

---

---

First published in the *Government Gazette*, Electronic Edition, on 21 December 2018 at 5 pm.

## No. S 850

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

#### RULES OF COURT (AMENDMENT NO. 4) RULES 2018

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

#### **Citation and commencement**

1. These Rules are the Rules of Court (Amendment No. 4) Rules 2018 and come into operation on 1 January 2019.

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

2. Order 42 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by inserting, immediately after Rule 1, the following Rule:

#### **“Consent judgment or order (O. 42, r. 1A)**

1A.—(1) In any cause or matter, 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.

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

(4) Where the Court 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 Judge or the Registrar who recorded the consent judgment or order.”.

---

---

**Amendment of Order 55D**

3. Order 55D, Rule 11(1) of the principal Rules is amended —
- (a) by deleting the words “, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits,”; and
  - (b) by deleting the words “date of trial or hearing) shall be admitted” and substituting the words “date of the decision from which the appeal is brought) may be given”.

**Amendment of Order 57**

4. Order 57 of the principal Rules is amended —
- (a) by deleting paragraph (5) of Rule 2B;
  - (b) by deleting paragraph (3) of Rule 11 and substituting the following paragraphs:
    - “(3) If any party to the appeal does not consent to the intended withdrawal of the appeal —
    - (a) the appellant, or any other party to the appeal, may apply in writing to the Court of Appeal —
      - (i) for directions on any issue as to costs or otherwise that remains outstanding between the parties to the appeal; and
      - (ii) for an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor’s undertaking as security for the costs of the appeal;
    - (b) no oral arguments are to be made in an application under sub-paragraph (a); and
    - (c) the Registrar may, upon receiving an application under sub-paragraph (a) —
      - (i) remove the appeal from the list of appeals; and

---

---

(ii) give directions on the making of written submissions for the application.

(4) Except as provided under paragraph (3), if any party to the appeal does not consent to the intended withdrawal of the appeal —

(a) the appeal remains on the list of appeals; and

(b) the Court of Appeal may, at the hearing of the appeal —

(i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal; and

(ii) make an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the appeal.”;

(c) by deleting the words “, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits,” in Rule 13(2);

(d) by deleting the words “date of trial or hearing) shall be admitted” in Rule 13(2) and substituting the words “date of the decision from which the appeal is brought) may be given”;

(e) by deleting the word “Every” in Rule 16(1) and substituting the words “Except where this Order provides otherwise, every”;

(f) by inserting, immediately after paragraph (1) of Rule 16, the following paragraphs:

“(2) Except where Rule 2A(5) and paragraph (12) provide otherwise, a party to an application to the Court of Appeal must, if the party wishes to file an affidavit in opposition to the application, file that

---

---

affidavit within such period as may be specified in practice directions issued by the Registrar.

(2A) An affidavit is not to be received in evidence in an application to the Court of Appeal unless —

(a) the affidavit is —

(i) the supporting affidavit for the application; or

(ii) an affidavit filed in accordance with Rule 2A(5) or paragraph (2) or (12) (as the case may be) in opposition to the application, or in reply to the supporting affidavit for the application; or

(b) the Court of Appeal gives leave for the affidavit to be received in evidence in the application.

(2B) 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.”;

(g) by deleting the words “called on for hearing” in Rule 16(7) and substituting the words “dealt with by the Court of Appeal”;

(h) by deleting paragraph (9) of Rule 16 and substituting the following paragraphs:

“(9) If any party to the application does not consent to the intended withdrawal of the application —

(a) the applicant, or any other party to the application, may request in writing —

- 
- 
- (i) for directions on any issue as to costs or otherwise that remains outstanding between the parties to the application; and
  - (ii) for an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's undertaking as security for the costs of the application;
- (b) after a request under sub-paragraph (a) is made, no oral arguments are to be made in the application; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
- (i) remove the application from the list of appeals; and
  - (ii) give directions on the making of written submissions for the application.

(9A) Except as provided under paragraph (9), if any party to the application does not consent to the intended withdrawal of the application —

- (a) the application remains on the list of appeals; and
- (b) the Court of Appeal may, at the hearing of the application —
  - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the application; and
  - (ii) make an order as to the disposal of any sum lodged in Court or held pursuant to any solicitor's

undertaking as security for the costs of the application.”; and

- (i) by inserting, immediately after Rule 16, the following Rule:

**“Application for leave under section 36(5) of Supreme Court of Judicature Act (O. 57, r. 16A)**

**16A.** An application for the leave of a Judge of Appeal under section 36(5) of the Supreme Court of Judicature Act (Cap. 322), to make an application to discharge or vary any direction or order mentioned in section 36(3) of that Act, must be filed within 7 days after the date on which that direction or order is made.”.

**Amendment of Order 60**

5. Order 60, Rule 4 of the principal Rules is amended by inserting, immediately after paragraph (3), the following paragraphs:

“(4) The Registrar may authorise a person to provide a service that enables a subscriber of that service —

- (a) to search such information mentioned in Rule 2 as the Registrar may determine; and
- (b) to search for, inspect and take a copy of any of such documents filed in the Registry as the Registrar may determine.

(5) The person authorised to provide the service mentioned in paragraph (4) must pay to the Registrar such fees, for that service to have access to the information and documents mentioned in paragraph (4)(a) and (b), as may be agreed between the Registrar and that person.

(6) Despite paragraphs (1) and (2), a subscriber of the service mentioned in paragraph (4) is entitled, at any time when that service is in operation —

- (a) to search the information mentioned in paragraph (4)(a), without paying the prescribed fee

---

---

mentioned in paragraph (1) and without obtaining the leave of the Registrar; and

- (b) to search for, inspect and take a copy of any document mentioned in paragraph (4)(b), without paying the prescribed fee mentioned in paragraph (2) and without obtaining the leave of the Registrar.”.

### **Amendment of Order 70**

**6. Order 70 of the principal Rules is amended —**

- (a) by inserting, immediately after the definition of “caveat against release and payment” in Rule 1(2), the following definition:

““electronic track data” means a digital or electronic recording of the track of a vessel (including any associated visual or aural recordings) that is recorded by an automatic identification system (AIS) or electronic chart display and information system (ECDIS), a voyage data recorder, or any other similar equipment, whether that system, recorder or equipment is ship-based or shore-based;”;

- (b) by inserting, immediately after paragraph (3) of Rule 19, the following paragraphs:

“(4) Every party to an action mentioned in Rule 3(1) must give discovery of any electronic track data that is or has been in the possession, custody or power of that party, by making and serving on every other party a list of all such electronic track data, and by making and filing an affidavit verifying that list and serving a copy of that affidavit on every other party —

- (a) in any case where the defendant disputes the jurisdiction of the Court by making an application under Order 12, Rule 7(1), within 21 days after the disposal of that application; or

(b) in any other case, within 21 days after the defendant enters an appearance.

(5) A party that has served a list of documents under paragraph (4) must, if that party has any electronic track data in the possession, custody or power of that party, allow any other party to inspect, and to take copies of, that electronic track data within 7 days after a request by that other party to do so.”;

(c) by deleting the words “as to pleadings in” in the rule heading of Rule 19 and substituting the words “relating to”; and

(d) by deleting the words “in Court” in Rule 42(1).

### **New Orders 112 and 113**

7. The principal Rules are amended by inserting, immediately after Order 111, the following Orders:

#### **“ORDER 112**

#### **UNMERITORIOUS OR VEXATIOUS PROCEEDINGS**

#### **Interpretation (O. 112, r. 1)**

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

“Act” means the Supreme Court of Judicature Act (Cap. 322);

“civil restraint order” means —

(a) a limited civil restraint order;

(b) an extended civil restraint order; or

(c) a general civil restraint order;

“Court” means the High Court or the Court of Appeal;

“extended civil restraint order” means an extended civil restraint order made in accordance with section 73C of the Act;



“general civil restraint order” means a general civil restraint order made in accordance with section 73D of the Act;

“limited civil restraint order” means a limited civil restraint order made in accordance with section 73B of the Act.

**Application for civil restraint order or order mentioned in section 73A(2), (3), (5) or (6) of Act (O. 112, r. 2)**

2. An application for a civil restraint order, or for an order mentioned in section 73A(2), (3), (5) or (6) of the Act, must be heard in open Court.

**Form and service of civil restraint order (O. 112, r. 3)**

3.—(1) A limited civil restraint order, an extended civil restraint order and a general civil restraint order must be in Forms 254, 255 and 256, respectively.

(2) A civil restraint order must be extracted by the person that applies for the order, and must be served on all other parties to the legal proceedings in respect of which the order was made.

**Application for leave to commence action or make application, or for leave to apply to amend, vary or discharge civil restraint order (O. 112, r. 4)**

4.—(1) Where an extended civil restraint order or a general civil restraint order is in force against a party, an application by that party for leave to commence an action, and the supporting affidavit for that application, must be served —

(a) on every intended defendant to the action; and

(b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(2) Where any civil restraint order is in force against a party, an application by that party for leave to make an application, and the supporting affidavit for the application for such leave, must be served —

(a) on every intended respondent to the application; and

(b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(3) An application for leave to apply to amend, vary or discharge any civil restraint order, and the supporting affidavit for that application, must be served on every party to the application pursuant to which that civil restraint order was made, except the person that applies for such leave.

(4) A person served with an application for leave mentioned in paragraph (1), (2) or (3) may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(5) The Court may give other directions for the service of an application for leave mentioned in paragraph (1), (2) or (3), and for the filing and service of affidavits in such an application.

**Action commenced or application made without leave, etc.  
(O. 112, r. 5)**

5.—(1) Where a party, against whom an extended civil restraint order or a general civil restraint order is in force, commences an action without the leave of the Court under section 73C(2)(a) or 73D(2)(a) (as the case may be) of the Act —

(a) any other party to the action, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and

(b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the action is treated as struck out pursuant to section 73C(3) or 73D(3) (as the case may be) of the Act.

(2) Where a party, against whom any civil restraint order is in force, makes an application, or applies to amend, vary or discharge that civil restraint order, without the leave of the Court under section 73B(2)(a) or (b), 73C(2)(a) or (b) or 73D(2)(a) or (b) (as the case may be) of the Act —

- 
- 
- (a) any other party to the application made without such leave, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
  - (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the application is treated as dismissed pursuant to section 73B(3), 73C(3) or 73D(3) (as the case may be) of the Act.

(3) Where a party, against whom any order mentioned in section 73A(2), (3), (5) or (6) of the Act is in force, files any document in the legal proceedings in respect of which that order was made —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for that document to be struck out; and
- (b) the Court may, on an application under sub-paragraph (a), or on the Court's own motion, strike out that document.

## ORDER 113

### VEXATIOUS LITIGANTS

#### **Interpretation (O. 113, r. 1)**

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

“Act” means the Supreme Court of Judicature Act (Cap. 322);

“application for leave” means an application, by a person against whom an order under section 74(1) of the Act is in force, for leave under section 74(1) of the Act to institute any legal proceedings, or to continue any legal proceedings instituted by that person before the making of that order.

---

---

**Application for order under section 74(1) of Act (O. 113, r. 2)**

2. An application for an order under section 74(1) of the Act must be heard in open Court.

**Form and service of order under section 74(1) of Act (O. 113, r. 3)**

3.—(1) An order under section 74(1) of the Act must be in Form 257.

(2) An order under section 74(1) of the Act must be extracted by the person that applies for the order, and must be served on all other parties to the legal proceedings in respect of which the order was made.

**Application for leave to institute or continue legal proceedings (O. 113, r. 4)**

4.—(1) Where an order under section 74(1) of the Act is in force against a person, an application by that person for leave under section 74(1) of the Act to institute any legal proceedings, or to continue any legal proceedings instituted by that person before the making of that order, and the supporting affidavit for that application, must be served —

(a) on the Attorney-General; and

(b) on every other party to the legal proceedings to be instituted or continued.

(2) A person served with an application for leave may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(3) The Court may give other directions for the service of an application for leave, and for the filing and service of affidavits in such an application.

---

---

**Institution or continuance of legal proceedings with leave  
(O. 113, r. 5)**

5. A person who is given leave under section 74(1) of the Act to institute or continue any legal proceedings must, within 14 days after the date of the order giving such leave or such other period as that order may specify —

- (a) file that order, and the process or document by which the legal proceedings are to be instituted or continued; and
- (b) serve that order, and that process or document, on every other party to the legal proceedings to be instituted or continued.

**Institution or continuance of legal proceedings without leave (O. 113, r. 6)**

6. Where a person, against whom an order under section 74(1) of the Act is in force, institutes any legal proceedings, or continues any legal proceedings instituted by that person before the making of that order, without the leave of the High Court under section 74(1) of the Act —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for those legal proceedings to be struck out; and
- (b) the Court may, on an application under sub-paragraph (a), or on the Court's own motion, strike out those legal proceedings.”.

---



---

## Amendment of Appendix A

8. Appendix A to the principal Rules is amended by inserting, immediately after Form 253, the following Forms:

“254.

O. 112, LIMITED CIVIL RESTRAINT ORDER  
r. 3(1)

IN THE HIGH COURT / COURT OF APPEAL\*  
OF THE REPUBLIC OF SINGAPORE

Case No.     )  
of 20     .     )

Between

*Plaintiff / Appellant\**

And

*Defendant / Respondent\**

Before the Honourable

In Open Court

LIMITED CIVIL RESTRAINT ORDER

Upon the application of (party) and upon reading the affidavit(s) of (name(s) of deponent(s)) filed on (date) and upon hearing .

It is ordered that:

1. The (party) is restrained from making any further application in (the legal proceedings in respect of which this order is made) without the leave of the Court.
2. The (party) may apply to amend, vary or discharge this order, only if the (party) has the leave of the Court to make the application.
3. This order remains in force for the duration of (the legal proceedings in respect of which this order is made) / until (date).
4. (state the order on costs or any other orders made by the Court).

Dated this     day of     20     .

---

---

**Important Message:**

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to make an application in the legal proceedings mentioned in this order, you must serve the application for leave, and the supporting affidavit, on every intended respondent to the application and, if this order was made on the application of the Attorney-General, on the Attorney-General.
3. If you apply for leave to make an application to amend, vary or discharge this order, you must serve the application for leave, and the supporting affidavit, on every party to the application pursuant to which this order was made.
4. If you attempt to make an application in the legal proceedings mentioned in this order, or attempt to make an application to amend, vary or discharge this order, without first obtaining the leave of the Court, your application will be treated as dismissed without the Court having to make any further order, and without the need for any other party to be heard on the merits of your application.
5. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

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

\* Delete as appropriate.

---

255.

O. 112,                   EXTENDED CIVIL RESTRAINT ORDER  
r. 3(1)

IN THE HIGH COURT / COURT OF APPEAL\*  
OF THE REPUBLIC OF SINGAPORE

Case No.    )  
of 20     .)

Between

*Plaintiff / Appellant\**

And

*Defendant / Respondent\**

Before the Honourable

In Open Court

EXTENDED CIVIL RESTRAINT ORDER

Upon the application of (party) and upon reading the affidavit(s) of  
(name(s) of deponent(s)) filed on (date) and upon hearing .

It is ordered that:

1. The (party) is restrained from commencing any action or making any application, in (specify the court or subordinate court), concerning any matter involving, relating to, touching upon or leading to (the legal proceedings in respect of which this order is made) without the leave of the Court.
2. The (party) may apply to amend, vary or discharge this order, only if the (party) has the leave of the Court to make the application.
3. This order remains in force until (date).
4. (state the order on costs or any other orders made by the Court).

Dated this        day of                    20     .

**Important Message:**

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to commence an action or make an application, in a court or subordinate court specified in this order, concerning any



---

---

matter involving, relating to, touching upon or leading to the legal proceedings mentioned in this order, you must serve the application for leave, and the supporting affidavit, on every intended defendant to the action or every intended respondent to the application (as the case may be) and, if this order was made on the application of the Attorney-General, on the Attorney-General.

3. If you apply for leave to make an application to amend, vary or discharge this order, you must serve the application for leave, and the supporting affidavit, on every party to the application pursuant to which this order was made.
4. If you attempt to commence an action or make an application, in a court or subordinate court specified in this order, concerning any matter involving, relating to, touching upon or leading to the legal proceedings mentioned in this order, or attempt to make an application to amend, vary or discharge this order, without first obtaining the leave of the Court, your action or application will be treated as struck out or dismissed (as the case may be) without the Court having to make any further order, and without the need for any other party to be heard on the merits of your application.
5. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

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

\* Delete as appropriate.

---

256.

O. 112,  
r. 3(1)

## GENERAL CIVIL RESTRAINT ORDER

IN THE HIGH COURT / COURT OF APPEAL\*  
OF THE REPUBLIC OF SINGAPORECase No.     )  
of 20     .     )

Between

*Plaintiff / Appellant\**

And

*Defendant / Respondent\**

Before the Honourable

In Open Court

## GENERAL CIVIL RESTRAINT ORDER

Upon the application of (party) and upon reading the affidavit(s) of (name(s) of deponent(s)) filed on (date) and upon hearing .

It is ordered that:

1. The (party) is restrained from commencing any action or making any application, in (specify the court or subordinate court), without the leave of the Court.
2. The (party) may apply to amend, vary or discharge this order, only if the (party) has the leave of the Court to make the application.
3. This order remains in force until (date).
4. (state the order on costs or any other orders made by the Court).

Dated this        day of                                20     .

**Important Message:**

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to commence an action or make an application in a court or subordinate court specified in this order, you must serve the application for leave, and the supporting affidavit, on every intended defendant to the action or every intended respondent to the

---

---

application (as the case may be) and, if this order was made on the application of the Attorney-General, on the Attorney-General.

3. If you apply for leave to make an application to amend, vary or discharge this order, you must serve the application for leave, and the supporting affidavit, on every party to the application pursuant to which this order was made.
4. If you attempt to commence an action or make an application in a court or subordinate court specified in this order, or attempt to make an application to amend, vary or discharge this order, without first obtaining the leave of the Court, your action or application will be treated as struck out or dismissed (as the case may be) without the Court having to make any further order, and without the need for any other party to be heard on the merits of your application.
5. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

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

\* Delete as appropriate.

---

257.

O. 113,  
r. 3(1)                      ORDER UNDER SECTION 74(1) OF  
                                    SUPREME COURT OF JUDICATURE ACT

                                    IN THE HIGH COURT OF  
                                    THE REPUBLIC OF SINGAPORE

Case No.    )  
of 20        .)

Between

*Plaintiff*

And

*Defendant*

Before the Honourable

In Open Court

                                    ORDER UNDER SECTION 74(1) OF  
                                    SUPREME COURT OF JUDICATURE ACT

Upon the application of (party) and upon reading the affidavit(s) of  
(name(s) of deponent(s)) filed on (date) and upon hearing

It is ordered that:

1. No legal proceedings are to be instituted without the leave of the High Court by (the person against whom this order is made) in any court or subordinate court.
2. Any legal proceedings instituted by (the person against whom this order is made) in any court or subordinate court before the making of this order must not be continued by him/her/it\* without the leave of the High Court.
3. (state the order on costs or any other orders made by the Court).

Dated this        day of                      20        .

**Important Message:**

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.

2. If you apply for leave to institute any legal proceedings, or to continue any legal proceedings instituted by you before the making of this order, you must serve the application for leave, and the supporting affidavit, on the Attorney-General and on every other party to the legal proceedings to be instituted or continued.
3. If you attempt to institute any legal proceedings, or to continue any legal proceedings instituted by you before the making of this order, without first obtaining the leave of the High Court, any other party to those legal proceedings, or to the application pursuant to which this order was made, may apply for those legal proceedings to be struck out. The Court may also on its own motion strike out those legal proceedings.
4. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

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

\* Delete as appropriate.

”.

### **Saving and transitional provisions**

**9.—(1)** Despite rule 3, Order 55D, Rule 11(1) of the principal Rules as in force immediately before 1 January 2019 continues to apply to an appeal brought to the High Court by a notice of appeal that is filed before that date.

(2) Despite rule 4(c) and (d), Order 57, Rule 13(2) of the principal Rules as in force immediately before 1 January 2019 continues to apply to an appeal brought to the Court of Appeal by a notice of appeal that is filed before that date.

*[G.N. Nos. S 299/2014; S 390/2014; S 671/2014;  
S 714/2014; S 753/2014; S 850/2014; S 175/2015;  
S 278/2015; S 756/2015; S 235/2016; S 474/2016;  
S 105/2017; S 322/2017; S 543/2017; S 51/2018;  
S 183/2018; S 697/2018]*

Made on 13 December 2018.

SUNDARESH MENON  
*Chief Justice.*

LUCIEN WONG  
*Attorney-General.*

TAY YONG KWANG  
*Judge of Appeal.*

STEVEN CHONG  
*Judge of Appeal.*

BELINDA ANG SAW EAN  
*Judge.*

QUENTIN LOH  
*Judge.*

VINODH COOMARASWAMY  
*Judge.*

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

JAMES LEONG  
*District Judge.*

FRANCIS XAVIER, SC  
*Advocate and Solicitor.*

KUAH BOON THENG, SC  
*Advocate and Solicitor.*

[SUPCT.RJW.013.0102; AG/LEGIS/SL/322/2015/1 Vol. 9]

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