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No. S 91

SUPREME COURT OF JUDICATURE ACT 1969

RULES OF COURT (AMENDMENT) RULES 2023

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act 1969 and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Rules of Court (Amendment) Rules 2023 and come into operation on 1 March 2023.

Amendment of Order 34

2. In Order 34 of the Rules of Court 2021 (G.N. No. S 914/2021), delete Rule 15.

Amendment of Order 60

3. In Order 60 of the Rules of Court 2021 —

(a) replace Rule 1 with —

“Definition of this Order (O. 60, r. 1)

1. In this Order, “Act” means the Reciprocal Enforcement of Foreign Judgments Act 1959 and any reference to a section is a reference to a section in that Act.

Powers under Act exercisable by Judge or Registrar (O. 60, r. 1A)

1A. The powers conferred on the General Division by the Act may be exercised by a Judge in chambers and the Registrar.”;

(b) replace Rule 2 with —

“Application for registration (O. 60, r. 2)

2. An application under section 4 to have a judgment to which Part 1 of the Act applies registered in the General Division must be made by originating application without notice.”;

(c) replace Rule 3 with —

“Evidence in support of application (O. 60, r. 3)

3.—(1) An application for registration must be supported by an affidavit —

(a) exhibiting the judgment or a verified or certified or otherwise duly authenticated copy of the judgment, and, where the judgment is not in the English language, a translation of the judgment in that language certified by a notary public or authenticated by affidavit;

(b) stating the names, trades or businesses and the usual or last known places of residence or business of the judgment creditor and the judgment debtor, so far as known to the deponent;

(c) stating to the best of the information or belief of the deponent —

(i) that the judgment creditor is entitled to enforce the judgment;

(ii) as the case may require, either that at the date of the application the judgment has not been satisfied, or the amount in respect of which it remains unsatisfied; and

(iii) that at the date of the application, the judgment can be enforced by the issuance of an enforcement order in the country of the original court and

that no grounds exist for which its registration may or must be set aside under section 5; and

(d) specifying the amount of the interest (if any) which by the law of the country of the original court has become due under the judgment up to the time of registration.

(2) Where a judgment sought to be registered under the Act is in respect of different matters, and some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments, those judgments could properly have been registered, the affidavit must state the provisions in respect of which the judgment is sought to be registered.

(3) The affidavit must be accompanied by such other evidence with respect to the enforceability of the judgment by the issuance of an enforcement order in the country of the original court, and of the law of that country under which any interest has become due under the judgment, as may be required having regard to the provisions of the Order under the Act extending that Act to that country.”;

(d) replace Rule 4 with —

“Security for costs (O. 60, r. 4)

4. Except as otherwise provided by any relevant Order under the Act, the Court may order the judgment creditor to give security for the costs of the application for registration and of any proceedings which may be brought to set aside the registration.”;

(e) in Rule 6(1), replace “the first and the second Acts” with “the Act”;

(f) in Rule 9, delete paragraph (3);

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- (g) in Rule 10(1) and (3), replace “the first Act or second Act” with “the Act”;
- (h) in Rules 11 and 12, replace “the second Act” with “the Act”; and
- (i) replace Rule 13 with —

**“Certified copy of General Division judgment
(O. 60, r. 13)”**

13.—(1) An application under section 13 for certified copies of the pleadings, order of court and written grounds of decision (if any) entered in the General Division must be made by summons without notice to the Registrar supported by an affidavit.

(2) The affidavit in support of the application under section 13 must —

- (a) give particulars of the proceedings in which the judgment was obtained;
- (b) have annexed to it a copy of the originating claim or originating application by which the proceedings were begun, the evidence of service of the originating claim or originating application (as the case may be) on, or a notice of intention to contest or not contest by, the defendant, copies of the pleadings (if any) and a statement of the grounds on which the judgment was based;
- (c) state whether the defendant did or did not object to the jurisdiction of the court in Singapore and, if so, on what grounds;
- (d) show that the judgment is not subject to any stay of enforcement;
- (e) state that the time for appealing has expired or (as the case may be) the date on which it will expire and in either case whether

notice of appeal against the judgment has been entered; and

- (f) state the rate at which the judgment carries interest.

(3) The certified copies of the pleadings, order of court and written grounds of decision (if any) must be sealed with the seal of the Supreme Court, must have a copy of the originating claim or originating application by which the proceedings were begun annexed to it, and must be accompanied by a certificate in Form 90 signed by the Registrar certifying that the judgment is a true copy of a judgment obtained in the General Division and stating —

- (a) the manner in which the originating claim or originating application was served on the defendant or that the defendant filed and served a notice of intention to contest or not contest;
- (b) what objections (if any) were made to the jurisdiction of the court in Singapore;
- (c) what pleadings (if any) were served;
- (d) the grounds on which the judgment was based;
- (e) that the time for appealing has expired or (as the case may be) the date on which it will expire;
- (f) whether notice of appeal against the judgment has been entered;
- (g) such other particulars as may be necessary to give to the court in the foreign country in which it is sought to enforce the judgment; and

(h) the rate at which the judgment carries interest.”.

Saving

4.—(1) Despite rule 2, Order 34, Rule 15 of the Rules of Court 2021 as in force immediately before 1 March 2023 continues to apply in relation to —

- (a) any judgment mentioned in section 2(2) of the Reciprocal Enforcement of Commonwealth Judgments (Repeal) Act 2019 that is an award mentioned in Order 34, Rule 15(1) of those Rules; and
- (b) any application under Order 60 of those Rules, as applied by Order 34, Rule 15(2) of those Rules, that is pending as at 1 March 2023.

(2) Despite rule 3, Order 60 of the Rules of Court 2021 as in force immediately before 1 March 2023 continues to apply in relation to —

- (a) any judgment mentioned in section 2(2) of the Reciprocal Enforcement of Commonwealth Judgments (Repeal) Act 2019; and
- (b) any application under Order 60 of those Rules that is pending as at 1 March 2023.

[G.N. Nos. S 205/2022; S 206/2022; S 293/2022]

Made on 3 February 2023.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Justice of the Court of Appeal.

STEVEN CHONG
Justice of the Court of Appeal.

BELINDA ANG SAW EAN
Justice of the Court of Appeal.

WOO BIH LI
Judge of the Appellate Division.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

CHRISTOPHER TAN PHENG WEE
*District Judge and Registrar of the
State Courts.*

SIRAJ OMAR, SC
Advocate and Solicitor.

CHAN TAI-HUI JASON, SC
Advocate and Solicitor.

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