not a party to the proceedings, the request to produce must be served personally.

- (3) A request to produce must —
- (a) describe the requested documents with sufficient particularity in order for them to be produced;
- (b) state how the documents are relevant and material to the party's case;
- (c) state the requesting party's belief that the documents are in the possession, custody or power of the party to whom

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the request to produce is addressed, and the reasons for such belief;

- (d) state whether the documents are in the requesting party's possession and, if so, explain why the documents are being requested; and
- (e) be signed by the requesting party or the requesting party's counsel.

(4) Within the time ordered by the Court, the requested person must produce to the requesting party all the requested documents except those for which a notice of objection is served under Rule 16.

(5) The requesting party must pay to the requested person the reasonable costs of complying with the request to produce.

(6) In this Rule and Rules 16 and 17 —

“requesting party” means a party serving a notice to produce;

“requested person” means a person on whom a notice to produce is served.

### **Objection to production (O. 110, r. 16)**

**16.—**(1) A requested person who objects to producing any of the documents requested must serve a notice of objection on the requesting party —

- (a) if the requested person is a party to the proceedings, within 14 days after being served with the request to produce; and
- (b) if the requested person is not a party to the proceedings, within 28 days after being served with the request to produce.

(2) The notice of objection must state the reasons for the requested person's objection and be signed by the requested person or the requested person's counsel.

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**Application for Court to order production (O. 110, r. 17)**

17.—(1) The requesting party may, within 14 days after being served a notice of objection, apply to the Court by summons for an order to produce the documents objected to.

(2) In an application under paragraph (1), the Court may order the production of the documents objected to if —

- (a) the request to produce was made in accordance with Rule 15(3); and
- (b) none of the following objections apply:
  - (i) lack of sufficient relevance to the case or materiality to its outcome;
  - (ii) legal impediment or privilege;
  - (iii) unreasonable burden to produce the requested document;
  - (iv) loss or destruction of the document that has been shown with reasonable likelihood to have occurred;
  - (v) grounds of commercial or technical confidentiality that the Court determines to be compelling;
  - (vi) grounds of special political or institutional sensitivity (including evidence that has been classified as secret by the Government, a foreign government or a public international institution) that the Court determines or the Attorney-General certifies to be compelling;
  - (vii) such considerations of procedural economy, proportionality, fairness or equality of the parties as the Court determines to be compelling.

(3) Where the requested person is not a party to the action, the requesting party must, unless the Court otherwise orders, pay to the requested person the costs of the application and the reasonable costs of complying with any order made by the Court.

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**Pre-action production (O. 110, r. 18)**

**18.**—(1) An application may be made to the Court for the production of documents before the commencement of proceedings in the Court.

(2) In an application under paragraph (1), the Court may order the production of the documents sought unless —

- (a) the supporting affidavit does not contain the particulars required in Rule 19(3);
- (b) the Court is not satisfied that it has or would assume jurisdiction in the intended proceedings; or
- (c) any objection in Rule 17(2)(b) applies.

**Application and procedure (O. 110, r. 19)**

**19.**—(1) An application for the purposes of Rule 18 must be made by originating summons and supported by an affidavit.

(2) The originating summons and supporting affidavit must be served on the person from whom production is sought, who must be made a defendant to the originating summons.

(3) The supporting affidavit must —

- (a) describe the material facts relating to the intended proceedings, including whether the defendant is likely to be a party to the intended proceedings;
- (b) explain why the Court has and should assume jurisdiction over the intended proceedings;
- (c) describe the documents sought with sufficient particularity in order for them to be produced;
- (d) state how the documents are relevant and material to the intended proceedings;
- (e) state the applicant's belief that the documents are in the possession, custody or power of the person to whom the request to produce is addressed, and the reasons for such belief; and

- (f) state whether the documents are in the requesting party's possession and, if so, explain why the documents are being requested.

(4) Unless the Court otherwise orders, the applicant must pay to the person from whom production is sought the costs of the application and the reasonable costs of complying with any order made by the Court.

### **Production of copies instead of originals (O. 110, r. 20)**

**20.** A person required to produce a document under Rule 14, 15, 17 or 18 may produce a copy of the document, unless the Court orders, or a party requests, the inspection of the original.

### **Order 24 inapplicable (O. 110, r. 21)**

**21.** Order 24 (discovery and inspection of documents) does not apply to proceedings in the Court.

### **Interrogatories (O. 110, r. 22)**

**22.—(1)** A party to proceedings in the Court may serve on another party interrogatories relating to any matter in question between them.

(2) A party must not serve interrogatories under paragraph (1) unless the interrogatories are relevant and material to the party's case.

(3) Where interrogatories are served, there must be a note at the end of the interrogatories specifying —

- (a) the period of time (being not less than 14 days) after the date of service within which the interrogatories are to be answered;
- (b) where the party served with the interrogatories is an entity (including an unincorporated body), the person on whom the interrogatories are to be served; and
- (c) where the interrogatories are to be served on 2 or more parties, the interrogatories which each party is required to answer.

(4) A party served with interrogatories must respond, within the time specified under paragraph (3)(a), by serving —

- (a) the answers to the interrogatories in an affidavit; or
- (b) a notice of objection stating the reasons for objecting to the interrogatories.

(5) The party serving the interrogatories may, if dissatisfied with the response of the party served with the interrogatories, apply to Court by way of a summons supported by an affidavit, and the Court may make such orders as it sees fit.

(6) Order 26 (interrogatories) and Order 26A (interrogatories before action) do not apply to proceedings in the Court.

## EVIDENCE

### **Court may specify applicable rules of evidence (O. 110, r. 23)**

**23.**—(1) The Court may, on the application of a party, order that —

- (a) any rule of evidence found in Singapore law, whether under the Evidence Act (Cap. 97), in these Rules (but not in this Order) or elsewhere, shall not apply; and
- (b) such other rules of evidence (if any), whether such rules are found in foreign law or otherwise, shall apply instead.

(2) An application under paragraph (1) can only be made if all parties agree on —

- (a) the rules of evidence that shall not apply for the purposes of paragraph (1)(a); and
- (b) any rules of evidence that shall apply instead for the purposes of paragraph (1)(b).

(3) In making an order under paragraph (1), the Court may, for the just, expeditious and economical disposal of the proceedings —

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- (a) modify the parties' agreement under paragraph (2), but only with the parties' consent; and
  - (b) stipulate such further conditions that supplement and are consistent with the parties' agreement (or modified agreement) as the Court sees fit.
- (4) The Court may, from time to time, amend or supplement any order under paragraph (1), but only in accordance with paragraph (3) and after hearing the parties.
- (5) Despite any order under paragraph (1), the Court must exclude from evidence any document or statement (whether oral or written) where there are grounds of special political or institutional sensitivity (including anything that has been classified as secret by the Government, a foreign government or a public international institution) that the Court determines or the Attorney-General certifies to be compelling.
- (6) In this Rule and Rule 24, "rule of evidence" includes any rule of law relating to privilege or the taking of evidence.

#### **Application and procedure (O. 110, r. 24)**

**24.**—(1) An application for an order for the purposes of Rule 23(1) must be made by summons and supported by an affidavit.

- (2) The supporting affidavit must —
- (a) state the rules of evidence found in Singapore law that the parties agree shall not apply;
  - (b) state any other rules of evidence that the parties agree shall apply instead; and
  - (c) exhibit a copy of the rules of evidence proposed to be applied, where this is practicable.
- (3) For the purposes of paragraph (2)(a) and (b), a general description of the relevant rules of evidence is sufficient if it is not practicable to state each rule of evidence.

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(4) Where an order under Rule 23(1) is made before the time for filing a bundle under Order 34, Rule 3(1), it must be included in the bundle.

## FOREIGN LAW

### **Foreign law may be determined on basis of submissions (O. 110, r. 25)**

**25.**—(1) The Court may, on the application of a party, order that any question of foreign law be determined on the basis of submissions (which may be oral or written or both) instead of proof.

(2) Before making an order under paragraph (1), the Court must be satisfied that all parties are or will be represented by counsel who are competent to submit on the relevant questions of foreign law.

(3) An order under paragraph (1) shall specify one or more persons who may make submissions on the relevant questions of foreign law on behalf on each party.

(4) Where a person specified under paragraph (3) does not have a right of audience before the Court, the order shall be conditional on the person —

(a) being an advocate and solicitor who has in force a practising certificate;

(b) being admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161);  
or

(c) being registered under section 36P of that Act.

(5) Subject to Rule 27, an order under paragraph (1) is final for the purposes of section 34(1)(e) of the Act.

### **Effect of order on proceedings in Court (O. 110, r. 26)**

**26.**—(1) Where the Court makes an order under Rule 25(1), paragraphs (2), (3) and (4) are to apply.

(2) The aspect of foreign law in question need not be proved.

(3) Subject to any directions by the Court, the parties' submissions may address any matter that would have been relevant to proving the aspect of foreign law in question.

(4) The Court may, in addition to considering the parties' submissions, have regard to the following when determining the relevant questions of foreign law:

- (a) the legislation of the foreign country;
- (b) the decisions of the courts of the foreign country;
- (c) any judgment of the Court of Appeal, the High Court or the Court relating to similar questions of foreign law;
- (d) any other material that, in the opinion of the Court, is authoritative or persuasive in determining or interpreting the aspect of the foreign law in question.

### **Setting aside and variation of order (O. 110, r. 27)**

**27.**—(1) The Court may set aside an order under Rule 25(1) on the application of a party, or on its own motion after hearing the parties, if —

- (a) a person allowed to submit on the relevant questions of foreign law is not, or ceases to be —
  - (i) an advocate and solicitor who has in force a practising certificate;
  - (ii) admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161); or
  - (iii) registered under section 36P of that Act; or
- (b) a person allowed to make submissions on the relevant questions of foreign law on behalf of a party no longer acts for the party.

(2) Instead of setting aside under paragraph (1) an order under Rule 25(1), the Court may, on the application of a party, vary the order to allow another person to make submissions on the relevant questions of foreign law on behalf of the party.

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(3) Rule 25(2), (3) and (4) applies, with the necessary modifications, to an order under Rule 25(1) that is varied under paragraph (2).

(4) Where an order under Rule 25(1) is set aside under paragraph (1), a party may apply again for another order under Rule 25(1).

(5) The Court's decision to set aside an order under Rule 25(1) is final for the purposes of section 34(1)(e) of the Act.

### **Application and procedure (O. 110, r. 28)**

**28.**—(1) An application for an order under Rule 25(1), or for the variation of under Rule 27(2) of such an order, must be made by summons and supported by an affidavit.

(2) The affidavit must —

- (a) state the questions of foreign law that the party is applying to be determined on the basis of submissions;
- (b) state the person who will be making submissions on behalf of the party on the questions of foreign law;
- (c) exhibit the curricula vitae of the person, in particular the person's qualifications and experience in relation to the relevant aspect of the foreign law;
- (d) state whether that person is —
  - (i) an advocate and solicitor who has in force a practising certificate;
  - (ii) admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161); or
  - (iii) registered under section 36P of that Act;
- (e) if that person does not fall under sub-paragraph (d), exhibit an undertaking by the person to apply to be registered under section 36P of that Act within 7 days after the date on which the order is made; and

(f) where applicable, exhibit any agreement between the parties for an order under Rule 25(1) to be made or varied.

(3) Where an application under paragraph (1) is filed, the Court may order all other parties (or their counsel) to each file an affidavit stating fully the qualifications and experience of each counsel of the party in relation to the relevant area of foreign law.

(4) Where an order under Rule 25(1) is made before the time for filing a bundle under Order 34, Rule 3(1), it must be included in the bundle.

### **Proceedings in Court of Appeal (O. 110, r. 29)**

**29.**—(1) In an appeal from a judgment or an order of the Court, the Court of Appeal may determine any question of foreign law on the basis of submissions and in accordance with Rule 26 if —

- (a) the question of foreign law has been ordered by the Court to be determined on the basis of submissions; or
- (b) the question of foreign law has been ordered by the Court of Appeal, on its own motion or on an application by a party, to be determined on the basis of submissions.

(2) Instead of determining any question of foreign law under paragraph (1), the Court of Appeal may remit any question of foreign law to the Court for the Court's decision.

(3) Rules 25(2), (3) and (4) and 27 apply, with the necessary modifications, to an order under paragraph (1)(b).

## CONFIDENTIALITY

### **Confidentiality, etc. (O. 110, r. 30)**

**30.**—(1) The Court may, on the application of a party, make all or any of the following orders:

- (a) an order that the case be heard in camera;
- (b) an order that no person must reveal or publish any information or document relating to the case;

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(c) an order that the Court file be sealed.

(2) In deciding whether to make an order under paragraph (1), the Court may have regard to —

(a) whether the case is an offshore case; and

(b) any agreement between the parties on the making of such an order.

(3) Where there is exhibited in accordance with Rule 43(1) a pre-action certificate stating that all or any of the orders under Rule 39(1)(c) should be made, the Court is to be treated as having made those orders under paragraph (1), subject to Rule 31 and any exception, condition or direction stated in the pre-action certificate.

(4) An order under paragraph (1) may be made with or without exceptions or conditions, including any directions on what information relating to the proceedings may be published.

(5) An application under paragraph (1) must be made by summons and supported by an affidavit.

(6) The affidavit may exhibit any agreement between the applicant and any other party on the matters under paragraph (1).

(7) The parties must notify the Registrar of an order made, or treated as made, under paragraph (1) (including any exceptions, conditions and directions).

(8) An order made, or treated as made, under paragraph (1) (including any exceptions, conditions and directions) takes effect on the date the Registrar is notified of the order under paragraph (7).

(9) Paragraph (8) does not affect any obligation imposed on a party by an order made, or treated as made, under paragraph (1).

(10) Where the Court file is sealed, no person other than a party may inspect the file, unless the leave of the Court is obtained.

(11) An application for leave under paragraph (10) must be served on all parties, and any party who wishes to oppose the

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application may file an affidavit within 7 days after being served the application.

(12) Subject to paragraph (13), the Court may at any time set aside an order under paragraph (1) on the application of a party.

(13) Where paragraph (3) applies, the Court must not set aside the pre-action certificate except in accordance with Rule 44.

(14) The Court's decision whether to make or set aside an order under paragraph (1) is final for the purposes of section 34(1)(e) of the Act.

### **Reports of judgments of major legal interest (O. 110, r. 31)**

**31.**—(1) Despite any order under Rule 30(1), but subject to paragraphs (2) and (3), the Court must direct that a judgment made by the Court may be published in law reports and professional publications if the Court considers the judgment to be of major legal interest.

(2) A party may, at any time before the Court delivers its judgment, inform the Court of any matter that the party wishes to remain confidential (including the fact that the party was involved in the proceedings).

(3) Where the Court considers that there are any matters which a party reasonably wishes to remain confidential, the Court must —

- (a) give directions for those matters to be concealed in publishing the judgment of the Court; or
- (b) if it is not possible or practicable for the judgment of the Court to be published without revealing those matters, give directions for the judgment not to be published for 10 years after the date of the judgment, or such shorter period as the Court may order.

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## REPRESENTATION

### **Validity of acts done by registered foreign lawyer (O. 110, r. 32)**

**32.** The validity of anything done in any proceedings in the Court or any appeal from the Court is not affected by the fact that —

- (a) a party was represented by a registered foreign lawyer; and
- (b) the proceedings are not or have ceased to be relevant proceedings as defined in section 36O(1) of the Legal Profession Act (Cap. 161), or the appeal is not or has ceased to be a relevant appeal as defined in that provision, as the case may be.

### **Notice of counsel on record (O. 110, r. 33)**

**33.—(1)** A party to proceedings in the Court must file and serve a notice stating all the counsel acting for the party in the proceedings.

(2) The notice in paragraph (1) must be in Form 251 and must be filed —

- (a) where the proceedings are commenced in the Court —
  - (i) by the plaintiff, upon the commencement of the proceedings; and
  - (ii) by any other party, when that party first files any document in the proceedings; or
- (b) where the proceedings are transferred to the Court —
  - (i) by the parties at the time the proceedings are transferred, upon the transfer of the proceedings; and
  - (ii) by any other party, when that party first files any document in the proceedings.

(3) If a party to proceedings in the Court or in an appeal from the Court changes the counsel acting for him, or appoints a

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counsel to act for him after acting in person, the party must file and serve a notice in Form 252 within 7 days after the change or appointment, as the case may be.

(4) Order 64, Rules 1 and 2 do not apply to any proceedings in the Court or any appeal from the Court.

## OFFSHORE CASES

### **When action may be treated as offshore case (O. 110, r. 34)**

**34.** An action is to be treated as an offshore case in any of the following circumstances, unless the Court subsequently decides that the action is not or is no longer an offshore case:

- (a) there is exhibited, in accordance with Rule 43(1), a pre-action certificate stating that an intended action is an offshore case;
- (b) a party has filed an offshore case declaration;
- (c) the Court decides under Rule 36 that the action is an offshore case.

### **Offshore case declaration (O. 110, r. 35)**

**35.—(1)** Where there is no pre-action certificate exhibited in an action certifying that the action is an offshore case, a party to an action may file an offshore case declaration in accordance with this Rule.

(2) An offshore case declaration must be in such form as practice directions issued by the Registrar may specify.

(3) An offshore case declaration must be filed —

- (a) by the plaintiff, together with the originating process; or
- (b) by any other party, together with the first document filed by the party in the action.

(4) An offshore case declaration must explain why the action is an offshore case, and state all the facts relevant to the explanation.

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(5) An offshore case declaration must be served on all other parties to the action.

**Decision that action is offshore case (O. 110, r. 36)**

**36.**—(1) A party may apply to the Court for a decision that an action is an offshore case.

(2) An application under paragraph (1) shall be made within the following times:

- (a) for the plaintiff and the defendant in proceedings commenced by writ, within 28 days after the close of pleadings;
- (b) for a third or subsequent party in proceedings commenced by writ, within 28 days after the close of pleadings in the third party action or the subsequent party action, as the case may be;
- (c) for the plaintiff and the defendant in proceedings commenced by originating summons, within 28 days after the service of the originating summons on the defendant;
- (d) for a third or subsequent party in proceedings commenced by originating summons, within 28 days after the service of the originating summons on the third party or subsequent party, as the case may be.

(3) The application must be made by summons and supported by an affidavit.

(4) The supporting affidavit must state all the relevant facts and the reasons for deciding whether the action is an offshore case.

(5) The application and the supporting affidavit must be served on all parties to the proceedings and any other person that the Court considers may have an interest in the application.

(6) A party who wishes to oppose the application may file an affidavit within 7 days after being served the application and the supporting affidavit.

(7) An interested person (other than a party) who wishes to oppose the application may, with the leave of the Court, file an affidavit.

(8) The Court may decide that an action is not an offshore case even though the application is not opposed.

(9) Subject to Rule 37, the Court's decision as to whether an action is an offshore case is final for the purposes of section 34(1)(e) of the Act.

**Decision that action is not offshore case (O. 110, r. 37)**

**37.**—(1) Subject to paragraph (2), the Court may at any time decide that an action is not or is no longer an offshore case, either on its own motion or on the application of a person.

(2) An application for the purposes of paragraph (1) —

(a) must be made by summons;

(b) may be made by a party at any time;

(c) may be made by an interested person (other than a party) at any time, but only with the leave of the Court;

(d) must be supported by an affidavit stating all the relevant facts and reasons for determining whether the action is an offshore case; and

(e) must, together with the supporting affidavit, be served on all parties to the proceedings.

(3) A party opposing an application may file an affidavit within 7 days after being served the application and the supporting affidavit.

(4) The Court must set aside any pre-action certificate certifying that an action is an offshore case before it decides that an action is not an offshore case.

(5) Where the Court decides that an action is not or is no longer an offshore case —

(a) any offshore case declaration filed in the case ceases to have effect;

(b) the Court may, in the interests of the just, economical and expeditious disposal of the proceedings, allow a party who has been represented by a foreign lawyer to continue to be so represented, subject to any conditions that the Court may impose; and

(c) the Court may make any consequential order it deems fit.

(6) The Court's decision as to whether an action is an offshore case is final for the purposes of section 34(1)(e) of the Act.

(7) Despite paragraph (5), the Court may, in accordance with this Rule, decide that an action is no longer an offshore case, even though it previously decided that the action is an offshore case.

#### PRE-ACTION CERTIFICATE

##### **General provisions (O. 110, r. 38)**

**38.**—(1) If a person who intends to commence an action in the Court, or who may be a party to an action commenced in the Court, wishes to obtain a certification on the matters in Rule 39(1), the person may apply for a pre-action certificate in accordance with Rule 40 or 41.

(2) A pre-action certificate may certify all or any of the matters specified in Rule 39(1).

(3) If a pre-action certificate is exhibited in an action in accordance with Rule 43(1), it is conclusive as to the matters therein certified, unless set aside under Rule 44.

(4) To avoid doubt —

(a) a person does not need to apply for or obtain a pre-action certificate in order to bring an action in the Court;

(b) a person who has not applied for or who has been refused a pre-action certificate is not thereby precluded from bringing an action in the Court, filing a plaintiff's declaration or an offshore case declaration; and

- (c) the pre-action certificate procedure is not applicable to a case transferred to the Court (instead of commenced in the Court).

**Matters that may be certified by pre-action certificate (O. 110, r. 39)**

**39.**—(1) A pre-action certificate may certify all or any of the following matters:

- (a) the claims in an intended action are of an international and commercial nature for the purposes of Rule 7(1)(a);
- (b) an intended action is an offshore case;
- (c) that there should be all or any of the following orders in the intended action:
  - (i) an order that the intended action be heard in camera;
  - (ii) an order that no person must reveal or publish any information or document relating to the case;
  - (iii) an order that the Court file for the intended action be sealed.

(2) To avoid doubt, certification that an action is of an international and commercial nature for the purposes of Rule 7(1)(a) does not by itself mean that the Court has or would assume jurisdiction in that action.

(3) For paragraph (1)(c), the pre-action certificate may be subject to any exceptions or conditions imposed by the Judge or Registrar issuing the certificate, including any directions on what information relating to the intended action may be published.

**Joint request for pre-action certificate (O. 110, r. 40)**

**40.**—(1) A joint request for a pre-action certificate may be made by a person intending to commence an action in the Court together with a person who will be named as a defendant in that action when it is first filed.

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(2) A joint request must be in such form as practice directions issued by the Registrar may specify.

(3) The joint request must be supported by a statement —

- (a) describing the intended action;
- (b) stating all the facts and reasons that are relevant to deciding whether the relevant matters under Rule 39(1) ought to be certified; and
- (c) exhibiting a copy of the written jurisdiction agreement that will be relied on in the intended action.

(4) A joint request may be summarily decided by a Judge or the Registrar without hearing the parties.

(5) The decision on the joint request is an administrative decision and not a judgment or an order of the Court.

**Single-party application for pre-action certificate (O. 110, r. 41)**

**41.**—(1) A person who intends to commence an action in the Court or who may be a party to an intended action in the Court may, if the person does not wish or is not able to make a joint request under Rule 40, make an application for a pre-action certificate by an *ex parte* originating summons.

(2) The application must be supported by an affidavit.

(3) The supporting affidavit must —

- (a) describe the intended action;
- (b) state all the facts and reasons that are relevant to deciding whether the relevant matters under Rule 39(1) ought to be certified; and
- (c) exhibit a copy of the written jurisdiction agreement proposed to be relied on in the intended action for the purposes of Rule 7(1)(b).

(4) The Judge or Registrar hearing the application may order it to be served on any person.

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(5) The Court must, on its own motion, consider whether to make any or all of the following orders:

- (a) an order that the application be heard in camera;
- (b) an order that no person must reveal or publish any information or document relating to the application;
- (c) an order that the Court file for the application be sealed.

**Grant of pre-action certificate (O. 110, r. 42)**

**42.**—(1) A Judge or the Registrar may grant a pre-action certificate if the Judge or Registrar is satisfied that the relevant matters under Rule 39(1) ought to be certified in relation to the intended action.

(2) A decision to grant or refuse a pre-action certificate is final for the purposes of section 34(1)(e) of the Act.

**Effect of pre-action certificate (O. 110, r. 43)**

**43.**—(1) Unless set aside under Rule 44, a pre-action certificate granted by a Judge or the Registrar and issued by the Registry is conclusive as to the matters therein stated if, within 6 months after the date on which the certificate was granted —

- (a) the certificate is exhibited in the plaintiff's declaration in an action commenced in the Court; or
- (b) the certificate is exhibited (together with the application or joint request for the pre-action certificate and any affidavit or document filed in the application or joint request) by any other party together with the first document filed by that party in the action.

(2) The time within which a pre-action certificate may be exhibited under paragraph (1) cannot be extended.

(3) A pre-action certificate lapses 6 months after the date on which it was granted, unless it is exhibited in accordance with paragraph (1).

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(4) The lapsing of a pre-action certificate does not preclude any person from applying for another pre-action certificate.

**Setting aside of pre-action certificate (O. 110, r. 44)**

**44.**—(1) A pre-action certificate that is exhibited in an action in accordance with Rule 43(1) may be set aside in accordance with this Rule.

(2) A pre-action certificate may be set aside —

(a) on the Court’s own motion;

(b) on the application of a party to the action; or

(c) on the application of a person who is not a party to the action, but only with the leave of the Court.

(3) Subject to paragraph (4), a pre-action certificate may be set aside on the following grounds:

(a) on a review of all the facts before the Court (including the facts relied on in the application for the pre-action certificate), the matters certified in the pre-action certificate should not have been certified in respect of the action;

(b) on a review of the facts that have emerged since the grant of the pre-action certificate, the matters certified in the pre-action certificate should not have been certified in respect of the action;

(c) the pre-action certificate was obtained on the basis of materially inaccurate facts.

(4) A party to a joint request or an application for a pre-action certificate (including a person on whom an application was served) may not apply to set aside the pre-action certificate on the basis of paragraph (3)(a).

(5) A pre-action certificate may be set aside wholly or in part.

(6) An application to set aside a pre-action certificate under paragraph (2) —

(a) must be made by summons;

- (b) must be supported by an affidavit explaining why the pre-action certificate should be set aside; and
- (c) must, together with the supporting affidavit, be served on the parties to the action in which the pre-action certificate is exhibited, and on such other persons as the Court may direct.

(7) The Court's decision whether to set aside a pre-action certificate is final for the purposes of section 34(1)(e) of the Act.

## COSTS AND FEES

### **Security for costs (O. 110, r. 45)**

**45.**—(1) Subject to this Rule, Order 23 (security for costs) is to apply to proceedings in the Court.

(2) Where proceedings are begun in the Court, the plaintiff may not be ordered to give security for the defendant's costs solely because —

- (a) the plaintiff is an individual who is ordinarily resident out of the jurisdiction; or
- (b) the plaintiff is a corporation or some other entity —
  - (i) that is constituted under the law of a country other than Singapore;
  - (ii) whose central management or control is exercised outside Singapore; or
  - (iii) whose place of business is outside Singapore.

(3) In paragraph (2), “plaintiff” includes a defendant who brings a counterclaim or a third party action.

### **Costs (O. 110, r. 46)**

**46.**—(1) The unsuccessful party in any application or proceedings in the Court must pay the reasonable costs of the application or proceedings to the successful party, unless the Court orders otherwise.

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(2) The unsuccessful party in any appeal from the Court to the Court of Appeal must pay the reasonable costs of the appeal to the successful party, unless the Court of Appeal orders otherwise.

(3) For the purposes of paragraphs (1) and (2), the court may, in particular —

- (a) apportion costs between the parties if the court determines that apportionment is reasonable, taking into account the circumstances of the case;
- (b) take into account such circumstances as the court considers relevant, including the conduct of the case;
- (c) order costs to be paid by counsel personally, or by a person who is not a party;
- (d) order interest on costs; or
- (e) make any ancillary order, including an order as to the time and manner of payment.

(4) Paragraphs (1), (2) and (3) are subject to paragraph (5) and Rules 15(5), 17(3) and 19(4).

(5) If the defendant in an action begun by writ pays the amount claimed within the time and in the manner required by the endorsement on the writ, the costs allowed are to be fixed at \$5,000.

(6) Order 59 (costs) does not apply to —

- (a) proceedings in the Court;
- (b) appeals from the Court to the Court of Appeal; or
- (c) applications to the Court of Appeal in relation to such appeals or in relation to proceedings in the Court.

### **Court fees (O. 110, r. 47)**

**47.**—(1) This Rule applies to —

- (a) a case commenced in the Court;
- (b) a case commenced in the Court and subsequently transferred to the High Court, unless the Court orders

that the fees chargeable for proceedings commenced in the High Court should be payable instead;

- (c) a case commenced in the High Court and subsequently transferred to the Court, but only if the High Court has ordered that the fees chargeable for proceedings commenced in the Court should be payable instead;
- (d) an appeal from a judgment or an order of the Court in a case under sub-paragraph (a), (b) or (c); and
- (e) an application to the Court of Appeal in relation to an appeal under sub-paragraph (d) or a case under sub-paragraph (a), (b) or (c).

(2) The following fees are payable for proceedings in the Court to which this Rule applies:

	<i>Single-Judge Court</i>	<i>3-Judge Court</i>	<i>Payable by whom</i>
1. Upon the filing of an ex parte originating summons for a pre-action certificate (inclusive of the first half-day hearing)	\$3,500	N.A.	The applicant, unless otherwise ordered by the Court
2. Upon commencement of the action, entry of appearance to the action, a	\$3,300	\$4,950	(i) By the plaintiff upon filing an originating process

	<i>Single-Judge Court</i>	<i>3-Judge Court</i>	<i>Payable by whom</i>
<p>person being joined as a party to the action (including being joined as an additional plaintiff or defendant, or a third or subsequent party) or a defendant first filing a document in an action com menced by originating summons</p>			(ii) By any other party upon filing of the first docu ment by that party
<p>3. Upon the first notification to the parties of a hearing for directions on case manage ment (for writ actions only)</p>	\$3,300	\$6,600	Each party

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	<i>Single-Judge Court</i>	<i>3-Judge Court</i>	<i>Payable by whom</i>
4. Upon certifica tion of the exchange of affidavits of evidence- in-chief (for writ actions only)	\$2,750	\$6,050	Each party
5. Upon setting down the cause or matter for trial (for writ actions only)	\$1,100	\$2,750	Each party
6. For the filing of an interlocu tory application (inclusive of the first half-day hearing)	\$3,500	\$10,500	The applicant, unless otherwise ordered by the Court

(3) The following fees are payable for appeals from the Court to the Court of Appeal to which this Rule applies (including applications to the Court of Appeal in relation to such appeals or in relation to proceedings in the Court):

	<i>Single- Judge Court of Appeal</i>	<i>2-Judge Court of Appeal</i>	<i>3-Judge Court of Appeal</i>	<i>5-Judge Court of Appeal</i>	<i>Payable by whom</i>
1. Upon filing of the Applicant's Case or the Respondent's Case	N.A.	\$9,000	\$10,750	\$14,250	Each party
2. For the filing of an application (inclusive of the first half-day hearing)	\$3,500	\$7,000	\$10,500	\$17,500	The applicant, unless otherwise ordered by the Court of Appeal

(4) The fees to be paid for the use of a technology Court and the facilities thereof, and for the use, preparation, and any matter related to the use, of a computer presentation system are to be determined by the Chief Justice from time to time.

(5) The fees in Appendix BA are payable for proceedings to which this Rule applies.

(6) A person joined as a party (including an additional plaintiff or defendant, or a third or subsequent party) to a case is required to pay the fees payable under paragraphs (2), (3), (4) and (5) (so far as they are applicable) in accordance with any directions of the Court.

(7) The fees payable under this Rule are to be collected in such manner as may from time to time be directed by the Chief Justice.

(8) The Registrar may in any case waive or defer the payment of the whole or any part of the fees payable under this Rule, with or without conditions.

(9) Order 90B (court fees for core bundles) and Order 91 (court fees) do not apply to proceedings to which this Rule applies.

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**Hearing fees (O. 110, r. 48)**

**48.**—(1) Subject to paragraph (2), this Rule applies to —

- (a) a case commenced in the Court;
- (b) a case commenced in the Court but subsequently transferred to the High Court, unless the Court orders that the fees chargeable for proceedings commenced in the High Court should be payable instead;
- (c) a case commenced in the High Court but subsequently transferred to the Court, but only if the High Court has ordered that the fees chargeable for proceedings commenced in the Court should be payable instead;
- (d) an appeal from a judgment or an order of the Court in a case under sub-paragraph (a), (b) or (c); and
- (e) an application to the Court of Appeal in relation to an appeal under sub-paragraph (d) or a case under sub-paragraph (a), (b) or (c).

(2) The following fees are payable for proceedings in the Court to which this Rule applies:

	<i>Single-Judge Court or hearing by Registrar</i>	<i>3-Judge Court</i>	<i>Payable by whom</i>
1. For each additional half-day of hearing an ex parte originating summons for a pre-action certificate	\$1,750	N.A.	The applicant, unless otherwise ordered by the Court

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	<i>Single-Judge Court or hearing by Registrar</i>	<i>3-Judge Court</i>	<i>Payable by whom</i>
2. For each day (or part thereof) of trial or the hearing of an originating summons	\$3,500	\$10,500	The plaintiff, unless otherwise ordered by the Court
3. For each day (or part thereof) of a hearing for the assessment of damages or taking of accounts	\$3,500	\$10,500	The plaintiff, unless otherwise ordered by the Court
4. For each additional half-day of interlocutory hearing or part thereof after the	\$1,750	\$5,250	The applicant, unless otherwise ordered by the Court

	<i>Single-Judge Court or hearing by Registrar</i>	<i>3-Judge Court</i>	<i>Payable by whom</i>
first half-day			

(3) The following fees are payable for appeals from the Court to the Court of Appeal to which this Rule applies (including applications in relation to such appeals or in relation to proceedings in the Court):

	<i>Single- Judge Court of Appeal</i>	<i>2-Judge Court of Appeal</i>	<i>3-Judge Court of Appeal</i>	<i>5-Judge Court of Appeal</i>	<i>Payable by whom</i>
1. For each day (or part thereof) of hearing of an appeal	N.A.	\$7,000	\$10,500	\$17,500	The appellant, unless otherwise ordered by the Court of Appeal
2. For each additional half-day of hearing of an application or part thereof after the first half-day	\$1,750	\$3,500	\$5,250	\$8,750	The applicant, unless otherwise ordered by the Court of Appeal

(4) The Registrar may in any case waive or defer the payment of the whole or any part of the fees payable under this Rule, with or without conditions.

(5) Order 90A (hearing fees) does not apply to proceedings to which this Rule applies.

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**Deposit (O. 110, r. 49)**

**49.**—(1) A party to a case commenced in the Court must pay to the Registrar a deposit of such amount and in such form as practice directions may specify.

(2) The deposit must be paid —

(a) by the plaintiff, upon the filing of the originating process; and

(b) by any other party, upon the filing of that party's first document in the case.

(3) The Registrar may deduct from a party's deposit any fee payable by the party in the case.

(4) A party must replace any amount deducted from the party's deposit within 14 days after the date of the Registrar's notification to do so.

(5) The Registrar must maintain a ledger of the deposits made by a party and the deductions made from those deposits.

(6) After the conclusion of the case, the Registrar must refund to each party the balance of the party's deposit.

(7) To avoid doubt, no interest is payable on any deposit placed with the Registrar under this Rule.

**Registrar may refuse to administer proceedings if fees or deposits unpaid (O. 110, r. 50)**

**50.**—(1) Subject to paragraph (3), the Registrar may refuse to administer or continue administering proceedings to which this Order applies if any fee or deposit payable for the proceedings is not paid.

(2) For the purposes of paragraph (1), the Registrar may refuse to administer the whole or any part of the proceedings in relation to the party in default.

(3) Any party may pay to the Registrar any unpaid fee or deposit, and upon the full payment of all fees and deposits, the

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Registrar must administer or continue to administer the proceedings.

miscellaneous

**Dispensation with oral arguments (O. 110, r. 51)**

**51.** The Court may, with the parties' consent, decide any matter without hearing oral arguments.

**Judge to assess damages (O. 110, r. 52)**

**52.**—(1) Subject to this Rule, Order 37 (assessment of damages) is to apply to proceedings in the Court.

(2) Damages are to be assessed by the Judge who gave judgment for damages to be assessed, unless the Judge orders the Registrar to assess the damages.

(3) Where damages are to be assessed by a Judge under paragraph (2), the references in Order 37 to the Registrar are to be construed as references to the Judge.

**Constitution of Court and Court of Appeal (O. 110, r. 53)**

**53.**—(1) Proceedings in the Court must be heard before 3 Judges if —

(a) the parties so agree, unless the Chief Justice directs otherwise; or

(b) the Chief Justice so directs.

(2) Proceedings in the Court of Appeal in an appeal from the Court must be heard before 5 Judges of Appeal if —

(a) the parties so agree, unless the Chief Justice directs otherwise; or

(b) the Chief Justice so directs.

**Practice directions (O. 110, r. 54)**

**54.** The Registrar may issue a separate set of practice directions relating to proceedings to which this Order applies.

### Forms (O. 110, r. 55)

55. The Forms in Appendix A may be used, with any necessary modifications, in proceedings to which this Order applies.”.

### Deletion of certain Orders

34. Orders 68, 71, 84, 84A, 86, 99, 102, 104, 106 and 107 of the principal Rules are deleted.

### Amendment of Appendix A

35. Appendix A to the principal Rules is amended —

- (a) by deleting Forms 151, 151A, 152, 153, 154, 155, 156, 157, 158, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 208, 231 and 232; and
- (b) by inserting, immediately after Form 248, the following Forms:

“249.

O. 110,  
r. 4(2)

WRIT OF SUMMONS

IN THE SINGAPORE  
INTERNATIONAL COMMERCIAL  
COURT

Suit No.                      of 20                      .

(Seal)

Between

*Plaintiff(s)*

And

*Defendant(s)*

To    THE DEFENDANT(S) [name]

of [address]

THIS WRIT OF SUMMONS has been issued against you by the abovenamed Plaintiff(s) in respect of the claim endorsed herein. Within                      days after the service of this Writ on you, you must either satisfy the claim or cause an appearance to be entered for you using the electronic filing



(If the plaintiff sues, or the defendant is sued, in a representative capacity, this must be stated in the endorsement of claim).

*Endorsement as to counsel and address.*

This writ is issued by \_\_\_\_\_ of \_\_\_\_\_ counsel for the said plaintiff whose address is \_\_\_\_\_ (or where the plaintiff sues in person). This writ is issued by the said plaintiff who resides at \_\_\_\_\_ and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service is \_\_\_\_\_.

*Endorsement as to service.*

This writ was served by \_\_\_\_\_ by way of personal service (or as may be) (state manner of service or in accordance with the terms of an order for substituted service) on the defendant (who is known to me) (or who was pointed out to me by \_\_\_\_\_) (or who admitted to me that he was \_\_\_\_\_) at (place) on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

Endorsed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

*Process Server.*

250.

O. 110,  
r. 4(3)

ORIGINATING SUMMONS

IN THE SINGAPORE INTERNATIONAL  
COMMERCIAL COURT

O.S. No. \_\_\_\_\_ )  
of 20 \_\_\_\_ . )  
(Seal) \_\_\_\_\_ )  
(In the matter of \_\_\_\_\_ )

Between

*Plaintiff.*

And

*Defendant.*

To THE DEFENDANT(S) [name]  
of [address]

Let all parties concerned attend before the Judge (or Registrar) on (date/time), on the hearing of an application by the plaintiff that .

Dated this day of 20 .

*Registrar:*

*Memorandum to be subscribed on the summons*

This summons is taken out by of counsel for the said plaintiff whose address is (or where the plaintiff sues in person). This summons is taken out by the said plaintiff who resides at and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service is .

*Note:* This summons may not be served more than 12 months after the above date unless renewed by order of the Court.

If a defendant does not attend personally or by his counsel at the time and place abovementioned, such order will be made as the Court may think just and expedient.

Unless otherwise provided in any written law, where the plaintiff intends to adduce evidence in support of an originating summons, he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant not later than 7 days after the service of the originating summons.

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251.

O. 110,  
r. 33(2)

NOTICE OF COUNSEL

(Title as in action)

To the Registrar,

Take notice that (name of counsel), of \_\_\_\_\_, has (or have) been appointed to act as counsel for the abovenamed (plaintiff or defendant (if for one or more of several defendants, naming the defendant or defendants)) in this action.

(Name of counsel) is an advocate and solicitor of the Supreme Court/a foreign lawyer registered under section 36P of the Legal Profession Act (Cap. 161).\*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

*Counsel.*

To the abovenamed defendant (or plaintiff) or his (or their) counsel.

\*Delete as appropriate.

252.

O. 110,  
r. 33(3)

NOTICE OF  
CHANGE/APPOINTMENT\*  
OF COUNSEL

(Title as in action)

To the Registrar,

Take notice that (name of new/appointed counsel), of \_\_\_\_\_, has (or have) been appointed to act as the counsel of the abovenamed (plaintiff or defendant (if for one or more of several defendants, naming the defendant or defendants)) in this action, in the place of (name of original counsel).\*

The address for service of the abovenamed (new/appointed counsel) is \_\_\_\_\_.

(Name of counsel) is an advocate and solicitor of the Supreme Court / a foreign lawyer registered under section 36P of the Legal Profession Act (Cap. 161).\*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

*Counsel.*

To the abovenamed defendant (or plaintiff) or his (or their) counsel and to (naming the former counsel of the plaintiff (or defendant)).\*

\*Delete as appropriate.

”.

## New Appendix BA

**36.** The principal Rules are amended by inserting, immediately after Appendix B, the following Appendix:

“

### APPENDIX BA

#### Court Fees in the Singapore International Commercial Court

O. 110, r. 47

<i>No.</i>	<i>Items</i>	<i>Fee</i>	<i>Document to be stamped and remarks</i>
1.	<i>Manual handling charge.</i> For documents filed or sent to the Court using the electronic filing service under Order 63A through a service bureau, in addition to any other fees chargeable under these Rules or any other written law.	\$13.50 per document	To be paid to the organisation that establishes the service bureau.
2.	On every request for certified true copies of documents from the Court file. Provided that the fee under this item shall not be collected for transcripts certified by a provider of transcription services authorised by the Court.	\$8 per document plus \$5 per page	Request.

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- |   |   |                               |
|---|---|-------------------------------|
| 3. On every Request for plain copies of documents from the Court file.  | \$5 per document plus \$0.15 per page             | Request.                      |
| 4. On every application to inspect a Court file.  | \$20  | Request.                      |
| 5. On every application for search of information maintained in electronic form and made available online (per search term per module per year), except where a search produces a nil result. | \$30 for subscribers,<br>\$35 for non-subscribers | Request.                      |
| On every application for search of information maintained in electronic form and made available online (per search term per module per year) where a search produces a nil result.            | \$10 for subscribers,<br>\$12 for non-subscribers |                               |
| 6. On a certified translation by an Interpreter of the Court.   | \$5 per page or part thereof                      | Request.                      |
| 7. On checking, correcting and certifying a translation not made by an Interpreter of the Court.  | \$5 per page or part thereof                      | Request.                      |
| 8. On taking or re-taking an affidavit or a declaration in lieu of an affidavit, or a declaration or an acknowledgment for each person making the same.                                       | \$20  | Affidavit or Declaration.     |
| And in addition for each exhibit referred to therein and required to be marked.   | \$5   |                               |
| 9. On filing —  |   |                               |
| (a) a warrant of arrest under Order 70, Rule 4(2) or a  | \$1,000   | Warrant of Arrest or Release. |

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- release under Order 70, Rule 12(4)(b) to arrest or release property at or before 5.30 p.m. from Monday to Friday (excluding public holidays)
- (b) a warrant of arrest under Order 70, Rule 4(2) or a release under Order 70, Rule 12(4)(b) to arrest or release property after 5.30 p.m. from Monday to Friday, and at any time on a Saturday, Sunday or public holiday \$1,500 Warrant of Arrest or Release.
- (c) Commission for Appraisalment and Sale \$1,000 Commission.
- (d) any document for which no fee is specifically provided for, including any document concerning the arrest or release of property against which the action *in rem* or any counterclaim in the action is brought. \$500 The filed copy.
10. On the sale of a ship or goods, commission of 5% to be charged on the first \$1,000 and 2.5% upon all above that sum, such sum to include the auctioneer's or broker's commission. To be deducted by Sheriff.
11. On the release of a ship or goods from arrest, commission of \$500 plus 10 cents a ton to be charged To be paid in cash to the Sheriff by the party requesting the arrest.

for every month during arrest or any part thereof.

*Note:*— In the case of a ship, the commission shall be calculated on —

- (a) the net registered tonnage of the ship at the time the commission becomes payable; or
  - (b) if the net registered tonnage of the ship has not been ascertained, the gross tonnage of the ship at the time the commission becomes payable.
12. For attending the discharge of a cargo or the removal of a ship or goods, per hour or part thereof —
- Sheriff's Certificate of execution.
- (a) between 9.00 a.m. and 5.00 p.m. from Monday to Friday (excluding public holidays) \$100
  - (b) at any other time. \$200
13. For the attendance by the Sheriff, his substitutes or his bailiffs for the arrest or seizure of a ship, per hour or part thereof —
- To be paid in cash to the Sheriff by the party requesting the arrest.
- (a) between 9.00 a.m. and 5.00 p.m. from Monday to Friday (excluding public holidays) \$200
  - (b) at any other time. \$300
14. For each attempt at service on each person of any \$50
- Request.

process or proceeding  
required to be served by the  
Court or Registrar or Sheriff.

15. *Electronic filing charge.* For \$4 per document The filed copy.  
any document to which this document  
Appendix applies that is filed plus \$0.80 per  
or sent to the Court using the page  
electronic filing service  
under Order 63A by  
electronic submission, in  
addition to any other fee  
chargeable under these Rules  
or any other written law.
16. *Electronic service charge.* \$2 per document per The served copy.  
For the service, delivery or document per  
conveyance of any document party served  
to which this Appendix  
applies on or to one or more  
registered users using the  
electronic filing service  
under Order 63A, whether  
by electronic transmission or  
through the service bureau.

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### **Transitional provisions**

**37.—**(1) With effect from 1 January 2015, the relevant provisions in force immediately before that date shall cease to apply to any proceedings commenced before that date in the Family Division of the High Court or in a Family Court.

(2) Instead, the Family Justice Rules will apply to those proceedings on and after 1 January 2015.

(3) However, nothing in paragraph (1) or (2) —

(a) affects the previous operation of, or anything done or undergone under, the relevant provisions in force immediately before 1 January 2015; or

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(b) affects any right, privilege, obligation or liability acquired, accrued or incurred under the relevant provisions in force immediately before 1 January 2015.

(4) Despite rules 34 and 35(a), Orders 68, 84, 84A, 86, 99, 102 and 104 of the principal Rules as in force immediately before 1 January 2015, and Forms 151, 151A, 152, 153, 154, 155, 156, 157, 158 and 208 of Appendix A to the principal Rules as in force immediately before 1 January 2015, shall, if applicable before 1 January 2015 to any proceedings commenced before 1 October 2014 in the High Court and pending on 1 January 2015 in that Court (other than its Family Division), continue to apply to those proceedings on and after 1 January 2015 as if those Orders and Forms had not been deleted.

(5) In this rule, “relevant provisions” means the provisions of the principal Rules which are amended by rules 2, 3, 4(b), 5 to 23, 25 to 28, 29(d) to (g), 30, 31, 32, 34 and 35(a).

*[G.N. Nos. S 299/2014; S 390/2014; S 671/2014;  
S 714/2014; S 753/2014]*

Made on 26 December 2014.

SUNDARESH MENON  
*Chief Justice.*

V K RAJAH SC  
*Attorney-General.*

BELINDA ANG SAW EAN  
*Judge.*

TAY YONG KWANG  
*Judge.*

QUENTIN LOH  
*Judge.*

STEVEN CHONG  
*Judge.*

VINODH COOMARASWAMY  
*Judge.*

SEE KEE OON  
*Presiding Judge of the State Courts.*

FOO TUAT YIEN  
*District Judge.*

CAVINDER BULL SC  
*Advocate and Solicitor.*

ANG CHENG HOCK SC  
*Advocate and Solicitor.*

[RSCS R7/7 Vol. 15; AG/LLRD/SL/322/2010/1 Vol. 13]

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