

SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322, SECTION 80)

RULES OF COURT

ARRANGEMENT OF RULES

ORDER 1

CITATION, APPLICATION, DEFINITIONS AND FORMS

Rule

1. Citation (O. 1, r. 1)
2. Repeal, transitional provisions and application (O. 1, r. 2)
3. Application of Interpretation Act (O. 1, r. 3)
4. Definitions (O. 1, r. 4)
5. Construction of references to Orders, Rules, etc. (O. 1, r. 5)
6. Construction of references to action, etc., for possession of immovable property (O. 1, r. 6)
7. Forms (O. 1, r. 7)
- 7A. [Deleted]
8. Endnotes (O. 1, r. 8)
9. Construction of references to party, etc., in person (O. 1, r. 9)

ORDER 2

EFFECT OF NON-COMPLIANCE

1. Non-compliance with Rules (O. 2, r. 1)
2. Application to set aside for irregularity (O. 2, r. 2)

ORDER 3

TIME

1. Month means calendar month (O. 3, r. 1)
2. Reckoning periods of time (O. 3, r. 2)
3. Time expires on a day other than working day (O. 3, r. 3)
4. Extension, etc., of time (O. 3, r. 4)
- 5.

ORDER 4

CONSOLIDATION OF PROCEEDINGS

Rule

1. Consolidation, etc., of causes or matters (O. 4, r. 1)

ORDER 5

MODE OF BEGINNING CIVIL PROCEEDINGS

1. Mode of beginning civil proceedings (O. 5, r. 1)
2. Proceedings which must be begun by writ (O. 5, r. 2)
3. Proceedings which must be begun by originating summons (O. 5, r. 3)
4. Proceedings which may be begun by writ or originating summons (O. 5, r. 4)
- 5.
6. Right to sue in person (O. 5, r. 6)

ORDER 6

WRITS OF SUMMONS: GENERAL PROVISIONS

1. Form of writ (O. 6, r. 1)
2. Endorsement on writ (O. 6, r. 2)
3. Issue of writ (O. 6, r. 3)
4. Duration and renewal of writ (O. 6, r. 4)

ORDER 7

ORIGINATING SUMMONSES: GENERAL PROVISIONS

- 1.
2. Forms of originating summons, etc. (O. 7, r. 2)
3. Contents of originating summons (O. 7, r. 3)
4. Issue of originating summons (O. 7, r. 4)
5. Duration and renewal of originating summons (O. 7, r. 5)
6. Ex parte originating summons (O. 7, r. 6)

ORDER 10

SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS

1. General provisions (O. 10, r. 1)
2. Service of writ on agent of overseas principal (O. 10, r. 2)
3. Service of writ in pursuance of contract (O. 10, r. 3)

## Rule

4. Service of writ in certain actions for possession of immovable property (O. 10, r. 4)
5. Service of originating summons (O. 10, r. 5)

## ORDER 11

## SERVICE PROCESS OUT OF SINGAPORE

1. Cases in which service out of Singapore is permissible (O. 11, r. 1)
2. Manner of application (O. 11, r. 2)
3. Service of originating process abroad: Alternative modes (O. 11, r. 3)
4. Service of originating process abroad through foreign governments, judicial authorities and Singapore consuls or by other method of service (O. 11, r. 4)
5. Service of originating process in certain actions under certain written law (O. 11, r. 5)
6. Undertaking to pay expenses of service incurred by Minister (O. 11, r. 6)
7. Service of process on foreign State (O. 11, r. 7)
8. Service of summons, notice or order out of Singapore (O. 11, r. 8)
9. Service abroad of certain documents (O. 11, r. 9)

## ORDER 12

## ENTRY OF APPEARANCE

1. Mode of entering appearance (O. 12, r. 1)
2. Memorandum of appearance (O. 12, r. 2)
3. Procedure on receipt of memorandum of appearance (O. 12, r. 3)
4. Time limited for appearing (O. 12, r. 4)
5. Late appearance (O. 12, r. 5)
6. Appearance not to constitute a waiver (O. 12, r. 6)
7. Dispute as to jurisdiction, etc. (O. 12, r. 7)
8. Application by defendant where writ not served (O. 12, r. 8)
9. No appearance to originating summons (O. 12, r. 9)

## ORDER 13

## DEFAULT OF APPEARANCE TO WRIT

1. Claim for liquidated demand (O. 13, r. 1)
2. Claim for unliquidated damages (O. 13, r. 2)

## Rule

3. Claim in detinue (O. 13, r. 3)
4. Claim for possession of immovable property (O. 13, r. 4)
5. Mixed claims (O. 13, r. 5)
6. Other claims (O. 13, r. 6)
7. Entry of judgment (O. 13, r. 7)
8. Setting aside judgment (O. 13, r. 8)

## ORDER 14

## SUMMARY JUDGMENT AND DISPOSAL OF CASE ON POINT OF LAW

1. Application by plaintiff for summary judgment (O. 14, r. 1)
2. Manner in which application under Rule 1 must be made (O. 14, r. 2)
3. Judgment for plaintiff (O. 14, r. 3)
4. Leave to defend (O. 14, r. 4)
5. Application for summary judgment on counterclaim (O. 14, r. 5)
6. Directions (O. 14, r. 6)
7. Costs (O. 14, r. 7)
8. Right to proceed with residue of action or counterclaim (O. 14, r. 8)
9. Judgment for delivery up of movable property (O. 14, r. 9)
10. Relief against forfeiture (O. 14, r. 10)
11. Setting aside judgment (O. 14, r. 11)
12. Determination of questions of law or construction of documents (O. 14, r. 12)
13. Manner in which application under Rule 12 may be made (O. 14, r. 13)
14. Time limit for summary judgment applications (O. 14, r. 14)

## ORDER 15

## CAUSES OF ACTION: COUNTERCLAIMS AND PARTIES

1. Joinder of causes of action (O. 15, r. 1)
2. Counterclaim against plaintiff (O. 15, r. 2)
3. Counterclaim against additional parties (O. 15, r. 3)
4. Joinder of parties (O. 15, r. 4)
5. Court may order separate trials, etc. (O. 15, r. 5)
6. Misjoinder and nonjoinder of parties (O. 15, r. 6)
- 6A. Proceedings against estates (O. 15, r. 6A)
7. Change of parties by reason of death, etc. (O. 15, r. 7)

## Rule

8. Provisions consequential on making of order under Rule 6 or 7 (O. 15, r. 8)
9. Failure to proceed after death of party (O. 15, r. 9)
10. Actions for possession of immovable property (O. 15, r. 10)
11. Relator actions (O. 15, r. 11)
12. Representative proceedings (O. 15, r. 12)
13. Representation of interested persons who cannot be ascertained, etc. (O. 15, r. 13)
- 13A. Notice of action to non-parties (O. 15, r. 13A)
14. Representation of beneficiaries by trustees, etc. (O. 15, r. 14)
15. Representation of deceased person interested in proceedings (O. 15, r. 15)
16. Declaratory judgment (O. 15, r. 16)
17. Conduct of proceedings (O. 15, r. 17)

## ORDER 16

## THIRD PARTY AND SIMILAR PROCEEDINGS

1. Third party notice (O. 16, r. 1)
2. Application for leave to issue third party notice (O. 16, r. 2)
3. Issue and service of, and entry of appearance to third party notice (O. 16, r. 3)
4. Third party directions (O. 16, r. 4)
5. Default of third party, etc. (O. 16, r. 5)
6. Setting aside third party proceedings (O. 16, r. 6)
7. Judgment between defendant and third party (O. 16, r. 7)
8. Claims and issues between defendant and some other party (O. 16, r. 8)
9. Claims by third and subsequent parties (O. 16, r. 9)
10. [*Deleted*]
11. Counterclaim by defendant (O. 16, r. 11)

## ORDER 17

## INTERPLEADER

1. Entitlement to relief by way of interpleader (O. 17, r. 1)
2. Claim to goods, etc., taken in execution (O. 17, r. 2)
3. Mode of application (O. 17, r. 3)
4. Service of originating summons or summons (O. 17, r. 4)
5. Powers of Court hearing originating summons or summons (O. 17, r. 5)

## Rule

6. Power to order sale of goods taken in execution (O. 17, r. 6)
7. Power to stay proceedings (O. 17, r. 7)
8. Other powers (O. 17, r. 8)
9. One order in several causes or matters (O. 17, r. 9)
10. Discovery (O. 17, r. 10)
11. Trial of interpleader issue (O. 17, r. 11)

## ORDER 18

## PLEADINGS

1. Service of statement of claim (O. 18, r. 1)
2. Service of defence (O. 18, r. 2)
3. Service of reply and defence to counterclaim (O. 18, r. 3)
4. Pleadings subsequent to reply (O. 18, r. 4)
- 5.
6. Pleadings: Formal requirements (O. 18, r. 6)
7. Facts, not evidence, to be pleaded (O. 18, r. 7)
8. Matters which must be specifically pleaded (O. 18, r. 8)
9. Matter may be pleaded whenever arising (O. 18, r. 9)
10. Departure (O. 18, r. 10)
11. Points of law may be pleaded (O. 18, r. 11)
12. Particulars of pleading (O. 18, r. 12)
13. Admissions and denials (O. 18, r. 13)
14. Denial by joinder of issue (O. 18, r. 14)
15. Statement of claim (O. 18, r. 15)
16. Defence of tender (O. 18, r. 16)
17. Defence of set-off (O. 18, r. 17)
18. Counterclaim and defence to counterclaim (O. 18, r. 18)
19. Striking out pleadings and endorsements (O. 18, r. 19)
20. Close of pleadings (O. 18, r. 20)
21. Filing of pleadings (O. 18, r. 21)
22. Trial without pleadings (O. 18, r. 22)
23. Saving for defence under Merchant Shipping Act (O. 18, r. 23)

## ORDER 19

## DEFAULT OF PLEADINGS

1. Default in service of statement of claim (O. 19, r. 1)
2. Default of defence: Claim for liquidated demand (O. 19, r. 2)
3. Default of defence: Claim for unliquidated damages (O. 19, r. 3)

## Rule

4. Default of defence: Claim in detinue (O. 19, r. 4)
5. Default of defence: Claim for possession of immovable property (O. 19, r. 5)
6. Default of defence: Mixed claim (O. 19, r. 6)
7. Default of defence: Other claims (O. 19, r. 7)
8. Default of defence to counterclaim (O. 19, r. 8)
- 8A. Entry of judgment (O. 19, r. 8A)
9. Setting aside judgment (O. 19, r. 9)

## ORDER 20

## AMENDMENT

1. Amendment of writ without leave (O. 20, r. 1)
2. Amendment of appearance (O. 20, r. 2)
3. Amendment of pleadings without leave (O. 20, r. 3)
4. Application for disallowance of amendment made without leave (O. 20, r. 4)
5. Amendment of writ or pleading with leave (O. 20, r. 5)
- 6.
7. Amendment of originating summons (O. 20, r. 7)
8. Amendment of certain other documents (O. 20, r. 8)
9. Failure to amend after order (O. 20, r. 9)
10. Mode of amendment of writ, etc. (O. 20, r. 10)
11. Amendment of judgment and orders (O. 20, r. 11)
12. Amendment of pleadings by agreement (O. 20, r. 12)

## ORDER 21

## WITHDRAWAL AND DISCONTINUANCE

1. Withdrawal of appearance (O. 21, r. 1)
2. Discontinuance of action, etc., without leave (O. 21, r. 2)
3. Discontinuance of action, etc., with leave (O. 21, r. 3)
4. Effect of discontinuance (O. 21, r. 4)
5. Stay of subsequent action until costs paid (O. 21, r. 5)
6. Withdrawal of summons (O. 21, r. 6)

## ORDER 22

## PAYMENT INTO AND OUT OF COURT

1. Payment into Court (O. 22, r. 1)
2. Payment in by defendant who has counterclaimed (O. 22, r. 2)

## Rule

3. Acceptance of money paid into Court (O. 22, r. 3)
4. Order for payment out of money accepted required in certain cases (O. 22, r. 4)
5. Money remaining in Court (O. 22, r. 5)
6. Counterclaim (O. 22, r. 6)
7. Non-disclosure of payment into Court (O. 22, r. 7)
8. Money paid into Court under order of Court (O. 22, r. 8)
9. Payment out of money paid into Court under Exchange Control Act (O. 22, r. 9)
10. Person to whom payment to be made (O. 22, r. 10)
11. Payment out: Small intestate estates (O. 22, r. 11)
12. Payment of hospital expenses (O. 22, r. 12)

## ORDER 22A

## OFFER TO SETTLE

1. Offer to settle (O. 22A, r. 1)
2. Timing (O. 22A, r. 2)
3. Time for acceptance and withdrawal (O. 22A, r. 3)
4. Without prejudice Rule (O. 22A, r. 4)
5. Non-disclosure (O. 22A, r. 5)
6. Manner of acceptance (O. 22A, r. 6)
7. Party under disability (O. 22A, r. 7)
8. Compliance with accepted offer to settle (O. 22A, r. 8)
9. Costs (O. 22A, r. 9)
10. Joint and several liability (O. 22A, r. 10)
11. Offer to contribute (O. 22A, r. 11)
12. Discretion of Court (O. 22A, r. 12)
13. Counterclaims and third party claims (O. 22A, r. 13)

## ORDER 23

## SECURITY FOR COSTS

1. Security for costs of action, etc. (O. 23, r. 1)
2. Manner of giving security (O. 23, r. 2)
3. Saving for written law (O. 23, r. 3)

## ORDER 24

## DISCOVERY AND INSPECTION OF DOCUMENTS

1. Order for discovery (O. 24, r. 1)



## Rule

2. Order for determination of issue, etc., before discovery (O. 24, r. 2)
3. Form of list and affidavit (O. 24, r. 3)
4. Defendant entitled to copy of co-defendant's list (O. 24, r. 4)
5. Order for discovery of particular documents (O. 24, r. 5)
6. Discovery against other person (O. 24, r. 6)
7. Discovery to be ordered only if necessary (O. 24, r. 7)
8. Duty to discover continues throughout proceedings (O. 24, r. 8)
9. Inspection of documents referred to in list (O. 24, r. 9)
10. Inspection of documents referred to in pleadings and affidavits (O. 24, r. 10)
11. Order for production for inspection (O. 24, r. 11)
12. Order for production to Court (O. 24, r. 12)
13. Production to be ordered only if necessary, etc. (O. 24, r. 13)
14. Production of business books (O. 24, r. 14)
15. Document disclosure of which would be injurious to public interest: Saving (O. 24, r. 15)
16. Failure to comply with requirement for discovery, etc. (O. 24, r. 16)
17. Revocation and variation of orders (O. 24, r. 17)
18. Production of certain documents in marine insurance actions (O. 24, r. 18)
19. Restriction on use of privileged document, inspection of which has been inadvertently allowed (O. 24, r. 19)

## ORDER 25

## SUMMONS FOR DIRECTIONS

1. Summons for directions (O. 25, r. 1)
- 1A. Non-injury motor accident actions (O. 25, r. 1A)
2. Duty to consider all matters (O. 25, r. 2)
3. Particular matters for consideration (O. 25, r. 3)
4. Admissions and agreements to be made (O. 25, r. 4)
5. Limitation of right of appeal (O. 25, r. 5)
6. Duty to give all information at hearing (O. 25, r. 6)
7. Duty to make all interlocutory applications on summons for directions (O. 25, r. 7)
8. Automatic directions (O. 25, r. 8)
9. *[Deleted]*

ORDER 26

INTERROGATORIES

Rule

1. Discovery by interrogatories (O. 26, r. 1)
2. Form and nature of interrogatories (O. 26, r. 2)
3. Interrogatories without Order (O. 26, r. 3)
4. Ordered interrogatories (O. 26, r. 4)
5. Objections and insufficient answers (O. 26, r. 5)
6. Failure to comply with Order (O. 26, r. 6)
7. Use of answers to interrogatories at trial (O. 26, r. 7)
8. Revocation and variation of Orders (O. 26, r. 8)

ORDER 26A

INTERROGATORIES BEFORE ACTION, ETC.

1. Interrogatories against other person (O. 26A, r. 1)
2. Interrogatories to be ordered only if necessary (O. 26A, r. 2)
3. Security for costs (O. 26A, r. 3)
4. Form, objections, failure to comply, etc. (O. 26A, r. 4)
5. Costs (O. 26A, r. 5)

ORDER 27

ADMISSIONS

1. Admission of case of other party (O. 27, r. 1)
2. Notice to admit facts (O. 27, r. 2)
3. Judgment on admission of facts (O. 27, r. 3)
4. Admission and production of documents specified in list of documents (O. 27, r. 4)
5. Notices to admit or produce documents (O. 27, r. 5)

ORDER 28

ORIGINATING SUMMONS PROCEDURE

1. Application (O. 28, r. 1)
2. Hearing of originating summons (O. 28, r. 2)
- 2A. Dispute as to jurisdiction (O. 28, r. 2A)
3. Supporting affidavits (O. 28, r. 3)
4. Directions, etc., by Court (O. 28, r. 4)
5. Adjournment of originating summons (O. 28, r. 5)
6. [*Deleted*]

## Rule

7. Counterclaim by defendant (O. 28, r. 7)
8. Continuation of proceedings as if cause or matter begun by writ (O. 28, r. 8)
9. Order for hearing or trial (O. 28, r. 9)
10. Failure to prosecute proceedings with despatch (O. 28, r. 10)
11. Abatement, etc., of action (O. 28, r. 11)

## ORDER 29

INTERLOCUTORY INJUNCTIONS, INTERIM PRESERVATION OF  
PROPERTY, INTERIM PAYMENTS, ETC.

1. Application for injunction (O. 29, r. 1)
2. Detention, preservation, etc., of subject-matter of cause or matter (O. 29, r. 2)
3. Power to order samples to be taken, etc. (O. 29, r. 3)
4. Sale of perishable property, etc. (O. 29, r. 4)
5. Order for early trial (O. 29, r. 5)
6. Recovery of movable property subject to lien, etc. (O. 29, r. 6)
7. Directions (O. 29, r. 7)
8. Allowance of income of property pending trial<sup>2</sup> (O. 29, r. 8)
9. Interpretation of “interim payments” (O. 29, r. 9)
10. Application for interim payment (O. 29, r. 10)
11. Order for interim payment in respect of damages (O. 29, r. 11)
12. Order for interim payment in respect of sums other than damages (O. 29, r. 12)
13. Manner of payment (O. 29, r. 13)
14. Directions on application under Rule 10 (O. 29, r. 14)
15. Non-disclosure of interim payment (O. 29, r. 15)
16. Payment into Court, etc., in satisfaction (O. 29, r. 16)
17. Adjustment on final judgment or order or on discontinuance (O. 29, r. 17)
18. Counterclaims and other proceedings (O. 29, r. 18)

## ORDER 30

## RECEIVERS

1. Application for receiver and injunction (O. 30, r. 1)
2. Giving of security by receiver (O. 30, r. 2)
3. Remuneration of receiver (O. 30, r. 3)
4. Receiver’s accounts (O. 30, r. 4)
5. Payment of balance, etc., by receiver (O. 30, r. 5)

## Rule

6. Default by receiver (O. 30, r. 6)

## ORDER 31

## SALE, ETC., OF IMMOVABLE PROPERTY BY ORDER OF COURT

1. Power to order sale of immovable property (O. 31, r. 1)
2. Manner of carrying out sale (O. 31, r. 2)
3. Certifying result of sale (O. 31, r. 3)
4. Mortgage, exchange or partition under order of the Court (O. 31, r. 4)
5. Reference of matters to advocate and solicitor (O. 31, r. 5)
6. Objection to opinion of advocate and solicitor (O. 31, r. 6)

## ORDER 32

## APPLICATIONS AND PROCEEDINGS IN CHAMBERS

1. Mode of making application (O. 32, r. 1)
2. Issue of summons (O. 32, r. 2)
3. Service of summons (O. 32, r. 3)
4. Adjournment of hearing (O. 32, r. 4)
5. Proceeding in absence of party failing to attend (O. 32, r. 5)
6. Order made ex parte may be set aside (O. 32, r. 6)
- 7.
8. [*Deleted*]
9. Jurisdiction of Registrar (O. 32, r. 9)
10. Reference of matter to Judge (O. 32, r. 10)
11. Power to direct hearing in Court (O. 32, r. 11)
12. Obtaining assistance of assessors or experts (O. 32, r. 12)
13. Service or use of affidavit (O. 32, r. 13)
14. Disposal of matters in Chambers (O. 32, r. 14)
15. Papers for use of Court, etc. (O. 32, r. 15)

## ORDER 33

## MODE OF TRIAL

1. Mode of trial (O. 33, r. 1)
2. Time, etc., of trial of questions or issues (O. 33, r. 2)
3. Determining mode of trial (O. 33, r. 3)
4. Trial with assistance of assessors (O. 33, r. 4)
5. Dismissal of action, etc., after decision of preliminary issue (O. 33, r. 5)

## ORDER 34

## SETTING DOWN FOR TRIAL OF ACTION BEGUN BY WRIT

## Rule

1. Application and interpretation (O. 34, r. 1)
2. Time for setting down action (O. 34, r. 2)
3. Filing documents when setting down and notification of setting down (O. 34, r. 3)
- 3A. Filing documents prior to trial (O. 34, r. 3A)
4. Directions relating to lists (O. 34, r. 4)
5. Duty to furnish information (O. 34, r. 5)
6. Abatement, etc., of action (O. 34, r. 6)

## ORDER 34A

## PRE-TRIAL CONFERENCES

1. Power to make orders and give directions for the just, expeditious and economical disposal of proceedings (O. 34A, r. 1)
- 1A. *[Deleted]*
2. Pre-trial conferences to be held when directed by the Court (O. 34A, r. 2)
3. Notification of pre-trial conferences (O. 34A, r. 3)
4. Attendance at pre-trial conferences by solicitor or in person as directed by the Court (O. 34A, r. 4)
5. Adjourned and subsequent pre-trial conferences (O. 34A, r. 5)
6. Failure to appear of one or more of the parties (O. 34A, r. 6)
7. Non-disclosure (O. 34A, r. 7)

## ORDER 35

## PROCEEDINGS AT TRIAL

1. Failure to appear by both parties or one of them (O. 35, r. 1)
2. Judgment, etc., given in absence of party may be set aside (O. 35, r. 2)
3. Adjournment of trial (O. 35, r. 3)
4. Order of speeches (O. 35, r. 4)
- 4A. *[Deleted]*
5. Inspection by Judge (O. 35, r. 5)
6. Death of party before giving of judgment (O. 35, r. 6)
7. Records to be made by Registrar or proper officer of Court (O. 35, r. 7)
8. List of exhibits (O. 35, r. 8)

## Rule

9. Custody of exhibit after trial (O. 35, r. 9)
10. Impounded documents (O. 35, r. 10)
11. Continuation of hearing by another Judge (O. 35, r. 11)

## ORDER 36

## TRIALS BEFORE AND INQUIRIES BY REGISTRAR

1. Power to order trial before Registrar (O. 36, r. 1)
2. Trial before, and inquiry by, Registrar (O. 36, r. 2)

## ORDER 37

## ASSESSMENT OF DAMAGES

1. Assessment of damages by Registrar (O. 37, r. 1)
2. Certificate of amount of damages (O. 37, r. 2)
3. Default judgment against some but not all defendants (O. 37, r. 3)
4. Power to order assessment by Registrar or at trial (O. 37, r. 4)
5. Assessment of value (O. 37, r. 5)
6. Assessment of damages to time of assessment (O. 37, r. 6)
7. Application and interpretation (O. 37, r. 7)
8. Order for provisional damages (O. 37, r. 8)
9. Offer to submit to an award (O. 37, r. 9)
10. Application for award of further damages (O. 37, r. 10)

## ORDER 38

## EVIDENCE: GENERAL

1. General rule: Witnesses to be examined (O. 38, r. 1)
2. Evidence by affidavit (O. 38, r. 2)
3. Evidence by particular facts (O. 38, r. 3)
4. Notice requirements to admit hearsay evidence (O. 38, r. 4)
5. Limitation of plans, etc., in evidence (O. 38, r. 5)
6. [*Deleted*]
7. Revocation or variation of orders under Rules 2 to 5 (O. 38, r. 7)
8. Application to trials of issues, references, etc. (O. 38, r. 8)
9. Depositions when receivable in evidence at trial (O. 38, r. 9)
10. Court documents admissible or receivable in evidence (O. 38, r. 10)
11. Evidence of consent of new trustee to act (O. 38, r. 11)
12. Evidence at trial may be used in subsequent proceedings (O. 38, r. 12)

## Rule

13. Order to produce document at proceeding other than trial (O. 38, r. 13)
14. Form and issue of subpoena (O. 38, r. 14)
15. More than one name may be included in one subpoena to testify<sup>5</sup> (O. 38, r. 15)
16. Subpoena to produce documents<sup>1</sup> (O. 38, r. 16)
17. Amendment of subpoena (O. 38, r. 17)
18. Service of subpoena (O. 38, r. 18)
19. Duration of subpoena (O. 38, r. 19)
20. Court records (O. 38, r. 20)
21. Attendance of prisoner as witness or party (O. 38, r. 21)
22. Tender of expenses (O. 38, r. 22)
23. Affidavit of service of subpoena (O. 38, r. 23)

## ORDER 38A

## OFFICIAL RECORD OF HEARING

1. Record of hearing (O. 38A, r. 1)
2. Certification of transcript (O. 38A, r. 2)
- 2A. *[Deleted]*
3. Duration for which record is to be kept (O. 38A, r. 3)
4. *[Deleted]*

## ORDER 39

## EVIDENCE BY DEPOSITION: EXAMINERS OF COURT

1. Power to order depositions to be taken (O. 39, r. 1)
2. Where person to be examined is out of jurisdiction (O. 39, r. 2)
3. Order for issue of letter of request (O. 39, r. 3)
4. Enforcing attendance of witness at examination (O. 39, r. 4)
5. Refusal of witness to attend, or to be sworn, etc. (O. 39, r. 5)
6. Appointment of time and place for examination (O. 39, r. 6)
7. Examiner to have certain documents (O. 39, r. 7)
8. Conduct of examination (O. 39, r. 8)
9. Examination of additional witnesses (O. 39, r. 9)
10. Objection to questions (O. 39, r. 10)
11. Taking of depositions (O. 39, r. 11)
12. Time taken by examination to be endorsed on depositions (O. 39, r. 12)
13. Special report by examiner (O. 39, r. 13)

## Rule

14. Order for payment of examiner's fees (O. 39, r. 14)
15. Perpetuation of testimony (O. 39, r. 15)

## ORDER 40

## COURT EXPERT

1. Appointment of expert to report on certain question (O. 40, r. 1)
2. Report of court expert (O. 40, r. 2)
3. Experiments and tests (O. 40, r. 3)
4. Cross-examination of court expert (O. 40, r. 4)
5. Remuneration of court expert (O. 40, r. 5)
6. Calling of expert witnesses (O. 40, r. 6)

## ORDER 40A

## EXPERTS OF PARTIES

1. Limitation of expert evidence (O. 40A, r. 1)
2. Expert's duty to the Court (O. 40A, r. 2)
3. Requirements of expert's evidence (O. 40A, r. 3)
4. Written questions to expert (O. 40A, r. 4)
5. Discussions between experts (O. 40A, r. 5)
6. Concurrent expert evidence (O. 40A, r. 6)

## ORDER 41

## AFFIDAVITS

1. Form of affidavit (O. 41, r. 1)
2. Affidavit by 2 or more deponents (O. 41, r. 2)
3. Affidavit by illiterate or blind person (O. 41, r. 3)
4. Use of defective affidavit (O. 41, r. 4)
5. Contents of affidavit (O. 41, r. 5)
6. Scandalous, etc., matter in affidavits (O. 41, r. 6)
7. Alterations in affidavits (O. 41, r. 7)
8. Affidavit not to be sworn before solicitor of party, etc. (O. 41, r. 8)
9. Filing of affidavits (O. 41, r. 9)
10. Use of original affidavit or copy (O. 41, r. 10)
11. Document to be used in conjunction with affidavit to be exhibited to it (O. 41, r. 11)
12. Affidavit taken outside Singapore admissible without proof of seal, etc. (O. 41, r. 12)



## ORDER 42

## JUDGMENTS AND ORDERS

## Rule

1. Delivering judgments (O. 42, r. 1)
2. Judgment in proceedings heard in camera (O. 42, r. 2)
3. Inspection of judgment (O. 42, r. 3)
4. [*Deleted*]
5. Form of judgment, etc. (O. 42, r. 5)
6. Judgment, etc., requiring act to be done: Time for doing it (O. 42, r. 6)
7. Date from which judgment or order takes effect (O. 42, r. 7)
8. Preparation of judgment or order (O. 42, r. 8)
9. Orders required to be drawn up (O. 42, r. 9)
10. Drawing up and entry of judgments and orders (O. 42, r. 10)
11. Duplicates of judgments and orders (O. 42, r. 11)
12. Interest on judgment debts (O. 42, r. 12)
13. Where money to be paid in instalments (O. 42, r. 13)

## ORDER 43

## ACCOUNTS AND INQUIRIES

1. Summary order for account (O. 43, r. 1)
2. Court may direct taking of accounts, etc. (O. 43, r. 2)
3. Directions as to manner of taking account (O. 43, r. 3)
4. Account to be made, verified, etc. (O. 43, r. 4)
5. Notice to be given of alleged omissions, etc., in account (O. 43, r. 5)
- 5A. Filing documents prior to the taking of accounts or making of inquiries (O. 43, r. 5A)
6. Allowances (O. 43, r. 6)
7. Delay in prosecution of accounts, etc. (O. 43, r. 7)
8. Distribution of fund before all persons entitled are ascertained (O. 43, r. 8)

## ORDER 45

## ENFORCEMENT OF JUDGMENTS AND ORDERS

1. Enforcement of judgment, etc., for payment of money (O. 45, r. 1)
2. Judgment, etc., for payment of money to person resident outside scheduled territories (O. 45, r. 2)

## Rule

3. Enforcement of judgment for possession of immovable property (O. 45, r. 3)
4. Enforcement of judgment for delivery of movable property (O. 45, r. 4)
5. Enforcement of judgment to do or abstain from doing an act (O. 45, r. 5)
6. Judgment, etc., requiring act to be done: Order fixing time for doing it (O. 45, r. 6)
7. Service of copy of judgment, etc., prerequisite to enforcement under Rule 5 (O. 45, r. 7)
8. Court may order act to be done at expense of disobedient party (O. 45, r. 8)
9. Execution by or against person not being a party (O. 45, r. 9)
10. Conditional judgment: Waiver (O. 45, r. 10)
11. Matters occurring after judgment: Stay of execution, etc. (O. 45, r. 11)
- 11A. Matters occurring after judgment: Enforcement Conference (O. 45, r. 11A)
12. Forms of writs (O. 45, r. 12)
13. Enforcement of judgments and orders for recovery of money, etc. (O. 45, r. 13)

## ORDER 46

## WRITS OF EXECUTION: GENERAL

1. Definition (O. 46, r. 1)
2. When leave to issue any writ of execution is necessary (O. 46, r. 2)
3. Application for leave to issue writ (O. 46, r. 3)
4. Issue of writ of execution (O. 46, r. 4)
5. Writ where Exchange Control Act applies (O. 46, r. 5)
6. Duration and renewal of writ of execution (O. 46, r. 6)
7. Fees, expenses, etc., to be levied (O. 46, r. 7)
8. Costs of writ (O. 46, r. 8)
9. Satisfaction by consent (O. 46, r. 9)
10. Where consent refused (O. 46, r. 10)
11. Deposit for costs of execution and date for execution (O. 46, r. 11)
12. Where Sheriff in possession more than 14 days (O. 46, r. 12)
13. Proper officer to give receipt (O. 46, r. 13)

*DUTIES OF SHERIFF*

## Rule

14. Time of filing to be forthwith endorsed on writ (O. 46, r. 14)
15. Time of execution (O. 46, r. 15)
16. Notice of seizure and inventory (O. 46, r. 16)
17. Proper officer to keep records and to prepare statement of accounts (O. 46, r. 17)
18. Sheriff to give information if required (O. 46, r. 18)
19. Date of arrest to be endorsed (O. 46, r. 19)
20. Sheriff may be required to show cause for neglect of duty (O. 46, r. 20)
21. Payment out (O. 46, r. 21)

*SALE BY SHERIFF*

22. Sheriff to sell (O. 46, r. 22)
23. Sale by public auction (O. 46, r. 23)
24. Where property exceeds \$2,000 sale by authorised auctioneer (O. 46, r. 24)
25. Negotiable instruments (O. 46, r. 25)
26. Sheriff may execute or endorse documents (O. 46, r. 26)
- 26A. When order made suspending execution (O. 46, r. 26A)
27. Interpretation (O. 46, r. 27)

## ORDER 47

## WRITS OF SEIZURE AND SALE

1. Power to stay execution by writ of seizure and sale (O. 47, r. 1)
- 1A. Payment by instalments (O. 47, r. 1A)
- 1B. Application for new instalment order (O. 47, r. 1B)
2. Separate writs to enforce payment of costs, etc. (O. 47, r. 2)
3. Where landlord claims arrears of rent of premises where property seized (O. 47, r. 3)
4. Immovable property (O. 47, r. 4)
5. Sale of immovable property (O. 47, r. 5)
6. Securities (O. 47, r. 6)
7. Sale of securities (O. 47, r. 7)
- 8.
9. Withdrawal and suspension of writ (O. 47, r. 9)

ORDER 48

EXAMINATION OF JUDGMENT DEBTOR, ETC.

Rule

1. Order for examination of judgment debtor (O. 48, r. 1)
2. Examination of party liable to satisfy judgment (O. 48, r. 2)
3. Registrar to make record of debtor's statement (O. 48, r. 3)

ORDER 49

GARNISHEE PROCEEDINGS

1. Attachment of debt due to judgment debtor (O. 49, r. 1)
2. Application for order (O. 49, r. 2)
3. Service and effect of order to show cause (O. 49, r. 3)
4. No appearance or dispute of liability by garnishee (O. 49, r. 4)
5. Dispute of liability by garnishee (O. 49, r. 5)
6. Claims of third persons (O. 49, r. 6)
7. Judgment creditor resident outside scheduled territories (O. 49, r. 7)
8. Discharge of garnishee (O. 49, r. 8)
9. Money in Court (O. 49, r. 9)
10. Costs (O. 49, r. 10)

ORDER 50

STOP ORDERS, ETC.

1. Securities not in Court: Stop notice (O. 50, r. 1)
2. Effect of stop notice (O. 50, r. 2)
3. Amendment of stop notice (O. 50, r. 3)
4. Withdrawal, etc., of stop notice (O. 50, r. 4)
5. Order prohibiting transfer, etc., of securities (O. 50, r. 5)
6. Funds in Court: Stop order (O. 50, r. 6)

ORDER 51

RECEIVERS: EQUITABLE EXECUTION

1. Appointment of receivers by way of equitable execution (O. 51, r. 1)
2. Registrar may appoint receiver, etc. (O. 51, r. 2)
3. Application of Rules as to appointment of receiver, etc. (O. 51, r. 3)

## ORDER 52

## CONTEMPT OF COURT

## Rule

- 1A. Definitions (O. 52, r. 1A)
  1. Committal for contempt of court (O. 52, r. 1)
  2. Application to Court (O. 52, r. 2)
  3. Application for order after leave to apply granted (O. 52, r. 3)
  4. Saving for power to commit without application (O. 52, r. 4)
- 4A. Transfer to High Court (O. 52, r. 4A)
5. Provisions as to hearing (O. 52, r. 5)
6. Power to suspend execution of committal order (O. 52, r. 6)
7. Discharge of person committed (O. 52, r. 7)
8. Saving for other powers (O. 52, r. 8)
9. Form of warrant for committal (O. 52, r. 9)
10. Committal proceedings before Employment Claims Tribunal (O. 52, r. 10)
11. Committal proceedings before Small Claims Tribunal (O. 52, r. 11)
12. Committal proceedings before Community Dispute Resolution Tribunals (O. 52, r. 12)
13. Application by Attorney-General for leave to give non-publication direction (O. 52, r. 13)
14. Application to set aside or vary non-publication direction (O. 52, r. 14)

## ORDER 53

APPLICATION FOR MANDATORY ORDER<sup>7</sup>, PROHIBITING ORDER<sup>9</sup>,  
QUASHING ORDER<sup>10</sup>, ETC.

1. No application for Mandatory Order<sup>7</sup>, etc., without leave (O. 53, r. 1)
2. Mode of applying for Mandatory Order<sup>7</sup>, etc. (O. 53, r. 2)
3. Statements and further affidavits (O. 53, r. 3)
4. Right to be heard in opposition (O. 53, r. 4)
5. Application for Quashing Order<sup>10</sup> (O. 53, r. 5)
6. Saving for person acting in obedience to Mandatory Order<sup>7</sup> (O. 53, r. 6)
7. Power of Court to grant relief in addition to Mandatory Order<sup>7</sup>, etc. (O. 53, r. 7)
8. Appeal to Court of Appeal (O. 53, r. 8)
9. Application (O. 53, r. 9)

ORDER 54

APPLICATION FOR ORDER FOR REVIEW OF DETENTION<sup>11</sup>

Rule

1. Application for Order for Review of Detention<sup>11</sup> (O. 54, r. 1)
2. Power of Court to whom ex parte application made (O. 54, r. 2)
3. Copies of affidavits to be supplied (O. 54, r. 3)
4. Power to order release of person restrained (O. 54, r. 4)
5. Return date for Order for Review of Detention<sup>11</sup> (O. 54, r. 5)
6. Service of Order for Review of Detention<sup>11</sup> (O. 54, r. 6)
7. Release and other directions (O. 54, r. 7)
8. Form of Order for Review of Detention<sup>11</sup> (O. 54, r. 8)
9. Application (O. 54, r. 9)

ORDER 55

APPEALS TO HIGH COURT FROM COURT, TRIBUNAL OR PERSON

1. Application (O. 55, r. 1)
2. Bringing of appeal (O. 55, r. 2)
3. Service of originating summons and entry of appeal (O. 55, r. 3)
4. Date of hearing of appeal (O. 55, r. 4)
5. Amendment of grounds of appeal, etc. (O. 55, r. 5)
6. Powers of Court hearing appeal (O. 55, r. 6)
7. Right of Minister, etc., to appear and be heard (O. 55, r. 7)

ORDER 55A

APPLICATIONS TO HIGH COURT BY CASE STATED

1. Application (O. 55A, r. 1)
2. Application for order to state a case (O. 55A, r. 2)
3. Signing and service of case (O. 55A, r. 3)
4. Proceedings for determination of case (O. 55A, r. 4)
5. Amendment of case (O. 55A, r. 5)
6. Right of Minister to appear and be heard (O. 55A, r. 6)

ORDER 55B

APPEALS FROM REGISTRAR IN PROCEEDINGS IN STATE COURTS

1. Appeals from decisions of Registrar to District Judge in Chambers (O. 55B, r. 1)
- 2.
3. Application (O. 55B, r. 3)

## Rule

4. [Deleted]

## ORDER 55C

## APPEALS FROM DISTRICT JUDGES IN CHAMBERS

1. Appeals from decisions of District Judges or Magistrates in Chambers (O. 55C, r. 1)
2. Leave to appeal (O. 55C, r. 2)
3. Enforcement of judgments which have been subject-matter of appeal (O. 55C, r. 3)
4. Extension of time (O. 55C, r. 4)

## ORDER 55D

## APPEALS FROM STATE COURTS

1. Application of Order to appeals (O. 55D, r. 1)
2. Application of Order to applications for new trial (O. 55D, r. 2)
3. Notice of appeal (O. 55D, r. 3)
4. Time for appealing (O. 55D, r. 4)
5. Record of proceedings (O. 55D, r. 5)
6. Record of Appeal and Appellant's Case (O. 55D, r. 6)
7. Preparation of Cases (O. 55D, r. 7)
8. Transmission of record of appeal, etc. (O. 55D, r. 8)
9. Directions of Court as to service (O. 55D, r. 9)
10. Withdrawal of appeal (O. 55D, r. 10)
11. General powers of Court (O. 55D, r. 11)
12. Powers of Court as to new trial (O. 55D, r. 12)
13. Stay of execution, etc. (O. 55D, r. 13)
14. Extension of time (O. 55D, r. 14)
15. Appellant or respondent not appearing (O. 55D, r. 15)
16. Expedited appeals (O. 55D, r. 16)
17. Judgment or order on appeal to be sent to Registrar (O. 55D, r. 17)
18. Enforcement of judgments which have been subject-matter of appeal (O. 55D, r. 18)
19. Interpretation (O. 55D, r. 19)
20. [Deleted]

## ORDER 56

APPEALS FROM REGISTRAR AND JUDGE IN PROCEEDINGS IN  
SUPREME COURT

## Rule

1. Appeals from decisions of Registrar to Judge in Chambers (O. 56, r. 1)
2. Further arguments on judgment or order (O. 56, r. 2)
3. Leave to appeal against order or judgment of Judge (O. 56, r. 3)
4. Application (O. 56, r. 4)
5. [*Deleted*]

## ORDER 57

## APPEALS TO COURT OF APPEAL

1. Application of Order to appeals (O. 57, r. 1)
2. Application of Order to applications for new trial (O. 57, r. 2)
- 2A. Application to Court of Appeal for leave to appeal against judgment or order of High Court (O. 57, r. 2A)
- 2B. Oral arguments in application to Court of Appeal for leave to appeal (O. 57, r. 2B)
3. Notice of appeal (O. 57, r. 3)
4. Time for appealing (O. 57, r. 4)
5. Record of proceedings (O. 57, r. 5)
- 6.
- 7.
- 8.
9. Record of Appeal and Appellant's Case (O. 57, r. 9)
- 9A. Preparation of Cases (O. 57, r. 9A)
10. Directions of Court as to service (O. 57, r. 10)
11. Withdrawal of appeal (O. 57, r. 11)
- 12.
13. General powers of Court (O. 57, r. 13)
14. Powers of Court as to new trial (O. 57, r. 14)
15. Stay of execution, etc. (O. 57, r. 15)
16. Applications to Court of Appeal (O. 57, r. 16)
17. Extension of time (O. 57, r. 17)
18. Appellant or respondent not appearing (O. 57, r. 18)
19. Judgment (O. 57, r. 19)
- 19A. Consent judgment or order (O. 57, r. 19A)
20. Expedited appeals and applications (O. 57, r. 20)



## ORDER 58

REFERENCES UNDER ARTICLE 100 OF CONSTITUTION FOR ADVISORY  
OPINION

## Rule

1. Application and definition (O. 58, r. 1)
2. Bringing of Reference (O. 58, r. 2)
3. Requirements of Reference (O. 58, r. 3)
4. Composition of Tribunal (O. 58, r. 4)
5. Notice to interested persons (O. 58, r. 5)
6. Attorney-General to assist Tribunal (O. 58, r. 6)
7. Appointment of Counsel by Tribunal (O. 58, r. 7)
8. Mode of dealing with Reference (O. 58, r. 8)
9. Proceedings before Tribunal (O. 58, r. 9)
10. Proceedings in open Court (O. 58, r. 10)
11. Notice of directions (O. 58, r. 11)
12. Directions (O. 58, r. 12)
13. Report (O. 58, r. 13)
14. Costs (O. 58, r. 14)
15. Fees (O. 58, r. 15)

## ORDER 58A

## CONSTITUTIONAL CASE

1. Reference by State Court (O. 58A, r. 1)
2. Mode of dealing with Case (O. 58A, r. 2)
3. Certificate on Case (O. 58A, r. 3)
4. Proceedings in State Court (O. 58A, r. 4)
5. [*Deleted*]

## ORDER 59

## COSTS

*PRELIMINARY*

1. Interpretation (O. 59, r. 1)
2. Application (O. 59, r. 2)

*ENTITLEMENT TO COSTS*

3. When costs to follow the event (O. 59, r. 3)
4. Stage of proceedings at which costs to be dealt with (O. 59, r. 4)

## Rule

5. Special matters to be taken into account in exercising discretion (O. 59, r. 5)
6. Restriction of discretion to order costs (O. 59, r. 6)
- 6A. Costs due to unnecessary claims or issues (O. 59, r. 6A)
7. Costs arising from misconduct or neglect (O. 59, r. 7)
- 7A. Costs of taxation proceedings (O. 59, r. 7A)
8. Personal liability of solicitor for costs (O. 59, r. 8)
9. Fractional or gross sum in place of taxed costs (O. 59, r. 9)
10. When a party may sign judgment for costs without an order (O. 59, r. 10)
11. When order for taxation of costs not required (O. 59, r. 11)
12. Powers of Registrar to tax costs (O. 59, r. 12)
13. Supplementary powers of Registrar (O. 59, r. 13)
14. Extension, etc., of time (O. 59, r. 14)
15. Interim certificates (O. 59, r. 15)
16. Power of Registrar where party liable to be paid and to pay costs (O. 59, r. 16)
17. Taxation of bill of costs comprised in account (O. 59, r. 17)
18. Registrar to fix certain fees payable to conveyancing counsel, etc. (O. 59, r. 18)
- 18A. Litigants in person — Compensatory costs (O. 59, r. 18A)
19. Costs for more than 2 solicitors (O. 59, r. 19)

*PROCEDURE ON TAXATION*

20. Mode of beginning proceedings for taxation (O. 59, r. 20)
21. Notification of time appointed for taxation (O. 59, r. 21)
22. Delivery of bills, etc. (O. 59, r. 22)
23. [*Deleted*]
24. Form of bill of costs (O. 59, r. 24)
25. Provisions as to taxation proceedings (O. 59, r. 25)
26. Powers of Registrar taxing costs payable out of fund (O. 59, r. 26)

*ASSESSMENT OF COSTS*

27. Basis of taxation (O. 59, r. 27)
28. Costs payable to solicitor by his own client (O. 59, r. 28)
29. Costs payable to solicitor where money recovered by or on behalf of minor, etc. (O. 59, r. 29)
30. Costs payable to trustee out of trust fund, etc. (O. 59, r. 30)
31. Provisions for ascertaining costs on taxation (O. 59, r. 31)

*CERTIFICATE*

## Rule

32. Certificate (O. 59, r. 32)
33. Certificate of Registrar to be conclusive unless set aside (O. 59, r. 33)

*REVIEW*

34. Application to Judge for review (O. 59, r. 34)
35. Review of Registrar's decision by Judge (O. 59, r. 35)
36. [*Deleted*]

*INTEREST*

37. Interest on costs (O. 59, r. 37)

## ORDER 60

## THE REGISTRY

1. Distribution of business (O. 60, r. 1)
2. Information to be maintained by Registry (O. 60, r. 2)
3. Date of filing to be marked, etc. (O. 60, r. 3)
4. Right to search information and inspect, etc., certain documents filed in Registry (O. 60, r. 4)
5. Deposit of document (O. 60, r. 5)
6. Filing of instruments creating powers of attorney (O. 60, r. 6)
7. Verification of execution of power of attorney (O. 60, r. 7)
8. Inspection, etc., of powers of attorney (O. 60, r. 8)
9. Restriction on removal of documents (O. 60, r. 9)

## ORDER 61

## SITTINGS, VACATION AND OFFICE HOURS

1. Vacation Judge (O. 61, r. 1)
2. Hearing in vacation (O. 61, r. 2)
3. Registry: Days on which open and office hours (O. 61, r. 3)

## ORDER 62

## SERVICE OF DOCUMENTS

1. When personal service required (O. 62, r. 1)
2. Personal service: Process server (O. 62, r. 2)
3. Personal service: How effected (O. 62, r. 3)

## Rule

4. Personal service on body corporate (O. 62, r. 4)
5. Substituted service (O. 62, r. 5)
6. Ordinary service: How effected (O. 62, r. 6)
- 6A. Time for service (O. 62, r. 6A)
7. Service on Minister, etc., in proceedings which are not by or against Government (O. 62, r. 7)
8. Effect of service after certain hours (O. 62, r. 8)
9. Affidavit of service (O. 62, r. 9)
10. No service required in certain cases (O. 62, r. 10)
11. Dispensation of service (O. 62, r. 11)

## ORDER 63

## PAPER, PRINTING, NOTICES AND COPIES

1. Quality and size of paper (O. 63, r. 1)
2. Regulations as to printing, etc. (O. 63, r. 2)
3. Copies of documents for other party (O. 63, r. 3)
4. Requirements as to copies (O. 63, r. 4)

## ORDER 63A

## ELECTRONIC FILING SERVICE

1. Definitions (O. 63A, r. 1)
2. Establishment of electronic filing service (O. 63A, r. 2)
3. Electronic filing service provider and superintendent (O. 63A, r. 3)
- 3A. Computer system of electronic service provider (O. 63A, r. 3A)
4. Service bureau (O. 63A, r. 4)
5. Registered user and authorised user (O. 63A, r. 5)
6. Fee for registered user (O. 63A, r. 6)
7. [*Deleted*]
8. Electronic filing (O. 63A, r. 8)
9. Signing of electronic documents (O. 63A, r. 9)
10. Date of filing (O. 63A, r. 10)
11. When time for service begins to run (O. 63A, r. 11)
12. Service of documents (O. 63A, r. 12)
13. Notification or delivery by Registrar (O. 63A, r. 13)
14. Mode of amendment of electronic documents (O. 63A, r. 14)
15. Affidavits in electronic form (O. 63A, r. 15)
16. [*Deleted*]

## Rule

17. Discrepancy (O. 63A, r. 17)
18. Interpretation (O. 63A, r. 18)

## ORDER 64

## CHANGE OF SOLICITOR

1. Notice of change of solicitor (O. 64, r. 1)
2. Notice of appointment of solicitor (O. 64, r. 2)
3. Notice of intention to act in person (O. 64, r. 3)
4. Removal of solicitor from record at instance of another party (O. 64, r. 4)
5. Withdrawal of solicitor who has ceased to act for party (O. 64, r. 5)
6. Address for service of party whose solicitor is removed, etc. (O. 64, r. 6)
7. Warrant to act (O. 64, r. 7)

## ORDER 65

## SERVICE OF FOREIGN PROCESS

1. Definition (O. 65, r. 1)
2. Service of foreign legal process pursuant to letter of request (O. 65, r. 2)
- 2A. Alternative mode of service of foreign legal process (O. 65, r. 2A)
3. Service of foreign legal process under Civil Procedure Convention (O. 65, r. 3)
4. Costs of service, etc., to be certified by Registrar (O. 65, r. 4)

## ORDER 66

## OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.

1. Jurisdiction of Registrar to make order (O. 66, r. 1)
2. Application for order (O. 66, r. 2)
3. Application by Attorney-General in certain cases (O. 66, r. 3)
4. Person to take and manner of taking examination (O. 66, r. 4)
5. Dealing with deposition (O. 66, r. 5)

## ORDER 67

## RECIPROCAL ENFORCEMENT OF JUDGMENTS

## Rule

1. Powers under relevant Acts exercisable by Judge or Registrar (O. 67, r. 1)
2. Application for registration (O. 67, r. 2)
3. Evidence in support of application (O. 67, r. 3)
4. Security for costs (O. 67, r. 4)
5. Order for registration (O. 67, r. 5)
6. Register of judgments (O. 67, r. 6)
7. Notice of registration (O. 67, r. 7)
8. Endorsement of service (O. 67, r. 8)
9. Application to set aside registration (O. 67, r. 9)
10. Issue of execution (O. 67, r. 10)
11. Determination of certain questions (O. 67, r. 11)
12. Rules to have effect subject to orders of President (O. 67, r. 12)
13. Certified copy of High Court judgment (O. 67, r. 13)

## ORDER 69

## ARBITRAL PROCEEDINGS

1. Interpretation (O. 69, r. 1)
2. Matters for Judge in person (O. 69, r. 2)
3. Matters for Judge or Registrar (O. 69, r. 3)
4. Preliminary question of law (O. 69, r. 4)
5. Application to set aside award (O. 69, r. 5)
6. Appeals on question of law arising out of award (O. 69, r. 6)
7. Applications for leave to appeal on question of law arising out of award (O. 69, r. 7)
8. Leave to appeal to Court of Appeal (O. 69, r. 8)
9. Extension of time: Applications under section 10 of Act (O. 69, r. 9)
10. Service out of jurisdiction of summons, notice, etc. (O. 69, r. 10)
11. Requirements as to notice (O. 69, r. 11)
12. Subpoena (O. 69, r. 12)
13. Enforcement of interlocutory orders or directions (O. 69, r. 13)
14. Enforcement of arbitration awards (O. 69, r. 14)
15. Registration in High Court of Commonwealth awards (O. 69, r. 15)
16. Saving provisions (O. 69, r. 16)

## ORDER 69A

## INTERNATIONAL ARBITRATION ACT

## Rule

1. Interpretation (O. 69A, r. 1)
2. Matters for Judge in person (O. 69A, r. 2)
3. Matters for Judge or Registrar (O. 69A, r. 3)
4. Service out of jurisdiction of originating process (O. 69A, r. 4)
5. Enforcement of interlocutory orders or directions (O. 69A, r. 5)
6. Enforcement of awards and foreign awards (O. 69A, r. 6)
7. Subpoena (O. 69A, r. 7)
8. Taking of evidence (O. 69A, r. 8)

## ORDER 70

## ADMIRALTY PROCEEDINGS

1. Application and interpretation (O. 70, r. 1)
2. Issue of writ and entry of appearance (O. 70, r. 2)
3. Service out of Singapore (O. 70, r. 3)
4. Warrant of arrest (O. 70, r. 4)
5. Caveat against arrest (O. 70, r. 5)
6. Remedy where property protected by caveat is arrested (without good and sufficient reason) (O. 70, r. 6)
7. Service of writ in action *in rem* (O. 70, r. 7)
8. Committal of solicitor failing to comply with undertaking (O. 70, r. 8)
9. Execution, etc., of warrant of arrest (O. 70, r. 9)
10. Service on ships, etc.: How effected (O. 70, r. 10)
11. Applications with respect to property under arrest (O. 70, r. 11)
12. Release of property under arrest (O. 70, r. 12)
13. Caveat against release and payment (O. 70, r. 13)
14. Duration of caveats (O. 70, r. 14)
15. Bail (O. 70, r. 15)
16. Interveners (O. 70, r. 16)
17. Preliminary acts (O. 70, r. 17)
18. Failure to file preliminary act: Proceedings against party in default (O. 70, r. 18)
19. Special provisions as to pleadings in collision, etc., actions (O. 70, r. 19)
20. Judgment by default (O. 70, r. 20)
21. Order for sale of ship: Determination of priority of claims (O. 70, r. 21)

## Rule

22. Appraisement and sale of property (O. 70, r. 22)
23. Undertakings as to expenses (O. 70, r. 23)
24. Payment into and out of Court (O. 70, r. 24)
25. Summons for directions (O. 70, r. 25)
26. Fixing date for trial, etc. (O. 70, r. 26)
27. Stay of proceedings in collision, etc., actions until security given (O. 70, r. 27)
28. Inspection of ship, etc. (O. 70, r. 28)
29. Examination of witnesses and other persons (O. 70, r. 29)
30. Trial without pleadings (O. 70, r. 30)
31. Issue of subpoena (O. 70, r. 31)
32. Proceedings for apportionment of salvage (O. 70, r. 32)
33. Filing and service of summons (O. 70, r. 33)
34. Agreement between solicitors may be made order of Court (O. 70, r. 34)
35. Originating summons: Procedure (O. 70, r. 35)
36. Limitation action: Parties (O. 70, r. 36)
- 36A. Limitation action: Constitution of limitation fund (O. 70, r. 36A)
37. Limitation action: Summons for decree or directions (O. 70, r. 37)
38. Limitation action: Proceedings under decree (O. 70, r. 38)
39. Limitation action: Proceedings to set aside decree (O. 70, r. 39)
40. References to Registrar (O. 70, r. 40)
41. Hearing of reference (O. 70, r. 41)
42. Objection to decision on reference (O. 70, r. 42)
43. Inspection of documents filed in Registry (O. 70, r. 43)

## ORDER 72

## CONTENTIOUS PROBATE PROCEEDINGS

1. Application and interpretation (O. 72, r. 1)
2. Requirements in connection with issue of writ (O. 72, r. 2)
3. Service of writ out of jurisdiction (O. 72, r. 3)
4. Intervener in probate action (O. 72, r. 4)
5. Citation to see proceedings (O. 72, r. 5)
6. Entry of appearance (O. 72, r. 6)
7. Citation to bring in grant (O. 72, r. 7)
8. Citations (O. 72, r. 8)
9. Affidavit of testamentary scripts (O. 72, r. 9)
10. Default of appearance (O. 72, r. 10)



## Rule

11. Service of statement of claim (O. 72, r. 11)
12. Counterclaim (O. 72, r. 12)
13. Contents of pleadings (O. 72, r. 13)
14. Default of pleadings (O. 72, r. 14)
15. Discontinuance (O. 72, r. 15)
16. Compromise of action (O. 72, r. 16)
17. *[Deleted]*
18. Application to Court by summons (O. 72, r. 18)
19. Form of judgments and orders (O. 72, r. 19)
20. Administration pending trial<sup>2</sup> (O. 72, r. 20)

## ORDER 73

## PROCEEDINGS BY AND AGAINST GOVERNMENT

1. Application and interpretation (O. 73, r. 1)
2. Particulars to be included in endorsement of claim (O. 73, r. 2)
3. Service on Government (O. 73, r. 3)
4. Counterclaim and set-off (O. 73, r. 4)
5. Summary judgment (O. 73, r. 5)
6. Summary applications to Court in certain revenue matters (O. 73, r. 6)
7. Judgment in default (O. 73, r. 7)
8. Third party notice (O. 73, r. 8)
9. Interpleader: Application for order against Government (O. 73, r. 9)
10. Discovery and interrogatories (O. 73, r. 10)
11. Evidence (O. 73, r. 11)
12. Execution and satisfaction of orders (O. 73, r. 12)
13. Attachment of debts, etc. (O. 73, r. 13)
14. Applications under sections 19 and 35 of Government Proceedings Act (O. 73, r. 14)

## ORDER 74

## DEBTORS ACT

1. Application and interpretation (O. 74, r. 1)

*ARREST OF JUDGMENT DEBTOR*

2. Application under section 3 (O. 74, r. 2)
3. Form of order of arrest (O. 74, r. 3)

## Rule

- 3A. Where judgment debtor summons issued under section 24 (O. 74, r. 3A)
4. Conveyance and subsistence money (O. 74, r. 4)

*ARREST OR ATTACHMENT BEFORE JUDGMENT*

5. Applications for arrest and attachment before judgment under section 13 or 17 (O. 74, r. 5)
6. Endorsement and form or order (O. 74, r. 6)
7. Plaintiff to provide defendant's subsistence (O. 74, r. 7)
8. Mode of seizure before judgment (O. 74, r. 8)
9. Deposit against costs of attachment (O. 74, r. 9)
10. Release on payment of claim and costs (O. 74, r. 10)
11. Claim by third party (O. 74, r. 11)

*JUDGMENT DEBTOR SUMMONS*

- 11A. Judgment debtor summons (O. 74, r. 11A)
- 11B. Where 2 or more judgment debtors (O. 74, r. 11B)
- 11C. Where judgment or order against firm (O. 74, r. 11C)
- 11D. [*Deleted*]

*JUDGMENT NOTICE*

12. [*Deleted*]
13. Judgment notice (O. 74, r. 13)
14. Hearing of judgment notice (O. 74, r. 14)

*COMMITMENT*

15. Orders of commitment (O. 74, r. 15)
16. Payment by debtor (O. 74, r. 16)
17. Certificate of satisfaction (O. 74, r. 17)

*MISCELLANEOUS*

18. Security, how given (O. 74, r. 18)
19. Discharge of surety (O. 74, r. 19)
20. Control of Court (O. 74, r. 20)
21. Bankruptcy or administration order against debtor (O. 74, r. 21)
22. Date of order of arrest (O. 74, r. 22)
- 22A. Order for discharge under section 25 (O. 74, r. 22A)
23. Costs (O. 74, r. 23)

## ORDER 75

## DISTRESS ACT

## Rule

1. Application and interpretation (O. 75, r. 1)
2. Application for writ of distress (O. 75, r. 2)
3. Writ of distress (O. 75, r. 3)
4. Notice of seizure (O. 75, r. 4)
5. Applications under section 10 or 16 (O. 75, r. 5)
6. Sale by public auction (O. 75, r. 6)
7. Return of property unsold (O. 75, r. 7)
8. Procedure in cases under section 20 (O. 75, r. 8)
9. Officer in possession to notify Sheriff of intended release (O. 75, r. 9)
10. Application under section 21 (O. 75, r. 10)
11. Application under section 22(2) (O. 75, r. 11)
12. Address for service (O. 75, r. 12)
13. Suspension of execution of writ (O. 75, r. 13)
14. Costs (O. 75, r. 14)

## ORDER 76

## DISABILITY

1. Interpretation (O. 76, r. 1)
- 1A. Application for leave to institute proceedings (O. 76, r. 1A)
2. Person under disability must sue, etc., by litigation representative<sup>3</sup> (O. 76, r. 2)
3. Appointment of litigation representative<sup>3</sup> (O. 76, r. 3)
4. Probate action: Appointment of litigation representative<sup>3</sup> (O. 76, r. 4)
5. Probate action: Further provisions (O. 76, r. 5)
6. Appointment of litigation representative<sup>3</sup> where person under disability does not appear (O. 76, r. 6)
7. Application to discharge or vary certain orders (O. 76, r. 7)
8. Admission not to be implied from pleading of person under disability (O. 76, r. 8)
9. Discovery and interrogatories (O. 76, r. 9)
10. Compromise, etc., by person under disability (O. 76, r. 10)
11. Approval of settlement (O. 76, r. 11)
12. Control of money recovered by person under disability (O. 76, r. 12)

## Rule

13. Proceedings under Civil Law Act: Apportionment by Court (O. 76, r. 13)
14. Service of certain documents on person under disability (O. 76, r. 14)

## ORDER 77

## PARTNERS

1. Actions by and against firms within jurisdiction (O. 77, r. 1)
2. Disclosure of partners' names (O. 77, r. 2)
3. Service of writ (O. 77, r. 3)
4. Entry of appearance in action against firm (O. 77, r. 4)
5. Enforcing judgment or order against firm (O. 77, r. 5)
6. Enforcing judgment or order in action between partners, etc. (O. 77, r. 6)
7. Attachment of debts owed by firm (O. 77, r. 7)
8. Actions begun by originating summons (O. 77, r. 8)
9. Application to person carrying on business in another name (O. 77, r. 9)
10. Applications for orders charging partner's interest in property, etc. (O. 77, r. 10)

## ORDER 78

## DEFAMATION ACTIONS

1. Application (O. 78, r. 1)
2. Endorsement of claim in libel action (O. 78, r. 2)
3. Obligation to give particulars (O. 78, r. 3)
4. Provisions as to payment into Court (O. 78, r. 4)
5. Statement in open Court (O. 78, r. 5)
6. Interrogatories not allowed in certain cases (O. 78, r. 6)
7. Evidence in mitigation of damages (O. 78, r. 7)
8. Fulfilment of offer of amends under section 7 of Defamation Act (O. 78, r. 8)

## ORDER 79

## MONEYLENDERS' ACTIONS

1. Application and interpretation (O. 79, r. 1)
2. Endorsement of writ (O. 79, r. 2)
3. Particulars to be included in statement of claim (O. 79, r. 3)

## Rule

4. Judgment in default of appearance or defence (O. 79, r. 4)
5. Particulars to be included in originating summons (O. 79, r. 5)

## ORDER 80

## ADMINISTRATION AND SIMILAR ACTIONS

1. Interpretation (O. 80, r. 1)
2. Determination of questions, etc., without administration (O. 80, r. 2)
3. Parties (O. 80, r. 3)
4. Grant of relief in action begun by originating summons (O. 80, r. 4)
5. Judgments and orders in administration actions (O. 80, r. 5)
6. Conduct of sale of trust property (O. 80, r. 6)

## ORDER 81

## SUMMARY PROCEEDINGS FOR POSSESSION OF LAND

1. Proceedings to be brought by originating summons (O. 81, r. 1)
2. Jurisdiction (O. 81, r. 2)
3. Form of originating summons (O. 81, r. 3)
4. Affidavit in support (O. 81, r. 4)
5. Service of originating summons (O. 81, r. 5)
6. Application by occupier to be made a party (O. 81, r. 6)
7. Order for possession (O. 81, r. 7)
8. Writ of possession (O. 81, r. 8)
9. Setting aside order (O. 81, r. 9)

## ORDER 82

## DEBENTURE HOLDERS' ACTION: RECEIVER'S REGISTER

1. Receiver's register (O. 82, r. 1)
2. Registration of transfers, etc. (O. 82, r. 2)
3. Application for rectification of receiver's register (O. 82, r. 3)
4. Receiver's register evidence of transfers, etc. (O. 82, r. 4)
5. Proof of title of holder of bearer debenture, etc. (O. 82, r. 5)
6. Requirements in connection with payments (O. 82, r. 6)

ORDER 83

MORTGAGE ACTIONS

Rule

1. Application and interpretation (O. 83, r. 1)
2. Claims for possession (O. 83, r. 2)
3. Action for possession or payment (O. 83, r. 3)
4. Action by writ: Judgment in default (O. 83, r. 4)
5. Foreclosure in redemption action (O. 83, r. 5)

ORDER 85

BILLS OF SALE ACT

1. Restraining removal or sale of goods seized (O. 85, r. 1)
2. Rectification of register (O. 85, r. 2)
3. Entry of satisfaction (O. 85, r. 3)
4. Search of register (O. 85, r. 4)

ORDER 85A

PROCEEDINGS ARISING OUT OF HIRE-PURCHASE AGREEMENTS

1. Application (O. 85A, r. 1)
2. Mode of application under Hire-Purchase Act (O. 85A, r. 2)
3. Particulars to be included in statement of claim (O. 85A, r. 3)

ORDER 87

TRADE MARKS ACT

1. Interpretation (O. 87, r. 1)
2. Applications to Court (O. 87, r. 2)
3. Proceedings for infringement of registered trade mark: Validity of registration disputed (O. 87, r. 3)
4. Appeals (O. 87, r. 4)
5. Respondent's notice (O. 87, r. 5)
6. Hearing of appeal (O. 87, r. 6)

ORDER 87A

PATENTS ACT

1. Interpretation (O. 87A, r. 1)
2. Action for infringement (O. 87A, r. 2)
3. Objections to validity of patent (O. 87A, r. 3)

## Rule

4. Admissions (O. 87A, r. 4)
5. Discovery of documents (O. 87A, r. 5)
6. Experiments (O. 87A, r. 6)
7. Restrictions on admission of evidence (O. 87A, r. 7)
8. Determination of question or application where Registrar declines to deal with it (O. 87A, r. 8)
9. Proceedings for determination of certain disputes (O. 87A, r. 9)
10. Application for rectification of register of patents (O. 87A, r. 10)
11. Application for leave to amend specification under section 83 of the Act (O. 87A, r. 11)
12. Service of documents (O. 87A, r. 12)
13. Appeals under Act (O. 87A, r. 13)
14. Notice of appeal (O. 87A, r. 14)
15. Respondent's notice (O. 87A, r. 15)
16. Hearing of appeal (O. 87A, r. 16)

## ORDER 88

## COMPANIES ACT

1. Interpretation (O. 88, r. 1)
2. Applications to Court (O. 88, r. 2)
3. Entitlement of proceedings (O. 88, r. 3)
4. Summons for directions (O. 88, r. 4)
5. Company to make list of qualifying creditors (O. 88, r. 5)
6. Inspection of list of qualifying creditors (O. 88, r. 6)
7. Notice to qualifying creditors (O. 88, r. 7)
8. Advertisement of originating summons and list of qualifying creditors (O. 88, r. 8)
9. Affidavit as to claims made by creditors (O. 88, r. 9)
10. Adjudication of disputed claims (O. 88, r. 10)
11. Certifying list of qualifying creditors (O. 88, r. 11)
12. Evidence of consent of qualifying creditor (O. 88, r. 12)
13. Time, etc., of hearing for confirmation of reduction (O. 88, r. 13)
14. [*Deleted*]

## ORDER 89

## STATE COURTS ACT

1. Applications under section 54B, 54C or 54E (O. 89, r. 1)
2. Procedure on transfer from the State Courts (O. 89, r. 2)

## Rule

3. Procedure on transfer from High Court (O. 89, r. 3)
4. Applications under section 54A, 54D or 54F (O. 89, r. 4)
5. Procedure on transfer within the State Courts (O. 89, r. 5)

## ORDER 89A

CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS CRIMES  
(CONFISCATION OF BENEFITS) ACT

1. Interpretation and application (O. 89A, r. 1)
2. Application for confiscation order (O. 89A, r. 2)
3. Application for variation of confiscation orders (O. 89A, r. 3)
4. Protection of rights of third party where confiscation order is about to be made or has been made (O. 89A, r. 4)
5. Application for restraint order or charging order (O. 89A, r. 5)
6. Restraint orders and charging orders (O. 89A, r. 6)
7. Discharge or variation of order (O. 89A, r. 7)
8. Further application (O. 89A, r. 8)
9. Realisation of property (O. 89A, r. 9)
10. Receivers (O. 89A, r. 10)
- 10A. Application for substitute property confiscation order (O. 89A, r. 10A)
- 10B. Application for variation of substitute property confiscation order (O. 89A, r. 10B)
- 10C. Application for restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10C)
- 10D. Application of Rules 7 and 8 to restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10D)
- 10E. Realisation of property after making of substitute property confiscation order (O. 89A, r. 10E)
- 10F. Receiver for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10F)
11. Compensation (O. 89A, r. 11)
12. Disclosure of information (O. 89A, r. 12)
13. Investigation into drug dealing and criminal conduct — discharge and variation of orders (O. 89A, r. 13)
14. Production orders against financial institutions (O. 89A, r. 14)



## ORDER 89B

## MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT

## Rule

1. Interpretation and application (O. 89B, r. 1)
2. Production orders (O. 89B, r. 2)
3. Confidentiality of documents relating to production orders (O. 89B, r. 3)
4. Application for registration (O. 89B, r. 4)
5. Evidence in support of application under section 30 (O. 89B, r. 5)
6. Register of orders (O. 89B, r. 6)
7. Notice of registration (O. 89B, r. 7)
8. Application to cancel registration (O. 89B, r. 8)
9. Enforcement of foreign confiscation order (O. 89B, r. 9)
10. Rules to have effect subject to orders (O. 89B, r. 10)
11. Application for restraint order or charging order (O. 89B, r. 11)
12. Restraint order and charging order (O. 89B, r. 12)
13. Discharge or variation of order (O. 89B, r. 13)
14. Further application (O. 89B, r. 14)
15. Realisation of property (O. 89B, r. 15)
16. Receivers (O. 89B, r. 16)
17. Restraint orders for instrumentality forfeiture orders (O. 89B, r. 17)
18. Disposal of forfeited property (O. 89B, r. 18)
19. Compensation (O. 89B, r. 19)
20. Application for search warrant (O. 89B, r. 20)
21. Service of foreign process (O. 89B, r. 21)

## ORDER 89C

## EMPLOYMENT ACT

1. Application (O. 89C, r. 1)
2. Orders of Commissioner for Labour (O. 89C, r. 2)
3. Certificate of order (O. 89C, r. 3)
4. [Deleted]
5. [Deleted]
6. [Deleted]
7. Payment of sums recovered (O. 89C, r. 7)

## ORDER 89D

## OATHS AND DECLARATIONS ACT

## Rule

1. Application and interpretation (O. 89D, r. 1)
2. Forms and formalities of oaths (O. 89D, r. 2)
3. Forms and formalities of affirmation (O. 89D, r. 3)
4. Persons physically incapable of taking oath or making affirmation in manner prescribed (O. 89D, r. 4)
5. Form of attestation<sup>6</sup>, etc., in affidavit (O. 89D, r. 5)

## ORDER 89E

## TERRORISM (SUPPRESSION OF FINANCING) ACT

1. Interpretation and application (O. 89E, r. 1)
2. Application for warrant for search and seizure or restraint order (O. 89E, r. 2)
3. Application by Public Prosecutor to revoke or vary warrant or order (O. 89E, r. 3)
4. Application by interested person to revoke or vary warrant for search and seizure or restraint order or for examination of property (O. 89E, r. 4)
5. Application for continuation of warrant for search and seizure or restraint order (O. 89E, r. 5)
6. Application for appointment of manager (O. 89E, r. 6)
7. Application for order to destroy property (O. 89E, r. 7)
8. Application for order of forfeiture (O. 89E, r. 8)
9. Application to set aside or vary forfeiture orders (O. 89E, r. 9)
10. Confidentiality of documents (O. 89E, r. 10)

## ORDER 90

## LODGMENT IN COURT, MONEY IN REGISTRY AND PAYMENT TO SHERIFF

1. Interpretation (O. 90, r. 1)

*LODGMENT IN COURT*

2. Payment into Court under Trustees Act (O. 90, r. 2)
3. Notice of lodgment (O. 90, r. 3)
4. Funds how lodged (O. 90, r. 4)
5. Crediting lodgment and dividends (O. 90, r. 5)
6. Interest on money lodged in Court (O. 90, r. 6)

## Rule

7. Computation of interest (O. 90, r. 7)
8. Applications with respect to funds in Court (O. 90, r. 8)
9. Payment out of funds in Court (O. 90, r. 9)
10. Name of payee to be stated in order (O. 90, r. 10)
11. Payment out on death of payee (O. 90, r. 11)
12. Transfer or investment of funds in Court (O. 90, r. 12)
13. Proof to Accountant-General before payment (O. 90, r. 13)
14. [*Deleted*]
15. Accountant-General to give certificate of funds in Court (O. 90, r. 15)
16. Publication of list of funds in Court (O. 90, r. 16)
17. Unclaimed funds in Court with Accountant-General (O. 90, r. 17)

*PAYMENT TO SHERIFF*

18. Sheriff to keep account book (O. 90, r. 18)
19. How money paid to Sheriff (O. 90, r. 19)
20. Payment under judgment or order (O. 90, r. 20)
21. Money not required for making payments on day of receipt (O. 90, r. 21)
22. Accountant-General to grant imprest (O. 90, r. 22)
23. Cash book for imprest (O. 90, r. 23)
24. How payments from imprest to be made (O. 90, r. 24)
25. Proof before payment out (O. 90, r. 25)
26. Where money due to Government under any law (O. 90, r. 26)
27. When payment to be made by cheque (O. 90, r. 27)
28. Instalments ledger (O. 90, r. 28)

## ORDER 90A

## HEARING FEES AND COURT ADR FEES

1. Hearing fees in Courts (O. 90A, r. 1)
2. Hearing fee in Court of Appeal (O. 90A, r. 2)
- 2A. Value of claim (O. 90A, r. 2A)
3. No hearing fee for some proceedings (O. 90A, r. 3)
4. Hearing fee payable for winding up applications (O. 90A, r. 4)
5. Powers of Registrar and Court concerning hearing fees (O. 90A, r. 5)
- 5A. Court ADR fees in District Court (O. 90A, r. 5A)
6. Review of Registrar's decision (O. 90A, r. 6)

ORDER 90B

COURT FEES FOR CORE BUNDLE, ETC.

Rule

1. Court fees for filing core bundle, etc. (O. 90B, r. 1)
2. Refund of fees paid under Rule 1 (O. 90B, r. 2)

ORDER 91

COURT FEES

1. Court fees (O. 91, r. 1)
2. Manner of payment of fees (O. 91, r. 2)
3. Refund of fees paid for unused documents (O. 91, r. 3)
4. Waiver of fees under Civil Procedure Convention (O. 91, r. 4)
5. Powers of Registrar concerning court fees (O. 91, r. 5)
6. Exemption where cause or matter relates to criminal proceedings (O. 91, r. 6)

ORDER 92

MISCELLANEOUS

1. Language of documents (O. 92, r. 1)
- 1A. Use of foreign documents without authentication pursuant to Civil Procedure Convention (O. 92, r. 1A)
2. Seal of Court (O. 92, r. 2)
- 2A. Compliance with Court Practice Directions (O. 92, r. 2A)
3. Rejection of earlier documents (O. 92, r. 3)
4. Inherent powers of Court (O. 92, r. 4)
5. Further orders or directions (O. 92, r. 5)
6. Non-payment of prescribed fees (O. 92, r. 6)

ORDER 93

SECURITIES AND FUTURES ACT — CIVIL LIABILITY ACTIONS

1. Interpretation and application (O. 93, r. 1)
2. Commencement of action under section 234, 236D, 236G or 236I, etc. (O. 93, r. 2)
3. Application for directions on claims under section 236 or 236K (O. 93, r. 3)
4. Proof of claim under section 236 or 236K (O. 93, r. 4)
5. Powers of Court hearing application (O. 93, r. 5)
6. Other powers (O. 93, r. 6)

## Rule

7. Trial of issue stated (O. 93, r. 7)

## ORDER 94

## SECURITIES AND FUTURES ACT — CIVIL PENALTY ACTIONS

1. Interpretation and application (O. 94, r. 1)
2. Commencement of civil penalty action, etc. (O. 94, r. 2)
3. Provisions applicable to pleadings (O. 94, r. 3)
4. Default of appearance (O. 94, r. 4)
5. Default of defence (O. 94, r. 5)
6. No joinder of defendants (O. 94, r. 6)
7. Third party proceedings (O. 94, r. 7)
8. Discovery and inspection of documents (O. 94, r. 8)
9. Summons for directions (O. 94, r. 9)
10. Interrogatories (O. 94, r. 10)
11. No payment into Court, etc. (O. 94, r. 11)
12. Orders made under section 137ZD(3) or 232(4) (O. 94, r. 12)
13. Costs (O. 94, r. 13)

## ORDER 95

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT  
ACT

1. Interpretation (O. 95, r. 1)
2. Application for enforcement of adjudication determination (O. 95, r. 2)
3. Application to set aside adjudication determination or judgment (O. 95, r. 3)

## ORDER 96

## LIMITED LIABILITY PARTNERSHIPS ACT

1. Interpretation (O. 96, r. 1)
2. Application of Order 77 (O. 96, r. 2)
3. Applications to Court (O. 96, r. 3)
4. Title of proceedings (O. 96, r. 4)
5. Summons for directions (O. 96, r. 5)

## ORDER 97

COMPETITION ACT — APPLICATIONS UNDER SECTION 85 OF  
COMPETITION ACT

## Rule

1. Powers under relevant Acts exercisable by Judge or Registrar (O. 97, r. 1)
2. Application for registration (O. 97, r. 2)
3. Evidence in support of application for registration (O. 97, r. 3)
4. Security for costs (O. 97, r. 4)
5. Order for registration (O. 97, r. 5)
6. Register of Commitments, Directions and Decisions (O. 97, r. 6)
7. Notice of registration (O. 97, r. 7)
8. Endorsement of service (O. 97, r. 8)
9. Application to set aside registration (O. 97, r. 9)
10. Issue of execution (O. 97, r. 10)
11. Application for order under section 85(3) (O. 97, r. 11)

## ORDER 98

## INCOME TAX ACT

1. Interpretation and application (O. 98, r. 1)
2. Certain documents not subject to discovery or inspection (O. 98, r. 2)
3. Publication of information in proceedings (O. 98, r. 3)
4. Confidentiality (O. 98, r. 4)
5. Application for leave of Court (O. 98, r. 5)
6. Order 60, Rule 4 not applicable (O. 98, r. 6)

## ORDER 100

## COLLECTIVE SALE APPLICATIONS

1. Interpretation (O. 100, r. 1)
2. Commencement of proceedings (O. 100, r. 2)
3. Service of summons (O. 100, r. 3)
4. Supporting affidavits (O. 100, r. 4)
5. Objections (O. 100, r. 5)
6. Dispute as to jurisdiction (O. 100, r. 6)
7. Summons for directions (O. 100, r. 7)

## ORDER 101

## REFERRALS ON ISSUES OF LAW

## Rule

1. Interpretation (O. 101, r. 1)
2. Order for reference of questions of foreign law to foreign courts on application of parties (O. 101, r. 2)
3. Referral of questions of foreign law on Court's own motion (O. 101, r. 3)
4. Order for referral of questions of foreign law (O. 101, r. 4)
5. Determination of issues arising in foreign court proceedings (O. 101, r. 5)
6. Specified foreign countries (O. 101, r. 6)
7. Specified courts (O. 101, r. 7)

## ORDER 103

SECURITIES AND FUTURES ACT — ORDER FOR DISGORGEMENT  
AGAINST THIRD PARTY

1. Interpretation and application (O. 103, r. 1)
2. Commencement of action under section 236L (O. 103, r. 2)
3. Application for directions on claims under section 236L (O. 103, r. 3)
4. Proof of claim under section 236L (O. 103, r. 4)
5. Powers of Court (O. 103, r. 5)
6. Other powers (O. 103, r. 6)
7. Trial of issue stated (O. 103, r. 7)
8. Application by Authority (O. 103, r. 8)

## ORDER 105

## PERSONAL DATA PROTECTION ACT 2012

1. Interpretation (O. 105, r. 1)
2. Powers under section 30 exercisable by Judge or Registrar (O. 105, r. 2)
3. Application to register of Commission's Direction or Appeal Committee's Decision (O. 105, r. 3)
4. Evidence in support of application to register (O. 105, r. 4)
5. Order for registration (O. 105, r. 5)
6. Register of Directions and Decisions (O. 105, r. 6)
7. Notice of registration (O. 105, r. 7)
8. Endorsement of service (O. 105, r. 8)

## Rule

9. Application to set aside registration (O. 105, r. 9)
10. Issue of execution (O. 105, r. 10)
11. Application for enforcement order under section 30(3) (O. 105, r. 11)
12. Notice to Commission of claim for relief in civil proceedings under section 32(1) (O. 105, r. 12)
13. Transmission to Commission of judgment or order of Court under section 32 (O. 105, r. 13)

## ORDER 108

SIMPLIFIED PROCESS FOR PROCEEDINGS IN  
MAGISTRATE'S COURT OR DISTRICT COURT

1. Application and purpose of, and powers of Court under, Order (O. 108, r. 1)
2. Upfront discovery (O. 108, r. 2)
3. Case management conference (O. 108, r. 3)
4. Excluded interlocutory applications (O. 108, r. 4)
5. Simplified trial (O. 108, r. 5)

## ORDER 109

## PROTECTION FROM HARASSMENT ACT 2014

1. Interpretation (O. 109, r. 1)
2. Application under section 12(1) for protection order (O. 109, r. 2)
3. Application under section 12(7) to vary, suspend or cancel protection order, etc. (O. 109, r. 3)
4. Application under section 15(1) for section 15(2) order (O. 109, r. 4)
5. Application under section 15(6) to vary, suspend or cancel section 15(2) order (O. 109, r. 5)
6. Directions for and conduct of hearing (O. 109, r. 6)
7. Identification of party whose name is unknown (O. 109, r. 7)
8. Service of documents (O. 109, r. 8)
9. Redaction of particulars of parties (O. 109, r. 9)
10. Fees for application under section 12(1) or (7) or 15(1) or (6), etc. (O. 109, r. 10)



## ORDER 110

SINGAPORE INTERNATIONAL  
COMMERCIAL COURT*PRELIMINARY*

## Rule

1. Interpretation (O. 110, r. 1)
2. Application (O. 110, r. 2)
3. Rules of Court to apply subject to Order (O. 110, r. 3)

*COMMENCEMENT OF PROCEEDINGS AND SERVICE OF PROCESS*

4. Mode of beginning proceedings (O. 110, r. 4)
5. Duration of originating process (O. 110, r. 5)
6. Service of originating process (O. 110, r. 6)

*JURISDICTION, JOINDER AND TRANSFER*

7. Jurisdiction (O. 110, r. 7)
8. Court may decline to assume jurisdiction (O. 110, r. 8)
9. Joinder of other persons as parties (O. 110, r. 9)
10. Court may consider jurisdiction and assumption of jurisdiction (O. 110, r. 10)
11. Application and procedure (O. 110, r. 11)
12. Transfer of proceedings to or from Court (O. 110, r. 12)
13. Application and procedure (O. 110, r. 13)
- 13A. Variation of exclusive choice of court agreement in case mentioned in Rule 10(3) or 12(3) or (3B) (O. 110, r. 13A)

*PRODUCTION OF DOCUMENTS AND INTERROGATORIES*

14. Production of documents (O. 110, r. 14)
15. Request to produce (O. 110, r. 15)
16. Objection to production (O. 110, r. 16)
17. Application for Court to order production (O. 110, r. 17)
18. Pre-action production (O. 110, r. 18)
19. Application and procedure (O. 110, r. 19)
20. Production of copies instead of originals (O. 110, r. 20)
21. Order 24 inapplicable (O. 110, r. 21)
22. Interrogatories (O. 110, r. 22)

*EVIDENCE*

## Rule

23. Court may specify applicable rules of evidence (O. 110, r. 23)
24. Application and procedure (O. 110, r. 24)

*FOREIGN LAW*

25. Foreign law may be determined on basis of submissions (O. 110, r. 25)
26. Effect of order on proceedings in Court (O. 110, r. 26)
27. Setting aside and variation of order (O. 110, r. 27)
28. Application and procedure (O. 110, r. 28)
29. Proceedings in Court of Appeal (O. 110, r. 29)

*CONFIDENTIALITY*

30. Confidentiality, etc. (O. 110, r. 30)
31. Reports of judgments of major legal interest (O. 110, r. 31)

*REPRESENTATION*

32. Validity of acts done by registered foreign lawyer or by solicitor registered under section 36E of Legal Profession Act (O. 110, r. 32)
33. Notice of counsel on record (O. 110, r. 33)

*OFFSHORE CASES*

34. When action may be treated as offshore case (O. 110, r. 34)
35. Offshore case declaration (O. 110, r. 35)
36. Decision that action is offshore case (O. 110, r. 36)
37. Decision that action is not offshore case (O. 110, r. 37)

*PRE-ACTION CERTIFICATE*

38. General provisions (O. 110, r. 38)
39. Matters that may be certified by pre-action certificate (O. 110, r. 39)
40. Joint request for pre-action certificate (O. 110, r. 40)
41. Single-party application for pre-action certificate (O. 110, r. 41)
42. Grant of pre-action certificate (O. 110, r. 42)
43. Effect of pre-action certificate (O. 110, r. 43)
44. Setting aside of pre-action certificate (O. 110, r. 44)

*COSTS AND FEES*

## Rule

45. Security for costs (O. 110, r. 45)
46. Costs (O. 110, r. 46)
47. Court fees (O. 110, r. 47)
48. Hearing fees (O. 110, r. 48)
49. Deposit (O. 110, r. 49)
50. Registrar may refuse to administer proceedings if fees or deposits unpaid (O. 110, r. 50)

*MISCELLANEOUS*

51. Court may dispense with attendance by solicitors and oral arguments in certain matters (O. 110, r. 51)
52. Judge to assess damages (O. 110, r. 52)
53. Constitution of Court and Court of Appeal (O. 110, r. 53)
54. Practice directions (O. 110, r. 54)
55. Forms (O. 110, r. 55)

## ORDER 111

## CHOICE OF COURT AGREEMENTS ACT 2016

1. Interpretation (O. 111, r. 1)
2. Application for recognition, or recognition and enforcement, of foreign judgment (O. 111, r. 2)
3. Application for enforcement of judicial settlement (O. 111, r. 3)
4. Other document to assist Court in determining application (O. 111, r. 4)
5. Language of documents (O. 111, r. 5)
6. Court order (O. 111, r. 6)
7. Application to set aside Court order (O. 111, r. 7)
8. When Court order takes effect (O. 111, r. 8)
9. Security for costs (O. 111, r. 9)
10. Issue of execution on foreign judgment or judicial settlement (O. 111, r. 10)

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[1st April 1996]

## ORDER 1

## CITATION, APPLICATION, DEFINITIONS AND FORMS

**Citation (O. 1, r. 1)**

1. These Rules may be cited as the Rules of Court.

**Repeal, transitional provisions and application (O. 1, r. 2)**

2.—(1) Subject to this Rule, these Rules shall have effect in relation to all proceedings in the Supreme Court and the State Courts, in so far as the matters to which these Rules relate are within the jurisdiction of those Courts and, unless the Court otherwise orders, apply to any pending proceedings therein.

[S 671/2014 wef 01/10/2014]

[S 850/2014 wef 01/01/2015]

(2) These Rules shall not apply to proceedings of the kind specified in the first column of the following Table (being proceedings in respect of which rules may be made under the written law specified in the second column of that Table), except for the provisions specified in the third column of that Table:

<i>Proceedings</i>	<i>Written Law</i>	<i>Applicable Provisions</i>
1. Bankruptcy proceedings.	Bankruptcy Act (Cap. 20), s.166.	Order 63A and items 54 to 59 and 63 of Appendix B.
2. Proceedings relating to the winding up of companies.	Companies Act (Cap. 50), s.410.	(a) Order 63A and items 54 to 59 and 63 of Appendix B; and (b) Order 88, Rule 2(5).
3. Proceedings under Part IV of the Parliamentary Elections Act (Cap. 218).	Parliamentary Elections Act, s.100.	Order 63A and items 54 to 59 and 63 of Appendix B.

<i>Proceedings</i>	<i>Written Law</i>	<i>Applicable Provisions</i>
4. Family proceedings.	Family Justice Act 2014 (Act 27 of 2014), s. 46.	Order 57 and items 29 to 36 of Appendix B.
5. Criminal proceedings.	Criminal Procedure Code (Cap. 68).	
6. Proceedings relating to the winding up of limited liability partnerships.	Limited Liability Partnerships Act (Cap. 163A), s.57.	(a) Order 63A and items 54 to 59 and 63 of Appendix B; and (b) Order 96, Rule 3(2).

[S 850/2014 wef 01/01/2015]

(3) In the case of the proceedings mentioned in paragraph (2), nothing in that paragraph shall be taken as affecting any provision of any rules (whether made under the Act or any other written law) by virtue of which these Rules or any provisions thereof are applied in relation to any of those proceedings.

### **Application of Interpretation Act (O. 1, r. 3)**

3. The Interpretation Act (Cap. 1) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

### **Definitions (O. 1, r. 4)**

4.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:

“attend” includes the appearance by any person using electronic, mechanical or other means permitted by the Court;

“bailiff” includes the registrar, any clerk or other officer of the Court charged with the duties of a bailiff in the State Courts;

“Civil Procedure Convention” means the conventions set out in Appendix C to these Rules and includes any convention, treaty or agreement of any description or any provision thereof between different States relating to civil procedure in the court;

“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 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;

*[S 850/2014 wef 01/01/2015]*

“folio” means 100 words, each figure being counted as one word;

“Form” means a form set out in Appendix A to these Rules, and a form so numbered in the Appendix;

“Judge” means a judge of the High Court or a District Judge and includes, in cases where he is empowered to act, a Magistrate or the Registrar, as the case may require;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

“officer” means an officer of the Supreme Court or the State Courts;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

“originating process” means a writ of summons or an originating summons;

“originating summons” means every summons for the commencement of proceedings other than a writ of summons;

“pleading” does not include an originating summons, a summons or a preliminary act;

“receiver” includes a manager or consignee;

“Registry” means the Registry of the Supreme Court or the Registry of the State Courts, as the case may be, and references to the Registrar shall be construed accordingly;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

“scheduled territories” has the meaning assigned to it by the Exchange Control Act (Cap. 99);

“Sheriff” includes and a bailiff of the State Courts;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

“sign”, in relation to the signing of documents by a Judge, Registrar or other officer of the Supreme Court or the State Courts, includes the affixing of a facsimile signature of the Judge, Registrar or other officer, as the case may be;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

“solicitor” has the same meaning as in the Legal Profession Act (Cap. 161) and includes the Attorney-General where he is a party to or appears on behalf of the Government in any proceedings;

“summons” means every summons in a pending cause or matter;

“working day” means any day other than a Saturday, Sunday or a public holiday;

“writ” means a writ of summons.

(2) In these Rules, unless the context otherwise requires, “Court” means the High Court or a District Court, or a judge of the High Court

or District Judge, whether sitting in Court or in Chambers, and includes, in cases where he is empowered to act, a Magistrate or the Registrar; but the foregoing provision shall not be taken as affecting any provision of these Rules and, in particular, Order 32, Rule 9, by virtue of which the authority and jurisdiction of the Registrar is defined and regulated.

[S 671/2014 wef 01/10/2014]

[S 850/2014 wef 01/01/2015]

(3) For the purposes of these Rules, a person who has attained the age of 18 years but who is below the age of 21 years, and who is not otherwise under any legal disability, shall not be considered to be a minor or a person under disability in relation to any legal proceeding or action which, by virtue of section 36 of the Civil Law Act (Cap. 43), he may, in his own name and without a litigation representative<sup>3</sup>, bring, defend, conduct or intervene in as if he were of full age.

### **Construction of references to Orders, Rules, etc. (O. 1, r. 5)**

**5.—**(1) Unless the context otherwise requires, any reference in these Rules to a specified Order, Rule or Appendix is a reference to that Order or Rule of, or that Appendix to these Rules and any reference to a specified Rule, paragraph or sub-paragraph is a reference to that Rule of the Order, that paragraph of the Rule, or that sub-paragraph of the paragraph, in which the reference occurs.

(2) Any reference in these Rules to anything done under a Rule of these Rules includes a reference to the same thing done before the commencement of that Rule under any corresponding Rule of Court ceasing to have effect on the commencement of that Rule.

(3) Except where the context otherwise requires, references in these Rules to any written law shall be construed as a reference to that written law as amended, extended or applied by or under any other written law.

### **Construction of references to action, etc., for possession of immovable property (O. 1, r. 6)**

**6.** Except where the context otherwise requires, references in these Rules to an action or a claim for the possession of immovable property



shall be construed as including references to proceedings against the Government for an order declaring that the plaintiff is entitled as against the Government to the immovable property or to the possession thereof.

### **Forms (O. 1, r. 7)**

7. Subject to Order 63A, Rule 8(4), the Forms in Appendix A to these Rules shall be used where applicable with such variations as the circumstances of the particular case require.

7A. [*Deleted by S 850/2014 wef 01/01/2015*]

### **Endnotes (O. 1, r. 8)**

8. Where any expression in these Rules is marked with an endnote number (for example — “attestation<sup>6</sup>”), the endnote bearing the corresponding number in Appendix D shall apply in relation to that expression.

### **Construction of references to party, etc., in person (O. 1, r. 9)**

9.—(1) In these Rules, for the purposes of any relevant matter or proceeding, unless the context otherwise requires —

- (a) a reference to a person, plaintiff or party who sues or acts in person, to a defendant or party who appears, defends or acts in person, to an appellant or a respondent who appears, who does not or fails to appear or who acts in person, or to a litigant in person includes a reference to —
  - (i) a company or limited liability partnership represented by an officer of the company or limited liability partnership pursuant to leave given by the Court under paragraph (2);
  - (ii) an unincorporated association (other than a partnership or a registered trade union) represented by an officer of the unincorporated association pursuant to leave given by the Court under paragraph (3); or

- (iii) a registered trade union represented by an officer of the trade union pursuant to section 26(6) of the Trade Unions Act (Cap. 333); and
- (b) a reference to the doing of any thing by any such person, plaintiff, party, defendant, appellant, respondent or litigant includes —
- (i) in any case where the person, plaintiff, party, defendant, appellant, respondent or litigant is a company or limited liability partnership referred to in sub-paragraph (a)(i), a reference to the doing of that thing by the officer of the company or limited liability partnership referred to in that sub-paragraph;
  - (ii) in any case where the person, plaintiff, party, defendant, appellant, respondent or litigant is an unincorporated association referred to in sub-paragraph (a)(ii), a reference to the doing of that thing by the officer of the unincorporated association referred to in that sub-paragraph; or
  - (iii) in any case where the person, plaintiff, party, defendant, appellant, respondent or litigant is a registered trade union, a reference to the doing of that thing by an officer of the registered trade union.
- (2) For the purposes of section 34(1)(ea) of the Legal Profession Act (Cap. 161) and paragraph (1), the Court may, on an application by a company or a limited liability partnership, give leave for an officer of the company or limited liability partnership to act on behalf of the company or limited liability partnership in any relevant matter or proceeding to which the company or limited liability partnership is a party, if the Court is satisfied that —
- (a) the officer has been duly authorised by the company or limited liability partnership to act on behalf of the company or limited liability partnership in that matter or proceeding; and
  - (b) it is appropriate to give such leave in the circumstances of the case.

(3) For the purposes of section 34(1)(*eb*) of the Legal Profession Act and paragraph (1), the Court may, on an application by an unincorporated association (other than a partnership or a registered trade union), give leave for an officer of the unincorporated association to act on behalf of the unincorporated association in any relevant matter or proceeding to which the unincorporated association is a party, if the Court is satisfied that —

- (a) the officer has been duly authorised by the unincorporated association to act on behalf of the unincorporated association in that matter or proceeding; and
- (b) it is appropriate to give such leave in the circumstances of the case.

(4) An application under paragraph (2) or (3) shall be supported by an affidavit —

- (a) stating —
  - (i) the position or office in the company, limited liability partnership or unincorporated association held by the officer;
  - (ii) the date on which, and the manner by which, the officer was authorised to act on behalf of the company, limited liability partnership or unincorporated association in that matter or proceeding; and
  - (iii) the reasons why leave should be given for the officer to act on behalf of the company, limited liability partnership or unincorporated association in that matter or proceeding;
- (b) exhibiting a copy of any document of the company, limited liability partnership or unincorporated association by which the officer was authorised to act on behalf of the company, limited liability partnership or unincorporated association in that matter or proceeding; and
- (c) made by any other officer of the company, limited liability partnership or unincorporated association.

(5) For the purposes of section 34(1)(*ea*) and (*eb*) and (3) of the Legal Profession Act and in this Rule, “relevant matter or proceeding” means —

- (a) any matter or proceeding commenced in, or any appeal under any written law from any tribunal to, the Court of Appeal;
- (b) any matter or proceeding commenced in the High Court and any appeal from that matter or proceeding;
- (*ba*) any matter or proceeding commenced in a Family Court and any appeal from that matter or proceeding;
- (c) any matter or proceeding commenced in a District Court and any appeal from that matter or proceeding; and
- (*d*) any matter or proceeding commenced in a Magistrate’s Court and any appeal from that matter or proceeding,

[S 671/2014 wef 01/10/2014]

whether or not that matter, proceeding or appeal was commenced before, on or after 1st May 2014.

[S 299/2014 wef 01/05/2014]

(6) In this Rule —

“company” means a company incorporated under the Companies Act (Cap. 50);

“Court” means —

- (a) the Court of Appeal, if the relevant matter or proceeding is —
  - (i) any matter, proceeding or appeal referred to in paragraph (5)(*a*); or
  - (ii) any appeal referred to in paragraph (5)(*b*), (*c*) or (*d*) to the Court of Appeal, in respect of which no leave has been given under paragraph (2) or (3) by a court below;
- (b) the High Court, if the relevant matter or proceeding is —

- (i) any matter, proceeding or appeal referred to in paragraph (5)(b); or
  - (ii) any appeal referred to in paragraph (5)(c) or (d) to the High Court, in respect of which no leave has been given under paragraph (2) or (3) by a court below;
- (ba) a Family Court, if the relevant matter or proceeding is any matter, proceeding or appeal referred to in paragraph (5)(ba);

*[S 671/2014 wef 01/10/2014]*

- (c) a District Court, if the relevant matter or proceeding is —
- (i) any matter, proceeding or appeal referred to in paragraph (5)(c); or
  - (ii) any appeal referred to in paragraph (5)(d) under Order 55B, in respect of which no leave has been given under paragraph (2) or (3) by a Magistrate’s Court; or
- (d) a Magistrate’s Court, if the relevant matter or proceeding is any matter, proceeding or appeal referred to in paragraph (5)(d);

*[S 299/2014 wef 01/05/2014]*

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A);

“manager”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“officer” —

- (a) in relation to a company, means any director or secretary of the company, or a person employed in an executive capacity by the company;

- (b) in relation to a limited liability partnership, means any partner in or manager of the limited liability partnership;
  - (c) in relation to an unincorporated association (other than a partnership or a registered trade union), means the president, the secretary, or any member of the committee of the unincorporated association; or
  - (d) in relation to a registered trade union, has the same meaning as in the Trade Unions Act;
- “partner”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;
- “registered trade union” has the same meaning as in the Trade Unions Act.

## THE SCHEDULE

[*Deleted by S 637/2006*]

## ORDER 2

### EFFECT OF NON-COMPLIANCE

#### **Non-compliance with Rules (O. 2, r. 1)**

1.—(1) Where, in beginning or purporting to begin any proceedings or at any stage in the course of or in connection with any proceedings, there has, by reason of anything done or left undone, been a failure to comply with the requirements of these Rules, whether in respect of time, place, manner, form or content or in any other respect, the failure shall be treated as an irregularity and shall not nullify the proceedings, any step taken in the proceedings, or any document, judgment or order therein.

(2) Subject to paragraph (3), the Court may, on the ground that there has been such a failure as is mentioned in paragraph (1), and on such terms as to costs or otherwise as it thinks just, set aside either wholly or in part the proceedings in which the failure occurred, any step taken in those proceedings or any document, judgment or order therein or exercise its powers under these Rules to allow such amendments (if

any) to be made and to make such order (if any) dealing with the proceedings generally as it thinks fit.

(3) The Court shall not wholly set aside any proceedings or the originating process by which they were begun on the ground that the proceedings were required by any of these Rules to be begun by an originating process other than the one employed.

### **Application to set aside for irregularity (O. 2, r. 2)**

2.—(1) An application to set aside for irregularity any proceedings, any step taken in any proceedings or any document, judgment or order therein shall not be allowed unless it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

(2) An application under this Rule may be made by summons and the grounds of objection must be stated in the summons or supporting affidavit.

## ORDER 3

### TIME

### **“Month” means calendar month (O. 3, r. 1)**

1. Without prejudice to the Interpretation Act (Cap. 1), in its application to these Rules, the word “month”, where it occurs in any judgment, order, direction or other document forming part of any proceedings in Court, means a calendar month unless the context otherwise requires.

### **Reckoning periods of time (O. 3, r. 2)**

2.—(1) Any period of time fixed by these Rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with this Rule.

(2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a day other than a working day, that day shall be excluded.

### **Time expires on a day other than working day (O. 3, r. 3)**

3. Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a day other than a working day, the act shall be in time if done on the next working day.

### **Extension, etc., of time (O. 3, r. 4)**

4.—(1) The Court may, on such terms as it thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(2) The Court may extend any such period as is referred to in paragraph (1) although the application for extension is not made until after the expiration of that period.

(3) The period within which a person is required by these Rules, or by any order or direction, to serve, file or amend any pleading or other document may be extended by consent (given in writing) without an order of the Court being made for that purpose, unless the Court specifies otherwise.

(4) In this Rule, references to the Court shall be construed as including references to the Court of Appeal.

(5) Paragraph (3) shall not apply to the period within which any action or matter is required to be set down for trial or hearing or within which any notice of appeal is required to be filed.

5. [*Deleted by S 551/99*]



ORDER 4

CONSOLIDATION OF PROCEEDINGS

**Consolidation, etc., of causes or matters (O. 4, r. 1)**

1.—(1) Where 2 or more causes or matters are pending, then, if it appears to the Court —

- (a) that some common question of law or fact arises in both or all of them;
- (b) that the rights to relief claimed therein are in respect of or arise out of the same transaction or series of transactions; or
- (c) that for some other reason it is desirable to make an order under this Rule,

the Court may order those causes or matters to be consolidated on such terms as it thinks just or may order them to be tried at the same time or one immediately after another or may order any of them to be stayed until after the determination of any other of them.

(2) An order for consolidation must be in Form 1 and shall direct that the cause or matter in which the application is made shall thence forward be carried on in such other cause or matter and that the title of such other cause or matter be amended by adding thereto the title of the cause or matter in which the application is made.

(3) Upon such order being made, the file of the cause or matter in which the application is made shall be transferred to and added to the file of such other cause or matter, and the copy of the order shall be left in place of the file so transferred.

ORDER 5

MODE OF BEGINNING CIVIL PROCEEDINGS

**Mode of beginning civil proceedings (O. 5, r. 1)**

1. Except in the case of proceedings which by these Rules or by or under any written law are required to be begun by any specified mode of commencement, proceedings may be begun either by writ or by originating summons as the plaintiff considers appropriate.

**Proceedings which must be begun by writ (O. 5, r. 2)**

2. Proceedings in which a substantial dispute of fact is likely to arise shall be begun by writ.

**Proceedings which must be begun by originating summons (O. 5, r. 3)**

3. Proceedings by which an application is to be made to the Court or a Judge thereof under any written law must be begun by originating summons.

**Proceedings which may be begun by writ or originating summons (O. 5, r. 4)**

4.—(1) [*Deleted by S 806/2005*]

(2) Proceedings —

- (a) in which the sole or principal question at issue is or is likely to be, one of the construction of any written law or of any instrument made under any written law, or of any deed, will, contract or other document, or some other question of law; or
- (b) in which there is unlikely to be any substantial dispute of fact,

are appropriate to be begun by originating summons unless the plaintiff intends in those proceedings to apply for judgment under Order 14 or for any other reason considers the proceedings more appropriate to be begun by writ.

5. [*Deleted by S 806/2005*]

**Right to sue in person (O. 5, r. 6)**

6.—(1) Subject to paragraphs (2) and (3) and to Order 76, Rule 2, any person (whether or not he sues as a trustee or personal representative or in any other representative capacity) may begin and carry on proceedings in the Court by a solicitor or in person.

(2) Subject to Order 1, Rule 9(2) and any other written law, and except in accordance with any practice directions for the time being

issued by the Registrar, a body corporate may not begin or carry on any proceedings in Court otherwise than by a solicitor.

(3) Subject to Order 1, Rule 9(3) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, an unincorporated association (other than a partnership) may not begin or carry on any proceedings in Court otherwise than by a solicitor.

## ORDER 6

### WRITS OF SUMMONS: GENERAL PROVISIONS

#### **Form of writ (O. 6, r. 1)**

1. Every writ must be in Form 2.

#### **Endorsement on writ (O. 6, r. 2)**

- 2.—(1) Before a writ is issued, it must be endorsed —
  - (a) with a statement of claim or, if the statement of claim is not endorsed on the writ, with a concise statement of the nature of the claim made or the relief or remedy required in the action begun thereby;
  - (b) where the claim made by the plaintiff is for a debt or liquidated demand only, with a statement of the amount claimed in respect of the debt or demand and for costs and also with a statement that further proceedings will be stayed if, within the time limited for appearing, the defendant pays the amount so claimed to the plaintiff or his solicitor;
  - (c) where the plaintiff sues in a representative capacity, with a statement of the capacity in which he sues;
  - (d) where a defendant is sued in a representative capacity, with a statement of the capacity in which he is sued;
  - (e) where the plaintiff sues by a solicitor, with the plaintiff's address and the solicitor's name or firm and a business address of the solicitor within the jurisdiction;

- (f) where the plaintiff sues in person —
  - (i) with the address of his place of residence and, if his place of residence is not within the jurisdiction or if he has no place of residence, the address of a place within the jurisdiction at or to which documents for him may be delivered or sent; and
  - (ii) with his occupation; and
- (g) with the number of days within which an appearance is required to be entered under Order 12, Rule 4.
- (2) The address for service of a plaintiff shall be —
  - (a) where he sues by a solicitor, the business address of the solicitor endorsed on the writ; and
  - (b) where he sues in person, the address within the jurisdiction endorsed on the writ.

### **Issue of writ (O. 6, r. 3)**

3. The Registrar shall assign a serial number to the writ and shall sign, seal and date the writ whereupon the writ shall be deemed to be issued.

### **Duration and renewal of writ (O. 6, r. 4)**

4.—(1) Subject to the other provisions of these Rules, for the purposes of service, a writ is valid in the first instance —

- (a) where leave to serve the writ out of the jurisdiction is required under Order 11, for 12 months; and
- (b) in any other case, for 6 months,

beginning with the date of its issue.

(2) Subject to paragraph (2A), where a writ has not been served on a defendant, the Court may by order extend the validity of the writ from time to time for such period, not exceeding 6 months at any one time, beginning with the day next following that on which it would otherwise expire, as may be specified in the order, if an application for extension is made to the Court before that day or such later day (if any), as the Court may allow.

(2A) Where the Court is satisfied on an application under paragraph (2) that, despite the making of reasonable efforts, it may not be possible to serve a writ within 6 months, the Court may, if it thinks fit, extend the validity of the writ for such period, not exceeding 12 months at any one time, as the Court may specify.

(3) Before a writ, the validity of which has been extended under this Rule, is served, it must be marked with an official stamp in Form 3 showing the period from which the validity of the writ has been so extended.

(4) [*Deleted by S 637/2006*]

## ORDER 7

### ORIGINATING SUMMONSES: GENERAL PROVISIONS

1. [*Deleted by S 806/2005*]

#### **Forms of originating summons, etc. (O. 7, r. 2)**

2. Every originating summons must be in Form 4 or 5, whichever is appropriate.

#### **Contents of originating summons (O. 7, r. 3)**

3.—(1) Every originating summons must include a statement of the questions on which the plaintiff seeks the determination or direction of the Court or, as the case may be, a concise statement of the relief or remedy claimed in the proceedings begun by the originating summons with sufficient particulars to identify the cause or causes of action in respect of which the plaintiff claims that relief or remedy.

(2) Order 6, Rule 2, except for paragraph (1)(a), (b) and (g), shall apply in relation to an originating summons as it applies in relation to a writ.

#### **Issue of originating summons (O. 7, r. 4)**

4. Order 6, Rule 3 shall apply in relation to an originating summons as it applies in relation to a writ.

**Duration and renewal of originating summons (O. 7, r. 5)**

5. Order 6, Rule 4 shall apply in relation to an originating summons as it applies in relation to a writ.

**Ex parte originating summons (O. 7, r. 6)**

6.—(1) Rules 2, 3(1) and 4 shall, so far as applicable, apply to ex parte originating summonses; but, except as aforesaid, this Order shall not apply to ex parte originating summonses.

(2) Order 6, Rule 3 shall apply, with the necessary modifications, in relation to an ex parte originating summons as it applies in relation to a writ.

ORDER 8

*[Deleted by S 806/2005]*

ORDER 9

*[Deleted by S 806/2005]*

ORDER 10

SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS

**General provisions (O. 10, r. 1)**

1.—(1) Subject to the provisions of any written law and these Rules, a writ must be served personally on each defendant.

(2) Where a defendant's solicitor endorses on the writ a statement that he accepts service of the writ on behalf of that defendant, the writ shall be deemed to have been duly served on that defendant and to have been so served on the date on which the endorsement was made.

(3) Subject to Order 12, Rule 6, where a writ is not duly served on a defendant but he enters an appearance in the action begun by the writ, the writ shall be deemed to have been duly served on him and to have been so served on the date on which he entered the appearance.

(4) Where a writ is duly served on a defendant otherwise than by virtue of paragraph (3), then, subject to Order 11, Rule 3, unless within 8 days after service the plaintiff files a memorandum of service in Form 6 containing the following particulars, that is to say, the day of the week, date and time on which it was served, where it was served, how it was served, the person on whom it was served, and, where he is not the defendant, the capacity in which he was served, the plaintiff in the action begun by the writ shall not be entitled to enter final or interlocutory judgment against that defendant in default of appearance or in default of defence, unless the Court otherwise orders.

### **Service of writ on agent of overseas principal (O. 10, r. 2)**

2.—(1) Where the Court is satisfied on an ex parte application that —

- (a) an action relates to any business or work against a person who does not reside within Singapore or who is absent from Singapore;
- (b) an agent or manager has, at the time of service, personally the control or management of such business or work for such person within Singapore; and
- (c) at the time of the application either the agent's or manager's authority has not been determined, or he is still in business relations with the principal,

the Court may authorise service of a writ of summons to be effected on such agent or manager instead of the principal.

(2) For the purpose of this Rule, the agent of a ship shall be deemed to be the agent of the owner and charterer of the ship.

(3) For the purpose of this Rule, “business or work” shall include the administration of an estate.

(4) Every application under this Rule must be supported by an affidavit stating the nature of the claim.

(5) An order under this Rule authorising service of a writ on a defendant's agent or manager must allow the defendant 21 days, or such extended time as the Court sees fit, to enter appearance.

(6) Where an order is made under this Rule authorising service of a writ on a defendant's agent or manager, a copy of the order and of the writ must be sent by prepaid registered post to the defendant at his address out of the jurisdiction if known to the plaintiff.

### **Service of writ in pursuance of contract (O. 10, r. 3)**

3.—(1) Where —

- (a) a contract contains a term to the effect that the Court shall have jurisdiction to hear and determine any action in respect of a contract or, apart from any such term, the Court has jurisdiction to hear and determine any such action; and
- (b) the contract provides that, in the event of any action in respect of the contract being begun, the process by which it is begun may be served on the defendant, or on such other person on his behalf as may be specified in the contract, in such manner or at such place (whether within or out of the jurisdiction), as may be so specified, then if an action in respect of the contract is begun in the Court and the writ by which it is begun is served in accordance with the contract the writ shall, subject to paragraph (2), be deemed to have been duly served on the defendant.

(2) A writ which is served out of the jurisdiction in accordance with a contract shall not be deemed to have been duly served on the defendant by virtue of paragraph (1) unless leave to serve the writ out of the jurisdiction has been granted under Order 11.

### **Service of writ in certain actions for possession of immovable property (O. 10, r. 4)**

4. Where a writ is endorsed with a claim for the possession of immovable property, the Court may —

- (a) if satisfied on an ex parte application that no person appears to be in possession of the immovable property and that service cannot be otherwise effected on any defendant, authorise service on that defendant to be effected by affixing a copy of the writ to some conspicuous part of the immovable property; or



- (b) if satisfied on such an application that no person appears to be in possession of the immovable property and that service could not otherwise have been effected on any defendant, order that service already effected by affixing a copy of the writ to some conspicuous part of the immovable property shall be treated as good service on that defendant.

### **Service of originating summons (O. 10, r. 5)**

5. Rules 1 to 4 (except Rule 1(3) and (4)) shall apply in relation to an originating summons as they apply in relation to a writ.

## ORDER 11

### SERVICE PROCESS OUT OF SINGAPORE

### **Cases in which service out of Singapore is permissible (O. 11, r. 1)**

1. Provided that the originating process does not contain any claim mentioned in Order 70, Rule 3(1), service of an originating process out of Singapore is permissible with the leave of the Court if in the action —

- (a) relief is sought against a person who is domiciled, ordinarily resident, carrying on business or who has property in Singapore;
- (b) an injunction is sought ordering the defendant to do or refrain from doing anything in Singapore (whether or not damages are also claimed in respect of a failure to do or the doing of that thing);
- (c) the claim is brought against a person duly served in or out of Singapore and a person out of Singapore is a necessary or proper party thereto;
- (d) the claim is brought to enforce, rescind, dissolve, annul or otherwise affect a contract, or to recover damages or obtain other relief in respect of the breach of a contract, being (in either case) a contract which —

- (i) was made in Singapore, or was made as a result of an essential step being taken in Singapore;
  - (ii) was made by or through an agent trading or residing in Singapore on behalf of a principal trading or residing out of Singapore;
  - (iii) is by its terms, or by implication, governed by the law of Singapore; or
  - (iv) contains a term to the effect that that Court shall have jurisdiction to hear and determine any action in respect of the contract;
- (e) the claim is brought in respect of a breach committed in Singapore of a contract made in or out of Singapore and irrespective of the fact, if such be the case, that the breach was preceded or accompanied by a breach committed out of Singapore that rendered impossible the performance of so much of the contract as ought to have been performed in Singapore;
- (f) (i) the claim is founded on a tort, wherever committed, which is constituted, at least in part, by an act or omission occurring in Singapore; or
- (ii) the claim is wholly or partly founded on, or is for the recovery of damages in respect of, damage suffered in Singapore caused by a tortious act or omission wherever occurring;
- (g) the whole subject-matter is immovable property situate in Singapore (with or without rents or profits) or the perpetuation of testimony relating to immovable property so situate;
- (h) the claim is brought to construe, rectify, set aside or enforce an act, deed, will, contract, obligation or liability affecting immovable property situate in Singapore;
- (i) the claim is made for a debt secured on immovable property or is made to assert, declare or determine proprietary or possessory rights, or rights of security, in or over movable

property, or to obtain authority to dispose of movable property, situate in Singapore;

- (j) the claim is brought to execute the trusts of a written instrument, being trusts that ought to be executed according to the law of Singapore and of which the person to be served with the originating process is a trustee, or for any relief or remedy which might be obtained in any such action;
- (k) the claim is made for the administration of the estate of a person who died domiciled in Singapore or for any relief or remedy which might be obtained in any such action;
- (l) the claim is brought in a probate action within the meaning of Order 72;
- (m) the claim is brought to enforce any judgment or arbitral award, or any adjudication determination within the meaning of the Building and Construction Industry Security of Payment Act (Cap. 30B);
- (n) the claim is made under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A), the Terrorism (Suppression of Financing) Act (Cap. 325) or any other written law;
- (o) the claim is a restitutionary one (including a claim for quantum meruit or quantum valebat) or for an account or other relief against the defendant as trustee or fiduciary, and the defendant's alleged liability arises out of any act done, whether by him or otherwise, in Singapore;
- (p) the claim is founded on a cause of action arising in Singapore;
- (q) the claim is for a contribution or an indemnity in respect of a liability enforceable by proceedings in Singapore;
- (r) the claim is in respect of matters in which the defendant has submitted or agreed to submit to the jurisdiction of the Court;

[S 543/2017 wef 01/10/2017]

- (s) the claim concerns the construction, effect or enforcement of any written law; or

*[S 543/2017 wef 01/10/2017]*

- (t) the claim is for an order of committal under Order 52 (whether or not, apart from this paragraph, an originating summons containing such a claim can be served out of Singapore under this Rule).

*[S 543/2017 wef 01/10/2017]*

### **Manner of application (O. 11, r. 2)**

2.—(1) An application for the grant of leave under Rule 1 must be made by *ex parte* summons supported by an affidavit in Form 7 stating —

- (a) the grounds on which the application is made;
- (b) that in the deponent's belief the plaintiff has a good cause of action;
- (c) in what place or country the defendant is, or probably may be found;
- (d) where the application is made under Rule 1(c), the grounds for the deponent's belief that there is between the plaintiff and the person on whom an originating process has been served a real issue which the plaintiff may reasonably ask the Court to try; and
- (e) whether it is necessary to extend the validity of the writ.

(2) No such leave shall be granted unless it shall be made sufficiently to appear to the Court that the case is a proper one for service out of Singapore under this Order.

(3) An order granting leave under Rule 1 shall be in Form 8 and shall allow the defendant 21 days to enter an appearance unless the Court otherwise orders or any written law provides.

**Service of originating process abroad: Alternative modes  
(O. 11, r. 3)**

3.—(1) Subject to paragraphs (2) to (8), Order 10, Rule 1 and Order 62, Rule 5 shall apply in relation to the service of an originating process out of Singapore.

(2) Nothing in this Rule or in any order or direction of the Court made by virtue of it shall authorise or require the doing of anything in a country in which service is to be effected which is contrary to the law of that country.

(3) An originating process which is to be served out of Singapore need not be served personally on the person required to be served so long as it is served on him in accordance with the law of the country in which service is effected.

(4) Where a certificate under this Rule is produced in relation to the service of an originating process in accordance with Rule 4 or 7, Order 10, Rule 1(4) shall not apply in relation to that service.

(5) An official certificate stating that an originating process as regards which Rule 4 has been complied with has been served on a person personally, or in accordance with the law of the country in which service was effected, on a specified date, being a certificate —

- (a) by a Singapore consular authority in that country;
- (b) by the government or judicial authorities of that country; or
- (c) by any other authority designated in respect of that country, under the Hague Convention,

shall be evidence of the facts so stated.

(6) An official certificate by the Minister stating that an originating process has been duly served on a specified date in accordance with a request made under Rule 5 shall be evidence of that fact.

(7) A document purporting to be such a certificate as is mentioned in paragraph (4) or (5) shall, until the contrary is proved, be deemed to be such a certificate.

(8) Where the defendant is in Malaysia or Brunei Darussalam, the originating process —

- (a) may be served in accordance with Rule 4; or
- (b) may be sent by post or otherwise by the Registrar to the Magistrate, Registrar or other appropriate officer of any court exercising civil jurisdiction in the area in which the person to be served is said to be or to be carrying on business for service on the defendant, and if it is returned with an endorsement of service and with an affidavit of such service, it shall be deemed to have been duly served.

**Service of originating process abroad through foreign governments, judicial authorities and Singapore consuls or by other method of service (O. 11, r. 4)**

4.—(1) Where in accordance with these Rules an originating process is to be served on a defendant in any country with respect to which there subsists a Civil Procedure Convention providing for service in that country of process of the High Court, the originating process may be served —

- (a) through the judicial authorities of that country; or
- (b) through a Singapore consular authority in that country (subject to any provision of the convention as to the nationality of persons who may be so served).

(2) Where in accordance with these Rules an originating process is to be served on a defendant in any country with respect to which there does not subsist a Civil Procedure Convention providing for service in that country of process of the High Court, the originating process may be served —

- (a) through the government of that country, where that government is willing to effect service;
- (b) through a Singapore consular authority in that country, except where service through such an authority is contrary to the law of that country; or
- (c) by a method of service authorised by the law of that country for service of any originating process issued by that country.

(3) Where a person wishes to serve an originating process in any country —

- (a) through the judicial authorities of that country under paragraph (1);
- (b) through a Singapore consular authority under paragraph (1) or (2); or
- (c) through the government of that country under paragraph (2),

that person must file in the Registry a request in Form 9 for service of the originating process by that method, together with a copy of the originating process and an additional sealed copy thereof for each person to be served.

(4) Every copy of an originating process served pursuant to paragraph (2)(c) or filed under paragraph (3) must be accompanied by a translation of the originating process in the official language of the country in which service is to be effected or, if there is more than one official language of that country, in any of those languages which is appropriate to the place in that country where service is to be effected:

Provided that this paragraph shall not apply in relation to a copy of an originating process which is to be served in a country the official language of which is, or the official languages of which include, English, or is to be served in any country by a Singapore consular authority on a Singapore citizen, unless the service is to be effected under paragraph (1) and the Civil Procedure Convention with respect to that country expressly requires the copy to be accompanied by a translation.

(5) Every translation served or filed under paragraph (4) must be certified by the person making it to be a correct translation; and the certificate must contain a statement of that person's full name, of his address and of his qualifications for making the translation.

(6) Documents duly filed under paragraph (3) shall be sent by the Registrar to the Permanent Secretary to the Ministry of Foreign Affairs with a request that he arrange for the originating process to be served by the method indicated in the request filed under

paragraph (3) or, where alternative methods are so indicated, by such one of those methods as is most convenient.

**Service of originating process in certain actions under certain written law (O. 11, r. 5)**

5.—(1) Where a person to whom leave has been granted under Rule 2 to serve an originating process on a High Contracting Party to the Warsaw Convention, being an originating process beginning an action to enforce a claim in respect of carriage undertaken by that Party, wishes to have the originating process served on that Party, he must file in the Registry —

- (a) a request for service to be arranged by the Minister;
- (b) a sealed copy of the originating process; and
- (c) except where the official language of the High Contracting Party is, or the official languages of that Party include, English, a translation of the originating process in the official language or one of the official languages of the High Contracting Party.

(2) Rule 4(5) shall apply in relation to a translation filed under paragraph (1) as it applies in relation to a translation filed under Rule 4(4).

(3) Documents duly filed under this Rule shall be sent by the Registrar to the Permanent Secretary to the Ministry of Foreign Affairs with a request that he arrange for the originating process to be served on the High Contracting Party or the government in question, as the case may be.

**Undertaking to pay expenses of service incurred by Minister (O. 11, r. 6)**

6. Every request filed under Rule 4(3) or 5 must contain an undertaking by the person making the request to be responsible personally for all expenses incurred by the Minister in respect of the service requested and, on receiving due notification of the amount of those expenses, to pay that amount to the office of the said Minister and to produce a receipt for the payment to the proper officer in the Registry.



**Service of process on foreign State (O. 11, r. 7)**

7.—(1) Subject to paragraph (2), where a person to whom leave has been granted under Rule 2 to serve an originating process on a State, as defined in section 16 of the State Immunity Act (Cap. 313), wishes to have the originating process served on that State, he must file in the Registry —

- (a) a request for service to be arranged by the Permanent Secretary to the Ministry of Foreign Affairs;
- (b) a sealed copy of the originating process; and
- (c) except where the official language of the State is, or the official languages of that State include, English, a translation of the originating process in the official language or one of the official languages of the State.

(2) Rule 4(5) shall apply in relation to a translation filed under paragraph (1) as it applies in relation to a translation filed under Rule 4(4).

(3) Documents duly filed under this Rule shall be sent by the Registrar to the Permanent Secretary to the Ministry of Foreign Affairs with a request that he arrange for the originating process to be served on the State or the government in question, as the case may be.

(4) Where section 14(6) of the State Immunity Act applies and the State has agreed to a method of service other than that provided by this Rule, the originating process may be either by the method agreed or in accordance with this Rule.

**Service of summons, notice or order out of Singapore (O. 11, r. 8)**

8.—(1) Subject to Order 69, Rule 10, service out of Singapore of any summons, notice or order issued, given or made in any proceedings is permissible only with the leave of the Court but leave shall not be required in any proceedings in which leave for service of the originating process has already been granted.

(2) Rule 2 shall, so far as applicable, apply in relation to an application for the grant of leave under this Rule.

(3) Rules 3, 4 and 6 shall apply in relation to any document for the service of which out of Singapore leave has been granted under this Rule as they apply in relation to an originating process.

### **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.

*[S 850/2014 wef 01/01/2015]*

## ORDER 12

### ENTRY OF APPEARANCE

#### **Mode of entering appearance (O. 12, r. 1)**

**1.—**(1) Subject to paragraphs (2) and (2A) and Order 76, Rule 2, a defendant to an action begun by writ may (whether or not he is sued as a trustee or personal representative or in any other representative capacity) enter an appearance in the action and defend it by a solicitor or in person.

(2) Subject to Order 1, Rule 9(2) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, a defendant to an action begun by writ which is a body corporate may not enter an appearance in the action or defend it otherwise than by a solicitor.

(2A) Subject to Order 1, Rule 9(3) and any other written law, and except in accordance with any practice directions for the time being issued by the Registrar, a defendant to an action begun by writ which

is an unincorporated association (other than a partnership) may not enter an appearance in the action or defend it otherwise than by a solicitor.

(3) An appearance is entered by properly completing a memorandum of appearance, as defined by Rule 2, and a copy thereof, and handing them in at the Registry.

(4) If 2 or more defendants to an action enter an appearance by the same solicitor and at the same time, only one memorandum of appearance needs to be completed and delivered for those defendants.

### **Memorandum of appearance (O. 12, r. 2)**

**2.—**(1) A memorandum of appearance is a request to the Registry to enter an appearance for the defendant or defendants specified in the memorandum.

(2) A memorandum of appearance must be in Form 10 and both the memorandum of appearance and the copy thereof required for entering an appearance must be signed by the solicitor by whom the defendant appears or, if the defendant appears in person, by the defendant.

(3) A memorandum of appearance must specify —

- (a) in the case of a defendant appearing in person, the address of his place of residence and, if his place of residence is not within the jurisdiction or if he has no place of residence, the address of a place within the jurisdiction at or to which documents for him may be delivered or sent; and
- (b) in the case of a defendant appearing by a solicitor a business address of his solicitor within the jurisdiction, and where the defendant enters an appearance in person, the address within the jurisdiction specified under sub-paragraph (a) shall be his address for service, but otherwise his solicitor's business address shall be his address for service.

(4) If the memorandum of appearance does not specify the defendant's address for service or the Court is satisfied that any address specified in the memorandum of appearance is not genuine, the Court may on application by the plaintiff set aside the appearance

or order the defendant to give an address or, as the case may be, a genuine address for service and may in any case direct that the appearance shall nevertheless have effect for the purposes of Order 10, Rule 1(3) and Order 62, Rule 10.

**Procedure on receipt of memorandum of appearance (O. 12, r. 3)**

3.—(1) On receiving the memorandum of appearance and the copy thereof, an officer of the Registry must in all cases affix to the copy of the memorandum of appearance an official stamp showing the date on which he received those documents and hand back that copy of the memorandum.

(2) Where the defendant enters an appearance, he must on the date on which he enters the appearance send by post to the plaintiff, if the plaintiff sues in person, but otherwise to the plaintiff's solicitor, at the plaintiff's address for service, the copy of the memorandum of appearance handed back to him under paragraph (1).

**Time limited for appearing (O. 12, r. 4)**

4. References in these Rules to the time limited for appearing are references —

- (a) in the case of a writ served within the jurisdiction, to 8 days after service of the writ or, where that time has been extended by or by virtue of these Rules, to that time as so extended; and
- (b) in the case of a writ served out of the jurisdiction, to 21 days after service of the writ as provided for in Order 10, Rule 2 or Order 11, Rule 2, or to such extended time as the Court may otherwise allow.

**Late appearance (O. 12, r. 5)**

5.—(1) A defendant may not enter an appearance in an action after judgment has been entered therein except with the leave of the Court.

(2) Except as provided by paragraph (1), nothing in these Rules or any writ or order thereunder shall be construed as precluding a defendant from entering an appearance in an action after the time

limited for appearing, but if a defendant enters an appearance after that time, he shall not, unless the Court otherwise orders, be entitled to serve a defence or do any other thing later than if he had appeared within that time.

**Appearance not to constitute a waiver (O. 12, r. 6)**

6. The appearance by a defendant in an action shall not be treated as a waiver by him of any irregularity in the writ or service thereof or in any order giving leave to serve the writ out of the jurisdiction or extending the validity of the writ for the purpose of service.

**Dispute as to jurisdiction, etc. (O. 12, r. 7)**

7.—(1) A defendant who wishes to dispute the jurisdiction of the Court in the proceedings by reason of any such irregularity as is mentioned in Rule 6 or on any other ground shall enter an appearance and within the time limited for serving a defence apply to the Court for —

- (a) an order setting aside the writ or service of the writ on him;
- (b) an order declaring that the writ has not been duly served on him;
- (c) the discharge of any order giving leave to serve the writ on him out of the jurisdiction;
- (d) the discharge of any order extending the validity of the writ for the purpose of service;
- (e) the protection or release of any property of the defendant seized or threatened with seizure in the proceedings;
- (f) the discharge of any order made to prevent any dealing with any property of the defendant;
- (g) a declaration that in the circumstances of the case the Court has no jurisdiction over the defendant in respect of the subject-matter of the claim or the relief or remedy sought in the action; or
- (h) such other relief as may be appropriate.

(2) A defendant who wishes to contend that the Court should not assume jurisdiction over the action on the ground that Singapore is not the proper forum for the dispute shall enter an appearance and, within the time limited for serving a defence, apply to Court for an order staying the proceedings.

(3) An application under paragraph (1) or (2) must be made by summons supported by an affidavit verifying the facts on which the application is based and a copy of the affidavit must be served with the summons.

(4) Upon the hearing of an application under paragraph (1) or (2), the Court may make such order as it thinks fit and may give such directions for its disposal as may be appropriate, including directions for the trial thereof as a preliminary issue.

(5) A defendant who makes an application under paragraph (1) shall not be treated as having submitted to the jurisdiction of the Court by reason of his having entered an appearance and if the Court makes no order on the application or dismisses it, paragraph (6) shall apply as if the defendant had not made any such application.

(6) Except where the defendant makes an application in accordance with paragraph (1), the appearance by a defendant shall, unless the appearance is withdrawn by leave of the Court under Order 21, Rule 1, be treated as a submission by the defendant to the jurisdiction of the Court in the proceedings.

### **Application by defendant where writ not served (O. 12, r. 8)**

**8.—**(1) Any person named as a defendant in a writ which has not been served on him may serve on the plaintiff a notice requiring him within a specified period that is not less than 14 days after service of the notice either to serve the writ on the defendant or to discontinue the action as against him.

(2) Where the plaintiff fails to comply with a notice under paragraph (1) within the time specified, the Court may, on the application of the defendant by summons, order the action to be dismissed or make such other order as it thinks fit.

(3) A summons under paragraph (2) shall be supported by an affidavit verifying the facts on which the application is based and stating that the defendant intends to contest the proceedings and a copy of the affidavit must be served with the summons.

(4) Where the plaintiff serves the writ in compliance with a notice under paragraph (1) or with an order under paragraph (2), the defendant must enter an appearance within the time limited for so doing.

### **No appearance to originating summons (O. 12, r. 9)**

9. No appearance need be entered to an originating summons.

## ORDER 13

### DEFAULT OF APPEARANCE TO WRIT

#### **Claim for liquidated demand (O. 13, r. 1)**

1.—(1) Where a writ is endorsed with a claim against a defendant for a liquidated demand only, then, if that defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing, enter final judgment against that defendant for a sum not exceeding that claimed by the writ in respect of the demand and for costs, and proceed with the action against the other defendants, if any.

(2) A claim shall not be prevented from being treated for the purposes of this Rule as a claim for a liquidated demand by reason only that part of the claim is for interest accruing after the date of the writ at an unspecified rate, but any such interest shall be computed from the date of the writ to the date of entering judgment at the rate of 6% per annum or at such other rate as the Chief Justice may from time to time direct.

#### **Claim for unliquidated damages (O. 13, r. 2)**

2. Where a writ is endorsed with a claim against a defendant for unliquidated damages only, then, if that defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing, enter interlocutory judgment against that defendant for damages to be

assessed and costs, and proceed with the action against the other defendants, if any.

### **Claim in detinue (O. 13, r. 3)**

3. Where a writ is endorsed with a claim against a defendant relating to the detention of movable property only, then, if that defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing, at his option enter either —

- (a) interlocutory judgment against the defendant for the delivery of the property or their value to be assessed and costs; or
- (b) interlocutory judgment for the value of the property to be assessed and costs,

and proceed with the action against the other defendants, if any.

### **Claim for possession of immovable property (O. 13, r. 4)**

4.—(1) Where a writ is endorsed with a claim against a defendant for possession of immovable property only, then, if that defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing, and on producing a certificate by his solicitor, or (if he sues in person) an affidavit, stating that he is not claiming any relief in the action of the nature specified in Order 83, Rule 1, enter judgment for possession of the immovable property as against that defendant and costs, and proceed with the action against the other defendants, if any.

(2) Where there is more than one defendant, judgment entered under this Rule shall not be enforced against any defendant until judgment for possession of the immovable property has been entered against all the defendants.

### **Mixed claims (O. 13, r. 5)**

5. Where a writ issued against any defendant is endorsed with 2 or more of the claims mentioned in Rules 1 to 4, and no other claim, then, if that defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing, enter against that defendant such judgment in respect of any such claim as he would be entitled to enter



under these Rules if that were the only claim endorsed on the writ, and proceed with the action against the other defendants, if any.

### **Other claims (O. 13, r. 6)**

6.—(1) Where a writ is endorsed with a claim of a description not mentioned in Rules 1 to 4, then, if any defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing and upon filing an affidavit proving due service of the writ on that defendant and, where the statement of claim was not endorsed on or served with the writ, upon serving a statement of claim on him, proceed with the action as if that defendant had entered an appearance.

(2) Where a writ issued against a defendant is endorsed as aforesaid, but by reason of the defendant's satisfying the claim or complying with the demands thereof or for any other like reason it has become unnecessary for the plaintiff to proceed with the action, then, if the defendant fails to enter an appearance, the plaintiff may, after the time limited for appearing, enter judgment with the leave of the Court against that defendant for costs.

(3) An application for leave to enter judgment under paragraph (2) shall be by summons which must, unless the Court otherwise orders, and notwithstanding anything in Order 62, Rule 10, be served on the defendant against whom it is sought to enter judgment.

### **Entry of judgment (O. 13, r. 7)**

7.—(1) Judgment shall not be entered against a defendant under this Order unless a request to enter judgment in Form 79A is filed with the judgment in Form 79.

(2) Where, in an action begun by writ, a request to enter judgment is filed or an application is made to the Court for an order affecting a party who has failed to enter an appearance, the Court may require to be satisfied in such manner as it thinks fit that the party is in default of appearance.

### **Setting aside judgment (O. 13, r. 8)**

8. The Court may, on such terms as it thinks just, set aside or vary any judgment entered in pursuance of this Order.

ORDER 14

SUMMARY JUDGMENT AND DISPOSAL OF CASE ON POINT  
OF LAW

**Application by plaintiff for summary judgment (O. 14, r. 1)**

1. Where a statement of claim has been served on a defendant and that defendant has served a defence to the statement of claim, the plaintiff may, on the ground that that defendant has no defence to a claim included in the writ, or to a particular part of such a claim, or has no defence to such a claim or part except as to the amount of any damages claimed, apply to the Court for judgment against that defendant.

**Manner in which application under Rule 1 must be made  
(O. 14, r. 2)**

2.—(1) An application under Rule 1 must be made by summons supported by an affidavit or affidavits.

(2) The summons and the supporting affidavit or affidavits must be filed at the same time, and must be served on the defendant within 3 days from the date of filing.

(3) The defendant on whom the summons and the supporting affidavit or affidavits have been served may show cause against the plaintiff's application by affidavit or otherwise to the satisfaction of the Court.

(4) If the defendant wishes to show cause against the plaintiff's application by affidavit, he must file and serve his affidavit or affidavits on the plaintiff within 14 days after service of the plaintiff's summons and affidavit or affidavits.

(5) The plaintiff must, if he wishes to reply to the defendant's affidavit or affidavits, file and serve his affidavit or affidavits on the defendant within 14 days after service of the defendant's affidavit or affidavits.

(6) No further affidavit shall be received in evidence without the leave of the Court.

(7) Where a party files or serves an affidavit beyond the period of time specified in this Rule, the Court may make such order as to costs against that party as it considers fit.

(8) An affidavit or affidavits for the purpose of this Rule must contain all necessary evidence in support of or in opposition (as the case may be) to the claim, or a part of the claim, to which the application relates, and unless the Court otherwise directs, may contain statements of information or belief with the sources and grounds thereof.

### **Judgment for plaintiff (O. 14, r. 3)**

3.—(1) Unless on the hearing of an application under Rule 1 either the Court dismisses the application or the defendant satisfies the Court with respect to the claim, or part of a claim, to which the application relates that there is an issue or question in dispute which ought to be tried or that there ought for some other reason to be a trial of that claim or part, the Court may give such judgment for the plaintiff against that defendant on that claim or part as may be just having regard to the nature of the remedy or relief claimed.

(2) The Court may by order, and subject to such conditions, if any, as may be just, stay execution of any judgment given against a defendant under this Rule until after the trial of any counterclaim made or raised by the defendant in the action.

### **Leave to defend (O. 14, r. 4)**

4.—(1) The Court may give a defendant against whom an application under Rule 1 is made leave to defend the action with respect to the claim, or part of a claim, to which the application relates either unconditionally or on such terms as to giving security or time or mode of trial or otherwise as it thinks fit.

(2) On the hearing of such an application the Court may order a defendant showing cause or, where that defendant is a body corporate, any director, manager, secretary or other similar officer thereof, or any person purporting to act in any such capacity —

(a) to produce any document; and

- (b) if it appears to the Court that there are special circumstances which make it desirable that he should do so, to attend and be examined on oath.

**Application for summary judgment on counterclaim (O. 14, r. 5)**

5.—(1) Where a defendant to an action begun by writ has served a counterclaim on the plaintiff and the plaintiff has served a defence to the counterclaim, the defendant may, on the ground that the plaintiff has no defence to a claim made in the counterclaim, or to a particular part of such a claim, apply to the Court for judgment against the plaintiff on that claim or part.

(2) Rules 2, 3 and 4 shall apply in relation to an application under this Rule as they apply in relation to an application under Rule 1 but with the following modifications:

- (a) references to the plaintiff and defendant shall be construed as references to the defendant and plaintiff respectively;
- (b) the words “any counterclaim made or raised by the defendant in” in Rule 3(2) shall be omitted; and
- (c) the reference in Rule 4(1) to the action shall be construed as a reference to the counterclaim to which the application under this Rule relates.

**Directions (O. 14, r. 6)**

6.—(1) Where the Court —

- (a) orders that a defendant or a plaintiff has leave (whether conditional or unconditional) to defend an action or counterclaim, as the case may be, with respect to a claim or part of a claim;
- (b) gives judgment for a plaintiff or a defendant on a claim or part of a claim but also orders that execution of the judgment be stayed pending the trial of a counterclaim or of the action, as the case may be; or
- (c) dismisses, or grants leave for the withdrawal of, the application under this Order,

the Court shall give directions as to the further conduct of the action and Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) of that Order as requires parties to serve a notice specifying the orders and directions which they require and with any other necessary modifications, apply as if the application under Rule 1 or 5, as the case may be, on which the order was made were a summons for directions.

(2) In particular, and if the parties consent, the Court may direct that the claim in question and any other claim in the action be tried by the Registrar under the provisions of these Rules relating to the trial of causes or matters or questions or issues by the Registrar.

### **Costs (O. 14, r. 7)**

7.—(1) If, on an application under Rule 1, it appears to the Court that the plaintiff knew that the defendant relied on a contention which would entitle him to unconditional leave to defend, then, the Court may dismiss the application with costs.

(2) The Court shall have the same power to dismiss an application under Rule 5 as it has under paragraph (1) to dismiss an application under Rule 1, and that paragraph shall apply accordingly with the necessary modifications.

(3) If the Court dismisses an application under Rule 1 or gives a defendant against whom such an application is made unconditional leave to defend the action with respect to the claim or any part thereof to which the application relates, the Court may make such order as to costs against the plaintiff as it considers fit.

### **Right to proceed with residue of action or counterclaim (O. 14, r. 8)**

8.—(1) Where on an application under Rule 1 the plaintiff obtains judgment on a claim or part of a claim against any defendant, he may proceed with the action as respects any other claim or as respects the remainder of the claim or against any other defendant.

(2) Where on an application under Rule 5 a defendant obtains judgment on a claim or part of a claim made in a counterclaim against the plaintiff, he may proceed with the counterclaim as respects any

other claim or as respects the remainder of the claim or against any other defendant to the counterclaim.

### **Judgment for delivery up of movable property (O. 14, r. 9)**

9. Where the claim is for the delivery up of a specific movable property and the Court gives judgment under this Order for the applicant, it shall have the same power to order the party against whom judgment is given to deliver up the property without giving him an option to retain it on paying the assessed value thereof as if the judgment had been given after trial.

### **Relief against forfeiture (O. 14, r. 10)**

10. A tenant shall have the same right to apply for relief after judgment for possession of immovable property on the ground of forfeiture for non-payment of rent has been given under this Order as if the judgment had been given after trial.

### **Setting aside judgment (O. 14, r. 11)**

11. Any judgment given against a party who does not appear at the hearing of an application under Rule 1 or 5 may be set aside or varied by the Court on such terms as it thinks just.

### **Determination of questions of law or construction of documents (O. 14, r. 12)**

12.—(1) The Court may, upon the application of a party or of its own motion, determine any question of law or construction of any document arising in any cause or matter where it appears to the Court that —

- (a) such question is suitable for determination without a full trial of the action; and
- (b) such determination will fully determine (subject only to any possible appeal) the entire cause or matter or any claim or issue therein.

(2) Upon such determination, the Court may dismiss the cause or matter or make such order or judgment as it thinks just.

(3) The Court shall not determine any question under this Order unless the parties have had an opportunity of being heard on the question.

(4) Nothing in this Order shall limit the powers of the Court under Order 18, Rule 19 or any other provision of these Rules.

**Manner in which application under Rule 12 may be made  
(O. 14, r. 13)**

**13.** An application under Rule 12 may be made by summons or (notwithstanding Order 32, Rule 1) may be made orally in the course of any interlocutory application to the Court.

**Time limit for summary judgment applications (O. 14, r. 14)**

**14.** Unless the Court otherwise orders, no summons under this Order shall be filed more than 28 days after the pleadings in the action are deemed to be closed.

ORDER 15

CAUSES OF ACTION: COUNTERCLAIMS AND PARTIES

**Joinder of causes of action (O. 15, r. 1)**

**1.—(1)** Subject to Rule 5(1), a plaintiff may in one action claim relief against the same defendant in respect of more than one cause of action —

- (a) if the plaintiff claims, and the defendant is alleged to be liable, in the same capacity in respect of all the causes of action;
- (b) if the plaintiff claims or the defendant is alleged to be liable in the capacity of executor or administrator of an estate in respect of one or more of the causes of action and in his personal capacity but with reference to the same estate in respect of all the others; or
- (c) with the leave of the Court.

(2) An application for leave under this Rule must be made by ex parte summons supported by affidavit before the issue of the writ or

originating summons, as the case may be, and the affidavit must state the grounds of the application.

### **Counterclaim against plaintiff (O. 15, r. 2)**

2.—(1) Subject to Rule 5(2), a defendant in any action who alleges that he has any claim or is entitled to any relief or remedy against a plaintiff in the action in respect of any matter (whenever and however arising) may, instead of bringing a separate action, make a counterclaim in respect of that matter; and where he does so he must add the counterclaim to his defence.

(2) Rule 1 shall apply in relation to a counterclaim as if the counterclaim were a separate action and as if the person making the counterclaim were the plaintiff and the person against whom it is made a defendant.

(3) A counterclaim may be proceeded with notwithstanding that judgment is given for the plaintiff in the action or that the action is stayed, discontinued or dismissed.

(4) Where a defendant establishes a counterclaim against the claim of the plaintiff and there is a balance in favour of one of the parties, the Court may give judgment for the balance, so, however, that this provision shall not be taken as affecting the Court's discretion with respect to costs.

### **Counterclaim against additional parties (O. 15, r. 3)**

3.—(1) Where a defendant to an action who makes a counterclaim against the plaintiff alleges that any other person (whether or not a party to the action) is liable to him along with the plaintiff in respect of the subject-matter of the counterclaim, or claims against such other person any relief relating to or connected with the original subject-matter of the action, then, subject to Rule 5(2), he may join that other person as a party against whom the counterclaim is made.

(2) Where a defendant joins a person as a party against whom he makes a counterclaim, he must add that person's name to the title of the action and serve on him a copy of the counterclaim; and a person on whom a copy of a counterclaim is served under this paragraph shall, if he is not already a party to the action, become a party to it as



from the time of service with the same rights in respect of his defence to the counterclaim and otherwise as if he had been duly sued in the ordinary way by the party making the counterclaim.

(3) A defendant who is required by paragraph (2) to serve a copy of the counterclaim made by him on any person who before service is already a party to the action must do so within the period within which, by virtue of Order 18, Rule 2, he must serve on the plaintiff the defence to which the counterclaim is added.

(4) Where by virtue of paragraph (2) a copy of a counterclaim is required to be served on a person who is not already a party to the action, the following provisions of these Rules, namely, Order 10 (except Rule 1(4)), Orders 11 to 13 and Order 70, Rule 3, shall, subject to paragraph (3), apply in relation to the counterclaim and the proceedings arising from it as if —

- (a) the counterclaim were a writ and the proceedings arising from it an action; and
- (b) the party making the counterclaim were a plaintiff and the party against whom it is made a defendant in that action.

(5) A copy of a counterclaim required to be served on a person who is not already a party to the action must be endorsed with a notice, in Form 12, addressed to that person —

- (a) stating the effect of Order 12, Rule 1, as applied by paragraph (4); and
- (b) stating that he may enter an appearance in Form 10 and explaining how he may do so.

#### **Joinder of parties (O. 15, r. 4)**

4.—(1) Subject to Rule 5(1), 2 or more persons may be joined together in one action as plaintiffs or as defendants with the leave of the Court or where —

- (a) if separate actions were brought by or against each of them, as the case may be, some common question of law or fact would arise in all the actions; and

(b) all rights to relief claimed in the action (whether they are joint, several or alternative) are in respect of or arise out of the same transaction or series of transactions.

(2) Where the plaintiff in any action claims any relief to which any other person is entitled jointly with him, all persons so entitled must, subject to the provisions of any written law and unless the Court gives leave to the contrary, be parties to the action and any of them who does not consent to being joined as a plaintiff must, subject to any order made by the Court on an application for leave under this paragraph, be made a defendant.

This paragraph shall not apply to a probate action.

(3) Where relief is claimed in an action against a defendant who is jointly liable with some other person and also severally liable, that other person need not be made a defendant to the action; but where persons are jointly, but not severally, liable under a contract and relief is claimed against some but not all of those persons in an action in respect of that contract, the Court may, on the application of any defendant to the action, by order stay proceedings in the action until the other persons so liable are added as defendants.

This paragraph shall not apply to any relief claimed under section 15 of the Civil Law Act (Cap. 43).

### **Court may order separate trials, etc. (O. 15, r. 5)**

**5.—**(1) If claims in respect of 2 or more causes of action are included by a plaintiff in the same action or by a defendant in a counterclaim, or if 2 or more plaintiffs or defendants are parties to the same action, and it appears to the Court that the joinder of causes of action or of parties, as the case may be, may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make such other order as may be expedient.

(2) If it appears on the application of any party against whom a counterclaim is made that the subject-matter of the counterclaim ought for any reason to be disposed of by a separate action, the Court may order the counterclaim to be struck out or may order it to be tried separately or make such other order as may be expedient.

**Misjoinder and nonjoinder of parties (O. 15, r. 6)**

6.—(1) No cause or matter shall be defeated by reason of the misjoinder or nonjoinder of any party; and the Court may in any cause or matter determine the issues or questions in dispute so far as they affect the rights and interests of the persons who are parties to the cause or matter.

(2) Subject to the provisions of this Rule, at any stage of the proceedings in any cause or matter, the Court may, on such terms as it thinks just and either of its own motion or on application —

- (a) order any person who has been improperly or unnecessarily made a party or who has for any reason ceased to be a proper or necessary party, to cease to be a party; or
- (b) order any of the following persons to be added as a party, namely:
  - (i) any person who ought to have been joined as a party or whose presence before the Court is necessary to ensure that all matters in the cause or matter may be effectually and completely determined and adjudicated upon;
  - (ii) any person between whom and any party to the cause or matter there may exist a question or issue arising out of or relating to or connected with any relief or remedy claimed in the cause or matter which in the opinion of the Court it would be just and convenient to determine as between him and that party as well as between the parties to the cause or matter.

(3) An application by any person for an order under paragraph (2) adding him as a party must, except with the leave of the Court, be supported by an affidavit showing his interest in the matters in dispute in the cause or matter or, as the case may be, the question or issue to be determined as between him and any party to the cause or matter.

(4) No person shall be added as a plaintiff without his consent signified in writing or in such other manner as may be authorised.

**Proceedings against estates (O. 15, r. 6A)**

**6A.**—(1) Where any person against whom an action would have lain has died but the cause of action survives, the action may, if no grant of probate or administration has been made, be brought against the estate of the deceased.

(2) Without prejudice to the generality of paragraph (1), an action brought against “the personal representatives of A.B. deceased” shall be treated, for the purposes of that paragraph, as having been brought against his estate.

(3) An action purporting to have been commenced against a person shall be treated, if he was dead at its commencement, as having been commenced against his estate in accordance with paragraph (1), whether or not a grant of probate or administration was made before its commencement.

(4) In any such action as is referred to in paragraph (1) or (3) —

(a) the plaintiff shall, during the period of validity for service of the writ or originating summons, apply to the Court for an order appointing a person to represent the deceased’s estate for the purpose of the proceedings or, if a grant of probate or administration has been made for an order that the personal representative of the deceased be made a party to the proceedings, and in either case for an order that the proceedings be carried on against the person appointed or, as the case may be, against the personal representative, as if he had been substituted for the estate; and

(b) the Court may, at any stage of the proceedings and on such terms as it thinks just and either of its own motion or on application, make any such order as is mentioned in sub-paragraph (a) and allow such amendments (if any) to be made and make such other order as the Court thinks necessary in order to ensure that all matters in dispute in the proceedings may be effectually and completely determined and adjudicated upon.

(5) Before making an order under paragraph (4) the Court may require notice to be given to any insurer of the deceased who has an

interest in the proceedings and to such (if any) of the persons having an interest in the estate as it thinks fit.

(6) Where an order is made under paragraph (4) appointing the Public Trustee to represent the deceased's estate, the appointment shall be limited to his accepting service of the writ or originating summons by which the action was begun unless, either on making such an order or on a subsequent application, the Court, with the consent of the Public Trustee, directs that the appointment shall extend to taking further steps in the proceedings.

(7) Where an order is made under paragraph (4), Rules 7(4) and 8(3) and (4) shall apply as if the order had been made under Rule 7 on the application of the plaintiff.

(8) Where no grant of probate or administration has been made, any judgment or order given or made in the proceedings shall bind the estate to the same extent as it would have been bound if a grant had been made and a personal representative of the deceased had been a party to the proceedings.

### **Change of parties by reason of death, etc. (O. 15, r. 7)**

7.—(1) Where a party to an action dies or becomes bankrupt but the cause of action survives, the action shall not abate by reason of the death or bankruptcy.

(2) Where at any stage of the proceedings in any cause or matter the interest or liability of any party is assigned or transmitted to or devolves upon some other person, the Court may, if it thinks it necessary in order to ensure that all matters in dispute in the cause or matter may be effectually and completely determined and adjudicated upon, order that other person to be made a party to the cause or matter and the proceedings to be carried on as if he had been substituted for the first-mentioned party. An application for an order under this paragraph may be made *ex parte*.

(3) An order may be made under this Rule for a person to be made a party to a cause or matter notwithstanding that he is already a party to it on the other side of the record, or on the same side but in a different capacity; but —

- (a) if he is already a party on the other side, the order shall be treated as containing a direction that he shall cease to be a party on that other side; and
  - (b) if he is already a party on the same side but in another capacity, the order may contain a direction that he shall cease to be a party in that other capacity.
- (4) The person on whose application an order is made under this Rule must, unless the Court otherwise directs, serve the order on every other person who is a party to the cause or matter or who becomes or ceases to be a party by virtue of the order and serve with the order on any person who becomes a defendant a copy of the writ or originating summons by which the cause or matter was begun.
- (5) Any application to the Court by a person served with an order made *ex parte* under this Rule for the discharge or variation of the order must be made within 14 days after the service of the order on that person.

**Provisions consequential on making of order under Rule 6 or 7  
(O. 15, r. 8)**

- 8.—(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 the action was commenced against that person.

*[S 850/2014 wef 01/01/2015]*

(2) Where by an order under Rule 6 a person is to be made a defendant, the Rules as to service of a writ of summons shall apply accordingly to service of the amended writ on him.

(3) Where by an order under Rule 6 or 7 a person is to be made a defendant, the Rules as to entry of appearance shall apply accordingly to entry of appearance by him, subject, in the case of a person to be made a defendant by an order under Rule 7, to the modification that the time limited for appearing shall begin with the date on which the order is served on him under Rule 7(4) or, if the order is not required to be served on him, with the date on which the order is sealed with the seal of the Supreme Court or the seal of the State Courts, as the case may be. The entry of appearance must be in Form 10.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(4) Where by an order under Rule 6 or 7 a person is to be added as a party or is to be made a party in substitution for some other party, that person shall not become a party until —

- (a) where the order is made under Rule 6, the writ has been amended in relation to him under this Rule and (if he is a defendant) has been served on him; or
- (b) where the order is made under Rule 7, the order has been served on him under Rule 7(4) or, if the order is not required to be served on him, the order has been sealed with the seal of the Supreme Court or the seal of the State Courts, as the case may be,

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

and where by virtue of the foregoing provision a person becomes a party in substitution for some other party, all things done in the course of the proceedings before the making of the order shall have effect in relation to the new party as they had in relation to the old, except that entry of appearance by the old party shall not dispense with entry of appearance by the new party in Form 10.

(5) Paragraphs (1) to (4) shall apply in relation to an action begun by originating summons as they apply in relation to an action begun by writ.

### **Failure to proceed after death of party (O. 15, r. 9)**

**9.**—(1) If after the death of a plaintiff or defendant in any action the cause of action survives, but no order under Rule 7 is made substituting as plaintiff any person in whom the cause of action vests or, as the case may be, the personal representatives of the deceased defendant, the defendant or, as the case may be, those representatives may apply to the Court for an order that unless the action is proceeded with within such time as may be specified in the order the action shall be struck out as against the plaintiff or defendant, as the case may be, who has died; but where it is the plaintiff who has died, the Court shall not make an order under this Rule unless satisfied that due notice of the application has been given to the personal representatives (if any) of the deceased plaintiff and to any other interested persons who, in the opinion of the Court, shall be notified.

(2) Where in any action a counterclaim is made by a defendant, this Rule shall apply in relation to the counterclaim as if the counterclaim were a separate action and as if the defendant making the counterclaim were the plaintiff and the person against whom it is made a defendant.

### **Actions for possession of immovable property (O. 15, r. 10)**

**10.**—(1) Without prejudice to Rule 6, the Court may at any stage of the proceedings in an action for possession of immovable property order any person not a party to the action who is in possession of the immovable property (whether in actual possession or by a tenant) to be added as a defendant.

(2) An application by any person for an order under this Rule may be made by ex parte summons, supported by an affidavit showing that he is in possession of the immovable property in question and if by a tenant, naming him.

(3) A person added as a defendant by an order under this Rule must serve a copy of the order on the plaintiff and must enter an appearance in the action within such period, if any, as may be specified in the



order or, if no period is so specified, within 7 days after the making of the order, and the Rules as to entry of appearance shall apply accordingly to entry of appearance by him.

### **Relator actions (O. 15, r. 11)**

**11.** Before the name of any person is used in any action as a relator, that person must give a written authorisation so to use his name to his solicitor and the authorisation must be filed in the Registry.

### **Representative proceedings (O. 15, r. 12)**

**12.—(1)** Where numerous persons have the same interest in any proceedings, not being such proceedings as are mentioned in Rule 13, the proceedings may be begun, and, unless the Court otherwise orders, continued, by or against any one or more of them as representing all or as representing all except one or more of them.

(2) At any stage of the proceedings under this Rule the Court may, on the application of the plaintiff, and on such terms, if any, as it thinks fit, appoint any one or more of the defendants or other persons as representing whom the defendants are sued to represent all, or all except one or more, of those persons in the proceedings; and where, in exercise of the power conferred by this paragraph, the Court appoints a person not named as a defendant, it shall make an order under Rule 6 adding that person as a defendant.

(3) A judgment or order given in proceedings under this Rule shall be binding on all the persons as representing whom the plaintiffs sue or, as the case may be, the defendants are sued, but shall not be enforced against any person not a party to the proceedings except with the leave of the Court.

(4) An application for the grant of leave under paragraph (3) must be made by summons which must be served personally on the person against whom it is sought to enforce the judgment or order.

(5) Notwithstanding that a judgment or order to which any such application relates is binding on the person against whom the application is made, that person may dispute liability to have the judgment or order enforced against him on the ground that by reason

of facts and matters particular to his case he is entitled to be exempted from such liability.

(6) The Court hearing an application for the grant of leave under paragraph (3) may order the question whether the judgment or order is enforceable against the person against whom the application is made to be tried and determined in any manner in which any issue or question in an action may be tried and determined.

**Representation of interested persons who cannot be ascertained, etc. (O. 15, r. 13)**

13.—(1) In any proceedings concerning —

- (a) the administration of the estate of a deceased person;
- (b) property subject to a trust; or
- (c) the construction of a written instrument, including a statute,

the Court, if satisfied that it is expedient to do so, and that one or more of the conditions specified in paragraph (2) are satisfied, may appoint one or more persons to represent any person (including an unborn person) or class who is or may be interested (whether presently or for any future, contingent or unascertained interest) in or affected by the proceedings.

(2) The conditions for the exercise of the power conferred by paragraph (1) are as follows:

- (a) that the person, the class or some member of the class, cannot be ascertained or cannot readily be ascertained;
- (b) that the person, the class or some member of the class, though ascertained, cannot be found;
- (c) that, though the person or the class and the members thereof can be ascertained and found, it appears to the Court expedient (regard being had to all the circumstances, including the amount at stake and the degree of difficulty of the point to be determined) to exercise the power for the purpose of saving expense.

(3) Where in any proceedings to which paragraph (1) applies, the Court exercises the power conferred by that paragraph, a judgment or

order of the Court given or made when the person or persons appointed in exercise of that power are before the Court shall be binding on the person or the class represented by the person or persons so appointed.

(4) Where, in any such proceedings, a compromise is proposed and some of the persons who are interested in, or who may be affected by, the compromise are not parties to the proceedings (including unborn or unascertained persons) but —

(a) there is some other person in the same interest before the Court who assents to the compromise or on whose behalf the Court sanctions the compromise; or

(b) the absent persons are represented by a person appointed under paragraph (1) who so assents,

the Court, if satisfied that the compromise will be for the benefit of the absent persons and that it is expedient to exercise this power, may approve the compromise and order that it shall be binding on the absent persons, and they shall be bound accordingly except where the order has been obtained by fraud or non-disclosure of material facts.

### **Notice of action to non-parties (O. 15, r. 13A)**

**13A.**—(1) At any stage in an action to which this Rule applies, the Court may, on the application of any party or of its own motion, direct that notice of the action be served on any person who is not a party thereto but who will or may be affected by any judgment given therein.

(2) An application under this Rule may be made by *ex parte* summons supported by an affidavit stating the grounds of the application.

(3) Every notice of an action under this Rule shall be in Form 15, and shall be served personally with a copy of the originating summons or writ and of all other pleadings served in the action.

(4) A person may, within 8 days of service on him of a notice under this Rule, enter an appearance and shall thereupon become a party to the action, but in default of such appearance and subject to

paragraph (5) he shall be bound by any judgment given in the action as if he were a party thereto.

(5) If at any time after service of such notice on any person the writ or originating summons is amended so as substantially to alter the relief claimed, the Court may direct that the judgment shall not bind such person unless a summons is issued and served upon him under this Rule.

(6) This Rule applies to any action relating to —

(a) the estate of a deceased person; or

(b) property subject to a trust.

(7) [*Deleted by S 600/2012*]

### **Representation of beneficiaries by trustees, etc. (O. 15, r. 14)**

**14.**—(1) Any proceedings, including proceedings to enforce a security by foreclosure or otherwise, may be brought by or against trustees, executors or administrators in their capacity as such without joining any of the persons having a beneficial interest in the trust or estate, as the case may be; and any judgment or order given or made in those proceedings shall be binding on those persons unless the Court in the same or other proceedings otherwise orders on the ground that the trustees, executors or administrators, as the case may be, could not or did not in fact represent the interests of those persons in the first-mentioned proceedings.

(2) Paragraph (1) is without prejudice to the power of the Court to order any person having such an interest to be made a party to the proceedings or to make an order under Rule 13.

### **Representation of deceased person interested in proceedings (O. 15, r. 15)**

**15.**—(1) Where in any proceedings it appears to the Court that a deceased person was interested in the matter in question in the proceedings and that he has no personal representative, the Court may, on the application of any party to the proceedings, proceed in the absence of a person representing the estate of the deceased person or may by order appoint a person to represent that estate for the purposes

of the proceedings; and any such order, and any judgment or order subsequently given or made in the proceedings, shall bind the estate of the deceased person to the same extent as it would have been bound had a personal representative of that person been a party to the proceedings.

(2) Before making an order under this Rule, the Court may require notice of the application for the order to be given to such (if any) of the persons having an interest in the estate as it thinks fit.

### **Declaratory judgment (O. 15, r. 16)**

**16.** No action or other proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right whether or not any consequential relief is or could be claimed.

### **Conduct of proceedings (O. 15, r. 17)**

**17.** The Court may give the conduct of any action, inquiry or other proceeding to such person as it thinks fit.

## ORDER 16

### THIRD PARTY AND SIMILAR PROCEEDINGS

#### **Third party notice (O. 16, r. 1)**

- 1.—(1) Where in any action a defendant —
- (a) claims against a person not already a party to the action any contribution or indemnity;
  - (b) claims against such a person any relief or remedy relating to or connected with the original subject-matter of the action and substantially the same as some relief or remedy claimed by the plaintiff; or
  - (c) requires that any question or issue relating to or connected with the original subject-matter of the action should be determined not only as between the plaintiff and the defendant but also as between either or both of them and a person not already a party to the action,

then, subject to paragraph (2), the defendant may, after having entered an appearance if required to do so under these Rules, issue a notice in Form 16 or 17, whichever is appropriate (referred to in this Order as a third party notice), containing a statement of the nature of the claim made against him and, as the case may be, either of the nature and grounds of the claim made by him or of the question or issue required to be determined.

(2) A defendant to an action may not issue a third party notice without the leave of the Court unless the action was begun by writ and he issues the notice before serving his defence on the plaintiff.

(3) Where a third party notice is served on the person against whom it is issued, he shall as from the time of service be a party to the action (referred to in this Order as a third party) with the same rights in respect of his defence against any claim made against him in the notice and otherwise as if he had been duly sued in the ordinary way by the defendant by whom the notice is issued.

### **Application for leave to issue third party notice (O. 16, r. 2)**

2.—(1) An application for leave to issue a third party notice may be made by ex parte summons in Form 18 but the Court may direct the summons to be served.

(2) An application for leave to issue a third party notice must be supported by an affidavit stating —

- (a) the nature of the claim made by the plaintiff in the action;
- (b) the stage which proceedings in the action have reached;
- (c) the nature of the claim made by the applicant or particulars of the question or issue required to be determined, as the case may be, and the facts on which the proposed third party notice is based; and
- (d) the name and address of the person against whom the third party notice is to be issued.

**Issue and service of, and entry of appearance to third party notice (O. 16, r. 3)**

3.—(1) The order granting leave to issue a third party notice may contain directions as to the period within which the notice is to be issued.

(2) There must be served with every third party notice a copy of the writ or originating summons by which the action was begun and of the pleadings (if any) served in the action.

(3) Subject to paragraphs (1) and (2), in an action begun by writ, the provisions of Order 10 (except Rule 1(4) thereof), Order 11 and Order 12 shall apply in relation to a third party notice and to the proceedings begun thereby as if —

- (a) the third party notice were a writ and the proceedings begun thereby an action; and
- (b) the defendant issuing the third party notice were a plaintiff and the person against whom it is issued a defendant in that action.

*[S 756/2015 wef 01/01/2016]*

(4) Subject to paragraphs (1) and (2), in an action begun by originating summons, the provisions of Order 10 (except Rule 1(3) and (4) thereof) and Order 11 shall apply in relation to a third party notice and to the proceedings begun thereby as if —

- (a) the third party notice were an originating summons and the proceedings begun thereby an action; and
- (b) the defendant issuing the third party notice were a plaintiff and the person against whom it is issued a defendant in that action.

*[S 756/2015 wef 01/01/2016]*

**Third party directions (O. 16, r. 4)**

4.—(1) The defendant who issued a third party notice must, by summons in Form 20 to be served on all the other parties to the action, apply to the Court for directions, except that where the action was

begun by writ, such application shall not be made before the third party enters an appearance in Form 10.

(2) If no summons is served on the third party under paragraph (1), the third party may —

- (a) in an action begun by writ, not earlier than 7 days after entering an appearance; or
- (b) in an action begun by originating summons, not earlier than 14 days after service of the notice on him,

by summons in Form 20 to be served on all the other parties to the action, apply to the Court for directions or for an order to set aside the third party notice.

(3) On an application for directions under this Rule, the Court may —

- (a) if the liability of the third party to the defendant who issued the third party notice is established on the hearing, order such judgment as the nature of the case may require to be entered against the third party in favour of the defendant;
- (b) order any claim, question or issue stated in the third party notice to be tried in such manner as the Court may direct; or
- (c) dismiss the application and terminate the proceedings on the third party notice; and may do so either before or after any judgment in the action has been signed by the plaintiff against the defendant.

(4) On an application for directions under this Rule, the Court may give the third party leave to defend the action, either alone or jointly with any defendant, upon such terms as may be just, or to appear at the trial or hearing and to take such part therein as may be just, and generally may make such orders and give such directions as appear to the Court proper for having the rights and liabilities of the parties most conveniently determined and enforced and as to the extent to which the third party is to be bound by any judgment or decision in the action.

(5) Any order made or direction given under this Rule must be in Form 21 and may be varied or rescinded by the Court at any time.



**Default of third party, etc. (O. 16, r. 5)**

5.—(1) If a third party who is required by these Rules to enter an appearance does not do so or, having been ordered to serve a defence, fails to do so —

- (a) he shall be deemed to admit any claim stated in the third party notice and shall be bound by any judgment (including judgment by consent) or decision in the action in so far as it is relevant to any claim, question or issue stated in that notice; and
- (b) the defendant by whom the third party notice was issued may, if judgment in default is given against him in the action, at any time after satisfaction of that judgment and, with the leave of the Court, before satisfaction thereof, enter judgment against the third party in respect of any contribution or indemnity claimed in the notice, and, with the leave of the Court, in respect of any other relief or remedy claimed therein.

(2) If a third party or the defendant by whom a third party notice was issued makes default in serving any pleading which he is ordered to serve, the Court may, on the application by summons of that defendant or the third party, as the case may be, order such judgment to be entered for the applicant as he is entitled to on the pleadings or may make such other order as may appear to the Court necessary to do justice between the parties.

(3) The Court may at any time set aside or vary a judgment entered under paragraph (1)(b) or paragraph (2) on such terms (if any) as it thinks just.

**Setting aside third party proceedings (O. 16, r. 6)**

6. Proceedings on a third party notice may, at any stage of the proceedings, be set aside by the Court.

**Judgment between defendant and third party (O. 16, r. 7)**

7.—(1) Where in any action a defendant has served a third party notice, the Court may at or after the trial of the action, or, if the action is decided otherwise than by trial, on an application by summons,

order such judgment as the nature of the case may require to be entered for the defendant against the third party or for the third party against the defendant.

(2) Where in an action judgment is given against a defendant and judgment is given for the defendant against a third party, execution shall not issue against the third party without the leave of the Court until the judgment against the defendant has been satisfied.

**Claims and issues between defendant and some other party  
(O. 16, r. 8)**

8.—(1) Where in any action a defendant —

- (a) claims against a person who is already a party to the action any contribution or indemnity;
- (b) claims against such a person any relief or remedy relating to or connected with the original subject-matter of the action and substantially the same as some relief or remedy claimed by the plaintiff; or
- (c) requires that any question or issue relating to or connected with the original subject-matter of the action should be determined not only as between the plaintiff and himself but also as between either or both of them and some other person who is already a party to the action,

then, subject to paragraph (2), the defendant may, after having entered an appearance if required to do so under these Rules, without leave, issue and serve on that person a notice containing a statement of the nature and grounds of his claim or, as the case may be, of the question or issue required to be determined.

(2) Where a defendant makes such a claim as is mentioned in paragraph (1) and that claim could be made by him by counterclaim in the action, paragraph (1) shall not apply in relation to the claim.

(3) No appearance to such a notice shall be necessary if the person on whom it is served has entered an appearance in the action or is a plaintiff therein or if the action was begun by originating summons, and the same procedure shall be adopted for the determination between the defendant by whom, and the person on whom, such a

notice is served of the claim, question or issue stated in the notice as would be appropriate under this Order if the person served with the notice were a third party and (where, in an action begun by writ, he has entered an appearance in the action or is a plaintiff) had entered an appearance to the notice.

(4) If no summons under Rule 4(1) is served on the person on whom a notice has been served under this Rule, that person may, not earlier than 14 days after service of the notice on him, by summons in Form 20 to be served on all the other parties to the action, apply to the Court for directions or for an order to set aside the notice.

### **Claims by third and subsequent parties (O. 16, r. 9)**

**9.**—(1) Where a defendant has served a third party notice and the third party makes such a claim or requirement as is mentioned in Rule 1 or Rule 8, this Order shall apply, with the modification mentioned in paragraph (2) and any other necessary modifications, as if the third party were a defendant; and similarly where any further person to whom, by virtue of this Rule, this Order applies as if he were a third party makes such a claim or requirement.

(2) The modification referred to in paragraph (1) is that paragraph (3) shall have effect in relation to the issue of a notice under Rule 1 by a third party in substitution for Rule 1(2).

(3) A third party may not issue a notice under Rule 1 without the leave of the Court unless the action in question was begun by writ and he issues the notice before the expiration of 14 days after the time limited for appearing to the notice issued against him.

**10.** [*Deleted by S 278/93 and S 279/93*]

### **Counterclaim by defendant (O. 16, r. 11)**

**11.** Where in any action a counterclaim is made by a defendant, Rules 1 to 9 shall apply in relation to the counterclaim as if the subject-matter of the counterclaim were the original subject-matter of the action, and as if the person making the counterclaim were the plaintiff and the person against whom it is made a defendant.

ORDER 17

INTERPLEADER

**Entitlement to relief by way of interpleader (O. 17, r. 1)**

1. Where —

- (a) the person seeking relief is under liability for any debt, money or goods or chattels, for or in respect of which he has been or expects to be, sued by 2 or more parties making adverse claims thereon; or
- (b) the Sheriff or other officer of the Court is charged with the execution of process of the Court, and claim is made to any money or goods or chattels taken or intended to be taken in execution under any process, or to the proceeds or value of any such goods or chattels by any person other than the person against whom the process is issued, and to order the sale of any property subject to interpleader proceedings,

the person under liability or (subject to Rule 2) the Sheriff, may apply to the Court for relief by way of interpleader.

**Claim to goods, etc., taken in execution (O. 17, r. 2)**

2.—(1) Any person making a claim to or in respect of any money, goods or other movable property taken or intended to be taken in execution under process of the Court, or to the proceeds or value of any such goods or property, must give notice of his claim in Form 22 to the Sheriff charged with the execution of the process and must include in his notice a statement of his address, and that address shall be his address for service.

(2) On receipt of a claim made under this Rule, the Sheriff must forthwith give notice thereof in Form 23 to the execution creditor and the execution creditor must, within 4 days after receiving the notice, give notice in Form 24 to the Sheriff informing him whether he admits or disputes the claim. An execution creditor who gives notice in accordance with this paragraph admitting a claim shall only be liable to the Sheriff for any fees and expenses incurred by the Sheriff before receipt of that notice.

(3) Where —

- (a) the Sheriff receives a notice from an execution creditor under paragraph (2) disputing a claim, or the execution creditor fails, within the period mentioned in that paragraph, to give the required notice; and
- (b) the claim under this Rule is not withdrawn,

the Sheriff may apply to the Court for relief under this Order.

(4) The Sheriff who receives a notice from an execution creditor under paragraph (2) admitting a claim under this Rule shall withdraw from possession of the money, goods or other movable property claimed.

### **Mode of application (O. 17, r. 3)**

**3.—**(1) An application for relief under this Order must be made by originating summons unless made in a pending action, in which case it must be made by summons in the action in one of the forms in Form 27.

(2) [*Deleted by S 806/2005*]

(3) Subject to paragraph (4), an originating summons or a summons under this Rule filed by the Sheriff or a person under liability must be supported by a statement in Form 25 or an affidavit in Form 26, as the case may be, stating that the applicant —

- (a) claims no interest in the subject-matter in dispute other than for charges or costs;
- (b) does not collude with any of the claimants to that subject-matter; and
- (c) is willing to pay or transfer that subject-matter into Court or to dispose of it as the Court may direct.

(4) Where the applicant is the Sheriff, he shall not be required to file a statement in Form 25 unless the Court so directs.

**Service of originating summons or summons (O. 17, r. 4)**

4.—(1) Unless the Court otherwise orders, the originating summons or an interpleader summons filed under Rule 3 must be served at least 7 days before the return day.

(1A) The originating summons referred to in paragraph (1) must be served personally.

(1B) The interpleader summons referred to in paragraph (1) need not be served personally unless ordered by the Court.

(2) [*Deleted by S 600/2012*]

**Powers of Court hearing originating summons or summons (O. 17, r. 5)**

5.—(1) Where on the hearing of an originating summons or a summons under this Order all the persons by whom adverse claims to the subject-matter in dispute (referred to in this Order as the claimants) appear, the Court may order —

(a) that any claimant be made a defendant in any action pending with respect to the subject-matter in dispute in substitution for or in addition to the applicant for relief under this Order; or

(b) that an issue between the claimants be stated and tried and may direct which of the claimants is to be plaintiff and which defendant.

(2) Where —

(a) the applicant in an originating summons or a summons under this Order is the Sheriff;

(b) all the claimants consent or any of them so requests; or

(c) the question at issue between the claimants is a question of law and the facts are not in dispute,

the Court may summarily determine the question at issue between the claimants and make an order accordingly on such terms as may be just.

(3) Where a claimant, having been duly served with an originating summons or a summons for relief under this Order, does not appear on the hearing or, having appeared, fails or refuses to comply with an order made in the proceedings, the Court may make an order declaring the claimant, and all persons claiming under him, forever barred from prosecuting his claim against the applicant for such relief and all persons claiming under him, but such an order shall not affect the rights of the claimants as between themselves.

**Power to order sale of goods taken in execution (O. 17, r. 6)**

6. Where an application for relief under this Order is made by the Sheriff who has taken possession of any goods or other movable property in execution under any process, and a claimant alleges that he is entitled, under a bill of sale or otherwise, to the goods or property by way of security for debt, the Court may order those goods or property or any part thereof to be sold and may direct that the proceeds of sale be applied in such manner and on such terms as may be just and as may be specified in the order.

**Power to stay proceedings (O. 17, r. 7)**

7. Where a defendant to an action applies for relief under this Order in the action, the Court may by order stay all further proceedings in the action.

**Other powers (O. 17, r. 8)**

8. Subject to Rules 1 to 7, the Court may in or for the purposes of any interpleader proceedings make such order as to costs or any other matter as it thinks just.

**One order in several causes or matters (O. 17, r. 9)**

9. Where the Court considers it necessary or expedient to make an order in any interpleader proceedings in several causes or matters pending before different Judges, the Court may make such an order; and the order shall be entitled in all those causes or matters and shall be binding on all the parties to them.

**Discovery (O. 17, r. 10)**

10. Orders 24, 26 and 26A shall apply, with the necessary modifications, in relation to an interpleader issue as they apply in relation to any other cause or matter.

**Trial of interpleader issue (O. 17, r. 11)**

11.—(1) Order 35 shall apply, with the necessary modifications, to the trial of an interpleader issue as it applies to the trial of an action.

(2) The Court by whom an interpleader issue is tried may give such judgment or make such order as finally to dispose of all questions arising in the interpleader proceedings.

(3) The judgment must be in one of the forms in Form 28.

ORDER 18

PLEADINGS

**Service of statement of claim (O. 18, r. 1)**

1. Unless the Court gives leave to the contrary or a statement of claim is endorsed on the writ, the plaintiff must serve a statement of claim on the defendant or, if there are 2 or more defendants, on each defendant, and must do so either when the writ is served on that defendant or at any time after service of the writ but before the expiration of 14 days after that defendant enters an appearance.

**Service of defence (O. 18, r. 2)**

2.—(1) A defendant who enters an appearance in, and intends to defend, an action must, unless the Court gives leave to the contrary, serve a defence on the plaintiff before the expiration of 14 days after the time limited for appearing or after the statement of claim is served on him, whichever is the later.

(2) [*Deleted by S 565/2002*]



**Service of reply and defence to counterclaim (O. 18, r. 3)**

3.—(1) A plaintiff on whom a defendant serves a defence must serve a reply on that defendant if it is needed for compliance with Rule 8; and if no reply is served, Rule 14(1) will apply.

(2) A plaintiff on whom a defendant serves a counterclaim must, if he intends to defend it, serve on that defendant a defence to counterclaim.

(3) Where a plaintiff serves both a reply and a defence to counterclaim on any defendant, he must include them in the same document.

(4) A reply to any defence must be served by the plaintiff before the expiration of 14 days after the service on him of that defence, and a defence to counterclaim must be served by the plaintiff before the expiration of 14 days after the service on him of the counterclaim to which it relates.

**Pleadings subsequent to reply (O. 18, r. 4)**

4. No pleading subsequent to a reply or a defence to counterclaim shall be served except with the leave of the Court.

5. [*Deleted*]

**Pleadings: Formal requirements (O. 18, r. 6)**

6.—(1) Every pleading in an action must bear on its face —

- (a) the year in which the writ in the action was issued and the number of the action;
- (b) the title of the action; and
- (c) the description of the pleading.

(2) Every pleading must, if necessary, be divided into paragraphs numbered consecutively, each allegation being so far as convenient contained in a separate paragraph.

(3) Dates, sums and other numbers must be expressed in a pleading in figures and not in words.

- (4) Every pleading of a party must be endorsed —
- (a) where the party sues or defends in person, with his name and address; and
  - (b) in any other case, with the name or firm and business address of the solicitor by whom it was served.
- (5) Every pleading of a party must be signed by the party's solicitor or by the party, if he sues or defends in person.

**Facts, not evidence, to be pleaded (O. 18, r. 7)**

7.—(1) Subject to this Rule and Rules 10, 11 and 12, every pleading must contain, and contain only, a statement in a summary form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which those facts are to be proved, and the statement must be as brief as the nature of the case admits.

(2) Without prejudice to paragraph (1), the effect of any document or the purport of any conversation referred to in the pleading must, if material, be briefly stated, and the precise words of the document or conversation shall not be stated, except in so far as those words are themselves material.

(3) A party need not plead any fact if it is presumed by law to be true or the burden of disproving it lies on the other party, unless the other party has specifically denied it in his pleading.

(4) A statement that a thing has been done or that an event has occurred, being a thing or event the doing or occurrence of which, as the case may be, constitutes a condition precedent necessary for the case of a party is to be implied in his pleading.

**Matters which must be specifically pleaded (O. 18, r. 8)**

8.—(1) A party must in any pleading subsequent to a statement of claim plead specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality —

- (a) which he alleges makes any claim or defence of the opposite party not maintainable;

- (b) which, if not specifically pleaded, might take the opposite party by surprise; or
- (c) which raises issues of fact not arising out of the preceding pleading.

(2) Without prejudice to paragraph (1), a defendant to an action for the recovery of immovable property must plead specifically every ground of defence on which he relies, and a plea that he is in possession of the immovable property by himself or his tenant is not sufficient.

### **Matter may be pleaded whenever arising (O. 18, r. 9)**

9. Subject to Rules 7(1), 10 and 15(2), a party may in any pleading plead any matter which has arisen at any time, whether before or since the issue of the writ.

### **Departure (O. 18, r. 10)**

10.—(1) A party shall not in any pleading make an allegation of fact, or raise any new ground or claim, inconsistent with a previous pleading of his.

(2) Paragraph (1) shall not be taken as prejudicing the right of a party to amend, or apply for leave to amend, his previous pleading so as to plead the allegations or claims in the alternative.

### **Points of law may be pleaded (O. 18, r. 11)**

11. A party may by his pleading raise any point of law.

### **Particulars of pleading (O. 18, r. 12)**

12.—(1) Subject to paragraph (2), every pleading must contain the necessary particulars of any claim, defence or other matter pleaded including, without prejudice to the generality of the foregoing words —

- (a) particulars of any misrepresentation, fraud, breach of trust, wilful default or undue influence on which the party pleading relies; and

(b) where a party pleading alleges any condition of the mind of any person, whether any disorder or disability of mind or any malice, fraudulent intention or other condition of mind except knowledge, particulars of the facts on which the party relies.

(1A) Subject to paragraph (1B), a plaintiff in an action for personal injuries shall serve with his statement of claim —

(a) a medical report; and

(b) a statement of the special damages claimed.

(1B) Where the documents to which paragraph (1A) applies are not served with the statement of claim, the Court may —

(a) specify the period of the time within which they are to be provided; or

(b) make such other order as it thinks fit (including an order dispensing with the requirements of paragraph (1A) or staying the proceedings).

(1C) For the purposes of this Rule —

“medical report” means a report substantiating all the personal injuries alleged in the statement of claim which the plaintiff proposes to adduce in evidence as part of his case at the trial;

“statement of the special damages claimed” means a statement giving full particulars of the special damages claimed for expenses and losses already incurred and an estimate of any future expenses and losses (including loss of earnings, loss of Central Provident Fund contributions and loss of pension rights).

(2) Where it is necessary to give particulars of debt, expenses or damages and those particulars exceed 3 folios, they must be set out in a separate document referred to in the pleading and the pleading must state whether the document has already been served and, if so, when, or is to be served with the pleading.

(3) The Court may order a party to serve on any other party particulars of any claim, defence or other matter stated in his pleading, or in any affidavit of his ordered to stand as a pleading, or a statement

of the nature of the case on which he relies, and the order may be made on such terms as the Court thinks just.

(4) Where a party alleges as a fact that a person had knowledge or notice of some fact, matter or thing, then, without prejudice to the generality of paragraph (3), the Court may, on such terms as it thinks just, order that party to serve on any other party —

(a) where he alleges knowledge, particulars of the facts on which he relies; and

(b) where he alleges notice, particulars of the notice.

(5) An order under this Rule shall not be made before service of the defence unless, in the opinion of the Court, the order is necessary or desirable to enable the defendant to plead or for some other special reason.

(6) Where the applicant for an order under this Rule did not apply by letter for the particulars he requires, the Court may refuse to make the order unless of opinion that there were sufficient reasons for an application by letter not having been made.

(7) The particulars requested or ordered and supplied must be served in accordance with Form 29.

### **Admissions and denials (O. 18, r. 13)**

**13.—**(1) Subject to paragraph (4), any allegation of fact made by a party in his pleading is deemed to be admitted by the opposite party unless it is traversed by that party in his pleading or a joinder of issue under Rule 14 operates as a denial of it.

(2) A traverse may be made either by a denial or by a statement of non-admission and either expressly or by necessary implication.

(3) Subject to paragraph (4), every allegation of fact made in a statement of claim or counterclaim which the party on whom it is served does not intend to admit must be specifically traversed by him in his defence or defence to counterclaim, as the case may be; and a general denial of such allegations, or a general statement of non-admission of them, is not a sufficient traverse of them.

(4) Any allegation that a party has suffered damage and any allegation as to the amount of damages is deemed to be traversed unless specifically admitted.

### **Denial by joinder of issue (O. 18, r. 14)**

**14.**—(1) If there is no reply to a defence, there is an implied joinder of issue on that defence.

(2) Subject to paragraph (3) —

(a) there is at the close of pleadings an implied joinder of issue on the pleading last served; and

(b) a party may in his pleading expressly join issue on the next preceding pleading.

(3) There can be no joinder of issue, implied or express, on a statement of claim or counterclaim.

(4) A joinder of issue operates as a denial of every material allegation of fact made in the pleading on which there is an implied or express joinder of issue unless, in the case of an express joinder of issue, any such allegation is excepted from the joinder and is stated to be admitted, in which case the express joinder of issue operates as a denial of every other such allegation.

### **Statement of claim (O. 18, r. 15)**

**15.**—(1) A statement of claim must state specifically the relief or remedy which the plaintiff claims; but costs need not be specifically claimed.

(2) A statement of claim must not contain any allegation or claim in respect of a cause of action unless that cause of action is mentioned in the writ or arises from facts which are the same as, or include or form part of, facts giving rise to a cause of action so mentioned; but, subject to that, a plaintiff may in his statement of claim alter, modify or extend any claim made by him in the endorsement of the writ without amending the endorsement.

**Defence of tender (O. 18, r. 16)**

16. Where in any action a defence of tender before action is pleaded, the defendant must pay into Court in accordance with Order 22 the amount alleged to have been tendered, and the tender shall not be available as a defence unless payment into Court has been made.

**Defence of set-off (O. 18, r. 17)**

17. Where a claim by a defendant to a sum of money (whether of an ascertained amount or not) is relied on as a defence to the whole or part of a claim made by the plaintiff, it may be included in the defence and set-off against the plaintiff's claim, whether or not it is also added as a counterclaim.

**Counterclaim and defence to counterclaim (O. 18, r. 18)**

18. Without prejudice to the general application of this Order to a counterclaim and a defence to counterclaim or to any provision thereof which applies to either of those pleadings specifically —

- (a) Rules 12(1A), (1B) and (1C) and 15(1) shall apply to a counterclaim as if the counterclaim were a statement of claim and the defendant making it a plaintiff; and
- (b) Rules 8(2), 16 and 17 shall apply, with the necessary modifications, to a defence to counterclaim as they apply to a defence.

**Striking out pleadings and endorsements (O. 18, r. 19)**

19.—(1) The Court may at any stage of the proceedings order to be struck out or amended any pleading or the endorsement of any writ in the action, or anything in any pleading or in the endorsement, on the ground that —

- (a) it discloses no reasonable cause of action or defence, as the case may be;
- (b) it is scandalous, frivolous or vexatious;
- (c) it may prejudice, embarrass or delay the fair trial of the action; or
- (d) it is otherwise an abuse of the process of the Court,

and may order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.

(2) No evidence shall be admissible on an application under paragraph (1)(a).

(3) This Rule shall, as far as applicable, apply to an originating summons as if it were a pleading.

### **Close of pleadings (O. 18, r. 20)**

**20.**—(1) The pleadings in an action are deemed to be closed —

- (a) at the expiration of 14 days after service of the reply or, if there is no reply but only a defence to counterclaim, after service of the defence to counterclaim; or
- (b) if neither a reply nor a defence to counterclaim is served, at the expiration of 14 days after service of the defence.

(2) The pleadings in an action are deemed to be closed at the time provided by paragraph (1) notwithstanding that any request or order for particulars has been made but has not been complied with at that time.

### **Filing of pleadings (O. 18, r. 21)**

**21.** Every pleading must be filed in the Registry.

### **Trial without pleadings (O. 18, r. 22)**

**22.**—(1) Where in an action to which this Rule applies any defendant has entered an appearance in the action, the plaintiff or that defendant may apply to the Court by summons for an order that the action shall be tried without pleadings or further pleadings, as the case may be.

(2) If, on the hearing of an application under this Rule, the Court is satisfied that the issues in dispute between the parties can be defined without pleadings or further pleadings, or that for any other reason the action can properly be tried without pleadings or further pleadings, as the case may be, the Court shall order the action to be so tried, and may direct the parties to prepare a statement of the issues in dispute or,



if the parties are unable to agree to such a statement, may settle the statement itself.

(3) Where the Court makes an order under paragraph (2) or where it dismisses an application for such an order, it may give such directions as to the further conduct of the action as may be appropriate, and Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) of that Order as requires parties to serve a notice specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application under this Rule were a summons for directions.

(4) [*Deleted by S 281/91*]

### **Saving for defence under Merchant Shipping Act (O. 18, r. 23)**

**23.** Nothing in Order 70, Rules 36 to 39 shall be taken as limiting the right of any shipowner or other person to rely by way of defence on any provision of the Merchant Shipping Act (Cap. 179) which limits the amount of the liability in connection with a ship or other property.

## ORDER 19

### DEFAULT OF PLEADINGS

#### **Default in service of statement of claim (O. 19, r. 1)**

**1.** Where the plaintiff is required by these Rules to serve a statement of claim on a defendant and he fails to serve it on him, the defendant may, after the expiration of the period fixed under these Rules for service of the statement of claim, apply to the Court for an order to dismiss the action, and the Court may by order dismiss the action or make such other order on such terms as it thinks just.

#### **Default of defence: Claim for liquidated demand (O. 19, r. 2)**

**2.—(1)** Where the plaintiff's claim against a defendant is for a liquidated demand only, then, if that defendant fails to serve a defence on the plaintiff, the plaintiff may, after the expiration of the period fixed under these Rules for service of the defence, enter final judgment against that defendant for a sum not exceeding that claimed

by the writ in respect of the demand and for costs, and proceed with the action against the other defendants, if any.

(2) Order 13, Rule 1(2) shall apply for the purposes of this Rule as it applies for the purposes of that Rule.

**Default of defence: Claim for unliquidated damages (O. 19, r. 3)**

3. Where the plaintiff's claim against a defendant is for unliquidated damages only, then, if that defendant fails to serve a defence on the plaintiff, the plaintiff may, after the expiration of the period fixed under these Rules for service of the defence, enter interlocutory judgment against that defendant for damages to be assessed and costs, and proceed with the action against the other defendants, if any.

**Default of defence: Claim in detinue (O. 19, r. 4)**

4. Where the plaintiff's claim against a defendant relates to the detention of movable property only, then, if that defendant fails to serve a defence on the plaintiff, the plaintiff may, after the expiration of the period fixed under these Rules for service of the defence, enter either —

- (a) interlocutory judgment against that defendant for the delivery of the property or their value to be assessed and costs; or
- (b) interlocutory judgment for the value of the property to be assessed and costs,

and proceed with the action against the other defendants, if any.

**Default of defence: Claim for possession of immovable property (O. 19, r. 5)**

5.—(1) Where the plaintiff's claim against a defendant is for possession of immovable property only, then, if that defendant fails to serve a defence on the plaintiff, the plaintiff may, after the expiration of the period fixed under these Rules for service of the defence, and on producing a certificate by his solicitor, or (if he sues in person) an affidavit, stating that he is not claiming any relief in the action of the nature specified in Order 83, Rule 1, enter judgment for possession of

the immovable property as against that defendant and for costs, and proceed with the action against the other defendants, if any.

(2) Where there is more than one defendant, judgment entered under this Rule shall not be enforced against any defendant unless judgment for possession of the immovable property has been entered against all the defendants.

**Default of defence: Mixed claim (O. 19, r. 6)**

6. Where the plaintiff makes against a defendant 2 or more of the claims mentioned in Rules 2 to 5, and no other claim, then, if that defendant fails to serve a defence on the plaintiff, the plaintiff may, after the expiration of the period fixed under these Rules for service of the defence, enter against that defendant such judgment in respect of any such claim as he would be entitled to enter under those Rules if that were the only claim made, and proceed with the action against the other defendants, if any.

**Default of defence: Other claims (O. 19, r. 7)**

7.—(1) Where the plaintiff makes against a defendant or defendants a claim of a description not mentioned in Rules 2 to 5, then, if the defendant or all the defendants (where there is more than one) fails or fail to serve a defence on the plaintiff, the plaintiff may, after the expiration of the period fixed under these Rules for service of the defence, apply to the Court for judgment, and on the hearing of the application the Court shall give such judgment as the plaintiff appears entitled to on his statement of claim.

(2) Where the plaintiff makes such a claim as is mentioned in paragraph (1) against more than one defendant, then, if one of the defendants makes default as mentioned in that paragraph, the plaintiff may —

- (a) if his claim against the defendant in default is severable from his claim against the other defendants, apply under that paragraph for judgment against that defendant, and proceed with the action against the other defendants; or
- (b) set down the action by summons for judgment against the defendant in default at the time when the action is set down

for trial, or is set down by summons for judgment, against the other defendants.

(3) An application under paragraph (1) must be by summons.

### **Default of defence to counterclaim (O. 19, r. 8)**

8. A defendant who counterclaims against a plaintiff shall be treated for the purposes of Rules 2 to 7 as if he were a plaintiff who had made against a defendant the claim made in the counterclaim and, accordingly, where the plaintiff or any other party against whom the counterclaim is made fails to serve a defence to counterclaim, those Rules shall apply as if the counterclaim were a statement of claim, the defence to counterclaim a defence and the parties making the counterclaim and against whom it is made were plaintiffs and defendants respectively, and as if references to the period fixed under these Rules for service of the defence were references to the period so fixed for service of the defence to counterclaim.

### **Entry of judgment (O. 19, r. 8A)**

8A. Judgment shall not be entered against a defendant under this Order unless a request to enter judgment in Form 79A is filed with the judgment in Form 79.

### **Setting aside judgment (O. 19, r. 9)**

9. The Court may, on such terms as it thinks just, set aside or vary any judgment entered in pursuance of this Order.

## ORDER 20

### AMENDMENT

### **Amendment of writ without leave (O. 20, r. 1)**

1.—(1) Subject to paragraph (3), the plaintiff may, without the leave of the Court, amend the writ once at any time before the pleadings in the action begun by the writ are deemed to be closed.

(2) Where a writ is amended under this Rule after service thereof, then, unless the Court otherwise directs on an application made ex

parte, the amended writ must be served on each defendant to the action.

(3) This Rule shall not apply in relation to an amendment which consists of —

- (a) the addition, omission or substitution of a party to the action or an alteration of the capacity in which a party to the action sues or is sued;
- (b) the addition or substitution of a new cause of action; or
- (c) (without prejudice to Rule 3(1)) an amendment of the statement of claim (if any) endorsed on the writ,

unless the amendment is made before service of the writ on any party to the action.

### **Amendment of appearance (O. 20, r. 2)**

2. A defendant may not amend his memorandum of appearance without the leave of the Court.

### **Amendment of pleadings without leave (O. 20, r. 3)**

3.—(1) A party may, without the leave of the Court, amend any pleading of his once at any time before the pleadings are deemed to be closed and, where he does so, he must serve the amended pleading on the opposite party.

(2) Where an amended statement of claim is served on a defendant —

- (a) the defendant, if he has already served a defence on the plaintiff, may amend his defence; and
- (b) the period for service of his defence or amended defence, as the case may be, shall be either the period fixed under these Rules for service of his defence or a period of 14 days after the amended statement of claim is served on him, whichever expires later.

(3) Where an amended defence is served on the plaintiff by a defendant —

- (a) the plaintiff, if he has already served a reply on that defendant, may amend his reply; and
- (b) the period for service of his reply or amended reply, as the case may be, shall be 14 days after the amended defence is served on him.

(4) In paragraphs (2) and (3) references to a defence and a reply include references to a counterclaim and a defence to counterclaim respectively.

(5) Where an amended counterclaim is served by a defendant on a party (other than the plaintiff) against whom the counterclaim is made, paragraph (2) shall apply as if the counterclaim were a statement of claim and as if the party by whom the counterclaim is made were the plaintiff and the party against whom it is made a defendant.

(6) Where a party has pleaded to a pleading which is subsequently amended and served on him under paragraph (1), then, if that party does not amend his pleading under paragraphs (1) to (5), he shall be taken to rely on it in answer to the amended pleading, and Order 18, Rule 14(2), shall have effect in such a case as if the amended pleading had been served at the time when that pleading, before its amendment under paragraph (1), was served.

#### **Application for disallowance of amendment made without leave (O. 20, r. 4)**

4.—(1) Within 14 days after the service on a party of a writ amended under Rule 1(1) or of a pleading amended under Rule 3(1), that party may apply to the Court to disallow the amendment.

(2) Where the Court hearing an application under this Rule is satisfied that if an application for leave to make the amendment in question had been made under Rule 5 at the date when the amendment was made under Rule 1(1) or Rule 3(1) leave to make the amendment or part of the amendment would have been refused, it shall order the amendment or that part to be struck out.

(3) Any order made on an application under this Rule may be made on such terms as to costs or otherwise as the Court thinks just.

**Amendment of writ or pleading with leave (O. 20, r. 5)**

5.—(1) Subject to Order 15, Rules 6, 6A, 7 and 8 and this Rule, the Court may at any stage of the proceedings allow the plaintiff to amend his writ, or any party to amend his pleading, on such terms as to costs or otherwise as may be just and in such manner (if any) as it may direct.

(2) Where an application to the Court for leave to make the amendment mentioned in paragraph (3), (4) or (5) is made after any relevant period of limitation current at the date of issue of the writ has expired, the Court may nevertheless grant such leave in the circumstances mentioned in that paragraph if it thinks it just to do so.

(3) An amendment to correct the name of a party may be allowed under paragraph (2) notwithstanding that it is alleged that the effect of the amendment will be to substitute a new party if the Court is satisfied that the mistake sought to be corrected was a genuine mistake and was not misleading or such as to cause any reasonable doubt as to the identity of the person intending to sue or, as the case may be, intended to be sued.

(4) An amendment to alter the capacity in which a party sues (whether as plaintiff or as defendant by counterclaim) may be allowed under paragraph (2) if the capacity in which, if the amendment is made, the party will sue is one in which at the date of issue of the writ or the making of the counterclaim, as the case may be, he might have sued.

(5) An amendment may be allowed under paragraph (2) notwithstanding that the effect of the amendment will be to add or substitute a new cause of action if the new cause of action arises out of the same facts or substantially the same facts as a cause of action in respect of which relief has already been claimed in the action by the party applying for leave to make the amendment.

6. [*Deleted*]

**Amendment of originating summons (O. 20, r. 7)**

7. Rule 5 shall have effect in relation to an originating summons as it has effect in relation to a writ.

**Amendment of certain other documents (O. 20, r. 8)**

**8.**—(1) For the purpose of determining the real question in controversy between the parties to any proceedings, or of correcting any defect or error in any proceedings, the Court may at any stage of the proceedings and either of its own motion or on the application of any party to the proceedings order any document in the proceedings to be amended on such terms as to costs or otherwise as may be just and in such manner (if any) as it may direct.

(2) This Rule shall not have effect in relation to a judgment or an order.

**Failure to amend after order (O. 20, r. 9)**

**9.** Where the Court makes an order under this Order giving any party leave to amend a writ, pleading or other document, then, if that party does not amend the document in accordance with the order before the expiration of the period specified for that purpose in the order or, if no period is so specified, of a period of 14 days after the order was made, the order shall cease to have effect, without prejudice, however, to the power of the Court to extend the period.

**Mode of amendment of writ, etc. (O. 20, r. 10)**

**10.**—(1) Where the amendments authorised under any Rule of this Order to be made in a writ, pleading or other document are so numerous or of such a nature or length that to make written alterations of the document so as to give effect to them would make it difficult or inconvenient to read, a fresh document, amended as so authorised, must be prepared and, in the case of a writ or originating summons, reissued, but, except as aforesaid and subject to any direction given under Rule 5 or 8, the amendments so authorised may be effected by making in writing the necessary alterations of the document and, in the case of a writ or originating summons, causing it to be re-sealed and filing a copy thereof.

(2) A writ, pleading or other document which has been amended under this Order must be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date



thereof, or, if no such order was made, the number of the Rule of this Order in pursuance of which the amendment was made.

### **Amendment of judgment and orders (O. 20, r. 11)**

**11.** Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court by summons without an appeal.

### **Amendment of pleadings by agreement (O. 20, r. 12)**

**12.—(1)** Notwithstanding the foregoing provisions of this Order any pleading in any cause or matter may, by written agreement between the parties, be amended at any stage of the proceedings.

(2) This Rule shall not have effect in relation to an amendment to a counterclaim which consists of the addition, omission or substitution of a party.

## ORDER 21

### WITHDRAWAL AND DISCONTINUANCE

#### **Withdrawal of appearance (O. 21, r. 1)**

**1.** A party who has entered an appearance in an action may withdraw the appearance at any time with the leave of the Court.

#### **Discontinuance of action, etc., without leave (O. 21, r. 2)**

**2.—(1)** The plaintiff in an action begun by writ may, without the leave of the Court, discontinue the action, or withdraw any particular claim made by him therein, as against all or any of the defendants at any time not later than 14 days after service of the defence on him or, if there are 2 or more defendants, of the defence last served, by serving a notice in Form 30 to that effect on the defendant concerned.

(2) A defendant may, without the leave of the Court —

- (a) withdraw his defence or any part of it at any time; or
- (b) discontinue a counterclaim, or withdraw any particular claim made by him therein, as against all or any of the parties against whom it is made, at any time not later than

14 days after service on him of a defence to counterclaim or, if the counterclaim is made against 2 or more parties, of the defence to counterclaim last served,

by serving a notice in Form 30 to that effect on the plaintiff or other party concerned.

(3) Where there are 2 or more defendants to an action not all of whom serve a defence on the plaintiff, and the period fixed under these Rules for service by any of those defendants of his defence expires after the latest date on which any other defendant serves his defence, paragraph (1) shall have effect as if the reference therein to the service of the defence last served were a reference to the expiration of that period.

This paragraph shall apply in relation to a counterclaim as it applies in relation to an action with the substitution of references to a defence, to the plaintiff and to paragraph (1), with references to a defence to counterclaim, to the defendant and to paragraph (2) respectively.

(4) If all the parties to an action consent, the action may be withdrawn without the leave of the Court at any time before trial by producing to the Registrar a written consent to the action being withdrawn signed by all the parties.

(5) An action begun by writ is deemed to have been discontinued against a defendant if the memorandum of service referred to in Order 10, Rule 1(4) is not filed in respect of the service of the writ on that defendant within 12 months after the validity of the writ for the purpose of service has expired, and, within that time —

- (a) a memorandum of appearance has not been filed in the action by that defendant; and
- (b) judgment has not been obtained in the action against that defendant in respect of the whole or any part of the relief claimed against that defendant in the action.

(6) Subject to paragraph (6A), if no party to an action or a cause or matter has, for more than one year (or such extended period as the Court may allow under paragraph (6B)), taken any step or proceeding in the action, cause or matter that appears from records maintained by

the Court, the action, cause or matter is deemed to have been discontinued.

(6A) Paragraph (6) shall not apply where the action, cause or matter has been stayed pursuant to an order of court.

(6B) The Court may, on an application by any party made before the one year referred to in paragraph (6) has elapsed, extend the time to such extent as it may think fit.

(7) Paragraph (6) shall apply to an action, a cause or a matter, whether it commenced before, on or after 15th December 1999, but where the last proceeding in the action, cause or matter took place before 1st January 2000, the period of one year shall only begin on 1st January 2000.

(8) Where an action, a cause or a matter has been discontinued under paragraph (5) or (6), the Court may, on application, reinstate the action, cause or matter, and allow it to proceed on such terms as it thinks just.

### **Discontinuance of action, etc., with leave (O. 21, r. 3)**

**3.**—(1) Except as provided by Rule 2, a party may not discontinue an action (whether begun by writ or otherwise) or counterclaim, or withdraw any particular claim made by him therein, without the leave of the Court, and the Court hearing an application for the grant of such leave may order the action or counterclaim to be discontinued, or any particular claim made therein to be struck out, as against all or any of the parties against whom it is brought or made on such terms as to costs, the bringing of a subsequent action or otherwise as it thinks just.

(2) An application for the grant of leave under this Rule may be made by summons.

### **Effect of discontinuance (O. 21, r. 4)**

**4.** Subject to any terms imposed by the Court in granting leave under Rule 3, the fact that a party has discontinued or is deemed to have discontinued an action or counterclaim or withdrawn a particular claim made by him therein shall not be a defence to a subsequent action for the same, or substantially the same, cause of action.

**Stay of subsequent action until costs paid (O. 21, r. 5)**

5.—(1) Where a party has discontinued or is deemed to have discontinued an action or counterclaim or withdrawn any particular claim made by him therein and he is liable to pay any other party's costs of the action or counterclaim or the costs occasioned to any other party by the claim withdrawn, then, if before payment of those costs, he subsequently brings an action for the same, or substantially the same, cause of action, the Court may order the proceedings in that action to be stayed until those costs are paid.

(2) An application for an order under this Rule may be made by summons or by summons for directions under Order 25, Rule 7.

**Withdrawal of summons (O. 21, r. 6)**

6. A party who has taken out a summons in a cause or matter may not withdraw it without the leave of the Court.

ORDER 22

PAYMENT INTO AND OUT OF COURT

**Payment into Court (O. 22, r. 1)**

1.—(1) In any action for a debt or damages any defendant may at any time after he has entered an appearance in the action pay into Court a sum of money in satisfaction of the cause of action in respect of which the plaintiff claims or, where 2 or more causes of action are joined in the action, a sum or sums of money in satisfaction of all or any of those causes of action.

(2) On making any payment into Court under this Rule, and on increasing any such payment already made, the defendant must give notice thereof in Form 31 to the plaintiff and every other defendant (if any); and within 3 days after receiving the notice the plaintiff must send the defendant a written acknowledgment of its receipt.

(3) A defendant may, without leave, give notice of an increase in a payment made under this Rule but, subject to that and without prejudice to paragraph (5), a notice of payment may not be withdrawn

or amended without the leave of the Court which may be granted on such terms as may be just.

(4) Where 2 or more causes of action are joined in the action and money is paid into Court under this Rule in respect of all, or some only of, those causes of action, the notice of payment —

(a) must state that the money is paid in respect of all those causes of action or, as the case may be, must specify the cause or causes of action in respect of which the payment is made; and

(b) where the defendant makes separate payments in respect of each, or any 2 or more, of those causes of action, must specify the sum paid in respect of that cause or, as the case may be, those causes of action.

(5) Where a single sum of money is paid into Court under this Rule in respect of 2 or more causes of action, then, if it appears to the Court that the plaintiff is embarrassed by the payment, the Court may, subject to paragraph (6), order the defendant to amend the notice of payment so as to specify the sum paid in respect of each cause of action.

(6) Where a cause of action under section 10 of the Civil Law Act (Cap. 43) and a cause of action under section 20 of that Act are joined in an action, with or without any other cause of action, the causes of action under those sections shall, for the purpose of paragraph (5), be treated as one cause of action.

(7) For the purposes of this Rule, the plaintiff's cause of action in respect of a debt or damages shall be construed as a cause of action in respect, also, of such interest as might be included in the judgment, if judgment were given at the date of the payment into Court.

### **Payment in by defendant who has counterclaimed (O. 22, r. 2)**

2. Where a defendant, who makes by counterclaim a claim against the plaintiff for a debt or damages, pays a sum of money into Court under Rule 1, the notice of payment must state, if it be the case, that in making the payment the defendant has taken into account and intends to satisfy —

- (a) the cause of action in respect of which he claims; or
- (b) where 2 or more causes of action are joined in the counterclaim, all those causes of action or, if not all, which of them.

**Acceptance of money paid into Court (O. 22, r. 3)**

3.—(1) Where money is paid into Court under Rule 1, then subject to paragraph (2), within 14 days after receipt of the notice of payment or, where more than one payment has been made or the notice has been amended, within 14 days after receipt of the notice of the last payment or the amended notice but, in any case, before the trial or hearing of the action begins, the plaintiff may —

- (a) where the money was paid in respect of the cause of action or all the causes of action in respect of which he claims, accept the money in satisfaction of that cause of action or those causes of action, as the case may be; or
- (b) where the money was paid in respect of some only of the causes of action in respect of which he claims, accept in satisfaction of any such cause or causes of action the sum specified in respect of that cause or those causes of action in the notice of payment,

by giving notice in Form 32 to every defendant to the action.

- (2) Where after the trial or hearing of an action has begun —
  - (a) money is paid into Court under Rule 1; or
  - (b) money in Court is increased by a further payment into Court under that Rule,

the plaintiff may accept the money in accordance with paragraph (1) within 2 days after receipt of the notice of payment or notice of the further payment, as the case may be, but, in any case, before the Judge begins to deliver judgment.

(3) Rule 1(5) shall not apply in relation to money paid into Court in an action after the trial or hearing of the action has begun.

(4) On the plaintiff accepting any money paid into Court, all further proceedings in the action or in respect of the specified cause or causes

of action, as the case may be, to which the acceptance relates, both against the defendant making the payment and against any other defendant sued jointly with or in the alternative to him shall be stayed.

(5) Where money is paid into Court by a defendant who made a counterclaim and the notice of payment stated, in relation to any sum so paid, that in making the payment the defendant had taken into account and satisfied the cause or causes of action, or the specified cause or causes of action in respect of which he claimed, then, on the plaintiff accepting that sum, all further proceedings on the counterclaim or in respect of the specified cause or causes of action, as the case may be, against the plaintiff shall be stayed.

(6) A plaintiff who has accepted any sum paid into Court shall, subject to Rules 4 and 10 and Order 76, Rule 12, be entitled to receive payment of that sum in satisfaction of the cause or causes of action to which the acceptance relates.

**Order for payment out of money accepted required in certain cases (O. 22, r. 4)**

4.—(1) Where a plaintiff accepts any sum paid into Court and that sum was paid into Court —

- (a) by some but not all of the defendants sued jointly or in the alternative by him;
- (b) with a defence of tender before action; or
- (c) in satisfaction either of causes of action arising under sections 10 and 20 of the Civil Law Act (Cap. 43) or of a cause of action arising under the said section 20 where more than one person is entitled to the money,

the money in Court shall not be paid out except under paragraph (2) or in pursuance of an order of the Court, and the order shall deal with the whole costs of the action or of the cause of action to which the payment relates, as the case may be.

(2) Where an order of the Court is required under paragraph (1) by reason only of paragraph (1)(a), then, if, either before or after accepting the money paid into Court by some only of the defendants sued jointly or in the alternative by him, the plaintiff discontinues the

action against all other defendants and those defendants consent in writing to the payment out of that sum, it may be paid out without an order of the Court.

(3) Where after the trial or hearing of an action has begun a plaintiff accepts any money paid into Court and all further proceedings in the action or in respect of the specified cause or causes of action, as the case may be, to which the acceptance relates are stayed by virtue of Rule 3(4) then, notwithstanding anything in paragraph (2), the money shall not be paid out except in pursuance of an order of the Court, and the order shall deal with the whole costs of the action.

### **Money remaining in Court (O. 22, r. 5)**

5. If any money paid into Court in an action is not accepted in accordance with Rule 3, the money remaining in Court shall not be paid out except in pursuance of an order of the Court which may be made at any time before, at or after the trial or hearing of the action; and where such an order is made before the trial or hearing the money shall not be paid out except in satisfaction of the cause or causes of action in respect of which it was paid in.

### **Counterclaim (O. 22, r. 6)**

6. A plaintiff against whom a counterclaim is made and any other defendant to the counterclaim may pay money into Court in accordance with Rule 1, and that Rule and Rules 3 (except paragraph (5)), 4 and 5 shall apply accordingly with the necessary modifications.

### **Non-disclosure of payment into Court (O. 22, r. 7)**

7. Except in an action to which a defence of tender before action is pleaded, and except in an action all further proceedings in which are stayed by virtue of Rule 3(4) after the trial or hearing has begun, the fact that money has been paid into Court under Rules 1 to 6 shall not be pleaded and no communication of that fact shall be made to the Court at the trial or hearing of the action or counterclaim or of any question or issue as to the debt or damages until all questions of liability and of the amount of debt or damages have been decided.



**Money paid into Court under order of Court (O. 22, r. 8)**

**8.**—(1) Subject to paragraph (2), money paid into Court under an order of the Court or a certificate of the Registrar shall not be paid out except in pursuance of an order of the Court.

(2) Unless the Court otherwise orders, a party who has paid money into Court in pursuance of an order made under Order 14 —

- (a) may by notice to the other party appropriate the whole or any part of the money and any additional payment, if necessary, to any particular claim made in the writ or counterclaim, as the case may be, and specified in the notice; or
- (b) if he pleads a tender, may by his pleading appropriate the whole or any part of the money as payment into Court of the money alleged to have been tendered,

and money appropriated in accordance with this Rule shall be deemed to be money paid into Court in accordance with Rule 1 or money paid into Court with a plea of tender, as the case may be, and this Order shall apply accordingly.

**Payment out of money paid into Court under Exchange Control Act (O. 22, r. 9)**

**9.**—(1) Where money has been paid into Court in any cause or matter pursuant to the Exchange Control Act (Cap. 99), or an order of the Court made thereunder, any party to the cause or matter may apply for payment out of Court of that money.

(2) An application for an order under this Rule must be made by summons which must be served on all parties interested.

(3) If any person in whose favour an order for payment under this Rule is sought is resident outside the scheduled territories or will receive payment by order or on behalf of a person so resident, that fact must be stated in the summons.

(4) If the permission of the Monetary Authority of Singapore authorising the proposed payment has been given unconditionally or on conditions which have been complied with, that fact must be stated in the summons and the permission must be attached to the summons.

**Person to whom payment to be made (O. 22, r. 10)**

**10.**—(1) Where the party entitled to money in Court is a person in respect of whom a certificate is or has been in force entitling him to legal aid under the Legal Aid and Advice Act (Cap. 160), payment shall be made only to that party's solicitor, or, if he is not represented by a solicitor, then, if the Court so orders, to the Director of Legal Aid, without the need for any authority from the party.

(2) Subject to paragraph (1), payment shall be made to the party entitled or, on his written authority, to his solicitor or, if the Court so orders, to his solicitor without such authority.

(3) This Rule applies whether the money in Court has been paid into Court under Rule 1 or under the order of the Court or a certificate of the Registrar.

**Payment out: Small intestate estates (O. 22, r. 11)**

**11.** Where a person entitled to a fund in Court, or a share of such fund, dies intestate and the Court is satisfied that no grant of administration of his estate has been made and that the assets of his estate do not exceed \$50,000 in value, including the value of the fund or share, it may order that the fund or share shall be paid, transferred or delivered to the person who, being a widower, widow, child, father, mother, brother or sister of the deceased, would have the prior right to a grant of administration of the estate of the deceased.

**Payment of hospital expenses (O. 22, r. 12)**

**12.**—(1) This Rule applies in relation to an action or counterclaim for bodily injury arising out of the use of a motor vehicle on a road or any place to which the public has a right of access in which the claim for damages includes a sum for hospital expenses.

(2) Where the party against whom the claim is made, or an approved insurer within the meaning of section 4 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189), pays the amount for which that party or insurer, as the case may be, is or may be liable under that Act in respect of the treatment afforded by a hospital to the person in respect of whom the claim is made, the party against

whom the claim is made must, within 7 days after payment is made, give notice of the payment to all the other parties to the action.

## ORDER 22A

### OFFER TO SETTLE

#### **Offer to settle (O. 22A, r. 1)**

1. A party to any proceedings may serve on any other party an offer to settle any one or more of the claims in the proceedings on the terms specified in the offer to settle. The offer to settle shall be in Form 33.

#### **Timing (O. 22A, r. 2)**

2. An offer to settle may be made at any time before the Court disposes of the matter in respect of which it is made.

#### **Time for acceptance and withdrawal (O. 22A, r. 3)**

3.—(1) An offer to settle shall be open for acceptance for a period of not less than 14 days after it is served. If an offer to settle is made less than 14 days before the hearing of the matter, it shall remain open for a period of not less than 14 days unless in the meanwhile the matter is disposed of.

(2) Subject to paragraph (1), an offer to settle which is expressed to be limited as to the time within which it is open for acceptance shall not be withdrawn within that time without the leave of the Court. An offer to settle which does not specify a time for acceptance may be withdrawn at any time after the expiry of 14 days from the date of service of the offer on the other party provided that at least one day's prior notice of the intention to withdraw the offer is given.

(3) The notice of withdrawal of the offer shall be in Form 34.

(4) Where an offer to settle specifies a time within which it may be accepted and it is not accepted or withdrawn within that time, it shall be deemed to have been withdrawn when the time expires.

(5) Where an offer to settle does not specify a time for acceptance, it may be accepted at any time before the Court disposes of the matter in respect of which it is made.

**Without prejudice Rule (O. 22A, r. 4)**

4. An offer to settle shall be deemed to be an offer of compromise made without prejudice save as to costs.

**Non-disclosure (O. 22A, r. 5)**

5.—(1) An offer to settle shall not be filed and no statement of the fact that such an offer has been made shall be contained in any pleading or affidavit.

(2) Where an offer to settle is not accepted, no communication respecting the offer shall be made to the Court at the hearing of the proceeding until all questions of liability and the relief to be granted, other than costs, have been determined.

**Manner of acceptance (O. 22A, r. 6)**

6.—(1) An offer to settle shall be accepted by serving an acceptance of offer in Form 35 on the party who made the offer.

(2) Where a party to whom an offer to settle is made rejects the offer or responds with a counter-offer that is not accepted, the party may thereafter accept the original offer to settle, unless it has been withdrawn or the Court has disposed of the matter in respect of which it was made.

(3) Where an offer is accepted, the Court may incorporate any of its terms into a judgment.

**Party under disability (O. 22A, r. 7)**

7. A party under disability may make, withdraw and accept an offer to settle, but no acceptance of an offer made by him and no acceptance by him of an offer made by another party is binding on him until the settlement has been approved as provided in Order 76, Rule 10.

**Compliance with accepted offer to settle (O. 22A, r. 8)**

8.—(1) Where a party to an accepted offer to settle fails to comply with any of the terms of the accepted offer, the other party may —

- (a) make an application to a judge for judgment in the terms of the accepted offer, and the judge may grant judgment accordingly; or
- (b) continue the proceeding as if there had been no accepted offer to settle.

(2) Where the offer to settle involves the payment of money by instalments, the accepted offer to settle shall unless the parties otherwise provide be deemed to include a term that all instalments outstanding shall be immediately payable upon the failure to comply with the payment of any instalment.

### **Costs (O. 22A, r. 9)**

**9.—(1)** Where an offer to settle made by a plaintiff —

- (a) is not withdrawn and has not expired before the disposal of the claim in respect of which the offer to settle is made; and
- (b) is not accepted by the defendant, and the plaintiff obtains a judgment not less favourable than the terms of the offer to settle,

the plaintiff is entitled to costs on the standard basis to the date an offer to settle was served and costs on the indemnity basis from that date, unless the Court orders otherwise.

(2) Where an accepted offer to settle does not provide for costs —

- (a) where the offer was made by the plaintiff, he will be entitled to his costs assessed to the date that the notice of acceptance was served; and
- (b) where the offer was made by the defendant, the plaintiff will be entitled to his costs assessed to the date he was served with the offer, and the defendant will be entitled to his costs from the date 14 days after the date of the service of the offer assessed up to the date that the notice of acceptance was served.

(3) Where an offer to settle made by a defendant —

- (a) is not withdrawn and has not expired before the disposal of the claim in respect of which the offer to settle is made; and

(b) is not accepted by the plaintiff, and the plaintiff obtains judgment not more favourable than the terms of the offer to settle,

the plaintiff is entitled to costs on the standard basis to the date the offer was served and the defendant is entitled to costs on the indemnity basis from that date, unless the Court orders otherwise.

(4) (a) Any interest awarded in respect of the period before service of the offer to settle is to be considered by the Court in determining whether the plaintiff's judgment is more favourable than the terms of the offer to settle.

(b) Any interest awarded in respect of the period after service of the offer to settle is not to be considered by the Court in determining whether the plaintiff's judgment is more favourable than the terms of the offer to settle.

(5) Without prejudice to paragraphs (1), (2) and (3), where an offer to settle has been made, and notwithstanding anything in the offer to settle, the Court shall have full power to determine by whom and to what extent any costs are to be paid, and the Court may make such a determination upon the application of a party or of its own motion.

### **Joint and several liability (O. 22A, r. 10)**

**10.** Where there are 2 or more defendants, the plaintiff may offer to settle with any defendant and any defendant may offer to settle with the plaintiff, but where the defendants are alleged to be jointly or jointly and severally liable to the plaintiff in respect of a claim and rights of contribution or indemnity may exist between the defendants, the cost consequences prescribed by Rule 9 do not apply to an offer to settle unless —

(a) in the case of an offer made by the plaintiff, the offer is made to all the defendants, and is an offer to settle the claim against all the defendants; or

(b) in the case of an offer made to the plaintiff —

(i) the offer is an offer to settle the plaintiff's claim against all the defendants and to pay the costs of any defendant who does not join in making the offer; or

- (ii) the offer is made by all the defendants and is an offer to settle the claim against all the defendants, and, by the terms of the offer, they are made jointly and severally liable to the plaintiff for the whole of the offer.

### **Offer to contribute (O. 22A, r. 11)**

**11.**—(1) Where 2 or more defendants are alleged to be jointly or jointly and severally liable to the plaintiff in respect of a claim, any defendant may make to any other defendant an offer to contribute in Form 36 towards a settlement of the claim.

(2) The Court may take into account an offer to contribute in determining whether another defendant should be ordered —

- (a) to pay the costs of the defendant who made the offer; or
- (b) to indemnify the defendant who made the offer for any costs he is liable to pay to the plaintiff,

or to do both.

(3) Rules 2 to 12 shall apply to an offer to contribute as if it were an offer to settle.

### **Discretion of Court (O. 22A, r. 12)**

**12.** Without prejudice to Rules 9 and 10, the Court, in exercising its discretion with respect to costs, may take into account any offer to settle, the date the offer was made, the terms of the offer and the extent to which the plaintiff's judgment is more favourable than the terms of the offer to settle.

### **Counterclaims and third party claims (O. 22A, r. 13)**

**13.** Rules 1 to 12 shall apply, with the necessary modifications, to counterclaims and third party claims.

## ORDER 23

## SECURITY FOR COSTS

**Security for costs of action, etc. (O. 23, r. 1)**

1.—(1) Where, on the application of a defendant to an action or other proceeding in the Court, it appears to the Court —

- (a) that the plaintiff is ordinarily resident out of the jurisdiction;
- (b) that the plaintiff (not being a plaintiff who is suing in a representative capacity) is a nominal plaintiff who is suing for the benefit of some other person and that there is reason to believe that he will be unable to pay the costs of the defendant if ordered to do so;
- (c) subject to paragraph (2), that the plaintiff's address is not stated in the writ or other originating process or is incorrectly stated therein; or
- (d) that the plaintiff has changed his address during the course of the proceedings with a view to evading the consequences of the litigation,

then, if, having regard to all the circumstances of the case, the Court thinks it just to do so, it may order the plaintiff to give such security for the defendant's costs of the action or other proceeding as it thinks just.

(2) The Court shall not require a plaintiff to give security by reason only of paragraph (1)(c) if he satisfies the Court that the failure to state his address or the mis-statement thereof was made innocently and without intention to deceive.

(3) Where, on the application of a defendant to an action or other proceeding in the Court, it appears to the Court —

- (a) that a party, who is not a party to the action or proceeding (referred to hereinafter as a "non-party"), has assigned the right to the claim to the plaintiff with a view to avoiding his liability for costs; or
- (b) that the non-party has contributed or agreed to contribute to the plaintiff's costs in return for a share of any money or



property which the plaintiff may recover in the action or proceeding,

and the non-party is a person against whom a costs order may be made, then, if, having regard to all the circumstances of the case, the Court thinks it just to do so, it may order the non-party to give such security for the defendant's costs of the action or other proceeding as the Court thinks just.

(4) An application for an order under paragraph (3) shall be made by summons, which must be served on the non-party personally and on every party to the proceedings.

(5) A copy of the supporting affidavit shall be served with the summons on every person on whom the summons is required to be served.

(6) The references in paragraphs (1), (2) and (3) to a plaintiff and a defendant shall be construed as references to the person (howsoever described on the record) who is in the position of plaintiff or defendant, as the case may be, in the proceeding in question, including a proceeding on a counterclaim.

### **Manner of giving security (O. 23, r. 2)**

2. Where an order is made requiring any party to give security for costs, the security shall be given in such manner, at such time, and on such terms (if any), as the Court may direct.

### **Saving for written law (O. 23, r. 3)**

3. This Order is without prejudice to the provisions of any written law which empowers the Court to require security to be given for the costs of any proceedings.

## ORDER 24

### DISCOVERY AND INSPECTION OF DOCUMENTS

#### **Order for discovery (O. 24, r. 1)**

1.—(1) Subject to this Rule and Rules 2 and 7, the Court may at any time order any party to a cause or matter (whether begun by writ,

originating summons or otherwise) to give discovery by making and serving on any other party a list of the documents which are or have been in his possession, custody or power, and may at the same time or subsequently also order him to make and file an affidavit verifying such a list and to serve a copy thereof on the other party.

(2) The documents which a party to a cause or matter may be ordered to discover under paragraph (1) are as follows:

- (a) the documents on which the party relies or will rely; and
- (b) the documents which could —
  - (i) adversely affect his own case;
  - (ii) adversely affect another party's case; or
  - (iii) support another party's case.

(3) An order under this Rule may be limited to such documents or classes of documents only, or to only such of the matters in question in the cause or matter, as may be specified in the order.

### **Order for determination of issue, etc., before discovery (O. 24, r. 2)**

2.—(1) Where on an application for an order under Rule 1 it appears to the Court that any issue or question in the cause or matter should be determined before any discovery of documents is made by the parties, the Court may order that that issue or question be determined first.

(2) Where in an action begun by writ an order is made under this Rule for the determination of an issue or a question, Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) of that Order as requires parties to serve a notice specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application on which the order was made were a summons for directions.

### **Form of list and affidavit (O. 24, r. 3)**

3.—(1) A list of documents made in compliance with an order under Rule 1 must be in Form 37, and must enumerate the documents in a convenient order and as shortly as possible but describing each of

them or, in the case of bundles of documents of the same nature, each bundle, sufficiently to enable it to be identified.

(2) If it is desired to claim that any documents are privileged from production, the claim must be made in the list of documents with a sufficient statement of the grounds of the privilege.

(3) An affidavit made under Rule 1(1) verifying a list of documents must be in Form 38.

#### **Defendant entitled to copy of co-defendant's list (O. 24, r. 4)**

4.—(1) A defendant who has pleaded in an action shall be entitled to have a copy of any list of documents served under Rules 1, 2 and 3 on the plaintiff by any other defendant to the action; and a plaintiff against whom a counterclaim is made in an action begun by writ shall be entitled to have a copy of any list of documents served under any of those Rules on the party making the counterclaim by any other defendant to the counterclaim.

(2) A party required under paragraph (1) to supply a copy of a list of documents must supply it free of charge on a request made by the party entitled to it.

(3) Where in an action begun by originating summons the Court makes an order under Rule 1 requiring a defendant to the action to serve a list of documents on the plaintiff, it may also order him to supply any other defendant to the action with a copy of that list.

(4) In this Rule, “list of documents” includes an affidavit verifying a list of documents.

#### **Order for discovery of particular documents (O. 24, r. 5)**

5.—(1) Subject to Rule 7, the Court may at any time, on the application of any party to a cause or matter, make an order requiring any other party to make an affidavit stating whether any document specified or described in the application or any class of document so specified or described is, or has at any time been, in his possession, custody or power, and if not then in his possession, custody or power, when he parted with it and what has become of it.

(2) An order may be made against a party under this Rule notwithstanding that the party may already have made or been required to make a list of documents or an affidavit under Rule 1.

(3) An application for an order under this Rule must be supported by an affidavit stating the belief of the deponent that the party from whom discovery is sought under this Rule has, or at some time had, in his possession, custody or power, the document, or class of document, specified or described in the application and that it falls within one of the following descriptions:

- (a) a document on which the party relies or will rely;
- (b) a document which could —
  - (i) adversely affect his own case;
  - (ii) adversely affect another party's case; or
  - (iii) support another party's case;
- (c) a document which may lead the party seeking discovery of it to a train of inquiry resulting in his obtaining information which may —
  - (i) adversely affect his own case;
  - (ii) adversely affect another party's case; or
  - (iii) support another party's case.

(4) An order under this Rule shall not be made in any cause or matter in respect of any party before an order under Rule 1 has first been obtained in respect of that party, unless, in the opinion of the Court, the order is necessary or desirable.

### **Discovery against other person (O. 24, r. 6)**

6.—(1) An application for an order for the discovery of documents before the commencement of proceedings shall be made by originating summons and the person against whom the order is sought shall be made defendant to the originating summons.

(2) An application after the commencement of proceedings for an order for the discovery of documents by a person who is not a party to

the proceedings shall be made by summons, which must be served on that person personally and on every party to the proceedings.

(3) An originating summons under paragraph (1) or a summons under paragraph (2) shall be supported by an affidavit which must —

- (a) in the case of an originating summons under paragraph (1), state the grounds for the application, the material facts pertaining to the intended proceedings and whether the person against whom the order is sought is likely to be party to subsequent proceedings in Court; and
- (b) in any case, specify or describe the documents in respect of which the order is sought and show, if practicable by reference to any pleading served or intended to be served in the proceedings, that the documents are relevant to an issue arising or likely to arise out of the claim made or likely to be made in the proceedings or the identity of the likely parties to the proceedings, or both, and that the person against whom the order is sought is likely to have or have had them in his possession, custody or power.

(4) A copy of the supporting affidavit shall be served with the originating summons or summons on every person on whom the originating summons or summons is required to be served.

(5) An order for the discovery of documents before the commencement of proceedings or for the discovery of documents by a person who is not a party to the proceedings may be made by the Court for the purpose of or with a view to identifying possible parties to any proceedings in such circumstances where the Court thinks it just to make such an order, and on such terms as it thinks just.

(6) An order for the discovery of documents may —

- (a) be made conditional on the applicant's giving security for the costs of the person against whom it is made or on such other terms, if any, as the Court thinks just; and
- (b) require the person against whom the order is made to make an affidavit stating whether the documents specified or described in the order are, or at any time have been, in his possession, custody or power and, if not then in his

possession, custody or power, when he parted with them and what has become of them.

(7) No person shall be compelled by virtue of such an order to produce any document which he could not be compelled to produce —

- (a) in the case of an originating summons under paragraph (1), if the subsequent proceedings had already been commenced; and
- (b) in the case of a summons under paragraph (2), if he had been served with a subpoena to produce documents<sup>1</sup> at the trial.

(8) For the purpose of Rules 10 and 11, an application for an order under this Rule shall be treated as a cause or matter between the applicant and the person against whom the order is sought.

(9) Unless the Court orders otherwise, where an application is made in accordance with this Rule for an order, the person against whom the order is sought shall be entitled to his costs of the application, and of complying with any order made thereon on an indemnity basis.

### **Discovery to be ordered only if necessary (O. 24, r. 7)**

7. On the hearing of an application for an order under Rule 1, 5 or 6, the Court may, if satisfied that discovery is not necessary, or not necessary at that stage of the cause or matter, dismiss or, as the case may be, adjourn the application and shall in any case refuse to make such an order if and so far as it is of opinion that discovery is not necessary either for disposing fairly of the cause or matter or for saving costs.

### **Duty to discover continues throughout proceedings (O. 24, r. 8)**

8. After the making of any order under Rule 1 or 5, the party required to give discovery under any such order shall remain under a duty to continue to give discovery of all documents falling within the ambit of such order until the proceedings in which the order was made are concluded.

**Inspection of documents referred to in list (O. 24, r. 9)**

9. A party who has served a list of documents on any other party in compliance with an order under Rule 1 must allow the other party to inspect the documents referred to in the list (other than any which he objects to produce) and to take copies thereof and, accordingly, he must when he serves the list on the other party also serve on him a notice in Form 39 stating a time within 7 days after the service thereof at which the documents may be inspected at a place specified in the notice.

**Inspection of documents referred to in pleadings and affidavits (O. 24, r. 10)**

10.—(1) Any party to a cause or matter shall be entitled at any time to serve a notice in Form 40 on any other party in whose pleadings or affidavits reference is made to any document requiring him to produce that document for the inspection of the party giving the notice and to permit him to take copies thereof.

(2) The party on whom a notice is served under paragraph (1) must, within 4 days after service of the notice, serve on the party giving the notice a notice in Form 41 stating a time within 7 days after the service thereof at which the documents, or such of them as he does not object to produce, may be inspected at a place specified in the notice, and stating which (if any) of the documents he objects to produce and on what grounds.

**Order for production for inspection (O. 24, r. 11)**

11.—(1) If a party who is required by Rule 9 to serve such a notice as is therein mentioned or who is served with a notice under Rule 10(1) —

- (a) fails to serve a notice under Rule 9 or, as the case may be, Rule 10(2);
- (b) objects to produce any document for inspection; or
- (c) offers inspection at a time or place such that, in the opinion of the Court, it is unreasonable to offer inspection then or, as the case may be, there,

then, subject to Rule 13(1), the Court may, on the application of the party entitled to inspection, make an order in Form 42 for the production of the documents in question for inspection at such time and place, and in such manner, as it thinks fit.

(2) Without prejudice to paragraph (1), but subject to Rule 13(1), the Court may, on the application of any party to a cause or matter, order any other party to permit the party applying to inspect any documents in the possession, custody or power of that other party in respect of which discovery has been given under any Rule in this Order or in pursuance of any order made thereunder.

(3) An application for an order under paragraph (2) must be supported by an affidavit specifying or describing the documents of which inspection is sought and stating the belief of the deponent that they are in the possession, custody or power of the other party and that discovery has been given of them under any Rule in this Order or in pursuance of any order made thereunder.

### **Order for production to Court (O. 24, r. 12)**

**12.—**(1) At any stage of the proceedings in any cause or matter the Court may, subject to Rule 13(1), order any party to produce to the Court any document in his possession, custody or power that falls within one of the following descriptions:

- (a) documents on which a party applying relies or will rely;
- (b) documents which could —
  - (i) adversely affect a party's case; or
  - (ii) support a party's case;
- (c) documents which may lead to a train of inquiry resulting in the obtaining of information which may —
  - (i) adversely affect a party's case; or
  - (ii) support a party's case.

(2) The Court may deal with the document when produced in pursuance of an order made under paragraph (1) in such manner as it thinks fit.



**Production to be ordered only if necessary, etc. (O. 24, r. 13)**

**13.**—(1) No order for the production of any documents for inspection or to the Court shall be made under any of the foregoing Rules unless the Court is of the opinion that the order is necessary either for disposing fairly of the cause or matter or for saving costs.

(2) Where on an application under this Order for the production of any document for inspection or to the Court privilege from such production is claimed or objection is made to such production on any other ground, the Court may inspect the document for the purpose of deciding whether the claim or objection is valid.

**Production of business books (O. 24, r. 14)**

**14.**—(1) Where the production of any business books for inspection is applied for under any of the foregoing Rules, the Court may, instead of ordering the production of the original books for inspection, order a copy of any entries therein to be supplied and verified by an affidavit of some person who has examined the copy with the original books.

(2) Any such affidavit shall state whether or not there are in the original book any, and, if so what, erasures, interlineations or alterations.

(3) Notwithstanding that a copy of any entries in any book has been supplied under this Rule, the Court may order production of the book from which the copy was made.

**Document disclosure of which would be injurious to public interest: Saving (O. 24, r. 15)**

**15.** Rules 1 to 14 shall be without prejudice to any rule of law which authorises or requires the withholding of any document on the ground that the disclosure of it would be injurious to the public interest.

**Failure to comply with requirement for discovery, etc. (O. 24, r. 16)**

**16.**—(1) If any party who is required by any Rule in this Order, or by any order made thereunder, to make discovery of documents or to produce any document for the purpose of inspection or any other purpose, fails to comply with any provision of the Rules in this Order,

or with any order made thereunder, or both, as the case may be, then, without prejudice to Rule 11(1), in the case of a failure to comply with any such provision, the Court may make such order as it thinks just including, in particular, an order that the action be dismissed or, as the case may be, an order that the defence be struck out and judgment be entered accordingly.

(2) If any party or person against whom an order for discovery or production of documents is made fails to comply with it, then, without prejudice to paragraph (1), he shall be liable to committal.

(3) Service on a party's solicitor of an order for discovery or production of documents made against that party shall be sufficient service to found an application for committal of the party disobeying the order, but the party may show in answer to the application that he had no notice or knowledge of the order.

(4) A solicitor on whom such an order made against his client is served and who fails, without reasonable excuse, to give notice thereof to his client shall be liable to committal.

(5) A party who is required by any Rule in this Order, or by any order made thereunder, to make discovery of documents or to produce any document for the purpose of inspection or any other purpose, but who fails to comply with any provision of that Rule or with that order, as the case may be, may not rely on those documents save with the leave of the Court.

### **Revocation and variation of orders (O. 24, r. 17)**

17. Any order made under this Order (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the Court made or given at or before the trial of the cause or matter in connection with which the original order was made.

### **Production of certain documents in marine insurance actions (O. 24, r. 18)**

18.—(1) Where in any action relating to a marine insurance policy an application for discovery of documents is made by the insurer under Rule 1 then without prejudice to its powers under that Rule, the

Court may, if satisfied that the circumstances of the case are such that it is necessary or expedient to do so, make an order, either in Form 43 or in such other form as it thinks fit, for the production of such documents as are therein specified or described.

(2) An order under this Rule may be made on such terms, if any, as to staying proceedings in the action or otherwise, as the Court thinks fit.

**Restriction on use of privileged document, inspection of which has been inadvertently allowed (O. 24, r. 19)**

**19.** Where a party inadvertently allows a privileged document to be inspected, the party who inspected it may use it or its contents only if the leave of the Court to do so is first obtained.

ORDER 25

SUMMONS FOR DIRECTIONS

**Summons for directions (O. 25, r. 1)**

**1.—(1)** With a view to providing, in every action to which this Rule applies, an occasion for the consideration by the Court of the preparations for the trial of the action, so that —

- (a) all matters which must or can be dealt with on interlocutory applications and have not already been dealt with may so far as possible be dealt with; and
- (b) such directions may be given as to the future course of the action as appear best adapted to secure the just, expeditious and economical disposal thereof,

the plaintiff must, within one month after the pleadings in the action are deemed to be closed, take out a summons in Form 44 (referred to in these Rules as a summons for directions) returnable in not less than 14 days.

(2) This Rule applies to all actions begun by writ except —

- (a) actions in which the plaintiff or defendant has applied for judgment under Order 14;

- (b) actions in which the plaintiff or defendant has applied under Order 18, Rule 22 for trial without pleadings or further pleadings and directions have been given under that Rule;
- (c) actions in which an order has been made under Order 24, Rule 2 for the trial of the issue or question before discovery;
- (d) actions in which directions have been given under Order 29, Rule 7;
- (e) actions in which an order for the taking of an account has been made under Order 43, Rule 1;
- (f) actions which have been referred to the Registrar for trial;
- (g) actions for which automatic directions are provided by Rule 8; and
- (h) non-injury motor accident actions as defined in Order 59, Appendix 2 Part V, filed in the State Courts.

(3) [*Deleted by S 551/99*]

(4) If the plaintiff does not take out a summons for directions in accordance with paragraphs (1) and (2), the defendant or any defendant may do so or apply for an order to dismiss the action.

(5) On an application by a defendant to dismiss the action under paragraph (4), the Court may either dismiss the action on such terms as may be just or deal with the application as if it were a summons for directions.

(6) In the case of an action which is proceeding only as respects a counterclaim, references in this Rule to the plaintiff and defendant shall be construed respectively as references to the party making the counterclaim and the defendant to the counterclaim.

### **Non-injury motor accident actions (O. 25, r. 1A)**

**1A.**—(1) For non-injury motor accident actions as defined in Order 59, Appendix 2 Part V, filed in the State Courts, where parties have agreed on the issue of liability before action and the plaintiff causes a writ of summons to be issued to have damages assessed, within 14 days after the memorandum of appearance is served on the plaintiff, the plaintiff must take out a summons in

Form 45, for interlocutory judgment to be entered and for directions for the assessment of damages.

(2) If the plaintiff does not take out a summons in accordance with this Rule, paragraphs (4) and (5) of Rule 1 shall apply in relation to this Rule as they apply in relation to a summons for directions.

**Duty to consider all matters (O. 25, r. 2)**

2.—(1) When the summons for directions first comes to be heard, the Court shall consider whether —

- (a) it is possible to deal then with all the matters which, by Rules 3 to 7, are required to be considered on the hearing of the summons for directions; or
- (b) it is expedient to adjourn the consideration of all or any of those matters until a later stage.

(2) If when the summons for directions first comes to be heard, the Court considers that it is possible to deal then with all the said matters, it shall deal with them forthwith and shall endeavour to secure that all other matters which must or can be dealt with on interlocutory applications and have not already been dealt with are also then dealt with.

(3) If, when the summons for directions first comes to be heard, the Court considers that it is expedient to adjourn the consideration of all or any of the matters which, by Rules 3 to 7, are required to be considered on the hearing of the summons, the Court shall deal forthwith with such of those matters as it considers can conveniently be dealt with forthwith and adjourn the consideration of the remaining matters and shall endeavour to secure that all other matters which must or can be dealt with on interlocutory applications and have not already been dealt with are dealt with either then or at a resumed hearing of the summons for directions.

(4) If, on the summons for directions, an action is ordered to be transferred to a Family Court or the State Courts, nothing in this Order shall be construed as requiring the Court to make any further order on the summons.

*[S 671/2014 wef 01/10/2014]*

(5) If, on the summons for directions, the action or any question or issue therein is ordered to be tried before the Registrar, the Court may, without giving any further directions, adjourn the summons so that it can be heard by the Registrar, and the party required to apply to the Registrar for directions may do so by taking out a fresh summons for directions.

(6) If the hearing of the summons for directions is adjourned without a day being fixed for the resumed hearing thereof, any party may restore it to the list on 2 days' notice to the other parties.

### **Particular matters for consideration (O. 25, r. 3)**

3.—(1) On the hearing of the summons for directions, the Court shall consider the appropriate orders or directions that should be made to simplify and to expedite the proceedings and particularly —

- (a) the period within which the parties have to exchange affidavits of the evidence-in-chief of all witnesses named in the summons for directions who may give evidence at the trial;
- (b) whether the number of witnesses shall be limited to those specified in the order and whether the evidence-in-chief of the witnesses specified be each limited to a single affidavit;
- (c) the mode in which the evidence-in-chief shall be given by any witness from whom a party is unable on sufficient cause being shown to obtain an affidavit of that witness's evidence-in-chief and the manner in which the said evidence shall be disclosed to the other parties prior to the trial;
- (d) whether an order should be made limiting the number of expert witnesses;
- (e) whether the evidence-in-chief of each expert witness should be set out in a single affidavit;
- (f) whether any direction should be made for a discussion between the experts prior to the exchange of their affidavits exhibiting their reports for the purpose of requiring them to identify the issues in the proceedings and where possible,

reach agreement on an issue, and if such a direction should be made, whether —

- (i) to specify the issues which the experts are to discuss; and
  - (ii) to direct the experts to prepare a joint statement indicating the agreed issues, the issues not agreed and a summary of the reasons for any non-agreement;
- (g) the period within which objections to the contents of the affidavit or other evidence of a witness must be taken; and
- (h) whether any orders should be made pursuant to Order 20, Rule 5, Order 38, Rules 2 to 7, Order 40A, Rules 1 to 4 and Order 70, Rule 25(3).

(2) Where any party fails to comply with the Court's directions for the filing and exchange of affidavits, an application may be made by summons at any time after the default for an order to enter judgment or to dismiss the action, as the case may be, or for such other order as to costs or otherwise that the Court thinks just in the circumstances.

(3) Within 7 days after the parties have exchanged affidavits of the evidence-in-chief of all witnesses named in the summons for directions who may give evidence at the trial, the plaintiff shall file a certificate in Form 45A, signed by all parties to the action or their solicitors, to the effect that all affidavits of the evidence-in-chief of witnesses ordered or required to be exchanged pursuant to this Order have been so exchanged.

#### **Admissions and agreements to be made (O. 25, r. 4)**

4. At the hearing of the summons for directions, the Court shall endeavour to secure that the parties make all admissions and all agreements as to the conduct of the proceedings which ought reasonably to be made by them and may cause the order on the summons to record any admissions or agreements so made, and (with a view to such special order, if any, as to costs as may be just being made at the trial) any refusal to make any admission or agreement.

**Limitation of right of appeal (O. 25, r. 5)**

5. Nothing in Rule 4 shall be construed as requiring the Court to endeavour to secure that the parties shall agree to exclude or limit any right of appeal, but the order made on the summons for directions may record any such agreement.

**Duty to give all information at hearing (O. 25, r. 6)**

6.—(1) Subject to paragraph (2), no affidavit shall be used on the hearing of the summons for directions except by the leave or direction of the Court, but, subject to paragraph (4), it shall be the duty of the parties to the action and their solicitors to give all such information and produce all such documents on any hearing of the summons as the Court may reasonably require for the purposes of enabling it properly to deal with the summons. The Court may, if it appears proper to do so in the circumstances, authorise any such information or documents to be given or produced to the Court without being disclosed to the other parties but, in the absence of such authority, any information or document given or produced under this paragraph shall be given or produced to all the parties present or represented on the hearing of the summons as well as to the Court.

(2) No leave shall be required by virtue of paragraph (1) for the use of an affidavit by any party on the hearing of the summons for directions in connection with any application thereat for any order if, under any of these Rules, an application for such an order is required to be supported by an affidavit.

(3) If the Court on any hearing of the summons for directions requires a party to the action or his solicitor or counsel to give any information or produce any document and that information or document is not given or produced, then, subject to paragraph (4), the Court may —

- (a) cause the facts to be recorded in the order with a view to such special order, if any, as to costs as may be just being made at the trial; or
- (b) if it appears to the Court to be just to do so, order the whole or any part of the pleadings of the party concerned to be struck out, or, if the party is plaintiff or the claimant under a



counterclaim, order the action or counterclaim to be dismissed on such terms as may be just.

(4) Notwithstanding anything in paragraphs (1) to (3), no information or documents which are privileged from disclosure shall be required to be given or produced under this Rule by any party or by the solicitors of any party otherwise than with the consent of that party.

**Duty to make all interlocutory applications on summons for directions (O. 25, r. 7)**

7.—(1) Any party to whom the summons for directions is addressed must so far as practicable apply at the hearing of the summons for any order or directions which he may desire as to any matter capable of being dealt with on an interlocutory application in the action and must, not less than 7 days before the hearing of the summons, serve on the other parties a summons for directions specifying those orders and directions in so far as they differ from the orders and directions asked for by the summons.

(2) If the hearing of the summons for directions is adjourned and any party to the proceedings desires to apply at the resumed hearing for any order or directions not asked for by the summons, he must, not less than 7 days before the resumed hearing of the summons, serve on the other parties a summons for directions specifying those orders and directions in so far as they differ from the orders and directions asked for by the summons.

(3) [*Deleted by S 600/2012*]

**Automatic directions (O. 25, r. 8)**

8.—(1) When the pleadings in any action to which this Rule applies are deemed to be closed, the following directions shall take effect automatically:

- (a) there shall be discovery of documents within 14 days in accordance with Order 24 and inspection within 7 days thereafter, except that where liability is admitted, discovery shall be limited to discovery by the plaintiff of any document relating to damages;

- (b) subject to paragraph (3), where any party intends to place reliance at the trial on expert evidence, he shall, within 4 months, disclose the substance of that evidence to the other parties in the form of a written report, which shall be agreed if possible;
- (c) where any party intends to call any witness at the trial for the purpose of proving any photograph, sketch plan, or model or the condition of a vehicle or the maintenance or operation of traffic lights or any other evidence of a formal nature, he shall, within 4 months, disclose the evidence thereof to the other parties;
- (d) photographs, sketch plans, models and the contents of any police accident report shall be agreed if possible;
- (e) subject to sub-paragraphs (b) and (c), the parties shall, within 4 months, exchange, without filing, affidavits of the evidence-in-chief of all witnesses except any witness referred to in sub-paragraphs (b) and (c), and the plaintiff shall, within 7 days after the exchange of affidavits of evidence-in-chief, file a certificate in Form 45A, signed by all parties to the action or their solicitors, to the effect that all affidavits of evidence-in-chief of witnesses required to be exchanged pursuant to this Order have been so exchanged;
- (f) the evidence-in-chief of all witnesses shall be limited to one affidavit for each witness;
- (g) the number of witnesses shall be limited in any case to those who have deposed their evidence-in-chief by way of affidavit;
- (h) the action shall be set down within 6 months;
- (i) the Court shall be notified, on setting down, of the estimated length of trial; and
- (j) the party setting down the action shall certify that the provisions of this Rule have been complied with.

(2) Nothing in paragraph (1) shall require a party to produce a further medical report if he proposes to rely at the trial only on the report provided pursuant to Order 18, Rule 12(1A) or (1B) but, where a party claiming damages for personal injuries discloses a further report, that report shall be accompanied by a statement of the special damages claimed and, in this paragraph, “a statement of the special damages claimed” has the same meaning as in Order 18, Rule 12(1C).

(3) Where paragraph (1)(b) applies to more than one party, the reports shall be disclosed by mutual exchange, medical for medical and non-medical for non-medical, within the time provided or as soon thereafter as the reports on each side are available.

(4) Nothing in paragraph (1) shall prevent any party to an action to which this Rule applies from applying to the Court for such further or different directions or orders as may, in the circumstances, be appropriate.

(5) For the purpose of this Rule, documents relating to special damages include documents relating to any industrial disablement or sickness benefit rights, and where the claim is made under section 20 of the Civil Law Act (Cap. 43), include documents relating to any claim for dependency on the deceased.

(6) This Rule shall apply to —

(a) any action for personal injuries except —

(i) any admiralty action; and

(ii) any action where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment; and

(b) any action arising out of an accident on land due to a collision or an apprehended collision, except non-injury motor accident actions as defined in Order 59, Appendix 2 Part V, filed in the State Courts.

(7) This Rule shall not apply to actions in which any party has applied for judgment under Order 14.

9. [*Deleted by S 283/97*]

## ORDER 26

## INTERROGATORIES

**Discovery by interrogatories (O. 26, r. 1)**

1.—(1) A party to any cause or matter may, in accordance with the following provisions of this Order, serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the cause or matter which are necessary either —

- (a) for disposing fairly of the cause or matter; or
- (b) for saving costs.

(2) Without prejudice to the provisions of paragraph (1), a party may apply to the Court for an order giving him leave to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the cause or matter.

(3) A proposed interrogatory which does not relate to such a matter as is mentioned in paragraph (1) may not be administered notwithstanding that it might be admissible in oral cross-examination of a witness.

(4) In this Order —

“interrogatories without order” means interrogatories served under paragraph (1);

“ordered interrogatories” means interrogatories served under paragraph (2) or interrogatories which are required to be answered pursuant to an order made on an application under Rule 3(2) and, where such an order is made, the interrogatories shall not, unless the Court orders otherwise, be treated as interrogatories without order for the purposes of Rule 3(1).

(5) Unless the context otherwise requires, the provisions of this Order shall apply to both interrogatories without order and ordered interrogatories.

**Form and nature of interrogatories (O. 26, r. 2)**

2.—(1) Where interrogatories are served, a note at the end of the interrogatories shall specify —

- (a) a period of time (not being less than 14 days from the date of service) within which the interrogatories are to be answered;
- (b) where the party to be interrogated is a body corporate or unincorporate which is empowered by law to sue or be sued whether in its own name or in the name of an officer or other person, the officer or member on whom the interrogatories are to be served; and
- (c) where the interrogatories are to be served on 2 or more parties or are required to be answered by an agent or a servant of a party, which of the interrogatories each party or, as the case may be, an agent or servant is required to answer, and which agent or servant.

(2) Subject to Rule 5(1), a party on whom interrogatories are served shall, unless the Court orders otherwise on an application under Rule 3(2), be required to give within the period specified under Rule 2(1)(a) answers, which shall (unless the Court otherwise directs) be on affidavit.

(3) Interrogatories without order when served shall be in Form 48 save for the reference to an Order of Court. The answers to interrogatories without order shall be in Form 50 save for the reference to an Order of Court.

(4) Ordered interrogatories when served shall be in Form 48. The order for interrogatories shall be in Form 49 and the answers to ordered interrogatories shall be in Form 50.

**Interrogatories without Order (O. 26, r. 3)**

3.—(1) Interrogatories without order may be served on a party not more than twice.

(2) A party on whom interrogatories without order are served may, within 14 days of the service of the interrogatories, apply to the Court for the interrogatories to be varied or withdrawn and, on any such

application, the Court may make such order as it thinks fit (including an order that the party who served the interrogatories shall not serve further interrogatories without order).

(3) Interrogatories without order shall not be served on the Government.

#### **Ordered interrogatories (O. 26, r. 4)**

4.—(1) Where an application is made for leave to serve interrogatories, a copy of the proposed interrogatories shall be served with the summons in Form 47 or summons for directions under Order 25, Rule 7, as the case may be, by which the application is made.

(2) In deciding whether to give leave to serve interrogatories, the Court shall take into account any offer made by the party to be interrogated to give particulars, make admissions or produce documents relating to any matter in question and whether or not interrogatories without order have been administered.

#### **Objections and insufficient answers (O. 26, r. 5)**

5.—(1) Without prejudice to Rule 3(2), where a person objects to answering any interrogatory on the ground of privilege, he may take the objection in his answer.

(2) Where any person, on whom ordered interrogatories have been served, answers any of them insufficiently, the Court may make an order requiring him to make a further answer, either by affidavit or on oral examination as the Court may direct.

(3) Where any person, on whom interrogatories without order have been served, answers any of them insufficiently, the party serving the interrogatories may ask for further and better particulars of the answer given and any such request shall not be treated as service of further interrogatories for the purposes of Rule 3(1).

#### **Failure to comply with Order (O. 26, r. 6)**

6.—(1) If a party fails to answer interrogatories or to comply with an order made under Rule 5(2) or a request made under Rule 5(3), the Court may make such order as it thinks just including, in particular, an

order that the action be dismissed or, as the case may be, an order that the defence be struck out and judgment be entered accordingly.

(2) Without prejudice to paragraph (1), where a party fails to answer ordered interrogatories or to comply with an order made under Rule 5(2), he shall be liable to committal.

(3) Service on a party's solicitor of an order to answer interrogatories made against the party shall be sufficient service to found an application for committal of the party disobeying the order, but the party may show in answer to the application that he had no notice or knowledge of the order.

(4) A solicitor, on whom an order to answer interrogatories made against his client is served and who fails without reasonable excuse to give notice thereof to his client, shall be liable to committal.

#### **Use of answers to interrogatories at trial (O. 26, r. 7)**

7. A party may put in evidence at the trial of a cause or matter, or of any issue therein, some only of the answers to interrogatories, or part only of such answer, without putting in evidence the other answers or, as the case may be, the whole of that answer, but the Court may look at the whole of the answers and if of opinion that any other answer or other part of an answer is so connected with an answer or part thereof used in evidence that the one ought not to be so used without the other, the Court may direct that that other answer or part shall be put in evidence.

#### **Revocation and variation of Orders (O. 26, r. 8)**

8. Any order made under this Order (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the Court made or given at or before the trial of the cause or matter in connection with which the original order was made.

## ORDER 26A

## INTERROGATORIES BEFORE ACTION, ETC.

**Interrogatories against other person (O. 26A, r. 1)**

1.—(1) An application for an order to administer interrogatories before the commencement of proceedings shall be made by originating summons and the person against whom the order is sought shall be made defendant to the originating summons.

(2) An application after the commencement of proceedings for an order to administer interrogatories to a person who is not a party to the proceedings shall be made by summons, which must be served on that person personally and on every party to the proceedings.

(3) The originating summons under paragraph (1) or summons under paragraph (2) shall be supported by an affidavit which must —

- (a) in the case of an originating summons under paragraph (1), state the grounds for the application, the material facts pertaining to the intended proceedings and whether the person against whom the order is sought is likely to be party to subsequent proceedings in Court; and
- (b) in any case, specify the interrogatories to be administered and show, if practicable by reference to any pleading served or intended to be served in the proceedings that the answers to the interrogatories are relevant to an issue arising or likely to arise out of the claim made or likely to be made in the proceedings or the identity of the likely parties to the proceedings, or both.

(4) A copy of the supporting affidavit shall be served with the originating summons or summons on every person on whom the originating summons or summons is required to be served.

(5) An order to administer interrogatories before the commencement of proceedings or to administer interrogatories to a person who is not a party to the proceedings may be made by the Court for the purpose of or with a view to identifying possible parties to any proceedings in such circumstances where the Court thinks it just to make such an order, and on such terms as it thinks just.



**Interrogatories to be ordered only if necessary (O. 26A, r. 2)**

2. On the hearing of an application for an order under Rule 1, the Court, if satisfied that interrogatories are not necessary, or not necessary at that stage of the cause or matter, may dismiss or, as the case may be, adjourn the application and shall in any case refuse to make such an order if and so far as it is of opinion that interrogatories are not necessary either for disposing fairly of the cause or matter or for saving costs.

**Security for costs (O. 26A, r. 3)**

3. An order to administer interrogatories may be made conditional on the applicant's giving security for the costs of the person against whom it is made or on such other terms, if any, as the Court thinks just.

**Form, objections, failure to comply, etc. (O. 26A, r. 4)**

4. Order 26, Rule 2 (except Rule 2(3) thereof), and Rules 4 to 8 (except Rule 5(3)) shall apply, with the necessary modifications, to this Order.

**Costs (O. 26A, r. 5)**

5. Unless the Court orders otherwise, where an application is made in accordance with this Order, the person against whom the order is sought shall be entitled to his costs of the application, and of complying with any order made thereon on an indemnity basis.

## ORDER 27

## ADMISSIONS

**Admission of case of other party (O. 27, r. 1)**

1. Without prejudice to Order 18, Rule 13, a party to a cause or matter may give notice, by his pleading or otherwise in writing, that he admits the truth of the whole or any part of the case of any other party.

**Notice to admit facts (O. 27, r. 2)**

2.—(1) A party to a cause or matter may not later than 14 days after the cause or matter is set down for trial serve on any other party a

notice requiring him to admit, for the purpose of that cause or matter only, the facts specified in the notice.

(2) An admission made in compliance with a notice under this Rule shall not be used against the party by whom it was made in any cause or matter other than the cause or matter for the purpose of which it was made or in favour of any person other than the person by whom the notice was given, and the Court may at any time allow a party to amend or withdraw an admission so made by him on such terms as may be just.

(3) A notice to admit facts under paragraph (1) must be in Form 51 and an admission of facts under paragraph (2) in Form 52.

### **Judgment on admission of facts (O. 27, r. 3)**

3. Where admissions of fact are made by a party to a cause or matter either by his pleadings or otherwise, any other party to the cause or matter may apply to the Court for such judgment or order as upon those admissions he may be entitled to, without waiting for the determination of any other question between the parties, and the Court may give such judgment, or make such order, on the application as it thinks just.

### **Admission and production of documents specified in list of documents (O. 27, r. 4)**

4.—(1) Subject to paragraph (2) and without prejudice to the right of a party to object to the admission in evidence of any document, a party on whom a list of documents is served in pursuance of any provision of Order 24 or any order made thereunder shall, unless the Court otherwise orders, be deemed to admit —

(a) that any document described in the list as an original document is such a document and was printed, written, signed or executed as it purports respectively to have been; and

(b) that any document described therein as a copy is a true copy.

This paragraph does not apply to a document the authenticity of which the party has denied in his pleading.

(2) If before the expiration of 14 days after inspection of the documents specified in a list of documents or after the time limited for inspection of those documents expires, whichever is the later, the party to whom the list is served serves on the party whose list it is a notice stating, in relation to any documents specified therein, that he does not admit the authenticity of that document and requires it to be proved at the trial, he shall not be deemed to make any admission in relation to that document under paragraph (1).

(3) A party to a cause or matter by whom a list of documents is served on any other party in pursuance of any provision of Order 24 or any order made thereunder shall be deemed to have been served by that other party with a notice requiring him to produce at the trial of the cause or matter such of the documents specified in the list as are in his possession, custody or power.

(4) Paragraphs (1) to (3) apply in relation to an affidavit made in compliance with an order under Order 24, Rule 5, as they apply in relation to a list of documents served in pursuance of any provision of that Order or any order made thereunder.

### **Notices to admit or produce documents (O. 27, r. 5)**

**5.—**(1) Except where Rule 4(1) applies, a party to a cause or matter may within 14 days after the cause or matter is set down for trial serve on any other party a notice requiring him to admit the authenticity of the documents specified in the notice.

(2) If a party on whom a notice under paragraph (1) is served desires to challenge the authenticity of any document therein specified he must, within 14 days after service of the notice, serve on the party by whom it was given a notice stating that he does not admit the authenticity of the document and requires it to be proved at the trial.

(3) A party who fails to give a notice of non-admission in accordance with paragraph (2) in relation to any document shall be deemed to have admitted the authenticity of that document unless the Court otherwise orders.

(4) Except where Rule 4(3) applies, a party to a cause or matter may serve on any other party a notice requiring him to produce the documents specified in the notice at the trial of the cause or matter.

(5) A notice to admit, a notice of non-admission and a notice to produce documents shall be in Forms 53, 54 and 55, respectively.

## ORDER 28

### ORIGINATING SUMMONS PROCEDURE

#### **Application (O. 28, r. 1)**

1. This Order applies to all originating summons.

#### **Hearing of originating summons (O. 28, r. 2)**

2. All originating summonses shall be heard in Chambers, subject to any express provision of these Rules, any written law, any directions of the Court or any practice directions for the time being issued by the Registrar.

#### **Dispute as to jurisdiction (O. 28, r. 2A)**

**2A.**—(1) A defendant who wishes to dispute the jurisdiction of the Court in the proceedings by reason of any irregularity in the originating summons or service thereof or in any order giving leave to serve the originating summons out of the jurisdiction or extending the validity of the originating summons for the purpose of service or on any other ground shall within 21 days after service of the originating summons and supporting affidavit or affidavits on him apply to the Court for —

- (a) an order setting aside the originating summons or service of the originating summons on him;
- (b) an order declaring that the originating summons has not been duly served on him;
- (c) the discharge of any order giving leave to serve the originating summons on him out of the jurisdiction;
- (d) the discharge of any order extending the validity of the originating summons for the purpose of service;
- (e) the protection or release of any property of the defendant seized or threatened with seizure in the proceedings;

- (f) the discharge of any order made to prevent any dealing with any property of the defendant;
- (g) a declaration that in the circumstances of the case the Court has no jurisdiction over the defendant in respect of the subject-matter of the claim or the relief or remedy sought in the action; or
- (h) such other relief as may be appropriate.

(2) A defendant who wishes to contend that the Court should not assume jurisdiction over the action on the ground that Singapore is not the proper forum for the dispute shall within 21 days after service of the originating summons and supporting affidavit or affidavits on him apply to the Court for an order staying the proceedings.

(3) An application under paragraph (1) or (2) must be made by summons supported by an affidavit verifying the facts on which the application is based and a copy of the affidavit must be served with the summons.

(4) Upon the hearing of an application under paragraph (1) or (2), the Court may make such order as it thinks fit and may give such directions for its disposal as may be appropriate, including directions for the trial thereof as a preliminary issue.

### **Supporting affidavits (O. 28, r. 3)**

3.—(1) 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.

(2) Unless otherwise provided in any written law, in the case of an ex parte originating summons, the applicant must file a supporting affidavit or affidavits at the time of filing of the originating summons.

(3) Where the defendant intends to adduce evidence with reference to the originating summons served on him, he must also do so by affidavit and the affidavit or affidavits must be filed and a copy thereof must be served on the plaintiff not later than 21 days after being served

with a copy of the affidavit or affidavits by the plaintiff under paragraph (1).

(4) No further affidavit shall be received in evidence without leave of the Court.

**Directions, etc., by Court (O. 28, r. 4)**

4.—(1) The Court by whom an originating summons is heard may, if the liability of the defendant to the plaintiff in respect of any claim made by the plaintiff is established, make such order in favour of the plaintiff as the nature of the case may require, but where the Court makes an order under this paragraph against a defendant who does not appear at the hearing, the Court, if satisfied that it is just to do so, may rehear the originating summons.

(2) Unless on the first hearing of an originating summons the Court disposes of the originating summons altogether or orders the cause or matter begun by it to be transferred to a District Court or makes an order under Rule 8, the Court shall give such directions as to the further conduct of the proceedings as it thinks best adapted to secure the just, expeditious and economical disposal thereof.

(3) Without prejudice to the generality of paragraph (2), the Court shall, at as early a stage of the proceedings on the originating summons as appears to it to be practicable, consider whether there is or may be a dispute as to fact and whether the just, expeditious and economical disposal of the proceedings can accordingly best be secured by hearing the originating summons on oral evidence or mainly on oral evidence and, if it thinks fit, may order that no further evidence shall be filed and that the originating summons shall be heard on oral evidence or partly on oral evidence and partly on affidavit evidence, with or without cross-examination of any of the deponents, as it may direct.

(4) Without prejudice to the generality of paragraph (2), and subject to paragraph (3), the Court may give directions as to the filing of evidence and as to the attendance of deponents for cross-examination and any other directions.

**Adjournment of originating summons (O. 28, r. 5)**

5.—(1) The hearing of the originating summons by the Court may (if necessary) be adjourned from time to time, either generally or to a particular date, as may be appropriate, and the powers of the Court under Rule 4 may be exercised at any resumed hearing.

(2) If the hearing of the originating summons is adjourned generally, the applicant or plaintiff, as the case may be, may restore it to the list on 2 days' notice to all the other parties and any of those parties may restore it with the leave of the Court.

6. [*Deleted by S 806/2005*]

**Counterclaim by defendant (O. 28, r. 7)**

7.—(1) A defendant to an action begun by originating summons who alleges that he has any claim or is entitled to any relief or remedy against the plaintiff in respect of any matter (whenever and however arising) may make a counterclaim in the action in respect of that matter instead of bringing a separate action.

(2) A defendant who wishes to make a counterclaim under this Rule must at the first or any resumed hearing of the originating summons by the Court, but, in any case, at as early a stage in the proceedings as is practicable, inform the Court of the nature of his claim and, without prejudice to the powers of the Court under paragraph (3), the claim shall be made in such manner as the Court may direct under Rule 4 or 8.

(3) If it appears on the application of a plaintiff against whom a counterclaim is made under this Rule that the subject-matter of the counterclaim ought for any reason to be disposed of by a separate action, the Court may order the counterclaim to be struck out or may order it to be tried separately or make such other order as may be expedient.

**Continuation of proceedings as if cause or matter begun by writ (O. 28, r. 8)**

8.—(1) Where, in the case of a cause or matter begun by originating summons, it appears to the Court at any stage of the proceedings that the proceedings should for any reason be continued as if the cause or

matter had been begun by writ, it may order the proceedings to continue as if the cause or matter had been so begun and may, in particular, order that pleadings shall be delivered or that any affidavits shall stand as pleadings, with or without liberty to any of the parties to add thereto or to apply for particulars thereof.

(2) Where the Court decides to make such an order, Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) as requires parties to serve a notice specifying the orders and directions which they require and with any other necessary modifications, apply as if there had been a summons for directions in the proceedings and that order were one of the orders to be made thereon.

(3) This Rule applies notwithstanding that the cause or matter in question could not have been begun by writ.

(4) Any reference in these Rules to an action begun by writ shall, unless the context otherwise requires, be construed as including a reference to a cause or matter proceedings in which are ordered under this Rule to continue as if the cause or matter had been so begun.

### **Order for hearing or trial (O. 28, r. 9)**

**9.**—(1) Except where the Court disposes of a cause or matter begun by originating summons in Chambers or orders it to be transferred to a District Court or makes an order in relation to it under Rule 8 or some other provision of these Rules, the Court shall, on being satisfied that the cause or matter is ready for determination, make an order for the hearing or trial thereof in accordance with this Rule.

(2) Order 34, Rules 1 to 5 shall apply in relation to a cause or matter begun by originating summons and to an order made therein under this Rule as they apply in relation to an action begun by writ and shall have effect accordingly with the necessary modifications and with the further modification that for references therein to the summons for directions there shall be substituted references to the first or any resumed hearing of the originating summons by the Court.

### **Failure to prosecute proceedings with despatch (O. 28, r. 10)**

**10.**—(1) If the plaintiff in a cause or matter begun by originating summons makes default in complying with any order or direction of



the Court as to the conduct of the proceedings, or if the Court is satisfied that the plaintiff in a cause or matter so begun is not prosecuting the proceedings with due despatch, the Court may order the cause or matter to be dismissed or may make such other order as may be just.

(2) Paragraph (1) shall apply, with any necessary modifications, in relation to a defendant by whom a counterclaim is made under Rule 7 as it applies in relation to a plaintiff.

(3) Where, by virtue of an order made under Rule 8, proceedings in a cause or matter begun by originating summons are to continue as if the cause or matter had been begun by writ, paragraphs (1) and (2) shall not apply in relation to the cause or matter after the making of the order.

#### **Abatement, etc., of action (O. 28, r. 11)**

**11.** Order 34, Rule 6 shall apply in relation to an action begun by originating summons as it applies in relation to an action begun by writ.

### ORDER 29

#### INTERLOCUTORY INJUNCTIONS, INTERIM PRESERVATION OF PROPERTY, INTERIM PAYMENTS, ETC.

#### **Application for injunction (O. 29, r. 1)**

**1.—(1)** An application for the grant of an injunction may be made by any party to a cause or matter before or after the trial of the cause or matter, whether or not a claim for the injunction was included in that party's originating process, counterclaim or third party notice, as the case may be.

(2) Such application may be made by summons supported by an affidavit and where the case is one of urgency, may be made *ex parte*.

(3) The plaintiff may not make such an application before the issue of the originating process except where the case is one of urgency, and in that case —

- (a) the injunction applied for may be granted on such terms, if any, as the Court thinks fit; and
- (b) if the originating process is not issued within 2 days of the granting of the injunction, or such other period as the Court thinks fit, the Court shall on application by a defendant discharge the injunction.

(4) An order for interim injunction must be in Form 56.

**Detention, preservation, etc., of subject-matter of cause or matter (O. 29, r. 2)**

2.—(1) On the application of any party to a cause or matter, the Court may make an order for the detention, custody or preservation of any property which is the subject-matter of the cause or matter, or as to which any question may arise therein, or for the inspection of any such property in the possession of a party to the cause or matter.

(2) For the purpose of enabling any order under paragraph (1) to be carried out, the Court may by the order authorise any person to enter upon any immovable property in the possession of any party to the cause or matter.

(3) Where the right of any party to a specific fund is in dispute in a cause or matter, the Court may, on the application of a party to the cause or matter, order the fund to be paid into Court or otherwise secured.

(4) An order under this Rule may be made on such terms, if any, as the Court thinks just.

(5) An application for an order under this Rule must be made by summons.

(6) Unless the Court otherwise directs, an application by a defendant for such an order may not be made before he enters an appearance.

**Power to order samples to be taken, etc. (O. 29, r. 3)**

3.—(1) Where it considers it necessary or expedient for the purpose of obtaining full information or evidence in any cause or matter, the Court may, on the application of a party to the cause or matter, and on such terms, if any, as it thinks just, by order authorise or require any

sample to be taken of any property which is the subject-matter of the cause or matter or as to which any question may arise therein, any observation to be made on such property or any experiment to be tried on or with such property.

(2) For the purpose of enabling any order under paragraph (1) to be carried out, the Court may by the order authorise any person to enter upon any immovable property in the possession of any party to the cause or matter.

(3) Rule 2(5) and (6) shall apply in relation to an application for an order under this Rule as they apply in relation to an application for an order under that Rule.

#### **Sale of perishable property, etc. (O. 29, r. 4)**

4.—(1) The Court may, on the application of any party to a cause or matter, make an order for the sale by such person, in such manner and on such terms (if any) as may be specified in the order of any movable property which is the subject-matter of the cause or matter or as to which any question arises therein and which is of a perishable nature or likely to deteriorate if kept or which for any other good reason it is desirable to sell forthwith.

(2) Rule 2(5) and (6) shall apply in relation to an application for an order under this Rule as they apply in relation to an application for an order under that Rule.

#### **Order for early trial (O. 29, r. 5)**

5. Where on the hearing of an application, made before the trial of a cause or matter, for an injunction or the appointment of a receiver or an order under Rule 2, 3 or 4, it appears to the Court that the matter in dispute can be better dealt with by an early trial than by considering the whole merits thereof for the purposes of the application, the Court may make an order accordingly and may also make such order as respects the period before trial as the justice of the case requires.

#### **Recovery of movable property subject to lien, etc. (O. 29, r. 6)**

6. Where the plaintiff, or the defendant by way of counterclaim, claims the recovery of specific movable property and the party from

whom recovery is sought does not dispute the title of the party making the claim but claims to be entitled to retain the property by virtue of a lien or otherwise as security for any sum of money, the Court, at any time after the claim to be so entitled appears from the pleadings (if any) or by affidavit or otherwise to its satisfaction, may order that the party seeking to recover the property be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the security is claimed and such further sum (if any) for interest and costs as the Court may direct and that, upon such payment being made, the property claimed be given up to the party claiming it, but subject to the provisions of the Exchange Control Act (Cap. 99).

### **Directions (O. 29, r. 7)**

7.—(1) Where an application is made under any of the foregoing provisions of this Order, the Court may give directions as to the further proceedings in the cause or matter.

(2) If, in an action begun by writ, not being any such action as is mentioned in Order 25, Rule 1(2)(a) to (c) and (e) to (g), the Court thinks fit to give directions under this Rule before the summons for directions, Rules 2 to 7 of that Order shall, with the omission of so much of Rule 7(1) as requires parties to serve a notice specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application were a summons for directions.

### **Allowance of income of property pending trial<sup>2</sup> (O. 29, r. 8)**

8. Where any movable or immovable property forms the subject-matter of any proceedings, and the Court is satisfied that it will be more than sufficient to answer all the claims thereon for which provision ought to be made in the proceedings, the Court may at any time allow the whole or part of the income of the property to be paid, during such period as it may direct, to all or any of the parties who have an interest therein or may direct that any part of the movable property be transferred or delivered to all or any of such parties.

**Interpretation of “interim payments” (O. 29, r. 9)**

9. For the purposes of Rules 10 to 18, “interim payments”, in relation to a defendant, means a payment on account of any damages, debt or other sum (excluding costs) which he may be held liable to pay to or for the benefit of the plaintiff; and any reference to the plaintiff or defendant includes a reference to any person who, for the purpose of the proceedings, acts as litigation representative<sup>3</sup> of the plaintiff or guardian of the defendant.

**Application for interim payment (O. 29, r. 10)**

10.—(1) The plaintiff may, at any time after the writ has been served on a defendant and the time limited for him to enter appearance has expired, apply to the Court for an order requiring that defendant to make an interim payment.

(2) An application under this Rule shall be made by summons but may be included in a summons for summary judgment under Order 14.

(3) An application under this Rule shall be supported by an affidavit which shall —

- (a) verify the amount of the damages, debt or other sum to which the application relates and the grounds of the application;
- (b) exhibit any documentary evidence relied on by the plaintiff in support of the application; and
- (c) if the plaintiff’s claim is made under the Civil Law Act (Cap. 43), contain the particulars mentioned in section 20(6) of that Act.

(4) The summons and the supporting affidavit or affidavits must be filed at the same time, and must be served on the defendant against whom the order is sought within 3 days from the date of filing.

(5) Notwithstanding the making or refusal of an order for an interim payment, a second or subsequent application may be made upon cause shown.

**Order for interim payment in respect of damages (O. 29, r. 11)**

11.—(1) If, on the hearing of an application under Rule 10 in an action for damages, the Court is satisfied —

- (a) that the defendant against whom the order is sought has admitted liability for the plaintiff's damages;
- (b) that the plaintiff has obtained judgment against the defendant for damages to be assessed; or
- (c) that, if the action proceeded to trial, the plaintiff would obtain judgment for substantial damages against the defendant or, where there are 2 or more defendants, against any one or more of them,

the Court may, if it thinks fit and subject to paragraph (2), order the defendant to make an interim payment of such amount as it thinks just, not exceeding a reasonable proportion of the damages which in the opinion of the Court are likely to be recovered by the plaintiff after taking into account any relevant contributory negligence and any set-off, cross-claim or counterclaim on which the defendant may be entitled to rely.

(2) No order shall be made under paragraph (1) in an action for personal injuries if it appears to the Court that the defendant is not a person falling within one of the following categories:

- (a) a person who is insured in respect of the plaintiff's claim;
- (b) a person whose means and resources are such as to enable him to make the interim payment.

**Order for interim payment in respect of sums other than damages (O. 29, r. 12)**

12. If, on the hearing of an application under Rule 10, the Court is satisfied —

- (a) that the plaintiff has obtained an order for an account to be taken as between himself and the defendant and for any amount certified due on taking the account to be paid;
- (b) that the plaintiff's action includes a claim for possession of land and, if the action proceeded to trial, the defendant

would be held liable to pay to the plaintiff a sum of money in respect of the defendant's use and occupation of the land during the pendency of the action, even if a final judgment or order were given or made in favour of the defendant; or

- (c) that, if the action proceeded to trial, the plaintiff would obtain judgment against the defendant for a substantial sum of money apart from any damages or costs,

the Court may, if it thinks fit, and without prejudice to any contentions of the parties as to the nature or character of the sum to be paid by the defendant, order the defendant to make an interim payment of such amount as it thinks just, after taking into account any set-off, cross-claim or counterclaim on which the defendant may be entitled to rely.

### **Manner of payment (O. 29, r. 13)**

**13.**—(1) Subject to Order 76, Rule 12, the amount of any interim payment ordered to be made shall be paid to the plaintiff unless the order provides for it to be paid into Court, and where the amount is paid into Court, the Court may, on the application of the plaintiff, order the whole or any part of it to be paid out to him at such time or times as the Court thinks fit.

(2) An application under paragraph (1) for money in Court to be paid out may be made *ex parte*, but the Court may direct that the application be served on any other party.

(3) An interim payment may be ordered to be made in one sum or by such instalments as the Court thinks fit.

(4) Where a payment is ordered in respect of the defendant's use and occupation of land, the order may provide for periodical payments to be made during the pendency of the action.

### **Directions on application under Rule 10 (O. 29, r. 14)**

**14.** Where an application is made under Rule 10, the Court may give directions as to the further conduct of the action, and, so far as may be applicable, Order 25, Rules 2 to 7, shall, with the omission of so much of Rule 7(1) of that Order as requires the parties to serve a notice specifying the orders and directions which they require and with any

other necessary modifications, apply as if the application were a summons for directions, and, in particular, the Court may order an early trial of the action.

### **Non-disclosure of interim payment (O. 29, r. 15)**

**15.** The fact that an order has been made under Rule 11 or 12 shall not be pleaded and, unless the defendant consents or the Court so directs, no communication of that fact or of the fact that an interim payment has been made, whether voluntarily or pursuant to an order, shall be made to the Court at the trial, or hearing, of any question or issue as to liability or damages until all questions of liability and amount have been determined.

### **Payment into Court, etc., in satisfaction (O. 29, r. 16)**

**16.** Where, after making an interim payment, whether voluntarily or pursuant to an order, a defendant pays a sum of money into Court under Order 22, Rule 1 or makes an offer to settle under Order 22A, Rule 1, as the case may be, the notice of payment must state that the defendant has taken into account the interim payment.

### **Adjustment on final judgment or order or on discontinuance (O. 29, r. 17)**

**17.** Where a defendant has been ordered to make an interim payment or has in fact made an interim payment, whether voluntarily or pursuant to an order, the Court may, in giving or making a final judgment or order, or granting the plaintiff leave to discontinue his action or to withdraw the claim in respect of which the interim payment has been made, or at any other stage of the proceedings on the application of any party, make such order with respect to the interim payment as may be just, and in particular —

- (a) an order for the repayment by the plaintiff of all or part of the interim payment;
- (b) an order for the payment to be varied or discharged; or
- (c) an order for the payment by any other defendant of any part of the interim payment which the defendant who made it is entitled to recover from him by way of contribution or



indemnity or in respect of any remedy or relief relating to or connected with the plaintiff's claim.

### **Counterclaims and other proceedings (O. 29, r. 18)**

**18.** Rules 9 to 17 shall apply, with the necessary modifications, to any counterclaim or proceeding commenced otherwise than by writ, where one party seeks an order for an interim payment to be made by another.

## ORDER 30

### RECEIVERS

#### **Application for receiver and injunction (O. 30, r. 1)**

**1.—(1)** An application for the appointment of a receiver may be made by summons.

(2) An application for an injunction ancillary or incidental to an order appointing a receiver may be joined with the application for such order.

(3) Where the applicant wishes to apply for the immediate grant of such injunction, he may do so by *ex parte* summons supported by an affidavit.

(4) The Court hearing an application under paragraph (3) may grant an injunction restraining the party beneficially entitled to any interest in the property of which a receiver is sought from assigning, charging or otherwise dealing with that property until after the hearing of a summons for the appointment of the receiver and may require such a summons, returnable on such date as the Court may direct, to be issued.

#### **Giving of security by receiver (O. 30, r. 2)**

**2.—(1)** Where a judgment is given, or an order made, directing the appointment of a receiver, then, unless the judgment or order otherwise directs, a person shall not be appointed receiver in accordance with the judgment or order until he has given security in accordance with this Rule.

(2) Where by virtue of paragraph (1), or of any judgment or order appointing a person named therein to be receiver, a person is required to give security in accordance with this Rule, he must give security approved by the Court duly to account for what he receives as receiver and to deal with it as the Court directs.

(3) Unless the Court otherwise directs, the security shall be by guarantee or, if the amount for which the security is to be given does not exceed \$10,000, by an undertaking in Form 57.

(4) The guarantee or undertaking must be filed in the Registry.

### **Remuneration of receiver (O. 30, r. 3)**

3. A person appointed receiver shall be allowed such proper remuneration, if any, as may be fixed by the Court.

### **Receiver's accounts (O. 30, r. 4)**

4.—(1) A receiver must submit accounts to the Court at such intervals or on such dates as the Court may direct in order that they may be passed.

(2) Unless the Court otherwise directs, each account submitted by a receiver must be accompanied by an affidavit verifying it in Form 58.

(3) The receiver's accounts and affidavit (if any) must be left at the Registry, and the plaintiff or party having the conduct of the cause or matter must thereupon obtain an appointment for the purpose of passing such accounts.

(4) The passing of a receiver's accounts must be certified by the Registrar.

### **Payment of balance, etc., by receiver (O. 30, r. 5)**

5. The days on which a receiver must pay into Court the amounts shown by his account as due from him, or such part thereof as the Court may certify as proper to be paid in by him, shall be fixed by the Court.

**Default by receiver (O. 30, r. 6)**

6.—(1) Where a receiver fails to attend for the passing of any account of his, or fails to submit any accounts, make any affidavit or do any other thing which he is required to submit, make or do, he and all or any of the parties to the cause or matter in which he was appointed may be required to attend in Chambers to show cause for the failure, and the Court may, either in Chambers or after adjournment into Court, give such directions as it thinks proper including, if necessary, directions for the discharge of the receiver and the appointment of another and the payment of costs.

(2) Without prejudice to paragraph (1), where a receiver fails to attend for the passing of any accounts of his or fails to submit any accounts or fails to pay into Court on the date fixed by the Court any sum shown by his accounts as due from him, the Court may disallow any remuneration claimed by the receiver in any subsequent accounts and may, where he has failed to pay any such sum into Court, charge him with interest at the rate of 6% per annum or at such other rate as the Chief Justice may from time to time direct on that sum while in his possession as receiver.

**ORDER 31****SALE, ETC., OF IMMOVABLE PROPERTY BY ORDER OF COURT****Power to order sale of immovable property (O. 31, r. 1)**

1. Where in any cause or matter relating to any immovable property it appears necessary or expedient for the purposes of the cause or matter that the property or any part thereof should be sold, the Court may order that property or part to be sold, and any party bound by the order and in possession of that property or part, or in receipt of the rents and profits thereof, may be compelled to deliver up such possession or receipt to the purchaser or to such other person as the Court may direct.

**Manner of carrying out sale (O. 31, r. 2)**

2.—(1) Where an order is made, whether in Court or in Chambers, directing any immovable property to be sold, the Court may permit the party or person having the conduct of the sale to sell the property in such manner as he thinks fit, or may direct that the property be sold in such manner as the Court may either by the order or subsequently direct for the best price that can be obtained, and all proper parties shall join in the sale and conveyance as the Court shall direct.

(2) The Court may give such directions as it thinks fit for the purpose of effecting the sale, including, without prejudice to the generality of the foregoing words, directions —

- (a) appointing the party or person who is to have the conduct of the sale;
- (b) fixing the manner of sale, whether by contract conditional on the approval of the Court, private treaty, public auction, tender or some other manner;
- (c) fixing a reserve or minimum price;
- (d) requiring payment of the purchase money into Court or to trustees or other persons;
- (e) for settling the particulars and conditions of sale;
- (f) for obtaining evidence of the value of the property;
- (g) fixing the security (if any) to be given by the auctioneer, if the sale is to be by public auction, and the remuneration to be allowed him; and
- (h) requiring the title to be referred to an advocate and solicitor for his opinion thereon and to settle the particulars and conditions of sale.

**Certifying result of sale (O. 31, r. 3)**

3.—(1) If either the Court has directed payment of the purchase money into Court or the Court so directs, the result of a sale by order of the Court must be certified in Form 59 —

- (a) in the case of a sale by public auction, by the auctioneer who conducted the sale; and
- (b) in any other case, by the solicitor of the party or person having the conduct of the sale,

and the Court may require the certificate to be verified by the affidavit of the auctioneer or solicitor, as the case may be.

(2) The solicitor of the party or person having the conduct of the sale must file the certificate and affidavit (if any) in the Registry.

### **Mortgage, exchange or partition under order of the Court (O. 31, r. 4)**

4. Rules 2 and 3 shall, so far as applicable and with the necessary modifications, apply in relation to the mortgage, exchange or partition of any immovable property under an order of the Court as they apply in relation to the sale of any immovable property under such an order.

### **Reference of matters to advocate and solicitor (O. 31, r. 5)**

5. The Court may refer to an advocate and solicitor —

- (a) any matter relating to the investigation of the title to any property with a view to an investment of money in the purchase or on mortgage thereof, or with a view to the sale thereof;
- (b) any matter relating to the settlement of a draft of a conveyance, mortgage, settlement or other instrument; and
- (c) any other matter it thinks fit, and may act upon his opinion in the matter referred.

### **Objection to opinion of advocate and solicitor (O. 31, r. 6)**

6. Any party may object to the opinion given by the advocate and solicitor on a reference under Rule 5, and if he does so the point in dispute shall be determined by the Judge either in Chambers or in Court as he thinks fit.

ORDER 32

APPLICATIONS AND PROCEEDINGS IN CHAMBERS

**Mode of making application (O. 32, r. 1)**

1. Except as provided by Order 25, Rule 7, every application in Chambers must be made by summons in Form 60.

**Issue of summons (O. 32, r. 2)**

2.—(1) Issue of a summons by which an application in Chambers is to be made takes place on its being sealed by an officer of the Registry.

(2) A summons may not be amended after issue without the leave of the Court.

**Service of summons (O. 32, r. 3)**

3. A summons asking only for the extension or abridgment of any period of time may be served on the day before the day specified in the summons for the hearing thereof but, except as aforesaid and unless the Court otherwise orders or any of these Rules otherwise provides, a summons must be served on every other party not less than 2 clear days before the day so specified.

**Adjournment of hearing (O. 32, r. 4)**

4.—(1) The hearing of a summons may be adjourned from time to time, either generally or to a particular date, as may be appropriate.

(2) If the hearing is adjourned generally, the party by whom the summons was taken out may restore it to the list on 2 clear days' notice to all the other parties on whom the summons was served.

**Proceeding in absence of party failing to attend (O. 32, r. 5)**

5.—(1) Where any party to a summons fails to attend on the first or any resumed hearing thereof, the Court may proceed in his absence if, having regard to the nature of the application, it thinks it expedient to do so.

(2) Before proceeding in the absence of any party, the Court may require to be satisfied that the summons or, as the case may be, notice

of the time appointed for the resumed hearing was duly served on that party.

(3) Where the Court hearing a summons proceeded in the absence of a party, then, whether or not an order made on the hearing has been perfected, the Court, if satisfied that it is just to do so, may re-hear the summons.

(4) Where an application made by summons has been dismissed without a hearing by reason of the failure of the party who took out the summons to attend the hearing, the Court, if satisfied that it is just to do so, may allow the summons to be restored to the list.

### **Order made ex parte may be set aside (O. 32, r. 6)**

6. The Court may set aside an order made ex parte.

7. [*Deleted*]

8. [*Deleted by S 806/2005*]

### **Jurisdiction of Registrar (O. 32, r. 9)**

9.—(1) The Registrar of the Supreme Court shall have power to transact all such business and exercise all such authority and jurisdiction under any written law as may be transacted and exercised by a Judge in Chambers except such business, authority and jurisdiction as the Chief Justice may from time to time direct to be transacted or exercised by a Judge in person or as may by any of these Rules be expressly directed to be transacted or exercised by a Judge in person.

(2) Rule 1 shall apply in relation to the jurisdiction of the Registrar of the State Courts but with the following modifications:

(a) the reference to the Registrar of the Supreme Court shall be construed as a reference to the Registrar of the State Courts; and

(b) [*Deleted by S 708/2010*]

(c) the reference to directions which the Chief Justice may make shall be construed as a reference to directions which

the Presiding Judge of the State Courts may, with the concurrence of the Chief Justice, make.

*[S 299/2014 wef 14/04/2014]*

(3) *[Deleted by S 850/2014 wef 01/01/2015]*

### **Reference of matter to Judge (O. 32, r. 10)**

**10.** The Registrar may refer to a Judge any matter which he thinks should properly be decided by a Judge, and the Judge may either dispose of the matter or refer it back to the Registrar, as the case may be, with such directions as he thinks fit.

### **Power to direct hearing in Court (O. 32, r. 11)**

**11.—(1)** All summonses, applications or appeals shall be heard in Chambers, subject to any express provision of these Rules, any written law, any directions of the Court or any practice directions for the time being issued by the Registrar.

(2) Any matter heard in Court by virtue of paragraph (1) may be adjourned from Court into Chambers.

### **Obtaining assistance of assessors or experts (O. 32, r. 12)**

**12.** If the Court thinks it expedient in order to enable it better to determine any matter arising in proceedings in Chambers, it may obtain the assistance of an assessor or expert pursuant to Order 33 or Order 40, as the case may be.

### **Service or use of affidavit (O. 32, r. 13)**

**13.** Any party —

- (a) filing an affidavit intended to be used by him in any proceedings in Chambers; or
- (b) intending to use in any such proceedings any affidavit filed in previous proceedings,

must serve the affidavit on every other party or, as the case may be, give notice of his intention to do so.



**Disposal of matters in Chambers (O. 32, r. 14)**

14. The Judge may by any judgment or order made in Court in any proceedings direct that such matters (if any) in the proceedings as he may specify shall be disposed of in Chambers.

**Papers for use of Court, etc. (O. 32, r. 15)**

15. The original of any document which is to be used in evidence in proceedings in Chambers must, if it is available, be brought in, and copies of any such document or of any part thereof shall be supplied for the use of the Court or be given to the other parties to the proceedings.

## ORDER 33

## MODE OF TRIAL

**Mode of trial (O. 33, r. 1)**

1. Subject to the provisions of these Rules, a cause or matter, or any question or issue arising therein, may be tried before a Judge or the Registrar with or without the assistance of assessors.

**Time, etc., of trial of questions or issues (O. 33, r. 2)**

2. The Court may order any question or issue arising in a cause or matter, whether of fact or law or partly of fact and partly of law, and whether raised by the pleadings or otherwise, to be tried before, at or after the trial of the cause or matter, and may give directions as to the manner in which the question or issue shall be stated.

**Determining mode of trial (O. 33, r. 3)**

3.—(1) In every action begun by writ, an order made on the summons for directions shall determine the mode of the trial; and any such order may be varied by a subsequent order of the Court made at or before the trial.

(2) In any such action different questions or issues may be ordered to be tried by different modes of trial and one or more questions or issues may be ordered to be tried before the others.

(3) The references in this Order to the summons for directions include references to any summons or application to which, under any of these Rules, Order 25, Rules 2 to 7 are to apply, with or without modifications.

**Trial with assistance of assessors (O. 33, r. 4)**

4.—(1) This Rule applies where the Court appoints one or more assessors under section 10A or 30(4) of the Supreme Court of Judicature Act (Cap. 322) or section 33 of the State Courts Act (Cap. 321).

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(2) The assessor shall assist the Court in dealing with a matter in which the assessor has skill and experience.

(3) An assessor shall take such part in the proceedings as the Court may direct.

(4) Not less than 14 days before appointing an assessor, the Court will notify each party in writing of the name of the proposed assessor and of the qualifications of the assessor.

(5) Where any person has been proposed for appointment as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party.

(6) Any such objection must be made in writing and filed with the Court within 7 days of receipt of the notification referred to in paragraph (4) and shall be taken into account by the Court in deciding whether or not to make the appointment.

(7) The remuneration to be paid to the assessor for his services shall be determined by the Court, and shall form part of the costs of the proceedings.

(8) The Court may order any party to deposit in court a specified sum in respect of the assessor's fees and, where it does so, the assessor will not be asked to act until the sum has been deposited.

(9) Paragraphs (7) and (8) shall have no application where the remuneration of the assessor is to be paid out of moneys provided by Parliament.

**Dismissal of action, etc., after decision of preliminary issue  
(O. 33, r. 5)**

5. If it appears to the Court that the decision of any question or issue arising in a cause or matter and tried separately from the cause or matter substantially disposes of the cause or matter or renders the trial of the cause or matter unnecessary, it may dismiss the cause or matter or make such other order or give such judgment therein as may be just.

ORDER 34

SETTING DOWN FOR TRIAL OF ACTION BEGUN BY WRIT

**Application and interpretation (O. 34, r. 1)**

1. This Order applies to actions begun by writ and, accordingly, reference in this Order to an action shall be construed as references to an action so begun.

**Time for setting down action (O. 34, r. 2)**

2.—(1) Every order made on a summons for directions shall fix a period within which the plaintiff is to set down the action for trial and must contain an estimate of the length of the trial and specify the number of witnesses, if any.

(2) Where the plaintiff does not, within the period fixed under paragraph (1), set down for trial, the defendant may set the action down for trial or may apply to the Court to dismiss the action for want of prosecution and, on the hearing of any such application, the Court may order the action to be dismissed accordingly or may make such order as it thinks just.

(3) An action set down for trial must contain an estimate of the length of the trial and specify the number of witnesses (if any) and shall, subject to any directions under Rule 4, specify the list in which the action is to be put.

**Filing documents when setting down and notification of setting down (O. 34, r. 3)**

3.—(1) The party setting down an action for trial must file with the Registrar a notice for setting down an action for trial in Form 61 together with a bundle for the use of the Judge consisting of one copy of each of the following documents:

- (a) the writ;
- (b) the pleadings (including any affidavits ordered to stand as pleadings), any notice or order for particulars and the particulars given; and
- (c) all orders made on the summons for directions.
- (d) [*Deleted by S 637/2006*]

(2) The bundle must be bound up in the proper chronological order and have endorsed thereon the names, addresses and telephone numbers of the solicitors for the parties or, in the case of a party who has no solicitor, of the party himself.

(3) The notice for setting down an action for trial must be served on all other parties to the action within 24 hours from the time that the notice is filed.

**Filing documents prior to trial (O. 34, r. 3A)**

3A.—(1) The following documents must be filed not less than 5 days before the trial of an action:

- (a) the originals of the affidavit of the evidence-in-chief of all witnesses;
- (b) a bundle of all documents that will be relied on or referred to in the course of the trial by any party, including any documents that are exhibited to the affidavits of the evidence-in-chief of all witnesses; and
- (c) where the trial is in the High Court, opening statements of all parties as may be prescribed in any practice directions for the time being issued by the Registrar.

(2) Each party shall file the affidavits of the evidence-in-chief of that party's witnesses.

(3) The contents of the bundle of the documents referred to in paragraph (1)(b) shall be agreed on between all parties as far as possible and this bundle of agreed documents shall be filed by the plaintiff.

(4) If the parties are unable to agree on the inclusion of certain documents, those documents on which agreement cannot be reached shall be included in separate bundles, and each such bundle shall be filed by the party that intends to rely on or refer to the documents in that bundle at the same time as the bundle of documents referred to in paragraph (1)(b).

(5) The documents contained in bundles must be arranged chronologically or in some logical order and must be paginated.

(6) Care must be taken to avoid duplication within the same bundle.

(7) The contents and format of every bundle of documents filed in pursuance of this Rule shall comply with the requirements laid down in any practice directions for the time being issued by the Registrar.

(8) Any party may apply at any time to the Registrar for directions as to the filing, bundling and organisation of documents intended to be used at the trial of the action, and, on such application, the Registrar may make such order or give such direction as he thinks is necessary to achieve the just, expeditious and economical conduct of the trial of the action.

#### **Directions relating to lists (O. 34, r. 4)**

**4.** Nothing in this Order shall prejudice any power of the Chief Justice or the Presiding Judge of the State Courts, as the case may be, to give directions —

- (a) specifying the lists in which actions, or actions of any class or description, are to be set down for trial and providing for the keeping and publication of the lists;
- (b) providing for the determination of a date for the trial of any action which has been set down or a date before which the trial thereof is not to take place; and

- (c) as to the making of applications (whether to a Court or a Judge or the Registrar) to fix, vacate or alter any such date, and, in particular, requiring any such application to be supported by an estimate of the length of the trial and any other relevant information.

*[S 299/2014 wef 14/04/2014]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

### **Duty to furnish information (O. 34, r. 5)**

5. It shall be the duty of all parties to an action entered in any list to furnish without delay to the Registrar all available information as to the action being or being likely to be settled, or affecting the estimated length of the trial, and, if the action is settled or withdrawn, to notify the Registrar of the fact without delay.

### **Abatement, etc., of action (O. 34, r. 6)**

6. Where after an action has been set down for trial the action becomes abated, or the interest or liability of any party to the action is assigned or transmitted to or devolves on some other person, the solicitor for the plaintiff or other party having the conduct of the action must, as soon as practicable after becoming aware of it, certify the abatement or change of interest or liability and send the certificate to the Registrar.

## ORDER 34A

### PRE-TRIAL CONFERENCES

### **Power to make orders and give directions for the just, expeditious and economical disposal of proceedings (O. 34A, r. 1)**

1.—(1) Notwithstanding anything in these Rules, the Court may, at any time after the commencement of any proceedings, of its own motion direct any party or parties to those proceedings to appear before it, in order that the Court may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter.

(1A) Where the Court makes orders or gives directions under paragraph (1), it may take into account whether or not a party has complied with any relevant pre-action protocol or practice direction for the time being issued by the Registrar.

(2) Where any party fails to comply with any order made or direction given by the Court under paragraph (1), the Court may dismiss the action, strike out the defence or counterclaim or make such other order as it thinks fit.

(3) The Court may, in exercising its powers under paragraph (1), make such order as to costs as it thinks fit.

(4) Any judgment, order or direction given or made against any party who does not appear before the Court when directed to do so under paragraph (1) may be set aside or varied by the Court on such terms as it thinks just.

**1A.** [*Deleted by S 850/2014 wef 01/01/2015*]

**Pre-trial conferences to be held when directed by the Court  
(O. 34A, r. 2)**

**2.—(1)** Without prejudice to Rule 1, at any time before any action or proceedings are tried, the Court may direct parties to attend a pre-trial conference relating to the matters arising in the action or proceedings.

(2) At the pre-trial conference, the Court may consider any matter including the possibility of settlement of all or any of the issues in the action or proceedings and require the parties to furnish the Court with any such information as it thinks fit, and may also give all such directions as appear to be necessary or desirable for securing the just, expeditious and economical disposal of the action or proceedings.

(3) The Court, having made directions under Rule 2(2) or Rule 3 may either on its own motion or upon the application of any party, if any party defaults in complying with any such directions, dismiss such action or proceedings or strike out the defence or counterclaim or enter judgment or make such order as it thinks fit.

(4) Any judgment or order made under Rule 2(3) may be set aside by the Court, on the application of the party, on such terms, if any, as it thinks just.

(5) [*Deleted by S 283/97*]

(6) At any time during the pre-trial conference where the parties are agreeable to a settlement of some or all of the matters in dispute in the action or proceedings, the Court may enter judgment in the action or proceedings or make such order to give effect to the settlement.

### **Notification of pre-trial conferences (O. 34A, r. 3)**

3. All parties shall be informed of the date and time appointed for the holding of the pre-trial conference by way of a notice in accordance with Form 64, and each party shall comply with any directions contained in such notice.

### **Attendance at pre-trial conferences by solicitor or in person as directed by the Court (O. 34A, r. 4)**

4. Parties to the action or proceedings may be represented at the pre-trial conference by their solicitor, if any, but may, if they so desire, with the leave of the Court, attend the pre-trial conference personally, at the time originally appointed or as adjourned, in addition to their solicitor.

### **Adjourned and subsequent pre-trial conferences (O. 34A, r. 5)**

5. A pre-trial conference may be adjourned from time to time, either generally or to a particular date, as may be appropriate.

### **Failure to appear of one or more of the parties (O. 34A, r. 6)**

6.—(1) If, at the time appointed for the pre-trial conference, one or more of the parties fails to attend, the Court may dismiss the action or proceedings or strike out the defence or counterclaim or enter judgment or make such other order as the Court thinks fit.

(2) An order made by the Court in the absence of a party concerned or affected by the order may be set aside by the Court, on the application of that party, on such terms as it thinks just.

(3) Without prejudice to the preceding paragraphs of this Rule, where one or more of the parties to the action or proceedings fails to attend the pre-trial conference, the Court may, if it thinks fit, adjourn the conference.



**Non-disclosure (O. 34A, r. 7)**

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

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

ORDER 35

PROCEEDINGS AT TRIAL

**Failure to appear by both parties or one of them (O. 35, r. 1)**

1.—(1) If, when the trial of an action is called on, neither party appears, the Judge may dismiss the action or make any other order as he thinks fit.

(2) If, when the trial of an action is called on, one party does not appear, the Judge may proceed with the trial of the action or any counterclaim in the absence of that party, or may without trial give judgment or dismiss the action, or make any other order as he thinks fit.

**Judgment, etc., given in absence of party may be set aside (O. 35, r. 2)**

2.—(1) Any judgment or order made under Rule 1 may be set aside by the Court on the application of any party on such terms as the Court thinks just.

(2) Unless the Court otherwise orders, an application under this Rule must be made within 14 days after the date of the judgment or order.

**Adjournment of trial (O. 35, r. 3)**

3. The Judge may, if he thinks it expedient in the interest of justice, adjourn a trial for such time, and upon such terms, if any, as he thinks fit.

**Order of speeches (O. 35, r. 4)**

4.—(1) The Judge before whom an action is tried may give directions as to the party to begin and the order of speeches at the trial and, subject to any such directions, the party to begin and the order of speeches shall be that provided by this Rule.

(2) Subject to paragraph (6), the plaintiff shall begin by opening his case.

(3) If the defendant elects not to adduce evidence, then, whether or not the defendant has in the course of cross-examination of a witness for the plaintiff or otherwise put in a document, the plaintiff may, after the evidence on his behalf has been given, make a second speech closing his case and the defendant shall then state his case.

(4) If the defendant elects to adduce evidence, he may, after any evidence on behalf of the plaintiff has been given, open his case and, after the evidence on his behalf has been given, make a second speech closing his case, and at the close of the defendant's case the plaintiff may make a speech in reply.

(5) Where there are 2 or more defendants who appear separately or are separately represented, then —

- (a) if none of them elects to adduce evidence, each of them shall state his case in the order in which his name appears on the record;
- (b) if each of them elects to adduce evidence, each of them may open his case and the evidence on behalf of each of them shall be given in the order aforesaid and the speech of each of them closing his case shall be made in that order after the evidence on behalf of all the defendants has been given; and
- (c) if some of them elect to adduce evidence and some do not, those who do not shall state their cases in the order

aforsaid after the speech of the plaintiff in reply to the other defendants.

(6) Where the burden of proof of all the issues in the action lies on the defendant or, where there are 2 or more defendants and they appear separately or are separately represented, on one of the defendants, the defendant or that defendant, as the case may be, shall be entitled to begin, and in that case paragraphs (2), (3) and (4) shall have effect in relation to, and as between, him and the plaintiff as if for references to the plaintiff and the defendant there were substituted references to the defendant and the plaintiff respectively.

(7) Where, as between the plaintiff and any defendant, the party who would, but for this paragraph, be entitled to make the final speech raises any fresh point of law in that speech or cites in that speech any authority not previously cited, the opposite party may make a further speech in reply, but only in relation to that point of law or that authority, as the case may be.

**4A.** [*Deleted by S 850/2014 wef 01/01/2015*]

### **Inspection by Judge (O. 35, r. 5)**

5. The Judge by whom any cause or matter is tried may inspect any place or thing with respect to which any question arises in the cause or matter. All such expenses shall be costs in the proceedings.

### **Death of party before giving of judgment (O. 35, r. 6)**

6. Where a party to any action dies after the finding of the issues of fact and before judgment is given, judgment may be given notwithstanding the death, but the foregoing provision shall not be taken as affecting the power of the Judge to make an order under Order 15, Rule 7(2) before giving judgment.

### **Records to be made by Registrar or proper officer of Court (O. 35, r. 7)**

7.—(1) The Registrar or the proper officer of the Court must record the time at which the trial commences and terminates, and the time actually occupied on each day on which the trial takes place.

(2) At the conclusion of the trial of any action, the Registrar or the said officer must record the judgment given by the Judge, and any order made by the Judge as to costs.

(3) The certificate of the Registrar or the said officer in Form 65 shall be sufficient authority for the proper officer in the Registry to enter judgment accordingly.

### **List of exhibits (O. 35, r. 8)**

**8.**—(1) The Registrar or the proper officer of the Court shall take charge of every document or object put in as an exhibit during the trial of any action and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put in or the witness by whom it is proved, and with a number, so that all the exhibits put in by a party, or proved by a witness, are numbered in one consecutive series.

In this paragraph, a witness by whom an exhibit is proved includes a witness in the course of whose evidence the exhibit is put in.

(2) The Registrar or the said officer shall cause a list of all the exhibits in the action to be included in the certificate in Form 65, and any party may, on payment of the prescribed fee, have a copy of that list.

(3) The certificate in Form 65 when completed shall be attached to the pleadings and shall form part of the record of the action.

(4) For the purpose of this Rule a bundle of documents may be treated and counted as one exhibit.

### **Custody of exhibit after trial (O. 35, r. 9)**

**9.**—(1) The Registrar shall retain all exhibits in his custody duly marked or labelled so that in the event of an appeal to the High Court or the Court of Appeal, he may be able to produce the exhibits so marked or labelled at the hearing of the appeal.

(2) After the expiration of the time for appealing and if no appeal has been brought, or after the final disposal of the appeal, as the case may be, the exhibits shall be returned on request of the respective parties who put them in:

Provided that where the claim or counterclaim is for money due under a negotiable instrument which is received in evidence, the negotiable instrument must be retained in the Registry and must not be delivered out of the custody of the Registry except upon an order of the Registrar.

### **Impounded documents (O. 35, r. 10)**

**10.**—(1) Documents impounded by order of the Court shall not be delivered out of the custody of the Court except in compliance with an order made by a Judge on an application:

Provided that where the Attorney-General makes a written request in that behalf, documents so impounded shall be delivered into his custody.

(2) Documents impounded by order of the Court, while in the custody of the Court, shall not be inspected except by a person authorised to do so by an order signed by a Judge.

### **Continuation of hearing by another Judge (O. 35, r. 11)**

**11.**—(1) When a Judge who has commenced the hearing of a cause or matter is unable through death, illness or other cause to conclude the hearing or trial, the Chief Justice or the Presiding Judge of the State Courts, as the case may be, may nominate another Judge to continue the hearing.

*[S 299/2014 wef 14/04/2014]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(2) Nothing herein shall prevent the Judge so nominated from recalling all or any of the witnesses or taking their evidence afresh.

## ORDER 36

### TRIALS BEFORE AND INQUIRIES BY REGISTRAR

#### **Power to order trial before Registrar (O. 36, r. 1)**

**1.** If in any cause or matter, the Court considers, upon application by any party or on its own motion, that having regard to the nature of the

case it is desirable (whether on grounds of expedition, economy or convenience or otherwise) in the interests of one or more of the parties, the Court may order that the cause or matter, or any question or issue of fact arising therein, shall be tried before the Registrar.

### **Trial before, and inquiry by, Registrar (O. 36, r. 2)**

2. The Court may, with the consent of the parties to any cause or matter, order that the cause or matter, or any question or issue of fact arising therein, be tried before the Registrar.

## ORDER 37

### ASSESSMENT OF DAMAGES

#### **Assessment of damages by Registrar (O. 37, r. 1)**

1.—(1) Where judgment is given for damages to be assessed and no provision is made by the judgment as to how they are to be assessed, the damages shall, subject to the provisions of this Order, be assessed by the Registrar, and the party entitled to the benefit of the judgment shall, within one month from the date of the judgment, apply to the Registrar for directions and the provisions of Order 25, Rule 3 shall, with the necessary modifications, apply.

(2) On the hearing of the application for directions, the Registrar may, in addition to making such orders as are necessary and appropriate under Order 25, Rule 3, give directions as to the time by which a notice of appointment for assessment of damages shall be filed and such notice upon being filed must, notwithstanding anything in Order 62, Rule 10, be served not later than 7 days thereafter on the party against whom the judgment is given.

(3) If the party entitled to the benefit of the judgment fails to comply with paragraph (1), the Court may, on the application of the party against whom the judgment is given, proceed to assess damages or make such other order as it thinks just.

(4) The attendance of witnesses and the production of documents before the Registrar in proceedings under this Order may be compelled by subpoena, and the provisions of Order 35 shall, with

the necessary adaptations, apply in relation to those proceedings as they apply in relation to proceedings at the trial.

(5) Subject to any directions given by the Registrar pursuant to this Rule, the party entitled to the benefit of the judgment must file a notice of appointment for assessment of damages within 6 months of the date of judgment.

(6) A party shall not file a notice of appointment for assessment of damages by the Registrar pursuant to this Rule unless directions for filing and exchange of affidavit evidence pursuant to Order 25, Rule 3 or 8 have been given or complied with, as the case may be.

(7) If that party does not file the notice of appointment for assessment of damages within the prescribed period, any other party may apply for directions.

### **Certificate of amount of damages (O. 37, r. 2)**

2. Where in pursuance of this Order or otherwise damages are assessed by the Registrar, he shall certify the amount of the damages.

### **Default judgment against some but not all defendants (O. 37, r. 3)**

3. Where any such judgment as is mentioned in Rule 1 is given in default of appearance or in default of defence, and the action proceeds against other defendants, the damages under the judgment shall be assessed at the trial unless the Court otherwise orders.

### **Power to order assessment by Registrar or at trial (O. 37, r. 4)**

4. The Court may, in the case of any such judgment as is mentioned in Rule 1, order either —

- (a) that the assessment of the damages shall be made by the Registrar; or
- (b) that the action shall proceed to trial before a Judge as respects the damages,

and where the Court orders that the action shall proceed to trial, Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) of that Order as requires the parties to serve a notice specifying the

orders and directions which they desire and with any other necessary modifications, apply as if the application to the Court, in pursuance of which the Court makes the order, were a summons for directions under Order 25.

### **Assessment of value (O. 37, r. 5)**

5. Rules 1 to 4 shall apply in relation to a judgment for the value of goods to be assessed, with or without damages to be assessed, as they apply to a judgment for damages to be assessed, and references in those provisions to the assessment of damages shall be construed accordingly.

### **Assessment of damages to time of assessment (O. 37, r. 6)**

6. Where damages are to be assessed (whether under this Order or otherwise) in respect of any continuing cause of action, they shall be assessed down to the time of the assessment.

### **Application and interpretation (O. 37, r. 7)**

7.—(1) This Rule and Rules 8 to 10 shall apply to actions for damages for personal injuries.

(2) In the following Rules of this Order, “award of provisional damages” means an award of damages for personal injuries under which —

- (a) damages are assessed on the assumption that a contingency will not happen; and
- (b) the injured person is entitled to apply for further damages at a future date if the contingency happens.

### **Order for provisional damages (O. 37, r. 8)**

8.—(1) The Court may, on such terms as it thinks just and subject to the provisions of this Rule, make an award of provisional damages if the plaintiff has pleaded a claim for provisional damages.

(2) An order for an award of provisional damages shall specify the contingency in respect of which an application may be made at a future date, and shall also, unless the Court otherwise determines, specify the period within which such application may be made.



(3) The Court may, on the application of the plaintiff made within the period, if any, specified in paragraph (2), by order extend that period if it thinks it just to do so, and the plaintiff may make more than one such application.

(4) An order for an award of provisional damages may be made in respect of more than one contingency and may in respect of each contingency specify a different period within which an application may be made at a future date.

(5) Orders 13 and 19 shall not apply in relation to an action in which the plaintiff claims provisional damages.

### **Offer to submit to an award (O. 37, r. 9)**

**9.**—(1) Where an application is made for an award of provisional damages, any defendant may at any time (whether or not he makes a payment into Court or makes an offer to settle) make a written offer to the plaintiff —

(a) to tender a sum of money (which may include an amount to be specified, in respect of interest) in satisfaction of the plaintiff's claim for damages assessed on the assumption that the injured person will not develop the contingency and identifying the contingency in question; and

(b) to agree to the making of an award of provisional damages.

(2) Any offer made under paragraph (1) shall not be brought to the attention of the Court until after the Court has determined the claim for an award of provisional damages.

(3) Where an offer is made under paragraph (1), the plaintiff may, within 21 days after receipt of the offer, give written notice to the defendant of his acceptance of the offer and shall on such acceptance make an application to the Court for an order in accordance with the provisions of Rule 8(2).

### **Application for award of further damages (O. 37, r. 10)**

**10.**—(1) This Rule shall apply where the plaintiff, pursuant to an award of provisional damages, claims further damages.

(2) No application for further damages may be made after the expiration of the period, if any, specified under Rule 8(2), or of such period as extended under Rule 8(3).

(3) The plaintiff shall give not less than 3 months' written notice to the defendant of his intention to apply for further damages and, if the defendant is to the plaintiff's knowledge insured in respect of the plaintiff's claim, to the insurers.

(4) The plaintiff must take out a summons for directions as to the future conduct of the action within 21 days after the expiry of the period of notice referred to in paragraph (3).

(5) On the hearing of the summons for directions, the Court shall give such directions as may be appropriate for the future conduct of the action, including, but not limited to the disclosure of medical reports and the place and date of the hearing of the application for further damages.

(6) Only one application for further damages may be made in respect of each contingency specified in the order for the award of provisional damages.

(7) The provisions of Order 29 with regard to the making of interim payments shall apply, with the necessary modifications, where an application is made under this Rule.

(8) The Court may include in an award of further damages simple interest at such rate as it thinks fit on all or any part thereof for all or any part of the period between the date of notification of the plaintiff's intention to apply for further damages and the date of the award.

## ORDER 38

### EVIDENCE: GENERAL

#### **General rule: Witnesses to be examined (O. 38, r. 1)**

1. Subject to these Rules and the Evidence Act (Cap. 97), and any other written law relating to evidence, any fact required to be proved at the trial of any action begun by writ by the evidence of witnesses shall be proved by the examination of the witnesses in open Court.

**Evidence by affidavit (O. 38, r. 2)**

2.—(1) Without prejudice to the generality of Rule 1, and unless otherwise provided by any written law or by these Rules, at the trial of an action commenced by writ, evidence-in-chief of a witness shall be given by way of affidavit and, unless the Court otherwise orders or the parties to the action otherwise agree, such a witness shall attend trial for cross-examination and, in default of his attendance, his affidavit shall not be received in evidence except with the leave of the Court.

(2) In any cause or matter begun by originating summons and on any application made by summons, evidence shall be given by affidavit unless in the case of any such cause, matter or application any provision of these Rules otherwise provides or the Court otherwise directs, but the Court may, on the application of any party, order the attendance for cross-examination of the person making any such affidavit, and where, after such an order has been made, the person in question does not attend, his affidavit shall not be used as evidence without the leave of the Court.

(3) Unless the Court otherwise orders, no deponent to an affidavit may at the trial or hearing of any cause or matter give evidence-in-chief, the substance of which is not contained in his affidavit except in relation to matters which have arisen after the filing of the affidavit.

(4) Notwithstanding paragraph (1), (2) or (3), the Court may, if it thinks just, order that evidence of a party or any witness or any part of such evidence be given orally at the trial or hearing of any cause or matter.

(5) Nothing in this Rule shall make admissible evidence which if given orally would be inadmissible.

**Evidence by particular facts (O. 38, r. 3)**

3.—(1) Without prejudice to Rule 2, the Court may, at or before the trial of any action, order that evidence of any particular fact shall be given at the trial in such manner as may be specified by the order.

(2) The power conferred by paragraph (1) extends in particular to ordering that evidence of any particular fact may be given at the trial —

- (a) by statement on oath of information or belief;
- (b) by the production of documents or entries in books;
- (c) by copies of documents or entries in books; or
- (d) in the case of a fact which is or was a matter of common knowledge either generally or in a particular place, by the production of a specified newspaper which contains a statement of that fact.

#### **Notice requirements to admit hearsay evidence (O. 38, r. 4)**

4.—(1) For the purposes of admitting statements in evidence under section 32(1) of the Evidence Act (Cap. 97), the notice requirements which must be complied with by a party to the proceedings pursuant to section 32(4)(b) of that Act are as follows:

- (a) the party has previously served a notice in writing in Form 66A (in the case of a statement not made in a document) or Form 66B (in the case of a statement made in a document) on each of the other parties of his intention to introduce the evidence that is contained in the affidavit of evidence-in-chief of the witness through whom the statement is to be admitted;
- (b) the notice must be served no later than 2 weeks after the service of the affidavit of evidence-in-chief of the witness through whom the statement is to be admitted, or at such other time as the Court may allow;
- (c) the notice must state on which of the grounds in section 32(1) of the Evidence Act it is claimed that the statement is admissible;
- (d) in the case of a statement not made in a document, the notice must state the manner in which it was made (whether orally or otherwise) and must also state —
  - (i) the time and place at which the statement was made;
  - (ii) the name of the maker of the statement and (unless he is dead) his address, if known;

- (iii) if the maker of the statement is dead, the date of the death of the maker, to the best of the information and belief of the party serving the notice;
  - (iv) the name and address of the person who heard or otherwise perceived the statement being made; and
  - (v) the substance of the statement or, if it was made orally and the actual words used in making it are material, the words used; and
- (e) in the case of a statement made in a document, the notice must contain or have attached to it a copy of that document or the relevant part of that document, and, if the information is not readily apparent from the document or the relevant part of the document, must also state —
- (i) the matters mentioned in paragraph (d)(i), (ii) and (iii);
  - (ii) if the maker of the document is different from the maker of the statement, the name of the maker of the document and (unless he is dead) his address, if known; and
  - (iii) if the maker of the document is dead, the date of the death of the maker, to the best of the information and belief of the party serving the notice.

(2) Notwithstanding paragraph (1)(e), where a statement which is the subject of a notice referred to in paragraph (1) is made in a document contained in a list of documents served by the plaintiff (or defendant) pursuant to any order made by the Court under Order 24, Rule 1, this notice need not contain or have attached to it a copy of that document.

### **Limitation of plans, etc., in evidence (O. 38, r. 5)**

5. Unless, at or before the trial, the Court for special reasons otherwise orders, no plan, photograph or model shall be receivable in evidence at the trial of an action unless at least 21 days before the commencement of the trial the parties, other than the party producing

it, have been given an opportunity to inspect it and to agree to the admission thereof without further proof.

6. [*Deleted by S 281/91 and S 59/92*]

### **Revocation or variation of orders under Rules 2 to 5 (O. 38, r. 7)**

7. Any order under Rules 2 to 5 (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order of the Court made at or before the trial.

### **Application to trials of issues, references, etc. (O. 38, r. 8)**

8. Rules 1 to 7 shall apply to trials of issues or questions of fact or law, references, inquiries and assessments of damages as they apply to the trial of actions.

### **Depositions when receivable in evidence at trial (O. 38, r. 9)**

9.—(1) No deposition taken in any cause or matter shall be received in evidence at the trial of the cause or matter unless —

- (a) the deposition was taken in pursuance of an order under Order 39, Rule 1; and
- (b) either the party against whom the evidence is offered consents or it is proved to the satisfaction of the Court that the deponent is dead, or beyond the jurisdiction of the Court or unable from sickness or other infirmity to attend the trial.

(2) A party intending to use any deposition in evidence at the trial of a cause or matter must, at a reasonable time before the trial, give notice of his intention to do so to the other party.

(3) A deposition purporting to be signed by the person before whom it was taken shall be receivable in evidence without proof of the signature being the signature of that person.

### **Court documents admissible or receivable in evidence (O. 38, r. 10)**

10.—(1) Copies of writs, records, pleadings and documents filed in the Registry shall be admissible in evidence in any cause or matter and

between all parties to the same extent as the original would be admissible.

(2) Without prejudice to the provisions of any written law —

(a) every document purporting to be sealed with the seal of the Supreme Court or the seal of the State Courts shall be received in evidence without further proof; and

*[S 850/2014 wef 01/01/2015]*

(b) any document purporting to be so sealed and to be a copy of a document filed in, or issued out of, the Supreme Court or the State Courts shall be deemed to be a copy of that document without further proof unless the contrary is shown.

*[S 850/2014 wef 01/01/2015]*

*[S 671/2014 wef 01/10/2014]*

### **Evidence of consent of new trustee to act (O. 38, r. 11)**

**11.** A document purporting to contain the written consent of a person to act as trustee and to bear his signature verified by some other person shall be evidence of such consent.

### **Evidence at trial may be used in subsequent proceedings (O. 38, r. 12)**

**12.** Any evidence taken at the trial of any cause or matter may be used in any subsequent proceedings in that cause or matter.

### **Order to produce document at proceeding other than trial (O. 38, r. 13)**

**13.—(1)** At any stage in a cause or matter the Court may order any person to attend any proceeding in the cause or matter and produce any document, to be specified or described in the order, the production of which appears to the Court to be necessary for the purpose of that proceeding.

(2) No person shall be compelled by an order under paragraph (1) to produce any document at a proceeding in a cause or matter which he could not be compelled to produce at the trial of that cause or matter.

**Form and issue of subpoena (O. 38, r. 14)**

14.—(1) A subpoena must be in Form 67.

(2) Issue of a subpoena takes place upon its being sealed by an officer of the Registry.

(3) [*Deleted by S 600/2012*]

(4) The Registrar may, in any case, revoke a subpoena upon application by any person or on his own motion.

(5) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply to a Judge of the High Court or a District Judge, as the case may be, for a review of that decision.

(6) An application under this Rule shall be made by summons supported by an affidavit, within 14 days of that decision.

**More than one name may be included in one subpoena to testify<sup>5</sup> (O. 38, r. 15)**

15. The names of 2 or more persons may be included in one subpoena to testify<sup>5</sup>.

**Subpoena to produce documents<sup>1</sup> (O. 38, r. 16)**

16.—(1) A subpoena to produce documents<sup>1</sup> must contain the name of one person only.

(2) Any person served with a subpoena to produce documents<sup>1</sup> shall sufficiently comply if he causes the document to be produced without attending personally.

**Amendment of subpoena (O. 38, r. 17)**

17. Where there is a mistake in any person's name or address in a subpoena, then, if the subpoena has not been served, the party by whom the subpoena was issued may have the subpoena re-sealed in the correct form by filing an amended subpoena.



**Service of subpoena (O. 38, r. 18)**

**18.**—(1) Unless the Court otherwise orders, a subpoena must be served personally and the service shall not be valid unless effected within 12 weeks after the date of issue of the subpoena.

(2) A subpoena shall not be served on any person outside the jurisdiction.

**Duration of subpoena (O. 38, r. 19)**

**19.** A subpoena continues to have effect until the conclusion of the trial at which the attendance of the witness is required.

**Court records (O. 38, r. 20)**

**20.**—(1) A subpoena to produce documents<sup>1</sup> shall not require an officer of the Supreme Court or of any State Court to produce the records of the court.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(2) If the original of any record of a Court or of any document filed in such Court is for any special reason required, a request for the production thereof may, on the application of the party requiring the record or document, be addressed by the Registrar to that Court.

(3) No mark shall be placed upon any record or document produced under this Rule.

**Attendance of prisoner as witness or party (O. 38, r. 21)**

**21.**—(1) An application for an order under section 38 of the Prisons Act (Cap. 247) for the production before the Court of a person confined in prison may be made by ex parte summons supported by an affidavit in Form 71.

(2) Unless the Court otherwise orders, the costs of conveyance of the witness in safe custody to and from the Court must be paid in the first instance by the party on whose application the order was issued and shall be costs in the cause.

(3) An order for the production of such person must be in Form 72.

**Tender of expenses (O. 38, r. 22)**

22. A witness shall not be compelled to attend on a subpoena unless a reasonable sum to cover his expenses of going to, remaining at, and returning from, Court is extended to him.

**Affidavit of service of subpoena (O. 38, r. 23)**

23. An affidavit filed for the purpose of proving the service of a subpoena must state when, where, how and by whom the service was effected.

ORDER 38A

OFFICIAL RECORD OF HEARING

**Record of hearing (O. 38A, r. 1)**

1.—(1) An official record shall be made of every hearing and the official record of hearing shall consist of the following:

- (a) in a hearing where an audio recording system approved by the Registrar is used, the audio recording; and
- (b) in a hearing where an audio recording system is not used, the notes of hearing recorded in such manner as the Registrar or the Court may determine.

(2) Any party may apply for a certified transcript of the official record of hearing on payment of such fees as the Registrar may determine.

*[S 543/2017 wef 01/10/2017]*

(3) *[Deleted by S 543/2017 wef 01/10/2017]*

(4) *[Deleted by S 543/2017 wef 01/10/2017]*

(5) The costs of producing a certified transcript of the official record of hearing may be claimed as an item of disbursement unless otherwise ordered by the Court.

*[S 543/2017 wef 01/10/2017]*

**Certification of transcript (O. 38A, r. 2)**

2. A transcript of the official record of hearing shall be certified in such manner as the Registrar may determine.

*[S 543/2017 wef 01/10/2017]*

2A. *[Deleted by S 850/2014 wef 01/01/2015]*

**Duration for which record is to be kept (O. 38A, r. 3)**

3. Every official record of hearing shall be kept for a period of 5 years.

4. *[Deleted by S 543/2017 wef 01/10/2017]*

ORDER 39

EVIDENCE BY DEPOSITION: EXAMINERS OF COURT

**Power to order depositions to be taken (O. 39, r. 1)**

1.—(1) The Court may, in any cause or matter where it appears necessary for the purposes of justice, make an order in Form 73 for the examination on oath before a Judge or the Registrar or some other person, at any place, of any person.

(2) An order under paragraph (1) may be made on such terms (including, in particular, terms as to the giving of discovery before the examination takes place) as the Court thinks fit.

**Where person to be examined is out of jurisdiction (O. 39, r. 2)**

2.—(1) Where the person in relation to whom an order under Rule 1 is required is out of the jurisdiction, an application may be made —

(a) for an order in Form 74 under that Rule for the issue of a letter of request to the judicial authorities of the country in which that person is to take, or cause to be taken, the evidence of that person; or

(b) if the government of that country allows a person in that country to be examined before a person appointed by the Court, for an order in Form 75 under that Rule appointing a

special examiner to take the evidence of that person in that country.

(2) An application may be made for the appointment as special examiner of a Singapore consul in the country in which the evidence is to be taken or his deputy —

(a) if there subsists with respect to that country a Civil Procedure Convention providing for the taking of the evidence of any person in that country for the assistance of proceedings in the High Court; or

(b) with the consent of the Minister.

(3) An application under this Rule can only be made in the High Court even if the proceedings are commenced in the State Courts.

[S 671/2014 wef 01/10/2014]

[S 850/2014 wef 01/01/2015]

### **Order for issue of letter of request (O. 39, r. 3)**

3.—(1) Where an order is made under Rule 2 for the issue of a letter of request to the judicial authorities of a country to take, or cause to be taken, the evidence of any person in that country, paragraphs (2) to (6) shall apply.

(2) The party obtaining the order must prepare the letter of request and file it in the Registry, and the letter must be in Form 76 with such variations as the order may require.

(3) If the evidence of the person to be examined is to be obtained by means of written questions, there must be filed with the letter of request a copy of the interrogatories and cross-interrogatories to be put to him on examination.

(4) Unless the official language, or one of the official languages of the country in which the examination is to be taken is English, each document filed under paragraph (2) or (3) must be accompanied by a translation of the document in the official language of that country or, if there is more than one official language of that country, in any one of those languages which is appropriate to the place in that country where the examination is to be taken.

(5) Every translation filed under paragraph (4) must be certified by the person making it to be a correct translation; and the certificate must contain a statement of that person's full name, of his address and of his qualifications for making the translation.

(6) The party obtaining the order must, when he files in the Registry the documents mentioned in paragraphs (2) to (5), also file in the Registry an undertaking in Form 77 signed by him or his solicitor to be responsible personally for all expenses incurred by the Minister in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the office of that Minister and to produce a receipt for the payment to the proper officer of the Registry.

#### **Enforcing attendance of witness at examination (O. 39, r. 4)**

4. Where an order has been made under Rule 1 —
- (a) for the examination of any person before the Registrar or some other person (referred to in this Rule and Rules 5 to 14 as the examiner); or
  - (b) for the cross-examination before the examiner of any person who has made an affidavit which is to be used in any cause or matter,

the attendance of that person before the examiner and the production by him of any document at the examination may be enforced by subpoena in like manner as the attendance of a witness and the production by a witness of a document at a trial may be enforced.

#### **Refusal of witness to attend, or to be sworn, etc. (O. 39, r. 5)**

5.—(1) If any person, having been duly summoned by subpoena to attend before the examiner, refuses or fails to attend or refuses to be sworn for the purpose of the examination or to answer any lawful question or produce any document therein, a certificate of his refusal or failure, signed by the examiner, must be filed in the Registry, and upon the filing of the certificate the party by whom the attendance of that person was required may apply to the Court for an order requiring that person to attend, or to be sworn or to answer any question or produce any document, as the case may be.

(2) An application for an order under this Rule may be made *ex parte*.

(3) If the Court makes an order under this Rule it may order the person against whom the order is made to pay any costs occasioned by his refusal or failure.

(4) A person who wilfully disobeys any order made against him under paragraph (1) is guilty of contempt of Court.

### **Appointment of time and place for examination (O. 39, r. 6)**

6.—(1) The examiner must give the party on whose application the order for examination was made a notice appointing the place and time at which, subject to any application by the parties, the examination shall be taken, and such time shall, having regard to the convenience of the persons to be examined and all the circumstances of the case, be as soon as practicable after the making of the order.

(2) The party to whom a notice under paragraph (1) is given must, on receiving it, forthwith give notice of the appointment to all the other parties.

### **Examiner to have certain documents (O. 39, r. 7)**

7. The party on whose application the order for examination before the examiner was made must furnish the examiner with copies of such of the documents in the cause or matter as are necessary to inform the examiner of the questions at issue in the cause or matter.

### **Conduct of examination (O. 39, r. 8)**

8.—(1) Subject to any directions contained in the order for examination —

- (a) any person ordered to be examined before the examiner may be cross-examined and re-examined; and
- (b) the examination, cross-examination and re-examination of persons before the examiner shall be conducted in like manner as at the trial of a cause or matter.

(2) The examiner may put any question to any person examined before him as to the meaning of any answer made by that person or as to any matter arising in the course of the examination.

(3) The examiner may, if necessary, adjourn the examination from time to time.

### **Examination of additional witnesses (O. 39, r. 9)**

9. The examiner may, with the written consent of all the parties to the cause or matter, take the examination of any person in addition to those named or provided for in the order for examination, and must annex such consent to the original deposition of that person.

### **Objection to questions (O. 39, r. 10)**

10.—(1) If any person being examined before the examiner objects to answer any questions put to him, or if objection is taken to any such question, that question, the ground for the objection and the answer to any such question to which objection is taken must be set out in the deposition of that person or in a statement annexed thereto.

(2) The validity of the ground for objecting to answer any such question or for objecting to any such question shall be decided by the Court and not by the examiner, but the examiner must state to the parties his opinion thereon, and the statement of his opinion must be set out in the deposition or in a statement annexed thereto.

(3) If the Court decides against the person taking the objection, it may order him to pay the costs occasioned by his objection.

### **Taking of depositions (O. 39, r. 11)**

11.—(1) The deposition of any person examined before the examiner shall be recorded under Order 38A, Rule 1(1) but, subject to paragraph (2) and Rule 10(1), the deposition taken under Order 38A, Rule 1(1)(b) need not set out every question and answer so long as it contains as nearly as may be the statement of the person examined.

(2) The examiner may direct the exact words of any particular question and the answer thereto to be set out in the deposition if that question and answer appear to him to have special importance.

(3) [*Deleted by S 310/2005*]

(4) The official record of hearing or transcript of the official record of hearing, as the case may be, authenticated by the signature of the examiner before whom it was taken, must be sent by the examiner to the Registry and shall be filed therein.

**Time taken by examination to be endorsed on depositions  
(O. 39, r. 12)**

12. Before sending any deposition to the Registry, the examiner must endorse on the deposition a statement signed by him of the time occupied in taking the examination and the fees to be paid in respect thereof.

**Special report by examiner (O. 39, r. 13)**

13. The examiner may make a special report to the Court with regard to any examination taken before him and with regard to the absence or conduct of any person thereat, and the Court may direct such proceedings to be taken, or make such order, on the report as it thinks fit.

**Order for payment of examiner's fees (O. 39, r. 14)**

14.—(1) If the fees and expenses due to an examiner are not paid, he may report that fact to the Court, and the Court may make an order against the party, on whose application the order for examination was made, to pay the examiner the fees and expenses due to him in respect of the examination.

(2) An order under this Rule shall not prejudice any determination on the taxation of costs or otherwise as to the party by whom the costs of the examination are ultimately to be borne.

**Perpetuation of testimony (O. 39, r. 15)**

15.—(1) Witnesses shall not be examined to perpetuate testimony unless an action has been begun for the purpose.

(2) Any person who would under the circumstances alleged by him to exist become entitled, upon the happening of any future event, to any honour, title, dignity or office, or to any estate or interest in any



real or personal property, the right or claim to which cannot be brought to trial by him before the happening of such event, may begin an action to perpetuate any testimony which may be material for establishing such right or claim.

(3) No action to perpetuate the testimony of witnesses shall be set down for trial.

## ORDER 40

### COURT EXPERT

#### **Appointment of expert to report on certain question (O. 40, r. 1)**

1.—(1) In any cause or matter in which any question for an expert witness arises, the Court may at any time, on its own motion or on the application of any party, appoint an independent expert or, if more than one such question arises, 2 or more such experts, to inquire and report upon any question of fact or opinion not involving questions of law or of construction.

(1A) An expert appointed under this Order or under Order 32, Rule 12 shall be referred to as a court expert.

(2) Any court expert in a cause or matter shall, if possible, be a person agreed between the parties and, failing agreement, shall be nominated by the Court.

(3) The question to be submitted to the court expert and the instructions (if any) given to him shall, failing agreement between the parties, be settled by the Court.

(4) In this Rule, “expert”, in relation to any question arising in a cause or matter, means any person who has such knowledge or experience of or in connection with that question that his opinion on it would be admissible in evidence.

#### **Report of court expert (O. 40, r. 2)**

2.—(1) The court expert must send his report to the Court, together with such number of copies thereof as the Court may direct, and the Registrar must send copies of the report to the parties or their solicitors.

(2) The Court may direct the court expert to make a further or supplemental report.

(3) Any part of a court expert's report which is not accepted by all the parties to the cause or matter in which it is made shall be treated as information furnished to the Court and be given such weight as the Court thinks fit.

### **Experiments and tests (O. 40, r. 3)**

3. If the court expert is of opinion that an experiment or test of any kind (other than one of a trifling character) is necessary to enable him to make a satisfactory report, he shall inform the parties or their solicitors and shall, if possible, make an arrangement with them as to the expenses involved, the persons to attend and other relevant matters; and if the parties are unable to agree on any of those matters, it shall be settled by the Court.

### **Cross-examination of court expert (O. 40, r. 4)**

4. Any party may, within 14 days after receiving a copy of the court expert's report, apply to the Court for leave to cross-examine the expert on his report, and on that application the Court shall make an order for the cross-examination of the expert by all the parties either —

(a) at the trial; or

(b) before an examiner at such time and place as may be specified in the order.

### **Remuneration of court expert (O. 40, r. 5)**

5.—(1) The remuneration of the court expert shall be fixed by the Court and shall include a fee for his report and a proper sum for each day during which he is required to be present either in Court or before an examiner.

(2) Without prejudice to any order providing for payment of the court expert's remuneration as part of the costs of the cause or matter, the parties shall be jointly and severally liable to pay the amount fixed by the Court for his remuneration, but where the appointment of a court expert is opposed, the Court may, as a condition of making the

appointment, require the party applying for the appointment to give such security for the remuneration of the expert as the Court thinks fit.

### **Calling of expert witnesses (O. 40, r. 6)**

6. Where a court expert is appointed in a cause or matter, any party may, on giving to the other parties a reasonable time before the trial notice of his intention to do so, call one expert witness to give evidence on the question reported on by the court expert but no party may call more than one such witness without the leave of the Court, and the Court shall not grant leave unless it considers the circumstances of the case to be exceptional.

## ORDER 40A

### EXPERTS OF PARTIES

#### **Limitation of expert evidence (O. 40A, r. 1)**

1.—(1) The Court may, at or before the trial of any action, by order limit the number of expert witnesses who may be called at the trial to such number as it may specify.

(2) A reference to an “expert” in this Order is a reference to an expert who has been instructed to give or prepare evidence for the purpose of court proceedings.

#### **Expert’s duty to the Court (O. 40A, r. 2)**

2.—(1) It is the duty of an expert to assist the Court on the matters within his expertise.

(2) This duty overrides any obligation to the person from whom he has received instructions or by whom he is paid.

#### **Requirements of expert’s evidence (O. 40A, r. 3)**

3.—(1) Unless the Court otherwise directs, expert evidence is to be given in a written report signed by the expert and exhibited in an affidavit sworn to or affirmed by him testifying that the report exhibited is his and that he accepts full responsibility for the report.

- (2) An expert's report must —
- (a) give details of the expert's qualifications;
  - (b) give details of any literature or other material which the expert witness has relied on in making the report;
  - (c) contain a statement setting out the issues which he has been asked to consider and the basis upon which the evidence was given;
  - (d) if applicable, state the name and qualifications of the person who carried out any test or experiment which the expert has used for the report and whether or not such test or experiment has been carried out under the expert's supervision;
  - (e) where there is a range of opinion on the matters dealt with in the report —
    - (i) summarise the range of opinion; and
    - (ii) give reasons for his opinion;
  - (f) contain a summary of the conclusions reached;
  - (g) contain a statement of belief of correctness of the expert's opinion; and
  - (h) contain a statement that the expert understands that in giving his report, his duty is to the Court and that he complies with that duty.

#### **Written questions to expert (O. 40A, r. 4)**

**4.—**(1) A party may with the leave of the Court put to an expert instructed by another party written questions about his report.

(2) An application for leave to put questions to an expert about his report must be made within 14 days of service of the expert's affidavit exhibiting his report, or such longer period as the Court may allow.

(3) Written questions under paragraph (1) must be for the purpose only of clarification of the report.

(4) An expert's answers to written questions put to him under paragraph (1) shall be in writing and provided within such time as the Court may direct and shall be treated as part of the expert's report.

(5) Where a party has put a question to an expert instructed by another party in accordance with this Rule and the expert does not answer the question or does not, in the opinion of the Court, answer the question adequately within the time provided, the Court may make such order as it thinks just, including all or any of the following:

- (a) that the party who instructed the expert may not rely on the evidence of that expert;
- (b) that the party who instructed the expert may not recover the costs of that expert from any other party; or
- (c) that the expert is to answer or (as the case may be) provide a further and better answer to the question.

#### **Discussions between experts (O. 40A, r. 5)**

5.—(1) The Court may, at any stage, direct a discussion between experts for the purpose of requiring them to —

- (a) identify the issues in the proceedings; and
- (b) where possible, reach agreement on an issue.

(2) The Court may specify the issues which the experts must discuss.

(3) The Court may direct that following a discussion between the experts, they must prepare a statement for the Court showing —

- (a) those issues on which they agree; and
- (b) those issues on which they disagree and a summary of their reasons for disagreeing.

(4) The contents of the discussions between the experts shall not be referred to at the trial unless the parties agree.

(5) Where the experts reach agreement on an issue during their discussions, the agreement shall not bind the parties, unless the parties expressly agree to be bound by the agreement.

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

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

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

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

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

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

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

ORDER 41

AFFIDAVITS

**Form of affidavit (O. 41, r. 1)**

1.—(1) Subject to paragraphs (2) and (3), every affidavit sworn in a cause or matter must be entitled in that cause or matter.

(2) Where a cause or matter is entitled in more than one matter, it shall be sufficient to state the first matter followed by the words “and other matters”, and where a cause or matter is entitled in a matter or matters and between parties, that part of the title which consists of the matter or matters may be omitted.

(3) Where there are more plaintiffs than one, it shall be sufficient to state the full name of the first followed by the words “and others”, and similarly with respect to defendants.

(4) Every affidavit must be expressed in the first person and, unless the Court otherwise directs, must state the place of residence of the deponent and his occupation or, if he has none, his description, and if he is, or is employed by, a party to the cause or matter in which the affidavit is sworn, the affidavit must state that fact:

Provided that in the case of a deponent who is giving evidence in a professional, business or other occupational capacity the affidavit may, instead of stating the deponent's place of residence, state the address at which he works, the position he holds and the name of his firm or employer, if any.

(5) Every affidavit must be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject.

(6) Dates, sums and other numbers must be expressed in an affidavit in figures and not in words.

(7) Every affidavit must be signed by the deponent and the attestation<sup>6</sup> must be completed and signed by the person before whom it is sworn.

(8) An attestation<sup>6</sup> must be in one of the forms in Form 78.

### **Affidavit by 2 or more deponents (O. 41, r. 2)**

2.—(1) Where an affidavit is made by 2 or more deponents, the names of the persons making the affidavit must be inserted in the attestation<sup>6</sup> except that, if the affidavit is sworn by both or all the deponents at one time before the same person, it shall be sufficient to state that it was sworn by both (or all) of the abovenamed deponents.

(2) When the oath is administered to deponents in different languages, there shall be a separate attestation<sup>6</sup> for those sworn in each language.

### **Affidavit by illiterate or blind person (O. 41, r. 3)**

3. Where it appears to the person administering the oath that the deponent is illiterate or blind, he must certify in the attestation<sup>6</sup> that —

(a) the affidavit was read in his presence to the deponent;

(b) the deponent seemed perfectly to understand it; and

(c) the deponent made his signature or mark in his presence,

and the affidavit shall not be used in evidence without such a certificate unless the Court is otherwise satisfied that it was read to and appeared to be perfectly understood by the deponent.

#### **Use of defective affidavit (O. 41, r. 4)**

4. An affidavit may, with the leave of the Court, be filed or used in evidence notwithstanding any irregularity in the form thereof.

#### **Contents of affidavit (O. 41, r. 5)**

5.—(1) Subject to the other provisions of these Rules, an affidavit may contain only such facts as the deponent is able of his own knowledge to prove.

(2) An affidavit sworn for the purpose of being used in interlocutory proceedings may contain statements of information or belief with the sources and grounds thereof.

#### **Scandalous, etc., matter in affidavits (O. 41, r. 6)**

6. The Court may order to be struck out of any affidavit any matter which is scandalous, irrelevant or otherwise oppressive.

#### **Alterations in affidavits (O. 41, r. 7)**

7.—(1) An affidavit which has in the attestation<sup>6</sup> or body thereof any interlineation, erasure or other alteration shall not be filed or used in any proceeding without the leave of the Court unless the person before whom the affidavit was sworn has initialled the alteration and, in the case of an erasure, has re-written in the margin of the affidavit any words or figures written on the erasure and has signed or initialled them.

(2) No alteration shall be made in any affidavit after it has been filed, but, before an affidavit is filed, alterations may be made therein and the affidavit must be re-sworn with a further attestation<sup>6</sup> commencing with the word “re-sworn”, added.



**Affidavit not to be sworn before solicitor of party, etc. (O. 41, r. 8)**

8. No affidavit shall be sufficient if sworn before a commissioner for oaths who is a solicitor of the party on whose behalf the affidavit is to be used or before any member of the firm of that solicitor.

**Filing of affidavits (O. 41, r. 9)**

9.—(1) Except as otherwise provided by these Rules, every affidavit must be filed in the Registry.

(2) Every affidavit must be endorsed with a note showing on whose behalf it is filed and the dates of swearing and filing, and an affidavit which is not so endorsed may not be filed or used without the leave of the Court.

**Use of original affidavit or copy (O. 41, r. 10)**

10.—(1) Subject to paragraph (2), an original affidavit may be used in proceedings with the leave of the Court, notwithstanding that it has not been filed in accordance with Rule 9.

(2) An original affidavit may not be used in any proceedings unless it has previously been stamped with the appropriate fee.

(3) Where an original affidavit is used then, unless the party whose affidavit it is undertakes to file it, he must immediately after it is used file it with the proper officer in the Registry.

(4) Where an affidavit has been filed, a copy thereof may be used in any proceedings.

**Document to be used in conjunction with affidavit to be exhibited to it (O. 41, r. 11)**

11.—(1) Any document to be used in conjunction with an affidavit must be exhibited and a copy thereof annexed to the affidavit, unless the Court otherwise orders.

(2) Any exhibit to an affidavit must be identified by a certificate of the person before whom the affidavit is sworn.

The certificate must be entitled in the same manner as the affidavit and Rule 1(1), (2) and (3) shall apply accordingly.

**Affidavit taken outside Singapore admissible without proof of seal, etc. (O. 41, r. 12)**

12. A document purporting to have affixed or impressed thereon or subscribed thereto the seal or signature of a court, judge, notary public or person having authority to administer oaths in any country in testimony of an affidavit being taken before it or him shall be admitted in evidence without proof of the seal or signature being the seal or signature of that court, judge, notary public or person.

## ORDER 42

## JUDGMENTS AND ORDERS

**Delivering judgments (O. 42, r. 1)**

1.—(1) Every judgment, after the hearing of a cause or matter in open Court, shall, subject to paragraphs (3) and (4), be pronounced in open Court either on the conclusion of the hearing or on a subsequent day of which notice shall be given to the parties.

(2) Where a cause or matter is heard in Chambers, the Judge hearing it may, subject to paragraphs (3) and (4), pronounce the judgment in Chambers, or, if he thinks fit, in open Court.

(3) Whenever a written judgment is to be delivered, the Court may deliver it by directing copies thereof to be handed to the parties or their solicitors upon payment of the appropriate charges therefor, and the original thereof signed by the Judge shall be filed.

(4) When a Judge who has heard any cause or matter is unable through death, illness or other cause to pronounce judgment, the judgment written by him may be pronounced by any other Judge in open Court or in Chambers, as the case may be, and such other Judge may deliver it in Chambers by directing copies thereof to be handed to the parties or their solicitors upon payment of the appropriate charges therefor, and the original thereof signed by the Judge who wrote it shall be filed.

**Judgment in proceedings heard in camera (O. 42, r. 2)**

2. Where proceedings are heard in camera pursuant to any written law, any judgment pronounced or delivered in such proceedings shall not be available for public inspection except that the Court may, on such terms as it may impose, allow an inspection of such judgment by, or a copy thereof to be furnished to, a person who is not a party to the proceedings.

**Inspection of judgment (O. 42, r. 3)**

3. Subject to Rule 2, a copy of every judgment delivered in any cause or matter heard in open Court shall be available for public inspection upon payment of the prescribed fee and a copy thereof shall be handed to any member of the public upon payment of the appropriate charges therefor, and nothing in Order 60, Rule 4 shall apply to this Rule.

4. [*Deleted by S 850/2014 wef 01/01/2015*]

**Form of judgment, etc. (O. 42, r. 5)**

5.—(1) If, in the case of any judgment, a form thereof is prescribed in Form 79, the judgment must be in that form.

(2) The party entering any judgment shall be entitled to have recited therein a statement of the manner in which the writ or other originating process by which the cause or matter in question was begun was served.

(3) An order must be marked with the name of the Judge or the Registrar by whom it was made and must be sealed.

**Judgment, etc., requiring act to be done: Time for doing it (O. 42, r. 6)**

6.—(1) Subject to paragraph (2), a judgment or order which requires a person to do an act must specify the time after service of the judgment or order, or some other time, within which the act is to be done.

(2) Where the act which any person is required by any judgment or order to do is to pay money to some other person, give possession of

any immovable property or deliver any movable property, a time within which the act is to be done need not be specified in the judgment or order by virtue of paragraph (1), but the foregoing provision shall not affect the power of the Court to specify such a time and to adjudge or order accordingly.

### **Date from which judgment or order takes effect (O. 42, r. 7)**

7.—(1) A judgment or order of the Court takes effect from the day of its date.

(2) Such a judgment or order shall be dated as of the day on which it is pronounced, given or made, unless the Court orders it to be dated as of some other earlier or later day, in which case it shall be dated as of that other day.

### **Preparation of judgment or order (O. 42, r. 8)**

8.—(1) Where the party in whose favour a judgment or order is given or made is represented by a solicitor, a copy of the draft shall be submitted for approval to the solicitor (if any) of the other party who shall within 2 days of the receipt thereof, or within such further time as may in any case be allowed by the Registrar, return such copy with his signed consent or any required amendments thereto.

(2) When the solicitor omits to return the copy of the draft within the time prescribed, he shall be deemed to have consented to the terms thereof.

(3) In any case where the solicitors concerned are unable to agree upon the draft, any one of them may obtain an appointment before the Registrar, of which notice shall be given to the other, to settle the terms of the judgment or order.

(4) Every judgment or order shall be settled by the Registrar, but in the case of a judgment or order made by a Judge, any party may require the matter in dispute to be referred to the Judge for his determination.

(5) Where the other party has no solicitor, the draft shall be submitted to the Registrar.

**Orders required to be drawn up (O. 42, r. 9)**

9.—(1) Subject to paragraph (2), every order of the Court shall be drawn up unless the Court otherwise directs.

(2) An order —

(a) which —

(i) extends the period within which a person is required or authorised by these Rules, or by any judgment, order or direction, to do any act; or

(ii) grants leave for the doing of any of the acts mentioned in paragraph (3); and

(b) which neither imposes any special terms nor includes any special directions other than a direction as to costs,

need not be drawn up unless the Court otherwise directs.

(3) The acts referred to in paragraph (2)(a)(ii) are —

(a) the issue of any writ, other than a writ of summons which is required for service out of the jurisdiction;

(b) the amendment of an originating process or a pleading;

(c) the filing of any documents; and

(d) any act to be done by an officer of the Court other than a solicitor.

**Drawing up and entry of judgments and orders (O. 42, r. 10)**

10.—(1) Where a judgment given in a cause or matter is presented for entry in accordance with this Rule at the Registry, the party seeking to have such judgment entered must draw up the judgment and present it to the proper officer of the Registry who shall file the judgment and return a duplicate thereof to the party who presented it.

(2) Every order required to be drawn up must be drawn up by the party in whose favour the order has been made and, if that party fails to draw up the order within 7 days after it is made, any other party affected by the order may draw it up.

(3) The order referred to in paragraph (2) must, when drawn up, be produced at the Registry, together with a copy thereof, and when passed by the proper officer the order, sealed with the seal of the Supreme Court or the seal of the State Courts, as the case may be, shall be returned to the party producing it and the copy shall be filed in the Registry.

[S 671/2014 wef 01/10/2014]

[S 850/2014 wef 01/01/2015]

### **Duplicates of judgments and orders (O. 42, r. 11)**

**11.**—(1) Not less than one clear day after a judgment or order has been filed a duplicate thereof shall be supplied on payment of the prescribed fee out of the Registry to any party in the proceedings.

(2) The duplicate of a judgment or order may be a carbon copy of the original except that, if the Registrar so directs, the duplicate of every judgment or order of such class as he directs, shall be a photographic copy or a copy produced by type lithography or other similar process.

(3) Before a duplicate of a judgment or order is issued, it must be sealed and there must be noted thereon the number of the judgment, the date of entry and the amount of any stamp on the original.

(4) Where by any of these Rules or any order of the Court the original judgment or order is required to be produced or served, it shall be sufficient to produce or serve the duplicate.

(5) A further duplicate of a judgment or order may, on payment of the prescribed fee, be issued if the Registrar is satisfied that the duplicate has been lost and that the applicant for a further duplicate is entitled to it.

(6) A judgment or order shall not be amended except on production of the duplicate thereof last issued, and the amendment sealed, under the direction of the Registrar.

### **Interest on judgment debts (O. 42, r. 12)**

**12.** Except when it has been otherwise agreed between the parties, every judgment debt shall carry interest at the rate of 6% per annum or at such other rate as the Chief Justice may from time to time direct or

at such other rate not exceeding the rate aforesaid as the Court directs, such interest to be calculated from the date of judgment until the judgment is satisfied:

Provided that this rule shall not apply when an order has been made under section 43(1) or (2) of the State Courts Act (Cap. 321).

### **Where money to be paid in instalments (O. 42, r. 13)**

**13.** Where pursuant to section 43 of the State Courts Act (Cap. 321) money payable under a judgment or order is, at the time when the judgment or order is given or made, directed to be paid by instalments, the direction to that effect must be inserted in the judgment or order.

## ORDER 43

### ACCOUNTS AND INQUIRIES

#### **Summary order for account (O. 43, r. 1)**

**1.—(1)** Where a writ is endorsed with a claim for an account or a claim which necessarily involves taking an account, the plaintiff may, at any time after the defendant has entered an appearance or after the time limited for appearing, apply for an order under this Rule.

(2) A defendant to an action begun by writ who has served a counterclaim, which includes a claim for an account or a claim which necessarily involves taking an account, on —

(a) the plaintiff;

(b) any other party; or

(c) any person who becomes a party by virtue of such service, may apply for an order under this Rule.

(3) An application under this Rule must be made by summons and, if the Court so directs, must be supported by affidavit or other evidence.

(4) On the hearing of the application, the Court may, unless satisfied by the defendant by affidavit or otherwise that there is some preliminary question to be tried, order that an account be taken and

may also order that any amount certified on taking the account to be due to either party be paid to him within a time specified in the order.

### **Court may direct taking of accounts, etc. (O. 43, r. 2)**

2.—(1) The Court may, on an application made by summons at any stage of the proceedings in a cause or matter, direct any necessary accounts or inquiries to be taken or made in Form 80.

(2) Every direction for the taking of an account or the making of an inquiry shall be numbered in the judgment or order so that, as far as may be, each distinct account and inquiry may be designated by a number.

### **Directions as to manner of taking account (O. 43, r. 3)**

3.—(1) Where the Court orders an account to be taken, it may by the same or a subsequent order give directions with regard to the manner in which the account is to be taken or vouched or the inquiry is to be made.

(2) Without prejudice to the generality of paragraph (1), the Court may direct that in taking the account the relevant books of account shall be evidence of the matters contained therein with liberty to the parties interested to take such objections thereto as they think fit.

(3) Where the Court orders an account to be taken and no provision is made in the order for the manner in which the account is to be taken, the party entitled to the account shall, within one month from the date of the order, apply to the Registrar for directions and the provisions of Order 25, Rule 3 shall, with the necessary modifications, apply.

(4) On the hearing of the application for directions under paragraph (3), the Registrar may, in addition to making such orders as are necessary and appropriate, give directions as to the time by which the account referred to in Rule 4, a notice referred to in Rule 5 or a notice of appointment for the taking of the account shall be filed.

(5) Notwithstanding Order 62, Rule 10, a notice of appointment for the taking of the account referred to in paragraph (4) shall, not later than 7 days after it has been filed, be served on the party making the account.



(6) If the party entitled to the account does not file the application for directions within the period referred to in paragraph (3), any other party may do so or apply for the Court to exercise its powers under Rule 7.

**Account to be made, verified, etc. (O. 43, r. 4)**

4.—(1) Where an account has been ordered to be taken, the accounting party must make out his account and, unless the Court otherwise directs, verify it by an affidavit to which the account must be exhibited.

(2) The items on each side of the account must be numbered consecutively.

(3) Unless the order for the taking of the account otherwise directs, the accounting party must file the account with the Registry and must at the same time notify the other parties that he has done so and of the filing of any affidavit verifying the account and of any supporting affidavit.

**Notice to be given of alleged omissions, etc., in account (O. 43, r. 5)**

5. Any party who seeks to charge an accounting party with an amount beyond that which he has by his account admitted to have received or who alleges that any item in his account is erroneous in respect of amount or in any other respect must give him notice thereof stating, so far as he is able, the amount sought to be charged, with brief particulars thereof or, as the case may be, the grounds for alleging that the item is erroneous.

**Filing documents prior to the taking of accounts or making of inquiries (O. 43, r. 5A)**

5A.—(1) The following documents shall be filed not less than 5 days before the taking of an account or making of an inquiry:

- (a) the originals of the affidavits of the evidence-in-chief of all witnesses, including the affidavit verifying the accounts; and

- (b) a bundle of all the documents that will be relied on or referred to in the course of the taking of the account or making of the inquiry by any party, including any documents that are exhibited to the affidavits of the evidence-in-chief of all witnesses.
- (2) Each party shall file the affidavits of evidence-in-chief of that party's witnesses.
- (3) The contents of the bundle of documents referred to in paragraph (1)(b) shall be agreed on between the parties as far as possible, and this bundle of agreed documents shall be filed by the accounting party lodging the account pursuant to Rule 4(3).
- (4) If the parties are unable to agree on the inclusion of certain documents, those documents on which agreement cannot be reached shall be included in separate bundles, and each such bundle shall be filed by the party that intends to rely on or refer to the documents in that bundle at the same time as the bundle of documents referred to in paragraph (3).
- (5) For the purposes of this Rule, all documents contained in bundles shall be arranged chronologically or in some logical order and shall be paginated.
- (6) The contents and format of every bundle of documents filed pursuant to this Rule shall comply with the requirements laid down in any practice directions for the time being issued by the Registrar.

### **Allowances (O. 43, r. 6)**

6. In taking any account directed by any judgment or order all just allowances shall be made without any direction to that effect.

### **Delay in prosecution of accounts, etc. (O. 43, r. 7)**

7.—(1) If it appears to the Court that there is undue delay in the prosecution of any accounts or inquiries, or in any other proceedings under any judgment or order, the Court may require the party having the conduct of the proceedings or any other party to explain the delay and may then make such order for staying the proceedings or for expediting them or for the conduct thereof and for costs as the circumstances require.

(2) The Court may direct any party to take over the conduct of the proceedings in question, to carry out any directions made by an order under this Rule and to make such order as to costs as the Court deems fit.

**Distribution of fund before all persons entitled are ascertained  
(O. 43, r. 8)**

8. Where some of the persons entitled to share in a fund are ascertained, and difficulty or delay has occurred or is likely to occur in ascertaining the other persons so entitled, the Court may order or allow immediate payment of their shares to the persons ascertained without reserving any part of those shares to meet the subsequent costs of ascertaining those other persons.

ORDER 44

[*Deleted*]

ORDER 45

ENFORCEMENT OF JUDGMENTS AND ORDERS

**Enforcement of judgment, etc., for payment of money (O. 45,  
r. 1)**

1.—(1) Subject to these Rules and section 43 of the State Courts Act (Cap. 321) where applicable, a judgment or order for the payment of money, not being a judgment or order for the payment of money into Court, may be enforced by one or more of the following means:

- (a) writ of seizure and sale;
- (b) garnishee proceedings;
- (c) the appointment of a receiver;
- (d) in a case in which Rule 5 applies, an order of committal.

(2) Subject to these Rules, a judgment or order for the payment of money into Court may be enforced by one or more of the following means:

- (a) the appointment of a receiver;

(b) in a case in which Rule 5 applies, an order of committal.

(3) Paragraphs (1) and (2) are without prejudice to any other remedy available to enforce such a judgment or order as is therein mentioned or to the power of a Court under the Debtors Act (Cap. 73) to commit to prison a person who makes default in paying money adjudged or ordered to be paid by him, or to any written law relating to bankruptcy or the winding up of companies.

(4) In this Order, references to any writ shall be construed as including references to any further writ in aid of the first mentioned writ.

**Judgment, etc., for payment of money to person resident outside scheduled territories (O. 45, r. 2)**

2.—(1) Where any person is directed by any judgment, order or award to pay any money to or for the credit of a person who is resident outside the scheduled territories, he must, unless the Monetary Authority of Singapore has given permission for the payment under the Exchange Control Act (Cap. 99), unconditionally or upon conditions which have been complied with, pay the money into Court.

(2) Payment into Court under paragraph (1) shall, to the extent of the amount paid in, be a good discharge to the person making the payment, and no steps may be taken to enforce the judgment, order or award to the extent of that amount.

(3) Notice of a payment into Court under this Rule must be given to the plaintiff or his solicitor and to any other person required by the judgment, order or award to be given notice of such payment.

**Enforcement of judgment for possession of immovable property (O. 45, r. 3)**

3.—(1) Subject to these Rules, a judgment or order for the giving of possession of immovable property may be enforced by one or more of the following means:

(a) writ of possession;

(b) in a case in which Rule 5 applies, an order of committal.

(2) A writ of possession to enforce a judgment or order for the giving of possession of any immovable property shall not be issued without the leave of the Court except where the judgment or order was given or made in a mortgage action to which Order 83 applies.

(3) Such leave shall not be granted unless it is shown that every person in actual possession of the whole or any part of the immovable property has received such notice of the proceedings as appears to the Court sufficient to enable him to apply to the Court for any relief to which he may be entitled.

(4) A writ of possession may include provision for enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.

**Enforcement of judgment for delivery of movable property  
(O. 45, r. 4)**

4.—(1) Subject to these Rules, a judgment or order for the delivery of any movable property which does not give a person against whom the judgment is given or order made the alternative of paying the assessed value of the property may be enforced by one or more of the following means:

- (a) writ of delivery to recover the property without alternative provision for recovery of the assessed value thereof (referred to in this Rule as a writ of specific delivery);
- (b) in a case in which Rule 5 applies, an order of committal.

(2) Subject to these Rules, a judgment or order for the delivery of any movable property or payment of their assessed value may be enforced by one or more of the following means:

- (a) writ of delivery to recover the property or its assessed value;
- (b) with the leave of the Court, writ of specific delivery;
- (c) in a case in which Rule 5 applies, an order of committal.

(3) A writ of specific delivery, and a writ of delivery to recover any movable property or their assessed value, may include provision for

enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.

(4) A judgment or order for the payment of the assessed value of any movable property may be enforced by the same means as any other judgment or order for the payment of money.

**Enforcement of judgment to do or abstain from doing an act  
(O. 45, r. 5)**

5.—(1) Where —

- (a) a person required by a judgment or order to do an act within a time specified in the judgment or order refuses or neglects to do it within that time or, as the case may be, within that time as extended or abridged under Order 3, Rule 4; or
- (b) a person disobeys a judgment or order requiring him to abstain from doing an act,

then, subject to these Rules, the judgment or order may be enforced by one or more of the following means:

- (i) with the leave of the Court, an order of committal;
- (ii) where that person is a body corporate, with the leave of the Court, an order of committal against any director or other officer of the body;
- (iii) subject to the provisions of the Debtors Act (Cap. 73), an order of committal against that person or, where that person is a body corporate, against any such officer.

(2) Where a judgment or order requires a person to do an act within a time therein specified and an order is subsequently made under Rule 6 requiring the act to be done within some other time, references in paragraph (1) to a judgment or order shall be construed as references to the order made under Rule 6.

(3) Where under any judgment or order requiring the delivery of any movable property the person liable to execution has the alternative of paying the assessed value of the property, the judgment or order shall not be enforceable by order of committal under paragraph (1), but the Court may, on the application of the person entitled to enforce the

judgment or order, make an order requiring the first mentioned person to deliver the property to the applicant within a time specified in the order, and that order may be so enforced.

**Judgment, etc., requiring act to be done: Order fixing time for doing it (O. 45, r. 6)**

6.—(1) Notwithstanding that a judgment or order requiring a person to do an act specifies a time within which the act is to be done, the Court shall, without prejudice to Order 3, Rule 4, have power to make an order requiring the act to be done within another time, being such time after service of that order, or such other time as may be specified therein.

(2) Where, notwithstanding Order 42, Rule 6(1), or by reason of Order 42, Rule 6(2), a judgment or order requiring a person to do an act does not specify a time within which the act is to be done, the Court shall have power subsequently to make an order requiring the act to be done within such time after service of that order, or such other time, as may be specified therein.

(3) An application for an order under this Rule must be made by summons and the summons must, notwithstanding anything in Order 62, Rule 10, be served on the person required to do the act in question.

**Service of copy of judgment, etc., prerequisite to enforcement under Rule 5 (O. 45, r. 7)**

7.—(1) In this Rule, references to an order shall be construed as including references to a judgment.

(2) Subject to Order 24, Rule 16(3), Order 26, Rule 6(3) and paragraphs (6) and (7) of this Rule, an order shall not be enforced under Rule 5 unless —

- (a) a copy of the order has been served personally on the person required to do or abstain from doing the act in question; and
- (b) in the case of an order requiring a person to do an act, the copy has been so served before the expiration of the time within which he was required to do the act.

(3) Subject as aforesaid, an order requiring a body corporate to do or abstain from doing an act shall not be enforced as mentioned in Rule 5(1)(ii) or (iii) unless —

- (a) a copy of the order has also been served personally on the officer against whom an order of committal is sought; and
- (b) in the case of an order requiring the body corporate to do an act, the copy has been so served before the expiration of the time within which the body was required to do the act.

(4) There must be endorsed on the copy of an order served under this Rule a notice in Form 81 informing the person on whom the copy is served —

- (a) in the case of service under paragraph (2), that if he neglects to obey the order within the time specified therein, or, if the order is to abstain from doing an act, that if he disobeys the order, he is liable to process of execution to compel him to obey it; and
- (b) in the case of service under paragraph (3), that if the body corporate neglects to obey the order within the time so specified or, if the order is to abstain from doing an act, that if the body corporate disobeys the order, the body corporate is liable to process of execution to compel the body to obey it.

(5) With the copy of an order required to be served under this Rule, being an order requiring a person to do an act, there must also be served a copy of any order made under Order 3, Rule 4, extending or abridging the time for doing the act and, where the first mentioned order was made under Rule 5(3) or 6, a copy of the previous order requiring the act to be done.

(6) An order requiring a person to abstain from doing an act may be enforced under Rule 5 notwithstanding that service of a copy of the order has not been effected in accordance with this Rule if the Court is satisfied that, pending such service, the person against whom or against whose property it is sought to enforce the order has had notice thereof either —

- (a) by being present when the order was made; or



(b) by being notified of the terms of the order, whether by telephone, telegram or otherwise.

(7) Without prejudice to its powers under Order 62, Rule 5, the Court may dispense with service of a copy of an order under this Rule if it thinks it just to do so.

**Court may order act to be done at expense of disobedient party (O. 45, r. 8)**

8. If a Mandatory Order<sup>7</sup>, an injunction or a judgment or order for the specific performance of a contract is not complied with, then, without prejudice to its powers under section 14 of the Supreme Court of Judicature Act (Cap. 322), where applicable, and its powers to punish the disobedient party for contempt, the Court may direct that the act required to be done may, so far as practicable, be done by the party by whom the order or judgment was obtained or some other person appointed by the Court, at the cost of the disobedient party, and upon the act being done the expenses incurred may be ascertained in such manner as the Court may direct and execution may issue against the disobedient party for the amount so ascertained and for costs.

**Execution by or against person not being a party (O. 45, r. 9)**

9.—(1) Any person, not being a party to a cause or matter, who obtains any order or in whose favour any order is made, shall be entitled to enforce obedience to the order by the same process as if he were a party.

(2) Any person, not being a party to a cause or matter, against whom obedience to any judgment or order may be enforced, shall be liable to the same process for enforcing obedience to the judgment or order as if he were a party.

**Conditional judgment: Waiver (O. 45, r. 10)**

10. A party entitled under any judgment or order to any relief subject to the fulfilment of any condition who fails to fulfil that condition is deemed to have abandoned the benefit of the judgment or order, and, unless the Court otherwise directs, any other person interested may take any proceedings which either are warranted by the

judgment or order or might have taken if the judgment or order had not been given or made.

**Matters occurring after judgment: Stay of execution, etc.**

**(O. 45, r. 11)**

11. Without prejudice to Order 47, Rule 1, a party against whom a judgment has been given or an order made may apply to the Court for a stay of execution of the judgment or order or other relief on the ground of matters which have occurred since the date of the judgment or order, and the Court may by order grant such relief, and on such terms, as it thinks fit.

**Matters occurring after judgment: Enforcement Conference**

**(O. 45, r. 11A)**

11A. Notwithstanding anything in these Rules, the Court may, at any time after the commencement of any execution proceedings, of its own motion or upon written request by any party, direct any party to those proceedings to appear before it, in order that the Court may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of such proceedings including striking out of any writ of execution.

**Forms of writs (O. 45, r. 12)**

12.—(1) A writ of seizure and sale must be in Form 82 (for movable property) or Form 83 (for immovable property).

(2) A writ of delivery must be in Form 84.

(3) A writ of possession must be in Form 85.

**Enforcement of judgments and orders for recovery of money, etc. (O. 45, r. 13)**

13.—(1) Rule 1(1), with the omission of sub-paragraph (*d*) thereof, and Orders 46 to 51 shall apply in relation to a judgment or order for the recovery of money as they apply in relation to a judgment or order for the payment of money.

(2) Rule 3, with the omission of paragraph (1)(*b*) thereof, and Order 47, Rule 2(2), shall apply in relation to a judgment or order for

the recovery of possession of immovable property as they apply in relation to a judgment or order for the giving or delivery of possession of immovable property.

(3) Rule 4, with the omission of paragraphs (1)(b) and (2)(c) thereof, and Order 47, Rule 2(2), shall apply in relation to a judgment or order that a person do have a return of any movable property or do recover the assessed value thereof as they apply in relation to a judgment or order for the delivery of any movable property or payment of the assessed value thereof respectively.

## ORDER 46

### WRITS OF EXECUTION: GENERAL

#### **Definition (O. 46, r. 1)**

1. In this Order, unless the context otherwise requires, “writ of execution” includes a writ of seizure and sale, a writ of possession and a writ of delivery.

#### **When leave to issue any writ of execution is necessary (O. 46, r. 2)**

2.—(1) A writ of execution to enforce a judgment or order may not issue without the leave of the Court in the following cases:

- (a) where 6 years or more have lapsed since the date of the judgment or order;
- (b) where any change has taken place, whether by death or otherwise, in the parties entitled or liable to execution under the judgment or order;
- (c) where the judgment or order is against the assets of a deceased person coming into the hands of his executors or administrators after the date of the judgment or order, and it is sought to issue execution against such assets;
- (d) where under the judgment or order any person is entitled to relief subject to the fulfilment of any condition which it is alleged has been fulfilled; and

(e) where any movable property sought to be seized under a writ of execution is in the hands of a receiver appointed by the Court.

(2) Paragraph (1) is without prejudice to any written law or rule by virtue of which a person is required to obtain the leave of the Court for the issue of a writ of execution or to proceed to execution on or otherwise the enforcement of a judgment or order.

(3) Where the Court grants leave, whether under this Rule or otherwise, for the issue of a writ of execution and the writ is not issued within one year after the date of the order granting such leave, the order shall cease to have effect, without prejudice, however, to the making of a fresh order.

### **Application for leave to issue writ (O. 46, r. 3)**

3.—(1) An application for leave to issue a writ of execution may be made by ex parte summons in Form 86.

(2) Such an application must be supported by an affidavit —

- (a) identifying the judgment or order to which the application relates and, if the judgment or order is for the payment of money, stating the amount originally due thereunder and the amount due thereunder at the date of the application;
- (b) stating, where the case falls within Rule 2(1)(a), the reasons for the delay in enforcing the judgment or order;
- (c) stating, where the case falls within Rule 2(1)(b), the change which has taken place in the parties entitled or liable to execution since the date of the judgment or order;
- (d) stating, where the case falls within Rule 2(1)(c) or (d), that a demand to satisfy the judgment or order was made on the person liable to satisfy it and that he has refused or failed to do so; and
- (e) giving such other information as is necessary to satisfy the Court that the applicant is entitled to proceed to execution on the judgment or order in question and that the person against whom it is sought to issue execution is liable to execution on it.

(3) The Court hearing such application may grant leave in accordance with the application or may order that any issue or question, a decision on which is necessary to determine the rights of the parties, be tried in any manner in which any question of fact or law arising in an action may be tried and, in either case, may impose such terms as to costs or otherwise as it thinks just.

#### **Issue of writ of execution (O. 46, r. 4)**

4.—(1) Every writ of execution must be in Form 82, 83, 84 or 85.

(2) The Registrar shall assign a serial number to the writ and shall sign, seal and date the writ whereupon the writ shall be deemed to be issued.

(3) No such writ shall be sealed unless at the time of the tender thereof for sealing —

(a) the person tendering it produces —

- (i) the judgment or order on which the writ is to issue, or a copy thereof;
- (ii) where the writ may not issue without the leave of Court, the order granting such leave or evidence of the granting of such leave;
- (iii) where Rule 5(2) applies, the written permission of the Monetary Authority of Singapore therein referred to; and
- (iv) the undertaking, declaration and indemnity in Form 87; and

(b) the officer authorised to seal it is satisfied that the period, if any, specified in the judgment or order for the payment of any money or the doing of any other act has expired.

#### **Writ where Exchange Control Act applies (O. 46, r. 5)**

5.—(1) Where any party entitled to enforce a judgment or order for the payment of money is resident outside the scheduled territories, then, unless the Monetary Authority of Singapore has given permission under the Exchange Control Act (Cap. 99), for payment

of money to him unconditionally or on conditions which have been complied with, any writ of execution to enforce that judgment or order must direct the Sheriff to pay the proceeds of execution into Court.

Notice of payment into Court in compliance with such a direction must be given by the Sheriff to the party by whom the writ of execution was issued or to his solicitor.

(2) Where the Monetary Authority of Singapore has given such permission unconditionally or on conditions which have been complied with, the writ of execution to enforce the judgment or order in question must be endorsed with such a certificate of that fact.

### **Duration and renewal of writ of execution (O. 46, r. 6)**

6.—(1) For the purpose of execution, a writ of execution is valid in the first instance for 12 months beginning with the date of the issue.

(2) Where a writ has not been wholly executed, the Court may by order extend the validity of the writ from time to time for a period of 12 months at any time beginning with the day on which the order is made, if an application for extension is made to the Court before the day next following that on which the writ would otherwise expire.

(2A) For the purposes of this Rule, “wholly executed” means —

- (a) in the case of a writ of seizure and sale, the sale of all the seized property by the Sheriff;
- (b) in the case of a writ of delivery, the transfer of possession of the movable property by the Sheriff to the judgment creditor; and
- (c) in the case of a writ of possession, the transfer of possession of the immovable property by the Sheriff to the judgment creditor.

(3) Before a writ the validity of which has been extended under this Rule is executed, the writ must be marked in Form 3 showing the date on which the order extending its validity was made.

(4) The priority of a writ, the validity of which has been extended under this Rule, shall be determined by reference to the date on which it was originally issued.

(5) The production of a writ of execution, purporting to be sealed as mentioned in paragraph (3), shall be evidence that the validity of that writ has been extended under this Rule.

**Fees, expenses, etc., to be levied (O. 46, r. 7)**

7. In every case of execution, the party entitled to execution may levy the commission, fees and expenses of execution over and above the sum recovered.

**Costs of writ (O. 46, r. 8)**

8. Subject to these Rules, the costs of and incidental to writs of execution or distress, whether executed or unexecuted, or unproductive, shall be allowed against the person liable, unless the Court otherwise orders.

**Satisfaction by consent (O. 46, r. 9)**

9.—(1) Any person who has satisfied a judgment debt may on filing a consent of the judgment creditor in Form 88 apply to the Court for satisfaction to be recorded and the Court may order satisfaction to be recorded accordingly.

(2) The consent of the judgment creditor must be attested by his solicitor or if he has no solicitor, by a Commissioner for Oaths.

**Where consent refused (O. 46, r. 10)**

10.—(1) If a judgment creditor refuses or neglects to give such consent when requested, or cannot be found, the judgment debtor may apply to the Registrar for an order that satisfaction be recorded.

(2) The summons must be served on the judgment creditor at least 2 clear days before the hearing thereof unless the Registrar otherwise orders.

(3) If on such application the Registrar is satisfied that the judgment debt has been satisfied and that the judgment creditor has no reasonable ground for refusing or neglecting to give such consent, the Registrar may order that satisfaction be recorded and that the judgment creditor pay the costs of and incidental to the application.

**Deposit for costs of execution and date for execution (O. 46, r. 11)**

11.—(1) Before any writ of execution or distress is executed, the person at whose instance the writ was issued (referred to in these Rules as the execution creditor) must, if the Sheriff so requests —

- (a) deposit in the Registry a sufficient sum of money to defray the costs of the execution; and
- (b) where a previous date appointed for execution has been vacated or postponed, file a Request<sup>4</sup> in Form 89 for another date to be appointed for the execution.

(2) Where the execution creditor has caused a date appointed for the execution to be vacated or postponed, the Sheriff may, if he thinks that such vacation or postponement is without good reason, direct that any fee paid and expenses incurred by the execution creditor in respect of the appointment shall not be recovered by the execution creditor as a disbursement.

(3) For the purposes of paragraph (2), the fee for the request for a date to be appointed shall be limited to the amount specified in Appendix B.

**Where Sheriff in possession more than 14 days (O. 46, r. 12)**

12. Where the Sheriff has to remain in possession of movable property for more than 14 days, the execution creditor must before or at the end of the first 14 days of the Sheriff keeping possession, deposit in the Registry, if the Sheriff so requests, a further sum of money to provide for the costs of execution for the next ensuing 14 days and must continue to make such deposits in advance before or at the end of each successive period of 14 days so long as the Sheriff continues in possession.

**Proper officer to give receipt (O. 46, r. 13)**

13.—(1) The proper officer in the Registry must give a receipt for each sum of money deposited and he shall apply such sums or so much thereof as is necessary for the costs of the execution.



(2) The Sheriff must return to the execution creditor any balance of money remaining over after the release of the person or the movable property seized, as the case may be, under the writ of execution or distress.

(3) Where the movable property seized under a writ of execution or distress is sold by the Sheriff or he receives the amount of the levy without sale, any sums of money deposited by the execution creditor must, so far as the moneys coming to the hands of the Sheriff will allow, be refunded to the execution creditor.

## DUTIES OF SHERIFF

### **Time of filing to be forthwith endorsed on writ (O. 46, r. 14)**

**14.** Whenever any writ of execution or distress is delivered to the Sheriff, he must endorse thereon the day, hour and minute of such delivery.

### **Time of execution (O. 46, r. 15)**

**15.** Any writ of execution or distress may be executed between the hours of 9 a.m. and 5 p.m., unless the Sheriff otherwise orders.

### **Notice of seizure and inventory (O. 46, r. 16)**

**16.—(1)** Where any movable property is seized by the Sheriff under a writ of execution or distress, he must give to the execution debtor a notice of seizure in Form 90, and a copy of the notice must be filed.

(2) Where the Sheriff removes from a place any movable property that is seized, he must give to the execution debtor at the time the property is removed or immediately afterwards an inventory of the property so removed.

(3) The notice of seizure under paragraph (1) and the inventory under paragraph (2) may be —

- (a) handed to the execution debtor personally;
- (b) sent to him by post to his place of residence; or
- (c) left at or sent by post addressed to him at the place from which the property was seized.

**Proper officer to keep records and to prepare statement of accounts (O. 46, r. 17)**

17.—(1) The proper officer receiving any money under any writ of execution or distress must give for every sum so received a receipt.

(2) The proper officer must keep record of all sums of money received by him under a writ of execution or distress and of the manner in which he has applied them, and shall endorse on or annex to the writ a statement thereof.

(3) Subject to these Rules and any written law, the proper officer must prepare a statement of accounts in respect of the moneys received by him under a writ of execution or distress as follows:

- (a) first the Court fees and commission;
- (b) next the expenses of execution;
- (c) next moneys due to the execution creditor under Rule 13 which have not been returned to him;
- (d) next moneys claimed by the landlord, not exceeding 6 months rent, due under a writ of distress in accordance with the provisions of section 20 of the Distress Act (Cap. 84);
- (e) next moneys available for payment to the execution creditor to satisfy the judgment or order in respect of which the execution was issued;
- (f) next where there is more than one writ of execution in his hands against the same defendant, moneys available to satisfy the various execution creditors in the order of the priority of their writs according to the dates of issue:

Provided that where an order for attachment of movable property before judgment has been made under the provisions of Part III of the Debtors Act (Cap. 73) and a writ of execution has been issued to enforce a judgment in the same action, such writ shall have priority according to the date on which the order of attachment before judgment was issued; and

- (g) next after accounting for the moneys available for payment to the execution creditors, show any balance due to the execution debtor.

(4) If the proceeds of the sale received by the proper officer are insufficient to cover the fees, commission and expenses of execution, the execution creditor must pay to the proper officer the amount of the deficiency and shall be entitled to add such amount to the judgment debt to be eventually recovered from the judgment debtor.

**Sheriff to give information if required (O. 46, r. 18)**

**18.**—(1) On a written application by the execution creditor, or the execution debtor, or any claimant to movable property seized by him, the Sheriff must within 2 days furnish to such applicant a memorandum stating —

- (a) the date on which the writ was delivered to him;
- (b) the amount leviable under the writ;
- (c) the particulars of property seized;
- (d) the place of seizure;
- (e) particulars of any claim to such property of which he has received notice;
- (f) the gross proceeds of sale;
- (g) the amount of the fees, commission and expenses; and
- (h) the moneys paid by him into the Registry and to whose credit.

(2) The Sheriff shall at all times permit the execution creditor, or judgment debtor, or any claimant to property seized by him to inspect and copy free of charge any inventory of property seized, sales account, or note of the fees, commission and expenses together with all vouchers in support thereof.

**Date of arrest to be endorsed (O. 46, r. 19)**

**19.** The Sheriff executing an order to arrest shall endorse thereon the day, hour and minute of the arrest.

**Sheriff may be required to show cause for neglect of duty (O. 46, r. 20)**

20. Any person aggrieved by any alleged non-observance by the Sheriff of any duty imposed on him by any written law or by these Rules, may apply to the Court for an order that the Sheriff show cause why he should not do the thing required, and the Sheriff may be required to show cause accordingly.

**Payment out (O. 46, r. 21)**

21. Subject to these Rules and to section 106 of the Bankruptcy Act (Cap. 20), section 33 of the Employment Act (Cap. 91), and to any other written law, any sum of money paid by the Sheriff to the credit of the execution creditor, or by the judgment debtor, under Rule 17 shall, subject to any order of Court, be paid to the execution creditor or judgment debtor respectively on his application without an order:

Provided that the Sheriff may, in his discretion, require the execution creditor or judgment debtor, as the case may be, to apply to Court for an order for payment out.

**SALE BY SHERIFF****Sheriff to sell (O. 46, r. 22)**

22. Subject to these Rules, the Sheriff must sell all property seized by him under a writ of execution or distress.

**Sale by public auction (O. 46, r. 23)**

23. Unless the Sheriff otherwise orders, all sales must be by public auction between the hours of 9 a.m. and 5 p.m. and notice in Form 91 of the day, hour and place of any intended sale must be posted as far as practicable at the place of intended sale 7 days before the date of sale.

*[S 299/2014 wef 01/05/2014]*

**Where property exceeds \$2,000 sale by authorised auctioneer (O. 46, r. 24)**

24.—(1) Where the value of the property attached or seized is estimated by the Sheriff to exceed \$2,000, the sale must, unless the Sheriff otherwise orders, be conducted by an authorised auctioneer

and the sale must be publicly advertised by the Sheriff or auctioneer once 14 days before the date of sale.

(2) In any other case, the sale may be conducted by the Sheriff.

### **Negotiable instruments (O. 46, r. 25)**

**25.** Negotiable instruments may be sold through the agency of a broker.

### **Sheriff may execute or endorse documents (O. 46, r. 26)**

**26.** Where the execution or endorsement of any document is ordinarily lawfully required to give effect to any sale by the Sheriff, the Sheriff may execute or endorse such document; and the execution or endorsement thereof by the Sheriff shall have the same effect as the execution or endorsement by the judgment debtor.

### **When order made suspending execution (O. 46, r. 26A)**

**26A.—**(1) An order under section 43 of the State Courts Act (Cap. 321), suspending or staying execution must be in Form 92.

(2) The Court may order the person liable to execution to pay the costs of the writ and any fees or expenses incurred by the bailiff before the suspension of execution and may authorise the bailiff to sell a portion of the movable property seized sufficient to realise such costs, fees and expenses, and commission (if any).

### **Interpretation (O. 46, r. 27)**

**27.** In this Order, where a writ of distress has been issued, the term “execution creditor” shall include a “landlord” and the term “judgment debtor” shall include a “tenant”.

## ORDER 47

### WRITS OF SEIZURE AND SALE

#### **Power to stay execution by writ of seizure and sale (O. 47, r. 1)**

**1.—**(1) Where a judgment is given or an order made for the payment by any person of money, and the Court is satisfied, on an application

made at the time of the judgment or order, or at any time thereafter, by the judgment debtor or other party liable to execution —

- (a) that there are special circumstances which render it inexpedient to enforce the judgment or order; or
- (b) that the applicant is unable from any cause to pay the money,

then, notwithstanding anything in Rule 2 or 3, the Court may by order stay the execution of the judgment or order by writ of seizure and sale either absolutely or for such period and subject to such conditions as the Court thinks fit.

(2) An application under this Rule, if not made at the time the judgment is given or order made, must be made by summons and may be so made notwithstanding that the party liable to execution did not enter an appearance in the action.

(3) An application made by summons must be supported by an affidavit made by or on behalf of the applicant stating the grounds of the application and the evidence necessary to substantiate them and, in particular, where such application is made on the grounds of the applicant's inability to pay, disclosing his income, the nature and value of any property of his and the amount of any other liabilities of his.

(4) The summons and a copy of the supporting affidavit must, not less than 4 clear days before the return day, be served on the party entitled to enforce the judgment or order.

(5) An order staying execution under this Rule may be varied or revoked by a subsequent order.

### **Payment by instalments (O. 47, r. 1A)**

**1A.**—(1) Where judgment is given or an order is made for payment by instalments under section 43 of the State Courts Act (Cap. 321), the instalments shall, unless the Court otherwise orders, be paid into Court on such day as the judgment or order directs to the credit of the person entitled to enforce the judgment or order and a direction to that effect must be recited in the judgment or order.

(2) A copy of any judgment or order for payment by instalments must be served on the person liable to pay, and that person must produce it to the proper officer in the Registry whenever he pays money into Court.

(3) If no date for payment has been fixed by the Court, the first instalment shall be paid on the first day of the month following the date of the judgment or order, and every successive instalment shall be paid on the first day of each succeeding month.

### **Application for new instalment order (O. 47, r. 1B)**

**1B.**—(1) In proceedings in the State Courts, where a judgment under section 43 of the State Courts Act (Cap. 321) is given or an order made for the payment of any money, by instalments or otherwise, either party to the judgment or order may apply to the Court by summons supported by an affidavit in Form 93 for an order that the money unpaid on the judgment or order be paid in one sum, or smaller or larger instalments than that previously ordered.

(2) The summons must be served on the other party to the judgment or order.

(3) The Court hearing the application may, as it thinks just, order that the money unpaid on the judgment or order be paid in one sum or make a new order for payment by instalments.

(4) An order made under paragraph (3) must be in Form 94 and must be served by the applicant on the other party.

### **Separate writs to enforce payment of costs, etc. (O. 47, r. 2)**

**2.**—(1) Where only the payment of money, together with costs to be taxed, is adjudged or ordered, then, if when the money becomes payable under the judgment or order the costs have not been taxed, the party entitled to enforce that judgment or order may issue a writ of seizure and sale to enforce the judgment or order and, not less than 8 days after the issue of that writ, he may issue a second writ to enforce payment of the taxed costs.

(2) A party entitled to enforce a judgment or order for the delivery of possession of any property (other than money) may, if he so elects,

issue a separate writ of seizure and sale to enforce payment of any damages or costs awarded to him by that judgment or order.

**Where landlord claims arrears of rent of premises where property seized (O. 47, r. 3)**

3.—(1) Where the landlord or any other person entitled to receive the rent of the premises in which any movable property has been seized by the Sheriff has any claims for arrears of rent of those premises, he may apply to the Court, at any time before the sale of such property, for a writ of distress for recovery of such arrears of rent.

(2) When a writ of distress has been issued the provisions of section 20 of the Distress Act (Cap. 84) shall apply.

(3) Unless a writ of distress is issued for the recovery of such arrears of rent, the property seized by the Sheriff shall be deemed not to be liable to be seized under a writ of distress and to be free from all claims in respect of rent and may be dealt with accordingly and the landlord or other person entitled to receive rent as aforesaid shall have no claim in respect of the property or to the proceeds of sale or any part thereof.

**Immovable property (O. 47, r. 4)**

4.—(1) Where the property to be seized consists of immovable property or any interest therein, the following provisions shall apply:

- (a) seizure shall be effected by registering under any written law relating to the immovable property an order of Court in Form 96 (which for the purpose of this Rule and Rule 5 shall be called the order) attaching the interest of the judgment debtor in the immovable property described therein and, upon registration, such interest shall be deemed to be seized by the Sheriff;
- (b) an application for an order under this Rule may be made ex parte by summons;
- (c) the application must be supported by an affidavit —
  - (i) identifying the judgment or order to be enforced;



- (ii) stating the name of the judgment debtor in respect of whose immovable property or interest an order is sought;
  - (iii) stating the amount remaining unpaid under the judgment or order at the time of application;
  - (iv) specifying the immovable property or the interest therein in respect of which an order is sought; and
  - (v) stating that to the best of the information or belief of the deponent, the immovable property or interest in question is the judgment debtor's and stating the sources of the deponent's information or the grounds for his belief;
- (d) as many copies of the order as the case may require shall be issued to the judgment creditor in order that he may present the order, in compliance with the provisions of any written law relating to such immovable property, for registration at the Registry of Deeds or the Land Titles Registry, as the case may be, of the Singapore Land Authority;
- (e) after registering the order, the judgment creditor must —
- (i) file a writ of seizure and sale in Form 83;
  - (ii) file an undertaking, declaration and indemnity in Form 87; and
  - (iii) upon compliance with sub-paragraphs (i) and (ii), the Sheriff must serve a copy of the writ of seizure and sale together with the order and the notice of seizure in Form 97 on the judgment debtor forthwith and, if the judgment debtor cannot be found, must affix a copy thereof to some conspicuous part of the immovable property seized;
- (f) subject to sub-paragraph (g), any order made under this Rule shall, unless registered under any written law relating to such immovable property, remain in force for 6 months from the date thereof;

- (g) upon the application of any judgment creditor on whose application an order has been made, the Court, if it thinks just, may from time to time by order extend the period of 6 months referred to in sub-paragraph (f) for any period not exceeding 6 months, and the provisions of sub-paragraphs (d) and (e) shall apply to such order; and
- (h) the Court may at any time, on sufficient cause being shown, order that property seized under this Rule shall be released.
- (2) Order 46, Rule 6(1) and (2) shall not apply to the order made under paragraph (1).

### **Sale of immovable property (O. 47, r. 5)**

**5.** Sale of immovable property, or any interest therein, shall be subject to the following conditions:

- (a) there shall be no sale until the expiration of 30 days from the date of registration of the order under Rule 4(1)(a);
- (b) the particulars and conditions of sale shall be settled by the Sheriff or his solicitor;
- (c) the judgment debtor may apply by summons to the Court for postponement of the sale in order that he may raise the amount leviable under the order by mortgage or lease, or sale of a portion only, of the immovable property seized, or by sale of any other property of the judgment debtor, or otherwise, and the Court, if satisfied that there is reasonable ground to believe that the said amount may be raised in any such manner, may postpone the sale for such period and on such terms as are just;
- (d) the judgment creditor may apply to the Court for the appointment of a receiver of the rents and profits, or a receiver and a manager of the immovable property, in lieu of sale thereof, and on such application, the Court may appoint such receiver or receiver and manager, and give all necessary directions in respect of such rents and profits or immovable property;

- (e) where the interest of the judgment debtor in any immovable property, seized and sold under the order, includes a right to the immediate possession thereof, the Sheriff shall put the purchaser in possession;
- (f) pending the execution or endorsement of any deed or document which is ordinarily lawfully required to give effect to any sale by the Sheriff, the Court may by order appoint the Sheriff to receive any rents and profits due to the purchaser in respect of the property sold; and
- (g) the Sheriff may at any time apply to the Court for directions with respect to the immovable property or any interest therein seized under the order and may, or, if the Court so directs, must give notice of the application to the judgment creditor, the judgment debtor and any other party interested in the property.

### **Securities (O. 47, r. 6)**

**6.**—(1) Where the property to be seized consists of any Government stock, or any stock of any company or corporation registered or incorporated under any written law, including any such stock standing in the name of the Accountant-General, to which the judgment debtor is beneficially entitled, seizure thereof must be made by a notice in Form 98, signed by the Sheriff, attaching such stock.

(2) The notice must be addressed —

- (a) in the case of Government stock, to the Accountant-General;
- (b) in the case of stock listed on the Singapore Exchange and held under a central depository system, to the depository for the time being and the company or corporation concerned;
- (c) in the case of other stock, to the company or corporation concerned; and
- (d) in the case of stock standing in the name of the Accountant-General, to the Accountant-General,

and together with a copy of the writ of seizure and sale must be served by the Sheriff by any mode of service as he thinks fit.

(3) A copy of the notice must at the same time be sent to the judgment debtor at his address for service.

(4) On receipt of such notice, the judgment debtor must hand over to the Sheriff at his office any indicia of title in his possession relating to such stock, or where any such indicia of title are not in his possession, must notify the Sheriff in writing of the name and address of the person having possession thereof.

(5) The Sheriff must further send a copy of the notice to any person, other than the judgment debtor, in whose possession he has reason to believe any such indicia of title to be.

(6) After the receipt of any notice sent under paragraph (2), and unless the notice is withdrawn, no transfer of the stock or any interest therein, as the case may be, shall be registered or effected unless the transfer be executed or directed by the Sheriff, and any such transfer or direction by the Sheriff shall have the same effect as if the registered holder or beneficial owner of such stock had executed the transfer, and shall be dealt with accordingly.

(7) All interest or dividends becoming due and payable or benefits accruing after receipt of such notice, and until withdrawal thereof or transfer or direction by the Sheriff as abovementioned, must be paid or transmitted to the Sheriff.

(8) Any notice served under paragraph (2) may be withdrawn by notice in writing to that effect signed by the Sheriff and served to the person and in the manner provided by paragraph (2).

(9) In this Order, “Government stock” means any stock issued by the Government or any funds of or annuity granted by the Government and “stock” includes shares, debentures, debenture stock and stock options.

(10) The Court, on the application of the judgment debtor or any other person interested in the stock seized under this Rule, may at any time, on sufficient cause being shown, order that the stock or any part thereof be released.

**Sale of securities (O. 47, r. 7)**

7.—(1) Stock seized under Rule 6 may be sold through the agency of a broker.

(2) If the indicia of title are not in the possession of the Sheriff, he may apply to the Court for such directions as may be necessary to give effect to the sale.

8. [*Deleted*]

**Withdrawal and suspension of writ (O. 47, r. 9)**

9.—(1) Where any execution creditor requests the Sheriff to withdraw the seizure, he shall be deemed to have abandoned the execution, and the Sheriff shall mark the writ of seizure and sale as withdrawn by request of the execution creditor:

Provided that where the request is made in consequence of a claim having been made in interpleader proceedings, the execution shall be deemed to be abandoned in respect only of the property so claimed.

(2) A writ of seizure and sale which has been withdrawn under this Rule shall not be re-issued but the execution creditor may apply by summons supported by affidavit stating the grounds of the application for a fresh writ of seizure and sale to be issued, and such writ shall take priority according to its date of issue.

**ORDER 48****EXAMINATION OF JUDGMENT DEBTOR, ETC.****Order for examination of judgment debtor (O. 48, r. 1)**

1.—(1) Where a person has obtained a judgment or order for the payment by some other person (referred to in this Order as the judgment debtor) of money, the Court may, on an application made by ex parte summons supported by affidavit in Form 99 by the person entitled to enforce the judgment or order, order the judgment debtor, or, if the judgment debtor is a body corporate, an officer thereof, to attend before the Registrar, and be orally examined on whatever property the judgment debtor has and wheresoever situated, and the Court may also order the judgment debtor or officer to produce any

books or documents in the possession of the judgment debtor relevant to the questions aforesaid at the time and place appointed for the examination.

(2) An order under this Rule must be in Form 100 and must be served personally on the judgment debtor and on any officer of a body corporate ordered to attend for examination.

(3) Any difficulty arising in the course of an examination under this Rule before the Registrar, including any dispute with respect to the obligation of the person being examined to answer any question put to him, may be referred to the Court and the Court may determine it or give such directions for determining it as it thinks fit.

### **Examination of party liable to satisfy judgment (O. 48, r. 2)**

2. Where any difficulty arises in or in connection with the enforcement of any judgment or order, other than such a judgment or order as is mentioned in Rule 1, the Court may make an order under that Rule for the attendance of the party liable to satisfy the judgment or order and for his examination on such questions as may be specified in the order, and that Rule shall apply accordingly with the necessary modifications.

### **Registrar to make record of debtor's statement (O. 48, r. 3)**

3. The Registrar conducting the examination shall cause to be recorded under Order 38A, Rule 1(1), the statement made by the judgment debtor or other person at the examination.

## ORDER 49

### GARNISHEE PROCEEDINGS

#### **Attachment of debt due to judgment debtor (O. 49, r. 1)**

1.—(1) Where a person (referred to in these Rules as the judgment creditor) has obtained a judgment or order for the payment by some other person (referred to in these Rules as the judgment debtor) of money, not being a judgment or order for the payment of money into Court, and any other person within the jurisdiction (referred to in this Order as the garnishee) is indebted to the judgment debtor, the Court

may, subject to the provisions of this Order and of any written law, order the garnishee to pay the judgment creditor the amount of any debt due or accruing due to the judgment debtor from the garnishee, or so much thereof as is sufficient to satisfy that judgment or order and the costs of the garnishee proceedings.

(2) An order in Form 101 under this Rule shall in the first instance be an order to show cause, specifying the time and place for further consideration of the matter, and in the meantime attaching such debt as is mentioned in paragraph (1), or so much thereof as may be specified in the order, to answer the judgment or order mentioned in that paragraph and the costs of the garnishee proceedings.

(3) In this Order, “any debt due or accruing due” includes a current or deposit account with a bank or other financial institution, whether or not the deposit has matured and notwithstanding any restriction as to the mode of withdrawal.

### **Application for order (O. 49, r. 2)**

2. An application for an order under Rule 1 must be made by *ex parte* summons supported by an affidavit in Form 102 —

- (a) identifying the judgment or order to be enforced and stating the amount remaining unpaid under it at the time of the application; and
- (b) stating that to the best of the information or belief of the deponent the garnishee (naming him) is within the jurisdiction and is indebted to the judgment debtor and stating the sources of the deponent’s information or the grounds for his belief.

### **Service and effect of order to show cause (O. 49, r. 3)**

3.—(1) An order under Rule 1 to show cause must, at least 7 days before the time appointed thereby for the further consideration of the matter, be served —

- (a) on the garnishee personally; and
- (b) unless the Court otherwise directs, on the judgment debtor.

(2) Such an order shall bind in the hands of the garnishee as from the service of the order on him any debt specified in the order or so much thereof as may be so specified.

#### **No appearance or dispute of liability by garnishee (O. 49, r. 4)**

4.—(1) Where on the further consideration of the matter the garnishee does not attend or does not dispute the debt due or claimed to be due from him to the judgment debtor, the Court may, subject to Rule 7, make a final order<sup>8</sup> in one of the forms in Form 103 under Rule 1 against the garnishee.

(2) A final order<sup>8</sup> under Rule 1 against the garnishee may be enforced in the same manner as any other order for the payment of money.

#### **Dispute of liability by garnishee (O. 49, r. 5)**

5. Where on the further consideration of the matter the garnishee disputes liability to pay the debt due or claimed to be due from him to the judgment debtor, the Court may summarily determine the question at issue or order in Form 104 that any question necessary for determining the liability of the garnishee be tried in any manner in which any question or issue in an action may be tried.

#### **Claims of third persons (O. 49, r. 6)**

6.—(1) If in garnishee proceedings it is brought to the notice of the Court that some person other than the judgment debtor is or claims to be entitled to the debt sought to be attached or has or claims to have a charge or lien upon it, the Court may order that person to attend before the Court and state the nature of the claim with particulars thereof.

(2) After hearing any person who attends before the Court in compliance with an order under paragraph (1), the Court may summarily determine the questions at issue between the claimants or make such other order as it thinks just, including an order that any question or issue necessary for determining the validity of the claim of such other person as is mentioned in paragraph (1) be tried in such manner as is mentioned in Rule 5.



**Judgment creditor resident outside scheduled territories (O. 49, r. 7)**

7.—(1) The Court shall not make an order under Rule 1 requiring the garnishee to pay any sum to or for the credit of any judgment creditor resident outside the scheduled territories unless that creditor produces a certificate that the Monetary Authority of Singapore has given permission under the Exchange Control Act (Cap. 99) for the payment unconditionally or on conditions which have been complied with.

(2) If it appears to the Court that payment by the garnishee to the judgment creditor will contravene any provision of the Exchange Control Act, it may order the garnishee to pay into Court the amount due to the judgment creditor and the costs of the garnishee proceedings after deduction of his own costs, if the Court so orders.

**Discharge of garnishee (O. 49, r. 8)**

8. Any payment made by a garnishee in compliance with a final order<sup>8</sup> under this Order, and any execution levied against him in pursuance of such an order, shall be a valid discharge of his liability to the judgment debtor to the extent of the amount paid or levied notwithstanding that the garnishee proceedings are subsequently set aside or the judgment or order from which they arose reversed.

**Money in Court (O. 49, r. 9)**

9.—(1) Where money is standing to the credit of the judgment debtor in Court, the judgment creditor shall not be entitled to take garnishee proceedings in respect of that money but may apply to the Court by summons for an order that the money or so much thereof as is sufficient to satisfy the judgment or order sought to be enforced and the costs of the application be paid to the judgment creditor.

(2) On issuing a summons under this Rule the applicant must produce the summons at the office of the Accountant-General and leave a copy at that office, and the money to which the application relates shall not be paid out of Court until after the determination of the application.

If the application is dismissed, the applicant must give notice of that fact to the Accountant-General.

(3) Unless the Court otherwise directs, the summons must be served on the judgment debtor at least 7 days before the day named therein for the hearing of it.

(4) Subject to Order 70, Rule 24, the Court hearing an application under this Rule may make such order with respect to the money in Court as it thinks just.

### **Costs (O. 49, r. 10)**

**10.** The costs of any application for an order under Rule 1 or 9, and of any proceedings arising therefrom or incidental thereto, shall, unless the Court otherwise directs, be retained by the judgment creditor out of the money recovered by him under the order and in priority to the judgment debt.

## ORDER 50

### STOP ORDERS, ETC.

### **Securities not in Court: Stop notice (O. 50, r. 1)**

**1.**—(1) Any person claiming to be beneficially entitled to an interest in any securities to which this Rule applies, other than securities in Court, who wishes to be notified of any proposed transfer or payment of those securities may avail himself of the provisions of this Rule.

(2) A person claiming to be so entitled must file in the Registry —

(a) an affidavit identifying the securities in question and describing his interest therein by reference to the document under which it arises; and

(b) a notice in Form 105 signed by the deponent to the affidavit, and annexed to it, addressed to the Accountant-General or, as the case may be, the company concerned,

and must serve a copy of the affidavit, and a copy of the notice sealed with the seal of the Supreme Court or the seal of the State Courts, as the case may be, on the Accountant-General or that company.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(3) There must be endorsed on the affidavit filed under this Rule a notice stating the address to which any such notice as is referred to in Rule 2(1) is to be sent and, subject to paragraph (4), that address shall for the purpose of that Rule be the address for service of the person on whose behalf the affidavit is filed.

(4) A person on whose behalf an affidavit under this Rule is filed may change his address for service for the purpose of Rule 2 by serving on the Accountant-General or, as the case may be, the company concerned, a notice to that effect, and as from the date of service of such a notice, the address stated therein shall for the purpose of that Rule be the address for service of that person.

(5) The securities to which this Rule applies are —

(a) any Government stock, and any stock of any company or corporation registered or incorporated under any written law, including any such stock standing in the name of the Accountant-General; and

(b) any dividend of or interest payable on such stock.

(6) In this Order, “Government stock” means any stock issued by the Government or any funds of or annuity granted by the Government, and “stock” includes shares, debentures, debenture stock and stock options.

### **Effect of stop notice (O. 50, r. 2)**

2.—(1) Where a notice under Rule 1 has been served on the Accountant-General or a company, then, so long as the notice is in force, the Accountant-General or the company shall not register a transfer of any stock or make a payment of any dividend or interest, being a transfer or payment restrained by the notice, without serving on the person on whose behalf the notice was filed at his address for

service a notice informing him of the request for such transfer or payment.

(2) Where the Accountant-General or a company receives a request for such a transfer or payment as is mentioned in paragraph (1) made by or on behalf of the holder of the securities to which the notice under Rule 1 relates, the Accountant-General or the company shall not by reason only of that notice refuse to register the transfer or make the payment for longer than 8 days after receipt of the request except under the authority of an order of the Court.

### **Amendment of stop notice (O. 50, r. 3)**

3. If any securities are incorrectly described in a notice filed under Rule 1, the person on whose behalf the notice was filed may file in the Registry an amended notice and serve on the Accountant-General or, as the case may be, the company concerned a copy of that notice sealed with the seal of the Supreme Court or the seal of the State Courts, as the case may be, and where he does so the notice under Rule 1 shall be deemed to have been served on the Accountant-General or company on the day on which the copy of the amended notice was served on it.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

### **Withdrawal, etc., of stop notice (O. 50, r. 4)**

4.—(1) The person on whose behalf a notice under Rule 1 was filed may withdraw it by serving a request for its withdrawal on the Accountant-General or, as the case may be, the company on whom the notice was served.

(2) Such request must be signed by the person on whose behalf the notice was filed and his signature must be witnessed by a practising solicitor.

(3) The Court, on the application of any person claiming to be beneficially entitled to an interest in the securities to which a notice under Rule 1 relates, may by order discharge the notice.

(4) An application for an order under paragraph (3) must be made by originating summons, and the originating summons must be served on the person on whose behalf the notice under Rule 1 was filed.

### **Order prohibiting transfer, etc., of securities (O. 50, r. 5)**

5.—(1) The Court, on the application of any person claiming to be beneficially entitled to an interest in any Government stock or any stock of any company registered under any written law, may by order in Form 106 prohibit the Accountant-General or, as the case may be, that company from registering any transfer of such part of that stock as may be specified in the order or from paying any dividend thereof or interest thereon.

The name of the holder of the stock to which the order relates shall be stated in the order.

(2) An application for an order under this Rule must be made —

- (a) where an action is pending, by summons in the action; and
- (b) in any other case, by originating summons.

(3) The Court, on the application of any person claiming to be entitled to an interest in any stock to which an order under this Rule relates, may vary or discharge the order on such terms (if any) as to costs as it thinks fit.

### **Funds in Court: Stop order (O. 50, r. 6)**

6.—(1) The Court, on the application of any person —

- (a) who has a mortgage or charge on the interest of any person in funds in Court;
- (b) to whom that interest has been assigned; or
- (c) who is a judgment creditor of the person entitled to that interest,

may make an order prohibiting the transfer, sale, delivery out, payment or other dealing with such funds, or any part thereof, or the income thereon, without notice to the applicant.

(2) An application for an order under this Rule must be made by summons in the cause or matter relating to the funds in Court, or, if there is no such cause or matter, by originating summons.

(3) The originating summons or summons must be served on every person whose interest may be affected by the order applied for and on the Accountant-General but shall not be served on any other person.

(4) Without prejudice to the Court's powers and discretion as to costs, the Court may order the applicant for an order under this Rule to pay the costs of any party to the cause or matter relating to the funds in question, or of any person interested in those funds, occasioned by the application.

## ORDER 51

### RECEIVERS: EQUITABLE EXECUTION

#### **Appointment of receivers by way of equitable execution (O. 51, r. 1)**

1.—(1) Where an application is made for the appointment of a receiver by way of equitable execution, the Court in determining whether it is just or convenient that the appointment should be made shall have regard to the amount claimed by the judgment creditor, to the amount likely to be obtained by the receiver and to the probable costs of his appointment and may direct an inquiry on any of these matters or any other matter before making the appointment.

(2) Where on an application for the appointment of a receiver by way of equitable execution it appears to the Court that the judgment creditor is resident outside the scheduled territories, or is acting by order or on behalf of a person so resident, then, unless the permission of the Monetary Authority of Singapore required by the Exchange Control Act (Cap. 99) has been given unconditionally or on conditions that have been complied with, any order for the appointment of a receiver shall direct that the receiver shall pay into Court to the credit of the cause or matter in which he is appointed any balance due from him after deduction of his proper remuneration.

**Registrar may appoint receiver, etc. (O. 51, r. 2)**

2. Subject to any directions given by the Court under Order 32, Rule 9, the Registrar shall have power to make an order for the appointment of a receiver by way of equitable execution and to grant an injunction if, and only so far as, the injunction is ancillary or incidental to such an order.

**Application of Rules as to appointment of receiver, etc. (O. 51, r. 3)**

3.—(1) An application for the appointment of a receiver by way of equitable execution may be made in accordance with Order 30, Rule 1, and Rules 2 to 6 of that Order shall apply in relation to a receiver appointed by way of equitable execution as they apply in relation to a receiver appointed for any other purpose.

(2) The summons for the appointment of a receiver must be in Form 107 and an order for the appointment of a receiver by way of equitable execution must be in one of the forms in Form 108.

## ORDER 52

## CONTEMPT OF COURT

[S 543/2017 wef 01/10/2017]

**Definitions (O. 52, r. 1A)**

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

“Act” means the Administration of Justice (Protection) Act 2016 (Act 19 of 2016);

“contempt of court” means contempt of court under the Act and includes, subject to section 8, contempt of court under the common law;

“non-publication direction” means a direction under section 13;

“section” means a section of the Act.

[S 543/2017 wef 01/10/2017]

**Committal for contempt of court (O. 52, r. 1)**

1.—(1) The power of the Court to punish for contempt of court may be exercised by an order of committal in Form 109.

(2) [*Deleted by S 543/2017 wef 01/10/2017*]

(3) [*Deleted by S 543/2017 wef 01/10/2017*]

(4) [*Deleted by S 543/2017 wef 01/10/2017*]

(5) Where by virtue of any written law the High Court has power to punish or take steps for the punishment of any person charged with having done anything in relation to a court, tribunal or person which would, if it had been done in relation to the High Court, have been a contempt of that Court, an order of committal may be made by the High Court.

[*S 543/2017 wef 01/10/2017*]

**Application to Court (O. 52, r. 2)**

2.—(1) No application to a Court for an order of committal against any person may be made unless leave to make such an application has been granted in accordance with this Rule.

(2) An application for such leave must be made by *ex parte* originating summons or by summons in the proceedings, as the case may be, to a Judge and must be supported by a statement setting out the name and description of the applicant, the name, description and address of the person sought to be committed and the grounds on which his committal is sought, and by an affidavit, to be filed when the application is made, verifying the facts relied on.

**Application for order after leave to apply granted (O. 52, r. 3)**

3.—(1) When leave has been granted under Rule 2 to apply for an order of committal, the application for the order must be made by summons in the proceedings in which leave was obtained, and, unless the Judge granting leave has otherwise directed, there must be at least 8 clear days between the service of the application and the day named therein for the hearing.

(2) [*Deleted by S 806/2005*]



(3) Unless within 14 days after such leave was granted the application for the order of committal is filed, the leave shall lapse.

*[S 543/2017 wef 01/10/2017]*

(4) Subject to paragraph (5), the ex parte originating summons or summons, the statement, and the supporting affidavit under Rule 2, the order granting leave and the application for the order of committal must be served personally on the person sought to be committed.

(5) Without prejudice to Order 62, Rule 5, the Court may dispense with service of the documents stated in paragraph (4) if it thinks it just to do so.

#### **Saving for power to commit without application (O. 52, r. 4)**

4. Nothing in Rules 1, 2 and 3 shall be taken as affecting the power of the High Court or the Court of Appeal to make an order of committal of its own motion against a person guilty of contempt of court.

*[S 543/2017 wef 01/10/2017]*

#### **Transfer to High Court (O. 52, r. 4A)**

**4A.**—(1) An application under section 10(4) to transfer a case in a State Court to the High Court must be made to a Judge of the latter Court by originating summons.

(2) In hearing such an application, the High Court may order the case sought to be transferred and any related proceedings to be stayed until after the final determination of the application.

(3) Where the High Court orders a case in a State Court to be transferred to the High Court under section 10(4) —

(a) the High Court may —

- (i) set aside or affirm any order made by the State Court in the case;
- (ii) modify Rules 2 and 3 in their application to the case; and
- (iii) make any other order relating to the transfer;

- (b) the Registrar of the State Courts must send to the Registrar of the Supreme Court the file of the proceedings, all documents, exhibits and a certified copy of the notes of evidence (if any) of the proceedings; and
- (c) the Registrar of the Supreme Court must give notice of the transfer to every party to the case.

*[S 543/2017 wef 01/10/2017]*

### **Provisions as to hearing (O. 52, r. 5)**

5.—(1) Subject to paragraph (2), the Court hearing an application for an order of committal or an application under section 10(4) to transfer a case to the High Court may sit in private in the following cases:

- (a) where the application arises out of proceedings relating to the wardship or adoption of an infant or wholly or mainly to the guardianship, custody, maintenance or upbringing of an infant, or rights of access to an infant;
- (b) where the application arises out of proceedings relating to a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) in relation to matters concerning his property and affairs;
- (ba) where the application is made in the High Court and arises out of proceedings in a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321);
- (c) where the application arises out of proceedings in which a secret process, discovery or invention was in issue; and
- (d) where it appears to the Court that in the interests of the administration of justice or for reasons of national security the application should be heard in private,

*[S 543/2017 wef 01/10/2017]*

but, except as aforesaid, the application shall be heard in open Court.

*[S 543/2017 wef 01/10/2017]*

(2) If the Court hearing an application in private by virtue of paragraph (1) decides to make an order of committal against the person sought to be committed, it shall in open Court state —

- (a) the name of that person;
- (b) in general terms the nature of the contempt of court in respect of which the order of committal is being made; and  
*[S 543/2017 wef 01/10/2017]*
- (c) if he is being committed for a fixed period, the length of that period.

(3) Except with the leave of the Court hearing an application for an order of committal, no grounds shall be relied upon at the hearing except the grounds set out in the statement under Rule 2.

The foregoing provision is without prejudice to the powers of the Court under Order 20, Rule 8.

(4) If on the hearing of the application the person sought to be committed expresses a wish to give oral evidence on his own behalf, he shall be entitled to do so.

### **Power to suspend execution of committal order (O. 52, r. 6)**

**6.—**(1) The Court may by order direct that the execution of the order of committal shall be suspended for such period or on such terms or conditions as it may specify.

(2) Where execution of an order of committal is suspended by an order under paragraph (1), the applicant for the order of committal must, unless the Court otherwise directs, serve on the person against whom it was made a notice informing him of the making and terms of the order under that paragraph.

(3) Where the execution of an order of committal has been suspended under paragraph (1), the applicant for the order of committal may, on the ground that any of the terms of the suspension has been breached, apply for the suspension to be lifted.

(4) An application under paragraph (3) must be made by summons supported by an affidavit.

(5) Unless the Court otherwise directs, the summons and the supporting affidavit under paragraph (4) must be served on the person against whom the order of committal has been granted.

### **Discharge of person committed (O. 52, r. 7)**

7.—(1) The Court may, on the application of any person committed to prison for any contempt of court, discharge him.

*[S 543/2017 wef 01/10/2017]*

(2) Where a person has been committed for contempt of court under section 4 in relation to his failure to deliver any thing to some other person or to deposit it in Court or elsewhere, then, if the thing is in the custody or power of the person committed, the Sheriff may take possession of it as if it were the property of that person and, without prejudice to the generality of paragraph (1), the Court may discharge the person committed and may give such directions for dealing with the thing taken by the Sheriff as it thinks fit.

*[S 543/2017 wef 01/10/2017]*

### **Saving for other powers (O. 52, r. 8)**

8. Nothing in Rules 1A to 7 shall be taken as affecting the power of the Court to make an order requiring a person punishable by virtue of any written law in like manner as if he had been guilty of contempt of court, to pay a fine or to give security for his good behaviour, and those Rules, so far as applicable, and with the necessary modifications, shall apply in relation to an application for such an order as they apply in relation to an application for an order of committal.

*[S 543/2017 wef 01/10/2017]*

### **Form of warrant for committal (O. 52, r. 9)**

9.—(1) A warrant for committal must be in Form 110.

(2) The Registrar shall assign a serial number to the warrant and shall sign, seal and date the warrant whereupon the warrant shall be deemed to be issued.

(3) No such warrant shall be issued unless at the time of the tender for issue, the person tendering it produces —

- (a) the judgment or order on which the warrant is to issue, or a copy thereof;
- (b) where the warrant may not issue without the leave of Court, the order granting such leave or evidence of the granting of such leave; and
- (c) the undertaking, declaration and indemnity in Form 87.

(4) Order 46, Rule 11 shall apply to the execution of a warrant for committal.

**Committal proceedings before Employment Claims Tribunal  
(O. 52, r. 10)**

**10.**—(1) Rules 1A to 9 (except Rule 5(1) and (2)) apply to committal proceedings before a tribunal.

*[S 543/2017 wef 01/10/2017]*

(2) For the purposes of applying this Order to committal proceedings before a tribunal, unless the context otherwise requires —

- (a) any reference to a Court is a reference to a tribunal or a tribunal magistrate; and
- (b) any reference to a Judge is a reference to a tribunal magistrate.

(2A) The court fees prescribed in Appendix B apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a District Court.

*[S 543/2017 wef 01/10/2017]*

(2B) The hearing fees prescribed in the Employment Claims Rules 2017 (G.N. No. S 104/2017) apply to the hearing of any proceedings under this Order in a tribunal.

*[S 543/2017 wef 01/10/2017]*

(3) In this Rule —

“tribunal” means a State Court called an Employment Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321);

“tribunal magistrate” has the same meaning as in section 2(1) of the Employment Claims Act 2016 (Act 21 of 2016).

*[S 105/2017 wef 01/04/2017]*

**Committal proceedings before Small Claims Tribunal (O. 52, r. 11)**

**11.—**(1) Rules 1A to 9 (except Rule 5(1) and (2)) apply to committal proceedings before a tribunal.

(2) For the purposes of applying this Order to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a Referee; and

(b) any reference to a Judge is a reference to a Referee.

(3) The court fees prescribed in Appendix B apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a Magistrate’s Court.

(4) The hearing fees prescribed in Order 90A, Rule 1 apply to proceedings under this Order in a tribunal as they apply to proceedings under this Order in a Magistrate’s Court.

(5) In this Rule —

“Referee” means a Referee appointed under section 4(1) of the Small Claims Tribunals Act (Cap. 308);

“tribunal” means a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321).

*[S 543/2017 wef 01/10/2017]*

**Committal proceedings before Community Dispute Resolution Tribunals (O. 52, r. 12)**

**12.—**(1) To avoid doubt, Rules 1A to 9 (except Rule 5(1) and (2)) apply to a tribunal.

(2) For the purposes of applying this Order to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a tribunal judge; and

(b) any reference to a Judge is a reference to a tribunal judge.

(3) In this Rule —

“tribunal” means a State Court designated as a Community Disputes Resolution Tribunal under section 14(1)(a) of the Community Disputes Resolution Act 2015 (Act 7 of 2015);

“tribunal judge” means a District Judge designated as a tribunal judge under section 14(1)(b) of the Community Disputes Resolution Act 2015.

[S 543/2017 wef 01/10/2017]

**Application by Attorney-General for leave to give non-publication direction (O. 52, r. 13)**

**13.—**(1) An application by the Attorney-General for leave to give a non-publication direction must be made by ex parte originating summons in Form 110A supported by an affidavit.

(2) Despite anything to the contrary in these Rules, the ex parte originating summons need not be served on any person (including the person to whom the proposed non-publication direction will apply) for the purposes of obtaining leave to give the proposed direction.

(3) The supporting affidavit may be deposed by a person authorised by the Attorney-General.

(4) The supporting affidavit must —

(a) have annexed to it a copy of the proposed non-publication direction;

(b) state the grounds for believing that there is a prima facie case that —

(i) the person to whom the proposed non-publication direction will apply has published the matter that is the subject of the proposed non-publication direction; and

- (ii) the publication of the matter that is the subject of the non-publication direction would satisfy section 13(7)(b)(i), (ii) or (iii);
  - (c) state the reasons for any exception or condition in the proposed non-publication direction; and
  - (d) state that the Attorney-General is satisfied that it is in the public interest to give the proposed non-publication direction.
- (5) Leave to give a non-publication direction lapses if the direction is not served in accordance with the Act within 14 days (or such longer period as the Court may allow) after the day on which leave is granted.
- (6) After a non-publication direction is served, a person authorised by the Attorney-General must file an affidavit stating that the direction has been served in accordance with the Act and giving particulars of the service.

*[S 543/2017 wef 01/10/2017]*

### **Application to set aside or vary non-publication direction (O. 52, r. 14)**

- 14.—**(1) This rule applies to an application under section 13(9) to vary or set aside a non-publication direction.
- (2) The application must be made within 14 days (or such longer period as the Court may allow) after the direction is served on the person to whom the non-publication direction applies.
- (3) To avoid doubt, paragraph (2) applies even if the application is made by the author of the matter specified in the direction.
- (4) An application must be made by summons in Form 110B in the originating summons in which leave to give the non-publication direction was granted, and must be supported by an affidavit.
- (5) The applicant must serve the summons and supporting affidavit on the Attorney-General, any person (other than the applicant) to whom the non-publication direction applies, and any other person whom the Court orders to be served.



(6) If the applicant is the author of the matter that is the subject of the non-publication direction, the supporting affidavit must state and give evidence of that fact.

(7) If the Court decides to set aside or vary a non-publication direction, the applicant must serve the order of the Court, within 14 days after the date of the order of the Court (or such longer period as the Court may allow) —

(a) on the person to whom the direction applies (unless the person is the applicant); and

(b) any other person whom the Court orders to be served.

(8) If an order of Court is required to be served in accordance with paragraph (7), the applicant must, after the order has been served, file an affidavit stating that the order has been served and giving particulars of the service.

(9) An order of Court to set aside a non-publication direction has effect from the date of the order or such other date as the Court may specify in the order.

(10) An order of Court to vary a non-publication direction has effect —

(a) insofar as the direction and the variation applies to the applicant — from the date of the order or such other date as the Court may specify in the order; and

(b) insofar as the direction and the variation applies to a person other than the applicant — from the date on which the order is served on the person, or such later date as the Court may specify in the order.

*[S 543/2017 wef 01/10/2017]*

## ORDER 53

APPLICATION FOR MANDATORY ORDER<sup>7</sup>, PROHIBITING ORDER<sup>9</sup>, QUASHING ORDER<sup>10</sup>, ETC.**No application for Mandatory Order<sup>7</sup>, etc., without leave (O. 53, r. 1)**

1.—(1) An application for a Mandatory Order<sup>7</sup>, Prohibiting Order<sup>9</sup> or Quashing Order<sup>10</sup> (referred to in this paragraph as the principal application) —

(a) may include an application for a declaration; but

(b) shall not be made, unless leave to make the principal application has been granted in accordance with this Rule.

(2) An application for such leave must be made by *ex parte* originating summons and must be supported by a statement setting out the name and description of the applicant, the relief sought and the grounds on which it is sought, and by an affidavit, to be filed when the application is made, verifying the facts relied on.

(3) The applicant must serve the *ex parte* originating summons, the statement and the supporting affidavit not later than the preceding day on the Attorney-General's Chambers.

(4) The Judge may, in granting leave, impose such terms as to costs and as to giving security as he thinks fit.

(5) The grant of leave under this Rule to apply for a Prohibiting Order<sup>9</sup> or a Quashing Order<sup>10</sup> shall, if the Judge so directs, operate as a stay of the proceedings in question until the determination of the application or until the Judge otherwise orders.

(6) Notwithstanding the foregoing, leave shall not be granted to apply for a Quashing Order<sup>10</sup> to remove any judgment, order, conviction or other proceeding for the purpose of its being quashed, unless the application for leave is made within 3 months after the date of the proceeding or such other period (if any) as may be prescribed by any written law or, except where a period is so prescribed, the delay is accounted for to the satisfaction of the Judge to whom the application for leave is made; and where the proceeding is subject to appeal and a time is limited by law for the bringing of the appeal, the Judge may

adjourn the application for leave until the appeal is determined or the time for appealing has expired.

**Mode of applying for Mandatory Order<sup>7</sup>, etc. (O. 53, r. 2)**

2.—(1) When leave has been granted to apply for a Mandatory Order<sup>7</sup>, Prohibiting Order<sup>9</sup> or Quashing Order<sup>10</sup> —

- (a) the application for the order and any included application for a declaration must be made by summons to a Court in the originating summons in which leave was obtained; and
- (b) unless the Judge granting leave has otherwise directed, there must be at least 8 clear days between the service of the summons and the day named therein for the hearing.

(2) Unless the summons is filed within 14 days after such leave was granted, the leave shall lapse.

(3) The ex parte originating summons, the statement, the supporting affidavit, the order granting leave and the summons filed under paragraph (1) must be served on all persons directly affected, and where it relates to any proceedings in or before a Court, and the object is either to compel the Court or an officer thereof to do any act in relation to the proceedings or to quash them or any order made therein, the said documents must be served on the Registrar, the other parties to the proceedings and, where any objection to the conduct of the Judge is to be made, on the Judge.

(4) An affidavit giving the names and addresses of, and the places and dates of service on, all persons who have been served with the said documents must be filed before the hearing and, if any person who ought to be served under paragraph (3) has not been served, the affidavit must state that fact and the reason why service has not been effected.

(5) If on the hearing of the summons filed under paragraph (1) the Court is of opinion that any person who ought to have been served with the said documents has not been served, whether or not he is a person who ought to have been served under paragraph (3), the Court may adjourn the hearing on such terms (if any) as it may direct in order that the said documents may be served on that person.

**Statements and further affidavits (O. 53, r. 3)**

3.—(1) Subject to paragraph (2), no grounds shall be relied upon or any relief sought at the hearing of the summons filed under Rule 2 except the grounds and relief set out in that statement.

(2) The Court may on the hearing of the summons filed under Rule 2 allow the said statement to be amended, and may allow further affidavits to be used if they deal with new matter arising out of any affidavit of any other party to the application, and where the applicant intends to ask to be allowed to amend his statement or use further affidavits, he must give notice of his intention and of any proposed amendment of his statement to every other party, and must serve a copy of such further affidavits on every other party.

(3) Every party to the application must serve a copy of the affidavits which he proposes to use at the hearing on every other party.

**Right to be heard in opposition (O. 53, r. 4)**

4. On the hearing of any summons filed under Rule 2, any person who desires to be heard in opposition to the summons and appears to the Court to be a proper person to be heard shall be heard notwithstanding that he has not been served with any documents.

**Application for Quashing Order<sup>10</sup> (O. 53, r. 5)**

5.—(1) In the case of an application for a Quashing Order<sup>10</sup> to remove any proceedings, the applicant may not question the validity of any order, warrant, commitment, conviction, inquisition or record unless before the hearing of the summons filed under Rule 2 he has served a copy thereof verified by affidavit on the Attorney-General, or accounts for his failure to do so to the satisfaction of the Court hearing the summons.

(2) Where a Quashing Order<sup>10</sup> is made in any such case, the order shall direct that the proceedings shall be quashed forthwith on their removal to the High Court.

**Saving for person acting in obedience to Mandatory Order<sup>7</sup>**  
**(O. 53, r. 6)**

6. No action or proceeding shall be begun or prosecuted against any person in respect of anything done in obedience to a Mandatory Order<sup>7</sup>.

**Power of Court to grant relief in addition to Mandatory Order<sup>7</sup>, etc. (O. 53, r. 7)**

7.—(1) Subject to the Government Proceedings Act (Cap. 121), where, upon hearing any summons filed under Rule 2, the Court has made a Mandatory Order<sup>7</sup>, Prohibiting Order<sup>9</sup>, Quashing Order<sup>10</sup> or declaration, and the Court is satisfied that the applicant has a cause of action that would have entitled the applicant to any relevant relief if the relevant relief had been claimed in a separate action, the Court may, in addition, grant the applicant the relevant relief.

(2) For the purposes of determining whether the Court should grant the applicant any relevant relief under paragraph (1), or where the Court has determined that the applicant should be granted any such relief, the Court may give such directions, whether relating to the conduct of the proceedings or otherwise, as may be necessary for the purposes of making the determination or granting the relief, as the case may be.

(3) Before the Court grants any relevant relief under paragraph (1), any person who opposes the granting of the relief, and who appears to the Court to be a proper person to be heard, shall be heard.

(4) In this Rule, “relevant relief” means any liquidated sum, damages, equitable relief or restitution.

**Appeal to Court of Appeal (O. 53, r. 8)**

8. An appeal shall lie from an order made by a Judge in Chambers under this Order as it does in the case of an interlocutory order.

**Application (O. 53, r. 9)**

9. This Order is not applicable to the State Courts.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

## ORDER 54

APPLICATION FOR ORDER FOR REVIEW OF DETENTION<sup>11</sup>**Application for Order for Review of Detention<sup>11</sup> (O. 54, r. 1)**

1.—(1) [*Deleted by S 806/2005*]

(2) An application for an Order for Review of Detention<sup>11</sup> must be made by *ex parte* originating summons to a Judge and, subject to paragraph (3), must be supported by an affidavit by the person restrained showing that it is made at his instance and setting out the nature of the restraint.

(3) Where the person restrained is unable for any reason to make the affidavit required by paragraph (2), the affidavit may be made by some other person on his behalf and that affidavit must state that the person restrained is unable to make the affidavit himself and for what reason.

**Power of Court to whom *ex parte* application made (O. 54, r. 2)**

2.—(1) The Judge to whom an application under Rule 1 is made may —

- (a) make an Order for Review of Detention<sup>11</sup> forthwith; or
- (b) direct that a summons for the Order for Review of Detention<sup>11</sup> be issued.

(2) The *ex parte* originating summons, the affidavit in support thereof, the Order of Court and the summons must be served on the person against whom the issue of the writ is sought and on such other persons as the Judge may direct and, unless the Judge otherwise directs, there must be at least 8 clear days between the service of the summons and the date named therein for the hearing.

**Copies of affidavits to be supplied (O. 54, r. 3)**

3. Every party to an application for an Order for Review of Detention<sup>11</sup> must serve a copy of each of the affidavits which he proposes to use at the hearing on every other party.

**Power to order release of person restrained (O. 54, r. 4)**

4.—(1) Without prejudice to Rule 2(1), the Judge hearing an application for an Order for Review of Detention<sup>11</sup> may in his discretion order that the person restrained be released, and such order shall be a sufficient warrant to any superintendent of a prison or other person for the release of the person under restraint.

(2) During the hearing of an application for an Order for Review of Detention<sup>11</sup>, the person restrained need not be brought before the Court unless the Judge otherwise directs.

**Return date for Order for Review of Detention<sup>11</sup> (O. 54, r. 5)**

5. Where an Order for Review of Detention<sup>11</sup> is made, the Judge by whom the order is made shall give directions as to the date on which the person under restraint is to be brought before the Court.

**Service of Order for Review of Detention<sup>11</sup> (O. 54, r. 6)**

6.—(1) Subject to paragraph (2), an Order for Review of Detention<sup>11</sup> must be served personally on each of the persons to whom it is directed.

(2) If it is not possible to serve the Order for Review of Detention<sup>11</sup> personally, or if it is directed to a superintendent of a prison or other public official, it must be served by leaving it with an employee or agent of the person to whom the Order for Review of Detention<sup>11</sup> is directed at the place where the person restrained is confined or restrained.

(3) [*Deleted*]

(4) [*Deleted*]

**Release and other directions (O. 54, r. 7)**

7.—(1) Upon the production of the person under restraint in Court, the Court may order that he be released forthwith or give such other directions as it deems fit.

(2) [*Deleted*]

**Form of Order for Review of Detention<sup>11</sup> (O. 54, r. 8)**

8. An Order for Review of Detention<sup>11</sup> must be in Form 111.

**Application (O. 54, r. 9)**

9. This Order is not applicable to the State Courts.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

**ORDER 55**

**APPEALS TO HIGH COURT FROM COURT, TRIBUNAL OR  
PERSON**

**Application (O. 55, r. 1)**

1.—(1) Subject to paragraphs (2) and (4), this Order shall apply to every appeal which under any written law lies to the High Court from any court, tribunal or person.

(2) This Order shall not apply to an appeal from a State Court constituted under the State Courts Act (Cap. 321) or any application by case stated.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(3) Rules 2 to 7 shall, in relation to an appeal to which the Order applies, have effect subject to any provision made in relation to that appeal by any other provision of these Rules or under any written law.

(4) In this Order, references to a tribunal shall be construed as references to any tribunal constituted under any written law other than any of the ordinary courts of law.

**Bringing of appeal (O. 55, r. 2)**

2.—(1) An appeal to which this Order applies shall be by way of rehearing and must be brought by originating summons.

(2) Every originating summons by which such an appeal is brought must be filed in the Registry and must state the grounds of the appeal and, if the appeal is against a judgment, order or other decision of a



court, must state whether the appeal is against the whole or a part of that decision and, if against a part only, must specify the part.

(3) The bringing of such an appeal shall not operate as a stay of proceedings on the judgment, determination or other decision against which the appeal is brought unless the Court by which the appeal is to be heard or the court, tribunal or person by which or by whom the decision was given so orders.

### **Service of originating summons and entry of appeal (O. 55, r. 3)**

3.—(1) The persons to be served with the originating summons by which an appeal to which this Order applies is brought are the following:

- (a) if the appeal is against a judgment, order or other decision of a Court, the Registrar or clerk of the Court and any party to the proceedings in which the decision was given who is directly affected by the appeal;
- (b) if the appeal is against an order, determination, award or other decision of a tribunal, Minister, Government department or other person, the chairman of the tribunal, Minister, Government department or person, as the case may be, and every party to the proceedings (other than the appellant) in which the decision appealed against was given.

(2) The originating summons must be served within 28 days after the date of the judgment, order, determination or other decision against which the appeal is brought.

(3) In the case of an appeal against a judgment, order or decision of a Court, the period specified in paragraph (2) shall be calculated from the date of the judgment or order or the date on which the decision was given.

(4) In the case of an appeal against an order, determination, award or other decision of a tribunal, Minister, Government department or other person, the period specified in paragraph (2) shall be calculated from the date on which notice of decision was given to the appellant by the

person who made the decision or by a person authorised in that behalf to do so.

#### **Date of hearing of appeal (O. 55, r. 4)**

4. Unless the Court having jurisdiction to determine otherwise directs, an appeal to which this Order applies shall not be heard sooner than 21 days after service of the originating summons by which the appeal is brought.

#### **Amendment of grounds of appeal, etc. (O. 55, r. 5)**

5.—(1) The originating summons by which an appeal to which this Order applies is brought may be amended by the appellant, without leave, by serving an amended originating summons not less than 7 days before the day appointed for the hearing of the appeal, on each of the persons on whom the originating summons to be amended was served.

(2) [*Deleted by S 806/2005*]

(3) Except with the leave of the Court hearing any such appeal, no grounds other than those stated in the originating summons by which the appeal is brought or any amended originating summons under paragraph (1) may be relied upon by the appellant at the hearing; but the Court may amend the grounds so stated or make any other order, on such terms as it thinks just, to ensure the determination on the merits of the real question in controversy between the parties.

(4) Paragraphs (1) and (3) are without prejudice to the powers of the Court under Order 20.

#### **Powers of Court hearing appeal (O. 55, r. 6)**

6.—(1) In addition to the powers conferred by Rule 5(3), the Court hearing an appeal to which this Order applies shall have the powers conferred by paragraphs (2) to (7).

(2) The Court shall have power to require further evidence on questions of fact, and the evidence may be given in such manner as the Court may direct either by oral examination in Court, by affidavit, by deposition taken before an examiner or in some other manner.

(3) The Court shall have power to draw any inferences of fact which might have been drawn in the proceedings out of which the appeal arose.

(4) It shall be the duty of the appellant to apply to the Judge or other person presiding at the proceedings in which the decision appealed against was given for a signed copy of any note made by him of the proceedings and to furnish that copy for the use of the Court; and in default of production of such a note, or, if such a note is incomplete, in addition to that note, the Court may hear and determine the appeal on any other evidence or statement of what occurred in those proceedings as appears to the Court to be sufficient.

Except where the Court otherwise directs, an affidavit or note by a person present at the proceedings shall not be used in evidence under this paragraph unless it was previously submitted to the person presiding at the proceedings for his comments.

(5) The Court may give any judgment or decision or make any order which ought to have been given or made by the court, tribunal or person and make such further or other order as the case may require or may remit the matter with the opinion of the Court for rehearing and determination by it or him.

(6) The Court may, in special circumstances, order that such security shall be given for the costs of the appeal as may be just.

(7) The Court shall not be bound to allow the appeal on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the Court substantial wrong or miscarriage has been thereby occasioned.

### **Right of Minister, etc., to appear and be heard (O. 55, r. 7)**

7. Where an appeal to which this Order applies is against an order, determination or other decision of a Minister or Government department, the Minister or department, as the case may be, shall be entitled to appear and be heard in the proceedings on the appeal.

ORDER 55A

APPLICATIONS TO HIGH COURT BY CASE STATED

**Application (O. 55A, r. 1)**

1.—(1) Subject to paragraphs (2) and (4), this Order shall apply to every application for an order to state a case and application by way of case stated which under any written law lies to the High Court from any tribunal or person.

(2) This Order shall not apply to an application arising out of proceedings in a State Court constituted under the State Courts Act (Cap. 321).

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(3) Rules 2 to 6 shall, in relation to an application to which the Order applies, have effect subject to any provision made in relation to that application by any other provision of these Rules or under any written law.

(4) In this Order, references to a tribunal shall be construed as references to any tribunal constituted under any written law other than any of the ordinary courts of law.

**Application for order to state a case (O. 55A, r. 2)**

2.—(1) An application to the Court for an order directing a Minister, tribunal or other person to state a case for determination by the Court or to refer a question of law to the Court by way of case stated must be made by originating summons supported by an affidavit; and the persons to be served with the originating summons are the Minister, secretary of the tribunal or other person, as the case may be, and every party (other than the applicant) to the proceedings to which the application relates.

(2) The supporting affidavit must state the grounds of the application, the question of law on which it is sought to have the case stated and any reasons given by the Minister, tribunal or other person for his or its refusal to state a case, if any.

**Signing and service of case (O. 55A, r. 3)**

3.—(1) A case stated by a tribunal must be signed by the chairman or president of the tribunal, and a case stated by any other person must be signed by him or by a person authorised in that behalf to do so.

(2) The case must be served on the party at whose request, or as a result of whose application to the Court, the case was stated; and if a Minister, tribunal, arbitrator or other person is entitled by virtue of any enactment to state a case, or to refer a question of law by way of case stated, for determination by the High Court without request being made by any party to the proceedings before that person, the case must be served on such party to those proceedings as the Minister, tribunal, arbitrator or other person, as the case may be, thinks appropriate.

(3) When a case is served on any party under paragraph (2), notice must be given to every other party to the proceedings in question that the case has been served on the party named, and on the date specified, in the notice.

**Proceedings for determination of case (O. 55A, r. 4)**

4.—(1) Proceedings for the determination by the High Court of a case stated, or a question of law referred by way of case stated, by a Minister, tribunal, arbitrator or other person must be begun by originating summons by the person on whom the case was served in accordance with Rule 3(2) or, where the case is stated without a request being made, by the Minister, secretary of the tribunal, arbitrator or other person by whom the case is stated.

(2) The applicant shall serve the originating summons under paragraph (1), together with a copy of the case, on —

- (a) the Minister, secretary of the tribunal, arbitrator or other person by whom the case was stated, unless that Minister, tribunal, arbitrator or other person is the applicant;
- (b) every party (other than the applicant) to the proceedings in which the question of law to which the case relates arose; and
- (c) any other person (other than the applicant) served with the case under Rule 3(2).

(3) The originating summons must set out the applicant's contentions on the question of law to which the case stated relates.

(4) The originating summons must be filed and served within 14 days after the case stated was served on the applicant.

(5) If the applicant fails to file the originating summons within the period specified in paragraph (4) then, after obtaining a copy of the case from the Minister, tribunal, arbitrator or other person by whom the case was stated, any other party to the proceedings in which the question of law to which the case relates arose may, within 14 days after the expiration of the period so specified, begin proceedings for the determination of the case, and paragraphs (1) to (4) shall have effect accordingly with the necessary modifications.

The references in this paragraph to the period specified in paragraph (4) shall be construed as including references to that period as extended by any order of the Court.

(6) Unless the Court having jurisdiction to determine the case otherwise directs, the originating summons shall not be heard sooner than 7 days after service thereof.

#### **Amendment of case (O. 55A, r. 5)**

5. The Court hearing a case stated by a Minister, tribunal, arbitrator or other person may amend the case or order it to be returned to that person for amendment, and may draw inferences of fact from the facts stated in the case.

#### **Right of Minister to appear and be heard (O. 55A, r. 6)**

6. In proceedings for the determination of a case stated, or of a question of law referred by way of case stated, the Minister, chairman or president of the tribunal, arbitrator or other person by whom the case was stated shall be entitled to appear and be heard.

## ORDER 55B

APPEALS FROM REGISTRAR IN PROCEEDINGS IN STATE  
COURTS**Appeals from decisions of Registrar to District Judge in  
Chambers (O. 55B, r. 1)**

1.—(1) An appeal shall lie to a District Judge in Chambers from any judgment, order or decision of the Registrar in Chambers.

(2) The Chief Justice may, from time to time, direct that such class or classes or description of proceedings be heard in Chambers, and any such proceedings, whether heard in open Court or in Chambers, shall be deemed to have been heard in Chambers for the purpose of paragraph (1).

(3) The appeal shall be brought by serving on every other party to the proceedings in which the judgment, order or decision was given or made a notice in Form 112 to attend before the District Judge in Chambers on a day specified in the notice.

(4) Unless the Court otherwise orders, the notice must be issued within 14 days after the judgment, order or decision appealed against was given or made and served on all other parties within 7 days of it being issued.

(5) Except so far as the Court may otherwise direct, an appeal under this Rule shall not operate as a stay of the proceedings in which the appeal is brought.

2. [*Deleted*]

**Application (O. 55B, r. 3)**

3. This Order shall only apply to proceedings in the State Courts.

4. [*Deleted by S 850/2014 wef 01/01/2015*]

## ORDER 55C

## APPEALS FROM DISTRICT JUDGES IN CHAMBERS

**Appeals from decisions of District Judges or Magistrates in Chambers (O. 55C, r. 1)**

1.—(1) Subject to section 21(2B) of the Supreme Court of Judicature Act (Cap. 322), an appeal shall lie to a Judge of the High Court in Chambers from —

- (a) any judgment, order or decision of a District Judge in Chambers (not given or made in his capacity as the Registrar), including a judgment given, or an order or a decision made, on appeal from the Registrar; and
- (b) any judgment, order or decision of a Magistrate in Chambers (not given or made in his capacity as the Registrar).

(2) The Chief Justice may, from time to time, direct that such class or classes or description of proceedings be heard in Chambers, and any such proceedings, whether heard in open Court or in Chambers, shall be deemed to have been heard in Chambers for the purpose of paragraph (1).

(3) The appeal shall be brought by serving on every other party to the proceedings, in which the judgment, order or decision was given or made, a notice in Form 112 to attend before the Judge of the High Court in Chambers on a day specified in the notice.

(4) Unless the Court otherwise orders, the notice must be issued within 14 days after the judgment, order or decision appealed against was given or made and served on all other parties within 7 days of it being issued.

(5) Except so far as the Court may otherwise direct, an appeal under this Rule shall not operate as a stay of the proceedings in which the appeal is brought.

(6) Where an application for further arguments has been made —

- (a) no notice of appeal shall be filed in respect of the judgment, order or decision until the Court —



- (i) affirms, varies or sets aside the judgment, order or decision after hearing further arguments; or
  - (ii) certifies, or is deemed to have certified, that it requires no further arguments; and
- (b) the time for filing a notice of appeal in respect of the judgment, order or decision shall begin on the date the Court —
- (i) affirms, varies or sets aside the judgment, order or decision after hearing further arguments; or
  - (ii) certifies, or is deemed to have certified, that it requires no further arguments.

(7) For the purposes of paragraph (6), unless the Registrar informs the party making the application within 14 days of the receipt of the application that the Court requires further arguments, the Court shall be deemed to have certified that it requires no further arguments.

### **Leave to appeal (O. 55C, r. 2)**

2.—(1) A party applying for leave under section 21(1) of the Supreme Court of Judicature Act (Cap. 322) to appeal against any judgment, order or decision of a District Judge or Magistrate in Chambers (not given or made in his capacity as the Registrar), must file his application —

- (a) to the District Judge or Magistrate in Chambers within 7 days from the date of the judgment, order or decision; and
- (b) in the event that leave is refused by the District Judge or Magistrate, to the High Court within 7 days from the date of the refusal.

(2) A party who has obtained leave to appeal under this Rule shall file and serve the notice of appeal within 14 days from the date on which such leave was given.

**Enforcement of judgments which have been subject-matter of appeal (O. 55C, r. 3)**

3. The taking of any steps for the execution or enforcement of a judgment or order which has been the subject-matter of an appeal must be in the State Courts.

**Extension of time (O. 55C, r. 4)**

4. Without prejudice to the power of the High Court under Order 3, Rule 4, to extend the time prescribed by any provision of this Order, the period for issuing and serving the notice of appeal under paragraph (4) of Rule 1 may be extended by the Court below on application made before the expiration of that period.

*[S 756/2015 wef 01/01/2016]*

ORDER 55D

APPEALS FROM STATE COURTS

**Application of Order to appeals (O. 55D, r. 1)**

1. This Order applies to every appeal to the High Court from the State Courts except for appeals to which Order 55C is applicable.

**Application of Order to applications for new trial (O. 55D, r. 2)**

2. This Order (except so much of Rule 3(1) as provides that an appeal shall be by way of rehearing) applies to an application to the High Court for a new trial or to set aside a finding or judgment after trial, as it applies to an appeal to that Court, and references in this Order to an appeal and to an appellant shall be construed accordingly.

**Notice of appeal (O. 55D, r. 3)**

3.—(1) An appeal to the High Court from the State Courts shall be by way of rehearing and must be brought by notice of appeal in Form 112.

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the Court below; and every such notice must state whether the whole or part

only, and what part, of the judgment or order is complained of, contain an address for service, and be signed by the appellant or his solicitor.

(3) For the avoidance of doubt, any party who desires to contend that the decision of the Court below should be varied in any event must file and serve a notice of appeal.

(4) The appellant must at the time of filing the notice of appeal deposit in the Registry such sum as the Registrar may require towards the fee for making copies of the record of proceedings.

(5) The appellant must at the time of filing the notice of appeal provide security for the respondent's costs of the appeal in the sum of \$2,000 for Magistrate's Court actions and \$3,000 for District Court actions or such other sum as may be fixed from time to time by the Chief Justice by —

(a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or

(b) procuring an undertaking in Form 116 from his solicitor and filing a certificate in Form 117.

(6) The High Court may at any time, in any case where it thinks fit, order further security for costs to be given.

(7) The Registrar must assign a number to the notice of appeal and enter the appeal on the list of appeals, stating therein the title of the cause or matter, the name of the appellant and his solicitor, if any, and the date of such entry.

(8) The notice of appeal must be served on all parties to the proceedings in the Court below who are directly affected by the appeal or their solicitors respectively at the time of filing the notice of appeal.

(9) Subject to Rule 9, it shall not be necessary to serve the notice on parties not so affected.

#### **Time for appealing (O. 55D, r. 4)**

4.—(1) Subject to this Rule, every notice of appeal must be filed and served under Rule 3(8) within 14 days —

(a) in the case of an appeal against the refusal of an application, from the date of the refusal; and

(b) in all other cases, from the date on which the judgment or order appealed against was pronounced.

(2) A party applying for leave under section 21(1) of the Supreme Court of Judicature Act (Cap. 322) to appeal against an order made, or a judgment given, by a District Court must file his application —

(a) to the District Court within 7 days from the date of the judgment or order; and

(b) in the event leave is refused by the District Court, to the High Court within 7 days from the date of the refusal.

(3) A party applying for leave under section 21(1) of the Supreme Court of Judicature Act to appeal against an order made, or a judgment given, by a Magistrate's Court must file his application —

(a) to the Magistrate's Court within 7 days from the date of the judgment or order; and

(b) in the event leave is refused by the Magistrate's Court, to the High Court within 7 days from the date of the refusal.

(4) A party who has obtained leave to appeal under paragraph (2) or (3) shall file and serve the notice of appeal within 14 days from the date on which such leave was given.

### **Record of proceedings (O. 55D, r. 5)**

5.—(1) When a notice of appeal has been filed, the Judge who gave the judgment or made the order must, unless the judgment was written, certify in writing the grounds of the judgment or order.

(2) If no certified ground of the judgment or order has been given by the Judge within a period of 3 months from the date of the notice of appeal, the appellant shall nonetheless proceed with the appeal and apply in writing to the Registrar for a copy of the record of proceedings as hereafter provided.

(3) As soon as possible after notice of appeal has been filed, the Registrar shall cause to be served on the appellant or his solicitor at his address for service specified in the notice of appeal a notice that a copy of the record of proceedings is available and thereupon the appellant or his solicitor shall pay the prescribed fee.

(4) The record of proceedings shall consist of a certified copy of the judgment or grounds of judgment or order (if any), and a copy of the certified transcript of the official record of hearing taken at the hearing of the cause or matter.

### **Record of Appeal and Appellant's Case (O. 55D, r. 6)**

**6.—**(1) Within one month after service of the notice referred to in Rule 5(3), the appellant must file —

- (a) the record of appeal; and
- (b) subject to Rule 7, the Appellant's Case referred to in that Rule,

and serve a copy each thereof on every respondent to the appeal or his solicitor.

(2) The record of appeal shall consist of a copy each of —

- (a) the notice of appeal;
- (b) the certificate of payment of security for costs;
- (c) the record of proceedings referred to in Rule 5(4);
- (ca) the affidavits of evidence-in-chief;
- (d) the documents in the nature of pleadings;
- (e) other documents, so far as are relevant to the matter decided and the nature of the appeal; and
- (f) the judgment or order appealed from.

(3) A draft index of the documents to be included in the record of appeal shall be sent by the appellant's solicitor to the solicitors for the respondents who or (if more than one) any of whom may within 3 days object to the inclusion or exclusion of any document.

(4) Where in the course of preparation of the record of appeal one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists on its being included, the record of appeal, as finally printed or typed shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the

fact that, and the party by whom, the inclusion of the document was objected to.

(5) Where an appellant omits to comply with paragraph (1), the appeal shall be deemed to have been withdrawn, but nothing in this Rule shall be deemed to limit or restrict the powers of extending time conferred upon the High Court.

(5A) Where an appeal is deemed to have been withdrawn pursuant to paragraph (5) and all the parties to the appeal consent to the payment of any sum lodged in Court as security for the costs of the appeal to the appellant, the appellant shall file the document signifying such consent signed by the parties or by their solicitor, and in such event any sum lodged in Court as security for the costs of the appeal shall be paid out to the appellant.

(6) In the event of a cross-appeal, a joint record of appeal may be filed if all the parties to the appeal and the cross-appeal consent.

(7) Written notice of intention to file such a joint record must be given to the Registrar within the time specified in paragraph (1).

(8) Subject to paragraph (6), any party to the appeal or the cross-appeal may apply to the Registrar for directions as to the filing of the record of appeal.

### **Preparation of Cases (O. 55D, r. 7)**

7.—(1) The appellant must file his Case (referred to in this Order as the Appellant's Case) within the time specified in Rule 6.

(2) The respondent must file his Case (referred to in this Order as the Respondent's Case) —

(a) within one month after service on him of the record of appeal and the Appellant's Case; or

(b) in the event a joint record of appeal is filed, within one month after service on him of the Appellant's Case.

(3) The form of the Case shall comply with the following requirements:

(a) it shall consist of paragraphs numbered consecutively;

- (b) it shall state, as concisely as possible —
- (i) the circumstances out of which the appeal arises;
  - (ii) the issues arising in the appeal;
  - (iii) the contentions to be urged by the party filing it and the authorities in support thereof; and
  - (iv) the reasons for or against the appeal, as the case may be;
- (c) it shall be in the same size and style as the record of appeal with alphabetical lettering in the left hand margin at every fifth line, the first letter “A” being placed against the first line in each page, and with references in the right hand margin to the relevant pages of the record of appeal; and
- (d) care shall be taken to avoid, as far as possible, the recital of long extracts from the record of appeal.

(4) If a party —

- (a) is abandoning any point taken in the Court below; or
- (b) intends to apply in the course of the hearing for leave to introduce a new point not taken in the Court below,

this should be stated clearly in the Case, and if the new point referred to in sub-paragraph (b) involves the introduction of fresh evidence, this should also be stated clearly in the Case and an application for leave must be made under Rule 11 to adduce the fresh evidence.

(5) A respondent who, not having appealed from the decision of the Court below, desires to contend on the appeal that the decision of that Court should be varied in the event of an appeal being allowed in whole or in part, or that the decision of that Court should be affirmed on grounds other than those relied upon by that Court, must state so in his Case, specifying the grounds of that contention.

(6) Except with the leave of the High Court, a respondent shall not be entitled on the hearing of the appeal —

- (a) to contend that the decision of the Court below should be varied upon grounds not specified in his Case;

- (b) to apply for any relief not so specified; or
- (c) to support the decision of the Court below upon any grounds not relied upon by that Court or specified in his Case.
- (7) A Case may be amended at any time with the leave of the High Court.
- (8) Except to such extent as may be necessary to the development of the argument, a Case need not set out or summarise the judgment of the Court below, nor set out statutory provisions, nor contain an account of the proceedings below or of the facts of the case.
- (9) Every Case must conclude with a numbered summary of the reasons upon which the argument is founded, and must bear the name and signature of the solicitor who has prepared the Case or who will appear before the High Court.
- (10) The solicitor of any party, in drafting a Case, should assume that it will be read in conjunction with the documents included in the record of appeal.
- (11) All the appellants may join in one Appellants' Case, and all the respondents may similarly join in one Respondents' Case.
- (12) A party whose interest in the appeal is passive (such as a stake-holder, a trustee or an executor) is not required to file a separate Case but should ensure that his position is explained in one of the Cases filed.
- (13) The filing of a joint Case on behalf of both appellant and respondent may be permitted in special circumstances.
- (14) A party to an appeal shall file together with his Case a bundle of authorities relied on by the Court below as well as other authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.
- (15) A respondent who fails to file his Case within the time specified in paragraph (2) may be heard only with the leave of the High Court and on such terms and conditions as the High Court may impose.
- (16) Where 2 or more appeals arise from the same judgment or order below, an appellant or respondent to one or more of the appeals may



apply to the High Court for leave to file a single Case or record of appeal covering all such appeals.

**Transmission of record of appeal, etc. (O. 55D, r. 8)**

8. The Registrar must, on receiving copies of the record of appeal and the Appellant's and Respondent's Cases and bundles of authorities, transmit these documents, together with the exhibits put in evidence at the hearing, to the Registrar of the Supreme Court and give notice to the parties to the appeal in Form 118.

**Directions of Court as to service (O. 55D, r. 9)**

9.—(1) The High Court may, in any case, direct that the record of appeal and the Cases be served on any party to the proceedings in the Court below on whom it has not been served, or on any person not party to those proceedings.

(2) In any case in which the High Court directs the record of appeal and the Cases to be served on any party or person, the High Court may also direct that a Case be filed by such party or person.

(3) The High Court may in any case where it gives a direction under this Rule —

- (a) postpone or adjourn the hearing of the appeal for such period and on such terms as may be just; and
- (b) give such judgment and make such order on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

**Withdrawal of appeal (O. 55D, r. 10)**

10.—(1) An appellant may, at any time before his appeal is called on for hearing, file and serve on the parties to the appeal a notice to the effect that he does not intend further to prosecute the appeal.

(2) If all parties to the appeal consent to the intended withdrawal of the appeal, the appellant must file the document signifying such consent signed by the parties or by their solicitor, and the appeal shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar.

(3) In such event, any sum lodged in Court as security for the costs of the appeal shall be paid out to the appellant.

(4) If all the parties do not consent to the intended withdrawal of the appeal, the appeal shall remain on the list, and shall come on for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, and for the making of an order as to the disposal of any sum lodged in Court as security for the costs of the appeal.

### **General powers of Court (O. 55D, r. 11)**

**11.—**(1) The High Court shall have power to receive further evidence on questions of fact, either by oral examination in the High Court, by affidavit, or by deposition taken before an examiner, but, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits, no such further evidence (other than evidence as to matters which have occurred after the date of trial or hearing) shall be admitted except on special grounds.

(2) The High Court shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order as the case may require.

(3) The powers of the High Court under paragraphs (1) and (2) may be exercised notwithstanding that —

- (a) no notice of appeal has been given in respect of any particular part of the decision of the Court below or by any particular party to the proceedings in that Court; or
- (b) any ground for allowing the appeal or for affirming or varying the decision of that Court is not specified in any of the Cases filed pursuant to Rule 7 or 9,

and the High Court may make any order, on such terms as the High Court thinks just, to ensure the determination on the merits of the real question in controversy between the parties.

(4) The powers of the High Court in respect of an appeal shall not be restricted by reason of any interlocutory order from which there has been no appeal.

**Powers of Court as to new trial (O. 55D, r. 12)**

**12.—**(1) On the hearing of any appeal, the High Court may, if it thinks fit, make any such order as could be made in pursuance of an application for a new trial or to set aside any finding or judgment of the Court below.

(2) The High Court shall not be bound to order a new trial on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the High Court some substantial wrong has been thereby occasioned.

(3) A new trial may be ordered on any question without interfering with the finding or decision on any other question.

(4) If it appears to the High Court that any such wrong as is mentioned in paragraph (2) affects part only of the matter in controversy, or one or some only of the parties, the High Court may order a new trial as to that part only, or as to that party or those parties only, and give final judgment as to the remainder.

(5) In any appeal on the ground that damages awarded are excessive or inadequate, the High Court may, in lieu of ordering a new trial —

- (a) substitute for the sum awarded such sum as appears to the High Court to be proper; or
- (b) reduce or increase the sum awarded by such amount as appears to the High Court to be proper in respect of any distinct head of damages erroneously included in or excluded from the sum so awarded,

but except as aforesaid the High Court shall not have power to reduce or increase the damages.

(6) A new trial shall not be ordered by reason of the ruling of any Judge that a document is sufficiently stamped or does not require to be stamped.

**Stay of execution, etc. (O. 55D, r. 13)**

**13.—**(1) Except so far as the Court below or the High Court may otherwise direct —

- (a) an appeal shall not operate as a stay of execution or of proceedings under the decision of the Court below; and
- (b) no intermediate act or proceeding shall be invalidated by an appeal.

(2) On an appeal, interest for such time as execution has been delayed by the appeal shall be allowed unless the High Court otherwise orders.

#### **Extension of time (O. 55D, r. 14)**

14. Without prejudice to the power of the High Court under Order 3, Rule 4, to extend the time prescribed by any provision of this Order, the period for filing and serving the notice of appeal under paragraph (1) of Rule 4 may be extended by the Court below on application made before the expiration of that period.

#### **Appellant or respondent not appearing (O. 55D, r. 15)**

15.—(1) If on any day fixed for the hearing of an appeal, the appellant does not appear in person or by an advocate, the appeal may be dismissed.

(2) If the appellant appears, and any respondent fails to appear, either in person or by an advocate, the appeal shall proceed in the absence of such respondent, unless the High Court for any sufficient reason sees fit to adjourn the hearing thereof.

(3) Where any appeal is dismissed or allowed under paragraph (1) or (2), the party who was absent may apply to the High Court for the rehearing of the appeal and where it is proved that there was sufficient reason for the absence of such party, the High Court may order that the appeal be restored for hearing upon such terms as to costs or otherwise as it thinks fit.

#### **Expedited appeals (O. 55D, r. 16)**

16.—(1) Where an appeal is one of urgency, any party may apply to a Judge of the High Court for such directions as may be appropriate with a view to expediting the appeal.

(2) Such an application shall be made by summons supported by affidavit or may, with the leave of the Judge of the High Court, be made orally.

(3) Such an application may be made at any stage of the proceedings.

(4) The Judge of the High Court may deal with such an application in such manner as he considers fit in the interests of justice, including —

- (a) making directions without the need to inform or to hear any party; and
- (b) dispensing with compliance with any of these Rules (including this Rule) or any Practice Direction, or directing that such Rule or Practice Direction be modified in its application to the proceedings.

(5) Any party seeking a revocation or variation of any directions made under this Rule, or seeking further directions, may apply in the manner hereinbefore provided.

**Judgment or order on appeal to be sent to Registrar (O. 55D, r. 17)**

17. Whenever an appeal is decided by the High Court, the Registrar of the Supreme Court must send to the Registrar a certified copy of the judgment or order.

**Enforcement of judgments which have been subject-matter of appeal (O. 55D, r. 18)**

18. The taking of any steps for the execution or enforcement of a judgment or order which has been the subject-matter of an appeal must be in the State Courts.

**Interpretation (O. 55D, r. 19)**

19. In this Order, “Court” means the State Courts and “Registrar” means the Registrar of the State Courts.

20. [*Deleted by S 850/2014 wef 01/01/2015*]

ORDER 56

APPEALS FROM REGISTRAR AND JUDGE IN PROCEEDINGS  
IN SUPREME COURT

**Appeals from decisions of Registrar to Judge in Chambers  
(O. 56, r. 1)**

1.—(1) An appeal shall lie to a Judge in Chambers from any judgment, order or decision of the Registrar.

(2) The appeal shall be brought by serving on every other party to the proceedings in which the judgment, order or decision was given or made a notice in Form 112 to attend before the Judge on a day specified in the notice.

(3) Unless the Court otherwise orders, the notice must be issued within 14 days after the judgment, order or decision appealed against was given or made and served on all other parties within 7 days of it being issued.

(4) Except so far as the Court may otherwise direct, an appeal under this Rule shall not operate as a stay of the proceedings in which the appeal is brought.

**Further arguments on judgment or order (O. 56, r. 2)**

2.—(1) An application to a Judge for further arguments under section 28B of the Supreme Court of Judicature Act (Cap. 322) shall, subject to the provisions of that section, be made in accordance with practice directions for the time being issued by the Registrar.

(2) Unless the Registrar informs the party making the application within 14 days of the receipt of the application that the Judge requires further arguments, the Judge shall be deemed to have certified that he requires no further arguments.

(3) Upon hearing further arguments, the Judge may affirm, vary or set aside the judgment or order.

**Leave to appeal against order or judgment of Judge (O. 56, r. 3)**

3.—(1) A party applying for leave under section 34 of the Supreme Court of Judicature Act (Cap. 322) to appeal against an order made, or

a judgment given, by a Judge must file his application to the Judge within 7 days from the date of the order or judgment.

(2) A party who has obtained leave to appeal under this Rule shall file and serve the notice of appeal within one month from the date on which such leave was given.

**Application (O. 56, r. 4)**

4. This Order shall only apply to proceedings in the Supreme Court (other than proceedings in the Family Division of the High Court).

*[S 671/2014 wef 01/10/2014]*

5. *[Deleted by S 850/2014 wef 01/01/2015]*

ORDER 57

APPEALS TO COURT OF APPEAL

**Application of Order to appeals (O. 57, r. 1)**

1. This Order applies to every appeal to the Court of Appeal (including so far as it is applicable thereto, any appeal to that Court from any tribunal from which an appeal lies to that Court under any written law) not being an appeal for which other provision is made by these Rules.

**Application of Order to applications for new trial (O. 57, r. 2)**

2. This Order (except so much of Rule 3(1) as provides that an appeal shall be by way of rehearing and except Rule 14(1)) applies to an application to the Court of Appeal for a new trial or to set aside a finding or judgment after trial, as it applies to an appeal to that Court, and references in this Order to an appeal and to an appellant shall be construed accordingly.

**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 supported by an affidavit.

*[S 175/2015 wef 01/04/2015]*

(4) The application 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.

*[S 175/2015 wef 01/04/2015]*

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

*[S 175/2015 wef 01/04/2015]*

(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.

*[S 850/2014 wef 01/01/2015]*

### **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 .

*[S 850/2014 wef 01/01/2015]*

### **Notice of appeal (O. 57, r. 3)**

**3.—**(1) An appeal to the Court of Appeal shall be by way of rehearing and must be brought by notice of appeal in Form 112.

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the Court below; and every such notice must state whether the whole or part only, and what part, of the judgment or order is complained of, contain an address for service, and be signed by the appellant or his solicitor.

For the avoidance of doubt, any party who desires to contend that the decision of the Court below should be varied in any event must file and serve a notice of appeal.

(3) The appellant must at the time of filing the notice of appeal provide security for the respondent's costs of the appeal in the sum of \$10,000 or such other sum as may be fixed from time to time by the Chief Justice by —

- (a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or
- (b) procuring an undertaking in Form 116 from his solicitor and filing a certificate in Form 117.

(3A) Where costs are payable by the appellant to the respondent under any order made by the Court of Appeal —

- (a) the deposit or sum held pursuant to the undertaking referred to in paragraph (3)(a) or (b) shall be paid out without set-off to the respondent towards partial or total satisfaction (as the case may be) of such costs; and
- (b) the balance, if any, of the deposit or sum held pursuant to the undertaking shall be paid out to the appellant,

unless the Court of Appeal otherwise orders.

(3B) Where no costs are payable by the appellant to the respondent under any order made by the Court of Appeal —

- (a) the deposit referred to in paragraph (3)(a) shall be paid out to the appellant; or
- (b) the undertaking referred to in paragraph (3)(b) shall be discharged,

unless the Court of Appeal otherwise orders.

(4) The Court of Appeal may at any time, in any case where it thinks fit, order further security for costs to be given.

(5) The Registrar must assign a number to the notice of appeal and enter the appeal on the list of appeals, stating therein the title of the cause or matter, the name of the appellant and his solicitor, if any, and the date of such entry.

(6) The notice of appeal must be served on all parties to the proceedings in the Court below who are directly affected by the appeal

or their solicitors respectively at the time of filing the notice of appeal; and, subject to Rule 10, it shall not be necessary to serve the notice on parties not so affected.

#### **Time for appealing (O. 57, r. 4)**

4. Subject to Rule 2A(8) and Order 56, Rule 3(2), every notice of appeal must be filed and served under Rule 3(6) within one month —

- (a) in the case of an appeal from an order in Chambers, from the date when the order was pronounced or when the appellant first had notice thereof;
- (b) in the case of an appeal against the refusal of an application, from the date of the refusal; and
- (c) in all other cases, from the date on which the judgment or order appealed against was pronounced.

*[S 850/2014 wef 01/01/2015]*

#### **Record of proceedings (O. 57, r. 5)**

5.—(1) When a notice of appeal has been filed, the Judge who gave the judgment or made the order must, unless the judgment was written, certify in writing the grounds of the judgment or order:

Provided that if no certified ground of the judgment or order has been given by the Judge within a period of 6 months from the date of the notice of appeal, the appellant shall nonetheless proceed with the appeal and apply in writing to the Registrar for a copy of the record of proceedings as hereafter provided.

(2) As soon as possible after notice of appeal has been filed, the Registrar shall cause to be served on the appellant or his solicitor at his address for service specified in the notice of appeal a notice that a copy of the record of proceedings is available and thereupon the appellant or his solicitor shall pay the prescribed fee.

(3) The record of proceedings shall consist of a certified copy of the judgment or grounds of judgment or order (if any), and a copy of the certified transcript of the official record of hearing taken at the hearing of the cause or matter.

6. *[Deleted by S 194/94]*

7. [*Deleted by S 194/94*]

8. [*Deleted by S 194/94*]

### **Record of Appeal and Appellant's Case (O. 57, r. 9)**

9.—(1) Within 2 months after service of the notice referred to in Rule 5(2), the appellant must file —

- (a) one copy of the record of appeal;
- (b) subject to Rule 9A, the Appellant's Case referred to in that Rule; and
- (c) a core bundle of documents (referred to in this Order as the core bundle),

and serve a copy each thereof on every respondent to the appeal or his solicitor except that if the appeal is to be heard by a Court of Appeal consisting of 2 Judges of Appeal, these documents shall be filed and served within one month after service of the notice referred to in Rule 5(2).

(2) The record of appeal shall consist of a copy each of —

- (a) the notice of appeal;
- (b) the certificate of payment of security for costs;
- (c) the record of proceedings referred to in Rule 5(3);
- (ca) the affidavits of evidence-in-chief;
- (d) the documents in the nature of pleadings;
- (e) other documents, so far as are relevant to the matter decided and the nature of the appeal; and
- (f) the judgment or order appealed from.

(2A) The core bundle shall contain —

- (a) a copy of the grounds of the judgment or order referred to in Rule 5(1);
- (b) [*Deleted by S 612/2001*]
- (c) other documents, including notes of evidence, pleadings and affidavits, or portions thereof, that are relevant to any

question in the appeal or will be referred to in the Appellant's Case, the Respondent's Case or the joint Case or at the appeal;

- (d) the judgment or order appealed from; and
- (e) an index of the documents included therein, which shall cross-refer each document to its location in the record of appeal or joint record of appeal, as the case may be.

(3) A draft index of the documents to be included in the record of appeal shall be sent by the appellant's solicitor to the solicitors for the respondents who or (if more than one) any of whom may within 3 days object to the inclusion or exclusion of any document. Where in the course of preparation of the record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists on its being included, the record, as finally printed or typed shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

(4) Where an appellant omits to comply with paragraph (1), the appeal shall be deemed to have been withdrawn, but nothing in this Rule shall be deemed to limit or restrict the powers of extending time conferred upon the Court of Appeal.

(4A) Where an appeal is deemed to have been withdrawn pursuant to paragraph (4) and all the parties to the appeal consent to the payment of any sum lodged in Court or sum held pursuant to a solicitor's undertaking as security for the costs of the appeal to the appellant, the appellant shall file the document signifying such consent signed by the parties or by their solicitor, and in such event any sum lodged in Court as security for the costs of the appeal shall be paid out to the appellant or any solicitor's undertaking shall be discharged.

(5) In the event of a cross-appeal, a joint record of appeal may be filed if all the parties to the appeal and the cross-appeal consent.

(6) Written notice of intention to file such a joint record must be given to the Registrar within the time specified in paragraph (1).

(7) Subject to paragraph (5), any party to the appeal or the cross-appeal may apply to the Registrar for directions as to the filing of the record of appeal.

### **Preparation of Cases (O. 57, r. 9A)**

**9A.**—(1) The appellant must file his Case (referred to in this Order as the Appellant’s Case) within the time specified in Rule 9.

(2) The respondent must file his Case (referred to in this Order as the Respondent’s Case) —

- (a) within one month after service on him of the record of appeal, the Appellant’s Case and the core bundle; or
- (b) in the event a joint record of appeal is filed, within one month after service on him of the Appellant’s Case and the core bundle.

(2A) If the respondent intends to refer to any document in the Respondent’s Case or at the appeal, and such document is not included in the core bundle, the respondent shall file, at the same time as his case, a supplemental core bundle (called in this Order the Respondent’s supplemental core bundle) which shall contain —

- (a) such additional documents as are not included in the core bundle; and
- (b) an index of the documents included in the supplemental core bundle, which shall cross-refer each document to its location in the record of appeal or joint record of appeal, as the case may be.

*[S 474/2016 wef 01/10/2016]*

(3) The form of the Case shall comply with the following requirements:

- (a) it shall consist of paragraphs numbered consecutively;
- (b) it shall state, as concisely as possible —
  - (i) the circumstances out of which the appeal arises;
  - (ii) the issues arising in the appeal;

- (iii) the contentions to be urged by the party filing it and the authorities in support thereof; and
  - (iv) the reasons for or against the appeal, as the case may be;
- (c) it shall be in the same size and style as the record of appeal and the core bundles with alphabetical lettering in the left hand margin at every fifth line, the first letter “A” being placed against the first line in each page, and with references in the right hand margin to the relevant pages of the record of appeal, the core bundle and the Respondent’s supplemental core bundle (if any); and

*[S 474/2016 wef 01/10/2016]*

- (d) care shall be taken to avoid, as far as possible, the recital of long extracts from the record of appeal or the core bundle.

(4) If a party —

- (a) is abandoning any point taken in the Court below; or
- (b) intends to apply in the course of the hearing for leave to introduce a new point not taken in the Court below,

this should be stated clearly in the Case, and if the new point referred to in sub-paragraph (b) involves the introduction of fresh evidence, this should also be stated clearly in the Case and an application for leave must be made under Rule 16 to adduce the fresh evidence.

(5) A respondent who, not having appealed from the decision of the Court below, desires to contend on the appeal that the decision of that Court should be varied in the event of an appeal being allowed in whole or in part, or that the decision of that Court should be affirmed on grounds other than those relied upon by that Court, must state so in his Case, specifying the grounds of that contention.

(5A) An appellant must file an Appellant’s Reply within 2 weeks after service on him of the Respondent’s Case where —

- (a) the respondent states in the Respondent’s Case that the decision of the Court below should be varied in the event of an appeal being allowed in whole or in part, or that the

decision of that Court should be affirmed on grounds other than those relied upon by that Court; and

- (b) the appellant disagrees with any of the grounds of contention of the respondent referred to in sub-paragraph (a) as stated in the Respondent's Case.

(5B) The Appellant's Reply shall be limited to addressing the issues referred to in paragraph (5A)(a) raised by the respondent in the Respondent's Case.

(5C) If the appellant intends to refer to any document in the Appellant's Reply or at the appeal, and that document is not included in either the core bundle or the Respondent's supplemental core bundle, the appellant must file, at the same time as the Appellant's Reply, a supplemental core bundle (called in this Order the Appellant's supplemental core bundle) containing —

- (a) any additional documents that are not included in the core bundle and the Respondent's supplemental core bundle; and
- (b) an index of the documents included in the Appellant's supplemental core bundle, which cross-refers each such document to its location in the record of appeal or joint record of appeal (as the case may be).

[S 474/2016 wef 01/10/2016]

(5D) Unless the context otherwise requires, this Rule and Rule 10 apply, with the necessary modifications, in relation to an Appellant's Reply as they apply in relation to a Case.

[S 474/2016 wef 01/10/2016]

(6) Except with the leave of the Court of Appeal, a respondent shall not be entitled on the hearing of the appeal —

- (a) to contend that the decision of the Court below should be varied upon grounds not specified in his Case;
- (b) to apply for any relief not so specified; or
- (c) to support the decision of the Court below upon any grounds not relied upon by that Court or specified in his Case.



(7) A Case may be amended at any time with the leave of the Court of Appeal.

(8) Except to such extent as may be necessary to the development of the argument, a Case need not set out or summarise the judgment of the Court below, nor set out statutory provisions, nor contain an account of the proceedings below or of the facts of the case.

(9) Every Case must conclude with a numbered summary of the reasons upon which the argument is founded, and must bear the name and signature of the solicitor who has prepared the Case or who will appear before the Court of Appeal.

(10) The solicitor of any party, in drafting a Case, should assume that it will be read in conjunction with the documents included in the core bundle and any supplemental core bundle.

(11) All the appellants may join in one Appellants' Case, and all the respondents may similarly join in one Respondents' Case.

(12) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file a separate Case but should ensure that his position is explained in one of the Cases filed.

(13) The filing of a joint Case on behalf of both appellant and respondent may be permitted in special circumstances.

(14) [*Deleted by S 612/98*]

(15) No Case need be filed in any interlocutory matter or application to be heard by the Court of Appeal but Cases must be filed in any appeal arising from any interlocutory order.

(16) A party to an appeal shall file together with his Case a bundle of authorities relied on by the Court below as well as other authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.

(17) A respondent who fails to file his Case within the time specified in paragraph (2) may be heard only with the leave of the Court of Appeal and on such terms and conditions as the Court of Appeal may impose.

(18) Subject to paragraph (19), where 2 or more appeals arise from the same judgment or order below, an appellant or a respondent to one or more of the appeals may apply to a Judge of Appeal or, if one is not available, to a Judge (including the Judge hearing the proceedings in the Court below), for leave to file a single Case, record of appeal or core bundle covering all such appeals.

*[S 850/2014 wef 01/01/2015]*

(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.

*[S 850/2014 wef 01/01/2015]*

(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.

*[S 850/2014 wef 01/01/2015]*

(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.

*[S 850/2014 wef 01/01/2015]*

(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.

*[S 850/2014 wef 01/01/2015]*

(23) Except with the leave of the Court of Appeal, a party cannot file any bundle of documents for an appeal before the Court of Appeal, other than —

- (a) the core bundle;
- (b) the Respondent's supplemental core bundle; or
- (c) the Appellant's supplemental core bundle.

*[S 474/2016 wef 01/10/2016]*

**Directions of Court as to service (O. 57, r. 10)**

**10.**—(1) The Court of Appeal may in any case direct that the record of appeal, the core bundle, any supplemental core bundle and the Cases be served on any party to the proceedings in the Court below on whom it has not been served, or on any person not party to those proceedings.

(2) In any case in which the Court of Appeal directs the record of appeal, the core bundle, any supplemental core bundle and the Cases to be served on any party or person, the Court may also direct that a Case be filed by such party or person.

(3) The Court of Appeal may in any case where it gives a direction under this Rule —

- (a) postpone or adjourn the hearing of the appeal for such period and on such terms as may be just; and
- (b) give such judgment and make such order on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

**Withdrawal of appeal (O. 57, r. 11)**

**11.**—(1) An appellant may at any time before his appeal is called on for hearing, file and serve on the parties to the appeal a notice to the effect that he does not intend further to prosecute the appeal.

(2) If all parties to the appeal consent to the intended withdrawal of the appeal, the appellant must file the document signifying such consent signed by the parties or by their solicitor, and the appeal shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar; in such event any sum lodged in Court as security for the costs of the appeal shall be paid out to the appellant or any solicitor's undertaking shall be discharged.

(3) If all the parties do not consent to the intended withdrawal of the appeal, the appeal shall remain on the list, and shall come on for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, and for the making of an order as to the disposal of any sum lodged in Court or sum held pursuant to any solicitor's undertaking as security for the costs of the appeal.

**12.** [*Deleted by S 194/94*]**General powers of Court (O. 57, r. 13)**

**13.—**(1) In relation to an appeal, the Court of Appeal shall have all the powers and duties as to amendment and otherwise of the High Court.

(2) The Court of Appeal shall have power to receive further evidence on questions of fact, either by oral examination in Court, by affidavit, or by deposition taken before an examiner, but, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits, no such further evidence (other than evidence as to matters which have occurred after the date of trial or hearing) shall be admitted except on special grounds.

(3) The Court of Appeal shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order as the case may require.

(4) The powers of the Court of Appeal under paragraphs (1), (2) and (3) may be exercised notwithstanding that —

- (a) no notice of appeal has been given in respect of any particular part of the decision of the Court below or by any particular party to the proceedings in that Court; or
- (b) any ground for allowing the appeal or for affirming or varying the decision of that Court is not specified in any of the Cases filed pursuant to Rule 9A or 10,

and the Court of Appeal may make any order, on such terms as the Court thinks just, to ensure the determination on the merits of the real question in controversy between the parties.

(5) The powers of the Court of Appeal in respect of an appeal shall not be restricted by reason of any interlocutory order from which there has been no appeal.

**Powers of Court as to new trial (O. 57, r. 14)**

**14.—**(1) On the hearing of any appeal the Court of Appeal may, if it thinks fit, make any such order as could be made in pursuance of an

application for a new trial or to set aside any finding or judgment of the Court below.

(2) The Court of Appeal shall not be bound to order a new trial on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the Court of Appeal some substantial wrong has been thereby occasioned.

(3) A new trial may be ordered on any question without interfering with the finding or decision on any other question; and if it appears to the Court of Appeal that any such wrong as is mentioned in paragraph (2) affects part only of the matter in controversy, or one or some only of the parties, the Court may order a new trial as to that part only, or as to that party or those parties only, and give final judgment as to the remainder.

(4) In any appeal on the ground that damages awarded are excessive or inadequate, the Court of Appeal may, in lieu of ordering a new trial —

- (a) substitute for the sum awarded such sum as appears to the Court to be proper; or
- (b) reduce or increase the sum awarded by such amount as appears to the Court to be proper in respect of any distinct head of damages erroneously included in or excluded from the sum so awarded,

but except as aforesaid the Court of Appeal shall not have power to reduce or increase the damages.

(5) A new trial shall not be ordered by reason of the ruling of any Judge that a document is sufficiently stamped or does not require to be stamped.

### **Stay of execution, etc. (O. 57, r. 15)**

**15.—**(1) Except so far as the Court below or the Court of Appeal may otherwise direct —

- (a) an appeal shall not operate as a stay of execution or of proceedings under the decision of the Court below; and

(b) no intermediate act or proceeding shall be invalidated by an appeal.

(2) On an appeal from the High Court, interest for such time as execution has been delayed by the appeal shall be allowed unless the Court otherwise orders.

### **Applications to Court of Appeal (O. 57, r. 16)**

**16.**—(1) Every application to the Court of Appeal shall be made either by originating summons or, in an appeal before the Court of Appeal, by summons.

(2) [*Deleted by S 850/2014 wef 01/01/2015*]

(3) Where an ex parte application has been refused by the Court below, an application for a similar purpose may be made to the Court of Appeal ex parte within 7 days after the date of the refusal.

(4) Whenever under these Rules an application may be made either to the Court below or to the Court of Appeal, it shall not be made in the first instance to the Court of Appeal, except where there are special circumstances which make it impossible or impracticable to apply to the Court below.

(5) Where a party files an application to be heard by the Court of Appeal, and Rule 3(3) does not apply, the party must at the time of filing the application provide security for the opposing party's costs of the application in the sum of \$5,000 or such other sum as may be fixed from time to time by the Chief Justice by —

(a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or

(b) procuring an undertaking in Form 116 from his solicitor and filing a certificate in Form 117.

(6) Paragraph (5) shall not apply to any application filed in a pending appeal before the Court of Appeal, where security for the respondent's costs of the appeal has been previously provided under Rule 3(3).

(7) An applicant may at any time before his application is called on for hearing, file and serve on the parties to the application a notice to the effect that he does not intend further to prosecute the application.

(8) If all parties to the application consent to the intended withdrawal of the application, the applicant must file the document signifying such consent signed by the parties or by their solicitor, and the application shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar; in such event any sum lodged in Court as security for the costs of the application shall be paid out to the applicant or any solicitor's undertaking shall be discharged.

(9) If any party does not consent to the intended withdrawal of the application, the application shall remain on the list, and shall come on for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, and for the making of an order as to the disposal of any sum lodged in Court or sum held pursuant to any solicitor's undertaking as security for the costs of the application.

(10) Any application to the Court of Appeal to strike out a notice of appeal must be made by summons supported by affidavit stating the grounds of the application.

(11) The summons and the supporting affidavit referred to in paragraph (10) must be filed and served by the applicant on the parties to the application within 14 days after service of the notice of appeal on the applicant.

(12) A party to the application referred to in paragraph (11), who wishes to reply to the applicant's affidavit, must file and serve his affidavit in reply, on the applicant and the other parties to the application, within 14 days after service of the applicant's summons and affidavit on that party.

(13) No further affidavit shall be received in evidence without the leave of the Court of Appeal.

### **Extension of time (O. 57, r. 17)**

17. Without prejudice to the power of the Court of Appeal under Order 3, Rule 4 to extend the time prescribed by any provision of this

Order, the period for filing and serving the notice of appeal under Rule 4 or for making an application ex parte under Rule 16(3) may be extended by the Court below on application made before the expiration of that period.

### **Appellant or respondent not appearing (O. 57, r. 18)**

**18.**—(1) If on any day fixed for the hearing of an appeal, the appellant does not appear in person or by an advocate, the appeal may be dismissed.

(2) If the appellant appears, and any respondent fails to appear, either in person or by an advocate, the appeal shall proceed in the absence of such respondent, unless the Court for any sufficient reason sees fit to adjourn the hearing thereof.

(3) Where any appeal is dismissed or allowed under paragraph (1) or (2), the party who was absent may apply to the Court of Appeal for the rehearing of the appeal and where it is proved that there was sufficient reason for the absence of such party, the Court of Appeal may order that the appeal be restored for hearing upon such terms as to costs or otherwise as it thinks fit.

(4) [*Deleted by S 194/94*]

### **Judgment (O. 57, r. 19)**

**19.**—(1) The judgment of the Court of Appeal shall, subject to paragraph (3), be pronounced in open Court, either on the conclusion of the hearing of the appeal or on a subsequent day of which notice shall be given by the Registrar to the parties to the appeal.

(2) The judgment of the Court of Appeal may be pronounced in the absence of any of the Judges of Appeal who composed the Court of Appeal and the judgment of such Judge of Appeal may be read by any Judge present.

(3) Whenever the Court of Appeal has a written judgment or judgments to be delivered, it may deliver the judgment or judgments by directing copies thereof to be handed to the parties or their solicitors upon payment of the appropriate charges therefor.



(4) Where proceedings in the Court of Appeal are heard in camera pursuant to any written law, any judgment pronounced or delivered in such proceedings shall not be available for public inspection:

Provided that the Court of Appeal may, on such terms as it may impose, allow an inspection of such judgment by, or a copy thereof to be furnished to, a person who is not a party to the proceedings.

(5) Subject to paragraph (4), a copy of every judgment of the Court of Appeal shall be available for public inspection upon payment of the prescribed fee and a copy thereof may be handed to any member of the public upon payment of the appropriate charges therefor, and nothing in Order 60, Rule 4 shall apply to this 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.

(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.

*[S 850/2014 wef 01/01/2015]*

### **Expedited appeals and applications (O. 57, r. 20)**

**20.**—(1) Where an appeal or application is one of urgency, any party may apply to a Judge of Appeal or, if one is not available, to a Judge (including the Judge hearing the proceedings in the Court below), for such directions as may be appropriate with a view to expediting the appeal or application for hearing before the Court of Appeal.

(2) Such an application shall be made by summons supported by affidavit or may, with the leave of the Judge of Appeal or the Judge, as the case may be, be made orally.

(3) Such an application may be made at any stage of the proceedings.

(4) The Judge of Appeal or the Judge, as the case may be, may deal with such an application in such manner as he considers fit in the interests of justice, including —

(a) making directions without the need to inform or to hear any party; and

(b) dispensing with compliance with any of these Rules (including this Rule) or any Practice Direction, or directing that such Rule or Practice Direction be modified in its application to the proceedings.

(5) Any party seeking a revocation or variation of any directions made under this Rule, or seeking further directions, may apply in the manner hereinbefore provided.

## ORDER 58

### REFERENCES UNDER ARTICLE 100 OF CONSTITUTION FOR ADVISORY OPINION

#### **Application and definition (O. 58, r. 1)**

1.—(1) This Order applies, so far as applicable, to a Reference under Article 100 of the Constitution to a tribunal consisting of not less than 3 Judges of the Supreme Court for an opinion on a question as to the effect of any provision of the Constitution.

(2) In this Order —

“Reference” means a Reference to the Tribunal made by the President under Article 100 of the Constitution;

“Tribunal” means a tribunal of not less than 3 Judges of the Supreme Court constituted under Rule 4.

**Bringing of Reference (O. 58, r. 2)**

2.—(1) A reference to the Tribunal shall be brought by filing it in Form 120.

(2) The Reference shall be made under the hand of the President of Singapore.

(3) The Registrar shall cause a copy of the Reference to be served on the Attorney-General.

**Requirements of Reference (O. 58, r. 3)**

3.—(1) The Reference shall state the questions on which the Tribunal's opinion is required in a form which shall permit so far as may be possible an answer being given in the affirmative or the negative.

(2) Every Reference shall be divided into paragraphs and shall concisely state such facts and shall include such documents as may be necessary to enable the Tribunal to decide the questions referred.

**Composition of Tribunal (O. 58, r. 4)**

4.—(1) The Tribunal shall consist of the Chief Justice and not less than 2 other Judges of the Supreme Court as the Chief Justice may determine.

(2) If for any reason the Chief Justice is unable to be a member of the Tribunal, the Tribunal shall consist of not less than 3 Judges of the Supreme Court appointed by the Chief Justice.

(3) The Chief Justice shall be the President of the Tribunal and, in his absence for any cause, the presidency may be determined in accordance with the order of precedence prescribed in section 4 of the Supreme Court of Judicature Act (Cap. 322).

**Notice to interested persons (O. 58, r. 5)**

5.—(1) The Tribunal may direct that any person interested or, where there is a class of persons interested, any one or more persons as representatives of that class, shall be notified of the hearing of any Reference and those persons shall be entitled to be heard thereon.

(2) If such person desires to be heard in the Reference, he shall within 7 days of the notification inform the Tribunal in writing of his intention to be heard.

#### **Attorney-General to assist Tribunal (O. 58, r. 6)**

6.—(1) The Attorney-General shall assist the Tribunal in the hearing of the Reference.

(2) The Presidency may be represented by such counsel as the Tribunal may, after consulting the President of Singapore, appoint.

#### **Appointment of Counsel by Tribunal (O. 58, r. 7)**

7. The Tribunal may, in its discretion, request any counsel to argue the case with respect to any interest that is affected and with respect to which counsel does not appear.

#### **Mode of dealing with Reference (O. 58, r. 8)**

8.—(1) Where a Reference has been filed, it shall, subject to the provisions of this Order, be dealt with and regarded as an appeal to the Court of Appeal.

(2) The Reference shall be treated as the record of appeal.

(3) The President of Singapore shall be treated as the appellant and all other parties as respondents.

(4) All steps required to be taken by Order 57 prior to the filing of the record of appeal shall be deemed to have been taken.

#### **Proceedings before Tribunal (O. 58, r. 9)**

9. Subject to the provisions of this Order, the procedure on a Reference shall follow, as far as is applicable, the procedure in proceedings before the Court of Appeal except that the Tribunal shall not be bound by the strict rules of evidence.

#### **Proceedings in open Court (O. 58, r. 10)**

10. The proceedings of the Tribunal except for the hearing for directions, shall be held in open Court.

**Notice of directions (O. 58, r. 11)**

11. The Registrar shall serve a notice on the President of Singapore, the Attorney-General and any affected persons to attend a hearing for directions to be given by the Tribunal.

**Directions (O. 58, r. 12)**

12. The directions referred to in Rule 11 may, without prejudice to the generality of the Tribunal's powers to give directions, include —

- (a) the dates by which counsel shall file their respective Cases in the manner required by Order 57 with such necessary modifications as the Tribunal may think fit;
- (b) the dates, time and venue for the hearing of the Reference; and
- (c) the manner and time in which final submissions are to be made.

**Report (O. 58, r. 13)**

13.—(1) The report of the Tribunal shall be in the form of an answer to the questions set out in the Reference.

(2) The Registrar shall deliver the report to the President of Singapore and the Attorney-General.

**Costs (O. 58, r. 14)**

14. No party to any proceedings to which this Order applies shall be ordered to pay any costs.

**Fees (O. 58, r. 15)**

15. No fees shall be payable in respect of any proceedings to which this Order applies.

ORDER 58A

CONSTITUTIONAL CASE

**Reference by State Court (O. 58A, r. 1)**

1.—(1) This Order shall, notwithstanding Order 1, Rule 2, apply where in any proceedings including criminal proceedings in a State Court a question arises as to the interpretation or effect of any provision of the Constitution and the Court has pursuant to section 395 of the Criminal Procedure Code (Cap. 68) stayed the proceedings and the Court has stated the question in the form of a Case.

(2) Every Case stated under section 395 of the Criminal Procedure Code shall be divided into paragraphs and shall concisely state such facts and shall include such documents as may be necessary to enable the High Court to decide the question raised thereby and shall be signed by the District Judge, Magistrate, Coroner or Registrar, as the case may be.

(3) On receipt of the Case, the Registrar of the Supreme Court shall lay the same before a Judge of the High Court and serve a copy thereof on the Attorney-General.

(4) On consideration of the Case transmitted under section 395(6) of the Criminal Procedure Code, where a Judge considers that the decision on a question as to the effect of any provision of the Constitution is necessary for the determination of such proceedings, the Judge shall deal with the Case as if it were a case before him in the original jurisdiction of the High Court in which such a question has arisen.

**Mode of dealing with Case (O. 58A, r. 2)**

2.—(1) Where a Case has been transmitted to the High Court, it shall subject to the provisions of this Rule be dealt with and regarded in all ways as an application to the High Court.

(2) The Case shall be treated as the record of proceedings.

(3) The plaintiff or the prosecution in the proceedings in the State Court, as the case may be, shall be treated as the applicant and all other parties as respondents.

(4) The judgment of the High Court shall be in the form of an answer to the question set out in the Case.

(5) The Registrar of the Supreme Court shall serve a notice of the hearing of the Case by the High Court on the Attorney-General and every party to the proceedings in which the Case arose.

### **Certificate on Case (O. 58A, r. 3)**

3. The Registrar of the Supreme Court shall deliver to the Attorney-General, the Registrar of the State Courts and every party to the proceedings in which the Case arose a copy of the judgment of the High Court.

### **Proceedings in State Court (O. 58A, r. 4)**

4.—(1) Where the High Court has given judgment on the Case and the proceedings in the State Court in which the Case arose are still pending, the State Court shall continue such proceedings and dispose of the proceedings according to law.

(2) The State Court shall determine all questions and make all necessary orders regarding costs therein but no order for costs incurred in the High Court shall be made.

5. [*Deleted by S 850/2014 wef 01/01/2015*]

## ORDER 59

### COSTS

#### PRELIMINARY

### **Interpretation (O. 59, r. 1)**

1.—(1) In this Order —

“contentious business” has the same meaning as in the Legal Profession Act (Cap. 161);

“costs” includes fees, charges, disbursements, expenses and remuneration;

“standard basis” and “indemnity basis” have the same meanings assigned to them by Rule 27(2) and (3), respectively;

“taxed costs” means costs taxed in accordance with this Order.

(2) In this Order, references to a fund, being a fund out of which costs are to be paid or which is held by a trustee or personal representative, include references to any estate or property, whether movable or immovable, held for the benefit of any person or class of persons; and references to a fund held by a trustee or personal representative include references to any fund to which he is entitled (whether alone or together with any other person) in that capacity, whether the fund is for the time being in his possession or not.

(3) The item mentioned in the first column of the table below, when used in an order for costs, shall have the effect indicated in the second column of that table.

TABLE

<i>Term</i>	<i>Effect</i>
“Costs”	Where this order is made in interlocutory proceedings, the party in whose favour it is made shall be entitled to his costs in respect of those proceedings whatever the outcome of the cause or matter in which the proceedings arise;
“Costs reserved”	The party in whose favour an order for costs is made at the conclusion of the cause or matter in which the proceedings arise shall be entitled to his costs of the proceedings in respect of which this order is made unless the Court orders otherwise;
“Costs in any event”	This order has the same effect as an order for “costs” except that the costs shall be taxed only after the conclusion of the cause or matter in which the proceedings arise;
“Costs here and below”	The party in whose favour this order is made shall be entitled not only to his costs in respect of the proceedings in



which it is made but also to his costs of the same proceedings in any lower court, tribunal or other body constituted under any written law or in arbitral proceedings;

“Costs in the cause” or  
“costs in application”

The party in whose favour an order for costs is made at the conclusion of the cause or matter in which the proceedings arise shall be entitled to his costs of the proceedings in respect of which such an order is made;

“Plaintiff’s costs in the  
cause” or “Defendant’s  
costs in the cause”

The plaintiff or defendant, as the case may be, shall be entitled to his costs of the proceedings in respect of which such an order is made if judgment is given in his favour in the cause or matter in which the proceedings arise, but he shall not be liable to pay the costs of any other party in respect of those proceedings if judgment is given in favour of any other party or parties in the cause or matter in question;

“Costs thrown away”

Where proceedings or any part thereof have been ineffective or have been subsequently set aside, the party in whose favour this order is made shall be entitled to his costs of those proceedings or that part in respect of which it is made.

### **Application (O. 59, r. 2)**

2.—(1) Where by virtue of any written law the costs of or incidental to any proceedings before an arbitrator or umpire or before a tribunal or other body constituted under any written law, not being proceedings in the High Court, are taxable in the High Court, this

Order shall have effect in relation to proceedings for taxation of those costs as it has effect in relation to proceedings for taxation of the costs of or arising out of proceedings in the High Court.

(2) Subject to the express provisions of any written law and of these Rules, the costs of and incidental to proceedings in the Supreme Court or the State Courts, including the administration of estates and trusts, shall be in the discretion of the Court, and the Court shall have full power to determine by whom and to what extent the costs are to be paid.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

## ENTITLEMENT TO COSTS

### **When costs to follow the event (O. 59, r. 3)**

3.—(1) Subject to the following provisions of this Order, no party shall be entitled to recover any costs of or incidental to any proceedings from any other party to the proceedings except under an order of the Court.

(2) If the Court in the exercise of its discretion sees fit to make any order as to the costs of or incidental to any proceedings, the Court shall, subject to this Order, order the costs to follow the event, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.

(3) The costs of and occasioned by any amendment made without leave in the writ of summons or any pleadings shall be borne by the party making the amendment, unless the Court otherwise orders.

(4) The costs of and occasioned by any application to extend the time fixed by these Rules, or any direction or order thereunder, for serving or filing any document or doing any other act (including the costs of any order made on the application) shall be borne by the party making the application, unless the Court otherwise orders.

(5) If a party on whom a notice to admit facts is served under Order 27, Rule 2 refuses or neglects to admit the facts within 14 days after the service on him of the notice or such longer time as may be

allowed by the Court, the costs of proving the facts shall be paid by him, unless the Court otherwise orders.

(6) If a party —

- (a) on whom a list of documents is served in pursuance of any provision of Order 24; or
- (b) on whom a notice to admit documents is served under Order 27, Rule 5,

gives notice of non-admission of any of the documents in accordance with Order 27, Rule 4(2) or 5(2), as the case may be, the costs of proving that document shall be paid by him, unless the Court otherwise orders.

(7) Where a defendant by notice in writing and without leave discontinues his counterclaim against any party or withdraws any particular claim made by him therein against any party, that party shall, unless the Court otherwise directs, be entitled to his costs of the counterclaim or his costs occasioned by the claim withdrawn, as the case may be, incurred to the time of receipt of the notice of discontinuance or withdrawal.

(8) Where a plaintiff accepts money paid into Court by a defendant who counterclaimed against him, then, if the notice of payment given by that defendant stated that he had taken into account and satisfied the cause of action or, as the case may be, all the causes of action in respect of which he counterclaimed, that defendant shall, unless the Court otherwise directs, be entitled to his costs of the counterclaim incurred to the time of receipt of the notice of acceptance by the plaintiff of the money paid into Court.

(9) Where any person claiming to be a creditor comes in to prove his title, debt or claim in relation to a company in pursuance of any such notice as is mentioned in Order 88, Rule 10, he shall, if his claim succeeds, be entitled to his costs incurred in establishing it, unless the Court otherwise directs, and, if his claim or any part thereof fails, may be ordered to pay the costs of any person incurred in opposing it.

(10) Where a claimant is entitled to costs under paragraph (9), the amount of the costs shall be fixed by the Court unless it thinks fit to

direct taxation and the amount fixed or allowed shall be added to the claimant's debt.

#### **Stage of proceedings at which costs to be dealt with (O. 59, r. 4)**

4.—(1) Costs may be dealt with by the Court at any stage of the proceedings or after the conclusion of the proceedings; and any costs ordered shall be paid forthwith notwithstanding that the proceedings have not been concluded, unless the Court otherwise orders.

(2) In the case of an appeal, the costs of the proceedings giving rise to the appeal, as well as the costs of the appeal and of the proceedings connected with it, may be dealt with by the Court hearing the appeal; and in the case of any proceedings transferred or removed to the High Court from any other court, the costs of the whole proceedings, both before and after the transfer or removal, may be dealt with by the Court to which the proceedings are transferred or removed.

(3) Where under paragraph (2) the Court makes an order as to the costs of any proceedings before another Court, Rules 27, 30 and 31 shall not apply in relation to those costs, but, except in relation to costs of proceedings transferred or removed from a State Court, the order —

- (a) shall specify the amount of the costs to be allowed;
- (b) shall direct that the costs shall be assessed by the Court before which the proceedings took place; or
- (c) if the order is made on appeal from a State Court in relation to proceedings in that Court, may direct that the costs shall be taxed by the Registrar of the Supreme Court.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

- (d) *[Deleted by S 850/2014 wef 01/01/2015]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

**Special matters to be taken into account in exercising discretion  
(O. 59, r. 5)**

5. The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account —

- (a) any payment of money into Court and the amount of such payment;
- (b) the conduct of all the parties, including conduct before and during the proceedings;
- (c) the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution; and
- (d) in particular, the extent to which the parties have followed any relevant pre-action protocol or practice direction for the time being issued by the Registrar.

**Restriction of discretion to order costs (O. 59, r. 6)**

6.—(1) Notwithstanding anything in this Order or under any written law, unless the Court is of opinion that there was no reasonable ground for opposing the will, no order shall be made for the costs of the other side to be paid by the party opposing a will in a probate action who has given notice with his defence to the party setting up the will that he merely insists upon the will being proved in solemn form of law and only intends to cross-examine the witnesses produced in support of the will.

(2) Where a person is or has been a party to any proceedings in the capacity of trustee, personal representative or mortgagee, he shall, unless the Court otherwise orders, be entitled to the costs of those proceedings, in so far as they are not recovered from or paid by any other person, out of the fund held by the trustee or personal representative or out of the mortgaged property, as the case may be; and the Court may otherwise order only on the ground that the trustee, personal representative or mortgagee has acted unreasonably or, in the case of trustee or personal representative, has in substance acted for his own benefit rather than for the benefit of the fund.

**Costs due to unnecessary claims or issues (O. 59, r. 6A)**

**6A.** In addition to and not in derogation of any other provision in this Order, where a party has failed to establish any claim or issue which he has raised in any proceedings, and has thereby unnecessarily or unreasonably protracted, or added to the costs or complexity of those proceedings, the Court may order that the costs of that party shall not be allowed in whole or in part, or that any costs occasioned by that claim or issue to any other party shall be paid by him to that other party, regardless of the outcome of the cause or matter.

**Costs arising from misconduct or neglect (O. 59, r. 7)**

7.—(1) Where it appears to the Court in any proceedings that anything has been done, or that any omission has been made, unreasonably or improperly by or on behalf of any party, the Court may order that the costs of that party in respect of the act or omission, as the case may be, shall not be allowed and that any costs occasioned by it to any other party shall be paid by him to that other party.

(2) Without prejudice to the generality of paragraph (1), the Court shall for the purpose of that paragraph have regard in particular to the following matters:

- (a) the omission to do anything the doing of which would have been calculated to save costs;
- (b) the doing of anything calculated to occasion, or in a manner or at a time calculated to occasion unnecessary costs; and
- (c) any unnecessary delay in the proceedings.

(3) The Court may, instead of giving an order under paragraph (1) in relation to anything done or omission made, direct the Registrar to inquire into it and, if it appears to him that such an order should have been given in relation to it, to act as if the appropriate order had been given.

(4) The Registrar shall, in relation to anything done or omission made in the court of taxation and in relation to any failure to procure taxation, have the same power to disallow or to award costs as the Court has under paragraph (1) to order that costs shall be disallowed to or paid by any party.

(5) Where a party entitled to costs fails to procure or fails to proceed with taxation, the Registrar in order to prevent any other parties being prejudiced by that failure, may allow the party so entitled a nominal or other sum for costs or may certify the failure and the costs of the other parties.

### **Costs of taxation proceedings (O. 59, r. 7A)**

**7A.**—(1) Subject to the provisions of any written law and this Order, the party whose bill is being taxed shall be entitled to his costs of the taxation proceedings.

(2) The party liable to pay the costs of the proceedings which gave rise to the taxation proceedings may make a written offer to pay a specific sum in satisfaction of those costs which is expressed to be “without prejudice except as to the costs of taxation” at any time before the expiration of 7 days after the delivery to him of a copy of the bill of costs under Rule 22 and, where such an offer is made, the fact that it has been made shall not be communicated to the Registrar until the question of the costs of the taxation proceedings falls to be decided.

(3) The Registrar may take into account any offer made under paragraph (2) which has been brought to his attention.

### **Personal liability of solicitor for costs (O. 59, r. 8)**

**8.**—(1) Subject to this Rule, where it appears to the Court that costs have been incurred unreasonably or improperly in any proceedings or have been wasted by failure to conduct proceedings with reasonable competence and expedition, the Court may make against any solicitor whom it considers to be responsible (whether personally or through an employee or agent) an order —

- (a) disallowing the costs as between the solicitor and his client; and
- (b) directing the solicitor to repay to his client costs which the client has been ordered to pay to other parties to the proceedings; or
- (c) directing the solicitor personally to indemnify such other parties against costs payable by them.

(2) No order under this Rule shall be made against a solicitor unless he has been given a reasonable opportunity to appear before the Court and show cause why the order should not be made, except where any proceedings in Court or in Chambers cannot conveniently proceed, and fails or is adjourned without useful progress being made —

(a) because of the failure of the solicitor to attend in person or by a proper representative; or

(b) because of the failure of the solicitor to deliver any document for the use of the Court which ought to have been delivered or to be prepared with any proper evidence or account or otherwise to proceed.

(3) Before making an order under this Rule, the Court may, if it thinks fit, refer the matter (except in the case of undue delay in the drawing up of, or in any proceedings under, any order or judgment as to which the Registrar has reported to the Court) to the Registrar for inquiry and report and direct the solicitor in the first place to show cause before him.

(4) The Court may, if it thinks fit, direct or authorise the Attorney-General to attend and take part in any proceedings or inquiry under this Rule, and may make such order as it thinks fit as to the payment of his costs.

(5) The Court may direct that notice of any proceedings or order against a solicitor under this Rule shall be given to his client in such manner as may be specified in the direction.

(6) Where in any proceedings before the Registrar on taxation the solicitor representing any party is guilty of neglect or delay or puts any other party to any unnecessary expense in relation to those proceedings, the Registrar may direct the solicitor to pay costs personally to any of the parties to those proceedings; and where any solicitor fails to leave his bill of costs for taxation within the time fixed by an order of Court or otherwise delays or impedes the taxation, then, unless the Registrar otherwise directs, the solicitor shall not be allowed the fees to which he would otherwise be entitled for drawing his bill of costs and for attending the taxation.



(7) On the taxation of any bill of costs, if one-half or more of the total amount of the bill is taxed off, the Registrar shall have the power to make one or both of the following orders:

- (a) that the solicitor who presented the bill be disallowed the costs for the work done for and in the taxation of costs;
- (b) that the solicitor who presented the bill —
  - (i) stamp the bill with the whole of the amount of fees which would be payable if the bill was allowed by the Registrar at the full amount thereof;
  - (ii) be entitled to be reimbursed by the paying party (in the case of a bill between party and party) or his client (in the case of a bill between the solicitor and his client) only the amount of fees payable on the amount allowed on taxation;
  - (iii) pay personally the difference between the amounts of fees mentioned in sub-paragraphs (i) and (ii) above; and
  - (iv) pay personally the fee payable for the Registrar's Certificate.

(8) Where the Registrar makes one or both of the orders under paragraph (7), he shall make a note to that effect on the bill of costs and the order(s) shall be included in the Registrar's Certificate.

### **Fractional or gross sum in place of taxed costs (O. 59, r. 9)**

**9.—(1)** Subject to this Order, where under these Rules or any order or direction of the Court costs are to be paid to any person, that person shall be entitled to his taxed costs.

(2) Paragraph (1) shall not apply to costs which under any order or direction of the Court —

- (a) are to be paid to a receiver appointed by the High Court under section 4(10) of the Civil Law Act (Cap. 43) in respect of his remuneration, disbursements or expenses; or
- (b) are to be assessed or settled by the Registrar, but Rules 27, 30 and 31 shall apply in relation to the assessment or

settlement by the Registrar of costs which are to be assessed or settled as aforesaid.

(3) Where a writ in an action is endorsed in accordance with Order 6, Rule 2(1)(b) and judgment is entered in default of appearance or of defence for the amount claimed for costs (whether alone or together with any other amount claimed), paragraph (1) shall not apply to those costs; but if the amount claimed for costs as aforesaid is paid in accordance with the endorsement (or is accepted by the plaintiff as if so paid) the defendant shall nevertheless be entitled to have those costs taxed.

(4) The Court in awarding costs to any person may direct that, instead of taxed costs, that person shall be entitled —

- (a) to a proportion specified in the direction of the taxed costs or to the taxed costs from or up to a stage of the proceedings so specified; or
- (b) to a gross sum so specified in lieu of taxed costs.

**When a party may sign judgment for costs without an order (O. 59, r. 10)**

**10.—(1)** Where —

- (a) a plaintiff by notice in writing and without leave either wholly discontinues his action against any defendant or withdraws any particular claim made by him therein against any defendant; or
- (b) an action, a cause or matter is deemed discontinued,

the defendant may, unless the Court otherwise orders, tax his costs of the action, cause or matter and if the taxed costs are not paid within 4 days after taxation, may sign judgment for them. The reference to a defendant in this paragraph shall be construed as a reference to the person (howsoever described) who is in the position of defendant in the proceeding in question, including a proceeding on a counterclaim.

(2) If a plaintiff accepts money paid into Court in satisfaction of the cause of action, or all the causes of action, in respect of which he claims, or if he accepts a sum or sums paid in respect of one or more specified causes of action and gives notice that he abandons the

others, then subject to paragraph (4), he may, after 4 days from payment out and unless the Court otherwise orders, tax his costs incurred to the time of receipt of the notice of payment into Court and 48 hours after taxation may sign judgment for his taxed costs.

(3) Where a plaintiff in an action for libel or slander against several defendants sued jointly accepts money paid into Court by one of the defendants, he may, subject to paragraph (4), tax his costs and sign judgment for them against that defendant in accordance with paragraph (2).

(4) Where money paid into Court in an action is accepted by the plaintiff after the trial or hearing has begun, the plaintiff shall not be entitled to tax his costs under paragraph (2) or (3).

(5) When an appeal is deemed to have been withdrawn under Order 55D or Order 57 —

- (a) the respondent may tax his costs of and incidental to the appeal, and, if the taxed costs are not paid within 4 days after taxation, may sign judgment for them; and
- (b) any sum of money lodged in Court as security for the costs of the appeal shall be paid out to the respondent towards satisfaction of the judgment for taxed costs without an order of the Court and the balance, if any, shall be paid to the appellant.

### **When order for taxation of costs not required (O. 59, r. 11)**

**11.—**(1) When an action or application is dismissed with costs, or an order of the Court directs the payment of any costs, or any party is entitled under Rule 10 to tax his costs, no order directing the taxation of those costs need be made.

(2) Where a summons is taken out to set aside with costs any proceeding on the ground of irregularity and the summons is dismissed but no direction is given as to costs, the summons is to be taken as having been dismissed with costs.

**Powers of Registrar to tax costs (O. 59, r. 12)**

**12.**—(1) The Registrar of the Supreme Court shall have power to tax —

- (a) the costs of or arising out of any cause or matter in the Supreme Court;
- (b) the costs directed by an award made on a reference to arbitration under any written law or pursuant to an arbitration agreement to be paid;
- (c) any other costs the taxation of which is directed by an order of the Court; and
- (d) any costs directed to be taxed or settled by or under any written law.

(2) The Registrar of the State Courts shall have power to tax —

- (a) the costs of or arising out of any cause or matter in the State Courts;
- (b) any other costs the taxation of which is directed by an order of the Court; and
- (c) any costs directed to be taxed or settled by or under any written law.

(3) [*Deleted by S 850/2014 wef 01/01/2015*]

**Supplementary powers of Registrar (O. 59, r. 13)**

**13.** The Registrar may, in the discharge of his functions with respect to the taxation of costs —

- (a) take an account of any dealings in money made in connection with the payment of the costs being taxed, if the Court so directs;
- (b) require any party represented jointly with any other party in any proceedings before him to be separately represented;
- (c) examine any witness in those proceedings; and
- (d) direct the production of any document which may be relevant in connection with those proceedings.

**Extension, etc., of time (O. 59, r. 14)**

**14.**—(1) The Registrar may —

- (a) extend the period within which a party is required under this Order to begin proceedings for taxation or to do anything in or in connection with proceedings before the Registrar; and
- (b) where no period is specified under this Order or by the Court for the doing of anything in or in connection with such proceedings, specify the period within which the thing is to be done.

(2) Where an order of the Court specifies a period within which anything is to be done by or before the Registrar then, unless the Court otherwise directs, the Registrar may from time to time extend the period so specified on such terms (if any) as he thinks just.

(3) The Registrar may extend any such period as is referred to in paragraphs (1) and (2) although the application for extension is not made until after the expiration of that period.

**Interim certificates (O. 59, r. 15)**

**15.**—(1) The Registrar may from time to time in the course of the taxation of any costs by him issue an interim certificate for any part of those costs which has been taxed.

(2) If, in the course of the taxation of a solicitor's bill to his own client, it appears to the Registrar that in any event the solicitor will be liable in connection with that bill to pay money to the client, he may from time to time issue an interim certificate specifying an amount which in his opinion is payable by the solicitor to his client.

(3) On the filing of a certificate issued under paragraph (2), the Court may order the amount specified therein to be paid forthwith to the client or into Court.

**Power of Registrar where party liable to be paid and to pay costs (O. 59, r. 16)**

**16.** Where a party entitled to be paid costs is also liable to pay costs, the Registrar may —

- (a) tax the costs which that party is liable to pay and set off the amount allowed against the amount he is entitled to be paid and direct payment of any balance; or
- (b) delay the issue of a certificate for the costs he is entitled to be paid until he has paid or tendered the amount he is liable to pay.

### **Taxation of bill of costs comprised in account (O. 59, r. 17)**

17.—(1) Where the Court directs an account to be taken and the account consists in part of a bill of costs, the Court may direct the Registrar to tax those costs and the Registrar shall tax the costs in accordance with the direction and shall return the bill of costs, after taxation thereof, together with his report thereon to the Court.

(2) The Registrar taxing a bill of costs in accordance with a direction under this Rule shall have the same powers, and the same fees shall be payable in connection with the taxation as if an order for taxation of the costs had been made by the Court.

### **Registrar to fix certain fees payable to conveyancing counsel, etc. (O. 59, r. 18)**

18.—(1) Where the Court refers any matter to any solicitor or obtains the assistance of any other person under Order 32, Rule 12, the fees payable to the solicitor or that other person in respect of the work done by him in connection with the reference or, as the case may be, in assisting the Court shall be fixed by the Registrar.

(2) An appeal from the decision of the Registrar under this Rule shall lie to the Court, and the decision of the Court shall be final.

### **Litigants in person — Compensatory costs (O. 59, r. 18A)**

18A. On a taxation of the costs of a litigant in person, there may be allowed such costs as would reasonably compensate the litigant for the time expended by him, together with all expenses reasonably incurred.

**Costs for more than 2 solicitors (O. 59, r. 19)**

19.—(1) Subject to paragraph (3), costs for getting up the case by and for attendance in Court of more than 2 solicitors for a party shall not be allowed unless the Court so certifies at the hearing or upon an application made by that party within one month from the date of the judgment or order.

(2) Such costs may be allowed notwithstanding that the solicitors are members of the same firm of solicitors.

(3) Notwithstanding paragraph (1), the Court must be satisfied at the taxation of costs that the use of 2 solicitors is reasonable, having regard to paragraph 1 of Appendix 1 to this Order.

**PROCEDURE ON TAXATION****Mode of beginning proceedings for taxation (O. 59, r. 20)**

20. A party entitled to require any costs to be taxed must begin proceedings for the taxation of those costs by filing the bill of costs at the Registry within 12 months from the date on which the entire cause or matter is finally disposed of, including any appeals therefrom, unless the Court otherwise orders.

**Notification of time appointed for taxation (O. 59, r. 21)**

21. Where proceedings for taxation have been duly begun in accordance with Rule 20, the Registrar shall give to the party beginning the proceedings not less than 14 days' notice of the date and time appointed for taxation.

**Delivery of bills, etc. (O. 59, r. 22)**

22.—(1) A party whose costs are to be taxed in any taxation proceedings must, within 2 days after receiving a notice of the date and time under Rule 21, send a copy of his bill of costs to every other party entitled to be heard in the proceedings.

(2) Notice need not be given to any party who has not entered an appearance or taken any part in the proceedings which gave rise to the taxation proceedings:

Provided that this paragraph shall not apply where an order for the taxation of a solicitor's bill of costs made under the Legal Profession Act (Cap. 161), at the instance of the solicitor, gave rise to the taxation proceedings.

**23.** [*Deleted by S 532/91*]

### **Form of bill of costs (O. 59, r. 24)**

**24.—**(1) Every bill of costs must set out in 3 separate sections the following:

- (a) work done in the cause or matter, except for taxation of costs;
- (b) work done for and in the taxation of costs; and
- (c) all disbursements made in the cause or matter.

(2) The costs claimed for paragraph (1)(a) and (b) shall be indicated as one global sum for each section, while the costs claimed for paragraph (1)(c) must set out the sum claimed for each item of disbursement.

(3) Every bill of costs must be headed in the cause or matter to which the bill relates, with the name of the party whose bill it is, and the judgment, direction or order under which the bill is to be taxed, the basis of taxation and whether the bill is to be taxed between party and party or solicitor and client.

(4) A bill of costs must be endorsed with the name or firm and business address of the solicitor whose bill it is.

### **Provisions as to taxation proceedings (O. 59, r. 25)**

**25.—**(1) If any party entitled to be heard in any taxation proceedings does not attend within a reasonable time after the time appointed for the taxation, the Registrar, if satisfied by affidavit or otherwise that the party had due notice of the date and time appointed, may proceed with the taxation.

(2) The Registrar by whom any taxation proceedings are being conducted may, if he thinks it necessary to do so, adjourn those proceedings from time to time.



**Powers of Registrar taxing costs payable out of fund (O. 59, r. 26)**

26.—(1) Where any costs are to be paid out of a fund, the Registrar may give directions as to the parties who are entitled to attend on the taxation of those costs and may disallow the costs of attendance of any party not entitled to attend by virtue of the directions and whose attendance he considers unnecessary.

(2) Where the Court has directed that a solicitor's bill of costs be taxed for the purpose of being paid out of a fund, the Registrar by whom the bill is being taxed may, if he thinks fit, adjourn the taxation for a reasonable period and direct the solicitor to send to any person having an interest in the fund a copy of the bill, or any party thereof, free of charge together with a letter containing the following information:

- (a) that the bill of costs, a copy of which or of part of which is sent with the letter has been referred to the Registrar for taxation;
- (b) that the taxation will take place at the Chambers of the Registrar;
- (c) the date and time appointed by the Registrar at which the taxation will be continued; and
- (d) such other information, if any, as the Registrar may direct.

**ASSESSMENT OF COSTS****Basis of taxation (O. 59, r. 27)**

27.—(1) Subject to the other provisions of these Rules, the amount of costs which any party shall be entitled to recover is the amount allowed after taxation on the standard basis where —

- (a) an order is made that the costs of one party to proceedings be paid by another party to those proceedings;
- (b) an order is made for the payment of costs out of any fund;  
or
- (c) no order for costs is required,

unless it appears to the Court to be appropriate to order costs to be taxed on the indemnity basis.

(2) On a taxation of costs on the standard basis, there shall be allowed a reasonable amount in respect of all costs reasonably incurred and any doubts which the Registrar may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the paying party; and in these Rules, the term “the standard basis”, in relation to the taxation of costs, shall be construed accordingly.

(3) On a taxation on the indemnity basis, all costs shall be allowed except in so far as they are of an unreasonable amount or have been unreasonably incurred and any doubts which the Registrar may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the receiving party; and in these Rules, the term “the indemnity basis”, in relation to the taxation of costs, shall be construed accordingly.

(4) Where the Court makes an order for costs without indicating the basis of taxation or an order that costs be taxed on any basis other than the standard basis or the indemnity basis, the costs shall be taxed on the standard basis.

(5) Notwithstanding paragraphs (1) to (4), if any action is brought in the High Court, which would have been within the jurisdiction of a State Court, the plaintiff shall not be entitled to any more costs than he would have been entitled to if the proceedings had been brought in a State Court, unless in any such action a Judge certifies that there was sufficient reason for bringing the action in the High Court.

### **Costs payable to solicitor by his own client (O. 59, r. 28)**

**28.**—(1) This Rule applies to every taxation of a solicitor’s bill of costs to his own client.

(2) On a taxation to which this Rule applies, costs shall be taxed on the indemnity basis but shall be presumed —

- (a) to have been reasonably incurred if they were incurred with the express or implied approval of the client;

- (b) to have been reasonable in amount if their amount was, expressly or impliedly, approved by the client; and
- (c) to have been unreasonably incurred if, in the circumstances of the case, they are of an unusual nature unless the solicitor satisfies the Registrar that prior to their being incurred he informed his client that they might not be allowed on a taxation of costs *inter partes*.
- (3) In paragraph (2), references to the client shall be construed —
- (a) if the client at the material time lacked capacity within the meaning of the Mental Capacity Act (Cap. 177A) in relation to matters concerning his property and affairs and was represented by a person acting as litigation representative<sup>3</sup>, as references to that person acting, where necessary, with the authority of the Court; and
- (b) if the client was at the material time a minor and represented by a person acting as litigation representative<sup>3</sup>, as references to that person.
- (4) The delivery of a bill of costs by a solicitor to his client shall not preclude the solicitor from presenting a bill for a larger amount or otherwise for taxation, if taxation is ordered by the Court or is consented to by the solicitor and his client.
- (5) Upon a taxation mentioned in paragraph (4), the solicitor shall be entitled to such amount as is allowed by the Registrar, notwithstanding that such amount may be more than that claimed in any previous bill of costs delivered to his client.

**Costs payable to solicitor where money recovered by or on behalf of minor, etc. (O. 59, r. 29)**

**29.—**(1) This Rule applies to —

- (a) any proceedings in which money is claimed or recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, a person who is a minor, or who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) in relation to matters concerning

his property and affairs, or in which money paid into Court is accepted by or on behalf of such a person;

- (b) any proceedings under the Civil Law Act (Cap. 43) in which money is recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, the widow of the person whose death gave rise to the proceedings in satisfaction of a claim under that Act or in which money paid into Court is accepted by her or on her behalf in satisfaction of such a claim, if the proceedings were for the benefit also of a person who, when the money is recovered, or adjudged or ordered or agreed to be paid, or accepted, is a minor; and
- (c) any proceedings in the Court of Appeal on an application or appeal made in connection with any proceedings to which this Rule applies by virtue of sub-paragraphs (a) and (b).

(2) The costs payable by a plaintiff in any proceedings mentioned in paragraph (1)(a) or (b) to the plaintiff's solicitor (being the costs of those proceedings, costs incidental to the claim in those proceedings, or costs consequent on those proceedings) must be taxed under Rule 28 or fixed by the Court.

[S 474/2016 wef 01/10/2016]

(2A) No costs are payable to the solicitor of a plaintiff in respect of any proceedings mentioned in paragraph (1)(a) or (b) except such amount of costs as may be —

- (a) certified in accordance with paragraph (3) on a taxation under Rule 28 of the solicitor's bill of costs to the plaintiff; or
- (b) fixed by the Court.

[S 474/2016 wef 01/10/2016]

(3) On the taxation under Rule 28 of a solicitor's bill to any plaintiff in any proceedings to which this Rule applies by virtue of paragraph (1)(a) or (b) who is his own client, the Registrar shall also tax any costs payable to that plaintiff in those proceedings and shall certify —

- (a) the amount allowed on the taxation under Rule 28, the amount allowed on the taxation of any costs payable to that plaintiff in those proceedings and the amount (if any) by which the first-mentioned amount exceeds the other; and
- (b) where necessary, the proportion of the amount of the excess payable respectively by, or out of money belonging to, any party to the proceedings who is a minor, who lacks capacity within the meaning of the Mental Capacity Act in relation to matters concerning his property and affairs, or who is the widow of the man whose death gave rise to the proceedings and any other party.
- (4) Paragraphs (2) and (3) shall apply in relation to any proceedings to which this Rule applies by virtue of paragraph (1)(c) as if for references to a plaintiff there were substituted references to the party, whether appellant or respondent, who was the plaintiff in the proceedings which gave rise to the first-mentioned proceedings.
- (5) Nothing in paragraphs (1) to (4) shall prejudice a solicitor's lien for costs.
- (6) Paragraphs (1) to (5) shall apply in relation to —
- (a) a counterclaim by or on behalf of a person who is a minor, or who lacks capacity within the meaning of the Mental Capacity Act in relation to matters concerning his property and affairs, and a counterclaim consisting of or including a claim under the Civil Law Act by or on behalf of the widow of the man whose death gave rise to the claim; and
- (b) a claim made by or on behalf of a person who is a minor or who lacks capacity as aforesaid in an action by any other person for relief under the Convention on Limitation of Liability for Maritime Claims, 1976, as set out in the Schedule to the Merchant Shipping Act (Cap. 179) and a claim consisting of or including a claim under the Civil Law Act made by or on behalf of that widow in such an action,

[S 299/2014 wef 01/05/2014]

as if for references to a plaintiff there were substituted references to a defendant.

**Costs payable to trustee out of trust fund, etc. (O. 59, r. 30)**

**30.**—(1) This Rule applies to every taxation of the costs which a person who is or has been a party to any proceedings in the capacity of trustee or personal representative is entitled to be paid out of any fund which he holds in that capacity.

(2) On a taxation to which this Rule applies, costs shall be taxed on the indemnity basis but shall be presumed to have been unreasonably incurred if they were incurred contrary to the duty of the trustee or personal representative as such.

**Provisions for ascertaining costs on taxation (O. 59, r. 31)**

**31.**—(1) Subject to Rules 1 to 30, the provisions in Appendix 1 to this Order for ascertaining the amount of costs to be allowed on a taxation of costs shall apply to the taxation of all costs with respect to contentious business.

(2) Notwithstanding paragraph (1), costs shall be allowed in the cases to which Appendix 2 to this Order applies in accordance with the provisions of that Appendix unless the Court otherwise orders.

(3) [*Deleted by S 850/2014 wef 01/01/2015*]

CERTIFICATE

**Certificate (O. 59, r. 32)**

**32.** When the bill of costs has been taxed, the solicitor shall cast up the deductions therefrom, which, with the casting of the bill, shall be checked by the Registrar, and the Registrar shall proceed to make his certificate for the amount of such costs less the deductions.

**Certificate of Registrar to be conclusive unless set aside (O. 59, r. 33)**

**33.** Upon the taxation of the bill of costs, the certificate of the Registrar, unless set aside, shall be conclusive as to the amount thereof, and, where the order contains a submission to pay, the

solicitor may after 48 hours, if there is no application for review, issue execution in respect thereof.

## REVIEW

### **Application to Judge for review (O. 59, r. 34)**

**34.—**(1) Any party to any taxation proceedings who is dissatisfied with the allowance or disallowance in whole or in part of any item by the Registrar, or with the amount allowed by the Registrar in respect of any item, may apply to a Judge to review the taxation as to that item or part of an item, as the case may be.

(2) An application under this Rule for review of the Registrar's decision may be made at any time within 14 days after that decision, or such longer time as the Registrar or the Court at any time may allow.

(3) An application under this Rule shall be made by summons and shall, except where the Judge thinks fit to adjourn into Court, be heard in Chambers.

(4) An application under this Rule for review of the Registrar's decision in respect of any item shall not prejudice the power of the Registrar under Rule 15 to issue an interim certificate in respect of the items of his decision which are not the subject of the review.

(5) In this Rule and Rule 35, "Judge" means a Judge of the High Court in person, or a District Judge in person.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(6) This Rule and Rule 35 shall apply to taxation proceedings in which the bills of costs are filed on or after the date of commencement of the Rules of Court (Amendment No. 2) Rules 2002\*.

### **Review of Registrar's decision by Judge (O. 59, r. 35)**

**35.—**(1) Unless the Judge otherwise directs, no further evidence shall be received on the hearing of the review of the Registrar's decision by the Judge, but except as aforesaid, on the hearing of the review, the Judge may exercise all such powers and discretion as are

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\*15th April 2002 — Date of commencement of the Rules of Court (Amendment No. 2) Rules 2002.

vested in the Registrar in relation to the subject-matter of the application.

(2) At the conclusion of the review, the Judge may make such order as the circumstances require, and in particular may order the Registrar's certificate to be amended or, except where the dispute as to the item under review is as to amount only, order the item to be remitted to the Registrar for taxation.

**36.** [*Deleted by S 150/2002*]

## INTEREST

### Interest on costs (O. 59, r. 37)

**37.**—(1) The costs mentioned in the first column below shall carry interest at 6% per annum or such other rate as the Chief Justice may direct from the date mentioned below until payment:

<i>Type of Costs</i>	<i>Commencement Date</i>
(a) Taxed costs	Date of taxation
(b) Costs fixed by the Court	Date of order
(c) Costs agreed between the parties	Date of agreement
(d) Costs under Parts I, II and IIA of Appendix 2	Date of judgment

(2) Costs under Part III of Appendix 2 shall not carry any interest.

*Appendix 1*

## COSTS ON TAXATION

(O. 59, r. 31(1))

### Amount of costs

1.—(1) The amount of costs to be allowed shall (subject to any order of the Court) be in the discretion of the Registrar.



(2) In exercising his discretion the Registrar shall have regard to the principle of proportionality and all the relevant circumstances and, in particular, to the following matters:

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the urgency and importance of the cause or matter to the client; and
- (f) where money or property is involved, its amount or value.

2.—(1) The bill of costs must set out sufficient information that will enable the Registrar to have regard to the matters referred to in paragraph 1(2) and shall comply with such requirements and contain such information as may be laid down or specified in any practice directions for the time being issued by the Registrar.

(2) Where attendances, telephone conversations and correspondence are concerned, it shall be sufficient to state only the number of such attendances, telephone calls and correspondence, and, where possible, the total number of hours of such attendances and telephone calls.

(3) Where costs have already been awarded for any of the events set out, this fact and the amount awarded must be indicated.

(4) The bill must also contain a succinct narrative of the legal and factual issues involved.

(5) The bill may also contain the lists of authorities cited, indicating, where possible, those cited in the judgment of the Court.

(6) Work done in the cause or matter includes work done in connection with the negotiation of a settlement.

FIXED COST

(O. 59, r. 31(2))

PART I

COSTS ON JUDGMENT  
WITHOUT TRIAL

1.—(1) The scale of costs set out in Part II of this Appendix shall apply in relation to the following cases:

- (a) cases in which the defendant pays the amount claimed within the time and in the manner required by the endorsement of the writ;
- (b) cases in which the plaintiff obtains final judgment in default of appearance or of defence under —
  - (i) Order 13, Rule 1;
  - (ii) Order 13, Rule 1 by virtue of Order 79, Rule 4;
  - (iii) Order 13, Rule 4 or 5;
  - (iv) Order 19, Rule 2;
  - (v) Order 19, Rule 2 by virtue of Order 79, Rule 4; or
  - (vi) Order 19, Rule 5 or 6; and
- (c) cases in which —
  - (i) the plaintiff obtains final judgment under Order 14 unconditionally;
  - (ii) the Court dismisses an application under Order 14, Rule 1; or
  - (iii) the Court gives the defendant against whom an application under Order 14, Rule 1 is made unconditional leave to defend.

(2) Where the plaintiff is also entitled under the judgment to damages to be assessed, or where the plaintiff claims any relief of the nature specified in Order 83, Rule 1, this Part shall not apply.

(3) In respect of the cases set out in sub-paragraph (1)(a) and (b), where the plaintiff is entitled under the judgment to costs on an indemnity basis, the scale of costs and disbursements set out in both Parts II and IIA of this Appendix shall apply.

## PART II

## BASIC COSTS

Costs to be allowed (excluding disbursements) in cases under the following sub-paragraphs of paragraph 1(1) of Part I:

	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
(a) under sub-paragraph (a)	\$2,000	\$1,500	\$800
(b) under sub-paragraph (b)	\$2,300	\$1,800	\$1,000
(c) under sub-paragraph (c)	\$4,000 to \$15,000	\$3,000 to \$10,000	\$2,000 to \$6,000

## COSTS FOR ADDITIONAL ITEMS

*Costs to be allowed*

	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
2.—(1) Where there is more than one defendant, in respect of each additional defendant served —			
(a) if the additional defendant is represented by the same solicitor as any other defendant	\$100	\$100	\$100
(b) in any other case	\$200	\$200	\$150
(2) Where substituted service is ordered and effected, in respect of each defendant served	\$350 plus disburse- ment	\$350 plus disburse- ment	\$300 plus disbursement
(3) Where service out of jurisdiction is ordered and effected	\$700 plus disburse- ment	\$700 plus disburse- ment	\$600 plus disbursement

The disbursements allowed under sub-paragraphs (2) and (3) shall be limited to disbursements reasonably incurred in connection with the substituted service and service out of jurisdiction, and are the following:

	<i>Disbursement to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
(a) Court fees	Actual fees	Actual fees	Actual fees
(b) Affirmation fees for affidavit in support of application	Actual fees	Actual fees	Actual fees
(c) For each attempted service	\$20	\$20	\$20
(d) For the substituted service, if effected within Singapore —			
(i) by posting on the door	\$20	\$20	\$20
(ii) by advertisement	Actual cost	Actual cost	Actual cost
(e) For service out of jurisdiction	Actual cost	Actual cost	Actual cost
(f) Title searches	Actual cost	Actual cost	Actual cost
(4) In the case of a judgment in default of defence or judgment under Order 14, where notice of appearance is not given on the day on which appearance is entered, and the plaintiff makes an affidavit of service for the purpose of a judgment in default of appearance (the allowance to include the search fee)	\$200	\$200	\$150
(5) In the case of a judgment under Order 14 where an affidavit of service of the summons is required	\$200	\$200	\$150
(6) In the case of a judgment in default of appearance or defence on an application by summons under Order 79, Rule 4	\$200	\$200	\$200

	<i>Disbursement to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
And where there is more than one defendant in respect of each additional defendant	\$150	\$150	\$100
(7) Where bankruptcy or winding up searches are required by the Court	Actual cost	Actual cost	Actual cost
(8) Where the law firm is a GST-registered firm	Actual GST payable	Actual GST payable	Actual GST payable
(9) Any other item approved by the Registrar	Actual amount allowed	Actual amount allowed	Actual amount allowed

[S 299/2014 wef 01/05/2014]

## PART IIA

### ADDITIONAL ITEMS WHERE COSTS ARE ON INDEMINITY BASIS

Disbursement to be allowed in addition to the items claimed under Part II in cases under paragraph 1(3) of Part I:

	<i>Disbursement to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
(1) Court fees	Actual fees	Actual fees	Actual fees
(2) Affirmation fees for supporting affidavit	Actual fees	Actual fees	Actual fees
(3) Personal service of the writ of summons in Singapore (if applicable)	\$20	\$20	\$20
(4) For each attempted service, where there is no order for substituted service (if applicable)	\$20	\$20	\$20

(5) Postage, photocopying, miscellaneous charges and incidentals	\$50	\$50	\$50
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PART III

MISCELLANEOUS

3. Where a plaintiff or defendant signs judgment for costs under Rule 10, there shall be allowed the following costs, in addition to disbursements:

*Costs to be allowed*

	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
Costs of judgment	\$300	\$300	\$200

4. Where upon the application of any person who has obtained a judgment or order against a debtor for the recovery or payment of money, a garnishee order is made under Order 49, Rule 1 against a garnishee attaching debts due or accruing due from him to the debtor, there shall be allowed the following costs, in addition to disbursements:

(a) to the garnishee, to be deducted by him from any debt owing by him as aforesaid before payments to the applicant —

<i>If no affidavit used</i>			<i>If affidavit used</i>		
<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
\$150	\$150	\$150	\$300	\$300	\$300

(b) to the applicant, to be retained, unless the Court otherwise orders, out of the money recovered by him under the garnishee order and in priority to the amount of the debt owing to him under the judgment or order —

*Costs to be allowed*

<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
\$750	\$750	\$600

(c) where the garnishee fails to attend the hearing of the application and an affidavit of service is required —

*Costs to be allowed*

<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
\$200	\$200	\$150

5. Where leave is given under Order 45, Rule 3 to enforce a judgment or order for the recovery of possession of land by writ of possession, if costs are allowed on the judgment or order there shall be allowed the following costs, in addition to disbursements, which shall be added to the judgment or order:

	<i>High Court</i>	<i>District Court</i>
(a) Costs	\$800	\$800
(b) Where notice of proceedings has been given to more than one person, in respect of each additional person	\$100	\$100

6. Where a writ of execution within the meaning of Order 46, Rule 1 is issued against any party, there shall be allowed the following costs, in addition to disbursements:

	<i>Costs to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
Costs of issuing execution	\$750	\$750	\$400 where it is a Small Claims action; \$600 in any other case.

#### PART IV

##### MAGISTRATES' COURTS CASES

(EXCLUDING CASES IN PART I AND  
NON-INJURY MOTOR ACCIDENT ACTIONS  
IN PART V)

(1) Costs to be allowed in Magistrates' Court cases excluding —

- (a) cases in Part I; and
- (b) cases in Part V:

<i>Sum settled or awarded (where the plaintiff succeeds) or sum claimed (where the plaintiff fails)</i>	<i>Costs (excluding disbursements) to be allowed</i>
---	--

- |                                      |                     |
|--------------------------------------|---------------------|
| (i) Up to \$20,000                   | \$3,000 to \$6,000  |
| (ii) More than \$20,000 to \$40,000  | \$4,000 to \$12,000 |
| (iii) More than \$40,000 to \$60,000 | \$5,000 to \$18,000 |

(2) The above scales shall apply to the entire proceedings irrespective of whether the issues of liability and quantum are tried together or separately.

(3) Where the plaintiff's claim for unliquidated damages is discontinued or dismissed, the court shall award such costs within the above scales as it deems appropriate.

## PART V

### NON-INJURY MOTOR ACCIDENT ACTIONS IN MAGISTRATES' COURTS

1.—(1) In this Part, “non-injury motor accident action” means an action arising out of an accident on land due to a collision or an apprehended collision involving one or more motor vehicles, but not involving any claim for personal injuries.

(2) The scale of costs set out in sub-paragraphs (a) and (b) (which are exclusive of disbursements) together with paragraph 2 of Part II of this Appendix shall apply to all non-injury motor accident actions filed in the Magistrates' Courts —

- (a) where the matter is concluded in respect of the issues of liability and quantum simultaneously, the costs shall follow the TABLE.

TABLE

<i>Stage of proceedings matter is concluded</i>	<i>Sum settled or awarded (excluding interest if any)</i>		
	<i>Less than \$1,000</i>	<i>\$1,000 to less than \$10,000</i>	<i>\$10,000 and above</i>
Any stage before defence is served	\$1,000	\$1,000— \$1,200	\$1,200— \$1,500
Where defence is served	\$1,000	\$1,200— \$1,500	\$1,500— \$1,800
Where defence to counterclaim is served	\$1,000	\$1,500— \$1,800	\$1,800— \$2,100
Where affidavits of evidence-in-chief are exchanged	\$1,300	\$1,800— \$2,800	\$2,300— \$3,500



The 1st day of trial	\$1,500— \$2,000	\$3,200— \$3,800	\$3,800— \$6,000
Each subsequent day of trial	Add up to \$1,000	Add up to \$1,500	Add up to \$3,000

- (b) where liability and quantum are resolved separately (ie. interlocutory judgment is entered with damages to be assessed), costs will be fixed at a percentage of the scale in the TABLE, depending on the stage at which liability and quantum are resolved. If liability is resolved before the writ is issued and the plaintiff follows or ought to have followed the procedure in these Rules or the relevant practice direction, costs will be 80% of the scale at the relevant stage at which the matter is concluded. If liability is resolved after the writ is issued but before affidavits of evidence-in-chief are exchanged, costs will be 90% of the scale. If liability is resolved after affidavits of evidence-in-chief are exchanged, costs will be 100% of the scale.

## ORDER 60

### THE REGISTRY

#### **Distribution of business (O. 60, r. 1)**

1.—(1) The Registry shall be divided into such departments, and the business performed in the Registry shall be distributed among the departments in such manner, as the Chief Justice or the Presiding Judge of the State Courts, as the case may be, may direct.

*[S 299/2014 wef 14/04/2014]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(2) The Registry shall be under the control and supervision of the Registrar.

(3) The business of the Registry, including the collection, use or disclosure of data contained in any document filed in the Registry, shall be governed by these Rules and by practice directions issued by the Registrar.

*[S 390/2014 wef 02/07/2014]*

**Information to be maintained by Registry (O. 60, r. 2)**

2.—(1) The Registrar shall cause to be maintained such information as is prescribed or required to be kept by these Rules and by practice directions issued by the Registrar.

(2) The Registrar may maintain at his discretion all the information referred to in paragraph (1) in such medium or mode as he may determine.

**Date of filing to be marked, etc. (O. 60, r. 3)**

3. Any document filed in the Registry in any proceedings must be sealed with a seal showing the date on which the document was filed and any document not required by these Rules to be sealed must show the date on which it was filed.

**Right to search information and inspect, etc., certain documents filed in Registry (O. 60, r. 4)**

4.—(1) Subject to any practice directions issued by the Registrar, any person shall, on payment of the prescribed fee and without leave of the Registrar, be entitled to search the information referred to in Rule 2.

*[S 390/2014 wef 02/07/2014]*

(2) Any person may, with the leave of the Registrar and on payment of the prescribed fee, be entitled —

- (a) during office hours, at the Registry or a service bureau established under Order 63A, to search for, inspect and take a copy of any of the documents filed in the Registry; or
- (b) to use the electronic filing service established under Order 63A to search for and inspect any of the documents filed in the Registry during the period permitted by the Registrar.

(3) Nothing in paragraph (2) shall be taken as preventing any party to a cause or matter from searching for, inspecting and taking or bespeaking a copy of any affidavit or other document filed in the Registry in that cause or matter or filed therein before the

commencement of that cause or matter but made with a view to its commencement.

### **Deposit of document (O. 60, r. 5)**

5. Where the Court orders any documents to be lodged in Court, then, unless the order directs that the documents be so lodged by being deposited with the Accountant-General, the documents must be deposited in the Registry.

### **Filing of instruments creating powers of attorney (O. 60, r. 6)**

6.—(1) An instrument creating a power of attorney which is presented for deposit in the Registry of the Supreme Court under section 48 of the Conveyancing and Law of Property Act (Cap. 61), shall not be deposited therein unless the execution of the instrument has been verified in accordance with Rule 7 and the instrument is accompanied, except where Rule 7(b) applies, by the affidavit, declaration, certificate or other evidence by which the execution was verified.

(2) Without prejudice to section 48 of the Conveyancing and Law of Property Act, a certified copy of an instrument creating a power of attorney which is presented for deposit in the Registry of the Supreme Court under that section shall not be deposited therein unless —

- (a) the execution of the instrument has been verified in accordance with Rule 7;
- (b) the signature of the person who verified the copy is sufficiently verified; and
- (c) except where Rule 7(b) applies and subject to paragraph (3), the copy is accompanied by the affidavit, declaration, certificate or other evidence by which the execution was verified.

(3) If the affidavit, declaration, certificate or other evidence verifying the execution of the instrument is so bound up with or attached to the instrument that they cannot conveniently be separated, it shall be sufficient for the purpose of paragraph (2) to produce and show to the proper officer in the Registry the original affidavit,

declaration, certificate or other evidence and to file a certified copy thereof.

### **Verification of execution of power of attorney (O. 60, r. 7)**

7. The execution of such an instrument or a declaration as is referred to in Rule 6(1) may be verified —

- (a) by an affidavit or a statutory declaration sworn or made by the attesting witness or some other person in whose presence the instrument was executed, or, if no such person is available, by some impartial person who knows the signature of the donor of the power of attorney created by the instrument;
- (b) if the instrument was attested by a Commissioner for Oaths, by the signature of the Commissioner as attesting witness; or
- (c) by such other evidence as, in the opinion of the Registrar is sufficient.

### **Inspection, etc., of powers of attorney (O. 60, r. 8)**

8.—(1) The Registry of the Supreme Court shall keep record of an index of all instruments and certified copies to which Rule 6 relates deposited in the said Registry and of the names of the donors of the powers of attorney created by such instruments.

(2) Any person shall, on payment of the prescribed fee, be entitled —

- (a) to search the record referred to in paragraph (1);
- (b) to inspect any document filed or deposited in the Registry in accordance with Rule 6; and
- (c) to be supplied with a copy or a certified copy of such document.

**Restriction on removal of documents (O. 60, r. 9)**

9. No document filed in or in the custody of the Registry shall be taken out of it without the leave of the Court unless the document is to be sent to, a State Court or the Supreme Court, as the case may be.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

ORDER 61

SITTINGS, VACATION AND OFFICE HOURS

**Vacation Judge (O. 61, r. 1)**

1. A Judge of the Supreme Court shall be available during every vacation to act as a vacation Judge.

**Hearing in vacation (O. 61, r. 2)**

2. All such matters as required to be immediately or promptly heard shall be heard in vacation by the vacation Judge.

**Registry: Days on which open and office hours (O. 61, r. 3)**

3.—(1) The Registry shall be open on every day of the year except on Saturdays, Sundays or public holidays unless the Chief Justice, or the Presiding Judge of the State Courts with the concurrence of the Chief Justice, as the case may be, otherwise directs.

*[S 299/2014 wef 14/04/2014]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(2) The hours during which the Registry shall be open to the public shall be such as the Chief Justice, or the Presiding Judge of the State Courts with the concurrence of the Chief Justice, as the case may be, may from time to time direct.

*[S 299/2014 wef 14/04/2014]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

## ORDER 62

## SERVICE OF DOCUMENTS

**When personal service required (O. 62, r. 1)**

1.—(1) Any document which by virtue of these Rules is required to be served on any person need not be served personally unless the document is one which by an express provision of these Rules or by order of the Court is required to be so served.

(2) Paragraph (1) shall not affect the power of the Court under any provision of these Rules to dispense with the requirement for personal service.

**Personal service: Process server (O. 62, r. 2)**

2.—(1) Personal service must be effected by a process server of the Court or by a solicitor or a solicitor's clerk whose name and particulars have been notified to the Registrar for this purpose:

Provided that the Registrar may, in a particular cause or matter, allow personal service to be effected by any other named person and shall, in that case, cause to be marked on the document required to be served personally, a memorandum to that effect.

(2) Whenever the service of a document is attended with expense, a process server shall not, except by order of the Registrar, be bound to serve the document, unless reasonable expenses thereof have been tendered in the Registry by the party requiring the service.

(3) Where service is by a process server, the Registrar shall forthwith give written notice to the plaintiff or person at whose instance the process is issued or to his solicitor, of the fact and manner of such service.

**Personal service: How effected (O. 62, r. 3)**

3.—(1) Personal service of a document is effected by leaving with the person to be served —

- (a) in the case of an originating process, a sealed copy; and
- (b) in any other case, a copy of the document.

(2) Personal service of a document may also be effected in such other manner as may be agreed between the party serving and the party to be served.

#### **Personal service on body corporate (O. 62, r. 4)**

4. Personal service of a document on a body corporate may, in cases for which provision is not otherwise made by any written law, be effected by serving it in accordance with Rule 3 on the chairman or president of the body, or the secretary, treasurer or other similar officer thereof.

#### **Substituted service (O. 62, r. 5)**

5.—(1) If, in the case of any document which by virtue of any provision of these Rules is required to be served personally on any person, it appears to the Court that it is impracticable for any reason to serve that document personally on that person, the Court may make an order in Form 136 for substituted service of that document.

(2) An application for an order for substituted service must be made by summons supported by an affidavit in Form 137 stating the facts on which the application is founded.

(3) Substituted service of a document, in relation to which an order is made under this Rule, is effected by taking such steps as the Court may direct to bring the document to the notice of the person to be served.

(4) For the purposes of paragraph (3), the steps which the Court may direct to be taken for substituted service of a document to be effected include the use of such electronic means (including electronic mail or Internet transmission) as the Court may specify.

#### **Ordinary service: How effected (O. 62, r. 6)**

6.—(1) Service of any document, not being a document which by virtue of any provision of these Rules is required to be served personally, may be effected —

- (a) by leaving the document at the proper address of the person to be served;

- (b) by post;
- (c) by FAX in accordance with paragraph (3);
- (d) in such other manner as may be agreed between the party serving and the party to be served; or
- (e) in such other manner as the Court may direct.

(2) For the purpose of this Rule, and of section 2 of the Interpretation Act (Cap. 1), in its application to this Rule, the proper address of any person on whom a document is to be served in accordance with this Rule shall be the address for service of that person, but if at the time when service is effected that person has no address for service his proper address for the purpose aforesaid shall be —

- (a) in any case, the business address of the solicitor (if any) who is acting for him in the proceedings in connection with which service of the document in question is to be effected;
- (b) in the case of an individual, his usual or last known address;
- (c) in the case of individuals who are suing or being sued in the name of a firm, the principal or last known place of business of the firm within the jurisdiction; and
- (d) in the case of a body corporate, the registered or principal office of the body.

(3) Service by FAX may be effected where —

- (a) the party serving the document acts by a solicitor;
- (b) the party on whom the document is served acts by a solicitor and service is effected by transmission to the business address of such a solicitor;
- (c) the solicitor acting for the party on whom the document is served has indicated in writing to the solicitor serving the document that he is willing to accept service by FAX at a specified FAX number and the document is transmitted to that number; and for this purpose the inscription of a FAX number on the writing paper of a solicitor shall not be deemed to indicate that such a solicitor is willing to accept



service by FAX at that number in accordance with this paragraph; and

- (d) within 3 days after the day of service by FAX the solicitor acting for the party serving the document serves a copy of it on the solicitor acting for the other party by any of the other methods of service set out in paragraph (1), and if he fails to do so, the document shall be deemed never to have been served by FAX.

(4) For the purposes of paragraph (1)(e), the manner in which the Court may direct service of any document to be effected includes the use of such electronic means (including electronic mail or Internet transmission) as the Court may specify.

(5) Nothing in this Rule shall be taken as prohibiting the personal service of any document or as affecting any written law which provides for the manner in which documents may be served on bodies corporate.

#### **Time for service (O. 62, r. 6A)**

**6A.** Where any document is served before midnight on any particular day, it shall be deemed to have been served on that day.

#### **Service on Minister, etc., in proceedings which are not by or against Government (O. 62, r. 7)**

7. Where for the purpose of or in connection with any proceedings, not being civil proceedings by or against the Government within the meaning of Part III of the Government Proceedings Act (Cap. 121), any document is required by any written law or these Rules to be served on the Minister of a Government department which is an authorised department for the purposes of that Act, or on such a department or on the Attorney-General, section 20 of the said Act and Order 73, Rule 3 shall apply in relation to the service of the document as they apply in relation to the service of documents required to be served on the Government for the purpose of or in connection with any civil proceedings by or against the Government.

**Effect of service after certain hours (O. 62, r. 8)**

8.—(1) Where the service of any document is effected under these Rules on a working day before 4 p.m., it shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on that working day, and, in any other case, on the working day next following.

(2) For the avoidance of doubt, nothing in this Rule shall be construed as prescribing the hours within which service must be effected in order to be valid.

**Affidavit of service (O. 62, r. 9)**

9. An affidavit of service of any document must state by whom the document was served, the day of the week and date on which it was served, where it was served and how, and must be in one of the forms in Form 138.

**No service required in certain cases (O. 62, r. 10)**

10. Where by virtue of these Rules any document is required to be served on any person but is not required to be served personally, and at the time when service is to be effected that person is in default as to entry of appearance or has no address for service, the document need not be served on that person unless the Court otherwise directs or any of these Rules otherwise provides.

**Dispensation of service (O. 62, r. 11)**

11. The Court may, in an appropriate case, dispense with service of any document on any person.

ORDER 63

PAPER, PRINTING, NOTICES AND COPIES

**Quality and size of paper (O. 63, r. 1)**

1. Unless the nature of the document renders it impracticable, every document prepared by a party for use in the Court must be on paper of durable quality, approximately 297 millimetres long, by

210 millimetres wide, having a margin not less than 25.4 millimetres wide to be left blank on either side of the paper.

### **Regulations as to printing, etc. (O. 63, r. 2)**

2.—(1) Except where these Rules otherwise provide, every document prepared by a party for use in the Court must be produced by one of the following means, that is to say, printing and typewriting otherwise than by means of a carbon, and may be produced partly by one of those means and partly by the other.

(2) For the purpose of these Rules a document shall be deemed to be printed if it is produced by type lithography or stencil duplicating.

(3) Any type used in producing a document for use as aforesaid must be such as to give a clear and legible impression and must not be smaller than 11 point type for printing or elite type for type lithography, stencil duplicating or typewriting.

(4) Any document produced by a photographic or similar process giving a positive and permanent representation free from blemishes shall, to the extent that it contains a facsimile of any printed or typewritten matter, be treated for the purposes of these Rules as if it were printed or typewritten, as the case may be.

(5) Any notice required by these Rules may not be given orally except with the leave of the Court.

### **Copies of documents for other party (O. 63, r. 3)**

3.—(1) Where a document is prepared by a party for use in Court, the party by whom it was prepared must, on receiving a written request from any other party entitled to a copy of that document, not being a party on whom it has been served, supply him with a copy, and on payment of the proper charges, supply him with such number of further copies thereof, not exceeding 10, as may be specified in the request and, where the document in question is an affidavit, of any document exhibited to it.

(2) The copy must be ready for delivery within 48 hours after a written request for it, together with an undertaking to pay the proper charges, is received and must be supplied thereafter on payment of those charges.

**Requirements as to copies (O. 63, r. 4)**

4.—(1) Before a copy of a document is supplied to a party under these Rules, it must be endorsed with the name and address of the party or solicitor by whom it was supplied.

(2) The party by whom a copy is supplied under Rule 3, or, if he sues or appears by a solicitor, his solicitor, shall be answerable for the copy being a true copy of the original or of a copy, as the case may be.

ORDER 63A

ELECTRONIC FILING SERVICE

**Definitions (O. 63A, r. 1)**

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

“authorised user” means a person who is designated as an authorised user under Rule 5;

“deemed” means deemed until the contrary is proved;

“electronic filing service” means the electronic filing service established under Rule 2;

“electronic filing service provider” means an electronic filing service provider appointed under Rule 3;

“electronic transmission” means electronic transmission by an authorised user or a registered user through the electronic filing service;

“entity” means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership), a law corporation, a company or other body corporate, the Attorney-General’s Chambers, a department of the Government or a public authority;

“identification code” means the identification code of an authorised user or a registered user that is to be used in conjunction with the electronic filing service;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

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

*[S 850/2014 wef 01/01/2015]*

“registered user” means an entity which is registered under Rule 5;

“service bureau” means a service bureau established under Rule 4.

### **Establishment of electronic filing service (O. 63A, r. 2)**

2. The Registrar may, with the approval of the Chief Justice, establish an electronic filing service and make provision for specified documents to be filed, served, delivered or otherwise conveyed using that service.

### **Electronic filing service provider and superintendent (O. 63A, r. 3)**

3.—(1) The electronic filing service shall be operated by an electronic filing service provider appointed by the Registrar with the approval of the Chief Justice.

(2) The Singapore Academy of Law shall be the superintendent of any electronic filing service provider appointed under this Rule.

### **Computer system of electronic service provider (O. 63A, r. 3A)**

3A. For the purposes of this Order, the computer system of an electronic filing service provider shall mean the computer servers and network equipment operated, maintained or used by the electronic service provider notwithstanding that such computer servers and network equipment may not be owned by that electronic service provider.

### **Service bureau (O. 63A, r. 4)**

4.—(1) The Registrar may establish or appoint agents to establish a service bureau or service bureaux to assist in the filing, service,

delivery or conveyance of documents using the electronic filing service.

(2) Any agent appointed by the Registrar in pursuance of paragraph (1) shall not be treated as such for the purposes of the acceptance of the payment of fees or service charges.

(3) The Singapore Academy of Law shall be the superintendent of any agent appointed under this Rule.

### **Registered user and authorised user (O. 63A, r. 5)**

5.—(1) Any entity may apply to the Registrar to be a registered user in accordance with any procedure as may be set out for such applications in any practice directions for the time being issued by the Registrar.

(2) Any entity which is a registered user may designate one or more of its partners, directors, officers or employees to be an authorised user in accordance with any procedure as may be set out in any practice directions for the time being issued by the Registrar.

(3) The Registrar may allow an entity to be a registered user or a person to be an authorised user on such terms and conditions as he thinks fit.

(4) A registered user which was registered or an authorised user who was designated before 1st January 2013 shall be deemed to have been registered as a registered user or designated as an authorised user, as the case may be, under this Rule.

(5) A registered user which designates an authorised user and supplies the authorised user's identification code through the electronic filing service shall be deemed to approve the use of the identification code in conjunction with the electronic filing service by that authorised user.

(6) Before using the electronic filing service, the registered user shall —

- (a) enter into an agreement with the electronic filing service provider for the provision of the electronic filing service; and

(b) make arrangements with the Registrar for the mode of payment of the applicable fees prescribed in these Rules.

(7) The Registrar may waive the application of paragraph (6), in whole or in part, in relation to such registered users or class of registered users as he deems fit.

(8) For the purposes of these Rules, a service bureau established under Rule 4 shall be deemed to be a registered user, and every employee of a service bureau shall be deemed to be an authorised user.

### **Fee for registered user (O. 63A, r. 6)**

**6.**—(1) Subject to paragraphs (2), (2A) and (8), the following fee shall be payable by each registered user, other than a service bureau:

- (a) where the registered user is an entity comprising a single advocate and solicitor as at the relevant time in a year, \$25 per month or part thereof;
- (b) where the registered user is an entity comprising 2 to 5 advocates and solicitors as at the relevant time in a year, \$35 per month or part thereof;
- (c) where the registered user is an entity comprising 6 to 9 advocates and solicitors as at the relevant time in a year, \$70 per month or part thereof;
- (d) where the registered user is an entity comprising 10 to 19 advocates and solicitors as at the relevant time in a year, \$140 per month or part thereof;
- (e) where the registered user is an entity comprising 20 to 49 advocates and solicitors as at the relevant time in a year, \$250 per month or part thereof;
- (f) where the registered user is an entity comprising 50 to 99 advocates and solicitors as at the relevant time in a year, \$500 per month or part thereof;
- (g) where the registered user is an entity comprising 100 to 199 advocates and solicitors as at the relevant time in a year, \$1,000 per month or part thereof; and

(h) where the registered user is an entity comprising 200 or more advocates and solicitors as at the relevant time in a year, \$2,000 per month or part thereof.

(2) Paragraph (1) shall apply in the following contexts with the following modifications:

(a) where the registered user is the Attorney-General's Chambers, a reference to an advocate and solicitor shall be read as a reference to a person who is the Attorney-General, a Deputy Attorney-General, the Solicitor-General or a State Counsel or Deputy Public Prosecutor;

*[S 175/2015 wef 01/04/2015]*

(b) where the registered user is a department of the Government or a public authority, a reference to an advocate and solicitor shall be read as a reference to a person who —

(i) is employed or engaged by the registered user; and

(ii) has a right to appear before the court by virtue of any written law;

*[S 850/2014 wef 01/01/2015]*

(c) where the registered user is an entity that is registered solely for the purpose of using the electronic filing service to search the information referred to in Order 60, Rule 2, or to search for, inspect or take a copy of any document filed in the Registry, in accordance with Order 60, Rule 4, a reference to an advocate and solicitor shall be read as a reference to an authorised user designated by the registered user;

*[S 850/2014 wef 01/01/2015]*

(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;

*[S 850/2014 wef 01/01/2015]*

(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.

*[S 850/2014 wef 01/01/2015]*

(2A) Where the registered user is an entity that is registered solely for the purpose of using the electronic filing service to make any application under section 25(1) of the Legal Profession Act (Cap. 161) for a practising certificate, no fee shall be payable by the registered user.

(3) In paragraph (1), “relevant time” means —

- (a) 1st May in any year unless sub-paragraphs (b), (c) and (d) apply;
- (b) where an entity registers for the first time under Rule 5 — the date of first registration;
- (c) where an entity is deemed to have been registered as a registered user before 1st January 2013 — 1st January 2013; and
- (d) where a registered user informs the Registrar after 1st May in any year of any change in the number of its advocates and solicitors — the day on which the Registrar is so informed.

(4) The fee referred to in paragraph (1) shall start to be payable from and in respect of the first month in which the relevant time falls, and shall continue to be payable monthly.

(5) The fee payable by each registered user shall be due and payable on the first day of each month.

(6) The Registrar may waive, refund or defer the payment of the whole or any part of the fee in paragraph (1) in relation to any registered user or class of registered users on such terms and conditions as he deems fit.

(7) Where any fee under this Rule has been paid in excess or error by a registered user, the Registrar —

- (a) shall refund the amount paid in excess or error if the registered user makes a claim in writing to the Registrar

within 3 months after the date on which the fee was paid in excess or error; and

(b) may, in any other case, as he deems fit, refund the whole or any part of the amount paid in excess or error.

(8) Notwithstanding paragraph (1), the scale of fees payable by each registered user, other than a service bureau, shall be as follows:

(a) from 1 January 2013 until 29 September 2013 (both dates inclusive), 50% of the prescribed amount in paragraph (1);

*[S 671/2014 wef 01/10/2014]*

(b) from 30 September 2013 until 1 December 2013 (both dates inclusive), 75% of the prescribed amount in paragraph (1);

*[S 671/2014 wef 01/10/2014]*

(c) from 2 December 2013, the amount as prescribed in paragraph (1).

*[S 671/2014 wef 01/10/2014]*

(9) For the purposes of this Rule, the manner in which the entity shall inform the Registrar of the number of advocates and solicitors and all matters connected therewith or incidental thereto may be set out in any practice directions for the time being issued by the Registrar.

7. *[Deleted by S 600/2012]*

### **Electronic filing (O. 63A, r. 8)**

8.—(1) Where a document is required to be filed with, served on, delivered or otherwise conveyed to the Registrar under any other provision of these Rules, it must be so filed, served, delivered or otherwise conveyed using the electronic filing service in accordance with this Order and any practice directions for the time being issued by the Registrar.

(1A) For the purpose of paragraph (1), any requirement for the filing, service, delivery or otherwise conveyance of a document is satisfied by the filing, service, delivery or otherwise conveyance of a

single copy using the electronic filing service in accordance with this Order.

(2) Filing, service, delivery or conveyance of a document using the electronic filing service in pursuance of paragraph (1) may be done in one of 2 ways —

- (a) by electronic transmission; or
- (b) via a service bureau.

(3) Notwithstanding anything in paragraph (1), the Registrar may allow a document, part of a document or any class of documents to be filed, served, delivered or otherwise conveyed other than by using the electronic filing service.

(4) The form of any document shall be as set out —

- (a) in any practice directions for the time being issued by the Registrar; or
- (b) where the document is remotely composed on the computer system of the electronic filing service provider, in the form made available through the electronic filing service,

and shall, in the absence of such prescription, be in the form prescribed by Order 1, Rule 7.

(5) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through the electronic filing service by a registered user using an identification code shall be deemed to have been so filed, served, delivered or otherwise conveyed by the registered user and with his intention to do so.

(6) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through the electronic filing service by an authorised user (other than an employee of a service bureau) using an identification code shall be deemed to have been so filed, served, delivered or otherwise conveyed —

- (a) by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and
- (b) with the intention of that registered user to do so.

(7) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through the electronic filing service by an authorised user, who is an employee of a service bureau, using an identification code shall be deemed to have been so filed, served, delivered or otherwise conveyed —

- (a) on behalf and with the authority of the person tendering the document to the service bureau for such purpose and with the intention of that person to do so; or
- (b) where the person tendering the document to the service bureau is acting as agent for his principal, on behalf and with the authority of his principal and with the intention of the principal to do so.

(8) For the avoidance of doubt, it is declared that a document which is filed, served, delivered or otherwise conveyed to the Registrar using an identification code in compliance with the security procedures of the electronic filing service is a secure electronic record within the meaning of the Electronic Transactions Act (Cap. 88).

### **Signing of electronic documents (O. 63A, r. 9)**

**9.—**(1) Where a document is filed, served, delivered or otherwise conveyed using the electronic filing service, any requirement under these Rules relating to signing by or the signature of an authorised user or a registered user, shall be deemed to be complied with if the identification code of the authorised user or registered user has been applied to or associated with, directly or indirectly, the document or the transmission containing the document.

(2) For the purposes of paragraph (1) —

- (a) where the identification code of a registered user is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the electronic filing service —
  - (i) the document shall be deemed to be signed by the registered user; and
  - (ii) the contents of the document shall be deemed to be endorsed by the registered user;

- (b) where the identification code of an authorised user (other than an employee of a service bureau) is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the electronic filing service —
- (i) the document shall be deemed to be signed by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and
  - (ii) the contents of the document shall be deemed to be endorsed by that registered user; or
- (c) where the identification code of an authorised user, who is an employee of a service bureau, is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the electronic filing service —
- (i) the document shall be deemed to be signed by the authorised user on behalf and with the authority of the person tendering the document to the service bureau and the contents of the document shall be deemed to be endorsed by that person; or
  - (ii) where the person tendering the document to the service bureau is acting as agent for his principal, the document shall be deemed to be signed on behalf and with the authority of his principal and the contents of the document shall be deemed to be endorsed by his principal.
- (3) Where any written law or practice direction requires the signature of an advocate or solicitor, such requirement shall be deemed to be met where the identification code of the advocate or solicitor has been applied to or associated with, directly or indirectly, the document or the transmission containing the document to be signed in compliance with the security procedures of the electronic filing service.

(4) For the avoidance of doubt, it is declared that the application to or association of the identification code of an authorised user or a registered user, directly or indirectly, with a document or a transmission containing a document in compliance with the security procedures of the electronic filing service is a secure electronic signature within the meaning of the Electronic Transactions Act (Cap. 88).

### **Date of filing (O. 63A, r. 10)**

**10.—**(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar using the electronic filing service and is subsequently accepted by the Registrar, it shall be deemed to be filed, served, delivered or conveyed —

- (a) where the document is filed, served, delivered or conveyed by electronic transmission from the computer system of the authorised user or registered user, on the date and at the time that the first part of the transmission is received in the computer system of the electronic filing service provider;
- (b) where the document is remotely composed on the computer system of the electronic filing service provider, on the date and at the time that the first part of the transmission containing instructions from the authorised user or registered user to so file, serve, deliver or convey the document is received in the computer system of the electronic filing service provider; and
- (c) where the document is filed, served, delivered or conveyed via a service bureau, on the date and at the time that the first part of the transmission is received in the computer system of the Registrar.

(1A) Paragraph (1) shall not apply to the following documents:

- (a) a caveat against the issue of a warrant to arrest the property filed pursuant to Order 70, Rule 5;
- (b) a caveat against the issue of a release and payment out of Court filed pursuant to Order 70, Rule 13.

*[S 850/2014 wef 01/01/2015]*

(c) [*Deleted by S 850/2014 wef 01/01/2015*]

(1B) Where a document to which paragraph (1A) applies is filed with, served on, delivered or otherwise conveyed to the Registrar using the electronic filing service and is subsequently accepted by the Registrar, it shall be deemed to be filed, served, delivered or conveyed —

- (a) where the document is filed, served, delivered or conveyed by electronic transmission, on the date and at the time that the Registrar accepts the document, as reflected in the computer system of the Registrar;
- (b) where the document is filed, served, delivered or conveyed via a service bureau, on the date and at the time that the Registrar accepts the document, as reflected in the computer system of the Registrar.

(2) Where an originating process is filed or otherwise conveyed using the electronic filing service and it is subsequently accepted by the Registrar, it shall be deemed to be issued —

- (a) where the document is filed or conveyed by electronic transmission, on the date and at the time that the first part of the transmission is received in the computer system of the electronic filing service provider;
- (b) where the document is filed or conveyed via a service bureau, on the date and at the time that the first part of the transmission is received in the computer system of the Registrar.

(3) The registered user may produce a record of the transmission issued by the electronic filing service provider or the service bureau, as the case may be, together with a copy of the notification of acceptance of the document by the Registrar as evidence of —

- (a) the filing or issuance of an originating process;
- (b) the filing, service, delivery or conveyance of any other document; or
- (c) the date and time either or both of these events took place.

(4) If the Registrar is satisfied for any reason that a document should be treated as having been filed with, served on, delivered or otherwise conveyed to the Registrar, or issued, at some earlier date and time, than the date and time provided for under paragraph (1), (1B) or (2), he may cause the electronic filing service to reflect such earlier date and time, and that earlier date and time shall be deemed for all purposes to be the date and time on and at which the document was filed, served, delivered, conveyed or issued, as the case may be.

### **When time for service begins to run (O. 63A, r. 11)**

**11.—**(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar by electronic transmission, the time for service of that document shall only begin to run from the time that the Registrar's notification of his acceptance of the document is received in the computer system of that registered user.

(2) Where a document is filed with or otherwise conveyed to the Registrar via a service bureau, the time for service of that document shall only begin to run from the time that the Registrar's notification of his acceptance of the document is received by the service bureau.

(3) If the Registrar's notification referred to in paragraphs (1) and (2) is received in the computer system or the service bureau respectively on a day other than a working day, it shall be deemed for the purpose of this Rule to have been received on the next working day.

### **Service of documents (O. 63A, r. 12)**

**12.—**(1) If a document —

(a) other than a document which is required by these Rules to be served personally; or

(b) being a document which is required by these Rules to be served personally and which the party to be served has agreed may be served using the electronic filing service,

is required under any other provision of these Rules to be served, delivered or otherwise conveyed by a person to any other person and that person is an authorised user or a registered user or is represented by a solicitor who is an authorised user or a registered user (referred to



in this Rule as the person on whom the document is served), such service, delivery or conveyance may be effected by using the electronic filing service by electronic transmission or via a service bureau.

(1A) For the purposes of paragraph (1)(b), a party who has instructed his solicitor to accept service of a document which is required by these Rules to be served personally shall be deemed to have agreed to be served using the electronic filing service.

(2) The document shall be deemed to be served, delivered or otherwise conveyed —

(a) where the document is served, delivered or otherwise conveyed by electronic transmission from the computer system of the authorised user or registered users on the date and at the time that the first part of the transmission is received in the computer system of the electronic filing service provider; and

(b) where the document is remotely composed on the computer system of the electronic filing service provider, on the date and at the time that the first part of the transmission containing instructions from the authorised user or registered user to so serve, deliver or convey the document is received in the computer system of the electronic filing service provider.

(3) The person serving the document may produce a record of the service, delivery or conveyance to the person on whom the document is served which is issued by the electronic filing service provider or the service bureau as evidence of the service, delivery or conveyance, as well as the date and time of such service, delivery or conveyance.

(4) The person serving the document may file a Registrar's certificate of service issued through the electronic filing service provider or the service bureau in lieu of an affidavit of service and the certificate shall be regarded as prima facie evidence of such service, delivery or conveyance on the date and at the time as stated.

(5) Where a document has to be served, delivered or conveyed by the person serving the document to more than one person, he may

effect such service, delivery or conveyance using the electronic filing service on such of those persons who are registered users or authorised users, and paragraphs (1), (2), (3) and (4) of this Rule shall apply with such modifications as are necessary.

(6) Any document which is served, delivered or otherwise conveyed by a registered user to a person through the electronic filing service using an identification code shall be deemed to have been so served, delivered or otherwise conveyed by the registered user and with his intention to do so.

(7) Any document which is served, delivered or otherwise conveyed by an authorised user (other than an employee of a service bureau) to a person through the electronic filing service using an identification code shall be deemed to have been so served, delivered or otherwise conveyed —

(a) by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and

(b) with the intention of that registered user to do so.

(8) Any document which is served, delivered or otherwise conveyed by an authorised user, who is an employee of a service bureau, shall be deemed to have been so served, delivered or otherwise conveyed —

(a) on behalf and with the authority of the person tendering the document to the service bureau for such purpose and with the intention of that person to do so; or

(b) where the person tendering the document to the service bureau is acting as agent for his principal, on behalf and with the authority of his principal and with the intention of the principal to do so.

(9) For the avoidance of doubt, it is declared that any document which is served, delivered or otherwise conveyed to a person using an identification code in compliance with the security procedures of the electronic filing service is a secure electronic record within the meaning of the Electronic Transactions Act (Cap. 88).

(10) Order 62, Rule 8 shall apply to service effected under this Rule.

**Notification or delivery by Registrar (O. 63A, r. 13)**

13. Where the Registrar is required by any other provision of these Rules to notify or to deliver or furnish any document to a person who is a registered user, the Registrar may do so using the electronic filing service.

**Mode of amendment of electronic documents (O. 63A, r. 14)**

14. Amendments to documents shall be effected in the manner prescribed in any practice directions for the time being issued by the Registrar.

**Affidavits in electronic form (O. 63A, r. 15)**

15.—(1) Affidavits which are filed in Court using the electronic filing service may be used in all proceedings to the same extent and for the same purposes as paper affidavits filed in Court.

(2) Where an affidavit is to be filed in Court using the electronic filing service, it shall comply with the following requirements:

- (a) the affidavit must be sworn in the usual way in which the deponent signs the original paper affidavit;
- (b) a true and complete electronic image of the original paper affidavit must be created; and
- (c) the original paper affidavit must be retained by the party who filed it for a period of 7 years after it is filed.

(3) Notwithstanding paragraph (2)(c), if the original paper affidavit subsequently becomes unavailable within 7 years after it was filed, the Court may grant leave for the electronic image of the original paper affidavit filed in Court using the electronic filing service to be used in the proceedings for which it was filed, or in any other proceedings.

16. [*Deleted by S 600/2012*]

**Discrepancy (O. 63A, r. 17)**

17. Where a document was filed using the electronic filing service, and there is any inconsistency between —

- (a) the information entered into the electronic template of the document or of the transmission containing the document; and
- (b) the information contained in the document,

the information contained in the document shall prevail where that document is remotely composed on the computer system of the electronic filing service provider, and in all other cases the information entered into the electronic template of the document shall prevail.

### **Interpretation (O. 63A, r. 18)**

**18.**—(1) A user who has been registered as a registered user or an authorised user by the Registrar of the Supreme Court under Rule 5 shall be treated for the purposes of this Order as if he had also been similarly registered by the Registrar of the State Courts and the Registrar of the Family Justice Courts.

*[S 671/2014 wef 01/10/2014]*

(2) A user who has been registered as a registered user or an authorised user by the Registrar of the State Courts under Rule 5 shall be treated for the purposes of this Order as if he had also been similarly registered by the Registrar of the Supreme Court and the Registrar of the Family Justice Courts.

*[S 671/2014 wef 01/10/2014]*

(3) A user who has been registered as a registered user or an authorised user by the Registrar of the Family Justice Courts under Rule 5, or under the Family Justice Rules, shall be treated for the purposes of this Order as if he had also been similarly registered by the Registrar of the Supreme Court and the Registrar of the State Courts.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(4) A service bureau established or authorised to be established by the Registrar of the Supreme Court under Rule 4 may be used —

- (a) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the electronic filing service, in such cases and

circumstances as the Registrar of the State Courts may prescribe in practice directions issued from time to time; and

- (b) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Family Justice Courts using the electronic filing service, in such cases and circumstances as the Registrar of the Family Justice Courts may prescribe in practice directions issued from time to time.

*[S 671/2014 wef 01/10/2014]*

(5) A service bureau established or authorised to be established by the Registrar of the State Courts under Rule 4 may be used —

- (a) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Supreme Court using the electronic filing service, in such cases and circumstances as the Registrar of the Supreme Court may prescribe in practice directions issued from time to time; and
- (b) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Family Justice Courts using the electronic filing service, in such cases and circumstances as the Registrar of the Family Justice Courts may prescribe in practice directions issued from time to time.

*[S 671/2014 wef 01/10/2014]*

(6) A service bureau established or authorised to be established by the Registrar of the Family Justice Courts under Rule 4, or under the Family Justice Rules, may be used —

- (a) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Supreme Court using the electronic filing service, in such cases and circumstances as the Registrar of the Supreme Court may prescribe in practice directions issued from time to time; and

- (b) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the electronic filing service, in such cases and circumstances as the Registrar of the State Courts may prescribe in practice directions issued from time to time.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

## ORDER 64

### CHANGE OF SOLICITOR

#### **Notice of change of solicitor (O. 64, r. 1)**

1.—(1) A party to any cause or matter who sues or defends by a solicitor may change his solicitor without an order for that purpose but, until notice of the change is filed and served in accordance with this Rule, the former solicitor shall, subject to Rules 4 and 5, be considered the solicitor of the party until the final conclusion of the cause or matter, whether in the Court or the Court of Appeal.

(2) Notice of a change of solicitor in Form 139 must be filed in the Registry.

(3) The party giving the notice must serve on every other party to the cause or matter (not being a party in default as to entry of appearance) and on the former solicitor a copy of the notice.

(4) The party giving the notice may perform the duties prescribed by this Rule in person or by his new solicitor.

#### **Notice of appointment of solicitor (O. 64, r. 2)**

2. Where a party, after having sued or defended in person, appoints a solicitor to act in the cause or matter on his behalf, the change may be made without an order for that purpose and Rule 1(2), (3) and (4) shall apply, with the necessary modifications, in relation to a notice of appointment of a solicitor in Form 139 as they apply in relation to a notice of change of solicitor.

**Notice of intention to act in person (O. 64, r. 3)**

3. Where a party, after having sued or defended by a solicitor, intends and is entitled to act in person, the change may be made without an order for that purpose and Rule 1 shall apply, with the necessary modifications, in relation to a notice of intention to act in person as it applies in relation to a notice of change of solicitor except that the notice of intention to act in person in Form 140 must contain an address for service of the party giving it.

**Removal of solicitor from record at instance of another party (O. 64, r. 4)**

4.—(1) Where —

- (a) a solicitor who has acted for a party in a cause or matter has died or become bankrupt or cannot be found or has failed to take out a practising certificate or has been struck off the roll of solicitors or has been suspended from practising or has for any other reason ceased to practise; and
- (b) the party has not given notice of change of solicitor or notice of intention to act in person in accordance with Rules 1 to 3,

any other party to the cause or matter may apply to the Court or, if an appeal to the High Court or the Court of Appeal is pending in the cause or matter, to such Court, for an order declaring that the solicitor has ceased to be the solicitor acting for the first-mentioned party in the cause or matter, and the Court or the Court of Appeal, as the case may be, may make an order accordingly.

(2) An application for an order under this Rule must be made by summons in Form 141 and the summons must, unless the Court otherwise directs, be served on the party to whose solicitor the application relates. The application must be supported by an affidavit stating the grounds of the application.

(3) Where an order in Form 142 is made under this Rule, the party on whose application it was made must serve on every other party to the cause or matter (not being a party in default as to entry of appearance) a copy of the order.

(4) An order made under this Rule shall not affect the rights of the solicitor and the party for whom he acted as between themselves.

**Withdrawal of solicitor who has ceased to act for party (O. 64, r. 5)**

5.—(1) Where a solicitor who has acted for a party in a cause or matter has ceased so to act and the party has not given notice of change in accordance with Rule 1, or notice of intention to act in person in accordance with Rule 3, the solicitor may apply to the Court or the Court of Appeal, as the case may be, for an order declaring that the solicitor has ceased to be the solicitor acting for the party in the cause or matter, and the Court or the Court of Appeal, as the case may be, may make an order accordingly, but until the solicitor serves on every party to the cause or matter (not being a party in default as to entry of appearance) a copy of the order and files a notice in Form 143 of his having ceased to act as solicitor for the party, he shall, subject to Rules 1 to 4, be considered the solicitor of the party till the final conclusion of the cause or matter, whether in the Court or the Court of Appeal.

(2) An application for an order under this Rule must be made by summons in Form 144 and the summons must, unless the Court otherwise directs, be served on the party for whom the solicitor acted. The application must be supported by an affidavit stating the grounds of the application.

(3) An order in Form 145 made under this Rule shall not affect the rights of the solicitor and the party for whom he acted as between themselves.

(4) Notwithstanding anything in paragraph (1), where the legal aid certificate of an assisted person within the meaning of the Legal Aid and Advice Act (Cap. 160) is revoked or discharged, the solicitor who acted for the assisted person shall cease to be the solicitor acting in the cause or matter; and if the assisted person whose certificate has been revoked or discharged desires to proceed with the cause or matter without legal aid and appoints that solicitor or another solicitor to act on his behalf, Rule 2 shall apply as if that party had previously sued or defended in person.



(5) Notice that a solicitor has ceased to act for an assisted person pursuant to paragraph (4) together with the last known address of the assisted person for service shall be served in the manner prescribed by the Legal Aid and Advice Act.

**Address for service of party whose solicitor is removed, etc.  
(O. 64, r. 6)**

**6. Where —**

- (a) an order is made under Rule 4;
- (b) an order is made under Rule 5, and the applicant for that order has complied with Rule 5(1); or
- (c) the legal aid certificate of an assisted person within the meaning of the Legal Aid and Advice Act (Cap. 160) is revoked or discharged,

then until the party to whose solicitor or to whom, as the case may be, the order or certificate relates either appoints another solicitor and complies with Rule 2 or, being entitled to act in person, gives notice of his intention to do so and complies with Rule 3, his last known address or, where the party is a body corporate, its registered or principal office shall, for the purpose of the service on him of any document not required to be served personally, be deemed to be his address for service.

**Warrant to act (O. 64, r. 7)**

7.—(1) Every solicitor representing any party in any cause or matter shall obtain from such party or his duly authorised agent a warrant to act for such party, either generally or in the said cause or matter.

(2) The absence of such warrant shall, if the solicitor's authority to act is disputed, be prima facie evidence that he has not been authorised to represent such party.

ORDER 65

SERVICE OF FOREIGN PROCESS

**Definition (O. 65, r. 1)**

1. In this Order, “process” includes a citation.

**Service of foreign legal process pursuant to letter of request (O. 65, r. 2)**

2.—(1) This Rule applies in relation to the service of any process required in connection with civil proceedings pending before a court or other tribunal of a foreign country where a letter of request from such a tribunal requesting service on a person in Singapore of any such process sent with the letter is received by the Minister and is sent by him to the Supreme Court with an intimation that it is desirable that effect should be given to the request.

(2) In order that service of the process may be effected in accordance with this Rule, the letter of request must be accompanied by a translation thereof in English, 2 copies of the process to be served and 2 copies of the translation of the process in English.

(3) Subject to paragraph (4) and to any written law which provides for the manner in which documents may be served on a body corporate, service of the process shall be effected by leaving a copy of it and of the translation with the person to be served.

Service shall be effected by the process server.

(4) Where an application in that behalf is made by the Attorney-General, the Court may make an order for substituted service of the process, and, where such an order is made, service of the process shall be effected by taking such steps as the Court may direct to bring the process to the notice of the person to be served.

(5) After service of the process has been effected or (if such be the case) attempts to effect service of it have failed, the process server shall file a copy of the process, an affidavit made by the person who served, or attempted to serve, the process stating when, where and how he did or attempted to do so, a copy of that affidavit and a statement of the costs incurred in effecting, or attempting to effect, service.

- (6) The Registrar shall give a certificate in Form 147 —
- (a) identifying the documents annexed thereto, that is to say, the letter of request for service, a copy of the process received with the letter and a copy of the affidavit referred to in paragraph (5);
  - (b) certifying that the method of service of the process and the proof of service are such as are required by the Rules of Court regulating the service of process of that Court in Singapore or, if such be the case, that service of the process could not be effected for the reason specified in the certificate; and
  - (c) certifying that the cost of effecting, or attempting to effect, service is the amount so specified.
- (7) The certificate given under paragraph (6) shall be sealed with the seal of the Supreme Court for use out of the jurisdiction and shall be sent to the Permanent Secretary to the Minister.

**Alternative mode of service of foreign legal process (O. 65, r. 2A)**

**2A.**—(1) Subject to Rule 3, this Rule applies in relation to the service of any process required in connection with civil proceedings pending before a court or other tribunal of a foreign country where Rule 2 does not apply or is not invoked.

(2) Service of any such process within Singapore may be effected by a method of service authorised by these Rules for the service of analogous process issued by the Court.

(3) This Rule shall apply notwithstanding that the foreign process is expressed to be or includes a command of the foreign sovereign.

**Service of foreign legal process under Civil Procedure Convention (O. 65, r. 3)**

**3.**—(1) This Rule applies in relation to the service of any process required in connection with civil proceedings pending before a court or other tribunal of a foreign country, being a country with which there subsists a Civil Procedure Convention providing for service in

Singapore of process of the tribunals of that country, where a letter of request from a consular or other authority of that country requesting service on a person in Singapore of any such process sent with the letter is received by the Registrar.

(2) In order that service of the process may be effected in accordance with this Rule the letter of request must be accompanied by a copy of a translation of the process to be served in English.

(3) Subject to any written law which provides for the manner in which documents may be served on bodies corporate and to any special provisions of the relevant Civil Procedure Convention, service of the process shall be effected by leaving the original process or a copy of it, as indicated in the letter of request, and a copy of the translation with the person to be served.

Service shall be effected by the process server.

(4) After service of the process has been effected or (if such be the case) attempts to effect service of it have failed, the process server shall file an affidavit made by the person who served, or attempted to serve, the process stating when, where and how he did or attempted to do so, and a statement of the costs incurred in effecting, or attempting to effect, service.

(5) The Registrar shall give a certificate certifying —

- (a) that the process or a copy thereof, as the case may be, was served on the person, at the time, and in the manner, specified in the certificate or, if such be the case, that service of the process could not be effected for the reason so specified; and
- (b) that the cost of effecting, or attempting to effect, service is the amount so specified.

(6) The certificate given under paragraph (5) shall be sealed with the seal of the Supreme Court for use out of jurisdiction and shall be sent to the consular or other authority by whom the request for service was made.

**Costs of service, etc., to be certified by Registrar (O. 65, r. 4)**

4. A statement of the costs incurred in effecting, or attempting to effect, service under Rule 2 or 3 shall be submitted to the Registrar who shall certify the amount properly payable in respect of those costs.

ORDER 66

OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.

**Jurisdiction of Registrar to make order (O. 66, r. 1)**

1.—(1) Subject to paragraph (2), the power of the High Court or a Judge thereof to make, in relation to a matter pending before a court or tribunal in a place outside the jurisdiction, orders for the examination of witnesses and for attendance and for production of documents and to give directions may be exercised by the Registrar.

(2) The Registrar may not make such an order if the matter in question is a criminal matter.

**Application for order (O. 66, r. 2)**

2.—(1) Subject to paragraph (3) and Rule 3, an application for an order under Rule 1 must be made *ex parte* by a person duly authorised to make the application on behalf of the court or tribunal in question and must be supported by affidavit.

(2) There must be exhibited to the affidavit in support the letter of request, certificate or other document evidencing the desire of the court or tribunal to obtain for the purpose of a matter pending before it the evidence of the witness to whom the application relates or the production of any documents and, if that document is not in the English language, a translation thereof in that language.

(3) After an application for such an order as is mentioned in paragraph (1) has been made in relation to a matter pending before a court or tribunal, an application for a further order or directions in relation to the same matter must be made by summons.

**Application by Attorney-General in certain cases (O. 66, r. 3)**

3. Where a letter of request, certificate or other document requesting that the evidence of a witness within the jurisdiction in relation to a matter pending before a court or tribunal in a foreign country be obtained —

- (a) is received by the Minister and sent by him to the Registrar with an intimation that effect should be given to the request without requiring an application for that purpose to be made by the agent in Singapore of any party to the matter pending before the court or tribunal; or
- (b) is received by the Registrar in pursuance of a Civil Procedure Convention providing for the taking of the evidence of any person in Singapore for the assistance of a court or tribunal in the foreign country, and no person is named in the document as the person who will make the necessary application on behalf of such party,

the Registrar shall send the document to the Attorney-General and the Attorney-General may make an application for an order and take such other steps as may be necessary to give effect to the request.

**Person to take and manner of taking examination (O. 66, r. 4)**

4.—(1) Any order made in pursuance of this Order for the examination of a witness may order the examination to be taken before any fit and proper person nominated by the person applying for the order or before the Registrar or before such other qualified person as to the Court seems fit.

(2) Subject to any special directions contained in any order made in pursuance of this Order for the examination of any witness, the examination shall be taken in the manner provided by Order 39, Rules 5 to 10 and 11(1) and (2), and an order may be made under Order 39, Rule 14 for payment of the fees and expenses due to the examiner, and those Rules shall apply accordingly with any necessary modifications.

**Dealing with deposition (O. 66, r. 5)**

5. Unless any order made in pursuance of this Order for the examination of any witness otherwise directs, the examiner before whom the examination was taken must send the deposition of that witness to the Registrar and the Registrar shall —

- (a) give a certificate sealed with the seal of the Supreme Court for use out of the jurisdiction identifying the documents annexed thereto, that is to say, the letter of request, certificate, or other document from the court or tribunal out of the jurisdiction requesting the examination, the order of the Court for examination and the deposition taken in pursuance of the order; and
- (b) send the certificate with the documents annexed thereto to the Permanent Secretary to the Minister, or, where the letter of request, certificate or other document was sent to the Registrar by some other person in accordance with a Civil Procedure Convention to that other person, for transmission to that court or tribunal.

ORDER 67

RECIPROCAL ENFORCEMENT OF JUDGMENTS

**Powers under relevant Acts exercisable by Judge or Registrar (O. 67, r. 1)**

1. The powers conferred on the High Court by the Reciprocal Enforcement of Commonwealth Judgments Act (Cap. 264) (referred to in this Order as the first Act) and the Reciprocal Enforcement of Foreign Judgments Act (Cap. 265) (referred to in this Order as the second Act), may be exercised by a Judge in Chambers and the Registrar.

**Application for registration (O. 67, r. 2)**

2. An application —

- (a) under section 3 of the first Act in respect of a judgment obtained in a superior court of the United Kingdom of Great

Britain and Northern Ireland, or other territory to which section 5 of that Act applies; or

- (b) under section 4 of the second Act, in respect of a judgment to which that Act applies,

to have the judgment registered in the High Court must be made by an *ex parte* originating summons.

### **Evidence in support of application (O. 67, 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 thereof, and where the judgment is not in the English language, a translation thereof in that language certified by a notary public or authenticated by affidavit;
- (b) stating the name, trade or business and the usual or last known place of abode or business of the judgment creditor and the judgment debtor respectively, 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;
  - (iii) where the application is made under the first Act, that the judgment does not fall within any of the cases in which a judgment may not be ordered to be registered under section 3(2) of that Act; and
  - (iv) where the application is made under the second Act, that at the date of the application the judgment can be enforced by execution in the country of the original court and that, if it were registered, the registration



would not be, or be liable to be, set aside under section 5 of that Act; and

- (d) specifying, where the application is made under the second Act, the amount of the interest, if any, which under the law of the country of the original court has become due under the judgment up to the time of registration.

(2) [*Deleted by S 278/93*]

(3) Where a judgment sought to be registered under the second 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 it is sought to register the judgment.

(4) In the case of an application under the second Act, the affidavit must be accompanied by such other evidence with respect to the enforceability of the judgment by execution 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.

#### **Security for costs (O. 67, r. 4)**

4. Except as otherwise provided by any notification made under section 5 of the first Act or any relevant Order under the second 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.

#### **Order for registration (O. 67, r. 5)**

5.—(1) An order in Form 148 giving leave to register a judgment must be drawn up by, or on behalf of, the judgment creditor and served on the judgment debtor.

(2) Every such order shall state the period within which an application may be made to set aside the registration and shall contain a notification that execution on the judgment will not issue until after the expiration of that period.

(3) The Court may, on an application made at any time while it remains competent for any party to apply to have the registration set aside, extend the period (either as originally fixed or as subsequently extended) within which an application to have the registration set aside may be made.

### **Register of judgments (O. 67, r. 6)**

6.—(1) There shall be kept in the Registry a register of the judgments ordered to be registered under the first and the second Acts.

(2) There shall be included in such register particulars of any execution issued on a judgment ordered to be so registered.

### **Notice of registration (O. 67, r. 7)**

7.—(1) Notice of the registration of a judgment must be served on the judgment debtor and, subject to paragraph (2), must be served personally unless the Court otherwise orders.

(2) Service of such a notice out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6, shall apply in relation to such a notice as they apply in relation to a writ.

(3) The notice of registration must state —

- (a) full particulars of the judgment registered and the order for registration;
- (b) the name and address of the judgment creditor or of his solicitor on whom, and at which, any summons issued by the judgment debtor may be served;
- (c) the right of the judgment debtor to apply to have the registration set aside; and
- (d) the period within which an application to set aside the registration may be made.

### **Endorsement of service (O. 67, r. 8)**

8.—(1) Within 3 days after service of the notice of registration or within such longer period as the Court may, in special circumstances, allow, the notice or a copy thereof must be endorsed by the person who served it with the day of the week and date on which it was

served; and, if the notice is not so endorsed within the period aforesaid, the judgment creditor may not issue execution on the judgment to which the notice relates without the leave of the Court.

(2) Every affidavit of service of any such notice must state the date on which the notice was endorsed under this Rule.

### **Application to set aside registration (O. 67, r. 9)**

**9.**—(1) An application to set aside the registration of a judgment must be made by summons supported by an affidavit.

(2) The Court hearing such application may order any issue between the judgment creditor and the judgment debtor to be tried in any manner in which an issue in an action may be ordered to be tried.

(3) Where the Court hearing an application to set aside the registration of a judgment registered under the first Act is satisfied that the judgment falls within any of the cases in which a judgment may not be ordered to be registered under section 3(2) of that Act or that it is not just or convenient that the judgment should be enforced in Singapore or that there is some other sufficient reason for setting aside the registration, it may order the registration of the judgment to be set aside on such terms as it thinks fit.

### **Issue of execution (O. 67, r. 10)**

**10.**—(1) Execution shall not issue on a judgment registered under the first Act or second Act until after the expiration of the period which, in accordance with Rule 5(2), is specified in the order for registration as the period within which an application may be made to set aside the registration or, if that period has been extended by the Court, until after the expiration of that period as so extended.

(2) If an application is made to set aside the registration of a judgment, execution on the judgment shall not issue until after such application is finally determined.

(3) Any party wishing to issue execution on a judgment registered under the first Act or second Act must produce to the Sheriff an affidavit of service of the notice of registration of the judgment and any order made by the Court in relation to the judgment.

**Determination of certain questions (O. 67, r. 11)**

11. If, in any case under the second Act, any question arises whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under a foreign judgment under the law of the original court, that question shall be determined in accordance with the provisions in that behalf contained in the Order extending that Act to that country.

**Rules to have effect subject to orders of President (O. 67, r. 12)**

12. Rules 1 to 11 shall, in relation to any judgment registered or sought to be registered under the second Act, have effect subject to any such provisions contained in the Order extending that Act to the country of the original court as are declared by the Order to be necessary for giving effect to the agreement made between the Government and that country in relation to matters with respect to which there is power to make those Rules.

**Certified copy of High Court judgment (O. 67, r. 13)**

13.—(1) An application under section 4 of the first Act or section 13 of the second Act for a certified copy of a judgment entered in the High Court must be made by *ex parte* summons to the Registrar supported by an affidavit.

(2) The affidavit in support of the application under section 4 of the first Act must give particulars of the judgment, show that the judgment debtor is resident in the territory to which that Act extends and state the name, trade or business and the usual or last known place of abode of the judgment creditor and the judgment debtor respectively, so far as known to the deponent.

(3) The affidavit in support of the application under section 13 of the second Act must —

- (a) give particulars of the proceedings in which the judgment was obtained;
- (b) have annexed to it a copy of the writ or originating summons by which the proceedings were begun, the evidence of service thereof on, or appearance 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, and, if so, on what grounds;
- (d) show that the judgment is not subject to any stay of execution;
- (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.

(4) Where the application is made under section 4 of the first Act, the certified copy of the judgment shall be sealed with the seal of the Supreme Court and shall be accompanied by a certificate in Form 149 signed by the Registrar certifying that the copy is a true copy of a judgment obtained in the High Court in Singapore and stating the rate at which the judgment carries interest.

(5) Where the application is made under section 13 of the second Act, the certified copy of the judgment sealed with the seal of the Supreme Court, annexed with a copy of the writ or originating summons by which the proceedings were begun, shall be accompanied by a certificate in Form 150 signed by the Registrar certifying that the judgment is a true copy of a judgment obtained in the High Court in Singapore and stating —

- (a) the manner in which the writ or such summons was served on the defendant or that the defendant appeared thereto;
- (b) what objections, if any, were made to the jurisdiction;
- (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 it may be necessary to give to the court in the foreign country in which it is sought to obtain execution of the judgment; and
- (h) the rate at which the judgment carries interest.

## ORDER 68

### ORDER 68 : Adoption of children

1. to 17. [*Deleted by S 850/2014 wef 01/01/2015*]

## ORDER 69

### ARBITRAL PROCEEDINGS

#### **Interpretation (O. 69, r. 1)**

1. In this Order —

“Act” means the Arbitration Act (Cap. 10);

“arbitral tribunal” has the same meaning as in the Act.

#### **Matters for Judge in person (O. 69, r. 2)**

2.—(1) Every application to a Judge —

- (a) to challenge an arbitrator under section 15(4) of the Act;
- (b) to remove an arbitrator under section 16 of the Act;
- (c) to decide on the arbitral tribunal’s ruling on jurisdiction under section 21(9) of the Act;
- (d) to determine, under section 45 of the Act, any question of law arising in the course of the arbitral proceedings;
- (e) to set aside an award under section 48 of the Act; or
- (f) for leave to appeal under section 49(3)(b) of the Act,

must be made by originating summons.

(2) An appeal with the agreement of all the other parties to the arbitral proceedings under section 49(3)(a) of the Act shall be made by originating summons.

(3) [*Deleted by S 806/2005*]

### **Matters for Judge or Registrar (O. 69, r. 3)**

3.—(1) An application —

- (a) to reinstate discontinued proceedings under section 6(4) of the Act;
- (b) for leave to enforce interlocutory orders or directions of an arbitral tribunal under section 28(4) of the Act;
- (c) for an order in support of arbitral proceedings under section 31 of the Act;
- (d) for an extension of time under section 10 or 36 of the Act;
- (e) for an order under section 41(2) of the Act where the arbitral tribunal withholds its award for non-payment of fees and expenses;
- (f) for leave to enforce an award under section 37 or 46 of the Act;
- (g) to hear an application otherwise than in open Court under section 56 of the Act; or
- (h) to give directions on whether and to what extent information relating to an application heard otherwise than in open Court may be published under section 57 of the Act,

shall be made to a Judge or the Registrar.

(2) Any application to which this Rule applies must, where an action is pending, be made by summons in the action, and in any other case by originating summons.

(3) Where the case is one of urgency or an application under section 37 or 46 of the Act for leave to enforce an award, such application may be made *ex parte* on such terms as the Court thinks fit.

**Preliminary question of law (O. 69, r. 4)**

4.—(1) An application under section 45 of the Act to determine any question of law arising in the course of the arbitral proceedings must be made by originating summons and served, within 14 days after —

- (a) the agreement of all the parties to the arbitral proceedings;  
or
- (b) the permission of the arbitral tribunal has been obtained.

(2) For the purpose of paragraph (1), the agreement or permission must be made or given in writing.

(3) Where an application under section 45 of the Act is made without the agreement in writing of all the other parties to the arbitral proceedings but with the permission of the arbitral tribunal, the affidavits filed by the parties shall set out any evidence relied on by the parties in support of their contention that the Court should, or should not, allow the application.

**Application to set aside award (O. 69, r. 5)**

5.—(1) The originating summons for setting aside an award under section 48 of the Act must be supported by an affidavit stating the grounds on which it is contended that the award should be set aside.

(2) The supporting affidavit must —

- (a) have exhibited to it a copy of the arbitration agreement or any record of the content of the arbitration agreement, the award or any other document relied on by the applicant (who shall be referred to in the originating summons and hereafter in this Order as the plaintiff);
- (b) set out any evidence relied on by the plaintiff; and
- (c) be served with the originating summons.

(3) Within 14 days after being served with the originating summons, the defendant, if he wishes to oppose the application, must file an affidavit stating the grounds on which he opposes the application.



**Appeals on question of law arising out of award (O. 69, r. 6)**

6.—(1) The originating summons by way of an appeal under section 49(3)(a) of the Act brought with the agreement of all the other parties to the arbitral proceedings on a question of law arising out of an award shall —

- (a) state that the appeal is being brought with such agreement;
- (b) identify the award; and
- (c) state as briefly as possible the questions of law which will be raised in the appeal.

(2) The hearing date of the originating summons shall not be earlier than 3 months from the date of the filing of the originating summons.

(3) Within 28 days after the originating summons is filed, the appellants shall serve on the respondents —

- (a) the Appellant's Case in the form as provided in paragraph (4); and
- (b) a core bundle of documents in the form as provided in paragraph (8).

(4) The Appellant's Case shall —

- (a) contain a statement in numbered paragraphs of each ground on which it is sought to contend that the tribunal erred in law; and
- (b) make references to the paragraph or passage of the award where each alleged error is to be found.

(5) Within 28 days after being served with the Appellant's Case and the core bundle of documents, the respondent shall file and serve a Respondent's Case, which shall contain a statement in numbered paragraphs of the grounds on which the respondent contends that the relevant part or parts of the award should be upheld.

(6) Where the respondent contends that the relevant part or parts of the award should be upheld on grounds not or not fully expressed in the award, such grounds should be included in the Respondent's Case.

(7) Any statement provided under paragraphs (4) and (5) should contain specific reference to any authority relied on.

(8) The core bundle of documents shall contain —

- (a) a copy of the award;
- (b) other documents that are relevant to any question in the appeal or which are referred to in the Appellant's Case; and
- (c) an index of the documents included therein.

(9) If the respondent intends to refer to any document in the Respondent's Case and such document is not included in the core bundle, the respondent shall file, at the same time as he files his Case, a supplemental core bundle which shall contain such documents and an index.

(10) The appellant must at the time of filing the originating summons deposit a sum of \$5,000, or such other sum as may be fixed from time to time by the Chief Justice, by way of security for the respondent's costs of the appeal, in the Registry or with the Accountant-General and obtain a certificate in Form 115.

(11) Order 55D, Rule 10 shall apply, with the necessary modifications, to the withdrawal of an appeal.

**Applications for leave to appeal on question of law arising out of award (O. 69, r. 7)**

7.—(1) The originating summons in respect of an application for leave under section 49(3)(b) of the Act to appeal on a question of law arising out of an award shall be for an order that such leave be granted and for a further order that, in the event that leave is granted, the appeal be heard and determined.

(2) The originating summons shall identify the award and state as briefly as possible the questions of law which will be raised in the appeal.

(3) Within 28 days after the originating summons is filed, the plaintiff shall serve on the defendant the affidavit in support of the application for leave as provided in paragraph (4).

(4) The affidavit in support of the application for leave to appeal shall exhibit a copy of the award and set out any evidence relied on by the plaintiff for the purpose of satisfying the Court of the matters mentioned in section 49(5) of the Act and for satisfying the Court that leave should be granted.

(5) Rule 6(2) (return date) shall apply to the application for leave as it applies to the appeal therein.

(6) Within 28 days after being served with the originating summons and the affidavit in support of the application, the defendant, if he wishes to contest the application for leave, shall file and serve an affidavit stating the grounds on which he opposes the grant of leave and setting out any evidence relied on by him relating to the matters mentioned in section 49(5) of the Act.

(7) Where leave to appeal is granted by the Court, the following directions shall apply:

- (a) the hearing of the appeal shall not be earlier than 3 months from the date of the grant of leave to appeal;
- (b) within 28 days after the date of the granting of leave to appeal, the appellant shall serve on the respondent —
  - (i) the Appellant's Case in the form as provided in paragraph (c); and
  - (ii) a core bundle of documents in the form as provided in paragraph (g);
- (c) the Appellant's Case shall —
  - (i) contain a statement in numbered paragraphs of each ground on which it is sought to contend that the tribunal erred in law; and
  - (ii) make references to the paragraph or passage of the award where each alleged error is to be found;
- (d) within 28 days after being served with the Appellant's Case and the core bundle of documents, the respondent shall file and serve a Respondent's Case, which shall contain a statement in numbered paragraphs of the grounds on which

the respondent contends that the relevant part or parts of the award should be upheld;

- (e) where the respondent contends that the relevant part or parts of the award should be upheld on grounds not or not fully expressed in the award, such grounds should be included in the Respondent's Case;
- (f) any statement provided under paragraphs (c) and (d) should contain specific reference to any authority relied on;
- (g) the core bundle of documents shall contain —
  - (i) a copy of the award;
  - (ii) other documents that are relevant to any question in the appeal or which are referred to in the Appellant's Case; and
  - (iii) an index of the documents included therein;
- (h) if the respondent intends to refer to any document in the Respondent's Case and such document is not included in the core bundle, the respondent shall file, at the same time as he files his Case, a supplemental core bundle which shall contain such documents and an index;
- (i) the appellant must, within 7 days after the Court grants leave to appeal, deposit a sum of \$5,000, or such other sum as may be fixed from time to time by the Chief Justice, by way of security for the respondent's costs of the appeal, in the Registry or with the Accountant-General and obtain a certificate in Form 115; and
- (j) Order 55D, Rule 10 shall apply, with the necessary modifications, to the withdrawal of an appeal.

(8) [*Deleted by S 637/2006*]

(9) [*Deleted by S 637/2006*]

(10) [*Deleted by S 637/2006*]

(11) [*Deleted by S 637/2006*]

**Leave to appeal to Court of Appeal (O. 69, r. 8)**

8. An application under the Act for leave to appeal against a decision of the Court to the Court of Appeal must be made to the Court within 7 days of the decision of the Court.

**Extension of time: Applications under section 10 of Act (O. 69, r. 9)**

9. An application for an order for extension of time under section 10 of the Act may include, as an alternative, an application for a declaration that such an order is not needed.

**Service out of jurisdiction of summons, notice, etc. (O. 69, r. 10)**

10.—(1) Service out of the jurisdiction —

- (a) of an originating summons under this Order; or
- (b) of any order made on such an originating summons as aforesaid,

is permissible with the leave of the Court provided that the arbitration to which the originating summons or order relates is to be, is being, or has been held within the jurisdiction.

(2) An application for the grant of leave under this Rule must be supported by an affidavit stating the ground on which the application is made and showing in what place or country the person to be served is, or probably may be found; and no such leave shall be granted unless it shall be made sufficiently to appear to the Court that the case is a proper one for service out of the jurisdiction under this Rule.

(3) Order 11, Rules 3, 4 and 6 shall apply in relation to any such originating summons or order as is referred to in paragraph (1).

**Requirements as to notice (O. 69, r. 11)**

11. Where the Act requires that an application to the Court is to be made upon notice to other parties or the arbitral tribunal, notice shall be given by way of service on such parties or arbitral tribunal of the originating process as required under this Order.

**Subpoena (O. 69, r. 12)**

12. Order 38, Rules 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 shall apply, with the necessary modifications, in relation to the issue of a subpoena under section 30 of the Act as they apply in relation to proceedings in the Court.

**Enforcement of interlocutory orders or directions (O. 69, r. 13)**

13. An application for leave to enforce an order or direction given by an arbitral tribunal under section 28(4) of the Act must be supported by an affidavit —

- (a) exhibiting a copy of the arbitration agreement or any record of the content of the arbitration agreement and the original order or direction made by the arbitral tribunal sought to be enforced; and
- (b) stating the provisions of the Act or the applicable rules adopted in the arbitration on which the applicant relies.

**Enforcement of arbitration awards (O. 69, r. 14)**

14.—(1) An application under section 37 or 46 of the Act for leave to enforce an award may be made *ex parte* and must be supported by an affidavit —

- (a) exhibiting the arbitration agreement or any record of the content of the arbitration agreement and the original award or, in either case, a copy thereof;
- (b) stating the name and the usual or last known place of residence or business of the applicant (referred to in this Rule as the creditor) and the person against whom it is sought to enforce the award (referred to in this Rule as the debtor), respectively; and
- (c) as the case may require, stating either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

(2) An order granting leave must be drawn up by or on behalf of the creditor and must be served on the debtor by delivering a copy to him personally or by sending a copy to him at his usual or last known place

of residence or business or in such other manner as the Court may direct.

(3) Service of the order out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6 shall apply in relation to such an order.

(4) Within 14 days after service of the order or, if the order is to be served out of the jurisdiction, within such other period as the Court may fix, the debtor may apply to set aside the order and the award shall not be enforced until after the expiration of that period or, if the debtor applies within that period to set aside the order, until after the application is finally disposed of.

(5) The copy of the order served on the debtor must state the effect of paragraph (4).

(6) In relation to a body corporate, this Rule shall have effect as if for any reference to the place of residence or business of the creditor or the debtor there were substituted a reference to the registered or principal address of the body corporate.

(7) Nothing in paragraph (6) shall affect any written law which provides for the manner in which a document may be served on a body corporate.

### **Registration in High Court of Commonwealth awards (O. 69, r. 15)**

**15.**—(1) Where an award is made in proceedings on an arbitration in the United Kingdom of Great Britain and Northern Ireland or other territory to which section 5 of the Reciprocal Enforcement of Commonwealth Judgments Act (Cap. 264) applies, then, if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place, Order 67, in so far as it applies to a judgment obtained in a superior court of the United Kingdom and other territory to which section 5 of that Act applies, shall apply, with the necessary modifications, to the award as it applies in relation to a judgment given by a superior court in the place where the award was made.

(2) The affidavit required by Order 67, Rule 3 must state (in addition to the other matters required by that Rule) that to the best of the information or belief of the deponent the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place, giving particulars of such information and grounds for such belief.

### **Saving provisions (O. 69, r. 16)**

**16.**—(1) This Order (except Rule 15 thereof) applies to or in relation to arbitral proceedings to which the Arbitration Act (Cap. 10) applies.

(2) This Order (except Rule 6 thereof) in force immediately before the appointed day shall continue to apply to or in relation to arbitration and other proceedings to which the repealed Arbitration Act (Cap. 10, 1985 Ed.) applies.

(3) Rule 15 of this Order shall apply to arbitration awards, whether made before or after the appointed day to which the Reciprocal Enforcement of Commonwealth Judgments Act (Cap. 264) applies.

(4) In this Rule, “appointed day” means the date of commencement of the Rules of Court (Amendment No. 2) Rules 2002\*.

## ORDER 69A

### INTERNATIONAL ARBITRATION ACT

#### **Interpretation (O. 69A, r. 1)**

**1.** In this Order, unless the context or subject-matter otherwise indicates or requires —

“Act” means the International Arbitration Act (Cap. 143A);

“arbitral tribunal” has the same meaning as in Part II of the Act;

“award” has the same meaning as in Part II of the Act;

“foreign award” has the same meaning as in Part III of the Act;

“Model Law” means the UNCITRAL Model Law on International Commercial Arbitration set out in the First Schedule to the Act and as modified by the Act.

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\*15th April 2002 — Date of commencement of the Rules of Court (Amendment No. 2) Rules 2002.



**Matters for Judge in person (O. 69A, r. 2)**

2.—(1) Every application to a Judge —

- (a) to decide on the challenge of an arbitrator under Article 13(3) of the Model Law;
- (b) to decide on the termination of the mandate of an arbitrator under Article 14(1) of the Model Law;
- (c) to appeal against the ruling of the arbitral tribunal under section 10 of the Act or Article 16(3) of the Model Law; or
- (d) to set aside an award under section 24 of the Act or Article 34(2) of the Model Law,

must be made by originating summons.

(2) [*Deleted by S 806/2005*]

(3) An application under paragraph (1)(a), (b) or (c) shall be made within 30 days from the date of receipt by the applicant (who shall be referred to in the originating summons and hereafter in this Order as the plaintiff) of the arbitral tribunal's decision or ruling.

(4) An application under paragraph (1)(d) may not be made more than 3 months after the later of the following dates:

- (a) the date on which the plaintiff received the award;
- (b) if a request is made under Article 33 of the Model Law, the date on which that request is disposed of by the arbitral tribunal.

[*S 235/2016 wef 01/06/2016*]

(4A) The affidavit in support must —

- (a) state the grounds in support of the application;
- (b) have exhibited to it a copy of the arbitration agreement or any record of the content of the arbitration agreement, the award and any other document relied on by the plaintiff;
- (c) set out any evidence relied on by the plaintiff; and
- (d) be served with the originating summons.

(4B) [*Deleted by S 806/2005*]

(4C) Within 14 days after being served with the originating summons, the defendant, if he wishes to oppose the application, must file an affidavit stating the grounds on which he opposes the application.

(4D) An application for leave to appeal against a decision of the Court under section 10 of the Act must be made within 7 days of the decision of the Court.

(5) For the purpose of this Rule, the date of receipt of any decision, ruling, award or corrected award shall be determined in accordance with Article 3 of the Model Law.

### **Matters for Judge or Registrar (O. 69A, r. 3)**

3.—(1) Every application or request to the Court —

- (a) to hear an application otherwise than in open Court under section 22 of the Act;
- (b) for leave to enforce interlocutory orders or directions of an arbitral tribunal under section 12(6) of the Act;
- (c) for interlocutory orders or directions under section 12A of the Act;
- (ca) to reinstate discontinued proceedings under section 6(4) of the Act;
- (d) for leave to enforce an award under section 18 or 19 of the Act; or
- (e) for leave to enforce a foreign award under section 29 of the Act,

shall be made to a Judge or the Registrar.

(2) Any application to which this Rule applies must, where an action is pending, be made by summons in the action, and in any other case by originating summons.

(3) Where the case is one of urgency or an application under section 18, 19 or 29 of the Act for leave to enforce an award or foreign award, such application may be made *ex parte* on such terms as the Court thinks fit.

**Service out of jurisdiction of originating process (O. 69A, r. 4)**

4.—(1) Service out of the jurisdiction of the originating summons or of any order made on such originating summons under this Order is permissible with leave of the Court whether or not the arbitration was held or the award was made within the jurisdiction.

(2) An application for the grant of leave under this Rule must be supported by an affidavit stating the ground on which the application is made and showing in what place or country the person to be served is, or probably may be found; and no such leave shall be granted unless it shall be made sufficiently to appear to the Court that the case is a proper one for service out of the jurisdiction under this Rule.

(3) Order 11, Rules 3, 4 and 6 shall apply in relation to any such originating summons or order as is referred to in paragraph (1).

**Enforcement of interlocutory orders or directions (O. 69A, r. 5)**

5.—(1) An application for leave to enforce an order or direction given by an arbitral tribunal must be supported by an affidavit —

- (a) exhibiting a copy of the arbitration agreement or any record of the content of the arbitration agreement and the original order or direction made by the arbitral tribunal sought to be enforced; and
- (b) stating the provisions in the Act or the applicable rules adopted in the arbitration on which the applicant relies.

(2) Where the order sought to be enforced is in the nature of an interim injunction under section 12(1)(e) or (f) of the Act, leave shall be granted only if the applicant undertakes to abide by any order the Court or the arbitral tribunal may make as to damages.

**Enforcement of awards and foreign awards (O. 69A, r. 6)**

6.—(1) An application for leave to enforce an award may be made ex parte and must be supported by an affidavit —

- (a) exhibiting the arbitration agreement or any record of the content of the arbitration agreement and the duly authenticated original award or, in either case, a duly certified copy thereof and where the award, agreement or

record is in a language other than English, a translation of it in the English language, duly certified in English as a correct translation by a sworn translator or by an official or by a diplomatic or consular agent of the country in which the award was made;

- (b) stating the name and the usual or last known place of abode or business of the applicant (referred to in this Rule as the creditor) and the person against whom it is sought to enforce the award (referred to in this Rule as the debtor) respectively; and
- (c) as the case may require, stating either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

(1A) An application for leave to enforce a foreign award may be made *ex parte* and must be supported by an affidavit —

- (a) exhibiting the arbitration agreement and the duly authenticated original award or, in either case, a duly certified copy thereof and where the award or agreement is in a language other than English, a translation of it in the English language, duly certified in English as a correct translation by a sworn translator or by an official or by a diplomatic or consular agent of the country in which the award was made;
- (b) stating the name and the usual or last known place of abode or business of the applicant (referred to in this Rule as the creditor) and the person against whom it is sought to enforce the award (referred to in this Rule as the debtor) respectively; and
- (c) as the case may require, stating either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

(2) An order giving leave must be drawn up by or on behalf of the creditor and must be served on the debtor by delivering a copy to him personally or by sending a copy to him at his usual or last known place of abode or business or in such other manner as the Court may direct.

(3) Service of the order out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6 shall apply in relation to such an order.

(4) Within 14 days after service of the order or, if the order is to be served out of the jurisdiction, within such other period as the Court may fix, the debtor may apply to set aside the order and the award shall not be enforced until after the expiration of that period or, if the debtor applies within that period to set aside the order, until after the application is finally disposed of.

(5) The copy of that order served on the debtor must state the effect of paragraph (4).

(6) In relation to a body corporate, this Rule shall have effect as if for any reference to the place of abode or business of the creditor or the debtor there were substituted a reference to the registered or principal address of the body corporate; so, however, that nothing in this Rule shall affect any enactment which provides for the manner in which a document may be served on a body corporate.

### **Subpoena (O. 69A, r. 7)**

7. Order 38, Rules 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 shall apply in relation to the issue of a subpoena under section 13 of the Act as they apply in relation to proceedings in the Court.

### **Taking of evidence (O. 69A, r. 8)**

8. Order 39 shall apply in relation to the taking of evidence for arbitral proceedings under Article 27 of the Model Law as it applies for the purpose of proceedings in the Court.

## ORDER 70

### ADMIRALTY PROCEEDINGS

#### **Application and interpretation (O. 70, r. 1)**

1.—(1) This Order applies to Admiralty causes and matters, and the other provisions of these Rules apply to those causes and matters subject to the provisions of this Order.

(2) In this Order —

“action *in rem*” means an Admiralty action *in rem*;

“caveat against arrest” means a caveat entered in the record of caveats under Rule 5;

“caveat against release and payment” means a caveat entered in the record of caveats under Rule 13;

“limitation action” means an action by shipowners or other persons under any written law for the limitation of the amount of their liability in connection with a ship or other property;

“record of caveats” refers to the information kept by the Registry on the caveats issued under this Order;

“Sheriff’s account” refers to the account which is maintained pursuant to Order 90, Rule 18, and includes the bank account maintained in the name of the Sheriff of Singapore;

“ship” includes any description of vessel used in navigation.

(3) In this Order, any reference to payment into Court of proceeds of sale of any property sold by the Sheriff means payment of such proceeds into the Sheriff’s account.

### **Issue of writ and entry of appearance (O. 70, r. 2)**

2.—(1) An action *in rem* must be begun by writ; and the writ must be in Form 159.

(2) The writ by which an Admiralty action *in personam* is begun must be in Form 2 and the words “admiralty action *in personam*” must be inserted above the space for the number of the writ.

(3) Order 6, Rule 3 and Order 12 shall apply in relation to such an admiralty action.

(4) For the purpose of service, a writ issued under this Order shall be valid in the first instance for 12 months.

(5) Order 10, Rule 1(4) and Order 21, Rule 2(5) and (6) shall apply to a writ issued under this Order.

**Service out of Singapore (O. 70, r. 3)**

3.—(1) This Rule applies to actions commenced by writ containing a claim for damage, loss of life or personal injury arising out of —

- (a) a collision between ships;
- (b) the carrying out of or omission to carry out a manoeuvre in the case of one or more of 2 or more ships; or
- (c) non-compliance on the part of one or more of 2 or more ships with the collision regulations.

(2) Subject to the provisions of this Rule, service out of Singapore of a writ containing any such claim as is mentioned in paragraph (1) is permissible with the leave of the Court if —

- (a) the defendant has his habitual residence or a place of business within Singapore;
- (b) the cause of action arose within inland waters of Singapore or within the limits of the port of Singapore;
- (c) an action arising out of the same incident or series of incidents is proceeding in the High Court or has been heard and determined in the High Court; or
- (d) the defendant has submitted or agreed to submit to the jurisdiction of the High Court.

(3) This Rule shall not apply to an action *in rem*.

(4) Order 11, Rules 2 to 8 shall apply to service out of Singapore under this Rule.

(5) In this Rule, “collision regulations”, “inland waters of Singapore” and “port of Singapore” have the same meanings as in the High Court (Admiralty Jurisdiction) Act (Cap. 123).

**Warrant of arrest (O. 70, r. 4)**

4.—(1) In an action *in rem* the plaintiff or defendant, as the case may be, may after the issue of the writ in the action and subject to the provisions of this Rule, apply for a warrant in Form 160 for the arrest of the property against which the action or any counterclaim in the action is brought.

(2) Before a warrant to arrest any property is issued, a party applying for it must —

- (a) file a warrant in Form 160; and
- (b) procure a search to be made in the record of caveats for the purpose of ascertaining whether there is a caveat against arrest in force with respect to that property.

(3) A warrant of arrest shall not be issued until the party applying for the warrant has filed an affidavit made by him or his agent containing the particulars required by paragraphs (6) and (7); however, the Court may, if it thinks fit, allow the warrant to issue notwithstanding that the affidavit does not contain all those particulars.

(4) Except with the leave of the Court a warrant of arrest shall not be issued in an action *in rem* against a foreign ship belonging to a port of a state having a consulate in Singapore, being an action for possession of the ship or for wages, until notice that the action has been begun has been sent to the consul.

(5) Issue of a warrant of arrest takes place upon its being sealed by an officer of the registry.

(6) Every affidavit required by paragraph (3) must state —

- (a) the name, address and occupation of the applicant for the warrant;
- (b) the nature of the claim or counterclaim in respect of which the warrant is required and that it has not been satisfied and, if it arises in connection with a ship the name of that ship; and
- (c) the nature of the property to be arrested and, if the property is a ship, the name of the ship and the port of her registry.

(7) Every affidavit in an action *in rem* brought against a ship by virtue of section 4(4) of the High Court (Admiralty Jurisdiction) Act (Cap. 123), must state —

- (a) the name of the person who would be liable on the claim in an action *in personam* (“the relevant person”);



- (b) that the relevant person was when the cause of action arose the owner or charterer of, or in possession or in control of, the ship in connection with which the claim arose;
- (c) that at the time of the issue of the writ the relevant person was either the beneficial owner of all the shares in the ship in respect of which the warrant is required or the charterer of that ship under a charter by demise; and
- (d) in the case of a claim for possession of a ship or for wages, the nationality of the ship in respect of which the warrant is required, and that the notice (if any) required by paragraph (4) has been sent.

### **Caveat against arrest (O. 70, r. 5)**

**5.—(1)** A person who desires to prevent the arrest of any property must file in the Registry a caveat, in Form 162, signed by his solicitor undertaking —

- (a) to enter an appearance in any action that may be begun against the property described in the caveat; and
- (b) within 3 days after receiving notice that such an action has been begun, to give bail in the action in a sum not exceeding an amount specified in the caveat or to pay the amount so specified into Court,

and the caveat so filed shall be entered in the record of caveats.

*[S 51/2018 wef 01/02/2018]*

(2) The fact that there is a caveat against arrest in force shall not prevent the issue of a warrant to arrest the property to which the caveat relates.

### **Remedy where property protected by caveat is arrested (without good and sufficient reason) (O. 70, r. 6)**

**6.** Where any property with respect to which a caveat against arrest is in force is arrested in pursuance of a warrant of arrest, the party at whose instance the caveat was entered may apply to the Court by summons for an order under this Rule and, on the hearing of the application, the Court, unless it is satisfied that the party procuring the

arrest of the property had a good and sufficient reason for so doing, may by order discharge the warrant and may also order the last-mentioned party to pay to the applicant damages in respect of the loss suffered by the applicant as a result of the arrest.

### **Service of writ in action *in rem* (O. 70, r. 7)**

7.—(1) Subject to paragraph (2), a writ by which an action *in rem* is begun must be served on the property against which the action is brought except —

- (a) where the property is freight, in which case it must be served on the cargo in respect of which the freight is payable or on the ship in which that cargo was carried; or
- (b) where the property has been sold by the Sheriff, in which case the writ may not be served on that property but a sealed copy of it must be filed in the registry and served on the Sheriff and the writ shall be deemed to have been served on the day on which the copy was filed.

(2) A writ need not be served or filed as mentioned in paragraph (1) if the writ is deemed to have been duly served on the defendant by virtue of Order 10, Rule 1(2) or (3).

(3) Subject to paragraph (4), where by virtue of this Rule a writ is required to be served on any property, service may be effected by the Sheriff or by a solicitor or a solicitor's clerk whose name and particulars have been notified to the Registrar for this purpose.

(4) The Registrar may, in a particular cause or matter, allow service to be effected by any other named person and shall, in that case, cause to be marked on the writ required to be served, a memorandum to that effect.

(5) Where the plaintiff requests a writ to be served on any property by the Sheriff or his officer, the plaintiff must leave a copy of the writ at the Registry and file therein a Request in Form 163; and the Sheriff or his officer shall serve the writ on the property described in the Request.

(6) The expenses incurred by the Sheriff or his officer in effecting service shall be paid to the Sheriff on demand by him.

(7) Where a writ is served on any property by the Sheriff or his officer, the person effecting service must endorse on the writ the following particulars, that is to say, where it was served, the property on which it was served, the day of the week and the date on which it was served, the manner in which it was served and the name and the address of the person effecting service, and the endorsement shall be evidence of the facts stated therein.

(8) When service has been effected under paragraph (7), the Sheriff shall give, to the plaintiff requesting service, a written notice of the fact and the manner of service.

(9) Where the plaintiff in an action *in rem*, or his solicitor, becomes aware that there is in force a caveat against arrest with respect to the property against which the action is brought, he must serve the writ forthwith on the person at whose instance the caveat was entered.

(10) Where a writ by which an action *in rem* is begun is amended under Order 20, Rule 1, after service thereof, Order 20, Rule 1(2) shall not apply and, unless the Court otherwise directs on an application made *ex parte*, the amended writ must be served on any intervener and any defendant who has entered an appearance in the action or, if no defendant has entered an appearance therein, it must be served or filed in accordance with paragraph (1).

**Committal of solicitor failing to comply with undertaking  
(O. 70, r. 8)**

8. Where the solicitor of a party to an action *in rem* fails to comply with a written undertaking by him to any other party or his solicitor to enter an appearance in the action, give bail or pay money into Court in lieu of bail, he shall be liable to committal.

**Execution, etc., of warrant of arrest (O. 70, r. 9)**

9.—(1) A warrant of arrest is valid for 12 months beginning with the date of its issue.

(2) A warrant of arrest may be executed by the Sheriff or by a solicitor or a solicitor's clerk whose name and particulars have been notified to the Registrar for this purpose:

Provided that the Registrar may, in a particular cause or matter, allow a warrant of arrest to be executed by any other named person and shall, in that case, cause to be marked on the warrant required to be executed, a memorandum to that effect.

(3) A warrant of arrest shall not be executed by the Sheriff or his officer until an undertaking in writing, satisfactory to the Sheriff, to pay the fees and expenses of the Sheriff, has been lodged in the Sheriff's office by the party requesting the execution.

(4) A warrant of arrest shall not be executed if the party at whose instance it was issued lodges a written request to that effect with the Sheriff.

(5) A warrant of arrest issued against freight may be executed by serving the warrant on the cargo in respect of which the freight is payable or on the ship in which that cargo was carried or on both of them.

(6) Subject to paragraph (5), a warrant of arrest must be served on the property against which it is issued.

(7) Within 7 days after the service of a warrant of arrest, a report of the arrest shall be made —

- (a) in any case where the warrant of the arrest was executed by a solicitor or a solicitor's clerk, by the solicitor or solicitor's clerk (as the case may be) for the Sheriff; or
- (b) in any other case, by the Sheriff.

### **Service on ships, etc.: How effected (O. 70, r. 10)**

**10.**—(1) Subject to paragraph (2), service of a warrant of arrest or writ in an action *in rem* against a ship, freight or cargo shall be effected —

- (a) by affixing the warrant or writ for a short time on any mast of the ship or on the outside of any suitable part of the ship's superstructure; and
- (b) on removing the warrant or writ, by leaving a copy of it affixed (in the case of the warrant) in its place or (in the case of the writ) on a sheltered, conspicuous part of the ship.

(2) Service of a warrant of arrest or writ in an action *in rem* against freight or cargo or both shall, if the cargo has been landed or transhipped, be effected —

- (a) by placing the warrant or writ for a short time on the cargo and, on removing the warrant or writ, leaving a copy of it on the cargo; or
- (b) if the cargo is in the custody of a person who will not permit access to it, by leaving a copy of the warrant or writ with that person.

**Applications with respect to property under arrest (O. 70, r. 11)**

11.—(1) The Sheriff may at any time apply to the Court for directions with respect to property under arrest in an action and may, or, if the Court so directs, shall, give notice of the application to all or any of the persons referred to in paragraph (2).

(2) The Sheriff shall send a copy of any order made on an application under paragraph (1) to all those persons who, in relation to that property, have —

- (a) entered a caveat which is still in force;
- (b) caused a warrant for the arrest of the property to be executed by the Sheriff;
- (c) entered an appearance in any action in which the property is under arrest; or
- (d) intervened in any action in which the property is under arrest.

(3) A person other than the Sheriff may make an application under this Rule by summons in the action in which the property is under arrest and the summons together with copies of any affidavits in support must be served upon the Sheriff and all persons referred to in paragraph (2) unless the Court otherwise orders on an application made by *ex parte* summons.

(4) The Sheriff shall send a copy of any order made under paragraph (1) to all the parties to every action against the property to which the order relates.

**Release of property under arrest (O. 70, r. 12)**

**12.**—(1) Except where property arrested in pursuance of a warrant of arrest is sold under an order of the Court, property which has been so arrested shall only be released under the authority of an instrument of release (referred to in this Rule as a release), in Form 164, issued out of the Registry.

(2) A release shall not be issued with respect to property as to which a caveat against release is in force, unless, either —

- (a) at the time of the issue of the release the property is under arrest in one or more other actions; or
- (b) the Court so orders.

(3) A release may be issued upon the application of any party to the action in which the warrant of arrest was issued if the Court so orders, or, subject to paragraph (2), if all the other parties to the action, except any defendant who has not entered an appearance, in which the warrant of arrest was issued consent.

(4) Before a release is issued the party applying for its issue must —

- (a) unless paragraph (2)(a) applies, give notice to any party at whose instance a subsisting caveat against release has been entered or his solicitor requiring the caveat to be withdrawn; and
- (b) file an instrument of release in Form 164.

(5) Before property under arrest is released in compliance with a release issued under this Rule, the party upon whose application it was issued must, in accordance with the directions of the Sheriff, either —

- (a) pay the fees of the Sheriff already incurred and lodge in the Sheriff's office an undertaking to pay on demand the other fees and expenses in connection with the arrest of the property and the care and custody of it while under arrest and of its release; or
- (b) lodge in the Sheriff's office an undertaking to pay on demand all such fees and expenses, whether incurred or to be incurred.

(6) The Court, on the application of any party who objects to directions given to him by the Sheriff under paragraph (5), may vary or revoke the directions.

### **Caveat against release and payment (O. 70, r. 13)**

**13.—**(1) A person who desires to prevent the release of any property under arrest in an action *in rem* and the payment out of Court of any money in Court representing the proceeds of sale of that property must file in the Registry a caveat in Form 166 and the caveat so filed shall be entered in the record of caveats.

(2) Where the release of any property under arrest is delayed by the entry of a caveat under this Rule, any person having an interest in that property may apply to the Court by summons for an order requiring the person who procured the entry of the caveat to pay to the applicant damages in respect of the loss suffered by the applicant by reason of the delay, and the Court, unless it is satisfied that the person procuring the entry of the caveat had a good and sufficient reason for doing so, may make an order accordingly.

### **Duration of caveats (O. 70, r. 14)**

**14.—**(1) Every caveat entered in the record of caveats is valid for 6 months beginning with the date of its entry but the person at whose instance a caveat was entered may withdraw it by filing a withdrawal of caveat in Form 167.

(2) The period of validity of a caveat may not be extended but this provision shall not be taken as preventing the entry of successive caveats.

### **Bail (O. 70, r. 15)**

**15.—**(1) Bail on behalf of a party to an action *in rem* must be given by bond in Form 168; and the sureties to the bond must enter into the bond before a Commissioner for Oaths, not being a Commissioner, who, or whose partner, is acting as solicitor or agent for the party on whose behalf the bail is to be given, or before the Registrar.

(2) Subject to paragraph (3), a surety to a bail bond must make an affidavit stating that he is able to pay the sum for which the bond is given.

(3) Where a corporation is a surety to a bail bond given on behalf of a party, no affidavit shall be made under paragraph (2) on behalf of the corporation unless the opposite party requires it, but where such an affidavit is required it must be made by a director, manager, secretary or other similar officer of the corporation.

(4) The party on whose behalf bail is given must serve on the opposite party a notice of bail containing the names and addresses of the persons who have given bail on his behalf and of the Commissioner for Oaths or Registrar before whom the bail bond was entered into; and after the expiration of 24 hours from the service of the notice (or sooner with the consent of the opposite party) he may file the bond and must at the same time file the affidavits (if any) made under paragraph (2) and an affidavit proving due service of the notice of bail to which a copy of that notice must be exhibited.

### **Interveners (O. 70, r. 16)**

**16.—**(1) Where property against which an action *in rem* is brought is under arrest or money representing the proceeds of sale of that property is in Court, a person who has an interest in that property or money but who is not a defendant to the action may, with the leave of the Court, intervene in the action.

(2) An application for the grant of leave under this Rule must be made by *ex parte* summons supported by an affidavit showing the interest of the applicant in the property against which the action is brought or in the money in Court.

(3) A person to whom leave is granted to intervene in an action must enter an appearance therein in the Registry within the period specified in the order granting leave; and Order 12, Rules 1 to 4 shall apply, with the necessary modifications, in relation to the entry of appearance by an intervener as if he were a defendant named in the writ.

(4) The Court may order that a person to whom it grants leave to intervene in an action shall, within such period as may be specified in



the order, serve on every other party to the action such pleading as may be so specified.

### **Preliminary acts (O. 70, r. 17)**

**17.—(1)** In an action to enforce a claim for damage, loss of life or personal injury arising out of a collision between ships, the following provisions of this Rule shall apply unless the Court otherwise orders.

(2) The plaintiff must within 2 months after service of the writ on any defendant, and the defendant must within 2 months after entering an appearance, file in the appropriate registry a document in 2 parts (in these Rules referred to as a preliminary act) containing a statement of the following:

#### *Part One*

- (i) the names of the ships which came into collision and their ports of registry;
- (ii) the length, breadth, gross tonnage, horsepower and draught at the material time of the ship and the nature and tonnage of any cargo carried by the ship;
- (iii) the date and time (including the time zone) of the collision;
- (iv) the place of the collision;
- (v) the direction and force of the wind;
- (vi) the state of the weather;
- (vii) the state, direction and force of the tidal or other current;
- (viii) the position, the course steered and speed through the water of the ship when the other ship was first seen or immediately before any measures were taken with reference to her presence, whichever was the earlier;
- (ix) the lights or shapes (if any) carried by the ship;
- (x)
  - (a) the distance and bearing of the other ship if and when her echo was first observed by radar;
  - (b) the distance, bearing and approximate heading of the other ship when first seen;

- (xi) what light or shape or combination of lights or shapes (if any) of the other ship was first seen;
- (xii) what other lights or shapes or combinations of lights or shapes (if any) of the other ship were subsequently seen before the collision, and when;
- (xiii) what alterations (if any) were made to the course and speed of the ship after the earlier of the 2 times referred to in sub-paragraph (viii) up to the time of the collision, and when, and what measures (if any) other than alterations of course or speed, were taken to avoid the collision, and when;
- (xiv) the heading of the ship, the parts of each ship which first came into contact and the approximate angle between the 2 ships at the moment of contact;
- (xv) what sound signals (if any) were given, and when; and
- (xvi) what sound signals (if any) were heard from the other ship, and when.

*Part Two*

- (i) a statement that the particulars in Part One are incorporated in Part Two;
- (ii) any other facts and matters upon which the party filing the preliminary act relies;
- (iii) all allegations of negligence or other fault which the party filing the preliminary act makes;
- (iv) the remedy or relief which the party filing the preliminary act claims.

(3) Part Two of the preliminary act shall be deemed to be the pleading of the person filing the preliminary act (in the case of the plaintiff his statement of claim and in the case of the defendant his defence and, where appropriate, his counterclaim) and the provisions of these Rules relating to pleadings shall apply to it save insofar as this Rule and Rule 19 provide otherwise.

(4) The Court may order that Part Two of the preliminary act need not be filed by the plaintiff or defendant and give directions for the further conduct of the action.

(5) Every preliminary act shall be sealed by the Registrar and shall not be inspected except as provided in paragraph (7) or by order of the Court.

(6) A plaintiff must serve notice of filing his preliminary act on every defendant who has entered an appearance within 3 days of the service of the memorandum of appearance or upon filing his preliminary act, whichever is the later. A defendant must, upon filing his preliminary act, serve notice that he has done so on the plaintiff and on every other defendant who has entered an appearance.

(7) Any party may inspect and bespeak a copy of the preliminary act of any other party upon filing in the registry a consent signed by that other party or his solicitor.

(8) Order 18, Rule 20 (close of pleadings) shall not apply; and for the purposes of Order 18, Rule 14 (denial by joinder of issue), Order 20, Rule 3 (amendment of pleadings without leave) and Order 24, Rules 1 and 2 (discovery of documents) the pleadings shall be deemed to be closed —

(a) at the expiration of 7 days after service of the reply or, if there is no reply but only a defence to counterclaim, after service of the defence to counterclaim pursuant to leave given under Rule 19; or

(b) if neither a reply nor a defence to counterclaim is served, at the expiration of 7 days after the last preliminary act in the action was served pursuant to paragraph (9).

(9) Within 14 days after the last preliminary act in the action is filed, each party must serve on every other party a copy of his preliminary act.

(10) At any time after all preliminary acts have been filed any party may apply to the Court for an order that —

- (a) one or more parties file in the registry particulars of the damages claimed by them and serve a copy thereof on every other party; and
- (b) the damages be assessed prior to or at the trial on liability. The application must be made by summons even if it is made after the issue of a summons for directions.

(11) When an order is made under paragraph (10), the claim or claims concerned shall be treated as referred for assessment and Rules 40 and 41 shall apply unless the Registrar otherwise directs.

**Failure to file preliminary act: Proceedings against party in default (O. 70, r. 18)**

**18.**—(1) Where in such an action as is referred to in Rule 17(1) the plaintiff fails to file a preliminary act within the prescribed period, any defendant who has filed such an act may apply to the Court by summons for an order to dismiss the action, and the Court may by order dismiss the action or make such other order on such terms as it thinks just.

(2) Where in such an action, being an action *in personam*, a defendant fails to file a preliminary act within the prescribed period, Order 19, Rules 2 and 3 shall apply as if the defendant's failure to file the preliminary act within that period were a failure by him to serve a defence on the plaintiff within the period fixed by these Rules for service thereof, and the plaintiff, if he has filed a preliminary act may, subject to Order 73, Rule 7, accordingly enter judgment against that defendant in accordance with the said Rule 2 or 3, as the circumstances of the case require.

(3) Where in such an action, being an action *in rem*, a defendant fails to file a preliminary act within the prescribed period, the plaintiff, if he has filed such an act, may apply to the Court by summons for judgment against that defendant, and it shall not be necessary for the plaintiff to file or serve a statement of claim or an affidavit before the hearing of the summons.

(4) On the hearing of a summons under paragraph (3), the Court may make such order as it thinks just, and where the defendant does not appear on the hearing and the Court is of the opinion that judgment

should be given for the plaintiff provided he proves his case, it shall order the plaintiff's preliminary act to be opened and require the plaintiff to satisfy the Court that his claim is well-founded. The plaintiff's evidence may, unless the Court otherwise orders, be given by affidavit without any order or direction in that behalf.

(5) Where the plaintiff in accordance with a requirement under paragraph (4) satisfies the Court that his claim is well-founded, the Court may give judgment for the claim with or without a reference to the Registrar and may at the same time order the property against which the action is brought to be appraised and sold and the proceeds to be paid into Court or make such order as it thinks just.

(6) The Court may, on such terms as it thinks just, set aside any judgment entered in pursuance of this Rule.

(7) In this Rule, references to the prescribed period shall be construed as references to the period within which by virtue of Rule 17(2) or of any order of the Court the plaintiff or defendant, as the context of the reference requires, is required to file a preliminary act.

**Special provisions as to pleadings in collision, etc., actions  
(O. 70, r. 19)**

**19.**—(1) Notwithstanding anything in Order 18, Rule 3, the plaintiff in any such action as is referred to in Rule 3(1) may not serve a reply or a defence to counterclaim on the defendant except with the leave of the Court.

(2) Subject to paragraph (3), in any such action Order 18, Rule 13(3) shall not apply to any allegation of fact made in —

- (a) a statement of claim contained in Part Two of a preliminary act; or
- (b) a counterclaim (whether contained in Part Two of a preliminary act or not),

and notwithstanding Order 18, Rule 14(3), but without prejudice to the other provisions of that Rule, there is an implied joinder of issue on the statement of claim or counterclaim.

(3) Paragraph (2) does not apply to a counterclaim if the plaintiff has served a defence to counterclaim pursuant to leave given under paragraph (1).

### **Judgment by default (O. 70, r. 20)**

**20.**—(1) Where a writ is served under Rule 7(7) on a party at whose instance a caveat against arrest was issued, then if —

- (a) the sum claimed in the action begun by writ does not exceed the amount specified in the undertaking given by that party or his solicitor to procure the entry of the caveat; and
- (b) that party or his solicitor does not within 14 days after service of the writ fulfil the undertaking given by him as aforesaid,

the plaintiff may, after filing an affidavit verifying the facts on which the action is based, apply to the Court for judgment by default.

(2) Judgment given under paragraph (1) may be enforced by the arrest of the property against which the action was brought and by committal of the party at whose instance the caveat with respect to that property was entered.

(3) Where a defendant to an action *in rem* fails to enter an appearance within the time limited for appearing, then, on the expiration of 14 days after service of the writ and upon filing an affidavit proving due service of the writ, an affidavit verifying the facts on which the action is based and, if a statement of claim was not endorsed on the writ, a copy of the statement of claim, the plaintiff may apply to the Court for judgment by default.

Where the writ is deemed to have been duly served on the defendant by virtue of Order 10, Rule 1(2), or was filed or served under Rule 7, an affidavit proving due service of the writ need not be filed under this paragraph, but the writ endorsed as mentioned in the said Rule 1(2) or endorsed by the Registrar with a statement that he accepts service of the writ must be filed with the affidavit verifying the facts on which the action is based.

(4) Where a defendant to an action *in rem* fails to serve a defence on the plaintiff, then, after the expiration of the period fixed by these Rules for service of the defence and upon filing an affidavit stating that no defence was served on him by that defendant during that period, an affidavit verifying the facts on which the action is based and, if a statement of claim was not endorsed on the writ, a copy of the statement of claim, the plaintiff may apply to the Court for judgment by default.

(5) Where a defendant to a counterclaim in an action *in rem* fails to serve a defence to counterclaim on the defendant making the counterclaim, then, subject to paragraph (6), after the expiration of the period fixed by these Rules for service of the defence to counterclaim and upon filing an affidavit stating that no defence to counterclaim was served on him by the first-mentioned defendant during that period, an affidavit verifying the facts on which the counterclaim is based and a copy of the counterclaim, the defendant making the counterclaim may apply to the Court for judgment by default.

(6) No application may be made under paragraph (5) against the plaintiff in any such action as is referred to in Rule 3(1).

(7) An application to the Court under this Rule must be made by summons and if, on the hearing of the summons, the Court is satisfied that the applicant's claim is well-founded, it may give judgment for the claim with or without a reference to the Registrar and may at the same time order the property against which the action or, as the case may be, counterclaim is brought to be appraised and sold and the proceeds to be paid into Court or may make such other order as it thinks just.

(7AA) A copy each of the summons and the affidavit verifying the facts on which the action is based must be served, by or on behalf of the applicant, at least 2 clear days before the hearing of the summons, on each of the persons mentioned in Rule 11(2).

[S 51/2018 wef 01/02/2018]

(7A) To avoid doubt, the Court may, when giving judgment under this Rule, direct the payment of interest, computed from the date of the writ to the date on which judgment is given, at the rate of 6% per

annum or at such other rate as the Chief Justice may from time to time direct.

[S 235/2016 wef 01/06/2016]

(8) In default actions *in rem* evidence may, unless the Court otherwise orders, be given by affidavit without any order or direction in that behalf.

(9) The Court may, on such terms as it thinks just, set aside or vary any judgment entered in pursuance of this Rule.

(10) Order 13 and Order 19 (except Rule 1 thereof) shall not apply to actions *in rem*.

**Order for sale of ship: Determination of priority of claims  
(O. 70, r. 21)**

**21.**—(1) Where in an action *in rem* against a ship the Court has ordered the ship to be sold, any party who has obtained or obtains judgment against the ship or proceeds of sale of the ship may —

- (a) in a case where the order for sale contains the further order referred to in paragraph (2), after the expiration of the period specified in the order under paragraph (2)(a); or
- (b) in any other case, after obtaining judgment,

apply to the Court by summons for an order determining the order of priority of the claims against the proceeds of sale of the ship.

(2) Where in an action *in rem* against a ship the Court orders the ship to be sold, it may further order —

- (a) that the order of priority of the claims against the proceeds of sale of the ship shall not be determined until after the expiration of 90 days, or of such other period as the Court may specify, beginning with the day on which the proceeds of sale are paid into Court;
- (b) that any party to the action or to any other action *in rem* against the ship or the proceeds of sale thereof may apply to the Court in the action to which he is a party to extend the period specified in the order; and



- (c) that within 7 days after the date of payment into Court of the proceeds of sale the Sheriff shall send for publication in the *Gazette* and such newspaper or publication, if any, as the Court may direct, a notice complying with paragraph (3).
- (3) The notice referred to in paragraph (2)(c) must state —
- (a) that the ship (naming her) has been sold by order of the High Court in an action *in rem*, identifying the action;
  - (b) that the gross proceeds of the sale, specifying the amount thereof, have been paid into Court;
  - (c) that the order of priority of the claims against the said proceeds will not be determined until after the expiration of the period (specifying it) specified in the order for sale; and
  - (d) that any person with a claim against the ship or the proceeds of sale thereof, on which he intends to proceed to judgment should do so before the expiration of that period.
- (4) The Sheriff must lodge in the Registry a copy of each newspaper or publication in which the notice referred to in paragraph (2)(c) appeared.
- (5) The expenses incurred by the Sheriff in complying with an order of the Court under this Rule shall be included in his expenses relating to the sale of the ship.
- (6) An application to the Court to extend the period referred to in paragraph (2)(a) must be made by summons, and a copy of the summons must, at least 3 days before the day fixed for the hearing thereof, be served on each party who has begun an action *in rem* against the ship or the proceeds of sale thereof.
- (7) In this Rule, “Court” means the Judge in person.

### **Appraisal and sale of property (O. 70, r. 22)**

**22.—**(1) A party requesting a commission for the appraisal and sale of any property under an order of the Court shall file a commission in Form 170.

(2) Such a commission must, unless the Court otherwise orders, be executed by the Sheriff.

(3) A commission for appraisal and sale shall not be executed until an undertaking in writing satisfactory to the Sheriff to pay the fees and expenses of the Sheriff on demand has been lodged in the Sheriff's office.

(4) The Sheriff shall pay into Court the gross proceeds of the sale of any property sold by him under a commission for sale and shall bring into Court the accounts relating to the sale (with vouchers in support) for taxation.

(5) On the taxation of the Sheriff's accounts relating to a sale, any person interested in the proceeds of the sale shall be entitled to be heard, and any decision of the Registrar made on the taxation to which objection is taken may be reviewed in the same manner and by the same persons as any decision of a Registrar made in taxation proceedings under Order 59, and Rules 34 and 35 of that Order shall apply accordingly with the necessary modifications.

### **Undertakings as to expenses (O. 70, r. 23)**

**23.**—(1) Every undertaking under this Order shall be given in writing to the satisfaction of the Sheriff.

(2) Where a party is required by order to give to the Sheriff an undertaking to pay any fees or expenses, the Sheriff may accept instead of an undertaking the deposit with him of such sum as he considers reasonable to meet those fees and expenses.

(3) The Court may, on the application of any party who is dissatisfied with a direction or determination of the Sheriff under this Order, vary or revoke the direction or determination.

### **Payment into and out of Court (O. 70, r. 24)**

**24.**—(1) Order 22 (except Rules 3, 4, 5 and 12 thereof) shall apply in relation to an Admiralty action as it applies to an action for debt or damages.

(2) Subject to paragraph (3), money paid into Court shall not be paid out except in pursuance of an order of the Judge in person.

(3) The Registrar may, with the consent of the parties interested in money paid into Court, order the money to be paid out to the person entitled thereto in the following cases:

- (a) where a claim has been referred to the Registrar for decision and all the parties to the reference have agreed to accept the Registrar's decision and to the payment out of any money in Court in accordance with that decision;
- (b) where property has been sold and the proceeds of sale thereof paid into Court, and the parties are agreed as to the persons to whom the proceeds shall be paid and the amount to be paid to each of those persons; and
- (c) where in any other case there is no dispute between the parties.

(4) Where in an Admiralty action money has been paid into Court pursuant to an order made under Order 29, Rule 12, the Registrar may make an order under Rule 13(1) of that Order for the money to be paid out to the person entitled thereto.

### **Summons for directions (O. 70, r. 25)**

**25.—**(1) Subject to paragraphs (2) and (3), Order 25 shall apply to Admiralty actions (other than limitation actions) as it applies to other actions.

(2) An order made on the summons for directions or any application under the summons for directions shall determine whether the trial is to be without assessors or with one or more assessors, nautical or otherwise.

(3) An order may be made on the summons for directions or any application under the summons for directions, or a direction may be given at the trial, limiting the witnesses who may be called at the trial, whether they are expert witnesses or not.

(4) Any such order or direction as is referred to in paragraphs (2) and (3) (including an order made on appeal) may be varied or revoked by a subsequent order or direction made or given at or before the trial by the Judge in person or, with the Judge's consent, by the Registrar.

**Fixing date for trial, etc. (O. 70, r. 26)**

**26.**—(1) Subject to paragraphs (2) and (3), Order 34 shall apply to Admiralty actions as it applies to other actions.

(2) Not less than 7 days before the date fixed for the trial, the party by whom the action was set down for trial must, unless the Court otherwise orders, file in the Registry —

(a) if trial with one or more assessors has been ordered, a Request<sup>4</sup> for his or their attendance; and

(b) any preliminary acts.

(3) Order 21, Rule 2(4) shall not apply to Admiralty actions.

**Stay of proceedings in collision, etc., actions until security given (O. 70, r. 27)**

**27.** Where an action *in rem*, being an action to enforce any such claim as is referred to in Rule 3(1), is begun and a cross action *in rem* arising out of the same collision or other occurrence as the first-mentioned action is subsequently begun, or a counterclaim arising out of that occurrence is made in the first-mentioned action, then —

(a) if the ship in respect of or against which the first-mentioned action is brought has been arrested or security given to prevent her arrest; but

(b) the ship in respect of or against which the cross action is brought or the counterclaim made cannot be arrested and security has not been given to satisfy any judgment given in favour of the party bringing the cross action or making the counterclaim,

the Court may stay proceedings in the first-mentioned action until the security is given to satisfy any judgment given in favour of that party.

**Inspection of ship, etc. (O. 70, r. 28)**

**28.** Without prejudice to its powers under Order 29, Rules 2 and 3 and Order 35, Rule 5, the Court may, on the application of any party, make an order for the inspection by the assessors (if the action is tried with assessors), or by any party or witness, of any ship or other

property, whether movable or immovable, the inspection of which may be necessary or desirable for the purpose of obtaining full information or evidence in connection with any issue in the action.

### **Examination of witnesses and other persons (O. 70, r. 29)**

**29.**—(1) The power conferred by Order 39, Rule 1 shall extend to the making of an order authorising the examination of a witness or person on oath before a Judge sitting in Court as if for the trial of the cause or matter, without that cause or matter having been set down for trial or called on for trial.

(2) The power conferred by the said Rule 1 shall also extend to the making of an order, with the consent of the parties, providing for the evidence of a witness being taken as if before an examiner, but without an examiner actually being appointed or being present.

(3) Where an order is made under paragraph (2), it may make provision for any consequential matters and, subject to any provision so made, the following provisions shall have effect:

- (a) the party whose witness is to be examined shall provide a shorthand writer to take down the evidence of the witness;
- (b) any representative, being an advocate or a solicitor, of either of the parties shall have authority to administer the oath to the witness;
- (c) the shorthand writer need not himself be sworn but shall certify in writing as correct a transcript of his notes of the evidence and deliver it to the solicitor for the party whose witness was examined, and that solicitor shall file it in the Registry; and
- (d) unless the parties otherwise agree or the Court otherwise orders, the transcript or a copy thereof shall, before the transcript is filed, be made available to the counsel or other persons who acted as advocates at the examination, and if any of those persons is of opinion that the transcript does not accurately represent the evidence he shall make a certificate specifying the corrections which in his opinion

should be made therein, and that certificate must be filed with the transcript.

(4) In actions in which preliminary acts fall to be filed under Rule 17, an order shall not be made under Order 39, Rule 1 authorising any examination of a witness before the preliminary acts have been filed, unless for special reasons the Court thinks fit so to direct.

(5) Order 39 shall apply in relation to an Admiralty cause or matter.

### **Trial without pleadings (O. 70, r. 30)**

**30.** Order 18, Rule 22 shall apply to Admiralty actions as it applies to other actions except that the summons must be served on every other party not less than 7 days before the day specified in the summons for the hearing thereof.

### **Issue of subpoena (O. 70, r. 31)**

**31.** Order 38, Rule 14 shall apply in relation to the issue of a subpoena to testify<sup>5</sup> or subpoena to produce documents<sup>1</sup> in an Admiralty cause or matter.

### **Proceedings for apportionment of salvage (O. 70, r. 32)**

**32.—**(1) Proceedings for the apportionment of salvage the aggregate amount of which has already been ascertained shall be begun by originating summons or by summons where there is a pending action.

(2) The originating summons or summons and the supporting affidavit must be filed and served at least 7 days before the hearing, unless the Court gives leave to the contrary.

(3) On the hearing of the originating summons or summons, the Judge may exercise any of the powers conferred by section 175 of the Merchant Shipping Act (Cap. 179).

### **Filing and service of summons (O. 70, r. 33)**

**33.—**(1) A summons in any action, together with the affidavits (if any) in support thereof, must be filed in the Registry at least 2 days

before the hearing of the summons unless the Court gives leave to the contrary.

(2) A copy of the summons and of the affidavits (if any) in support thereof must be served on all the other parties to the proceedings.

(3) Paragraph (2) does not apply to a summons mentioned in Rule 20(7).

[S 51/2018 wef 01/02/2018]

### **Agreement between solicitors may be made order of Court (O. 70, r. 34)**

**34.** Any agreement in writing between the solicitors of the parties to a cause or matter, dated and signed by the solicitors, may, if the Registrar thinks it reasonable and such as the Judge would under the circumstances allow, be filed in the Registry, and the agreement shall thereupon become an order of Court and have the same effect as if such order had been made by the Judge in person.

### **Originating summons: Procedure (O. 70, r. 35)**

**35.—**(1) [*Deleted by S 806/2005*]

(2) Order 28, Rule 2 shall apply in relation to Admiralty proceedings begun by originating summons.

(3) Rule 26 (except paragraph (3) of that Rule) shall apply, with any necessary modifications, in relation to an Admiralty cause or matter begun by originating summons, and Order 28, Rule 9 shall not apply to such a cause or matter.

### **Limitation action: Parties (O. 70, r. 36)**

**36.—**(1) In a limitation action the person seeking relief shall be the plaintiff and shall be named in the writ by his name and not described merely as the owner of, or as bearing some other relation to, a particular ship or other property.

(2) The plaintiff must make one of the persons with claims against him in respect of the casualty to which the action relates defendant to the action and may make all or any of the others defendants also.

(3) At least one of the defendants to the action must be named in the writ by his name but the other defendants may be described generally and not named by their names.

(4) The writ must be served on one or more of the defendants who are named by their names therein and need not be served on any other defendant.

(5) In this Rule and Rules 37, 38 and 39, “name” includes a firm name or the name under which a person carries on his business, and where any person with a claim against the plaintiff in respect of the casualty to which the action relates has described himself for the purposes of his claim merely as the owner of, or as bearing some other relation to, a ship or other property, he may be so described as defendant in the writ and, if so described, shall be deemed for the purposes of the Rules aforesaid to have been named in the writ by his name.

**Limitation action: Constitution of limitation fund (O. 70, r. 36A)**

**36A.**—(1) The Court may allow a person seeking relief in a limitation action to constitute a limitation fund —

- (a) by making payment into Court under an order of the Court;  
or
- (b) by producing a letter of undertaking from a Protection and Indemnity Club acceptable to the Court.

(2) A limitation fund may be established before or after the commencement of a limitation action.

(3) If a limitation action is not commenced within 75 days after the date on which a limitation fund is established —

- (a) the limitation fund will lapse; and
- (b) all money paid into Court (including interest) will be repaid to the person who made the payment into Court.

(4) Any money paid into Court under paragraph (1) cannot be paid out except under an order of the Court.

[S 51/2018 wef 01/02/2018]



**Limitation action: Summons for decree or directions (O. 70, r. 37)**

37.—(1) Within 7 days after the entry of appearance by one of the defendants named by their names in the writ, or, if none of them enters an appearance, within 7 days after the time limited for appearing, the plaintiff, without serving a statement of claim, must take out a summons before the Registrar asking for a decree limiting his liability or, in default of such a decree, for directions as to the further proceedings in the action.

(2) The summons must be supported by an affidavit or affidavits proving —

- (a) the plaintiff's case in the action; and
- (b) if none of the defendants named in the writ by their names has entered an appearance, service of the writ on at least one of the defendants so named.

(3) The affidavit in support of the summons must state —

- (a) the names of all the persons who, to the knowledge of the plaintiff, have claims against him in respect of the casualty to which the action relates, not being defendants to the action who are named in the writ by their names; and
- (b) the address of each of those persons, if known to the plaintiff.

(4) The summons and every affidavit in support thereof must, at least 7 clear days before the hearing of the summons, be served on any defendant who has entered an appearance.

(5) On the hearing of the summons, the Registrar, if it appears to him that it is not disputed that the plaintiff has a right to limit his liability, shall make a decree limiting the plaintiff's liability and fix the amount to which the liability is to be limited.

(6) On the hearing of the summons, the Registrar, if it appears to him that any defendant has not sufficient information to enable him to decide whether or not to dispute that the plaintiff has a right to limit his liability, shall give such directions as appear to him to be appropriate

for enabling the defendant to obtain such information and shall adjourn the hearing.

(7) If on the hearing or resumed hearing of the summons the Registrar does not make a decree limiting the plaintiff's liability, he shall give such directions as to the further proceedings in the action as appear to him to be appropriate including, in particular, a direction requiring the taking out of a summons for directions under Order 25.

(8) Any defendant who, after the Registrar has given directions under paragraph (7), ceases to dispute the plaintiff's right to limit his liability must forthwith file a notice to that effect in the Registry, as the case may be, and serve a copy on the plaintiff and on any other defendant who has entered an appearance.

(9) If every defendant who disputes the plaintiff's right to limit his liability serves a notice on the plaintiff under paragraph (8), the plaintiff may take out a summons before the Registrar asking for a decree limiting his liability; and paragraphs (4) and (5) shall apply to a summons under this paragraph as they apply to a summons under paragraph (1).

### **Limitation action: Proceedings under decree (O. 70, r. 38)**

**38.**—(1) Where the only defendants in a limitation action are those named in the writ by their names and all the persons so named have either been served with the writ or entered an appearance, any decree in the action limiting the plaintiff's liability (whether made by the Registrar or on the trial of the action) —

- (a) need not be advertised; but
- (b) shall only operate to protect the plaintiff in respect of claims by the persons so named or persons claiming through or under them.

(2) In any case not falling within paragraph (1), any decree in the action limiting the plaintiff's liability (whether made by the Registrar or on the trial of the action) —

- (a) shall be advertised by the plaintiff in such manner and within such time as may be provided by the decree; and

(b) shall fix a time within which persons with claims against the plaintiff in respect of the casualty to which the action relates may enter an appearance in the action (if they have not already done so) and file their claims, and, in cases to which Rule 39 applies, take out a summons if they think fit, to set the decree aside.

(3) The advertisement to be required under paragraph (2)(a) shall, unless for special reasons the Registrar or Judge thinks fit otherwise to provide, be a single advertisement in each of 3 newspapers specified in the decree, identifying the action, the casualty and the relation of the plaintiff thereto (whether as owner of a ship involved in the casualty or otherwise, as the case may be), stating that the decree has been made and specifying the amounts fixed thereby as the limits of the plaintiff's liability and the time allowed thereby for the entering of appearances, the filing of claims and the taking out of summonses to set the decree aside.

The plaintiff must within the time fixed under paragraph (2)(b) file in the Registry a copy of each newspaper in which the advertisement required under paragraph (2)(a) appears.

(4) The time to be allowed under paragraph (2)(b) shall, unless for special reasons the Registrar or Judge thinks fit otherwise to provide, be not less than 2 months from the latest date allowed for the appearance of the advertisements; and after the expiration of the time so allowed, no appearance may be entered, claim filed or summons taken out to set aside the decree except with the leave of the Registrar or, on an appeal, of the Judge.

(5) Except as aforesaid, any decree limiting the plaintiff's liability (whether made by a Registrar or on the trial of the action) may make any such provision as is authorised by the Merchant Shipping Act (Cap. 179).

### **Limitation action: Proceedings to set aside decree (O. 70, r. 39)**

**39.**—(1) Where a decree limiting the plaintiff's liability (whether made by a Registrar or on the trial of the action) fixes a time in accordance with Rule 38(2), any person with a claim against the plaintiff in respect of the casualty to which the action relates, who —

- (a) was not named by his name in the writ as a defendant to the action; or
- (b) if so named, neither was served with the writ nor entered an appearance,

may, within that time, after entering an appearance, take out a summons before the Registrar asking that the decree be set aside.

(2) The summons must be supported by an affidavit or affidavits showing that the defendant in question has a bona fide claim against the plaintiff in respect of the casualty in question and that he has sufficient prima facie grounds for the contention that the plaintiff is not entitled to the relief given him by the decree.

(3) The summons and every affidavit in support thereof must, at least 7 clear days before the hearing of the summons, be served on the plaintiff and any defendant who has entered an appearance.

(4) On the hearing of the summons, the Registrar, if he is satisfied that the defendant in question has a bona fide claim against the plaintiff and sufficient prima facie grounds for the contention that the plaintiff is not entitled to the relief given him by the decree, shall set the decree aside and give such directions as to the further proceedings in the action as appear to him to be appropriate including, in particular, a direction requiring the taking out of a summons for directions under Order 25.

### **References to Registrar (O. 70, r. 40)**

**40.**—(1) Any party (referred to in this Rule as the claimant) making a claim which is referred to the Registrar for decision must, within 2 months after the order is made, or, in a limitation action, within such other period as the Court may direct, file his claim and, unless the reference is in such an action, serve a copy of the claim on every other party.

(2) At any time after the claimant's claim has been filed or, where the reference is in a limitation action, after the expiration of the time limited by the Court for the filing of claims, but, in any case, not less than 28 days before the day appointed for the hearing of the reference, any party to the cause or matter may apply to the Registrar by

summons for directions as to the proceedings on the reference, and the Registrar shall give such directions, if any, as he thinks fit including, without prejudice to the generality of the foregoing words, a direction requiring any party to serve on any claimant, within such period as the Registrar may specify, a defence to that claimant's claim.

(3) The reference shall be heard on a day appointed by the Registrar and, unless the reference is in a limitation action or the parties to the reference consent to the appointment of a particular day, the appointment must be made by order on an application by summons made by any party to the cause or matter.

(4) An appointment for the hearing of a reference shall not be made until after the claimant has filed his claim or, where the reference is in a limitation action, until after the expiration of the time limited by the Court for the filing of claims.

(5) Not later than 7 days after an appointment for the hearing of a reference has been made, the claimant or, where the reference is in a limitation action, the plaintiff must enter the reference for hearing by lodging in the Registry a Request<sup>4</sup> requesting the entry of the reference in the list for hearing on the day appointed.

(6) Not less than 14 days before the day appointed for the hearing of the reference, the claimant must file —

- (a) a list, signed by him and every other party, of the items (if any) of his claim which are not disputed, stating the amount (if any) which he and the other parties agree should be allowed in respect of each such item; and
- (b) such affidavits or other documentary evidence as is required to support the items of his claim which are disputed,

and, unless the reference is in a limitation action, he must at the same time serve on every other party a copy of every document filed under this paragraph.

(7) If the claimant fails to comply with paragraph (1) or (6)(b), the Court may, on the application of any other party to the cause or matter, dismiss the claim.

**Hearing of reference (O. 70, r. 41)**

**41.**—(1) The Registrar may adjourn the hearing of a reference from time to time as he thinks fit.

(2) At or before the hearing of a reference, the Registrar may give a direction limiting the witnesses who may be called, whether expert witnesses or not, but any such direction may, on sufficient cause being shown, be revoked or varied by a subsequent direction given at or before the hearing.

(3) Subject to paragraph (2), evidence may be given orally or by affidavit or in such other manner as may be agreed upon, and the evidence shall be recorded under Order 38A, Rule 1(1).

(4) When the hearing of the reference has been concluded, the Registrar shall —

- (a) reduce to writing his decision on the question arising in the reference (including any order as to costs) and cause it to be filed;
- (b) cause to be filed either with his decision or subsequently such statement (if any) of the grounds of the decision as he thinks fit; and
- (c) send to the parties to the reference notice that he has done so.

(5) Where no statement of the grounds of the Registrar's decision is filed with his decision and no intimation has been given by the Registrar that he intends to file such a statement later, any party to the reference may, within 14 days after the filing of the decision, make a written request to the Registrar to file such a statement.

**Objection to decision on reference (O. 70, r. 42)**

**42.**—(1) Any party to a reference to the Registrar may, by summons, apply to a Judge in Court to set aside or vary the decision of the Registrar on the reference, but the summons, specifying the points of objection to the decision, must be filed within 14 days after the date on which notice of the filing of the decision was sent to that party under Rule 41(4) or, if a notice of the filing of a statement of the grounds of the decision was subsequently

sent to him thereunder, within 14 days after the date on which that notice was sent.

(2) The decision of the Registrar shall be deemed to be given on the date on which it is filed, but unless he or the Judge otherwise directs, the decision shall not be acted upon until the time has elapsed for filing the summons referred to in paragraph (1).

(3) A direction shall not be given under paragraph (2) without the parties being given an opportunity of being heard, but may, if the Registrar announces his intended decision at the conclusion of the hearing of the reference, be incorporated in his decision as reduced to writing under Rule 41(4).

### **Inspection of documents filed in Registry (O. 70, r. 43)**

**43.** Order 60, Rule 4 shall apply in relation to documents filed in the Registry.

## ORDER 71

### ORDER 71 : Non-contentious probate proceedings

1. [*Deleted by S 850/2014 wef 01/01/2015*]
2. [*Deleted by S 850/2014 wef 01/01/2015*]
3. [*Deleted by S 600/2012*]
4. [*Deleted by S 850/2014 wef 01/01/2015*]
5. [*Deleted by S 850/2014 wef 01/01/2015*]
6. [*Deleted by S 850/2014 wef 01/01/2015*]
7. [*Deleted by S 806/2005*]
8. [*Deleted by S 850/2014 wef 01/01/2015*]
9. [*Deleted by S 850/2014 wef 01/01/2015*]
10. [*Deleted by S 850/2014 wef 01/01/2015*]
11. [*Deleted by S 850/2014 wef 01/01/2015*]
12. [*Deleted by S 850/2014 wef 01/01/2015*]

13. [Deleted by S 850/2014 wef 01/01/2015]
14. [Deleted by S 850/2014 wef 01/01/2015]
15. [Deleted by S 850/2014 wef 01/01/2015]
16. [Deleted by S 850/2014 wef 01/01/2015]
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18. [Deleted by S 850/2014 wef 01/01/2015]
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## ORDER 72

### CONTENTIOUS PROBATE PROCEEDINGS

#### **Application and interpretation (O. 72, r. 1)**

1.—(1) This Order applies to probate causes and matters and the other provisions of these Rules apply to those causes and matters subject to the provisions of this Order.

(2) In these Rules, “probate action” means an action for the grant of probate of the will, or letters of administration of the estate, of a deceased person or for the revocation of such a grant or for a decree pronouncing for or against the validity of an alleged will, not being an action which is non-contentious.

(3) In this Order, “will” includes a codicil.

#### **Requirements in connection with issue of writ (O. 72, r. 2)**

2.—(1) A probate action must be begun by writ, and the writ must be issued out of the Registry.

(2) Before a writ beginning a probate action is issued, it must be endorsed with a statement of the nature of the interest of the plaintiff

and of the defendant in the estate of the deceased to which the action relates.

(3) A writ beginning an action for the revocation of the grant of probate of the will, or letters of administration of the estate, of a deceased person shall not be issued unless a citation under Rule 7 has been issued or the probate or letters of administration, as the case may be, has or have been lodged in the Registry.

### **Service of writ out of jurisdiction (O. 72, r. 3)**

3.—(1) Subject to paragraph (2), service out of the jurisdiction of a writ, by which a probate action is begun is permissible with the leave of the Court.

(2) Order 11, Rule 2 shall apply in relation to an application for the grant of leave under this Rule.

### **Intervener in probate action (O. 72, r. 4)**

4.—(1) A person not a party to a probate action may apply to the Court for leave to intervene in a probate action.

(2) An application under this Rule must be made by summons supported by an affidavit showing the interest of the applicant in the estate of the deceased.

(3) An applicant who obtains leave to intervene in a probate action shall not be entitled to be heard in the action unless he enters an appearance therein.

(4) Where the Court grants leave under this Rule, it may give such directions as to the service of pleadings, the filing of an affidavit of testamentary scripts or other matters as it thinks necessary.

### **Citation to see proceedings (O. 72, r. 5)**

5.—(1) On the application of the plaintiff, or of any other party who has pleaded in a probate action, a citation may be issued against any person not a party to the action who has an adverse interest to the applicant notifying him that if he does not enter an appearance in the action judgment may be given therein without further notice to him.

(2) Where a person on whom a citation under this Rule is served fails to enter an appearance in the action, the party on whose application the citation was issued shall not be entitled to be heard at the trial of the action without the leave of the Court unless he has filed an affidavit proving due service of the citation on that person.

### **Entry of appearance (O. 72, r. 6)**

6.—(1) The office for entry of appearance in a probate action is in all cases the Registry and Order 12, in its application to such an action, shall have effect accordingly.

(2) Without prejudice to paragraph (1), Order 12, Rules 1, 2 and 3 shall apply to the entry of appearance by a person authorised to intervene in a probate action, and by a person cited under Rule 5, as if —

- (a) that person were a defendant; and
- (b) the parties to the action (in the case of an intervener) or the party at whose instance the citation was issued (in the case of a person cited) were the plaintiff.

### **Citation to bring in grant (O. 72, r. 7)**

7.—(1) In an action for the revocation of the grant of probate of the will, or letters of administration of the estate, of a deceased person, a citation against the person to whom the probate or letters of administration, as the case may be, was or were granted requiring him to bring into and leave at the Registry the probate or letters of administration, as the case may be, may be issued on the application of the plaintiff.

(2) The requirement in paragraph (1) to bring into and leave at the Registry the probate or letters of administration shall apply only in cases where the Registry has issued a printed grant of probate or letters of administration.

### **Citations (O. 72, r. 8)**

8.—(1) A citation under Rule 5 or 7 must be issued out of the Registry and must be settled by the Court before it is issued.

(2) Before such a citation is issued, an affidavit verifying the statements of fact to be made in the citation must be sworn by the person applying for it to be issued:

Provided that the Court may in special circumstances allow the affidavit to be sworn by that person's solicitor.

(3) Issue of a citation takes place upon its being sealed by an officer of the Registry.

(4) Without prejudice to Order 62, Rule 5, a citation under Rule 5 or 7 must be served personally on the person cited.

(5) Service out of the jurisdiction of a citation under Rule 5 or 7 is permissible but, in the case of a citation under Rule 7, only with the leave of the Court.

(6) Order 11, Rule 2 shall apply in relation to an application for the grant of leave under paragraph (5).

(7) An order granting leave to serve a citation under Rule 7 out of the jurisdiction must limit a time within which the person to be served with the citation must comply.

(8) Order 11, Rules 3, 4 and 6 shall apply in relation to a citation under Rule 7 as they apply in relation to a writ.

### **Affidavit of testamentary scripts (O. 72, r. 9)**

**9.—**(1) Unless the Court otherwise directs, the plaintiff and every defendant who has entered an appearance in a probate action must swear an affidavit —

- (a) describing and exhibiting any testamentary script of the deceased person, whose estate is the subject of the action, of which he has any knowledge or, if such be the case, stating that he knows of no such script; and
- (b) if any such script of which he has knowledge is not in his possession or under his control, giving the name and address of the person in whose possession or under whose control it is or, if such be the case, stating that he does not know the name or address of that person; and any such

script which is in the possession or under the control of the deponent must be annexed to his affidavit.

(2) Any affidavit of testamentary scripts required by this Rule must be exchanged within 14 days after the entry of appearance by a defendant to the action, and unless the Court otherwise directs, the affidavit must be filed not less than 7 days before the hearing of the plaintiff's application to set down the action for trial.

(3) Where any testamentary script required by this Rule to be exhibited or any part thereof is written in pencil, then, unless the Court otherwise directs, a facsimile copy of that script, or of the page or pages thereof containing the part written in pencil, must also be filed and the words which appear in pencil in the original must be underlined in red ink in the copy.

(4) [*Deleted by S 600/2012*]

(5) In this Rule, "testamentary script" means a will or draft thereof, written instructions for a will made by or at the request or under the instructions of the testator and any document purporting to be evidence of the contents, or to be a copy, of a will which is alleged to have been lost or destroyed.

### **Default of appearance (O. 72, r. 10)**

**10.—**(1) Order 13 shall not apply in relation to a probate action.

(2) Where any of several defendants to a probate action fails to enter an appearance, the plaintiff, upon filing an affidavit proving due service of the writ on that defendant may, after the time limited for appearing, proceed with the action as if that defendant had entered an appearance.

(3) Where the defendant, or all the defendants, to a probate action, fails or fail to enter an appearance, and none of the persons (if any) cited under Rule 5 has entered an appearance, then, unless on the application of the plaintiff the Court orders the action to be discontinued, the plaintiff may after the time limited for appearing by the defendant apply to the Court for leave to set down the action for trial.

(4) At the time of making an application for the grant of leave under paragraph (3), the plaintiff must file an affidavit proving due service of the writ on the defendant and of the citation, if any, and file an affidavit of testamentary scripts under Rule 9.

(5) [*Deleted by S 600/2012*]

### **Service of statement of claim (O. 72, r. 11)**

**11.** The plaintiff in a probate action must, unless the Court gives leave to the contrary or a statement of claim is endorsed on the writ, serve a statement of claim on every defendant who enters an appearance in the action and must do so before the expiration of 6 weeks after entry of appearance by that defendant or of 8 days after the exchange of affidavits under Rule 9, whichever is the later.

### **Counterclaim (O. 72, r. 12)**

**12.** Notwithstanding anything in Order 15, Rule 2(1), a defendant to a probate action who alleges that he has any claim or is entitled to any relief or remedy in respect of any matter relating to the grant of probate of the will, or letters of administration of the estate, of the deceased person which is the subject of the action must add to his defence a counterclaim in respect of that matter.

### **Contents of pleadings (O. 72, r. 13)**

**13.—(1)** Where the plaintiff in a probate action disputes the interest of a defendant he must allege in his statement of claim that he denies the interest of that defendant.

(2) In a probate action in which the interest by virtue of which a party claims to be entitled to a grant of letters of administration is disputed, the party disputing that interest must show in his pleading that if the allegations made therein are proved he would be entitled to an interest in the estate.

(3) Without prejudice to Order 18, Rule 7, any party who pleads that at the time when a will, the subject of the action, was alleged to have been executed the testator did not know and approve of its contents, must specify the nature of the case on which he intends to rely, and no

allegation in support of that plea which would be relevant in support of any of the following other pleas, that is to say:

- (a) that the will was not duly executed;
- (b) that at the time of the execution of the will the testator was not of sound mind, memory and understanding; and
- (c) that the execution of the will was obtained by undue influence or fraud,

shall be made by that party unless that other plea is also pleaded.

### **Default of pleadings (O. 72, r. 14)**

**14.**—(1) Order 19 shall not apply in relation to a probate action.

(2) Where any party to a probate action fails to serve on any other party a pleading which he is required by these Rules to serve on that other party, then, unless the Court orders the action to be discontinued, that other party may, after the expiration of the period fixed under these Rules for service of the pleading in question, apply to the Court for leave to set down the action for trial.

### **Discontinuance (O. 72, r. 15)**

**15.**—(1) Order 21 shall not apply in relation to a probate action.

(2) At any stage of the proceedings in a probate action the Court may, on the application of the plaintiff or of any party to the action who has entered an appearance therein, order the action to be discontinued on such terms as to costs or otherwise as it thinks just, and may further order that a grant of probate of the will, or letters of administration of the estate, of the deceased person, as the case may be, which is the subject of the action be made to the person entitled thereto.

(3) An application for an order under this Rule may be made by summons or by summons for directions under Order 25, Rule 7.

### **Compromise of action (O. 72, r. 16)**

**16.** Where whether before or after service of the defence in a probate action the parties to the action agree to a compromise, the action may, with the leave of the Court, be set down for trial.

17. [*Deleted by S 806/2005*]

**Application to Court by summons (O. 72, r. 18)**

18. Except where these Rules otherwise provide, any application to the Court in a probate cause or matter may be made by summons.

**Form of judgments and orders (O. 72, r. 19)**

19. Every judgment of the Court in a probate cause or matter shall be signed by the Registrar.

**Administration pending trial<sup>2</sup> (O. 72, r. 20)**

20.—(1) An application under section 20 of the Probate and Administration Act (Cap. 251) for the grant of administration may be made to the Registrar by originating summons.

(2) An administrator to whom a grant is made under the said section 20 must at the time when he begins proceedings for taxation of his costs, or at such other time as the Registrar may direct, produce at the Registry an account (verified by affidavit) of the moneys and other property received or paid or otherwise dealt with by him in his capacity as such an administrator.

(3) Unless the Court otherwise directs, the account shall be referred to the Registrar for examination and Order 59, Rules 21, 22 and 25 shall with the necessary modifications, apply in relation to proceedings for the examination of the account as they apply in relation to proceedings for taxation of the administrator's costs.

(4) Except where the remuneration of the administrator has been fixed by a Judge, the Registrar shall, on the completion of the examination of the administrator's account, and taxation of his costs, assess and provide for the administrator's remuneration.



## ORDER 73

## PROCEEDINGS BY AND AGAINST GOVERNMENT

**Application and interpretation (O. 73, r. 1)**

1.—(1) These Rules apply to civil proceedings to which the Government is a party subject to the following Rules.

(2) In this Order —

“civil proceedings by the Government”; “civil proceedings against the Government”; and “civil proceedings by or against the Government” have the same respective meanings as in Part III of the Government Proceedings Act (Cap. 121);

“civil proceedings to which the Government is a party” has the same meaning as it has for the purposes of Part V of the Government Proceedings Act, by virtue of section 2(3) of that Act;

“order against the Government” means any order (including an order for costs) made in any civil proceedings by or against the Government, or in connection with any arbitration to which the Government is a party, in favour of any person against the Government or against a Government department or against an officer of the Government as such;

“order” includes a judgment, decree, rule, award or declaration.

**Particulars to be included in endorsement of claim (O. 73, r. 2)**

2.—(1) In the case of a writ which begins civil proceedings against the Government the endorsement of claim required by Order 6, Rule 2 shall include a statement of the circumstances in which the Government’s liability is alleged to have arisen and as to the Government department and officers of the Government concerned.

(2) If in civil proceedings against the Government a defendant considers that the writ does not contain a sufficient statement as required by this Rule, he may, before the expiration of the time limited for appearing, apply to the plaintiff by notice for a further and better

statement containing such information as may be specified in the notice.

(3) Where a defendant gives a notice under this Rule, the time limited for appearing shall not expire until 4 days after the defendant has notified the plaintiff in writing that the defendant is satisfied with the statement supplied in compliance with the notice or 4 days after the Court has, on the application of the plaintiff by summons served on the defendant not less than 7 days before the return day, decided that no further information as to the matters referred to in paragraph (1) is reasonably required.

### **Service on Government (O. 73, r. 3)**

**3.—**(1) Order 10, Order 11 and any other provision of these Rules relating to service out of the jurisdiction shall not apply in relation to the service of any process by which civil proceedings against the Government are begun.

(2) Personal service of any document required to be served on the Government for the purpose of or in connection with any civil proceedings is not requisite; but where the proceedings are by or against the Government, service on the Government must be effected —

- (a) by leaving the document at the office of the person who is in accordance with section 20 of the Government Proceedings Act (Cap. 121), to be served, or of any agent whom that person has nominated for the purpose, but in either case with a member of the staff of that person or agent; or
- (b) by posting it in a prepaid envelope addressed to the person who is to be served as aforesaid or to any such agent.

(3) In relation to the service of any document required to be served on the Government for the purpose of or in connection with any civil proceedings by or against the Government, Order 62, Rules 6 and 10 shall not apply, and Order 62, Rule 8 shall apply to service under paragraph (2) of this Rule.

**Counterclaim and set-off (O. 73, r. 4)**

4.—(1) Notwithstanding Order 15, Rule 2 and Order 18, Rules 17 and 18, a person may not in any proceedings by the Government make any counterclaim or plead a set-off if the proceedings are for the recovery of, or the counterclaim or set-off arises out of a right or claim to repayment in respect of, any taxes, duties or penalties.

(2) Notwithstanding Order 15, Rule 2 and Order 18, Rules 17 and 18, no counterclaim may be made, or set-off pleaded, without the leave of the Court, by the Government in proceedings against the Government, or by any person in proceedings by the Government —

- (a) if the Government is sued or sues in the name of a Government department and the subject-matter of the counterclaim or set-off does not relate to that department; or
- (b) if the Government is sued or sues in the name of the Attorney-General.

(3) Any application for leave under this Rule must be made by summons.

**Summary judgment (O. 73, r. 5)**

5.—(1) No application against the Government shall be made —

- (a) under Order 14, Rule 1 or 12, in any proceedings against the Government; or
- (b) under Order 14, Rule 5 or 12, in any proceedings by the Government.

(2) Where an application is made by the Government under Order 14, Rule 1 or 5, the affidavit required in support of the application must be made by —

- (a) the solicitor acting for the Government; or
- (b) an officer duly authorised by the solicitor so acting or by the department concerned.

**Summary applications to Court in certain revenue matters****(O. 73, r. 6)**

6.—(1) This Rule applies to applications under section 21 of the Government Proceedings Act (Cap. 121).

(2) An application to which this Rule applies must be made by originating summons.

(3) The person from whom any account or information or payment is claimed or by whom any books are required to be produced must be made defendant to the application.

(4) An originating summons under this Rule —

(a) must be entitled in the matter or matters out of which the need for the application arises and in the matter of the Government Proceedings Act; and

(b) must refer to the written law under which the account or information or payment or the production of books is claimed and, where information is claimed, must show (by appropriate questions or otherwise) what information is required.

(5) Upon any application to which this Rule applies, an affidavit by a duly authorised officer of the Government department concerned setting out the state of facts upon which the application is based and stating that he has reason to think that those facts exist shall be evidence of those facts; and if evidence is filed disputing any of those facts, further evidence may be filed, and the Court may either decide the matter upon the affidavits (after any cross-examination that may have been ordered) or may direct that it be decided by oral evidence in Court.

(6) An order in favour of the Government on an application to which this Rule applies shall, unless the Court otherwise determines, name a time within which each of its terms is to be complied with.

(7) Nothing in this Rule shall, in relation to any case in which the only relief claimed by the Government is the payment of money, be construed as requiring the Government to proceed by way of an application to which this Rule applies or as preventing the

Government from availing itself of any other procedure which is open to it under these Rules.

### **Judgment in default (O. 73, r. 7)**

7.—(1) Except with the leave of the Court, no judgment in default of appearance or of pleading shall be entered against the Government in civil proceedings against the Government or in third party proceedings against the Government.

(2) Except with the leave of the Court, Order 16, Rule 5(1)(a) shall not apply in the case of third party proceedings against the Government.

(3) An application for leave under this Rule must be made by summons, and the summons must be served not less than 7 days before the return day.

### **Third party notice (O. 73, r. 8)**

8.—(1) Notwithstanding anything in Order 16, a third party notice (including a notice issuable by virtue of Order 16, Rule 9) for service on the Government shall not be issued without the leave of the Court, and the application for the grant of such leave must be made by summons, and the summons must be served on the plaintiff and the Government.

(2) Leave to issue such a notice for service on the Government shall not be granted unless the Court is satisfied that the Government is in possession of all such information as it reasonably requires as to the circumstances in which it is alleged that the liability of the Government has arisen and as to the departments and officers of the Government concerned.

### **Interpleader: Application for order against Government (O. 73, r. 9)**

9. No order shall be made against the Government under Order 17, Rule 5(3), except upon an application by originating summons or summons served not less than 7 days before the return day.

**Discovery and interrogatories (O. 73, r. 10)**

10.—(1) [*Deleted by S 551/99*]

(2) In any civil proceedings to which the Government is a party, any order of the Court made under the powers conferred by section 34(1) of the Government Proceedings Act (Cap. 121) shall be construed as not requiring the disclosure of any document the withholding of which is authorised or required under any other written law or rule of law on the ground that its disclosure would be injurious to the public interest.

(3) Where in any such proceedings an order of the Court directs that a list of documents made in answer to an order for discovery against the Government shall be verified by affidavit, the affidavit shall be made by such officer of the Government as the Court may direct.

(4) Where in any such proceedings an order is made under section 34 of the Government Proceedings Act for interrogatories to be answered by the Government, the Court shall direct by what officer of the Government the interrogatories are to be answered.

(5) In any proceedings by the Government for the enforcement of any right for the enforcement of which proceedings by way of information might have been taken if the Government Proceedings Act had not been passed the Government may serve interrogatories or further interrogatories (except any third or subsequent set of interrogatories) under Order 26 without the leave of the Court.

**Evidence (O. 73, r. 11)**

11. For the avoidance of doubt it is hereby declared that any powers exercisable by the Court in regard to the taking of evidence are exercisable in proceedings by or against the Government as they are exercisable in proceedings between subjects.

**Execution and satisfaction of orders (O. 73, r. 12)**

12.—(1) Nothing in Orders 45 to 52 shall apply in respect of any order against the Government.

(2) An application under the proviso to section 31(1) of the Government Proceedings Act (Cap. 121) for a direction that a separate certificate shall be issued under that subsection with respect

to the costs (if any) ordered to be paid to the applicant, may be made to the Court by *ex parte* summons.

(3) Any such certificate must be in Form 184.

### **Attachment of debts, etc. (O. 73, r. 13)**

**13.—**(1) No order —

(a) for the attachment of debts under Order 49; or

(b) for the appointment of a receiver under Order 30 or 51,

shall be made or have effect in respect of any money due or accruing due, or alleged to be due or accruing due, from the Government.

(2) Every application to the Court for an order under section 33(1) of the Government Proceedings Act (Cap. 121), restraining any person from receiving money payable to him by the Government and directing payment of the money to the applicant or some other person must be made by summons served at least 4 days before the return day on the Government and, unless the Court otherwise orders, on the person to be restrained or his solicitor; and the application must be supported by an affidavit setting out the facts giving rise to it, and in particular identifying the particular debt from the Government in respect of which it is made.

(3) Order 49, Rules 5 and 6 shall apply in relation to such an application as is mentioned in paragraph (2) for an order restraining a person from receiving money payable to him by the Government as those Rules apply to an application under Order 49, Rule 1 for an order for the attachment of a debt owing to any person from a garnishee, except that the Court shall not have power to order execution to issue against the Government.

### **Applications under sections 19 and 35 of Government Proceedings Act (O. 73, r. 14)**

**14.—**(1) Every application to the Court under section 19(4) of the Government Proceedings Act (Cap. 121) must be made by summons.

(2) An application such as is referred to in section 35(2) of the Government Proceedings Act, may be made by summons to the Court at any time before trial or may be made at the trial of the proceedings.

ORDER 74

DEBTORS ACT

**Application and interpretation (O. 74, r. 1)**

1.—(1) These Rules apply to proceedings under the Debtors Act (Cap. 73) subject to the following Rules of this Order.

(2) In this Order —

“Act” means the Debtors Act;

“judgment” includes any order for the payment of money.

ARREST OF JUDGMENT DEBTOR

**Application under section 3 (O. 74, r. 2)**

2. An application for an order of arrest under section 3 of the Act must be made by ex parte summons supported by an affidavit to a Judge in chambers, unless the Court otherwise orders.

**Form of order of arrest (O. 74, r. 3)**

3. An order for arrest under section 3 of the Act must be in Form 185.

**Where judgment debtor summons issued under section 24 (O. 74, r. 3A)**

3A.—(1) The issue of a judgment debtor summons under section 24 of the Act shall not prevent a judgment creditor from applying to the Court for an order of arrest under section 3 of the Act.

(2) An order for arrest under section 24 of the Act must be in Form 186.

**Conveyance and subsistence money (O. 74, r. 4)**

4.—(1) Before any arrest is made under section 3 or 24 of the Act, the judgment creditor must, unless the Registrar otherwise orders, deposit in the Registry a sufficient sum of money to defray the cost of bringing the debtor before the Court, and detaining him in custody pending his appearance.



(2) Before an order of commitment made under the Act is executed, the judgment creditor must deposit in the Registry a sufficient sum of money to provide for the subsistence of the debtor for the period of imprisonment at such rate as may be prescribed by the Minister by notification in the *Gazette*.

(3) Order 46, Rules 12 and 13 shall apply with the necessary modifications to the sums of money deposited under this Rule.

### ARREST OR ATTACHMENT BEFORE JUDGMENT

#### **Applications for arrest and attachment before judgment under section 13 or 17 (O. 74, r. 5)**

5.—(1) An application under section 13 or 17 of the Act must be made by ex parte summons supported by an affidavit to a Judge in chambers, unless the Court otherwise orders.

(2) An affidavit under paragraph (1) and any order made thereon must be served on the defendant as soon as possible.

#### **Endorsement and form or order (O. 74, r. 6)**

6.—(1) An order of arrest or attachment of property before judgment must state the amount of claim and costs in respect of which it is issued, and before delivery to the Sheriff, be endorsed with the plaintiff's address for service.

(2) An order under paragraph (1) must be in one of the forms in Form 187.

#### **Plaintiff to provide defendant's subsistence (O. 74, r. 7)**

7. Rule 4 shall apply, with the necessary modifications, to a plaintiff at whose instance a defendant is arrested or committed under Part II of the Act.

#### **Mode of seizure before judgment (O. 74, r. 8)**

8. Any property liable to seizure under Part III of the Act shall be seized in the same manner as a seizure under a writ of seizure and sale.

**Deposit against costs of attachment (O. 74, r. 9)**

9.—(1) Before any order of attachment of property is executed, the plaintiff must deposit in the Registry a sufficient sum of money to defray the cost of the attachment and of keeping possession of the property.

(2) Order 46, Rules 12 and 13 shall apply with the necessary modifications to the sums of money deposited under this Rule.

**Release on payment of claim and costs (O. 74, r. 10)**

10. Where any property attached under an order of attachment is released by the Sheriff on the defendant paying to the Sheriff the sum stated in the order of attachment as the amount claimed by the plaintiff and costs as stated therein together with the costs of the execution up to the time of such payment, or under section 18 of the Act, the proper officer must give a receipt and keep the moneys in such place as directed by the Sheriff to abide by the order of the Court.

**Claim by third party (O. 74, r. 11)**

11. Any claim by a third party to property seized under Part III of the Act shall be dealt with in the manner relating to interpleader proceedings.

**JUDGMENT DEBTOR SUMMONS****Judgment debtor summons (O. 74, r. 11A)**

11A.—(1) A judgment debtor summons to enforce a judgment or order for the payment of money, whether by instalments or otherwise, must be in one of the forms in Form 191.

(2) A judgment debtor summons is issued on its being sealed by an officer of the Registry.

(3) Unless the Court otherwise orders, a judgment debtor summons must be served personally on the person summoned at least 7 days before the day fixed for the hearing thereof.

**Where 2 or more judgment debtors (O. 74, r. 11B)**

**11B.** Where a judgment has been given or an order made against 2 or more persons, the person entitled to enforce the judgment or order may require a judgment debtor summons to be issued against each or any of the persons liable under the judgment or order.

**Where judgment or order against firm (O. 74, r. 11C)**

**11C.—(1)** Where a judgment is given or order made against a firm, a judgment debtor summons may be issued against any person against whom execution may be issued to enforce such judgment or order under Order 77.

(2) Where the person entitled to enforce such judgment or order desires to issue a judgment debtor summons against any other person, he must apply for leave of the Court by *ex parte* summons in Form 189 supported by affidavit in Form 190.

(3) Where an order is made under paragraph (2), a copy of the affidavit must be served with the judgment debtor summons.

(4) If the person alleged to be liable does not appear on the day fixed for the hearing of the judgment debtor summons, he shall be deemed to admit his liability to pay the amount due, but if he appears and denies his liability the Court may determine the question of liability on the evidence then before it or may order the issue of liability to be tried in such manner as it thinks fit.

**11D.** [*Deleted by S 600/2012*]

**JUDGMENT NOTICE**

**12.** [*Deleted by S 600/2012*]

**Judgment notice (O. 74, r. 13)**

**13.—(1)** A judgment notice under section 6(3) or 24(7) of the Act must be in Form 193 and must be served personally, not less than 4 clear days before the day appointed for the debtor's attendance unless the Court otherwise orders.

(2) The judgment notice is issued on its being sealed by an officer of the Registry.

- (3) The judgment notice must be supported by an affidavit stating —
- (a) the full name and address of the judgment debtor;
  - (b) the date and particulars of the order for payment in respect of which default has been made;
  - (c) the total amount which has been paid since the date of the order for payment;
  - (d) the sum or instalment in respect of which default has been made;
  - (e) the date on which the same ought to have been paid according to the order for payment; and
  - (f) the debtor's occupation, circumstances and means of payment as they are known to the applicant.

### **Hearing of judgment notice (O. 74, r. 14)**

14.—(1) On the hearing of a judgment notice, the Court may make an order of commitment or vary the instalment order as it thinks just.

(2) If an order of commitment is made, the Court may direct the execution of such order to be suspended to enable the debtor to pay the amount in respect of which the order is made.

## COMMITMENT

### **Orders of commitment (O. 74, r. 15)**

15. An order of commitment under section 6(1), 15 or 24(8) of the Act must be in Form 194.

### **Payment by debtor (O. 74, r. 16)**

16. Where an order of commitment for non-payment of money is made, the debtor may, at any time, either to the Sheriff or, if he is in prison, to the officer in charge of the prison, pay the amount stated in the order and obtain his discharge.

### **Certificate of satisfaction (O. 74, r. 17)**

17.—(1) Where any judgment debt, in respect of which a debtor is imprisoned under the Act, is satisfied by payment or otherwise, the

judgment creditor must lodge with the Registrar a certificate of satisfaction signed by him in Form 195.

(2) If the judgment creditor makes default in lodging such certificate, the debtor, or any person on his behalf, may apply to the Court for an order for his discharge, and the Court in making such order may direct that the costs of the application be paid by the judgment creditor.

(3) An order under this Rule must be in Form 196.

### MISCELLANEOUS

#### **Security, how given (O. 74, r. 18)**

**18.**—(1) Where an order is made requiring a defendant to give security under the Act, the security shall be given in such manner, at such time, and on such terms (if any) as the Court may direct.

(2) When security has been given as ordered, the defendant, if he is in custody must be released.

#### **Discharge of surety (O. 74, r. 19)**

**19.** Whenever the Court discharges a surety under section 14 of the Act, it may at the same time order the defendant to be taken into custody and committed to prison for a term which may extend to 6 weeks unless he sooner gives fresh security.

#### **Control of Court (O. 74, r. 20)**

**20.** The money deposited, if any, and the security and all proceedings thereon shall be subject to the order and control of the Court.

#### **Bankruptcy or administration order against debtor (O. 74, r. 21)**

**21.** Where at the hearing of any proceedings under the Act the debtor satisfies the Court that a bankruptcy order under the Bankruptcy Act (Cap. 20) has been made against him and that the debt was provable in the bankruptcy or in the administration, no order shall be made:

Provided that where an order of commitment has been made, the order if not executed shall be recalled and cancelled, and if the debtor is in prison, he shall be discharged.

**Date of order of arrest (O. 74, r. 22)**

22. Any order of commitment or arrest of a judgment debtor under the Act shall bear the date of the day on which it was made, and shall continue in force for one year from and including such date and no longer, but it may be renewed subject to the conditions and in the manner prescribed for the renewal of writs of execution.

**Order for discharge under section 25 (O. 74, r. 22A)**

22A. An order for the discharge of a debtor under section 25 of the Act shall be in Form 197.

**Costs (O. 74, r. 23)**

23. Unless in any case it is otherwise ordered, the costs of and incidental to orders for arrest, commitment and attachment under the Act, and any amount spent by the plaintiff under Rules 5 and 10, shall be the plaintiff's costs in the cause.

ORDER 75

DISTRESS ACT

**Application and interpretation (O. 75, r. 1)**

1.—(1) These Rules apply to proceedings under the Distress Act (Cap. 84) subject to the following Rules.

(2) In this Order —

“Act” means the Distress Act;

“landlord” and “tenant” have the respective meanings assigned to them by section 2 of the Act.

**Application for writ of distress (O. 75, r. 2)**

2.—(1) Every application for a writ of distress must be made by ex parte originating summons supported by affidavit in Form 198.

(2) Where the application is made by a duly authorised agent of the landlord, he must produce his written authority in Form 199.

### **Writ of distress (O. 75, r. 3)**

3.—(1) A writ of distress must be in Form 200.

(2) The Registrar shall assign a serial number to the writ and shall sign, seal and date the writ whereupon the writ shall be deemed to be issued.

(3) Order 46, Rule 11 shall apply to the execution of a writ of distress.

### **Notice of seizure (O. 75, r. 4)**

4. A notice of seizure under section 9 of the Act must be in Form 90.

### **Applications under section 10 or 16 (O. 75, r. 5)**

5.—(1) An application under section 10 or 16 of the Act for the discharge or suspension of the writ or for the release of any part of the property distrained shall be made by summons within 7 days of the seizure, supported by affidavit stating the grounds on which the application is made.

(2) A copy of the application and the affidavit must be served on the landlord or his agent, as the case may be, before the hearing thereof.

### **Sale by public auction (O. 75, r. 6)**

6. Order 46, Rules 23 and 24 shall apply to all sales under the Act.

### **Return of property unsold (O. 75, r. 7)**

7.—(1) As soon as the amount recoverable under the writ of distress has been realised by the sale of any of the movable property seized, the balance of the property seized must be released and, if it had been removed, returned to the premises at which the seizure was made.

(2) The amount recoverable under the writ shall for the purposes of this Rule be deemed to include the rent in respect of which the writ was issued, the expenses of the sale and of execution of the writ, the Court fees and all costs due to the landlord.

**Procedure in cases under section 20 (O. 75, r. 8)**

**8.**—(1) In such cases as are provided for in section 20 of the Act, the Sheriff must, unless he is already in possession under a writ of execution, deliver a copy of the writ of distress to the officer in possession under the writ of execution, and inform him by notice of the amount due to the landlord for the last 6 months' rent, or any less period for which rent is due, and the amount of all fees and costs due in respect of the issue and execution of the writ of distress.

(2) An application under section 20(4) of the Act to discharge or suspend the writ of distress shall be made within the time and in the manner prescribed by Rule 5.

**Officer in possession to notify Sheriff of intended release (O. 75, r. 9)**

**9.** Where the property seized under a writ of execution is to be released, the officer in possession under such writ must, before giving up possession, notify the Sheriff of his intention to do so.

**Application under section 21 (O. 75, r. 10)**

**10.**—(1) An application by the Sheriff under section 21(1) of the Act must be supported by the affidavit of a person having knowledge of the facts stating the circumstances of the alleged removal.

(2) An authority to the Sheriff under this section must be in Form 201.

**Application under section 22(2) (O. 75, r. 11)**

**11.** An application under section 22(2) of the Act must be supported by affidavit, and notice of the application must be served on the landlord or his agent, as the case may be, at his address for service at least 2 clear days before the hearing thereof.

**Address for service (O. 75, r. 12)**

**12.** Any person making any application to a Court under this Act must give an address for service.



**Suspension of execution of writ (O. 75, r. 13)**

13. Whenever the execution of a writ of distress is ordered to be suspended, unless the Court otherwise orders, any property already seized thereunder shall remain under seizure and in the possession of the Sheriff or other officer in possession; but the sale thereof under the writ of distress shall be postponed till the expiration of the period for which the execution of the writ is suspended.

**Costs (O. 75, r. 14)**

14. The costs of all proceedings taken under the Act shall be at the discretion of the Court.

## ORDER 76

## DISABILITY

**Interpretation (O. 76, r. 1)**

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

“Act” means the Mental Capacity Act (Cap. 177A);

“person lacking capacity” means a person who lacks capacity within the meaning of the Mental Capacity Act in relation to matters concerning his property and affairs;

“person under disability” means, subject to Order 1, Rule 4(3) —

(a) a person who is a minor; or

(b) a person lacking capacity.

**Application for leave to institute proceedings (O. 76, r. 1A)**

1A.—(1) The jurisdiction of the Court to grant leave under section 25(2) of the Mental Health (Care and Treatment) Act (Cap. 178A) to bring proceedings against a person may be exercised only by a Judge in person.

(2) The application must be supported by an affidavit setting out the grounds on which such leave is sought and any facts necessary to substantiate those grounds.

**Person under disability must sue, etc., by litigation representative<sup>3</sup> (O. 76, r. 2)**

2.—(1) A person under disability may not bring, make a claim in, defend, make a counterclaim in, or intervene in any proceedings, or appear in any proceedings under a judgment or order notice of which has been served on him, except by his litigation representative<sup>3</sup>.

(2) Subject to these Rules, anything which in the ordinary conduct of any proceedings is required or authorised by a provision of these Rules to be done by a party to the proceedings shall or may, if the party is a person under disability, be done by his litigation representative<sup>3</sup>.

(3) A litigation representative<sup>3</sup> of a person under disability must act by a solicitor.

**Appointment of litigation representative<sup>3</sup> (O. 76, r. 3)**

3.—(1) This Rule shall not apply in relation to a probate action.

(2) Except as provided by paragraph (4) or (5) or by Rule 6, an order appointing a person litigation representative<sup>3</sup> of a person under disability is not necessary.

(3) Where a person is authorised under the Act to conduct legal proceedings in the name of a person lacking capacity or on his behalf, that person shall be entitled to be litigation representative<sup>3</sup> of the person lacking capacity in any proceedings to which his authority extends unless, in a case to which paragraph (4) or (5) or Rule 6 applies, some other person is appointed by the Court under that paragraph or Rule to be litigation representative<sup>3</sup> of the person lacking capacity in those proceedings.

(4) Where a person has been or is a litigation representative<sup>3</sup> of a person under disability in any proceedings, no other person shall be entitled to act as such litigation representative<sup>3</sup> of the person under disability in those proceedings unless the Court makes an order appointing him such litigation representative<sup>3</sup> in substitution for the person previously acting in that capacity.

(5) Where, after any proceedings have been begun, a party to the proceedings becomes a person lacking capacity, an application must

be made to the Court for the appointment of a person to be litigation representative<sup>3</sup> of that party.

(6) Except where the litigation representative<sup>3</sup> of a person under disability has been appointed by the Court —

- (a) the name of any person shall not be used in a cause or matter as litigation representative<sup>3</sup> of a person under disability;
- (b) an appearance shall not be entered in a cause or matter for a person under disability; and
- (c) a person under disability shall not be entitled to appear by his litigation representative<sup>3</sup> on the hearing of a summons which has been served on him,

until the documents listed in paragraph (7) have been filed in the Registry.

(7) The documents referred to in paragraph (6) are the following:

- (a) a written consent in Form 202 to be litigation representative<sup>3</sup> of the person under disability in the cause or matter in question given by the person proposing to be such litigation representative<sup>3</sup>;
- (b) where the person proposing to be such litigation representative<sup>3</sup> of the person under disability, being a person lacking capacity, is authorised under the Act to conduct the proceedings in the cause or matter in question in the name of the person lacking capacity or on his behalf, a copy, sealed with the seal of the Court, of the order or other authorisation made or given under the Act by virtue of which he is so authorised; and
- (c) except where the person proposing to be such litigation representative<sup>3</sup> of the person under disability, being a person lacking capacity, is authorised as mentioned in sub-paragraph (b), a certificate in Form 203 made by the solicitor for the person under disability certifying —
  - (i) that he knows or believes, as the case may be, that the person to whom the certificate relates is a minor or a

person lacking capacity, giving (in the case of a person lacking capacity) the grounds of his knowledge or belief;

- (ii) where the person under disability is a person lacking capacity, that there is no person authorised as aforesaid; and
- (iii) that the person so named has no interest in the cause or matter in question adverse to that of the person under disability.

**Probate action: Appointment of litigation representative<sup>3</sup>**  
**(O. 76, r. 4)**

4.—(1) This Rule applies in relation to a probate action to which a person under disability is a party or in which he intervenes or is cited under Order 72, Rule 5.

(2) Where the person under disability is a person lacking capacity and a person is authorised under the Act to conduct legal proceedings in the name of the person lacking capacity or on his behalf, the person so authorised shall be entitled to be litigation representative<sup>3</sup> of the person lacking capacity in any probate action to which his authority extends, provided that he shall not be entitled by virtue of this paragraph to be litigation representative<sup>3</sup> of a person lacking capacity in a probate action if some other person has been appointed by the Court under Rule 6 to be litigation representative<sup>3</sup> of the person lacking capacity in that action.

(3) Where the person under disability is a minor who is not a person lacking capacity and he has a statutory guardian or a testamentary guardian who is qualified to be his litigation representative<sup>3</sup> by virtue of paragraph (8), that guardian shall be entitled to be litigation representative<sup>3</sup> of the minor in a probate action.

(4) Where the person under disability is a minor who has attained the age of 16 years and is not a person lacking capacity, and there is no person qualified by virtue of paragraph (3) to be his litigation representative<sup>3</sup>, the minor may appoint as his litigation representative<sup>3</sup> a person who is qualified to be such litigation representative<sup>3</sup> by virtue

of paragraph (8) and who is one of his next-of-kin or, where the minor is a married woman, one of her next-of-kin or her husband.

(5) Where a minor appoints a person under paragraph (4) to be his litigation representative<sup>3</sup> in a probate action, the person so appointed may be litigation representative<sup>3</sup> of any other minor in that action provided that the other minor is under 16 years of age, is not a person lacking capacity and his interest in the action is the same as that of the minor making the appointment.

(6) Where there is no person qualified by virtue of paragraph (2) or (3), as the case may be, to be litigation representative<sup>3</sup> of a person under disability in a probate action and that person is either not entitled under paragraph (4) to appoint a person to be his litigation representative<sup>3</sup> or, being so entitled, makes no appointment thereunder, the litigation representative<sup>3</sup> of the person under disability in the action shall be such one of his next-of-kin or other person as the Court may appoint.

(7) An application under paragraph (6) for the appointment of a litigation representative<sup>3</sup> of a person under disability may be made by ex parte summons and must be supported by an affidavit showing —

- (a) that there is no person entitled to be such litigation representative<sup>3</sup> by virtue of paragraph (2) or (3), or appointed as such under paragraph (4), as the circumstances require;
- (b) if such be the case, that the person proposed as litigation representative<sup>3</sup> is a next-of-kin of the person under disability; and
- (c) that the person proposed as litigation representative<sup>3</sup> is willing and a proper person to act as such and has no interest in the action adverse to that of the person under disability.

(8) A person is qualified to be litigation representative<sup>3</sup> of a person under disability if he is competent and willing to act as such and has no interest in the action in question adverse to that of the person under disability.

(9) [*Deleted by S 806/2005*]

**Probate action: Further provisions (O. 76, r. 5)**

5.—(1) Where a party to a probate action is a person under disability, then, unless the litigation representative<sup>3</sup> of that person has been appointed such litigation representative<sup>3</sup> by the Court, the writ beginning the action (where that person is a plaintiff) shall not be issued, and an appearance shall not be entered for him in the action (where he is a defendant, intervener, or person cited under Order 72, Rule 5) without the consent of the Registrar.

(2) On the making of an application for a consent under paragraph (1) in relation to a minor who is not a person lacking capacity, there must be produced to the Registrar —

- (a) where the litigation representative<sup>3</sup> of the minor is his statutory guardian or testamentary guardian, an affidavit deposing to the guardianship and age of the minor and showing that the guardian has no interest in the action adverse to that of the minor;
- (b) where the litigation representative<sup>3</sup> of the minor is a person appointed under Rule 4(4) —
  - (i) the appointment;
  - (ii) a written consent to act as litigation representative<sup>3</sup> given by the person so appointed; and
  - (iii) an affidavit deposing to the age of the minor and containing the evidence which would be required by Rule 4(7) to be contained in an affidavit in support of an application for the appointment of that person as litigation representative<sup>3</sup> by the Court.

(3) On the making of an application for consent under paragraph (1) in relation to a person lacking capacity, there must be produced to the Registrar a copy, sealed with the seal of the Court, of the order or other authorisation made or given under the Act by virtue of which the litigation representative<sup>3</sup> of the person lacking capacity is authorised to conduct legal proceedings in the probate action in question in the name of the person lacking capacity or on his behalf.

**Appointment of litigation representative<sup>3</sup> where person under disability does not appear (O. 76, r. 6)**

6.—(1) Where —

- (a) in an action against a person under disability begun by writ, or by originating summons, no appearance is entered in the writ action for that person; or
- (b) the defendant to an action serves a defence and counterclaim on a person under disability who is not already a party to the action, and no appearance is entered for that person,

an application for the appointment by the Court of a litigation representative<sup>3</sup> of that person must be made by the plaintiff or defendant, as the case may be, after the time limited (as respects that person) for appearing and before proceeding further with the action or counterclaim.

(2) Where a party to an action has served on a person under disability who is not already a party to the action a third party notice within the meaning of Order 16 and no appearance is entered for that person to that notice, an application for the appointment by the Court of a litigation representative<sup>3</sup> of that person must be made by that party after the time limited (as respects that person) for appearing and before proceeding further with the third party proceedings.

(3) Where in any proceedings against a person under disability begun by originating summons, that person does not appear by a litigation representative<sup>3</sup>, at the hearing of the summons, the Court hearing it may appoint a litigation representative<sup>3</sup> of that person in the proceedings or direct that an application be made by the applicant, for the appointment of such a litigation representative<sup>3</sup>.

(4) At any stage in the proceedings under any judgment or order, notice of which has been served on a person under disability, the Court may, if no appearance is entered for that person in a writ action, or in any other case, appoint a litigation representative<sup>3</sup> of that person in the proceedings or direct that an application be made for the appointment of such a litigation representative<sup>3</sup>.

(5) An application under paragraph (1) or (2) must be supported by evidence proving —

- (a) that the person to whom the application relates is a person under disability;
- (b) that the person proposed as litigation representative<sup>3</sup> is willing and a proper person to act as such and has no interest in the proceedings adverse to that of the person under disability;
- (c) that the writ, originating summons, defence and counterclaim or third party notice, as the case may be, was duly served on the person under disability; and
- (d) subject to paragraph (6), that notice of the application was, after the expiration of the time limited for appearing and at least 7 days before the day fixed for hearing, so served on him.

(6) If the Court so directs, notice of an application under paragraph (1) or (2) need not be served on a person under disability.

(7) An application for the appointment of a litigation representative<sup>3</sup> made in compliance with a direction of the Court given under paragraph (3) or (4) must be supported by evidence proving the matters referred to in paragraph (5)(b).

#### **Application to discharge or vary certain orders (O. 76, r. 7)**

7. An application to the Court on behalf of a person under disability served with an order made ex parte under Order 15, Rule 7 for the discharge or variation of the order must be made —

- (a) if a litigation representative<sup>3</sup> is acting for that person in the cause or matter in which the order is made, within 14 days after the service of the order on that person; or
- (b) if there is no litigation representative<sup>3</sup> acting for that person in that cause or matter, within 14 days after the appointment of such a litigation representative<sup>3</sup> to act for him.



**Admission not to be implied from pleading of person under disability (O 76, r. 8)**

8. Notwithstanding anything in Order 18, Rule 13(1), a person under disability shall not be taken to admit the truth of any allegation of fact made in the pleading of the opposite party by reason only that he has not traversed it in his pleadings.

**Discovery and interrogatories (O. 76, r. 9)**

9. Orders 24, 26 and 26A shall apply to a person under disability and to his litigation representative<sup>3</sup>.

**Compromise, etc., by person under disability (O. 76, r. 10)**

10. Where in any proceedings money is claimed by or on behalf of a person under disability, no settlement, compromise or payment and no acceptance of money paid into Court, whenever entered into or made, shall so far as it relates to that person's claim be valid without the approval of the Court.

**Approval of settlement (O. 76, r. 11)**

11.—(1) Where, before proceedings in which a claim for money is made by or on behalf of a person under disability (whether alone or in conjunction with any other person) are begun, an agreement is reached for the settlement of the claim, and it is desired to obtain the Court's approval to the settlement, then notwithstanding anything in Order 5, Rule 2, the claim may be made in proceedings begun by originating summons and in the summons an application may also be made for —

- (a) the approval of the Court to the settlement and such orders or directions as may be necessary to give effect to it or as may be necessary or expedient under Rule 12; or
- (b) alternatively, directions as to the further prosecution of the claim.

(2) Where in proceedings under this Rule a claim is made under section 20 of the Civil Law Act (Cap. 43), the originating summons must include the particulars required under the Act.

(3) [*Deleted by S 806/2005*]

(4) In this Rule, “settlement” includes a compromise.

**Control of money recovered by person under disability (O. 76, r. 12)**

12.—(1) Where in any proceedings —

(a) money is recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, a person under disability; or

(b) money paid into Court is accepted by or on behalf of a plaintiff who is a person under disability,

the money shall be dealt with in accordance with directions given by the Court.

(2) Directions given under this Rule may provide that the money shall, as to the whole or any part thereof, be paid into Court and invested or otherwise dealt with.

(3) Without prejudice to paragraphs (1) and (2), directions given under this Rule may include any general or special directions that the Court thinks fit to give and, in particular, directions as to how the money is to be applied or dealt with and as to any payment to be made, either directly or out of the amount paid into Court, to the plaintiff, or to the litigation representative<sup>3</sup> in respect of moneys paid or expenses incurred for or on behalf or for the benefit of the person under disability or for his maintenance or otherwise for his benefit or to the plaintiff’s solicitor in respect of costs.

(4) Where in pursuance of directions given under this Rule money is paid into Court to be invested or otherwise dealt with, the money (including any interest thereon) shall not be paid out, nor shall any securities in which the money is invested, or the dividends thereon, be sold, transferred or paid out of Court, except in accordance with an order of the Court.

(5) Paragraphs (1) to (4) shall apply in relation to a counterclaim by or on behalf of a person under disability, and a claim made by or on behalf of such a person in an action by any other person for relief under Order 70, Rule 36, as if for references to a plaintiff there were substituted references to a defendant.

**Proceedings under Civil Law Act: Apportionment by Court  
(O. 76, r. 13)**

**13.**—(1) Where a single sum of money is paid into Court under Order 22, Rule 1 in satisfaction of causes of action arising under the Civil Law Act (Cap. 43) and that sum is accepted, the money shall be apportioned between the different causes of action by the Court either when giving directions for dealing with it under Rule 12 (if that Rule applies) or when authorising its payment out of Court.

(2) Where, in an action in which a claim under the Civil Law Act is made by or on behalf of more than one person, a sum in respect of damages is adjudged or ordered or agreed to be paid in satisfaction of the claim, or a sum of money paid into Court under Order 22, Rule 1 is accepted in satisfaction of the cause of action under the Civil Law Act, it shall be apportioned between those persons by the Court.

The reference in this paragraph to a sum of money paid into Court shall be construed as including a reference to part of a sum so paid, being the part apportioned by the Court under paragraph (1) to the cause of action under the Civil Law Act.

**Service of certain documents on person under disability (O. 76,  
r. 14)**

**14.**—(1) Where in any proceedings a document is required to be served personally on any person and that person is a person under disability, this Rule shall apply.

(2) Subject to this Rule and to Order 24, Rule 16(3) and Order 26, Rule 6(3), the document must be served —

- (a) in the case of a minor who is not also a person lacking capacity, on his father or guardian or, if he has no father or guardian, on the person with whom he resides or in whose care he is; and
- (b) in the case of a person lacking capacity, on the person (if any) who is authorised under the Act to conduct in the name of the person lacking capacity or on his behalf the proceedings in connection with which the document is to

be served or, if there is no person so authorised, on the person with whom he resides or in whose care he is, and must be served in the manner required by these Rules with respect to the document in question.

(3) Notwithstanding anything in paragraph (2), the Court may order that a document which has been, or is to be, served on the person under disability or on a person other than a person mentioned in that paragraph shall be deemed to be duly served on the person under disability.

(4) A judgment or order requiring a person to do, or refrain from doing any act, a summons for the committal of any person, and a subpoena against any person, must, if that person is a person under disability, be served personally on him unless the Court otherwise orders.

This paragraph shall not apply to an order for interrogatories or for discovery or inspection of documents.

## ORDER 77

### PARTNERS

#### **Actions by and against firms within jurisdiction (O. 77, r. 1)**

1. Subject to the provisions of any written law, any 2 or more persons claiming to be entitled, or alleged to be liable, as partners in respect of a cause of action and carrying on business within the jurisdiction may sue, or be sued, in the name of the firm (if any) of which they were partners at the time when the cause of action accrued.

#### **Disclosure of partners' names (O. 77, r. 2)**

2.—(1) Any defendant to an action brought by partners in the name of a firm may serve on the plaintiffs or their solicitor a notice requiring them or him forthwith to furnish the defendant with a written statement of the names and places of residence of all the persons who were partners in the firm at the time when the cause of action accrued; and if the notice is not complied with the Court may order in Form 204 the plaintiffs or their solicitor to furnish the defendant with such a

statement and to verify it on oath or otherwise as may be specified in the order, or may order that further proceedings in the action be stayed on such terms as the Court may direct.

(2) When the names of the partners have been declared in compliance with a notice or order given or made under paragraph (1), the proceedings shall continue in the name of the firm but with the same consequences as would have ensued if the persons whose names have been so declared had been named as plaintiffs in the writ.

(3) Paragraph (1) shall have effect in relation to an action brought against partners in the name of a firm as it has effect in relation to an action brought by partners in the name of a firm but with the substitution, for references to the defendant and the plaintiffs, of references to the plaintiff and the defendants respectively, and with the omission of the words “or may order” to the end.

### **Service of writ (O. 77, r. 3)**

**3.—**(1) Where by virtue of Rule 1 partners are sued in the name of a firm, the writ may, except in the case mentioned in paragraph (2), be served —

- (a) on any one or more of the partners; or
- (b) at the principal place of business of the partnership within the jurisdiction, on any person having at the time of service the control or management of the partnership business there,

and where service of the writ is effected in accordance with this paragraph, the writ shall be deemed to have been duly served on the firm, whether or not any member of the firm is out of the jurisdiction.

(2) Where a partnership has, to the knowledge of the plaintiff, been dissolved before an action against the firm is begun, the writ by which the action is begun must be served on every person within the jurisdiction sought to be made liable in the action.

(3) Every person on whom a writ is served under paragraph (1) must at the time of service be given a written notice in Form 205 stating whether he is served as a partner or as a person having the control or

management of the partnership business or both as a partner and as such a person; and any person on whom a writ is so served but to whom no such notice is given shall be deemed to be served as a partner.

**Entry of appearance in action against firm (O. 77, r. 4)**

4.—(1) Where persons are sued as partners in the name of their firm, appearance may not be entered in the name of the firm but only by the partners thereof in their own names, but the action shall nevertheless continue in the name of the firm.

(2) Where in an action against a firm the writ by which the action is begun is served on a person as a partner, that person, if he denies that he was a partner or liable as such at any material time, may enter an appearance in the action and state in the memorandum of appearance that he does so as a person served as a partner in the defendant firm but who denies that he was a partner at any material time.

An appearance entered in accordance with this paragraph shall, until it is set aside, be treated as an appearance for the defendant firm.

(3) Where an appearance has been entered for a defendant in accordance with paragraph (2) then —

- (a) the plaintiff may either apply to the Court to set it aside on the ground that the defendant was a partner or liable as such at a material time or may leave that question to be determined at a later stage of the proceedings; and
- (b) the defendant may either apply to the Court to set aside the service of the writ on him on the ground that he was not a partner or liable as such at a material time or may at the proper time serve a defence on the plaintiff denying in respect of the plaintiff's claim either his liability as a partner or the liability of the defendant firm or both.

(4) The Court may at any stage of the proceedings in an action in which a defendant has entered an appearance in accordance with paragraph (2), on the application of the plaintiff or of that defendant order that any question as to the liability of that defendant or as to the

liability of the defendant firm be tried in such manner and at such time as the Court directs.

(5) Where in an action against a firm the writ by which the action is begun is served on a person as a person having the control or management of the partnership business, that person may not enter an appearance in the action unless he is a member of the firm sued.

### **Enforcing judgment or order against firm (O. 77, r. 5)**

**5.—**(1) Where a judgment is given or order made against a firm, execution to enforce the judgment or order may, subject to Rule 6, issue against any property of the firm within the jurisdiction.

(2) Where a judgment is given or order made against a firm, execution to enforce the judgment or order may, subject to Rule 6 and to paragraph (3), issue against any person who —

- (a) entered an appearance in the action as a partner;
- (b) having been served as a partner with the writ of summons, failed to enter an appearance in the action;
- (c) admitted in his pleading that he is a partner; or
- (d) was adjudged to be a partner.

(3) Execution to enforce a judgment or order given or made against a firm may not issue against a member of the firm who was out of the jurisdiction when the writ of summons was issued unless he —

- (a) entered an appearance in the action as a partner;
- (b) was served within the jurisdiction with the writ as a partner; or
- (c) was, with the leave of the Court given under Order 11, served out of the jurisdiction with the writ, as a partner,

and, except as provided by paragraph (1) and by the foregoing provisions of this paragraph, a judgment or order given or made against a firm shall not render liable, release or otherwise affect a member of the firm who was out of the jurisdiction when the writ was issued.

(4) Where a party who has obtained a judgment or order against a firm claims that a person is liable to satisfy the judgment or order as being a member of the firm, and paragraphs (1), (2) and (3) do not apply in relation to that person, that party may apply to the Court for leave to issue execution against that person, the application to be made by summons which must be served personally on that person.

(5) Where the person against whom an application under paragraph (4) is made does not dispute his liability, the Court hearing the application may, subject to paragraph (3), give leave to issue execution against that person and, where that person disputes his liability, the Court may order that the liability of that person be tried and determined in any manner in which any issue or question in an action may be tried and determined.

### **Enforcing judgment or order in action between partners, etc.**

#### **(O. 77, r. 6)**

6.—(1) Execution to enforce a judgment or order given or made in —

- (a) an action by or against a firm in the name of the firm, against or by a member of the firm; or
- (b) an action by a firm in the name of the firm against a firm in the name of the firm where those firms have one or more members in common,

shall not issue except with the leave of the Court.

(2) The Court hearing an application under this Rule may give such directions including directions as to the taking of accounts and the making of inquiries as may be just.

### **Attachment of debts owed by firm (O. 77, r. 7)**

7.—(1) An order may be made under Order 49, Rule 1 in relation to debts due or accruing due from a firm carrying on business within the jurisdiction notwithstanding that one or more members of the firm is resident out of the jurisdiction.

(2) An order to show cause under the said Rule 1 relating to such debts must be served on a member of the firm within the jurisdiction



or on some other person having the control or management of the partnership business.

(3) Where an order made under the said Rule 1 requires a firm to appear before the Court, an appearance by a member of the firm constitutes a sufficient compliance with the Order.

### **Actions begun by originating summons (O. 77, r. 8)**

8. Rules 2 to 7 shall apply, with the necessary modifications, in relation to an action by or against partners in the name of their firm begun by originating summons as they apply in relation to such an action begun by writ.

### **Application to person carrying on business in another name (O. 77, r. 9)**

9. An individual carrying on business within the jurisdiction in a name or style other than his own name may be sued in that name or style as if it were the name of a firm, and Rules 2 to 8 shall, so far as applicable, apply as if he were a partner and the name in which he carries on business were the name of his firm.

### **Applications for orders charging partner's interest in property, etc. (O. 77, r. 10)**

10.—(1) Every application to the Court by a judgment creditor of a partner for an order under section 23 of the Partnership Act (Cap. 391), and every application to the Court by a partner of the judgment debtor made in consequence of the first-mentioned application must be made by summons.

(2) The Registrar may exercise the powers conferred on a Judge by the said section 23.

(3) Every summons issued by a judgment creditor under this Rule, and every order made on such a summons, must be served on the judgment debtor and on such of his partners as are within the jurisdiction.

(4) Every summons issued by a partner of a judgment debtor under this Rule, and every order made on such a summons, must be served —

- (a) on the judgment creditor;
- (b) on the judgment debtor; and
- (c) on such of the other partners of the judgment debtor as do not join in the application and are within the jurisdiction.

(5) A summons or an order served in accordance with this Rule on some only of the partners of a partnership shall be deemed to have been served on all the partners of that partnership.

## ORDER 78

### DEFAMATION ACTIONS

#### **Application (O. 78, r. 1)**

1. These Rules apply to actions for libel or slander subject to the following Rules.

#### **Endorsement of claim in libel action (O. 78, r. 2)**

2. Before a writ in an action for libel is issued it must be endorsed with a statement giving sufficient particulars of the publications in respect of which the action is brought to enable them to be identified.

#### **Obligation to give particulars (O. 78, r. 3)**

3.—(1) Where in an action for libel or slander the plaintiff alleges that the words or matters complained of were used in a defamatory sense other than their ordinary meaning, he must give particulars of the facts and matters on which he relies in respect of such sense.

(2) Where in an action for libel or slander the defendant alleges that, in so far as the words complained of consist of statements of fact, they are true in substance and in fact, and in so far as they consist of expressions of opinion, they are fair comment on a matter of public interest, or pleads to the like effect, he must give particulars stating which of the words complained of he alleges are statements of fact and of the facts and matters he relies on in support of the allegation that the words are true.

(3) Where in an action for libel or slander the plaintiff alleges that the defendant maliciously published the words or matters complained

of, he need not in his statement of claim give particulars of the facts on which he relies in support of the allegation of malice, but if the defendant pleads that any of those words or matters are fair comment on a matter of public interest or were published upon a privileged occasion and the plaintiff intends to allege that the defendant was actuated by express malice, he must serve a reply giving particulars of the facts and matters from which the malice is to be inferred.

(3A) Without prejudice to Order 18, Rule 12, the plaintiff must give full particulars in the statement of claim of the facts and matters on which he relies in support of his claim for damages, including details of any conduct by the defendant which it is alleged has increased the loss suffered and of any loss which is peculiar to the plaintiff's own circumstances.

(4) This Rule shall apply in relation to a counterclaim for libel or slander as if the party making the counterclaim were the plaintiff and the party against whom it is made the defendant.

#### **Provisions as to payment into Court (O. 78, r. 4)**

4.—(1) Where in an action for libel or slander against several defendants sued jointly the plaintiff, in accordance with Order 22, Rule 3(1), accepts money paid into Court by any of those defendants in satisfaction of his cause of action against that defendant, then, notwithstanding anything in Rule 3(4) of that Order, the action shall be stayed as against that defendant only, but —

- (a) the sum recoverable under any judgment given in the plaintiff's favour against any other defendant in the action by way of damages shall not exceed the amount (if any) by which the amount of the damages exceeds the amount paid into Court by the defendant as against whom the action has been stayed; and
- (b) the plaintiff shall not be entitled to his costs of the action against the other defendant after the date of the payment into Court unless either the amount of the damages awarded to him is greater than the amount paid into Court and accepted by him or the Judge is of the opinion that there

was reasonable ground for him to proceed with the action against the other defendant.

(2) Where in an action for libel a party pleads the defence for which section 10(2) of the Defamation Act (Cap. 75) provides, Order 22, Rule 7 shall not apply in relation to that pleading.

### **Statement in open Court (O. 78, r. 5)**

5.—(1) Where a party accepts money paid into Court in satisfaction of a cause of action for libel or slander, the plaintiff or defendant, as the case may be, may apply to a Judge in Chambers by summons for leave to make in open Court a statement in terms approved by the Judge.

(2) Where a party to an action for libel or slander which is settled before the trial desires to make a statement in open Court, an application must be made to the Court for an order that the action be set down for trial, and before the date fixed for the trial the statement must be submitted for the approval of the Judge before whom it is to be made.

### **Interrogatories not allowed in certain cases (O. 78, r. 6)**

6. In an action for libel or slander where the defendant pleads that the words or matters complained of are fair comment on a matter of public interest or were published on a privileged occasion, no interrogatories as to the defendant's sources of information or grounds of belief shall be allowed.

### **Evidence in mitigation of damages (O. 78, r. 7)**

7. In an action for libel and slander in which the defendant does not by his defence assert the truth of the statement complained of, the defendant shall not be entitled at the trial or hearing to give evidence-in-chief, with a view to mitigation of damages, as to the circumstances under which the libel or slander was published, or as to the character of the plaintiff, without the leave of the Court, unless —

- (a) such matters are included in his defence filed and served in the action; or

- (b) where no defence has been filed and served, directions have been obtained from the Registrar pursuant to Order 37, Rule 1 for the inclusion of such evidence.

### **Fulfilment of offer of amends under section 7 of Defamation Act (O. 78, r. 8)**

8. An application to the Court under section 7 of the Defamation Act (Cap. 75) to determine any question as to the steps to be taken in fulfillment of an offer of amends made under that section may only be heard by a Judge in person.

## ORDER 79

### MONEYLENDERS' ACTIONS

#### **Application and interpretation (O. 79, r. 1)**

1.—(1) These Rules apply to a moneylender's action subject to the following Rules.

(2) In these Rules —

“moneylender” has the meaning assigned to it by section 2 of the Moneylenders Act (Cap. 188);

“moneylender's action” means an action for the recovery of money lent by a moneylender or for the enforcement of any agreement or security relating to money so lent, being an action brought by the lender or an assignee.

#### **Endorsement of writ (O. 79, r. 2)**

2. Before a writ beginning a moneylender's action is issued, it must be endorsed with a statement that at the time of the making of a loan or contract or the giving of the security in question, the lender was licensed as a moneylender.

#### **Particulars to be included in statement of claim (O. 79, r. 3)**

3. Every statement of claim in a moneylender's action (whether endorsed on the writ or not) must state —

- (a) the date on which the loan was made;

- (b) the amount actually lent to the borrower;
- (c) the rate per cent per annum of interest charged;
- (d) the date when the contract for repayment was made;
- (e) the fact that a note or memorandum of the contract was made and was signed by the borrower;
- (f) the date when a copy of the note or memorandum was delivered or sent to the borrower;
- (g) the amount repaid;
- (h) the amount due but unpaid;
- (i) the date upon which such unpaid sum or sums became due;
- (j) the amount of interest accrued due and unpaid on every such sum; and
- (k) the form in which the money was lent.

**Judgment in default of appearance or defence (O. 79, r. 4)**

4.—(1) In a moneylender’s action judgment in default of appearance or in default of defence shall not be entered except with the leave of the Court.

(2) An application for the grant of leave under this Rule must be made by summons, and the summons must, notwithstanding anything in Order 62, Rule 10, be served on the defendant.

(3) If the application is for leave to enter judgment in default of appearance, the summons shall not be issued until after the time limited for appearing.

(4) On the hearing of such an application, whether the defendant appears or not, the Court —

- (a) may exercise the powers of the Court under section 23 of the Moneylenders Act (Cap. 188);
- (b) where it refuses leave under this Rule to enter judgment on a claim or any part of a claim, may make or give any such order or directions as it might have made or given or directions as it might have made or given had the

application been an application under Order 14, Rule 1 for judgment on the claim.

### **Particulars to be included in originating summons (O. 79, r. 5)**

5. Where a moneylender's action is begun by originating summons, the supporting affidavit must contain a statement of the matters specified in Rules 2 and 3.

## ORDER 80

### ADMINISTRATION AND SIMILAR ACTIONS

#### **Interpretation (O. 80, r. 1)**

1. In this Order, "administration action" means an action for the administration under the direction of the Court of the estate of a deceased person or for the execution under the direction of the Court of a trust and "personal representatives" includes executors, administrators and trustees.

#### **Determination of questions, etc., without administration (O. 80, r. 2)**

2.—(1) An action may be brought for the determination of any question or for any relief which could be determined or granted, as the case may be, in an administration action and a claim need not be made in the action for the administration or execution under the direction of the Court of the estate or trust in connection with which the question arises or the relief is sought.

(2) Without prejudice to the generality of paragraph (1), an action may be brought for the determination of any of the following questions:

- (a) any question arising in the administration of the estate of a deceased person or in the execution of a trust;
- (b) any question as to the composition of any class of persons having a claim against the estate of a deceased person or a beneficial interest in the estate of such a person or in any property subject to a trust;

- (c) any question as to the rights or interests of a person claiming to be a creditor of the estate of a deceased person or to be entitled under a will or on the intestacy of a deceased person or to be beneficially entitled under a trust.
- (3) Without prejudice to the generality of paragraph (1), an action may be brought for any of the following reliefs:
- (a) an order requiring a personal representative to furnish and, if necessary, verify accounts;
  - (b) an order requiring the payment into Court of money held by a person in his capacity as personal representative;
  - (c) an order directing a person to do or abstain from doing a particular act in his capacity as personal representative;
  - (d) an order approving any sale, purchase, compromise or other transaction by a person in his capacity as personal representative;
  - (e) an order directing any act to be done in the administration of the estate of a deceased person or in the execution of a trust which the Court could order to be done if the estate or trust were being administered or executed, as the case may be, under the direction of the Court.

**Parties (O. 80, r. 3)**

3.—(1) All the personal representatives to which an administration or such an action as is referred to in Rule 2 relates must be parties to the action, and where the action is brought by personal representatives, any of them who does not consent to being joined as a plaintiff must be made a defendant.

(2) Notwithstanding anything in Order 15, Rule 4(2), and without prejudice to the powers of the Court under that Order, all the persons having a beneficial interest in or claim against the estate or having a beneficial interest under the trust, as the case may be, to which such an action as is mentioned in paragraph (1) relates need not be parties to the action; but the plaintiff may make such of those persons, whether all or any one or more of them, parties as, having regard to the nature of the relief or remedy claimed in the action, he thinks fit.



(3) Where, in proceedings under a judgment or order given or made in an action for the administration under the direction of the Court of the estate of a deceased person, a claim in respect of a debt or other liability is made against the estate by a person not a party to the action, no party other than the executors or administrators of the estate shall be entitled to appear in any proceedings relating to that claim without the leave of the Court, and the Court may direct or allow any other party to appear either in addition to, or in substitution for, the executors or administrators on such terms as to costs or otherwise as it thinks fit.

**Grant of relief in action begun by originating summons (O. 80, r. 4)**

4. In an administration action or such an action as is referred to in Rule 2, the Court may make any certificate or order and grant any relief to which the plaintiff may be entitled by reason of any breach of trust, wilful default or other misconduct of the defendant notwithstanding that the action was begun by originating summons, but the foregoing provision is without prejudice to the power of the Court to make an order under Order 28, Rule 8 in relation to the action.

**Judgments and orders in administration actions (O. 80, r. 5)**

5.—(1) A judgment or order for the administration or execution under the direction of the Court of an estate or trust need not be given or made unless in the opinion of the Court the questions at issue between the parties cannot properly be determined otherwise than under such a judgment or order.

(2) Where an administration action is brought by a creditor of the estate of a deceased person or by a person claiming to be entitled under a will or on the intestacy of a deceased person or to be beneficially entitled under a trust, and the plaintiff alleges that no or insufficient accounts have been furnished by the personal representatives, as the case may be, then, without prejudice to its other powers, the Court may —

- (a) order that proceedings in the action be stayed for a period specified in the order and that the personal representatives,

shall within that period furnish the plaintiff with proper accounts; and

- (b) if necessary to prevent proceedings by other creditors or by other persons claiming to be entitled as aforesaid, give judgment or make an order for the administration of the estate to which the action relates and include therein an order that no proceedings are to be taken under the judgment or order, or under any particular account or inquiry directed, without the leave of the Judge in person.

### **Conduct of sale of trust property (O. 80, r. 6)**

6. Where in an administration action an order is made for the sale of any property vested in personal representatives, those personal representatives shall have the conduct of the sale unless the Court otherwise directs.

## ORDER 81

### SUMMARY PROCEEDINGS FOR POSSESSION OF LAND

#### **Proceedings to be brought by originating summons (O. 81, r. 1)**

1. Where a person claims possession of land which he alleges is occupied solely by a person or persons (not being a tenant or tenants holding over after the termination of the tenancy) who entered into or remained in occupation without his licence or consent or that of any predecessor in title of his, the proceedings may be brought by originating summons in accordance with the provisions of this Order.

#### **Jurisdiction (O. 81, r. 2)**

2. Proceedings under this Order may be heard and determined by a Registrar, who may refer them to a Judge if he thinks they should properly be decided by the Judge.

#### **Form of originating summons (O. 81, r. 3)**

3. An originating summons filed under this Order shall include the following note at the end thereof:

“*Note:* Any person occupying the premises who is not named as a defendant by this originating summons may apply to the Court personally or by solicitor to be joined as a defendant. If a person occupying the premises does not attend personally or by solicitor at the time and place abovementioned, such order will be made as the Court may think just and expedient.”.

#### **Affidavit in support (O. 81, r. 4)**

4.—(1) At the time of the filing of the originating summons under this Order, the plaintiff shall file a supporting affidavit stating —

- (a) his interest in the land;
- (b) the circumstances in which the land has been occupied without licence or consent and in which his claim to possession arises; and
- (c) that he does not know the name of any person occupying the land who is not named in the summons.

(2) Where the plaintiff is unable, after taking reasonable steps, to identify every person occupying the land for the purpose of making him a defendant, the plaintiff should state in his affidavit that he has taken reasonable steps (describing them) to identify the persons occupying the land who are not named in the summons.

#### **Service of originating summons (O. 81, r. 5)**

5.—(1) Where any person in occupation of the land is named in the originating summons, the summons together with a copy of the supporting affidavit shall be served on him —

- (a) personally;
- (b) by leaving a copy of the summons and of the affidavit or sending them to him at the premises; or
- (c) in such other manner as the Court may direct.

(2) Where any person not named as a defendant is in occupation of the land, the summons shall be served (whether or not it is also required to be served in accordance with paragraph (1)), unless the Court otherwise directs, by —

- (a) affixing a copy of the summons and a copy of the affidavit to the main door or other conspicuous part of the premises and, if practicable, inserting through the letter-box at the premises a copy of the summons and a copy of the affidavit enclosed in a sealed transparent envelope addressed to “the occupiers”; or
- (b) placing stakes in the ground at conspicuous parts of the occupied land, to each of which shall be affixed a sealed transparent envelope addressed to “the occupiers” and containing a copy of the summons and a copy of the affidavit.

(3) Order 28, Rule 3 shall not apply to proceedings under this Order.

#### **Application by occupier to be made a party (O. 81, r. 6)**

6. Without prejudice to Order 15, Rules 6 and 10, any person not named as a defendant who is in occupation of the land and wishes to be heard on the question whether an order for possession should be made may apply at any stage of the proceedings to be joined as a defendant.

#### **Order for possession (O. 81, r. 7)**

7.—(1) A final order for possession in proceedings under this Order shall, except in case of emergency and by leave of the Court, not be made less than 7 days after the date of service of the summons.

(2) An order for possession in proceedings under this Order shall be in Form 206.

(3) Nothing in this Order shall prevent the Court from ordering possession to be given on a specified date, in the exercise of any power which could have been exercised if possession had been claimed in an action begun by writ.

#### **Writ of possession (O. 81, r. 8)**

8.—(1) Order 45, Rule 3(2) shall not apply in relation to an order for possession under this Order but no writ of possession to enforce such an order shall be issued after the expiry of 3 months from the date of the order without the leave of the Court.

An application for leave may be made *ex parte* unless the Court otherwise directs.

(2) The writ of possession shall be in Form 207.

### **Setting aside order (O. 81, r. 9)**

9. The Court may, on such terms as it thinks just, set aside or vary any order made in proceedings under this Order.

## ORDER 82

### DEBENTURE HOLDERS' ACTION: RECEIVER'S REGISTER

#### **Receiver's register (O. 82, r. 1)**

1. Every receiver appointed by the Court in an action to enforce registered debenture or registered debenture stock shall, if so directed by the Court, keep a register of transfers of, and other transmissions of title to, such debentures or stock (referred to in this Order as the receiver's register).

#### **Registration of transfers, etc. (O. 82, r. 2)**

2.—(1) Where a receiver is required by Rule 1 to keep a receiver's register, then, on the application of any person entitled to any debentures or debenture stock by virtue of any transfer or other transmission of title, and on production of such evidence of identity and title as the receiver may reasonably require, the receiver shall, subject to paragraphs (2) and (3), register the transfer or other transmission of title in that register.

(2) Before registering a transfer the receiver must, unless the due execution of the transfer is proved by affidavit, send by post to the registered holder of the debentures or debenture stock transferred at his registered address a notice stating —

- (a) that an application for the registration of the transfer has been made; and
- (b) that the transfer will be registered unless within the period specified in the notice the holder informs the receiver that

he objects to the registration, and no transfer shall be registered until the period so specified has elapsed.

The period to be specified in the notice shall in no case be less than 7 days after a reply from the registered holder would in the ordinary course of post reach the receiver if the holder had replied to the notice on the day following the day when in the ordinary course of post the notice would have been delivered at the place to which it was addressed.

(3) On registering a transfer or other transmission of title under this Rule the receiver must endorse a memorandum thereof on the debenture or certificate of debenture stock, as the case may be, transferred or transmitted, containing a reference to the action and to the order appointing him receiver.

### **Application for rectification of receiver's register (O. 82, r. 3)**

3.—(1) Any person aggrieved by anything done or omission made by a receiver under Rule 2 may apply to the Court for rectification of the receiver's register, the application to be made by summons in the action in which the receiver was appointed.

(2) The summons shall in the first instance be served only on the plaintiff or other party having the conduct of the action but the Court may direct the summons or notice of the application to be served on any other person appearing to be interested.

(3) The Court hearing an application under this Rule may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the receiver's register and generally may decide any question necessary or expedient to be decided for the rectification of that register.

### **Receiver's register evidence of transfers, etc. (O. 82, r. 4)**

4. Any entry made in the receiver's register, if verified by an affidavit made by the receiver or by such other person as the Court may direct, shall in all proceedings in the action in which the receiver was appointed be evidence of the transfer or transmission of title to which the entry relates and, in particular, shall be accepted as evidence thereof for the purpose of any distribution of assets, notwithstanding

that the transfer or transmission has taken place after the making of a certificate in the action certifying the holders of the debentures or debenture stock certificates.

**Proof of title of holder of bearer debenture, etc. (O. 82, r. 5)**

5.—(1) This Rule applies in relation to an action to enforce bearer debentures or to enforce debenture stock in respect of which the company has issued debenture stock bearer certificates.

(2) Notwithstanding that judgment has been given in the action and that a certificate has been made therein certifying the holders of such debentures or certificates as are referred to in paragraph (1), the title of any person claiming to be such a holder shall (in the absence of notice of any defect in the title) be sufficiently proved by the production of the debenture or debenture stock certificates, as the case may be, together with a certificate of identification signed by the person producing the debenture or certificate identifying the debenture or certificate produced and certifying the person giving his name and address who is the holder thereof.

(3) Where such a debenture or certificate as is referred to in paragraph (1) is produced in the Chambers of the Judge, the solicitor of the plaintiff in the action must cause to be endorsed thereon a notice stating —

- (a) that the person whose name and address is specified in the notice (being the person named as the holder of the debenture or certificate in the certificate of identification produced under paragraph (2)) has been recorded in the Chambers of the Judge as the holder of the debenture or debenture stock certificate, as the case may be;
- (b) that that person will, on producing the debenture or debenture stock certificate, as the case may be, be entitled to receive payment of any dividend in respect of that debenture or stock unless before payment a new holder proves his title in accordance with paragraph (2); and
- (c) that if a new holder neglects to prove his title as aforesaid he may incur additional delay, trouble and expense in obtaining payment.

(4) The solicitor of the plaintiff in the action must preserve any certificate of identification produced under paragraph (2) and must keep a record of the debentures and debenture stock certificates so produced and of the names and addresses of the persons producing them and of the holders thereof, and, if the Court requires it, must verify the record by affidavit.

### **Requirements in connection with payments (O. 82, r. 6)**

6.—(1) Where in an action to enforce any debentures or debenture stock an order is made for payment in respect of the debentures or stock, the Accountant-General shall not make a payment in respect of any such debenture or stock unless either there is produced to him the certificate for which paragraph (2) provides or the Court has in the case in question for special reason dispensed with the need for the certificate and directed payment to be made without it.

(2) For the purpose of obtaining any such payment the debenture or debenture stock certificate must be produced to the solicitor of the plaintiff in the action or to such other person as the Court may direct and that solicitor or person must endorse thereon a memorandum of payment and must make and sign a certificate certifying that the statement set out in the certificate has been endorsed on the debenture or debenture stock certificate, as the case may be, and send the certificate to the Accountant-General.

## ORDER 83

### MORTGAGE ACTIONS

#### **Application and interpretation (O. 83, r. 1)**

1.—(1) This Order applies to any action (whether begun by writ or originating summons) by a mortgagee or mortgagor or by any person having the right to foreclose or redeem any mortgage, being an action in which there is a claim for any of the following reliefs:

- (a) payment of moneys secured by the mortgage;
- (b) sale of the mortgaged property;
- (c) foreclosure;



- (d) delivery of possession (whether before or after foreclosure or without foreclosure) to the mortgagee by the mortgagor or by any other person who is or is alleged to be in possession of the property;
- (e) redemption;
- (f) reconveyance of the property or its release from the security;
- (g) delivery of possession by the mortgagee.

(2) In this Order, “mortgage” includes a legal and an equitable mortgage and a legal and an equitable charge, and references to a mortgagor, a mortgage and mortgaged property shall be construed accordingly.

(3) An action to which this Order applies is referred to in this Order as a mortgage action.

(4) These Rules apply to mortgage actions subject to the following provisions of this Order.

### **Claims for possession (O. 83, r. 2)**

2.—(1) In a mortgage action begun by originating summons, being an action in which the plaintiff is the mortgagee and claims delivery of possession or payments of moneys secured by the mortgage or both, the following provisions of this Rule shall apply.

(2) [*Deleted by S 806/2005*]

(3) Where the plaintiff claims delivery of possession, there must be endorsed on the outside fold of the copy of the affidavit served on the defendant a notice informing the defendant that the plaintiff intends at the hearing to apply for an order to the defendant to deliver up to the plaintiff possession of the mortgaged property and for such other relief (if any) claimed by the originating summons as the plaintiff intends to apply for at the hearing.

(4) Where the hearing is adjourned and the defendant was absent from the hearing, then, subject to any directions given by the Court, the plaintiff must serve a written notice of the adjourned hearing, together with a copy of any further affidavit intended to be used at that

hearing, on the defendant not less than 2 clear days before the day fixed for the hearing. A copy of any affidavit served under this paragraph must be endorsed in accordance with paragraph (3).

(5) Service under paragraph (4) or service of the supporting affidavit under Rule 3, and the manner in which it was effected, may be proved by a certificate signed by the plaintiff, if he sues in person, and otherwise by his solicitor.

### **Action for possession or payment (O. 83, r. 3)**

3.—(1) The supporting affidavit of the originating summons by which an action to which this Rule applies is begun must comply with the following provisions of this Rule.

This Rule applies to a mortgage action begun by originating summons in which the plaintiff is the mortgagee and claims delivery of possession or payment of moneys secured by the mortgage or both.

(2) The affidavit must exhibit a true copy of the mortgage.

(3) Where the plaintiff claims delivery of possession the affidavit must show the circumstances under which the right to possession arises and, except where the Court in any case or class otherwise directs, the state of the account between the mortgagor and mortgagee with particulars of —

(a) the amount and number of any instalments in arrears at the date of issue of the originating summons and at the date of the affidavit; and

(b) the amount remaining due under the mortgage.

(4) Where the plaintiff claims delivery of possession, the affidavit must give particulars of every person who to the best of the plaintiff's knowledge is in possession of the mortgaged property.

(5) If the mortgage creates a tenancy other than a tenancy at will between the mortgagor and mortgagee, the affidavit must show how and when the tenancy was determined and if by service of notice when the notice was duly served.

(6) Where the plaintiff claims payment of moneys secured by the mortgage, the affidavit must prove that the money is due and payable and give the particulars mentioned in paragraph (3).

(7) [*Deleted by S 515/92*]

#### **Action by writ: Judgment in default (O. 83, r. 4)**

4.—(1) Notwithstanding anything in Order 13 or Order 19, in a mortgage action begun by writ, judgment in default of appearance or in default of defence shall not be entered except with the leave of the Court.

(2) An application for the grant of leave under this Rule must be made by summons and the summons must, notwithstanding anything in Order 62, Rule 10, be served on the defendant not less than 4 clear days before the hearing of the summons.

(3) Where a summons for leave under this Rule is issued, Rule 2(3), (4) and (5) shall apply in relation to the action subject to the modification that for references therein to the originating summons, there shall be substituted references to the summons.

(4) Where a summons for leave under this Rule is issued in an action to which Rule 3 would apply had the action been begun by originating summons, the affidavit in support of the summons must contain the information required by that Rule.

#### **Foreclosure in redemption action (O. 83, r. 5)**

5. Where foreclosure has taken place by reason of the failure of the plaintiff in a mortgage action for redemption to redeem, the defendant in whose favour the foreclosure has taken place may apply by summons for an order for delivery to him of possession of the mortgaged property, and the Court may make such order thereon as it thinks fit.

ORDER 84

ORDER 84 : Proceedings relating to infants

1. [*Deleted by S 850/2014 wef 01/01/2015*]
2. [*Deleted by S 850/2014 wef 01/01/2015*]
3. [*Deleted by S 850/2014 wef 01/01/2015*]

ORDER 84A

ORDER 84A : Proceedings for disposition or division of property on divorce pursuant to section 17A(2)(c) of Supreme Court of Judicature Act

1. [*Deleted by S 850/2014 wef 01/01/2015*]
2. [*Deleted by S 850/2014 wef 01/01/2015*]
3. [*Deleted by S 850/2014 wef 01/01/2015*]

ORDER 84B

[*Deleted by S 49/2009*]

ORDER 85

BILLS OF SALE ACT

**Restraining removal or sale of goods seized (O. 85, r. 1)**

1.—(1) Every application to the High Court under section 8(3) of the Bills of Sale Act (Cap. 24) (referred to in this Order as the Act) shall be made by originating summons.

(2) Such an application shall be supported by an affidavit setting out the grounds of the application.

**Rectification of register (O. 85, r. 2)**

2.—(1) Every application to a Judge of the High Court under section 15 of the Act shall be made by ex parte originating summons.

(2) Such an application shall be supported by an affidavit setting out particulars of the bill of sale and of the omission or misstatement in question and stating the grounds on which the application is made.

**Entry of satisfaction (O. 85, r. 3)**

3.—(1) Every application to a Judge of the High Court under section 16 of the Act shall be made by originating summons.

(2) If a consent to the satisfaction signed by the person entitled to the benefit of the bill of sale can be obtained, such an application may be made by ex parte originating summons to the Registrar of the Supreme Court.

(3) An application under paragraph (1) must be —

- (a) served on the person entitled to the benefit of the bill of sale; and
- (b) supported by an affidavit that the debt (if any) for which the bill of sale was made has been satisfied or discharged.

(4) An application under paragraph (2) must be supported by —

- (a) an affidavit setting out the particulars of the consent to the satisfaction; and
- (b) an affidavit by a witness who attested the consent verifying the signature on it.

**Search of register (O. 85, r. 4)**

4. Any person who wishes to make searches or to obtain copies under section 17 of the Act shall make a request in writing to the registrar of bills of sale setting out sufficient particulars.

ORDER 85A

PROCEEDINGS ARISING OUT OF HIRE-PURCHASE  
AGREEMENTS

**Application (O. 85A, r. 1)**

1. These Rules apply to proceedings under the Hire-Purchase Act (Cap. 125) subject to the following Rules.

**Mode of application under Hire-Purchase Act (O. 85A, r. 2)**

2. An application under section 5(3), 10, 32, 43 or 44 of the Hire-Purchase Act (Cap. 125) must be made by originating summons supported by an affidavit stating the grounds of the application.

**Particulars to be included in statement of claim (O. 85A, r. 3)**

3. Where the plaintiff's claim is for the recovery of money arising out of a hire-purchase agreement, he must, in his statement of claim, give the following particulars:

- (a) the date of the agreement and the parties thereto;
- (b) the goods let under the agreement;
- (c) the amount of the hire-purchase price;
- (d) the amount paid by or on behalf of the hirer;
- (e) the amount (if any) claimed as being due and unpaid in respect of any instalment or instalments of the hire-purchase price; and
- (f) the amount of any other claim and the circumstances in which it arises.

ORDER 86

ORDER 86 : Inheritance (Family Provision) Act

1. to 6. [*Deleted by S 850/2014 wef 01/01/2015*]

## ORDER 87

## TRADE MARKS ACT

**Interpretation (O. 87, r. 1)****1.** In this Order —

“Act” means the Trade Marks Act (Cap. 332);

“registered trade mark” means a trade mark registered under the Act or under the repealed Act;

“Registrar” means the Registrar of Trade Marks;

“repealed Act” means the Trade Marks Act (Cap. 332, 1992 Ed.) repealed by the Act.

**Applications to Court (O. 87, r. 2)**

**2.**—(1) Subject to Rule 3, every application to the High Court under the Act or the repealed Act must be begun by originating summons.

(2) The originating summons must be served on the parties and the Registrar.

(3) Where the Registrar refers to the High Court an application made to him under the Act or the repealed Act, then, unless within one month after receiving notification of the decision to refer, the applicant makes to the Court the application, he shall be deemed to have abandoned it.

(4) The period prescribed by paragraph (3) may be extended by the Registrar on the application of any party interested and may be so extended although the application is not made until after the expiration of that period, but the foregoing provision shall not be taken to affect the power of the Court under Order 3, Rule 4 to extend that period.

**Proceedings for infringement of registered trade mark: Validity of registration disputed (O. 87, r. 3)**

**3.**—(1) Where in any proceedings a claim is made for relief for infringement of a registered trade mark, the party against whom the claim is made may in his defence put in issue the validity of the registration of that trade mark or may counterclaim for the revocation

of the registration or for a declaration that the registration was invalid or for the rectification of the register, or may do all or any of these.

(2) A party to any such proceedings who in his pleading (whether by way of defence or counterclaim) disputes the validity of the registration of a registered trade mark or seeks an order for the revocation of the registration or a declaration that the registration is invalid or an order for the rectification of the register must serve with the pleading particulars of the objection to the validity of the registration on which he relies.

(3) The party referred to in paragraph (2) must serve a copy of his pleading (including a copy of the particulars of objection to the validity of the registration) on the Registrar within 7 days of the filing of the pleading in Court, and the Registrar shall be entitled to take part in the proceedings to the extent permitted by the Court but need not serve a defence or other pleading unless ordered to do so by the Court.

#### **Appeals (O. 87, r. 4)**

**4.—**(1) An appeal to the Court from a decision of the Registrar in any case in which a right of appeal is given by the Act or the repealed Act must be brought by originating summons, and the originating summons is referred to in this Order as “notice of appeal”.

(2) An appeal shall be by way of rehearing and the evidence used on appeal shall be the same as that used before the Registrar and, except with the leave of the Court, no further evidence shall be given.

(3) Every notice of appeal must be filed with the Court within 28 days after the decision of the Registrar.

(4) A notice of appeal may be given in respect of the whole or any specific part of the decision of the Registrar, and must specify the grounds of the appeal and the relief which the appellant seeks.

(5) An appellant shall, within 7 days after filing a notice of appeal, serve a copy thereof on the Registrar and every other party to the proceedings before the Registrar.

(6) The appellant shall, within 14 days after the filing of a notice of appeal, file a bundle of documents consisting of a copy each of —



- (a) a representation of the trade mark which is the subject of the appeal;
- (b) the notice of opposition;
- (c) the application for alteration, revocation or rectification of the trade mark or for a declaration that the trade mark is invalid;
- (d) the counter-statement;
- (e) the statutory declarations filed with the Registrar (including any exhibits);
- (f) the written submissions; and
- (g) the grounds of decision of the Registrar.

(7) The Registrar shall transmit to the Court any document requested by the Court relating to the matter which is the subject of the appeal.

(8) Except with the leave of the Court, the appellant shall not be entitled on the hearing of the appeal to rely on any ground of appeal or to apply for any relief not specified in the notice of appeal.

(9) Where, under section 12(5) or 19(8) of the repealed Act, an applicant for trade mark registration becomes entitled and intends to withdraw his application, which is the subject-matter of an appeal, he must give notice of his intention to the Registrar and to every other party to the appeal within one month after the Court has given leave under section 12(5) or 19(8), as the case may be, for further grounds of objection to be taken.

### **Respondent's notice (O. 87, r. 5)**

5.—(1) A respondent who, not having appealed from the decision of the Registrar, desires to contend on the appeal that the decision should be varied, either in any event or in the event of the appeal being allowed in whole or in part, must give notice to that effect, specifying the grounds of that contention and the relief which he seeks from the Court.

(2) A respondent who desires to contend on the appeal that the decision of the Registrar should be affirmed on grounds other than

those set out in the grounds of decision must give notice to that effect, specifying the grounds of that contention.

(3) A respondent's notice shall be filed and served on the Registrar, the appellant and every other party to the proceedings before the Registrar within 14 days after the receipt of the notice of appeal by the respondent, or within such further time as the Court may direct.

### **Hearing of appeal (O. 87, r. 6)**

6. The Court shall give to the Registrar, the appellant and every other party to the proceedings before the Registrar not less than 7 days' notice of the date appointed for the hearing of the appeal, unless the Court directs that a shorter period of notice be given.

## ORDER 87A

### PATENTS ACT

### **Interpretation (O. 87A, r. 1)**

1. In this Order —

“Act” means the Patents Act (Cap. 221);

“journal” means the journal published pursuant to the rules made under section 115(4) of the Act;

“patent” means a patent granted under the Act or a patent in force by virtue of section 117(3) of the Act;

“Registrar” means the Registrar of Patents;

“Registry” means the Registry of Patents established under the Act.

### **Action for infringement (O. 87A, r. 2)**

2.—(1) Notwithstanding anything in Order 5, Rule 4, proceedings in which a claim is made by the plaintiff in respect of the infringement of a patent shall be begun by writ.

(2) The plaintiff in such an action must serve with his statement of claim particulars of the infringement relied on, showing which of the

claims in the specification of the patent are alleged to be infringed and giving at least one instance of each type of infringement alleged.

(3) If a defendant in such an action alleges, as a defence to the action, that at the time of the infringement there was in force a contract or licence relating to the patent made by or with the consent of the plaintiff and containing a condition or term void by virtue of section 51 of the Act, he must serve on the plaintiff particulars of the date of, and parties to, each such contract or licence and particulars of each such condition or term.

### **Objections to validity of patent (O. 87A, r. 3)**

3.—(1) A party to an action who puts in issue the validity of a patent by way of defence or counterclaim must serve his defence or counterclaim (as the case may be) together with particulars of the objections to the validity of the patent on which he relies within 42 days after service upon him of the statement of claim, provided that he gives prior notice of his intention to put in issue the validity of the patent within 14 days after service upon him of the statement of claim.

(2) Particulars given pursuant to paragraph (1) must state every ground on which the validity of the patent is put in issue and must include such particulars as will clearly define every issue which it is intended to raise.

(3) If the grounds stated in the particulars of objections include want of novelty or want of any inventive step, the particulars must state the manner, time and place of every prior publication or user relied upon and, if prior user is alleged, must —

- (a) specify the name of every person alleged to have made such user;
- (b) state whether such user is alleged to have continued until the priority date of the claim in question or of the invention, as may be appropriate, and, if not, the earliest and latest date on which such user is alleged to have taken place;
- (c) contain a description accompanied by drawings, if necessary, sufficient to identify such user; and

(d) if such user relates to machinery or apparatus, state whether the machinery or apparatus is in existence and where it can be inspected.

(4) If in the case of an existing patent —

(a) one of the grounds stated in the particulars of objections is that the invention, so far as claimed in any claim of the complete specification, is not useful; and

(b) it is intended, in connection with that ground, to rely on the fact that an example of the invention which is the subject of any such claim cannot be made to work, either at all or as described in the specification,

the particulars must state that fact and identify each such claim and must include particulars of each such example, specifying the respects in which it is alleged that it does not work or does not work as described.

(5) In any action or other proceedings relating to a patent in which the validity of the patent has been put in issue on the ground of obviousness, a party who wishes to rely on the commercial success of the patent must state in his pleadings the grounds upon which he so relies.

#### **Admissions (O. 87A, r. 4)**

4.—(1) Notwithstanding anything in Order 27, where a party desires any other party to admit any fact, he shall, within 21 days after service of a defence or a reply or after the expiration of the period fixed for the service thereof, serve on that other party a notice requiring him to admit for the purpose of the action or proceedings the facts specified in the notice.

(2) A party upon whom a notice under paragraph (1) is served shall within 21 days after service thereof serve upon the party making the request a notice stating in respect of each fact specified in the notice whether or not he admits it.

**Discovery of documents (O. 87A, r. 5)**

5.—(1) Order 24 shall apply in an action for infringement of a patent or a declaration of non-infringement of a patent or any proceedings where the validity of a patent is in issue, except that documents from the exempt classes shall not be listed.

(2) The exempt classes are —

- (a) documents relating to the infringement of a patent by a product or process if, before serving a list of documents, the party against whom the allegation of infringement is made has served on the other parties full particulars of the product or process alleged to infringe, including if necessary drawings or other illustrations;
- (b) documents relating to any ground on which the validity of a patent is put in issue, except documents which came into existence within the period beginning 2 years before the earliest claimed priority date and ending 2 years after that date; and
- (c) documents relating to the issue of commercial success.

(3) Where the issue of commercial success arises in any proceedings specified in paragraph (1), the proprietor of the patent shall serve a schedule containing the following details:

- (a) where the commercial success relates to an article or product —
  - (i) an identification of the article or product (for example by product code number) which the proprietor asserts has been made in accordance with the claims of the patent;
  - (ii) a summary by convenient periods of sales of any such article or product;
  - (iii) a summary for the equivalent periods of sales, if any, of any equivalent prior article or product marketed before the article or product mentioned in sub-paragraph (i); and

- (iv) a summary by convenient periods of any expenditure on advertising and promotion which supported the marketing of the articles or products mentioned in sub-paragraphs (i) and (iii);
- (b) where the commercial success relates to the use of a process —
- (i) an identification of the process which the proprietor asserts has been used in accordance with the claims of the patent;
  - (ii) a summary by convenient periods of the revenues received from the use of such process;
  - (iii) a summary for the equivalent periods of the revenues, if any, received from the use of any equivalent prior art process; and
  - (iv) a summary by convenient periods of any expenditure which supported the use of the process mentioned in sub-paragraphs (i) and (iii).
- (4) Notwithstanding paragraphs (1) and (2), any party may apply under Order 24 for further and better discovery or specific discovery of any document in an exempt class.
- (5) Paragraphs (1) and (2) shall not create any privilege in a document in an exempt class.
- (6) If, notwithstanding paragraphs (1) and (2), a party produces for inspection a document from an exempt class, that party shall, if so requested in writing by any other party, serve on the requesting party, within 14 days of such a request, a supplementary list of all the other documents within the same class as the document so produced, unless the Court otherwise orders.
- (7) This Rule is without prejudice to the Court's power to limit discovery on any other ground.

### **Experiments (O. 87A, r. 6)**

**6.—**(1) Where a party desires to establish any fact by experimental proof, he shall within 21 days after service of the lists of documents

under Rule 5, serve on the other party a notice stating the facts which he desires to establish and giving full particulars of the experiments proposed to establish them.

(2) A party upon whom a notice under paragraph (1) is served shall, within 21 days after service thereof, serve upon the other party a notice stating in respect of each fact whether or not he admits it.

(3) Where any fact which a party desires to establish by experimental proof is not admitted, he may at the hearing of the summons for directions apply for directions in respect of such experiments.

### **Restrictions on admission of evidence (O. 87A, r. 7)**

7.—(1) Except with the leave of the Court, no evidence shall be given of any alleged infringement, or of any objection to the validity, of the patent, if the infringement or objection was not raised in the particulars of infringements or objections, as the case may be.

(2) In any action or other proceeding relating to a patent, evidence which is not in accordance with a statement contained in particulars of objections to the validity of the patent shall not be given in support of such an objection unless the Court allows the evidence to be admitted.

(3) If any machinery or apparatus alleged to have been used before the priority date referred to in Rule 3(3)(b) is in existence at the date of service of the particulars of objections, no evidence of its user before that date shall be given unless it is proved that the party relying on such user offered, where the machinery or apparatus is in his possession, inspection of it to the other parties to the proceedings or, where it is not, used all reasonable endeavours to obtain inspection of it for those parties.

### **Determination of question or application where Registrar declines to deal with it (O. 87A, r. 8)**

8. Where the Registrar declines to deal with a question under section 20(7), 47(8) or 67(5) of the Act, any person entitled to do so may, within 28 days after the Registrar's decision, apply to the Court by originating summons to determine the question or application.

**Proceedings for determination of certain disputes (O. 87A, r. 9)**

9.—(1) The following proceedings must be begun by originating summons:

- (a) proceedings for the determination of any dispute referred to the Court under section 58 of the Act; and
- (b) any application under section 52(3) of the Act.

(2) There must be at least 14 days between the service of an originating summons under this Rule and the hearing date.

(3) On the hearing of an originating summons under this Rule, the Court shall give such directions for the further conduct of the proceedings as it thinks necessary or expedient and, in particular, directions for the service of particulars and as to the manner in which the evidence shall be given and as to the date of the hearing.

**Application for rectification of register of patents (O. 87A, r. 10)**

10.—(1) An application to the Court for an order that the register of patents be rectified must be made by originating summons, except where it is made by way of counterclaim in proceedings for infringement.

(2) Where the application relates to the register of patents, the applicant shall forthwith serve a copy of the application on the Registrar who shall be entitled to appear and to be heard on the application.

**Application for leave to amend specification under section 83 of the Act (O. 87A, r. 11)**

11.—(1) The proprietor of a patent intending to apply under section 83 of the Act for leave to amend his specification must give notice of his intention to the Registrar accompanied by a copy of an advertisement —

- (a) identifying the proceedings pending before the Court in which it is intended to apply for such leave;
- (b) giving particulars of the amendment sought;
- (c) stating the applicant's address for service within Singapore;



- (d) stating that a Statement of Reasons is available from that address; and
- (e) stating that any person intending to oppose the amendment must, within 28 days after the appearance of the advertisement, give written notice of his intention to the applicant, such notice to be accompanied by a Statement of Opposition,

and the Registrar shall insert the advertisement once in the journal.

(2) A person who gives notice in accordance with the advertisement shall be entitled to be heard on the application subject to any direction of the Court as to costs.

(3) The applicant must at the same time as giving notice to the Registrar serve a copy of the Statement of Reasons together with a copy of the patent as proposed to be amended on all parties to the proceedings.

(4) The Statement of Reasons shall contain full particulars of the amendment sought, the reasons therefor and the reasons why the applicant contends that in the exercise of the discretion the amendment should be allowed and in particular the Statement should contain —

- (a) a statement whether the amendment is by way of deletion of claims or re-writing of claims;
- (b) insofar as it involves re-writing claims, details as to why the proposed amendment is in accordance with the statutory requirements of an amendment; and
- (c) insofar as the amendment is sought to distinguish over prior art, an indication of the prior art.

(5) The Statement of Opposition shall contain full particulars of all grounds of opposition to the application to amend.

(6) As soon as may be after the expiration of 42 days from the appearance of the advertisement the applicant must make his application under the said section 83, by summons, in the proceedings pending before the Court, and the summons, together with a copy of the specification certified by the Registrar and showing

in coloured ink the amendment sought, must be served on the Registrar, the parties to the proceedings and any person who has given notice of his intention to oppose the amendment.

(7) On the hearing of the summons, the Court shall give such directions for the further conduct of the summons as it thinks necessary or expedient and, in particular, directions —

- (a) determining whether the summons shall be heard with the other proceedings relating to the patent in question or separately and, if separately, fixing the date of hearing thereof;
- (b) as to the manner in which the evidence shall be given and, if the evidence is to be given by affidavit, fixing the times within which the affidavits must be filed; and
- (c) as to whether any discovery is necessary and, if so, as to the extent of discovery and the manner and time within which the same is to be given.

(8) Where the Court allows a specification to be amended, the applicant must forthwith file a copy of the order made by the Court with the Registrar and, if so required by the Court or the Registrar, leave at the Registry a new specification and drawings as amended, prepared in compliance with the Act and the rules made under the Act.

(9) The Registrar shall cause a copy of the order to be inserted at least once in the journal.

### **Service of documents (O. 87A, r. 12)**

**12.—**(1) This Rule applies to the service of any document (including originating process) on a party until such time as that party has provided an address for service within the meaning of Order 6, Rule 2(2) or Order 12, Rule 2(3).

(2) Subject to paragraph (3), for the purposes of any proceedings relating to a patent (including proceedings for declaration as to non-infringement or groundless threats of infringement proceedings or any other proceedings of a kind mentioned in this Order) where any document is served in the manner prescribed by Order 10 or Order 62

at an address for service given in the register kept under section 42 of the Act —

- (a) service shall be deemed to have been effected on the proprietor of the patent on the date on which the document was served at the said address; and
- (b) the party on whom service is deemed to have been effected under sub-paragraph (a) shall be treated, for the purposes of any provision of these Rules which specifies a time-limit for responding to the document so served (whether by entering an appearance or otherwise), as having been served on the 7th day after the date on which the document was served at the said address.

(3) Nothing in paragraph (2) shall prevent service from being effected on the proprietor in accordance with the provisions of these Rules.

#### **Appeals under Act (O. 87A, r. 13)**

**13.—**(1) An appeal to the Court from a decision of the Registrar in any case in which a right of appeal is given by the Act must be brought by originating summons, and the originating summons is referred to in this Order as “notice of appeal”.

(2) An appeal shall be by way of rehearing and the evidence used on appeal shall be the same as that used before the Registrar and, except with the leave of the Court, no further evidence shall be given.

#### **Notice of appeal (O. 87A, r. 14)**

**14.—**(1) Notice of appeal shall be filed with the Court —

- (a) in the case of a decision on a matter of procedure, within 14 days after the date of the decision; and
- (b) in any other case, within 6 weeks after the date of the decision.

(2) The Registrar may determine whether any decision is on a matter of procedure and any such determination shall itself be a decision on a matter of procedure.

(3) Notice of appeal may be given in respect of the whole or any specific part of the decision of the Registrar and must specify the grounds of the appeal and the relief which the appellant seeks.

(4) Except with the leave of the Court, the appellant shall not be entitled on the hearing of the appeal to rely on any ground of appeal or to apply for any relief not specified in the notice of appeal.

(5) The appellant shall, within 5 days of lodging a notice of appeal, serve a copy thereof on the Registrar and other party to the proceedings before the Registrar.

(6) On receiving the notice of appeal, the Registrar shall forthwith transmit to the Court all the papers relating to the matter which is the subject of the appeal.

(7) Except by leave of the Court, no appeal shall be entertained unless the notice of appeal has been given within the period specified in paragraph (1) or within such further time as the Registrar may allow upon request made to him prior to the expiry of that period.

### **Respondent's notice (O. 87A, r. 15)**

**15.—**(1) A respondent who, not having appealed from the decision of the Registrar, desires to contend on the appeal that the decision should be varied, either in any event or in the event of the appeal being allowed in whole or in part, must give notice to that effect, specifying the grounds of that contention and the relief which he seeks from the Court.

(2) A respondent who desires to contend on the appeal that the decision of the Registrar should be affirmed on grounds other than those set out in the decision must give notice to that effect, specifying the grounds of that contention.

(3) A respondent's notice shall be filed and served on the Registrar and on the appellant and every other party to the proceedings before the Registrar within 14 days after receipt of notice of appeal by the respondent, or within such further time as the Court may direct.

(4) [*Deleted by S 806/2005*]

### **Hearing of appeal (O. 87A, r. 16)**

16. The Court shall give to the Registrar and to the appellant and every other party to the proceedings before the Registrar not less than 7 days' notice of the date appointed for the hearing of the appeal, unless the Court directs that a shorter notice be given.

## ORDER 88

### COMPANIES ACT

#### **Interpretation (O. 88, r. 1)**

1. In this Order —

“Act” means the Companies Act (Cap. 50);

“qualifying creditor” has the same meaning as in section 78H(6) of the Act.

#### **Applications to Court (O. 88, r. 2)**

2.—(1) Unless otherwise provided in the Act or this Order, every application under the Act must be made by originating summons and these Rules shall apply subject to this Order.

(2) [*Deleted by S 806/2005*]

(3) An application under section 394 of the Act may be made by ex parte originating summons.

(4) An application under section 216 of the Act shall be made by writ.

(5) In the case of a winding up application made under section 254(1)(i) of the Act, the Court may order the proceedings to continue as if the proceedings had been begun by writ and may, in particular, order that —

(a) pleadings be delivered or that the originating summons or any affidavits shall stand as pleadings, with or without liberty to any of the parties to add thereto or to apply for particulars thereof;

(b) any persons be added as parties to the proceedings; and

(c) Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) of that Order as requires parties to serve a notice specifying the orders and directions which they require and with any other necessary modifications, apply as if there had been a summons for directions in the proceedings.

(6) On or after the date of commencement of the Companies (Amendment) Act 2005 (Act 21 of 2005)\* —

(a) any application to confirm a reduction of the share premium account or capital redemption reserve fund of a company (being an application made before that date which is pending before the Court on that date) shall be treated as an application to confirm a reduction of the share capital of the company; and

(b) any appeal against an order made in relation to an application to confirm a reduction of the share premium account or capital redemption reserve fund of a company (being an appeal made before that date which is pending before the Court on that date) shall be treated as an appeal against an order made in relation to an application to confirm a reduction of the share capital of the company.

### **Entitlement of proceedings (O. 88, r. 3)**

3.—(1) Every originating summons to which this Order relates and all affidavits, notices and other documents in those proceedings must be entitled in the matter of the company in question and in the matter of the Act.

(2) The originating summons by which an application for leave under section 154(6) of the Act is made must be entitled in the matter of the company (if any) in relation to which the applicant was convicted and in the matter of the Act.

### **Summons for directions (O. 88, r. 4)**

4.—(1) Without prejudice to the generality of Order 28, Rule 4, on the first hearing of an originating summons to which this Order relates

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\*30th January 2006 — Date of commencement of the Companies (Amendment) Act 2005 (Act 21 of 2005).

the Court may by order give such direction as to the proceedings to be taken as it thinks fit including in particular, directions for the publication of notices and the making of any inquiry.

(2) Where the application made is to confirm a reduction of the share capital of a company, then, without prejudice to the generality of paragraph (1), the Court may give directions as to the proceedings to be taken for settling the list of qualifying creditors and fixing the date by reference to which that list is to be made, and the power of the Court under section 78H(3) of the Act to direct that any class or classes of creditors shall not be qualifying creditors may be exercised on any hearing of the originating summons.

(3) Rules 5 to 10 shall have effect subject to any directions given by the Court under this Rule.

### **Company to make list of qualifying creditors (O. 88, r. 5)**

**5.—**(1) Where under Rule 4 the Court orders such proceedings as are mentioned in paragraph (2) thereof, the company in question must, within 7 days after the making of the order, file in the Registry an affidavit made by an officer of the company competent to make it verifying a list containing —

- (a) the name and address of every qualifying creditor;
- (b) the amount due to each qualifying creditor or, in the case of any claim of any qualifying creditor which is subject to any contingency or which sounds only in damages or which for some other reason does not bear a certain value, a just estimate of the value thereof; and
- (c) the total of those amounts and values.

(2) The deponent must state in the affidavit his belief that, at the date fixed by the Court as the date by reference to which the list of qualifying creditors is to be made, there is no debt owed to, or claim of, any qualifying creditor which is not set out in the list of qualifying creditors, and must also state his means of knowledge of the matters deposed to.

(3) The list of qualifying creditors must be left at the Registry not later than one day after the affidavit is filed.

**Inspection of list of qualifying creditors (O. 88, r. 6)**

6.—(1) Copies of the list of qualifying creditors made under Rule 5 with the omission, unless the Court otherwise directs, of the amount due to each qualifying creditor and the estimated value of any claim of any qualifying creditor, shall be kept at the registered office of the company and at the office of that company's solicitor.

(2) Any person shall be entitled during ordinary business hours, on payment of a fee of 50 cents, to inspect the list of qualifying creditors at any such office and to take extracts therefrom.

**Notice to qualifying creditors (O. 88, r. 7)**

7. Within 7 days after filing the affidavit required by Rule 5, the company must send by post to each qualifying creditor named in the list of qualifying creditors exhibited to the affidavit, at his last known address, a notice stating —

- (a) the amount of the reduction sought to be confirmed;
- (b) the effect of the order as to the proceedings to be taken for settling the list of qualifying creditors;
- (c) the amount or value specified in the list of qualifying creditors as due or estimated to be due to that qualifying creditor; and
- (d) the time fixed by the Court within which, if he claims to be entitled to a larger amount, the qualifying creditor must send particulars of his debt or claim and the name and address of his solicitor, if any, to the company's solicitor.

**Advertisement of originating summons and list of qualifying creditors (O. 88, r. 8)**

8. After filing the affidavit required by Rule 5, the company must insert, in such newspapers and at such times as the Court directs, a notice stating —

- (a) the date of filing of the originating summons and the amount of the reduction thereby sought to be confirmed;



- (b) the proceedings to be taken for settling the list of qualifying creditors ordered by the Court under Rule 4(2);
- (c) the places where the list of qualifying creditors may be inspected in accordance with Rule 6; and
- (d) the time within which any person not named in the list of qualifying creditors who claims to be entitled to any debt of, or claim against, the company must, if he wishes to be included in the list of qualifying creditors, send his name and address, the name and address of his solicitor, if any, and the particulars of his debt or claim to the company's solicitor.

#### **Affidavit as to claims made by creditors (O. 88, r. 9)**

**9.** Within such time as the Court directs, the company must file in the Registry an affidavit made by the company's solicitor and an officer of the company competent to make it —

- (a) proving service of the notices mentioned in Rule 7 and advertisement of the notice mentioned in Rule 8;
- (b) verifying a list containing the names and addresses of the persons (if any) who in pursuance of such notices sent in particulars of debts or claims, specifying the amount of each debt or claim;
- (c) distinguishing in such list those debts or claims which are wholly, or in respect of which any and what parts thereof are, admitted by the company, disputed by the company or alleged by the company to be outside the scope of the proceedings; and
- (d) stating which of the persons named in the list of qualifying creditors made under Rule 5, and which of the persons named in the list made under this Rule, have been paid or consent to the reduction sought to be confirmed.

#### **Adjudication of disputed claims (O. 88, r. 10)**

**10.** If the company contends that a person is not entitled to be entered in the list of qualifying creditors in respect of any debt or claim

or in respect of the full amount claimed by him in respect of any debt or claim, then, unless the company is willing to secure payment of that debt or claim by appropriating the full amount of the debt or claim, the company must, if the Court so directs, send to that person by post at his last known address a notice requiring him —

- (a) within such time as may be specified in the notice, being not less than 4 clear days after service thereof, to file an affidavit proving his debt or claim or, as the case may be, so much thereof as is not admitted by the company; and
- (b) to attend the adjudication of his debt or claim at the place and time specified in the notice, being the time appointed by the Court for the adjudication of debts and claims.

### **Certifying list of qualifying creditors (O. 88, r. 11)**

**11.** The list of qualifying creditors, as settled by the Court under section 78H(2) of the Act, shall be certified and filed by the Registrar and his certificate shall —

- (a) specify the debts or claims (if any) disallowed by the Court;
- (b) distinguish —
  - (i) the debts or claims (if any) the full amount of which is admitted by the company;
  - (ii) the debts or claims (if any) the full amount of which, though not admitted by the company, the company is willing to secure;
  - (iii) the debts or claims (if any) the amount of which has been fixed by adjudication of the Court under section 78H(4) of the Act; and
  - (iv) other debts or claims;
- (c) specify the total amount of the debts or claims which have been secured for the purposes of section 78I(2) of the Act;
- (d) show which qualifying creditors consent to the reduction and the total amount of their debts or claims; and

- (e) specify the persons who sought to prove their debts or claims under Rule 10 and state which of such debts or claims were allowed.

### **Evidence of consent of qualifying creditor (O. 88, r. 12)**

12. The consent of a qualifying creditor to such reduction as is mentioned in Rule 4(2) may be proved in such manner as the Court thinks sufficient.

### **Time, etc., of hearing for confirmation of reduction (O. 88, r. 13)**

13.—(1) An originating summons for the confirmation of any such reduction as is mentioned in paragraph (2) of Rule 4 shall not, where the Court has ordered any proceedings pursuant to that paragraph, be heard before the expiration of at least 8 clear days after the filing of the certificate mentioned in Rule 11.

(2) Before the hearing of such an originating summons, a notice specifying the day appointed for the hearing must be published at such times and in such newspapers as the Court may direct.

14. [*Deleted by S 806/2005*]

## ORDER 89

### STATE COURTS ACT

### **Applications under section 54B, 54C or 54E (O. 89, r. 1)**

1.—(1) An application to the High Court under section 54B, 54C or 54E of the State Courts Act (Cap. 321) must be made by originating summons or summons, whichever is appropriate.

(2) The High Court hearing such an application may order the proceedings in the State Courts to be stayed until after the final determination of the application.

### **Procedure on transfer from the State Courts (O. 89, r. 2)**

2.—(1) Where an order is made by the High Court for the transfer of any proceedings from the State Courts to the High Court, the Registrar of the State Courts must send to the Registrar of the Supreme Court

the file of the proceedings, all documents, exhibits and a certified copy of the notes of evidence (if any) of the proceedings.

(2) The Registrar of the Supreme Court must give notice of the transfer to every party to the proceedings.

### **Procedure on transfer from High Court (O. 89, r. 3)**

3.—(1) Where an order is made by the High Court for the transfer of any proceedings from the High Court to the State Courts, the Registrar of the Supreme Court must send to the Registrar of the State Courts the file of the proceedings, all documents, exhibits and a certified copy of the notes of evidence (if any) of the proceedings.

(2) The Registrar of the State Courts must give notice of the transfer to every party to the proceedings.

(3) Subject to any directions in the order of the High Court, the trial shall proceed as if the proceedings were commenced in the State Courts.

### **Applications under section 54A, 54D or 54F (O. 89, r. 4)**

4.—(1) An application to the District Court under section 54A, 54D or 54F of the State Courts Act (Cap. 321) must be made by originating summons or summons, whichever is appropriate.

(2) The District Court hearing such an application may order the proceedings in the State Courts to be stayed until after the final determination of the application.

### **Procedure on transfer within the State Courts (O. 89, r. 5)**

5.—(1) Where an order is made by a District Court for the transfer of any proceedings from one State Court to another, the Registrar of the State Courts must give notice of the transfer to every party to the proceedings.

(2) Subject to any directions in the order of the District Court, the trial shall proceed as if the proceedings were commenced in the State Court to which the proceedings have been transferred.

## ORDER 89A

CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS  
CRIMES (CONFISCATION OF BENEFITS) ACT**Interpretation and application (O. 89A, r. 1)**

1.—(1) In this Order, “Act” means the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A) and any reference to a section shall, unless it is otherwise expressly provided, be construed as a reference to a section in the Act.

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) An application to which this Order applies must be made —

- (a) where an action is pending, by summons in the action; and
- (b) in any other case, by originating summons.

**Application for confiscation order (O. 89A, r. 2)**

2.—(1) An application for a confiscation order under section 4(1) or 5(1) must be filed and served with a supporting affidavit which must state —

- (a) the grounds for believing that the defendant has derived benefits from drug dealing or criminal conduct, as the case may be;

*[S 235/2016 wef 01/06/2016]*

- (b) that the defendant has been convicted of one or more drug dealing offences or serious offences, as the case may be, (giving particulars of each offence);

*[S 235/2016 wef 01/06/2016]*

- (c) full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide; and

- (d) the amount to be recovered under the confiscation order.

(2) *[Deleted by S 806/2005]*

(3) The application shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources and grounds thereof.

(5) The application must be filed and served with the supporting affidavit on —

(a) the defendant;

(b) any person having any interest in the property to which the application relates; and

(c) the receiver, where one has been appointed in the matter, not less than 7 clear days before the date fixed for the hearing of the application.

### **Application for variation of confiscation orders (O. 89A, r. 3)**

**3.—**(1) An application by the Public Prosecutor for a certificate under section 10(4) or for a variation of a confiscation order under section 10(6) must be filed and served with a supporting affidavit on —

(a) the defendant;

(b) any person having any interest in the property to which the application relates; and

(c) the receiver, where one has been appointed in the matter, not less than 7 clear days before the date fixed for the hearing of the application.

(2) [*Deleted by S 806/2005*]

(3) An application by the defendant for a certificate under section 22(1) or for a variation of a confiscation order under section 22(3) must be filed and served with a supporting affidavit on —

(a) the Public Prosecutor; and

(b) the receiver, where one has been appointed in the matter, not less than 7 clear days before the date fixed for the hearing of the application.

(4) [*Deleted by S 806/2005*]

**Protection of rights of third party where confiscation order is about to be made or has been made (O. 89A, r. 4)**

4. An application for an order declaring the nature, extent and value of a person's interest in property under section 13(1) or (3) must be filed and served with a supporting affidavit on —

(a) the Public Prosecutor;

(b) the defendant;

(c) any other person having any interest in the property to which the application relates; and

(d) the receiver, where one has been appointed in the matter, not less than 7 clear days before the date fixed for the hearing of the application.

**Application for restraint order or charging order (O. 89A, r. 5)**

5.—(1) An application for a restraint order under section 16 or for a charging order under section 17 (to either of which may be joined an application for the appointment of a receiver) must be filed and served with a supporting affidavit which must —

(a) state the grounds for believing that the defendant has derived benefits from drug dealing or criminal conduct, as the case may be;

*[S 235/2016 wef 01/06/2016]*

(b) state, as the case may be —

(i) that proceedings have been instituted against the defendant for a drug dealing offence or a serious offence, as the case may be, (giving particulars of the offence) and that they have not been concluded;

*[S 235/2016 wef 01/06/2016]*

- (ii) that the defendant has been officially informed under section 23(1) of the Criminal Procedure Code (Cap. 68) that he may be prosecuted for a drug dealing offence or a serious offence, as the case may be; and

[S 235/2016 wef 01/06/2016]

- (iii) that after investigations for a drug dealing offence or a serious offence, as the case may be, have been commenced against the defendant, the defendant has died or cannot be found or is outside the jurisdiction;

[S 235/2016 wef 01/06/2016]

- (c) contain full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide; and
- (d) where proceedings have not been instituted, indicate when it is intended that they should be instituted.

(2) [*Deleted by S 806/2005*]

(3) The application shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources and grounds thereof.

### **Restraint orders and charging orders (O. 89A, r. 6)**

**6.—(1)** A restraint order may be made subject to conditions and exceptions, including —

- (a) conditions relating to the indemnifying of third parties against expenses incurred in complying with the order; and
- (b) exceptions relating to living expenses and legal expenses of the defendant,



but the Public Prosecutor shall not be required to give an undertaking to abide by any order as to damages sustained by the defendant as a result of the restraint order.

(2) Unless the Court otherwise directs, a restraint order made *ex parte* shall have effect until a day which shall be fixed for the hearing *inter partes* of the application.

(3) Where a restraint order is made, the Public Prosecutor must —

- (a) unless the Court otherwise provides, serve copies of the order and of the supporting affidavit on the defendant and on all other named persons restrained by the order; and
- (b) notify all other persons or bodies affected by the order of its terms.

(4) Where a charging order is made, the Public Prosecutor must —

- (a) unless the Court otherwise directs, serve copies of the order and supporting affidavit on the defendant and, where property to which the order relates is held by another person, on that person; and
- (b) serve a copy of the order on such of the persons or bodies specified in Order 50, Rule 2(1), as shall be appropriate.

### **Discharge or variation of order (O. 89A, r. 7)**

7.—(1) Any person or body on whom a restraint order or a charging order is served or who is notified of such an order may apply to discharge or vary the order.

(2) The summons and any supporting affidavit must be filed and served on —

- (a) the Public Prosecutor; and
- (b) the defendant where he is not the applicant,

not less than 2 clear days before the date fixed for the hearing of the application.

**Further application (O. 89A, r. 8)**

**8.**—(1) Where a restraint order or a charging order has been made, an application may be made by the Public Prosecutor or, where the case is one of urgency, by way of an ex parte application —

- (a) to discharge or vary such order;
- (b) for a restraint order or a charging order in respect of other realisable property; or
- (c) for the appointment of a receiver.

(2) The supporting affidavit must, where the application is for a restraint order or a charging order, contain full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide.

(3) The application and supporting affidavit must be filed and served on the defendant and, where a receiver has been appointed in the matter, on the receiver, not less than 2 clear days before the date fixed for the hearing of the application.

(4) Rule 6(3) and (4) shall apply to the service of restraint orders and charging orders, respectively, made under this Rule on persons other than the defendant.

**Realisation of property (O. 89A, r. 9)**

**9.**—(1) An application for an order under section 19 must be filed and served with a supporting affidavit on —

- (a) the defendant;
- (b) any person having any interest in the realisable property to which the application relates; and
- (c) the receiver, where one has been appointed in the matter,

not less than 7 clear days before the date fixed for the hearing of the application.

(2) [*Deleted by S 806/2005*]

(3) The supporting affidavit must contain full particulars of the realisable property to which it relates and specify the person or

persons holding such property, as the deponent is, to the best of his knowledge able to provide, and a copy of the confiscation order, of any certificate issued by the Court under section 10(2) and of any charging order made in the matter must be exhibited to such affidavit.

(4) The Court may, on an application under section 19, exercise the power conferred by section 20(1) to direct the making of payments by the receiver.

### **Receivers (O. 89A, r. 10)**

**10.**—(1) Subject to this Rule, Order 30, Rules 2 to 6 shall apply where the Public Trustee is appointed as receiver in pursuance of a charging order or under section 16 or 19.

(2) It shall not be necessary for an affidavit of fitness to be sworn or for the Public Trustee to give security, unless the Court otherwise orders.

(3) Where the Public Trustee has fully paid the amount payable under the confiscation order and any sums remain in his hands, he must apply for directions as to the distribution of such sums.

(4) The application must be filed and served with a supporting affidavit on —

(a) the defendant; and

(b) any other person who held property realised by the receiver, not less than 7 clear days before the date fixed for the hearing of the application.

### **Application for substitute property confiscation order (O. 89A, r. 10A)**

**10A.**—(1) An application for a substitute property confiscation order under section 29B(1) must be filed with a supporting affidavit.

(2) The application must be entitled in the matter of the defendant (naming the defendant) and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

- (3) The supporting affidavit must state —
- (a) that the defendant is convicted, or is by reason of section 26 taken to be convicted, of a drug dealing offence or a serious offence (giving particulars of the offence);
  - (b) that the defendant had used or intended to use an instrumentality (giving particulars of the instrumentality) for the commission of the offence;
  - (c) that the instrumentality is not available for forfeiture;
  - (d) the reason mentioned in section 29B(2)(a), (b) or (c) that the instrumentality is not available for forfeiture (giving particulars of that reason);
  - (e) the value of the instrumentality at the time the offence was committed;
  - (f) full particulars of the realisable property in respect of which the order is sought, and the person or persons who (to the best of the deponent's knowledge) hold the property; and
  - (g) the amount to be recovered under the substitute property confiscation order.
- (4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources of information and grounds of belief.
- (5) The application and supporting affidavit must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —
- (a) the defendant;
  - (b) any person who has an interest in the realisable property to which the application relates; and
  - (c) the receiver, where one has been appointed in the matter.

[S 235/2016 wef 01/06/2016]

**Application for variation of substitute property confiscation order (O. 89A, r. 10B)**

**10B.**—(1) An application by the Public Prosecutor for a certificate under section 10(4) read with section 29C(1), or for an increase in the amount to be recovered under a substitute property confiscation order under section 10(6) read with section 29C(1), must be filed with a supporting affidavit.

(2) The application and supporting affidavit mentioned in paragraph (1) must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the defendant;
- (b) any person who has an interest in the realisable property to which the application relates; and
- (c) the receiver, where one has been appointed in the matter.

(3) An application by the defendant for a certificate under section 22(1) read with section 29C(1), or for a reduction in the amount to be recovered under a substitute property confiscation order under section 22(3) read with section 29C(1), must be filed with a supporting affidavit.

(4) The application and supporting affidavit mentioned in paragraph (3) must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the Public Prosecutor; and
- (b) the receiver, where one has been appointed in the matter.

*[S 235/2016 wef 01/06/2016]*

**Application for restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10C)**

**10C.**—(1) An application for a restraint order under section 16 read with section 29C(1), or for a charging order under section 17 read with section 29C(1), to either of which may be joined an application for the appointment of a receiver, must be filed with a supporting affidavit.

(2) The application must be entitled in the matter of the defendant (naming the defendant) and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

(3) The supporting affidavit must —

(a) state such of the following as may be applicable:

- (i) that proceedings have been instituted against the defendant for a drug dealing offence or a serious offence (giving particulars of the offence), and that those proceedings have not been concluded;
- (ii) that the defendant has been officially informed under section 23(1) of the Criminal Procedure Code (Cap. 68) that the defendant may be prosecuted for a drug dealing offence or a serious offence (giving particulars of the offence);
- (iii) that after investigations for a drug dealing offence or a serious offence (giving particulars of the offence) have been commenced against the defendant, the defendant has died or cannot be found or is outside the jurisdiction;

(b) state all of the following matters:

- (i) that the defendant had used or intended to use an instrumentality (giving particulars of the instrumentality) for the commission of the offence mentioned in sub-paragraph (a)(i), (ii) or (iii) (as the case may be);
  - (ii) that the instrumentality is not available for forfeiture;
  - (iii) the reason mentioned in section 29B(2)(a), (b) or (c) that the instrumentality is not available for forfeiture (giving particulars of that reason);
  - (iv) the value of the instrumentality at the time the offence was committed;
- (c) contain full particulars of the realisable property in respect of which the order is sought, and the person or persons who

(to the best of the deponent's knowledge) hold the property;  
and

- (d) where proceedings have not been instituted against the defendant, indicate when it is intended that they should be instituted.

(4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources of information and grounds of belief.

*[S 235/2016 wef 01/06/2016]*

**Application of Rules 7 and 8 to restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10D)**

**10D.** To avoid doubt, Rules 7 and 8 apply to —

- (a) a restraint order made under section 16 read with section 29C(1); and
- (b) a charging order made under section 17 read with section 29C(1).

*[S 235/2016 wef 01/06/2016]*

**Realisation of property after making of substitute property confiscation order (O. 89A, r. 10E)**

**10E.—(1)** An application for an order under section 19 read with section 29C(1) must be filed with a supporting affidavit.

(2) The supporting affidavit must —

- (a) contain full particulars of the realisable property to which the application relates, and the person or persons who (to the best of the deponent's knowledge) hold the property;  
and
- (b) exhibit a copy each of the substitute property confiscation order, any certificate issued by the Court under section 10(2) read with section 29C(1), and any charging order made in the matter.

(3) The application and supporting affidavit must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the defendant;
- (b) any person who has an interest in the realisable property to which the application relates; and
- (c) the receiver, where one has been appointed in the matter.

(4) The Court may, on an application under section 19 read with section 29C(1), exercise the power conferred by section 20(1) read with section 29C(1) to direct the making of payments by the receiver.

*[S 235/2016 wef 01/06/2016]*

**Receiver for enabling satisfaction of substitute property confiscation order (O. 89A, r. 10F)**

**10F.**—(1) Subject to this Rule, Order 30, Rules 2 to 6 apply where the Public Trustee is appointed as receiver —

- (a) in pursuance of a charging order made under section 17 read with section 29C(1); or
- (b) under section 16 or 19 read with section 29C(1).

(2) Unless the Court otherwise orders, the Public Trustee —

- (a) need not make an affidavit of fitness; and
- (b) need not give security.

(3) Where any sum remains after the Public Trustee has fully paid the amount payable under the substitute property confiscation order, the Public Trustee must apply for directions as to the distribution of that sum.

(4) The application must be filed with a supporting affidavit, and the application and supporting affidavit must be served, not less than 7 clear days before the date fixed for the hearing of the application, on —

- (a) the defendant; and



(b) any other person who held property realised by the receiver.

[S 235/2016 wef 01/06/2016]

### **Compensation (O. 89A, r. 11)**

**11.** An application for an order for compensation under section 50 must be filed and served with an affidavit stating the grounds of the application on —

(a) the person alleged to be in default; and

(b) the Public Prosecutor,

not less than 7 clear days before the date fixed for the hearing of the application.

### **Disclosure of information (O. 89A, r. 12)**

**12.—**(1) An application for disclosure of information under section 42 must state the nature of the order sought, specifying the grounds of the application and whether material sought to be disclosed is to be disclosed to a receiver appointed under section 16 or 19, or under section 16 or 19 read with section 29C(1), or in pursuance of a charging order or to an authorised officer.

[S 235/2016 wef 01/06/2016]

(2) The application and supporting affidavit must be filed and served on the public body —

(a) not less than 7 clear days before the date fixed for the hearing of the application; and

(b) where the public body is a Government department, in accordance with Order 73, Rule 3.

(3) The supporting affidavit shall state the grounds for believing that the conditions in section 42(4) and, if appropriate, section 42(7A) are fulfilled.

### **Investigation into drug dealing and criminal conduct — discharge and variation of orders (O. 89A, r. 13)**

**13.—**(1) An application for a production order under section 30 must be supported by affidavit and may be made ex parte.

(2) An application under section 34 for a warrant in Form 210 may be made ex parte.

(3) Where an order under section 30 has been made, the person required to comply with the order may apply to the Court for the order to be discharged or varied, and on hearing such an application the Court may discharge the order or make such variations to it as the Court thinks fit.

(4) Subject to paragraph (5), where a person proposes to file an application under paragraph (3) for the discharge or variation of an order, he shall serve a copy of the application, not later than 2 clear days before the filing of the application, on the authorised officer by whom the application for an order was made, or if such officer is not known or cannot be found, on another authorised officer.

(5) The Court may direct that paragraph (4) need not be complied with if the Court is satisfied that the person making the application has good reason to seek a discharge or variation of the order as soon as possible and it is not practicable to comply with that paragraph.

(6) Notwithstanding Order 60, Rule 4, no person may inspect or take a copy of any document relating to —

(a) the application referred to in paragraph (1); or

(b) an application to vary or discharge such an order under paragraph (3),

without the leave of Court.

*[S 235/2016 wef 01/06/2016]*

### **Production orders against financial institutions (O. 89A, r. 14)**

**14.**—(1) An application for a production order against a financial institution under section 31(1) must be supported by affidavit and may be made ex parte.

(2) Notwithstanding Order 60, Rule 4, no person may inspect or take a copy of any document relating to such application without the leave of Court.

## ORDER 89B

## MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT

**Interpretation and application (O. 89B, r. 1)**

1.—(1) In this Order, “Act” means the Mutual Assistance in Criminal Matters Act (Cap. 190A) and —

- (a) any reference to a section shall be construed as a reference to a section in the Act; and
- (b) any reference to the Third Schedule shall be construed as a reference to the Third Schedule to the Act.

*[S 235/2016 wef 01/06/2016]*

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) An application to which this Order applies must be made —

- (a) where an action is pending, by summons in the action; and
- (b) in any other case, by originating summons.

**Production orders (O. 89B, r. 2)**

2.—(1) An application for an order under section 22 must be supported by affidavit and may be made ex parte.

(2) Where an order under section 22 has been made, the person required to comply with the order may apply to the Court for the order to be discharged or varied, and on hearing such an application, the Court may discharge the order or make such variations to it as the Court thinks fit.

(3) Subject to paragraph (4), where a person proposes to file an application under paragraph (2) for the discharge or variation of an order, he shall serve a copy of the application, not later than 2 clear days before the filing of the application, on the Attorney-General or the person who made the application for the order.

(4) The Court may direct that paragraph (3) need not be complied with if the Court is satisfied that the person making the application has good reason to seek a discharge or variation of the order as soon as possible and it is not practicable to comply with that paragraph.

**Confidentiality of documents relating to production orders  
(O. 89B, r. 3)**

3. Notwithstanding Order 60, Rule 4, no person may inspect or take a copy of any document relating to —

(a) an application for an order under section 22; or

(b) an application to discharge or vary such an order,

without the leave of Court.

**Application for registration (O. 89B, r. 4)**

4. An application for registration of a foreign confiscation order under section 30(1) may be made *ex parte*.

**Evidence in support of application under section 30 (O. 89B,  
r. 5)**

5. An application for registration of a foreign confiscation order under section 30(1) must be supported by an affidavit —

(a) exhibiting the order or a duly authenticated copy thereof within the meaning of section 31(2) and, where the order is not in English, a duly translated copy thereof in English; and

(b) stating —

(i) that the order is in force and is not subject to further appeal in the foreign country;

(ii) where any person affected by the order did not appear in the proceedings, that he received notice thereof in sufficient time to enable him to defend them;

(iii) in the case of money, that at the date of the application the sum payable under the order has not been paid or the amount which remains unpaid, as the case may be, or, in the case of other property, the property which has not been recovered; and

(iv) to the best of the deponent's knowledge, particulars of the property that is believed to be located in

Singapore and against which the order was made, and the source of the deponent's knowledge.

### **Register of orders (O. 89B, r. 6)**

6.—(1) The Registrar shall keep a register of the orders registered under the Act.

(2) There shall be included in such register particulars of —

- (a) any cancellation of a registration;
- (b) any variation, satisfaction or discharge of a registered order; and
- (c) any execution issued on such an order.

### **Notice of registration (O. 89B, r. 7)**

7.—(1) Notice of the registration of an order must be served on the person against whom the order was made.

(2) Service of such a notice out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6 shall apply in relation to such a notice as they apply in relation to a writ.

(3) The notice must state the period within which an application may be made to cancel the registration and that the order will not be enforced until after the expiration of that period.

### **Application to cancel registration (O. 89B, r. 8)**

8. An application to cancel the registration of an order must be supported by affidavit.

### **Enforcement of foreign confiscation order (O. 89B, r. 9)**

9.—(1) A foreign confiscation order registered under section 30(2) shall not be enforced until after the expiration of the period specified in accordance with Rule 7(3) or, if that period has been extended by the Court, until after the expiration of the period so extended.

(2) If an application is made under Rule 8, a foreign confiscation order shall not be enforced until after such application is determined.

**Rules to have effect subject to orders (O. 89B, r. 10)**

10. Rules 4 to 9 shall have effect subject to the provisions of any order made under section 17.

**Application for restraint order or charging order (O. 89B, r. 11)**

11.—(1) An application for a restraint order under paragraph 7(1) of the Third Schedule or for a charging order under paragraph 8(1) of that Schedule (to either of which may be joined an application for the appointment of a receiver) must be filed and served with a supporting affidavit which must —

- (a) state, where applicable, that judicial proceedings have been instituted in a prescribed foreign country and have not been concluded, and the grounds for believing that a foreign confiscation order may be made in those proceedings;
- (b) contain full particulars of the property in respect of which the order is sought and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide; and
- (c) in a case to which paragraph 6(2) of the Third Schedule applies, indicate when it is intended that judicial proceedings should be instituted in the prescribed foreign country.

[S 235/2016 wef 01/06/2016]

(2) [*Deleted by S 806/2005*]

(3) The originating summons must be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

(4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources and grounds thereof.

**Restraint order and charging order (O. 89B, r. 12)**

12.—(1) A restraint order under paragraph 7(1) of the Third Schedule may be made subject to conditions and exceptions, including —

- (a) conditions relating to the indemnifying of third parties against expenses incurred in complying with the order; and
- (b) exceptions relating to living expenses and legal expenses of the defendant,

but the Attorney-General or the receiver who applied for the order (as the case may be) shall not be required to give an undertaking to abide by any order as to damages sustained by the defendant as a result of the restraint order.

*[S 235/2016 wef 01/06/2016]*

(2) Unless the Court otherwise directs, a restraint order made *ex parte* shall have effect until a day which shall be fixed for the hearing *inter partes* of the application.

(3) Where a restraint order is made, the Attorney-General or the receiver who applied for the order (as the case may be) must —

- (a) unless the Court otherwise provides, serve copies of the order and supporting affidavit on the defendant and on all other named persons restrained by the order; and
- (b) notify all other persons or bodies affected by the order of its terms.

(4) Where a charging order is made, the Attorney-General or the receiver who applied for the order (as the case may be) must —

- (a) unless the Court otherwise directs, serve copies of the order and supporting affidavit on the defendant and, where property to which the order relates is held by another person, on that person; and
- (b) serve a copy of the order on such of the persons or bodies specified in Order 50, Rule 2(1), as shall be appropriate.

### **Discharge or variation of order (O. 89B, r. 13)**

**13.—**(1) Any person or body on whom a restraint order under paragraph 7(1) of the Third Schedule or a charging order under paragraph 8(1) of that Schedule is served or who is notified of such an order may apply to discharge or vary the order.

*[S 235/2016 wef 01/06/2016]*

(2) The application and supporting affidavit must be filed and served on —

- (a) the Attorney-General or the receiver who applied for the order, as the case may be; and
- (b) the defendant where he is not the applicant,

not less than 7 clear days before the date fixed for the hearing of the application.

**Further application (O. 89B, r. 14)**

**14.—**(1) Where a restraint order under paragraph 7(1) of the Third Schedule or a charging order under paragraph 8(1) of that Schedule has been made, an application may be made by the Attorney-General or the receiver who applied for the order (as the case may be) and, where the case is one of urgency, by way of an ex parte application —

- (a) to discharge or vary such order;
- (b) for a restraint order under paragraph 7(1) of the Third Schedule or a charging order under paragraph 8(1) of that Schedule in respect of other realisable property; or
- (c) for the appointment of a receiver.

*[S 235/2016 wef 01/06/2016]*

(2) The application must be supported by affidavit.

(3) In the case of an application for a restraint order or a charging order, the affidavit must contain full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide.

(4) The application and any supporting affidavit must be filed and served on —

- (a) the defendant; and
- (b) the receiver, where one has been appointed in the matter,

not less than 7 clear days before the date fixed for the hearing of the application.



(5) Rule 12(3) and (4) shall apply to the service of restraint orders and charging orders, respectively, made under this Rule on persons other than the defendant.

### **Realisation of property (O. 89B, r. 15)**

**15.**—(1) An application under paragraph 10 of the Third Schedule must be filed and served with a supporting affidavit on —

- (a) the defendant;
- (b) any person holding any interest in the realisable property to which the application relates; and
- (c) the receiver, where one has been appointed in the matter,

not less than 7 clear days before the date fixed for the hearing of the application.

*[S 235/2016 wef 01/06/2016]*

(2) *[Deleted by S 806/2005]*

(3) The supporting affidavit must contain full particulars of the realisable property to which it relates and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide.

(4) A copy of the foreign confiscation order, and of any charging order made in the matter, must be exhibited to such affidavit.

(5) The Court may, on an application under paragraph 10 of the Third Schedule, exercise the power conferred by paragraph 11(1) of that Schedule to direct the making of payments by the receiver.

*[S 235/2016 wef 01/06/2016]*

### **Receivers (O. 89B, r. 16)**

**16.**—(1) Subject to this Rule, Order 30, Rules 2 to 6 shall apply where the Public Trustee is appointed as receiver in pursuance of a charging order or under paragraph 7 or 10 of the Third Schedule.

*[S 235/2016 wef 01/06/2016]*

(2) It shall not be necessary for an affidavit of fitness to be sworn or for the Public Trustee to give security, unless the Court otherwise orders.

(3) Where the Public Trustee has fully paid the amount payable under the foreign confiscation order and any sums remain in his hands, the Public Trustee must apply by summons for directions as to the distribution of such sums.

(4) The application must be filed and served with a supporting affidavit on —

(a) the defendant; and

(b) any other person who held property realised by the receiver, not less than 7 clear days before the date fixed for the hearing of the application.

**Restraint orders for instrumentality forfeiture orders (O. 89B, r. 17)**

17.—(1) An application for a restraint order under paragraph 17(1) of the Third Schedule (to which may be joined an application for the appointment of a receiver) may be made ex parte.

*[S 235/2016 wef 01/06/2016]*

(2) The application must be supported by an affidavit which must —

(a) state, where applicable, that judicial proceedings have been instituted in a prescribed foreign country and have not been concluded, and the grounds for believing that an instrumentality forfeiture order may be made in those proceedings;

(b) contain full particulars of the property in respect of which the order is sought and specify the person or persons holding such property, as the deponent is, to the best of his knowledge, able to provide; and

(c) in a case to which paragraph 17(3) of the Third Schedule applies, indicate when it is intended that judicial proceedings should be instituted in the prescribed foreign country.

*[S 235/2016 wef 01/06/2016]*

(3) The application must be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

(4) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources and grounds thereof.

(5) Rules 12, 13, 14 and 16 shall apply, with the necessary modifications, in relation to a restraint order under paragraph 17(1) of the Third Schedule as they apply in relation to a restraint order under paragraph 7(1) of that Schedule.

*[S 235/2016 wef 01/06/2016]*

### **Disposal of forfeited property (O. 89B, r. 18)**

**18.**—(1) An application for an order under paragraph 18 of the Third Schedule must be filed and served with a supporting affidavit on any person holding any interest in the property to which the application relates not less than 7 clear days before the date fixed for the hearing of the application.

*[S 235/2016 wef 01/06/2016]*

(2) *[Deleted by S 806/2005]*

(3) The supporting affidavit must contain full particulars of the property and specify the person or persons holding any interest in such property, as the deponent is, to the best of his knowledge, able to provide.

(4) A copy of the instrumentality forfeiture order must be exhibited to such affidavit.

### **Compensation (O. 89B, r. 19)**

**19.** An application for an order under paragraph 16 or 21 of the Third Schedule must be filed and served with an affidavit stating the grounds of the application on —

- (a) the person alleged to be in default; and
- (b) the Attorney-General,

not less than 7 clear days before the date fixed for the hearing of the application.

[S 235/2016 wef 01/06/2016]

### **Application for search warrant (O. 89B, r. 20)**

**20.** An application under section 34 for a warrant in Form 211 must be supported by affidavit and may be made *ex parte*.

### **Service of foreign process (O. 89B, r. 21)**

**21.**—(1) The service of any process under section 38 may be accompanied by other documents that provide information for a better understanding of the process or information on the consequences of failure to comply with the process.

(2) The service of any process under section 38 may be effected —

(a) in the case of a natural person, by leaving a copy of it with the person to be served; or

(b) in all other cases, by leaving a copy of it with the chairman, president, secretary, treasurer, director, partner or other similar officer thereof of the body corporate or unincorporated organisation to be served.

(3) After the service of any process under section 38 has been effected or (as the case may be) attempts to effect service of it have failed, the authorised officer or process server (as the case may be) shall make an affidavit of service or attempted service, which —

(a) describes when, where and how he did or attempted to effect service of the process; and

(b) exhibits a copy of the process received with the request for service.

(4) After the affidavit is tendered to the Registrar, the Registrar shall issue to the Attorney-General either the certificate or the statement referred to in paragraphs (5) and (6).

(5) The certificate referred to in section 38(3)(b)(i) shall be in Form 212.

(6) The statement referred to in section 38(3)(b)(ii) shall be in Form 213.

## ORDER 89C

### EMPLOYMENT ACT

#### **Application (O. 89C, r. 1)**

1. These Rules shall apply to proceedings under the Employment Act (Cap. 91) subject to the following Rules.

#### **Orders of Commissioner for Labour (O. 89C, r. 2)**

2.—(1) Where the Commissioner for Labour (referred to in this Order as the Commissioner) has made an order under the Employment Act (Cap. 91) and such order is sought to be enforced in a District Court, the Commissioner shall issue a certificate of the order and the certificate must be filed with a copy of the order in the Court.

(2) Where the certificate and a copy of the order have been filed in the Court under paragraph (1), the order may be enforced by the Court as if it were a judgment of the Court.

#### **Certificate of order (O. 89C, r. 3)**

3.—(1) The certificate must state —

- (a) the number and title of the case in which the order was made;
- (b) the date of the order;
- (c) the name, occupation and address of every person ordered to pay any sum of money;
- (d) the amount ordered to be paid by such person;
- (e) the name, occupation and address of every person to whom any sum is ordered to be paid and the amount to be paid to each such person;
- (f) any other material terms or conditions of the order; and
- (g) the extent to which the order has been satisfied and the balance remaining due thereunder.

(2) Where the persons are numerous the particulars referred to in paragraph (1) may be set out in a schedule attached to the certificate.

(3) Where the order is that the amount is to be paid to the Commissioner for distribution among the persons, it shall be sufficient to state the name of each person and the amount to be paid on his account.

(4) The certificate must be sealed with the seal of the Commissioner and it must be dated and signed by him.

4. [Deleted by S 600/2012]

5. [Deleted by S 600/2012]

6. [Deleted by S 600/2012]

### **Payment of sums recovered (O. 89C, r. 7)**

7. Unless the Commissioner otherwise orders, all sums of money recovered by the Court under the order, after payment of the costs, charges and expenses of enforcing the order, must be paid to the Commissioner.

## ORDER 89D

### OATHS AND DECLARATIONS ACT

#### **Application and interpretation (O. 89D, r. 1)**

1.—(1) This Order is made pursuant to section 7 of the Oaths and Declarations Act (Cap. 211) (referred to in this Order as the Act), and shall apply in every instance when an oath or affirmation is taken or made, and administered, notwithstanding anything in Order 1, Rule 2(2).

(2) In Rules 2, 3 and 4 of this Order, “officer” means any person duly authorised to administer oaths and affirmations respectively.

#### **Forms and formalities of oaths (O. 89D, r. 2)**

2.—(1) Subject to Rule 4, any oath under the Act shall be taken and administered in the form and manner prescribed in this Rule.

(2) The person taking the oath may place his left hand on the Bible or hold it in any manner as he may desire not repugnant to justice or decency and not purporting to affect any third person (unless before taking the oath he objects to do so), and shall raise his right hand and say or repeat after the officer administering the oath the words set out, where applicable, in Form 217 or in any other form as may be prescribed by law.

(3) The officer shall (unless the person about to take the oath is permitted under the Act to do otherwise, or is physically incapable of so taking the oath) administer the oath in the form and manner set out in paragraph (2).

### **Forms and formalities of affirmation (O. 89D, r. 3)**

**3.—**(1) Subject to Rule 4, any affirmation under the Act shall be made and administered in the form and manner prescribed in this Rule.

(2) The person making the affirmation shall raise his right hand and say or repeat after the officer administering the affirmation the words set out, where applicable, in Form 218 or in any other form as may be prescribed by law.

(3) The officer shall (unless the person about to make the affirmation is permitted under the Act to do otherwise, or is physically incapable of so making the affirmation) administer the affirmation in the form and manner set out in paragraph (2).

### **Persons physically incapable of taking oath or making affirmation in manner prescribed (O. 89D, r. 4)**

**4.** The officer may, in the case of a person who is physically incapable of taking the oath or making the affirmation in the form and manner prescribed in Rule 2(2) or 3(2), as the case may be, administer the oath or affirmation in such form and manner as is appropriate or expedient in the circumstances.

**Form of attestation<sup>6</sup>, etc., in affidavit (O. 89D, r. 5)**

5. The form of attestation<sup>6</sup>, and the marking of an exhibit, in any affidavit shall state whether the deponent has taken an oath or made an affirmation, as the case may be.

ORDER 89E

TERRORISM (SUPPRESSION OF FINANCING) ACT

**Interpretation and application (O. 89E, r. 1)**

1.—(1) In this Order, “Act” means the Terrorism (Suppression of Financing) Act (Cap. 325) and any reference to a section shall, unless it is otherwise expressly provided, be construed as a reference to a section in the Act.

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) An application to which this Order applies must be made —

- (a) where an action is pending, by summons in the action; and
- (b) in any other case, by originating summons.

(4) This Order is not applicable to the State Courts.

**Application for warrant for search and seizure or restraint order (O. 89E, r. 2)**

2.—(1) An application for —

- (a) a warrant for search and seizure under section 11(1)(a); or
- (b) a restraint order under section 11(1)(b),

must be made *ex parte*.

(2) The application shall be entitled in the matter of the owner or person who has control of the property, if known, naming him as the defendant, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(3) An application under paragraph (1)(a) must be supported by an affidavit which must —



- (a) state the grounds for believing that the property in respect of which the warrant is sought —
- (i) is owned or controlled by or on behalf of a terrorist or terrorist entity; or
  - (ii) has been or will be used, in whole or in part, to facilitate or carry out a terrorist act; and
- (b) state the full particulars and the location of the property in respect of which the warrant is sought and specify the person or persons in possession of such property, as the deponent is, to the best of his knowledge, able to provide.
- (4) An application under paragraph (1)(b) must be supported by an affidavit which must —
- (a) state the grounds for believing that the property in respect of which the restraint order is sought —
- (i) is owned or controlled by the defendant, who is a terrorist or terrorist entity or who is acting on behalf of any terrorist or terrorist entity; or
  - (ii) has been or will be used, in whole or in part, to facilitate or carry out a terrorist act; and
- (b) state whether the property in respect of which the restraint order is sought is believed to be situated in or outside Singapore.
- (5) A warrant for search and seizure shall be in Form 219.
- (6) Where a restraint order is issued under section 11(1)(b), the Public Prosecutor must —
- (a) unless the Court otherwise provides, serve copies of the order and supporting affidavit on the defendant and, where property to which the order relates is held by another person, on that person; and
- (b) serve a copy of the order on all other persons affected by the order.

[S 235/2016 wef 01/06/2016]

**Application by Public Prosecutor to revoke or vary warrant or order (O. 89E, r. 3)**

3.—(1) An application by the Public Prosecutor under section 18 to revoke or vary a warrant or an order made under Part IV of the Act must be made by summons.

*[S 235/2016 wef 01/06/2016]*

(2) The application to revoke or vary a warrant issued under section 11(1)(a) or an order issued under section 11(1)(b) and an affidavit in support thereof must be filed and served on —

(a) any person having any interest in the property to which the application relates; and

(b) any person appointed under section 15(1),

within 7 days after the date of filing of the application.

*[S 235/2016 wef 01/06/2016]*

**Application by interested person to revoke or vary warrant for search and seizure or restraint order or for examination of property (O. 89E, r. 4)**

4. An application under section 19(1) by any person who has an interest in the property that was seized under a warrant of search and seizure under section 11(1)(a) or in respect of which a restraint order was issued under section 11(1)(b) —

(a) for an order under section 19(4); or

(b) for permission to examine the property,

must be filed and served with an affidavit in support thereof on —

(i) the Public Prosecutor;

*[S 235/2016 wef 01/06/2016]*

(ii) any other person having an interest in the property to which the application relates; and

(iii) any person appointed under section 15(1),

not less than 2 clear days before the date fixed for the hearing of the application.

**Application for continuation of warrant for search and seizure or restraint order (O. 89E, r. 5)**

5.—(1) An application by the Public Prosecutor under section 20(3) for the continuation of a warrant for search and seizure or restraint order issued under section 11 must be supported by an affidavit which must state the basis for the continuation of the warrant for search and seizure or restraint order.

*[S 235/2016 wef 01/06/2016]*

(2) *[Deleted by S 806/2005]*

(3) The application and the supporting affidavit must be filed and served on any person having any interest in the property to which the application relates within 7 days after the date of filing of the application.

**Application for appointment of manager (O. 89E, r. 6)**

6.—(1) Subject to paragraph (2), Order 30, Rules 2 to 6 shall apply where the Public Trustee is appointed under section 15.

(2) It shall not be necessary for an affidavit of fitness to be sworn or for the Public Trustee to give security.

**Application for order to destroy property (O. 89E, r. 7)**

7.—(1) An application by a person appointed under section 15 for a destruction order under section 16(2) must be filed and served with a supporting affidavit which must —

(a) state the full particulars of the property to be destroyed; and

(b) state the reasons for destroying the property.

(2) *[Deleted by S 806/2005]*

(3) The application and the supporting affidavit must be served on —

(a) the Public Prosecutor; and

*[S 235/2016 wef 01/06/2016]*

(b) any person having a valid interest in the property to be destroyed,

within 7 days after the date of filing of the application.

### **Application for order of forfeiture (O. 89E, r. 8)**

**8.—(1)** [*Deleted by S 806/2005*]

(2) An application for an order of forfeiture under section 21 shall be entitled in the matter of the owner or person who has control of the property, if known, naming him as the defendant, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(3) The application must be filed and served with a supporting affidavit which must —

- (a) state the grounds for believing that —
  - (i) the property is owned or controlled by or on behalf of a terrorist or terrorist entity; or
  - (ii) the property has been or will be used, in whole or in part, to facilitate or carry out a terrorist act;
- (b) state the full particulars of the property in respect of which the order is sought and specify the person or persons in possession of such property; and
- (c) state whether a warrant for search and seizure or restraint order has been issued under section 11(1) in relation to the property.

(4) The application and the supporting affidavit must be served on —

- (a) the defendant;
- (b) any person having an interest in the property to be forfeited; and
- (c) any person appointed under section 15(1),

within 7 days after the date of filing of the application.

### **Application to set aside or vary forfeiture orders (O. 89E, r. 9)**

**9.** An application under section 27(1) to vary or set aside a forfeiture order and the supporting affidavit must be filed and served on —

(a) the Public Prosecutor; and

[S 235/2016 wef 01/06/2016]

(b) any person appointed under section 15(1),

within 7 days after the date of filing of the application.

### **Confidentiality of documents (O. 89E, r. 10)**

**10.** Notwithstanding Order 60, Rule 4, no person may inspect or take a copy of any document filed under this Order without the leave of a Judge.

## ORDER 90

### LODGMET IN COURT, MONEY IN REGISTRY AND PAYMENT TO SHERIFF

#### **Interpretation (O. 90, r. 1)**

**1.** In this Order —

“bank” means a bank approved by the Accountant-General;

“carry over”, in relation to a fund in Court, means to transfer the fund or any part thereof from one account to another in the books of the Accountant-General;

“funds” or “funds in Court” means any money, securities, or other investments standing or to be placed to the account of the Accountant-General, and includes money placed on deposit;

“interest” means the dividends and interest on funds;

“ledger credit” means the title of the cause or matter and the separate account opened or to be opened under an order or otherwise in the books of the Accountant-General to which any funds are credited or to be credited;

“lodge in Court” means pay or transfer into Court, or deposit in Court;

“order” means an order or judgment of a District Court or the High Court or Court of Appeal, whether made in Court or in Chambers, as the case may be.

[S 671/2014 wef 01/10/2014]

[S 850/2014 wef 01/01/2015]

## LODGMENT IN COURT

### **Payment into Court under Trustees Act (O. 90, r. 2)**

2.—(1) Subject to paragraph (2), any trustee wishing to make a payment into Court under section 62 of the Trustees Act (Cap. 337), must apply by summons supported by an affidavit setting out —

- (a) a short description of the trust and of the instrument creating it or, as the case may be, of the circumstances in which the trust arose;
- (b) the names of the persons interested in or entitled to the money or securities to be paid into Court with their addresses so far as known to him;
- (c) his submission to answer all such inquiries relating to the application of such money or securities as the Court may make or direct; and
- (d) an address where he may be served with any summons or order, or notice of any proceedings, relating to the money or securities paid into Court.

(2) Where the money or securities represents a legacy, or residue or any share thereof, to which a minor or a person resident outside Singapore is absolutely entitled, no affidavit need be filed under paragraph (1).

### **Notice of lodgment (O. 90, r. 3)**

3. Any person who has lodged money or securities in Court must forthwith give notice of the lodgment to every person appearing to be entitled to, or to have an interest in, the money or securities lodged.

**Funds how lodged (O. 90, r. 4)**

4.—(1) Money to be lodged in Court must be lodged by means of a direction to the Accountant-General in Form 219A(a).

(2) Securities issued by a company or by any body corporate constituted under any written law, being fully paid up and free from liability, may be transferred to the Accountant-General in his official name.

(3) The person lodging under paragraph (2) must execute a transfer thereof, and send such transfer together with the authority in Form 220 to the registered office of the company or body corporate in whose books the securities are to be transferred.

(4) Such company or body corporate must, after registering such transfer, forward the authority to the Accountant-General with a certificate in Form 220, that the securities have been transferred as therein authorised.

(5) Securities, other than those described in paragraph (2), may be placed in a box or packet and lodged with a direction in Form 219A(a) with the Accountant-General.

(6) After inspecting the contents in the box or packet in the presence of the person lodging the same, and seeing that such box or packet is properly marked and secured, the Accountant-General shall receive the same and give the person lodging a receipt.

(7) The Accountant-General must, after receiving the money or securities, send to the Registrar a duplicate of the receipt that had been issued to the person lodging the same, to be filed in the Registry.

**Crediting lodgment and dividends (O. 90, r. 5)**

5. Any principal money or dividends received by the Accountant-General in respect of securities in Court must be placed in his books, in the case of principal money, to the credit to which the securities whereon such money arose were standing at the time of the receipt thereof, and in the case of dividends, to the credit to which the securities whereon such dividends accrued were standing at the time of closing of the transfer books of such securities previously to the dividends becoming due.

**Interest on money lodged in Court (O. 90, r. 6)**

6.—(1) Money lodged in Court to the credit of any account shall be deemed to be placed on deposit, and shall be credited with interest at such rate as is from time to time fixed by the Minister for Finance, not being greater than the highest rate of interest which for the time being can be obtained by the Government on current account from any bank in the State except —

(a) when money is paid into Court under Order 14, 22, 23 or 70; or

(b) when the amount is less than \$30,000.

(2) Such money shall be deemed not to be placed on deposit when the amount is reduced below \$30,000.

**Computation of interest (O. 90, r. 7)**

7.—(1) Interest upon money on deposit must not be computed on a fraction of \$1.

(2) Interest upon money on deposit accrues by calendar months, and must not be computed by any less period.

(3) Such interest begins on the first day of the calendar month next succeeding that in which the money is placed on deposit, and ceases from the last day of the calendar month next preceding the day of the withdrawal of the money from deposit.

(4) Interest which has accrued for or during the year ending on the 31st day of December in every year, on money then on deposit must, on or before 15 days thereafter following, be placed by the Accountant-General to the credit to which such money is standing.

(5) When money on deposit is withdrawn from deposit, the interest thereon which has accrued and has not been credited must be placed to the credit to which the money is then standing.

(6) When money on deposit consists of sums which have been placed on deposit at different times, and an order is made dealing with the money, and part of such money has to be withdrawn from deposit for the purpose of executing such order, the part or parts of the money dealt with by such order last placed and remaining on deposit at the



time of such withdrawal must, for the purpose of computing interest, be treated as so withdrawn unless the order otherwise directs.

(7) Unless otherwise directed by an order, interest credited on money on deposit must, when or so soon as it amounts to or exceeds \$30,000, be placed on deposit and, for the purpose of computing interest upon it, must be treated as having been placed on deposit on the last yearly day on which any such interest became due.

### **Applications with respect to funds in Court (O. 90, r. 8)**

**8.**—(1) Where an application to the Court —

- (a) for the payment or transfer to any person of any funds in Court standing to the credit of any cause or matter or for the transfer of any such funds to a separate account or for the payment to any person of any dividend of or interest on any securities or money comprised in such fund;
- (b) for the investment, or change of investment, of any funds in Court;
- (c) for payment of the dividends of or interest on any funds in Court representing or comprising money or securities lodged in Court under any written law; or
- (d) for the payment or transfer out of Court of any such funds as are mentioned in sub-paragraph (c),

is made, the application may be disposed of in Chambers.

(2) Subject to paragraph (3), any such application must be made by summons, and unless the application is made in a pending cause or matter or an application for the same purpose has previously been made by petition or originating summons, the summons must be an originating summons.

(3) Where an application under paragraph (1)(d) is required to be made by originating summons, then, if the funds to which the application relates do not exceed \$5,000 in value, and subject to paragraph (4), the application may be made to the Registrar.

(4) This Rule does not apply to any application for an order under Order 22.

**Payment out of funds in Court (O. 90, r. 9)**

9.—(1) Money paid into Court shall be paid out on a direction to the Accountant-General in Form 219A(b).

(2) When an order directs any sums to be ascertained by the certificate of the Registrar, both the order and the certificate in Form 219A(c) must be sent to the Accountant-General.

(3) When an order directs payments out of a fund in Court of any costs directed to be taxed, the Registrar must state in his certificate the name and address of the person to whom such costs are payable.

**Name of payee to be stated in order (O. 90, r. 10)**

10.—(1) Every order which directs funds in Court to be paid, transferred, or delivered out must state in full the name of every person to whom such payment, transfer, or delivery is to be made, unless the name is to be stated in a certificate of the Registrar.

(2) In the case of payment to a firm it is sufficient to state the business name of such firm.

(3) When money in Court is by an order directed to be paid to any persons described in the order, or in a certificate of the Registrar, as co-partners, such money may be paid to any one or more of such co-partners, or to the survivor of them.

**Payment out on death of payee (O. 90, r. 11)**

11.—(1) When funds in Court are by an order directed to be paid, transferred, or delivered to any person named or described in an order, or in a certificate of the Registrar, except to a person therein expressed to be entitled to such funds as trustee, executor, or administrator, or otherwise than in his own right, or for his own use, the funds, or any portion thereof for the time being remaining unpaid, untransferred, or undelivered, may, unless the order otherwise directs, on proof of the death of that person, whether on or after or, in the case of payment directed to be made to a creditor as such, before the date of such order, be paid, transferred, or delivered to the legal personal representatives of the deceased person, or to the survivor or survivors of them.

(2) If no administration has been taken out to the estate of such deceased person who has died intestate, and whose assets do not exceed the value of \$10,000, including the amount of the funds directed to be so paid, transferred or delivered to him, such funds may be paid, transferred, or delivered to the person who, being widower, widow, child, father, mother, brother or sister of the deceased, would be entitled to take administration to his or her estate, upon a declaration by such person in accordance with Form 221.

(3) When funds in Court are by an order directed to be paid, transferred, or delivered to any persons as legal personal representatives, such funds, or any portion thereof for the time being remaining unpaid, untransferred, or undelivered, may, upon proof of the death of any such representatives, whether on or after the date of such order, be paid, transferred, or delivered to the survivor or survivors of them.

(4) No funds shall under this Rule be paid, transferred, or delivered out of Court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of 2 years from the date of the order directing such payment, transfer, or delivery, or, in case such funds consist of interest or dividends, from the date of the last receipt of such interest or dividends or such order.

(5) When any application for an order such as is referred to in paragraphs (1) and (3) is made, notice thereof must be given to the Commissioner of Estate Duty who shall be entitled to attend and be heard on the matter.

### **Transfer or investment of funds in Court (O. 90, r. 12)**

**12.—**(1) When funds in Court are by an order directed to be transferred or carried over, the party having the carriage of the order must lodge with the Accountant-General a copy of the order, and the Accountant-General must act in accordance with such order.

(2) When funds in Court are by an order directed to be invested, the party having the carriage of the order must lodge with the Accountant-General a copy of the order and the Accountant-General must thereupon invest such funds in the manner directed by the order.

(3) Subject to paragraph (4), the Court may direct that any money in Court, other than money under Orders 14, 22, 23 and 70, may be invested in any of the securities in which trustees are by law permitted to invest trust money in their hands.

(4) The Court may direct that any money in Court under Order 70 may be placed on deposit with any bank or finance company in Singapore, provided that at the time of the making of the order, it exceeds the sum of \$250,000. Any application under this paragraph shall be served on the Sheriff.

### **Proof to Accountant-General before payment (O. 90, r. 13)**

**13.** When any person is entitled under an order or direction to receive any payment from the Accountant-General, and the Accountant-General requires evidence of life, or of the fulfilment of any conditions affecting such payment, such evidence may be furnished by a statutory declaration made by a solicitor acting on behalf of such person, or by the person entitled to the payment.

**14.** [*Deleted by S 228/2007*]

### **Accountant-General to give certificate of funds in Court (O. 90, r. 15)**

**15.—(1)** The Accountant-General, upon a request signed by or on behalf of a person claiming to be interested in any funds in Court standing to the credit of an account specified in such request, must, unless there is good reason for refusing, issue a certificate of the amount and description of such funds. Such certificate shall have reference to the morning of the day of the date thereof, and shall not include the transactions of that day.

(2) The Accountant-General must notify on such certificate the dates of any orders restraining the transfer, sale, delivery out, or payment or other dealing with the funds in Court to the credit of the account mentioned in such certificate, and whether such orders affect principal or interest, and any charging orders affecting such funds, of which respectively he has received notice and the names of persons to whom notice is to be given, or in whose favour such restraining or charging orders have been made.

(3) The Accountant-General may re-date any such certificate, provided that no alteration in the amount or description of funds has been made since the certificate was issued.

(4) When a cause or matter has been inserted in the list referred to in Rule 16, that fact shall be notified in the certificate relating thereto.

### **Publication of list of funds in Court (O. 90, r. 16)**

**16.** In the month of January in every year, the Accountant-General shall cause to be published in the *Gazette* a list of accounts not dealt with for a period of 4 years or more and must give the title and number of the cause or matter and the title of the ledger credit in which funds are outstanding, and the balance of the funds in each account.

### **Unclaimed funds in Court with Accountant-General (O. 90, r. 17)**

**17.—(1)** The funds in Court or in the Sheriff's account appearing from the books and accounts to have been in the custody of the Accountant-General or the Sheriff for a period of 6 years and upwards, without any claim having been made and allowed thereto during that period, must be transferred and paid to the Government for the general purposes of the State.

(2) If any claim is made to any part of the funds in Court or in the Sheriff's account which are transferred and paid to the Government under paragraph (1), and if such claim is established to the satisfaction of the Court, the Government must pay to the claimant the amount of the principal so transferred and paid as aforesaid, or so much thereof as appears to be due to the claimant.

(3) Nothing in this Rule shall authorise the transfer of any funds in Court or in the Sheriff's account standing to the separate credit of a minor, or held in a minor's account pending the coming of age of such minor, until such minor comes of age or dies.

PAYMENT TO SHERIFF

**Sheriff to keep account book (O. 90, r. 18)**

18.—(1) The Sheriff must keep an account of all sums of money paid to or deposited with him and of all sums of money paid out by him in an account book in Form 222.

(2) All money paid to or deposited with the Sheriff must be kept in a bank or with the Accountant-General.

(3) No interest shall be payable in respect of any money paid to or deposited with the Sheriff.

**How money paid to Sheriff (O. 90, r. 19)**

19. Money paid to or deposited with the Sheriff under these Rules or a judgment or order of a Court must be paid to the proper officer in the Registry who must give a receipt for every sum of money received by him.

**Payment under judgment or order (O. 90, r. 20)**

20. Where any payment is made under a judgment or order the person making the payment must produce a copy of the judgment or order and he must give notice to the person entitled to the money.

**Money not required for making payments on day of receipt (O. 90, r. 21)**

21. Any money paid to or deposited with the Sheriff that is not required for making payments on that day must be paid into the bank or to the Accountant-General, as the case may be:

Provided that where the payment to the bank or to the Accountant-General, as the case may be, cannot be made on the day of receipt, it must be made on the morning of the next working day.

**Accountant-General to grant imprest (O. 90, r. 22)**

22.—(1) Where the money is kept by the Accountant-General, he must grant an imprest to the Sheriff and the imprest must be kept by the Sheriff in a bank.

(2) All cheques in respect of the bank account must be signed by the Sheriff and another officer appointed by the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be.

*[S 299/2014 wef 14/04/2014]*

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

### **Cash book for imprest (O. 90, r. 23)**

**23.**—(1) The Sheriff operating the imprest must maintain a cash book in which must be entered all sums received under the imprest (including reimbursements from the Accountant-General) and all payments made from the imprest.

(2) A supervisory officer must be made personally responsible for making (at least once a week) surprise checks of the cash book, for comparing all the entries with receipted vouchers and other relevant documents and for ensuring that the balance of cash agrees with the balance shown in the cash book, and the officer must also satisfy himself that cash is not drawn from the bank in excess of normal requirements.

(3) A record of all surprise inspections must be made in the cash book.

### **How payments from imprest to be made (O. 90, r. 24)**

**24.**—(1) All payments from the imprest must be made by cheque and an acknowledgment received or a receipt obtained from the person to whom the cheque is paid.

(2) When the balance of the imprest reaches a figure sufficient for 7 days anticipated requirements, the cash book must be balanced and the sums paid from the imprest recovered from the Accountant-General.

(3) The receipts must be attached to a bill showing the total amount of the payments; if the receipts are numerous, the receipts and a machine-list of the amounts only may be attached to the bill.

(4) This bill and attachments must be sent to the Accountant-General at least 7 days before the money is actually required.

**Proof before payment out (O. 90, r. 25)**

25. Before any money is paid out to any person, the Sheriff must require proof to his satisfaction that the person applying for payment is the person entitled or authorised to receive it.

**Where money due to Government under any law (O. 90, r. 26)**

26. Before any money is paid out under any order directing the payment out of any money paid or deposited with the Sheriff, the Sheriff must satisfy himself that any money due to the Government under any written law of which he has notice has been paid or deducted.

**When payment to be made by cheque (O. 90, r. 27)**

27.—(1) All payments by the Sheriff of an amount exceeding \$50 must be made by cheque payable to the person entitled to receive the payment and marked “payable only within 30 days from date”.

(2) If the payment is to be made to —

(a) any Government department;

(b) any body corporate;

(c) an advocate and solicitor; or

(d) a moneylender under the Moneylenders Act (Cap. 188),

the cheque must be crossed to the payee’s account and marked “not negotiable”.

(3) Where a cheque has not been cashed within 30 days of its date, a fresh cheque may be issued to replace it.

**Instalments ledger (O. 90, r. 28)**

28.—(1) Whenever a judgment or order has been made in the State Courts for payment of money by instalments, unless the Court orders that the instalments shall be paid otherwise than in Court, the Registrar must cause to be opened an account wherein must be entered all sums paid into Court under the judgment or order and all sums paid out of Court to the judgment creditor or on his account.

(2) The account shall be in Form 223.



## ORDER 90A

## HEARING FEES AND COURT ADR FEES

**Hearing fees in Courts (O. 90A, r. 1)**

1.—(1) The fees payable for any cause or matter for hearing —

- (a) before a District Judge or a Magistrate in open Court, including applications (interlocutory or otherwise) fixed for hearing in open Court on special hearing dates;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

- (b) before the Registrar in the State Courts for the examination of witnesses;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

- (c) before a Judge in the High Court (excluding the Family Division) in open Court and applications (interlocutory or otherwise) fixed for hearing in chambers or in open Court on special hearing dates;

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

- (d) before the Registrar in the High Court (excluding the Family Division) for the assessment of damages, the taking of accounts, the making of inquiries and references under Order 70, Rule 40; and

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

- (e) before the Registrar in the High Court (excluding the Family Division) for the examination of witnesses,

*[S 671/2014 wef 01/10/2014]*

shall be as specified in the following Table:

## FEES

*(A) Open Court hearing before District Judge or Magistrate*

	<i>District Court</i>	<i>Magistrate's Court</i>	<i>Document on which the stamp is to be affixed</i>
	\$	\$	
1. For each day or part thereof after the first day	500	250	<i>Request<sup>4</sup>.</i>

*(B) Hearing before State Courts Registrar for examination of witnesses*

	<i>District Court matter</i>	<i>Magistrate's Court matter</i>	<i>Document on which the stamp is to be affixed</i>
	\$	\$	
1. On every appointment for the examination of a witness	50	50	<i>Request<sup>4</sup>.</i>
2. On every witness sworn or examined, for each hour or part thereof	100	50	<i>Request<sup>4</sup>.</i>

*(C) Hearing before Judge in the High Court*

	<i>High Court</i>	<i>High Court</i>	<i>Document on which</i>
	<i>With value of up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>the stamp is to be affixed</i>
	<i>\$</i>	<i>\$</i>	
1. For the whole or part of the fourth day	6,000	9,000	<i>Request<sup>4</sup>.</i>
2. For the whole or part of the fifth day	2,000	3,000	<i>Request<sup>4</sup>.</i>
3. For each day or part thereof of the sixth to tenth days	3,000	5,000	<i>Request<sup>4</sup>.</i>
4. For each day or part thereof subsequent to the above	5,000	7,000	<i>Request<sup>4</sup>.</i>

*(D) Hearing before High Court Registrar for assessment of damages, taking of accounts, making of inquiries and references under Order 70, Rule 40*

*Document  
on which  
the stamp is  
to be  
affixed*

\$

1. For the whole or part of the fourth day (including the number of days taken for the determination of liability before a Judge of the High Court)

1,000

*Request<sup>4</sup>.*

2. For each day or part thereof subsequent to the above

1,000

*Request<sup>4</sup>.*

*(E) Hearing before High Court Registrar for examination of witnesses*

*High Court matter with value of up to \$1 million      High Court matter with value of more      Document on which the stamp is*

		<i>than</i> \$1 million	<i>to be</i> affixed
	\$	\$	
1. On every appointment for the examination of a witness	100	200	<i>Request<sup>4</sup>.</i>
2. On every witness sworn or examined, for each hour or part thereof	250	500	<i>Request<sup>4</sup>.</i>

*[S 850/2014 wef 01/01/2015]*

*[S 671/2014 wef 01/10/2014]*

(2) Where paragraph (1)(a) or (c) applies, the plaintiff, the appellant or the applicant, as the case may be, must pay the fees and file the Request<sup>4</sup>, in Form 224, at the time he sets the cause or matter down for hearing, files the record of appeal, files his request for special or further hearing dates, or at the time the Registry so requires, as the case may be.

(2A) Where paragraph (1)(d) applies, the party entitled to the benefit of the judgment, the party who has obtained an order for the taking of accounts or making of inquiries, or the party making a reference to a Registrar under Order 70, Rule 40, as the case may be, must pay the fees and file the Request<sup>4</sup>, in Form 224, at the time of filing the notice of appointment for the assessment of damages, the notice of appointment for the taking of accounts or the making of inquiries, or the reference under Order 70, Rule 40, or at the time the Registry so requires, as the case may be.

(2B) Where paragraph (1)(b) or (e) applies, the plaintiff or the applicant, as the case may be, must pay the fees and file the Request<sup>4</sup> in Form 224 at the time of extraction of the order for examination of witnesses or at the time the Registry so requires, as the case may be.

(3) The Registrar may, in any case, waive or defer the payment of the whole or any part of the fees on such terms and conditions as he deems fit.

(4) The Registrar —

(a) shall refund the whole of the fees paid if he is notified in writing not later than 14 days before the first date fixed for hearing that the cause or matter has been settled or discontinued; and

(b) may, in any other case, as he deems fit, refund the whole or any part of the fees paid.

(5) Any party requesting a refund of the whole or any part of the fees, pursuant to paragraph (4)(b), must make a written request to the Registrar within one month from the date of settlement or discontinuance, or from the last hearing date, whichever is later.

(6) Order 3, Rule 4 shall not apply to paragraph (5).

### **Hearing fee in Court of Appeal (O. 90A, r. 2)**

2.—(1) The following fee shall be payable for appeals or any other hearing before the Court of Appeal:

	<i>Fee</i>	<i>Fee</i>	
	<i>With value of up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>Document on which the stamp is to be affixed</i>
	\$	\$	
For each day or part thereof subsequent to the first day	4,000	6,000	<i>Request<sup>4</sup>.</i>

(2) The appellant or the applicant must pay the fee and file the Request<sup>4</sup>, in Form 224, within 14 days after he files his Case or at the time he files the application, or before the second or each subsequent day of hearing, as the case may be.

(3) The Registrar may, in any case, waive or defer the payment of the whole or any part of the fee on such terms and conditions as he deems fit.

(4) The Registrar —

(a) shall refund the whole of the fee paid if the appeal is deemed to have been withdrawn under Order 57; and

(b) may, in any other case, as he deems fit, refund the whole or any part of the fee paid.

(5) Any party requesting a refund of the whole or any part of the fee, pursuant to paragraph (4)(b), must make a written request to the Registrar within one month from the date of withdrawal of the appeal or application or from the last hearing date, whichever is the later.

(6) Order 3, Rule 4 shall not apply to paragraph (5).

### **Value of claim (O. 90A, r. 2A)**

**2A.** For the purpose of determining the appropriate hearing fees payable under Rules 1 and 2, the value of the claim shall be the same as that prescribed in Order 91, Rule 1.

### **No hearing fee for some proceedings (O. 90A, r. 3)**

**3.** Rules 1 and 2 do not apply to —

(a) actions for damages for death or personal injuries; or

(b) any cause or matter under the following Acts and appeals therein:

(i) Adoption of Children Act (Cap. 4);

(ii) Guardianship of Infants Act (Cap. 122);

(iii) Inheritance (Family Provision) Act (Cap. 138);

(iv) Maintenance of Parents Act (Cap. 167B);

- (v) Mental Capacity Act (Cap. 177A);
- (va) Mental Health (Care and Treatment) Act (Cap. 178A); and
- (vi) Women's Charter (Cap. 353);
- (c) any application for an Order for Review of Detention<sup>11</sup> and appeals therein;
- (d) any appeal or application by a regulatory body of a profession constituted under the following Acts in disciplinary proceedings:
  - (i) Accountants Act (Cap. 2);
  - (ii) Architects Act (Cap. 12);
  - (iii) Dental Registration Act (Cap. 76);
  - (iv) Land Surveyors Act (Cap. 156);
  - (v) Legal Profession Act (Cap. 161);
  - (vi) Medical Registration Act (Cap. 174);
  - (vii) Nurses and Midwives Act (Cap. 209);
  - (viii) Pharmacists Registration Act (Cap. 230); and
  - (ix) Professional Engineers Act (Cap. 253).

*[S 175/2015 wef 01/05/2015]*

#### **Hearing fee payable for winding up applications (O. 90A, r. 4)**

4. Rules 1 and 2 apply to proceedings relating to the winding up of companies where such proceedings are fixed for hearing in open Court on special hearing dates, and to appeals therein.

*[S 175/2015 wef 01/05/2015]*

#### **Powers of Registrar and Court concerning hearing fees (O. 90A, r. 5)**

5.—(1) The Registrar may, at any stage of any proceedings or after the conclusion of any such proceedings, including appeals and other matters before the Court of Appeal, direct that the hearing fees be paid by any party or be apportioned among all or any of the parties.



(2) The Registrar may make such order as he deems fit to secure compliance with any provision of Rules 1 to 4 or any direction made under paragraph (1), including giving judgment on or dismissing any claim or counterclaim and may refer any question pertaining to hearing fees in an appeal or matter pending before the Court of Appeal to that Court.

*[S 175/2015 wef 01/05/2015]*

(3) The Court or the Court of Appeal, as the case may be, may exercise the powers of the Registrar in paragraphs (1) and (2).

### **Court ADR fees in District Court (O. 90A, r. 5A)**

**5A.**—(1) Subject to this Rule, a fee of \$250 is payable by each party in a case in a District Court (regardless of whether the case is commenced before, on or after 1 May 2015) for all Court ADR services that are provided in the case.

(2) The Court ADR fee is payable when the first Court ADR service to be provided in the case, pursuant to either of the following, is fixed:

- (a) a request made on or after 1 May 2015 for the Court ADR service by any party in the case;
- (b) a referral on or after 1 May 2015 by the Court or the Registrar.

(3) No Court ADR fee is payable in any of the following actions:

- (a) any non-injury motor accident action (as defined in Order 59, Appendix 2 Part V);
- (b) any action for damages for death or personal injuries;
- (c) any action under the Protection from Harassment Act 2014 (Act 17 of 2014).

(4) The Registrar may, in any case, waive or defer the payment of the whole or any part of the Court ADR fee on such terms and conditions as the Registrar deems fit.

(5) The Registrar may, if the Registrar deems fit, refund the whole or any part of the Court ADR fee paid.

(6) Any party requesting a refund of the whole or any part of the Court ADR fee, pursuant to paragraph (5), must make a written request to the Registrar within one month after the earlier of the following dates:

(a) the date of a written withdrawal of consent by any party to proceed with any Court ADR service;

(b) the date of settlement or discontinuance of the case.

(7) Order 3, Rule 4 does not apply to paragraph (6).

(8) In this Order —

“Court ADR fee” means the fee payable under paragraph (1) for Court ADR services;

“Court ADR service” means a service provided by the State Courts for resolving a dispute by an alternative dispute resolution process (such as mediation or neutral evaluation).

*[S 175/2015 wef 01/05/2015]*

### **Review of Registrar’s decision (O. 90A, r. 6)**

6.—(1) Any party who is dissatisfied with any decision of the Registrar made under this Order may apply to a Judge of the High Court or a District Judge, as the case may be, for a review of that decision.

(2) An application under this Rule shall be made by summons supported by an affidavit, within 14 days of that decision.

## **ORDER 90B**

### **COURT FEES FOR CORE BUNDLE, ETC.**

*[S 474/2016 wef 01/10/2016]*

### **Court fees for filing core bundle, etc. (O. 90B, r. 1)**

1.—(1) The fees payable on the filing of the following bundles are specified in Appendix B:

(a) the core bundle under Order 57, Rule 9(2A);

- (b) the Respondent's supplemental core bundle under Order 57, Rule 9A(2A);
  - (c) the Appellant's supplemental core bundle under Order 57, Rule 9A(5C);
  - (d) any bundle of documents that the Court of Appeal has given leave under Order 57, Rule 9A(23) to file.
- (2) The following are to be excluded when calculating the number of pages for the purpose of determining the fees mentioned in paragraph (1):
- (a) the copy of the grounds of judgment or order;
  - (b) the judgment or order appealed from;
  - (c) the index of documents required to be included in the core bundle under Order 57, Rule 9(2A);
  - (d) the index of documents required to be included in the Respondent's supplemental core bundle under Order 57, Rule 9A(2A);
  - (e) the index of documents required to be included in the Appellant's supplemental core bundle under Order 57, Rule 9A(5C).

*[S 474/2016 wef 01/10/2016]*

### **Refund of fees paid under Rule 1 (O. 90B, r. 2)**

2. The Court of Appeal may, on the application of a party to an appeal, order a refund of the whole or any part of any fee which has been paid under Rule 1 for a bundle mentioned in Rule 1(1)(a), (b), (c) or (d), if the Court of Appeal is satisfied that the documents comprised in that bundle were necessary for the just, expeditious and economical disposal of the appeal.

*[S 474/2016 wef 01/10/2016]*

ORDER 91  
COURT FEES

**Court fees (O. 91, r. 1)**

1.—(1) The fees and percentages in Appendix B to these Rules shall be taken and paid in all causes and matters in the Supreme Court and the State Courts:

Provided that nothing herein shall affect any fees fixed by any written law not by these Rules expressly or impliedly repealed.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

(1A) *[Deleted by S 850/2014 wef 01/01/2015]*

(2) 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 shall be as determined by the Chief Justice from time to time.

(3) Subject to paragraph (6), for the purpose of determining the appropriate court fees payable in the Supreme Court in Appendix B to these Rules, the following shall apply:

- (a) if the claim is for a liquidated demand, the value of the claim shall be that specified in the originating process;
- (b) if the claim is for unliquidated damages, the value of the claim shall be that estimated by the party filing the originating process;
- (c) if the claim relates to proceedings under the Probate and Administration Act (Cap. 251), the value of the claim shall be the value of the estate;
- (d) if the claim does not include any claim mentioned above, the claim shall be deemed to have a value of up to \$1 million; and
- (e) in the case of a bill of costs, the value of the claim shall be the total amount claimed in the bill of costs.

(4) If the claim is for both liquidated demand and unliquidated damages, the value of the claim shall be the aggregate value of both claims.

(5) Where the claim includes or consists of a claim in foreign currency, the value of the claim shall be computed after converting the claim to Singapore dollars at an exchange rate applicable as at the date of the filing of the originating process.

(6) The Registrar may, after determining the value of the claim as awarded by the Court, require the parties to pay the difference in the court fees or refund to the parties the excess court fees paid.

(7) For the purpose of this Rule, the value of the claim shall exclude non-contractual interest.

### **Manner of payment of fees (O. 91, r. 2)**

2. The fees and percentages to be taken and paid under this Order shall be collected in such manner as may from time to time be directed by the Chief Justice, or by the Presiding Judge of the State Courts with the concurrence of the Chief Justice, as the case may be.

*[S 671/2014 wef 01/10/2014]*

*[S 850/2014 wef 01/01/2015]*

### **Refund of fees paid for unused documents (O. 91, r. 3)**

3.—(1) The Registrar may, if he thinks fit, refund any fee or part thereof which has been paid for any unused document.

(2) Every application under this Rule for the refund of any fee must be made —

(a) by Request<sup>4</sup> signed by the applicant or his solicitor; and

(b) within 3 months after the date of the payment of the fee to be refunded.

(3) Where a refund of the fees paid for more than one unused document is being sought, a separate application must be made for the refund of the fee paid for each such unused document.

(4) Where an application under this Rule for the refund of any fee is not approved, the fee paid for the Request<sup>4</sup> shall not be refundable.

**Waiver of fees under Civil Procedure Convention (O. 91, r. 4)**

4. The Registrar may, in any case, waive the payment of the whole or any part of the fees, costs, expenses and percentages to be taken and paid under these Rules if the waiver of such fees, costs, expenses and percentages is provided for by any Civil Procedure Convention.

**Powers of Registrar concerning court fees (O. 91, r. 5)**

5.—(1) Subject to these Rules, the Registrar may, in any case, and on such terms and conditions as the Registrar deems fit —

- (a) waive or defer the payment of the whole or any part of any court fees;
- (b) refund the whole or any part of any court fees paid; or
- (c) direct that the whole or any part of any court fees be paid by any party or be apportioned among all or any of the parties.

(2) Any party requesting a refund under paragraph (1)(b) must make a written request to the Registrar within one month after the date on which the reason for the refund arose.

*[S 322/2017 wef 01/08/2017]*

**Exemption where cause or matter relates to criminal proceedings (O. 91, r. 6)**

6.—(1) Where the Registrar is satisfied that any cause or matter relates to or is predicated upon criminal proceedings affecting the life or liberty of a party, the Registrar may, on the application of that party, issue a certificate of exemption from any fee payable or security for costs required or authorised to be furnished under these Rules.

(2) An application for a certificate under paragraph (1) shall be made by way of a letter addressed to the Registrar stating the grounds on which the application is made together with all necessary supporting documents.

(3) Notwithstanding any other provision in these Rules —

- (a) no fee shall be payable; and
- (b) no security for costs shall be required to be furnished,

by any party in the cause or matter, including any appeal therefrom, from the time that a certificate is issued under paragraph (1).

(4) The Registrar may, if he thinks fit, refund any fee or part thereof which has been paid in respect of a cause or matter for which a certificate under paragraph (1) is issued where such fee was paid before the certificate was issued.

(5) Nothing in this Rule shall prevent an order for costs from being made by the Court in favour of or against any party in the cause or matter, including any appeal therefrom.

## ORDER 92

### MISCELLANEOUS

#### **Language of documents (O. 92, r. 1)**

1. Every document if not in the English language must be accompanied by a translation thereof certified by a court interpreter or a translation verified by the affidavit of a person qualified to translate it before it may be received, filed or used in the Court.

#### **Use of foreign documents without authentication pursuant to Civil Procedure Convention (O. 92, r. 1A)**

1A. Notwithstanding anything in these Rules, a document or a translation thereof that has been drawn up or certified, and duly sealed, by a court or other competent authority of a foreign country, being a country with which there subsists a Civil Procedure Convention providing for the dispensation of the authentication of such documents, may be received, filed or used in the Court.

#### **Seal of Court (O. 92, r. 2)**

2. Every document issued by the Registry for which a Form marked with the word “seal”, as prescribed in Appendix A to these Rules, must bear the seal of the Court.

#### **Compliance with Court Practice Directions (O. 92, r. 2A)**

2A. Every document must comply with such requirements and contain such information and particulars of parties or other persons as

may be laid down by or specified in any practice directions for the time being issued by the Registrar.

### **Rejection of earlier documents (O. 92, r. 3)**

3.—(1) The Registrar, or any officer charged with the duty of receiving and filing any document, may reject it if it does not comply with these Rules or with any practice directions issued.

(2) A document rejected under paragraph (1) shall be treated as having been filed only on the date on which it is subsequently accepted for filing by the Registrar, or any officer charged with the duty of receiving and filing any document, and not before.

### **Inherent powers of Court (O. 92, r. 4)**

4. For the avoidance of doubt it is hereby declared that nothing in these Rules shall be deemed to limit or affect the inherent powers of the Court to make any order as may be necessary to prevent injustice or to prevent an abuse of the process of the Court.

### **Further orders or directions (O. 92, r. 5)**

5. Without prejudice to Rule 4, the Court may make or give such further orders or directions incidental or consequential to any judgment or order as may be necessary in any case.

### **Non-payment of prescribed fees (O. 92, r. 6)**

6.—(1) The Court may refuse to hear any cause or matter if any requirement of any written law relating to payment of fees to any party or person in that cause or matter has not been complied with, and the Court may make such directions as it deems fit including the dismissal of the cause or matter.

(2) In paragraph (1), “cause or matter” includes appeals from such cause or matter.



## ORDER 93

SECURITIES AND FUTURES ACT — CIVIL LIABILITY  
ACTIONS**Interpretation and application (O. 93, r. 1)****1.—(1) In this Order —**

“Act” means the Securities and Futures Act (Cap. 289) and any reference to a section shall be construed as a reference to a section in the Act;

“Authority” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act (Cap. 186);

“claimant” —

- (a) in relation to a proceeding under section 234, 235 or 236, has the same meaning as in section 234(1);
- (b) in relation to a proceeding under section 236D, has the same meaning as in section 236D(1);
- (c) in relation to a proceeding under section 236G, has the same meaning as in section 236G(1);
- (d) in relation to a proceeding under section 236I, has the same meaning as in section 236I(1); and
- (e) in relation to a proceeding under section 236K, has the same meaning as in section 236K(3);

“contravening person” —

- (a) in relation to a proceeding under section 234, 235 or 236, has the same meaning as in section 234(1);
- (b) in relation to a proceeding under section 236D, has the same meaning as in section 236B(1) or 236C(1), as the case may be;
- (c) in relation to a proceeding under section 236G, has the same meaning as in section 236E(1) or 236F(1), as the case may be;

- (d) in relation to a proceeding under section 236I, has the same meaning as in section 236H(1);
- (e) in relation to a proceeding under section 236J, has the same meaning as in section 236B(1), 236C(1), 236E(1), 236F(1) or 236H(1), as the case may be; and
- (f) in relation to a proceeding under section 236K, has the same meaning as in section 236B(1), 236C(1), 236E(1), 236F(1) or 236H(1), as the case may be;

“defendant corporation” has the same meaning as in section 236A;

“defendant individual” means an individual liable to an order for a civil penalty under section 236H in respect of a contravention of any provision of Part XII of the Act committed by a corporation, partnership, limited liability partnership or unincorporated association;

“defendant partnership” has the same meaning as in section 236A.

(2) These Rules apply to proceedings under sections 234, 235, 236, 236D, 236G, 236I, 236J and 236K, subject to the following Rules of this Order.

### **Commencement of action under section 234, 236D, 236G or 236I, etc. (O. 93, r. 2)**

2.—(1) An action under section 234, 236D, 236G or 236I shall be commenced by writ.

(2) Every application for leave of the Court under section 235(1) or 236J(1) or (3) to commence an action under section 234, 236D, 236G or 236I, as the case may be, shall be made by originating summons, naming as the defendant therein the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be.

(3) Order 28 shall, unless expressly modified herein, apply to every originating summons under this Rule.

(4) The application under paragraph (2) shall be supported by an affidavit setting out —

- (a) particulars of the securities, futures contract or contract or arrangement in connection with the leveraged foreign exchange trading transaction in question;
- (b) circumstances leading to the entering into of the transaction in question;
- (c) circumstances leading to the loss suffered;
- (d) particulars of the loss suffered; and
- (e) the grounds on which the application is made.

(5) The application under paragraph (2) and supporting affidavit under paragraph (4) shall in the first instance be served only on the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be, but the Court may direct the application and supporting affidavit to be served on any other person appearing to be interested.

(6) [*Deleted by S 806/2005*]

(7) An application for leave of the Court to continue an action under section 234, 236D, 236G or 236I which has been stayed under section 235(2) or 236J(1) or (3), as the case may be, shall be made by summons in the stayed action and supported by an affidavit stating the grounds of the application.

(8) The application and supporting affidavit shall in the first instance be served only on the defendant; but the Court may direct the application and supporting affidavit to be served on any other person appearing to be interested.

### **Application for directions on claims under section 236 or 236K (O. 93, r. 3)**

**3.—**(1) A claimant seeking compensation from a contravening person referred to in section 234(1), defendant corporation, defendant partnership or defendant individual —

- (a) convicted for a contravention of any provision of Part XII of the Act; or

- (b) against whom an order for a civil penalty is made under section 232, 236B, 236C, 236E, 236F or 236H (other than by way of a default judgment or a consent order),

as the case may be, may apply to the Court for directions on claims for compensation in respect of that contravention, and the Court may, subject to section 236(2) or to section 236K(2) read with section 236(2), as the case may be, fix a return date for hearing the application.

(2) An application under paragraph (1) shall not be made before the conviction or the order making the civil penalty has been made final in accordance with section 236(4) or (5) or with section 236K(2) read with section 236(4) or (5), as the case may be.

(3) Every application under paragraph (1) shall be made by originating summons.

(4) Order 28 shall, unless expressly modified herein, apply to every originating summons under this Rule.

(5) [*Deleted by S 806/2005*]

(6) Unless the Court otherwise orders, the application must be served personally at least 28 clear days or such longer time as the Court may direct before the return date, on the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be.

(7) Every application shall be advertised in Form 226 at least 21 clear days or such longer time as the Court may direct before the return date of the application, at least once in one English and one Chinese local daily newspaper or in such other newspaper as the Court may direct.

(8) The advertisement shall state the day on which the application was filed and the name and address of the applicant and of his solicitor.

(9) If the claimant making the application or his solicitor does not comply with paragraph (6), (7) or (8), the appointment of the time and place at which the application is to be heard shall be cancelled by the

Court and the application shall be deemed dismissed, unless the Court otherwise directs.

**Proof of claim under section 236 or 236K (O. 93, r. 4)**

4.—(1) At least 7 clear days before the return date of the application under Rule 3(1), each claimant desiring to claim compensation against the contravening person referred to in section 234(1), the defendant corporation, the defendant partnership or the defendant individual, as the case may be, under section 236 or 236K in respect of the same contravention for which the contravening person, the defendant corporation, the defendant partnership or the defendant individual, had been convicted or had a civil penalty order under section 232, 236B, 236C, 236E, 236F or 236H, as the case may be, made against him, must state his claim by filing an affidavit in accordance with paragraph (2).

(2) The affidavit shall be supported by the relevant exhibits, and must explain the grounds on which the claimant's claim is made, including:

- (a) particulars of the securities, futures contract or contract or arrangement in connection with the leveraged foreign exchange trading transaction in question;
- (b) circumstances leading to the entering into of the transaction in question;
- (c) circumstances leading to the loss suffered; and
- (d) particulars of the loss suffered.

(3) Without limiting the generality of paragraph (2), the exhibits may include —

- (a) trade notes or slips;
- (b) statements of accounts for the relevant period; and
- (c) copies of instructions given to a broker or remisier.

(4) Every claimant shall serve on the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be, a copy of the affidavit within 3 days of the filing of the same.

**Powers of Court hearing application (O. 93, r. 5)**

5.—(1) Without affecting the generality of Order 28, Rules 4, 5, 8, 9, 10 and 11, where, on the hearing of an application made under Rule 3(1), all the persons on whom the application has been served and all claimants who have filed their affidavits of claim appear, the Court may give such directions or make such orders as to the further conduct of the proceedings as it thinks best adapted to secure the just, expeditious and economical disposal thereof, including directions or orders —

- (a) for the filing of such further affidavit as the Court considers necessary;
- (b) on the manner in which proceedings shall be instituted by the claimants against the defendant;
- (c) that an issue between the claimants and the defendant be stated and tried;
- (d) that the matter be adjourned;
- (e) that further advertisements be made in addition to that required under Rule 3(8) in the manner required by the Court;
- (f) for the substitution of the claimant making the application with another claimant;
- (g) that the application be dismissed.

(2) Where a contravening person, defendant corporation, defendant partnership or defendant individual, as the case may be, having been duly served with the application under Rule 3 does not appear on the hearing of the application or, having appeared, fails or refuses to comply with an order made in the proceedings, the Court may make such order as it deems appropriate against the contravening person, defendant corporation, defendant partnership or defendant individual, as the case may be.

(3) Where a claimant having filed an affidavit of claim under Rule 4 does not appear on the hearing of the application or, having appeared, fails or refuses to comply with an order made in the proceedings, the Court may make an order declaring the claimant, and all persons

claiming under him, forever barred from bringing any claim against the contravening person, defendant corporation, defendant partnership or defendant individual, as the case may be.

### **Other powers (O. 93, r. 6)**

6. Subject to Rules 1 to 5, the Court may, in or for the purposes of any proceedings herein, make such order as to costs or any other matter as it thinks just.

### **Trial of issue stated (O. 93, r. 7)**

7.—(1) Order 35 shall apply, with necessary modifications, to the trial of an issue stated under Rule 5(1)(c) as it applies to the trial of an action.

(2) The Court by whom an issue stated is tried may give such judgment or make such order as finally to dispose of all questions arising in the proceedings to try the issues stated.

## ORDER 94

### SECURITIES AND FUTURES ACT — CIVIL PENALTY ACTIONS

#### **Interpretation and application (O. 94, r. 1)**

1.—(1) In this Order —

“Act” means the Securities and Futures Act (Cap. 289) and any reference to a section shall be construed as a reference to a section in the Act;

“Authority” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act (Cap. 186);

“civil penalty action” means any proceeding commenced by the Authority under section 137ZD, 232, 236B(3), 236C, 236E(3), 236F or 236H;

“Code” means the Criminal Procedure Code (Cap. 68);

*[S 235/2016 wef 01/06/2016]*

“Commercial Affairs Officer” means a Commercial Affairs Officer appointed under section 64 of the Police Force Act (Cap. 235);

*[S 235/2016 wef 01/06/2016]*

“contravening person” —

- (a) in relation to a proceeding under section 236B(3), has the same meaning as in section 236B(1);
- (b) in relation to a proceeding under section 236C, has the same meaning as in section 236C(1);
- (c) in relation to a proceeding under section 236E(3), has the same meaning as in section 236E(1);
- (d) in relation to a proceeding under section 236F, has the same meaning as in section 236F(1); or
- (e) in relation to a proceeding under section 236H, has the same meaning as in section 236H(1);

*[S 235/2016 wef 01/06/2016]*

“police officer” means a member of the Singapore Police Force who is deployed in the Commercial Affairs Department of that Force.

*[S 235/2016 wef 01/06/2016]*

(2) These Rules apply to a proceeding commenced under section 137ZD, 232, 236B(3), 236C, 236E(3), 236F or 236H subject to the following Rules of this Order.

### **Commencement of civil penalty action, etc. (O. 94, r. 2)**

2.—(1) A civil penalty action shall be commenced by writ.

(2) Order 6 (other than Rule 2) shall apply to a civil penalty action unless modified by this Rule.

(3) The Authority shall endorse on the writ —

- (a) a statement of the provision of the Act contravened by the defendant or under which the defendant is liable for the payment of a civil penalty, as the case may be;



- (b) the address of the Authority or, if the Authority sues by a solicitor, the Authority's address and the solicitor's name or firm and a business address of the solicitor;
  - (c) where a defendant is sued in a representative capacity, a statement of the capacity in which he is sued;
  - (d) the number of days within which an appearance is required to be entered under Order 12, Rule 4; and
  - (e) a statement of claim or, if the statement of claim is not endorsed on the writ, a concise statement of the nature of the claim made or the relief or remedy required in the action.
- (4) The address for service of the Authority shall be —
- (a) where the Authority sues by a solicitor, the business address of the solicitor endorsed on the writ; or
  - (b) where the Authority sues in person, the address within the jurisdiction endorsed on the writ.
- (5) The Authority must, on presenting the writ for sealing, file with the Registrar the consent of the Public Prosecutor referred to in section 137ZD(1), 232(1), 236B(3), 236C(2), 236E(3), 236F(2) or 236H(1), as the case may be.

### **Provisions applicable to pleadings (O. 94, r. 3)**

3. Order 18 (other than Rules 8(2), 12(1A) to (1C), 16 and 23 thereof) shall apply to the pleadings in a civil penalty action.

### **Default of appearance (O. 94, r. 4)**

4.—(1) Where the Authority has not applied for any order apart from an order for a civil penalty against the defendant in respect of the same contravention of the Act, then, if the defendant fails to enter an appearance, the Authority may, after the time limited for appearing and —

- (a) upon filing an affidavit proving due service of the writ on the defendant; and

- (b) (where the statement of claim was not endorsed on or served with the writ) upon serving a statement of claim on him,

apply to the Court for judgment against him; and upon hearing the application the Court shall give such judgment as the Authority appears entitled to.

- (2) An application under paragraph (1) shall be by summons.

(3) Where the Authority has applied for any other order in addition to an order for a civil penalty against the defendant in respect of the same contravention of the Act, then, if the defendant fails to enter an appearance, the Authority may, after the time limited for appearing and —

- (a) upon filing an affidavit proving due service of the writ on the defendant; and

- (b) (where the statement of claim was not endorsed on or served with the writ) upon serving a statement of claim on him,

proceed with the civil penalty action as if he had entered an appearance.

(4) Where, by reason of any defendant's satisfying the claim or complying with the demands thereof or for any other like reason it has become unnecessary for the Authority to proceed with the civil penalty action, then, if the defendant fails to enter an appearance, the Authority may, after the time limited for appearing, enter judgment with the leave of the Court against that defendant for costs.

(5) An application for leave under paragraph (4) shall be by summons which must, unless the Court otherwise orders, and notwithstanding anything in Order 62, Rule 10, be served on the defendant against whom it is sought to enter judgment.

(6) Order 13 shall not apply to a civil penalty action other than Rules 7 and 8 of that Order.

**Default of defence (O. 94, r. 5)**

5.—(1) If the defendant or all the defendants (where there is more than one) fails or fail to serve a defence on the Authority, the Authority may, after the expiration of the period fixed under these Rules for service of the defence, apply to the Court for judgment, and on the hearing of the application, the Court shall give such judgment as the Authority appears entitled to.

(2) Where the Authority brings a civil penalty action against more than one defendant, then, if one of the defendants makes default as mentioned in paragraph (1), the Authority may —

- (a) if the claim against the defendant in default is severable from the claim against the other defendants, apply under that paragraph for judgment against that defendant, and proceed with the action against the other defendants; or
- (b) set down the action for judgment against the defendant in default at the time when the action is set down for trial, or is set down for judgment, against the other defendants.

(3) An application under paragraph (1) shall be by summons.

(4) Order 19 shall not apply to a civil penalty action other than Rules 1, 8 and 9 of that Order.

**No joinder of defendants (O. 94, r. 6)**

6. Notwithstanding anything in Orders 15 and 16, the Authority shall not be required to make or add any person as a defendant to a civil penalty action.

**Third party proceedings (O. 94, r. 7)**

7.—(1) Notwithstanding anything in Order 16, a third party notice (including a notice issuable by virtue of Order 16, Rule 9) shall not be issued without the leave of Court.

(2) An application for the grant of such leave must be made by summons in Form 18 and the summons must be served on the Authority.

**Discovery and inspection of documents (O. 94, r. 8)**

8.—(1) Subject to the provisions of this Rule, Order 24 (other than Rule 18) shall apply to a civil penalty action.

(2) Subject to the provisions of this Rule, the Authority may in a civil penalty action be required by the Court to give discovery of documents or produce documents for inspection.

(3) Any order of the Court made under Order 24 shall be construed as not requiring the disclosure of any document the withholding of which is authorised or required under any written law or rule of law on the ground that its disclosure would be injurious to the public interest.

(4) Where an order of the Court made under Order 24 directs that a list of documents made in answer to an order for discovery against the Authority be verified by affidavit, the affidavit shall be made by such officer of the Authority as may be authorised.

(5) The Authority may be ordered to give discovery of or produce for inspection under Order 24 the following documents which are or have been in the Authority's possession, custody or power as a result of the performance or exercise by the Authority of any of its functions, duties or powers under the Act:

(a) any book voluntarily produced by the defendant or contravening person to the Authority;

(b) any book produced by or seized from any person pursuant to section 163, 163A or 164;

*[S 299/2014 wef 01/05/2014]*

(c) any acknowledgement of receipt issued by the Authority for any book referred to in paragraphs (a) and (b);

(d) any correspondence between the Authority or its solicitors and the defendant or contravening person, his agents or his solicitors;

(e) any examination requirement served on the defendant or contravening person pursuant to section 154;

(f) any production requirement served on the defendant or contravening person pursuant to section 163;

(fa) any written notice given, or production requirement (in writing) served, in respect of the defendant's or contravening person's premises pursuant to section 163A;

*[S 299/2014 wef 01/05/2014]*

(g) any warrant issued in respect of the defendant's or contravening person's premises pursuant to section 164;

(h) any written record made pursuant to section 158 of statements made by the defendant or contravening person to the Authority;

(i) trading information relating to the defendant's or contravening person's trading activities which the Authority relies on or will rely on in the civil penalty action, in the form relied on or to be relied on (whether printed, written, graphical, pictorial, electronic or in any other form);

(j) any other document which the Authority relies on or will rely on in the civil penalty action.

(5A) The Authority may also be ordered to give discovery of or produce for inspection under Order 24 the following documents which are or have been in the Authority's possession, custody or power as a result of being furnished to the Authority under section 168C:

(a) any book voluntarily produced by the defendant or contravening person to a Commercial Affairs Officer or a police officer;

(b) any book or document that is produced by any person to a Commercial Affairs Officer or a police officer under section 20 of the Code;

(c) any book or document seized by a Commercial Affairs Officer or a police officer under section 35 of the Code;

(d) any book or document placed in safe custody by a Commercial Affairs Officer or a police officer under section 78 of the Code;

- (e) any acknowledgment of receipt issued by a Commercial Affairs Officer or a police officer for —
- (i) any book or document referred to in sub-paragraph (a), (b), (c) or (d);
  - (ii) any other thing produced by any person to a Commercial Affairs Officer or a police officer under section 20 of the Code;
  - (iii) any other property seized by a Commercial Affairs Officer or a police officer under section 35 of the Code; or
  - (iv) any other article placed in safe custody by a Commercial Affairs Officer or a police officer under section 78 of the Code;
- (f) a written order issued by a Commercial Affairs Officer or a police officer under section 20 of the Code;
- (g) a written order issued to the defendant or contravening person by a Commercial Affairs Officer or a police officer under section 21 of the Code;
- (h) a statement made by any person to a Commercial Affairs Officer or a police officer under section 22 of the Code;
- (i) a statement made by the defendant or contravening person to a Commercial Affairs Officer or a police officer under section 23 of the Code;
- (j) a search warrant issued in respect of the defendant's or contravening person's premises under section 24 of the Code.

[S 235/2016 wef 01/06/2016]

(6) The Authority may not be ordered to give discovery of or produce for inspection under Order 24 any document apart from those listed in paragraphs (5) and (5A) unless the Court is of the opinion that there are strong and exceptional grounds to order the Authority to give discovery of or produce for inspection such document, except that no order shall be made in respect of a document falling within any of the following descriptions:

- (a) documents which are or have been in the Authority's possession, custody or power as a result of the performance or exercise by the Authority of any of its supervisory functions, duties or powers under any written law other than the Act;
- (b) complaints or requests received by the Authority to investigate or provide assistance on possible or alleged contravention of the Act, or any other documents received by the Authority of a similar nature;
- (c) the Authority's internal books;
- (d) any correspondence between the Authority and the Government or any statutory body;

*[S 235/2016 wef 01/06/2016]*

- (da) any document which is sent by the Authority to the Government or any statutory body, but is not furnished by the Authority under section 168B;

*[S 235/2016 wef 01/06/2016]*

- (db) any document which is received by the Authority from the Government or any statutory body, but is not referred to in paragraph (5A);

*[S 235/2016 wef 01/06/2016]*

- (e) any correspondence between the Authority and —
  - (i) any overseas regulatory authority;
  - (ii) any securities exchange, futures exchange or clearing house; or
  - (iii) the complainant.

*[S 235/2016 wef 01/06/2016]*

(7) Nothing in paragraph (6) shall affect the operation of the Evidence Act (Cap. 97).

(8) In this Rule, “book” has the same meaning as in section 2(1).

**Summons for directions (O. 94, r. 9)**

9. Order 25 (other than Rules 1A and 8 thereof) shall apply to a civil penalty action.

**Interrogatories (O. 94, r. 10)**

10.—(1) Subject to the provisions of this Rule, Order 26 (other than Rule 3(3) thereof) shall apply to a civil penalty action.

(2) Interrogatories without order shall not be served on the Authority.

(3) Subject to the provisions of this Rule, the Authority may in a civil penalty action be required by the Court to answer interrogatories.

(4) Paragraph (3) is without prejudice to any written law or rule of law which authorises or requires the refusal to answer any question on the ground that the answering of the question would be injurious to the public interest.

(5) Any order of the Court made under Order 26 shall be construed as not requiring the disclosure of any document the withholding of which is authorised or required under any written law or rule of law on the ground that its disclosure would be injurious to the public interest.

(6) Where an order of the Court made under Order 26 directs that interrogatories be answered by the Authority, the interrogatories shall be answered by such officer of the Authority as the Court may direct.

(7) Order 26A shall not apply to a civil penalty action.

**No payment into Court, etc. (O. 94, r. 11)**

11. Orders 22 and 22A shall not apply to a civil penalty action.

**Orders made under section 137ZD(3) or 232(4) (O. 94, r. 12)**

12. Where an order is sought under section 137ZD(3) or 232(4), or under section 232(4) read with section 236B(6), 236C(5), 236E(6), 236F(5) or 236H(4), the Authority shall file the consent of the Public Prosecutor referred to in that provision.



**Costs (O. 94, r. 13)**

**13.**—(1) Notwithstanding anything in Order 59, no order shall be made for the costs of a defendant to be paid by the Authority where the Authority discontinues a civil penalty action or withdraws all claims made against the defendant in a civil penalty action on the ground of the death or the bankruptcy or winding up of the defendant, or the commencement of bankruptcy or winding up proceedings against the defendant, after the commencement of the civil penalty action.

(2) Subject to the Rules in this Order, the Court may in or for the purposes of any proceedings herein, make such order as to costs as it thinks just.

(3) Where —

(a) a legal officer of the Authority, who has been admitted as an advocate and solicitor under the Legal Profession Act (Cap. 161); or

(b) a State Counsel,

appears as an advocate on behalf of the Authority and costs are awarded to the Authority, such costs shall include such items, including fees for drawing, for getting up the case and for attendances, as would be included within the meaning of the word “costs” in any written law as though an advocate and solicitor who has in force a practising certificate, and who practises in a Singapore law practice, had appeared.

(4) Such costs shall be in accordance with any scale of fees prescribed from time to time to be chargeable by advocates and solicitors and may be taxed in accordance with Order 59.

(5) Costs awarded to the Authority in accordance with this Rule, when recovered, shall be paid to the Authority.

ORDER 95

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF  
PAYMENT ACT

**Interpretation (O. 95, r. 1)**

1.—(1) In this Order, “Act” means the Building and Construction Industry Security of Payment Act (Cap. 30B) and any reference to a section shall be construed as a reference to a section in the Act.

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) An application to which this Order applies must be made —

- (a) where an action is pending, by summons in the action; and
- (b) in any other case, by originating summons.

**Application for enforcement of adjudication determination  
(O. 95, r. 2)**

2.—(1) An application for leave to enforce an adjudication determination under section 27 shall be made to the Registrar by ex parte originating summons or summons.

(2) The supporting affidavit for an application referred to in paragraph (1) must —

- (a) exhibit the original adjudication determination and the contract to which the adjudication determination relates or, in either case, a copy thereof;
- (b) state the name and the usual or last known place of business of the applicant and the person against whom it is sought to enforce the adjudication determination (referred to in this Rule as the debtor), respectively; and
- (c) state the unpaid portion of the adjudicated amount.

(3) An order granting leave must be drawn up by or on behalf of the applicant, and must be served on the debtor —

- (a) by delivering a copy to him personally;

- (b) by sending a copy to him at his usual or last known place of business; or
- (c) in such other manner as the Court may direct.

(4) Within 14 days after being served with the order granting leave, the debtor may apply to set aside the adjudication determination and the adjudication determination shall not be enforced until after the expiration of that period or, if the debtor applies within that period to set aside the adjudication determination, until after the application is finally disposed of.

(5) The copy of the order served on the debtor must state the effect of paragraph (4).

### **Application to set aside adjudication determination or judgment (O. 95, r. 3)**

**3.—**(1) An application to set aside an adjudication determination or a judgment must be supported by an affidavit which must —

- (a) have exhibited to it a copy of the adjudication determination and the contract to which the adjudication determination relates, and any other document relied on by the applicant;
- (b) state the grounds on which it is contended that the adjudication determination or judgment, as the case may be, should be set aside;
- (c) set out any evidence relied on by the applicant; and
- (d) be served with the application.

(2) [*Deleted by S 806/2005*]

(3) The applicant must, at the time of filing the application, provide security for the unpaid portion of the adjudicated amount that he is required to pay in consequence of the adjudication determination or judgment by means of a direction to the Accountant-General in Form 219A(a).

(4) If the party who is entitled to enforce the adjudication determination or the judgment wishes to oppose the application referred to in paragraph (1), he must file an affidavit stating the

grounds on which he opposes the application within 14 days after being served with the application and the supporting affidavit.

(5) In this Rule, “judgment” means a judgment obtained pursuant to section 27.

## ORDER 96

### LIMITED LIABILITY PARTNERSHIPS ACT

#### **Interpretation (O. 96, r. 1)**

1. In this Order, “Act” means the Limited Liability Partnerships Act (Cap. 163A).

#### **Application of Order 77 (O. 96, r. 2)**

2. Order 77 shall not apply to a limited liability partnership registered under the Act.

#### **Applications to Court (O. 96, r. 3)**

3.—(1) Unless otherwise provided in the Act or this Order, every application under the Act must be made by originating summons and these Rules shall apply subject to this Order.

(2) In the case of a winding up originating summons presented under paragraph 3(1)(e) of the Fifth Schedule to the Act, the Court may order the proceedings to continue as if the proceedings had been begun by writ and may, in particular, order that —

- (a) pleadings be delivered or that the originating summons or any affidavits shall stand as pleadings, with or without liberty to any of the parties to add thereto or to apply for particulars thereof;
- (b) any persons be added as parties to the proceedings; and
- (c) Order 25, Rules 2 to 7 shall, with the omission of so much of Rule 7(1) of that Order as requires parties to serve a notice specifying the orders and directions which they require and with any other necessary modifications, apply as if there had been a summons for directions in the proceedings.

**Title of proceedings (O. 96, r. 4)**

4.—(1) Every originating summons to which this Order relates and all affidavits, notices and other documents in those proceedings must be entitled in the matter of the limited liability partnership in question and in the matter of the Act.

(2) The originating summons by which an application for leave under section 36 of the Act is made must be entitled in the matter of the limited liability partnership (if any) in relation to which the applicant was convicted and in the matter of the Act.

**Summons for directions (O. 96, r. 5)**

5. Without prejudice to the generality of Order 28, Rule 4, on the first hearing of an originating summons to which this Order relates, the Court may by order give such direction as to the proceedings to be taken as it thinks fit.

**ORDER 97****COMPETITION ACT — APPLICATIONS UNDER SECTION 85  
OF COMPETITION ACT****Powers under relevant Acts exercisable by Judge or Registrar  
(O. 97, r. 1)**

1.—(1) Subject to paragraph (2), the powers conferred on the District Court by section 85 of the Competition Act (Cap. 50B) (referred to in this Order as the Act) may be exercised by a District Judge in Chambers or the Registrar.

(2) The powers conferred on the District Court by section 85(3) of the Act may only be exercised by a District Judge.

**Application for registration (O. 97, r. 2)**

2. An application for the registration in the District Court of —

- (a) any commitment accepted by the Competition Commission of Singapore under section 60A of the Act (referred to as a Commitment);

- (b) any direction made by the Competition Commission of Singapore pursuant to section 58A, 67 or 69 of the Act (referred to as a Direction); or
- (c) any decision made by the Competition Appeal Board (referred to as a Decision),

must be made by an ex parte originating summons.

### **Evidence in support of application for registration (O. 97, r. 3)**

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

- (a) exhibiting the Commitment, Direction or Decision sought to be registered or a verified or certified or otherwise duly authenticated copy thereof;
- (b) stating the name, trade or business and the usual or last known place of residence or business of —
  - (i) the party seeking to register the Commitment, Direction or Decision; and
  - (ii) the party who provided the Commitment or against whom the Direction or Decision has been made, as the case may be, so far as known to the deponent; and
- (c) stating to the best of the information or belief of the deponent that —
  - (i) the party applying for the registration of the Commitment, Direction or Decision is entitled to enforce the Commitment, Direction or Decision, as the case may be;
  - (ii) as at the date of the application, the Commitment, Direction or Decision has not been complied with; and
  - (iii) the amount of financial penalty imposed thereunder which remains unsatisfied, if applicable.

**Security for costs (O. 97, r. 4)**

4. The Court may order the party applying for the registration of the Commitment, Direction or Decision to give security for the costs of the application and of any proceedings which may be brought to set aside the registration.

**Order for registration (O. 97, r. 5)**

5.—(1) An order in Form 227 to register a Commitment, Direction or Decision must be drawn up by, or on behalf of, the party applying to register the Commitment, Direction or Decision and —

- (a) in the case of a Commitment, served on the party who provided the Commitment; and
- (b) in the case of a Direction or Decision, served on the party against whom the Direction or Decision has been made.

(2) Unless the Court otherwise directs, every such order shall state the period within which an application may be made to set aside the registration of the Commitment, Direction or Decision and shall contain a notification that execution on the Commitment, Direction or Decision will not issue until after the expiration of that period.

(3) Any application to extend the period to set aside the registration of the Commitment, Direction or Decision (whether as originally fixed or as subsequently extended) must be made before the expiry of that period.

(4) The Court may extend the period referred to in paragraph (3) on such terms as it thinks fit.

**Register of Commitments, Directions and Decisions (O. 97, r. 6)**

6. There shall be kept in the Registry a register of all the Commitments, Directions and Decisions registered under this Order.

**Notice of registration (O. 97, r. 7)**

7.—(1) Notice of the registration of a Commitment, Direction or Decision must be served on the party who provided the Commitment or against whom the Direction or Decision has been made, as the case

may be, and subject to paragraph (2), must be served personally, unless the Court otherwise orders.

(2) Service of such a notice out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6 shall apply in relation to such a notice as they apply in relation to a writ.

(3) The notice of registration must state —

- (a) full particulars of the Commitment, Direction or Decision registered and the order for registration;
- (b) the name and address of the party seeking to enforce the Commitment, Direction or Decision or of his solicitor on whom, and at which, any summons issued by the party who provided the Commitment or against whom the Direction or Decision has been made, as the case may be, may be served;
- (c) that the party who provided the Commitment or against whom the Direction or Decision has been made, as the case may be, has a right to apply to have the registration set aside; and
- (d) the period within which an application to set aside the registration may be made.

### **Endorsement of service (O. 97, r. 8)**

**8.—**(1) Within 3 days after service of the notice of registration or within such longer period as the Court may, in special circumstances, allow, the notice or a copy thereof must be endorsed by the person who served it with the day of the week and date on which it was served.

(2) If the notice is not so endorsed within the period mentioned in paragraph (1), the person seeking to enforce the Commitment, Direction or Decision may not issue execution on the Commitment, Direction or Decision to which the notice relates without the leave of the Court.

(3) Every affidavit of service of any such notice must state the date on which the notice was endorsed under this Rule.



**Application to set aside registration (O. 97, r. 9)**

9.—(1) An application to set aside the registration of a Commitment, Direction or Decision must be made by summons supported by an affidavit.

(2) The Court hearing such application may order any issue between —

- (a) the Competition Commission of Singapore and the party who provided the Commitment or against whom the Direction or Decision has been made, as the case may be; or
- (b) the party who has obtained a Decision and the party against whom a Decision has been made,

to be tried in any manner in which an issue in an action may be ordered to be tried.

(3) The Court hearing an application under this Rule to set aside the registration of a Commitment, Direction or Decision may order the registration of the Commitment, Direction or Decision to be set aside on such terms as it thinks fit.

**Issue of execution (O. 97, r. 10)**

10.—(1) Where the Court has, pursuant to Rule 5(2), specified a period within which an application may be made to set aside the registration of a Commitment, Direction or Decision, execution shall not issue on the Commitment, Direction or Decision until after the expiration of the specified period, or if that period has been extended by the Court, until after the expiration of that period so extended.

(2) If an application is made to set aside the registration of a Commitment, Direction or Decision, execution on the Commitment, Direction or Decision shall not issue until after such application is disposed of.

(3) Any party wishing to issue execution on a Commitment, Direction or Decision registered under this Order must produce to the Bailiff an affidavit of service of the notice of registration of the Commitment, Direction or Decision and any order made by the Court in relation to the Commitment, Direction or Decision.

**Application for order under section 85(3) (O. 97, r. 11)**

11.—(1) An application for any order specified in section 85(3) of the Act —

(a) may be made together with or at any time after an application for registration under Rule 2; and

(b) shall not constitute execution on the Commitment, Direction or Decision under Rule 10.

(2) The application referred to in paragraph (1) may be made by summons supported by an affidavit and where the case is one of urgency, may be made ex parte.

(3) The affidavit shall state —

(a) the grounds relied upon by the applicant for the order sought; and

(b) the appropriateness of the order sought in addressing the grounds relied upon by the applicant.

ORDER 98

INCOME TAX ACT

**Interpretation and application (O. 98, r. 1)**

1.—(1) In this Order —

“Act” means the Income Tax Act (Cap. 134), and any reference to a section shall be construed as a reference to a section in the Act;

“proceedings to which this Order applies” means any proceedings to review the exercise by the Comptroller of any power under section 65, 65A or 65B to obtain information for the purposes of complying with a request made under section 105D(1) and any application relating to such proceedings;

“subject request”, in relation to any proceedings to which this Order applies, means the request made under section 105D(1)

for which power under section 65, 65A or 65B was exercised, and the exercise of which is the subject of those proceedings.

(2) Expressions used in this Order which are used in Part XXA of the Act have the same meanings in this Order as in that Part.

(3) This Order applies to proceedings commenced on or after 2nd July 2014.

*[S 390/2014 wef 02/07/2014]*

**Certain documents not subject to discovery or inspection**  
**(O. 98, r. 2)**

2.—(1) In any proceedings to which this Order applies, no person may inspect or take a copy of any document relating to those proceedings without the leave of Court.

(2) The Court shall not grant leave under paragraph (1) if —

(a) the document is one referred to in paragraph (4); and

(b) the competent authority under the prescribed arrangement pursuant to which the subject request was made has requested the Comptroller not to disclose the document to any person.

(3) The Comptroller may not in any proceedings to which this Order applies, being proceedings under Order 24, be ordered to give discovery of or produce for inspection any document if —

(a) the document is one referred to in paragraph (4); and

(b) the competent authority under the prescribed arrangement pursuant to which the subject request was made has requested the Comptroller not to disclose the document to any person.

(4) Paragraphs (2) and (3) apply to the following documents:

(a) the subject request;

(b) any document relating to the subject request which is given by or to the Comptroller, to or by the competent authority or a person acting on behalf of the competent authority.

*[S 390/2014 wef 02/07/2014]*

**Publication of information in proceedings (O. 98, r. 3)**

3.—(1) Subject to paragraph (2), no information relating to any proceedings to which this Order applies may be published without the leave of Court.

(2) The Court shall not grant leave under paragraph (1) unless it is satisfied that the information, if published in accordance with such direction as it may give, would not reveal any matter that —

(a) the Comptroller;

(b) the person from whom the Comptroller obtains the information; or

(c) the person in relation to whom information is sought, reasonably wishes to remain confidential.

*[S 390/2014 wef 02/07/2014]*

**Confidentiality (O. 98, r. 4)**

4.—(1) A Court may, in any proceedings to which this Order applies, on the application of the Comptroller, make such further order as it may consider necessary to ensure the confidentiality of anything relating to those proceedings.

(2) Every application, affidavit or other document filed with the Court for the purpose of any proceedings to which this Order applies shall be sealed upon the request of the applicant or the Comptroller.

*[S 390/2014 wef 02/07/2014]*

**Application for leave of Court (O. 98, r. 5)**

5.—(1) An application for leave of the Court under this Order must be supported by an affidavit.

(2) The application and supporting affidavit must be filed and served on each of the following persons at least 28 days before the date fixed for the hearing of the application, unless that person is the applicant himself:

(a) the Comptroller;

(b) the person from whom the Comptroller obtains the information;

(c) the person in relation to whom information is sought.

(3) Any person on whom the application and affidavit are served under paragraph (2) must, if he wishes to reply to the affidavit of the applicant, file and serve his affidavit on the applicant within 14 days after service of the applicant's affidavit.

(4) The application shall be heard by a Judge in Chambers.

*[S 390/2014 wef 02/07/2014]*

### **Order 60, Rule 4 not applicable (O. 98, r. 6)**

6. Order 60, Rule 4 shall not apply in relation to any proceedings to which this Order applies.

*[S 390/2014 wef 02/07/2014]*

## ORDER 99

### ORDER 99 : Mental Capacity Act

1. to 14. *[Deleted by S 850/2014 wef 01/01/2015]*

## ORDER 100

### COLLECTIVE SALE APPLICATIONS

#### **Interpretation (O. 100, r. 1)**

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

“Act” means the Land Titles (Strata) Act (Cap. 158);

“application” means an application to the High Court under one of the following provisions of the Act after the issue of a stop order by a Board:

(a) under section 84A(1) of the Act for an order for the sale of all the lots and common property in a strata title plan;

- (b) under section 84D(2) of the Act for an order for the sale of all the flats and the land in a development to which section 84D of that Act applies;
- (c) under section 84E(3) of the Act for an order for the sale of all the flats and the land in a development to which section 84E of that Act applies;
- (d) under section 84FA(2) of the Act for an order for the sale of all the lots and common property in a strata title plan to which section 84FA of that Act applies;

“Board” means a Strata Titles Board constituted under the Building Maintenance and Strata Management Act (Cap. 30C);

“stop order” means a stop order issued by a Board —

- (a) under section 84A(6A)(b) of the Act;
- (b) under section 84D(4A)(b) of the Act;
- (c) under section 84E(6A)(b) of the Act; or
- (d) under section 84FA(5A)(b) of the Act.

### **Commencement of proceedings (O. 100, r. 2)**

2.—(1) Every application must be made by originating summons within the time limited by section 84A(2B), 84D(2B), 84E(3B) or 84FA(2B) of the Act, whichever is applicable.

(2) An originating summons that is an application under section 84A(1) or 84FA(2) of the Act must name as the defendant or defendants therein —

- (a) every subsidiary proprietor of any lot in the strata title plan which is the subject of the application —
  - (i) who has not agreed to sell all the lots and common property in the strata title plan to which the application relates to a purchaser under a sale and purchase agreement, subject to an order being made under section 84A(6) or (7) or 84FA(5) or (6) of the Act, as the case may be; and

- (ii) who, within the time allowed under section 84A(4) or 84FA(4) of the Act, as the case may be, filed an objection thereunder to an application to a Board relating to the same proposed sale; and
- (b) every mortgagee, chargee or other person (other than a lessee) —
  - (i) with an estate or interest in any lot referred to in sub-paragraph (a)(i) and whose interest is notified on the land-register for that lot; and
  - (ii) who, within the time allowed under section 84A(4) or 84FA(4) of the Act, as the case may be, filed an objection thereunder to an application to a Board relating to the same proposed sale.
- (3) An originating summons that is an application under section 84D(2) of the Act must name as the defendant or defendants therein —
  - (a) every proprietor of any flat in the development which is the subject of the application —
    - (i) who has not agreed in writing to sell all the flats and the land in the development to a purchaser under a sale and purchase agreement, subject to an order being made under section 84D(4) or (5) of the Act; and
    - (ii) who, within the time allowed under section 84D(3) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale; and
  - (b) every mortgagee, chargee or other person (other than a lessee) —
    - (i) with an estate or interest in any flat referred to in sub-paragraph (a)(i) and whose interest is notified on the land-register for that flat; and
    - (ii) who, within the time allowed under section 84D(3) of the Act, filed an objection under that section to an

application to a Board relating to the same proposed sale.

(4) An originating summons that is an application under section 84E(3) of the Act must name as the defendant or defendants therein —

(a) every proprietor of any flat in the development which is the subject of the application —

(i) who has not agreed in writing to sell all the flats in the development to a purchaser under a sale and purchase agreement, subject to an order being made under section 84E(6) or (7) of the Act; and

(ii) who, within the time allowed under section 84E(5) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale; and

(b) every mortgagee, chargee or other person (other than a lessee) —

(i) with an estate or interest in any flat referred to in sub-paragraph (a)(i) and whose interest is notified on the land-register for that flat; and

(ii) who, within the time allowed under section 84E(5) of the Act, filed an objection under that section to an application to a Board relating to the same proposed sale.

(5) Order 28 shall, unless expressly modified herein, apply to every originating summons under this Rule.

### **Service of summons (O. 100, r. 3)**

3. The originating summons, together with such supporting affidavit or affidavits, must be served on every defendant.

### **Supporting affidavits (O. 100, r. 4)**

4.—(1) Where the plaintiffs intend to adduce evidence in support of an originating summons that is an application, they must do so by



affidavit and must file the affidavit or affidavits and serve a copy thereof on every defendant referred to in Rule 2(2), (3) or (4), as the case may be, not later than 7 days after the service of the originating summons on the last such defendant.

(2) Every such affidavit under paragraph (1) must be made by or with the authority of all the authorised representatives appointed under section 84A(2) of the Act in connection with the application concerned, setting out the following:

- (a) in the case of an affidavit in connection with an application under section 84A(1) or 84FA(2) of the Act —
  - (i) the lots and common property comprised in the strata title plan and the total area and share value of all the lots (excluding any accessory lot) to which the application relates;
  - (ii) the date when the latest Temporary Occupation Permit or Certificate of Statutory Completion, as the case may be, was issued in respect of a building (other than common property) comprised in the strata title plan to which the application relates;
  - (iii) the respective share values of every subsidiary proprietor of and the respective areas of each lot in the strata title plan to which the application relates, classified according to those who have and those who have not signed the collective sale agreement;
  - (iv) the proposed method of distribution of sale proceeds under the collective sale agreement and all other particulars of the collective sale of the lots and common property comprised in the strata title plan to which the application relates;
  - (v) the valuation of the lots and common property comprised in the strata title plan to which the application relates;
  - (vi) whether the sale and purchase agreement of the lots and common property comprised in that strata title plan involves an arrangement for the redevelopment

- of the land and, if so, whether the sale and purchase agreement requires a defendant to be a party to such an arrangement;
- (vii) all particulars of the sale and purchase agreement of the lots and common property comprised in the strata title plan to which the application relates;
  - (viii) the date that the permitted time (within the meaning of the First Schedule to the Act) for the collective sale agreement started;
  - (ix) the date on which the collective sale agreement was last executed by any subsidiary proprietor referred to in section 84A(1) or 84FA(2) of the Act;
  - (x) the date or dates on which the notice or notices referred to in paragraph 1(b) of the First Schedule to the Act were affixed; and
  - (xi) the particulars of the stop order issued in relation to the same proposed sale that is the subject of the application;
- (b) in the case of an affidavit in connection with an application under section 84D(2) or 84E(3) of the Act —
- (i) the flats and land comprised in the development and the total area of all the flats to which the application relates;
  - (ii) the date when the latest Temporary Occupation Permit or Certificate of Statutory Completion, as the case may be, was issued in respect of a building (other than common property) comprised in the development to which the application relates;
  - (iii) the respective shares or notional shares, as the case may be, in land of every proprietor of and the respective areas of each flat in the development to which the application relates, classified according to those who have and those who have not signed the collective sale agreement;

- (iv) the proposed method of distribution of sale proceeds under the collective sale agreement and all other particulars of the collective sale of the flats and land comprised in the development to which the application relates;
- (v) the valuation of the flats and land comprised in the development to which the application relates;
- (vi) whether the sale and purchase agreement of the flats and land comprised in that development involves an arrangement for the redevelopment of the land and, if so, whether the sale and purchase agreement requires a defendant to be a party to such an arrangement;
- (vii) all particulars of the sale and purchase agreement of the flats and land comprised in the development to which the application relates;
- (viii) the date the permitted time for the collective sale agreement (within the meaning of the First Schedule to the Act) started;
- (ix) the date on which the collective sale agreement was last executed by any proprietor referred to in section 84D(2) or 84E(3) of the Act;
- (x) the date or dates on which the notice or notices referred to in paragraph 1(b) of the First Schedule to the Act were affixed; and
- (xi) the particulars of the stop order issued in relation to the same proposed sale that is the subject of that application.

(3) Every affidavit under paragraph (1) in support of an originating summons comprising an application must be supported by the relevant exhibits, which include the stop order issued in relation to the same proposed sale that is the subject of the application, and the application to the Board the proceedings of which were discontinued by that stop order.

(4) No further affidavit shall be received in evidence without leave of the High Court.

### **Objections (O. 100, r. 5)**

5.—(1) Subject to the provisions of the Act and Rule 6, where any defendant intends to object to an application in an originating summons served on him and wishes to adduce evidence with reference to the originating summons, he must do so by affidavit, and the affidavit or affidavits must be filed and a copy thereof must be served on the plaintiffs not later than 21 days after being served with a copy of the affidavit or affidavits by the plaintiff under Rule 4(1).

(2) No further affidavit shall be received in evidence without leave of the High Court.

### **Dispute as to jurisdiction (O. 100, r. 6)**

6.—(1) A defendant who wishes to dispute the jurisdiction of the High Court in the proceedings by reason of any irregularity in the originating summons or service thereof or in any order giving leave to serve the originating summons out of the jurisdiction or extending the validity of the originating summons for the purpose of service or on any other ground shall within 21 days after service of the originating summons and supporting affidavit or affidavits on him under Rule 4(1) apply to the High Court for any order specified in Order 28, Rule 2A.

(2) An application under paragraph (1) must be made by summons supported by an affidavit verifying the facts on which the application is based and a copy of the affidavit must be served with the summons.

(3) Upon the hearing of an application under paragraph (1) or (2), the Court may make such order as it thinks fit and may give such directions for its disposal as may be appropriate, including directions for the trial thereof as a preliminary issue.

### **Summons for directions (O. 100, r. 7)**

7. Without prejudice to the generality of Order 28, Rule 4, on the first hearing of an originating summons to which this Order relates, the Court may by order give such directions as to the proceedings to be

taken as it thinks fit, including directions for the publication of notices.

## ORDER 101

### REFERRALS ON ISSUES OF LAW

#### **Interpretation (O. 101, r. 1)**

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

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

“foreign country” means a country or territory outside Singapore;

“specified court” means a court that is specified in Rule 7;

*[S 175/2015 wef 01/04/2015]*

“specified foreign country” means a foreign country that is specified in Rule 6.

#### **Order for reference of questions of foreign law to foreign courts on application of parties (O. 101, r. 2)**

2.—(1) Where in any proceedings before the Court there arises any question relating to the law of any specified foreign country or to the application of such law, the Court may, on the application of one or more of the parties, order that proceedings be commenced in a specified court in that specified foreign country seeking a determination of such question.

*[S 175/2015 wef 01/04/2015]*

(2) An application for an order under paragraph (1) must be made by summons and supported by an affidavit stating the grounds for the application.

(3) The Court may give such directions as it thinks fit for the preparation of a statement of the issue from which the question arises for inclusion with the question of law to be determined by the specified court in the specified foreign country.

*[S 175/2015 wef 01/04/2015]*

**Referral of questions of foreign law on Court's own motion  
(O. 101, r. 3)**

3. Nothing in this Order shall prevent the Court from ordering, on its own motion, that proceedings be commenced in any court of competent jurisdiction in any foreign country (not being a specified foreign country) seeking a determination of any question relating to the law of that foreign country or to the application of such law.

**Order for referral of questions of foreign law (O. 101, r. 4)**

4. An order made by the Court under Rule 2 or 3 must —
- (a) state the question that is to be determined in relation to the law of the foreign country;
  - (b) state the facts or assumptions upon which the question is to be determined;
  - (c) contain a statement to the effect that the court in the foreign country may vary the facts or assumptions and the question to be determined; and
  - (d) state whether and to what extent the parties may depart from the facts or assumptions in the determination of the question by the court of the foreign country.

**Determination of issues arising in foreign court proceedings  
(O. 101, r. 5)**

5.—(1) Proceedings for the determination of any issue relating to Singapore law which is relevant to an issue in any proceedings before a specified court in a specified foreign country may be commenced by originating summons and supported by affidavit.

*[S 175/2015 wef 01/04/2015]*

- (2) The originating summons or supporting affidavit must —
- (a) state the question that is to be determined in relation to Singapore law;
  - (b) state the facts or assumptions upon which the question is to be determined;

- (c) contain a statement to the effect that the Court in Singapore may vary the facts or assumptions and the question to be determined; and
- (d) state whether and to what extent the parties may depart from the facts or assumptions in the determination of the question by the Court in Singapore.

### **Specified foreign countries (O. 101, r. 6)**

6. For the purposes of this Order, each of the following is a specified foreign country:

- (a) New South Wales, Australia;
- (b) Dubai, United Arab Emirates;

*[S 51/2018 wef 01/02/2018]*

- (c) Bermuda.

*[S 51/2018 wef 01/02/2018]*

*[S 175/2015 wef 01/04/2015]*

### **Specified courts (O. 101, r. 7)**

7. For the purposes of this Order —

- (a) where the specified foreign country is New South Wales, Australia, every court of competent jurisdiction in New South Wales, Australia is a specified court;

*[S 51/2018 wef 01/02/2018]*

- (b) where the specified foreign country is Dubai, United Arab Emirates, every court of competent jurisdiction which forms part of the Dubai International Financial Centre Courts is a specified court; and

*[S 51/2018 wef 01/02/2018]*

- (c) where the specified foreign country is Bermuda, the Supreme Court of Bermuda is a specified court.

*[S 51/2018 wef 01/02/2018]*

*[S 175/2015 wef 01/04/2015]*

ORDER 102

ORDER 102 : International Child Abduction Act

1. to 12. [*Deleted by S 850/2014 wef 01/01/2015*]

ORDER 103

SECURITIES AND FUTURES ACT — ORDER FOR  
DISGORGEMENT AGAINST THIRD PARTY

**Interpretation and application (O. 103, r. 1)**

1.—(1) In this Order —

“Act” means the Securities and Futures Act (Cap. 289) and any reference to a section shall be construed as a reference to a section in the Act;

“Authority” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act (Cap. 186);

“claimant” has the same meaning as in section 236L(12);

“order for disgorgement” means an order applied for under section 236L(1);

“third party” has the same meaning as in section 236L(1).

(2) These Rules apply to proceedings under section 236L, subject to the following Rules of this Order.

**Commencement of action under section 236L (O. 103, r. 2)**

2.—(1) An application for an order for disgorgement under section 236L may be made by originating summons, naming as the defendant therein the third party.

(2) Order 28 shall, unless modified expressly herein, apply to the originating summons.

(3) The application under paragraph (1) shall be supported by an affidavit setting out —



- (a) the grounds on which the application is made, including —
- (i) particulars of the contravention of the relevant provision of Part XII of the Act;
  - (ii) circumstances leading to the trades carried out for the third party in question;
  - (iii) circumstances leading to the third party receiving the whole or any part of the benefit of the contravention; and
  - (iv) particulars of the benefit received by the third party; and
- (b) where the application is made by a claimant —
- (i) particulars of the securities transaction, futures contract, or contract or arrangement in connection with leveraged foreign exchange trading, in respect of which the claimant suffered a loss;
  - (ii) circumstances leading to the entering into of the transaction in question;
  - (iii) circumstances leading to the loss suffered; and
  - (iv) particulars of the loss suffered.

(4) Unless the Court otherwise orders, the application under paragraph (1) and supporting affidavit under paragraph (3) must be served personally on —

- (a) the third party; and
- (b) any other person appearing to be interested as the Court may direct,

at least 28 clear days or such longer time as the Court may direct, before the hearing of the application.

(5) If the applicant for the order for disgorgement or his solicitor does not comply with paragraph (4), the application shall be deemed dismissed, unless the Court otherwise directs.

(6) After hearing an application under paragraph (1), the Court may direct the applicant to serve on the third party a notice under

section 236L(2) in Form 228, specifying the time and place for him to show cause why an order for disgorgement should not be made against him.

(7) The third party may show cause by affidavit or otherwise to the satisfaction of the Court.

**Application for directions on claims under section 236L (O. 103, r. 3)**

3.—(1) If an order for disgorgement has been made final in accordance with section 236L(11), the applicant for the order or any claimant may apply to the Court for directions on claims for compensation to be paid out of the sum under the order, and the Court may, subject to section 236L(6), fix a return date for hearing the application.

(2) Every application under paragraph (1) shall be made by summons.

(3) Unless the Court otherwise orders, the application under paragraph (1) must be served personally on —

(a) the third party; and

(b) any other person appearing to be interested as the Court may direct,

at least 28 clear days or such longer time as the Court may direct, before the return date.

(4) Every application under paragraph (1) shall be advertised in Form 229 at least 21 clear days or such longer time as the Court may direct before the return date, at least once in one English and one Chinese local daily newspaper or in such other newspaper as the Court may direct.

(5) The advertisement shall state the day on which the application was filed and the name and address of the applicant for directions and of his solicitor.

(6) If the applicant for directions or his solicitor does not comply with paragraph (3), (4) or (5), the appointment of the time and place at which the application is to be heard shall be cancelled by the Court

and the application shall be deemed dismissed, unless the Court otherwise directs.

#### **Proof of claim under section 236L (O. 103, r. 4)**

4.—(1) At least 7 clear days before the return date of the application under Rule 3(1), each claimant desiring to file a claim for compensation under section 236L(6), must state his claim by filing an affidavit in accordance with paragraph (2).

(2) The affidavit shall be supported by the relevant exhibits, and must explain the grounds on which the claimant's claim is made, including —

- (a) particulars of the securities transaction, futures contract, or contract or arrangement in connection with leveraged foreign exchange trading transaction, in respect of which the claimant suffered a loss;
- (b) circumstances leading to the entering into of the transaction in question;
- (c) circumstances leading to the loss suffered; and
- (d) particulars of the loss suffered.

(3) Without limiting the generality of paragraph (2), the exhibits may include —

- (a) trade notes or slips;
- (b) statements of accounts for the relevant period; and
- (c) copies of instructions given to a broker or remisier.

(4) Every claimant shall serve on the third party a copy of the affidavit within 3 days of the filing of the same.

#### **Powers of Court (O. 103, r. 5)**

5.—(1) Without affecting the generality of Order 28, Rules 4, 5, 8, 9, 10 and 11, the Court may, after hearing —

- (a) an application under Rule 2(1);
- (b) the third party under Rule 2(7); or

- (c) an application under Rule 3(1), provided all the persons on whom the application has been served and all claimants who have filed their affidavits of claim appear,

give such directions or make such orders as to the further conduct of the proceedings as it thinks best adapted to secure the just, expeditious and economical disposal of the proceedings, including directions or orders —

- (i) for the filing of such further affidavits as the Court considers necessary;
- (ii) on the manner in which proceedings shall be instituted against the third party;
- (iii) that an issue be stated and tried;
- (iv) that the matter be adjourned;
- (v) that further advertisements be made in addition to that required under Rule 3(4) in the manner required by the Court;
- (vi) for the substitution of the claimant making the application under Rule 2(1) or 3(1), as the case may be, with another claimant; or
- (vii) that the application under Rule 2(1) or 3(1), as the case may be, be dismissed.

(2) Where the third party (or, where applicable, any other interested party referred to in Rule 3(3)(b)) —

- (a) having been duly served with a notice to show cause under Rule 2(6), does not appear at the hearing for the notice; or
- (b) having been duly served with the application under Rule 3(1), does not appear on the hearing of the application,

or, having appeared, fails or refuses to comply with an order made in the proceedings, the Court may make such order as it deems appropriate.

(3) Where a claimant, having filed an affidavit of claim under Rule 4, does not appear on the hearing of the application under that Rule or, having appeared, fails or refuses to comply with an order

made in the proceedings, the Court may make an order declaring the claimant, and all persons claiming under him, forever barred from bringing any claim against the third party.

**Other powers (O. 103, r. 6)**

6. Subject to Rules 1 to 5, the Court may in or for the purposes of any proceedings herein, make such order as to costs or any other matter as it thinks just.

**Trial of issue stated (O. 103, r. 7)**

7.—(1) Order 35 shall apply, with necessary modifications, to the trial of an issue stated under Rule 5(1)(iii) as it applies to the trial of an action.

(2) The Court by whom an issue stated is tried may give such judgment or make such order as finally to dispose of all questions arising in the proceedings to try the issues stated.

**Application by Authority (O. 103, r. 8)**

8.—(1) Order 94, Rules 6, 7, 8, 10, 11 and 13 shall, with the necessary modifications, apply in relation to an application by the Authority under this Order as they apply in relation to a civil penalty action.

(2) For the purpose of paragraph (1), a reference in Order 94, Rule 8 to the defendant is a reference to the person referred to in section 236L(1)(a), (b) or (c) (as the case may be) or the third party.

ORDER 104

ORDER 104 : Voluntary Sterilization Act

1. to 9. [Deleted by S 850/2014 wef 01/01/2015]

ORDER 105

PERSONAL DATA PROTECTION ACT 2012

**Interpretation (O. 105, r. 1)**

1. In this Order —

“Act” means the Personal Data Protection Act 2012 (Act 26 of 2012), and any reference to a section shall be construed as a reference to a section in the Act;

“Appeal Committee” means a Data Protection Appeal Committee nominated under section 33(4);

“Commission” means the Personal Data Protection Commission established under section 5.

*[S 390/2014 wef 02/07/2014]*

**Powers under section 30 exercisable by Judge or Registrar (O. 105, r. 2)**

2.—(1) Subject to paragraph (2), the powers conferred on the District Court by section 30 may be exercised by a District Judge in Chambers or the Registrar.

(2) The powers conferred on the District Court by section 30(3) may only be exercised by a District Judge.

*[S 390/2014 wef 02/07/2014]*

**Application to register of Commission’s Direction or Appeal Committee’s Decision (O. 105, r. 3)**

3. An application to register in the District Court —

(a) any direction made by the Commission under section 28(2) or 29, including any direction varied by the Commission under section 31(4)(b) (referred to in this Order as a Direction); or

(b) any direction or decision made by an Appeal Committee under section 34(4) (referred to in this Order as a Decision),

must be made by an ex parte originating summons.

*[S 390/2014 wef 02/07/2014]*

**Evidence in support of application to register (O. 105, r. 4)**

4.—(1) An application under section 30 to register in the District Court a Direction or Decision must be supported by an affidavit —

- (a) exhibiting the Direction or Decision sought to be registered or a verified or certified or otherwise duly authenticated copy thereof;
- (b) stating that the Commission is the party seeking to register the Direction or Decision;
- (c) stating the name and the usual or last known place of business or residence of the party against whom the Direction or Decision has been made so far as known to the deponent; and
- (d) stating to the best of the information or belief of the deponent that —
  - (i) the Commission is entitled to enforce the Direction or Decision;
  - (ii) as at the date of the application —
    - (A) the Direction or Decision has not been appealed against and the time allowed for appealing has expired; or
    - (B) all appeals against the Direction or Decision under section 34(1)(a) or (b) or section 35(1) or (4) have been finally disposed of and no further appeal is feasible;
  - (iii) as at the date of the application, the Direction or Decision has not been complied with; and
  - (iv) the amount of financial penalty imposed thereunder which remains unsatisfied, if applicable.

(2) In addition, an affidavit supporting an application to register in the District Court a Direction must state that at the date of the application —

- (a) there has been no application made under section 31(1) to the Commission to reconsider the Direction and the time allowed to apply for reconsideration has expired; or
- (b) all applications made under section 31(1) to the Commission to reconsider the Direction have been finally disposed of and —
  - (i) the decision of the Commission made under section 31(4)(b) upon reconsideration of the Direction has not been appealed against and the time allowed for appealing has expired; or
  - (ii) all appeals against the decision of the Commission made under section 31(4)(b) upon reconsideration of the Direction have been finally disposed of and the time allowed for making a further appeal (where applicable) under section 34(1)(c) or section 35(1) or (4) has expired.

*[S 390/2014 wef 02/07/2014]*

### **Order for registration (O. 105, r. 5)**

5.—(1) An order in Form 230 to register a Direction or Decision must be drawn up by, or on behalf of, the Commission and served on the party against whom the Direction or Decision has been made.

(2) Unless the Court otherwise directs, every order registering a Direction or Decision shall state the period within which an application may be made to set aside the registration of the Direction or Decision and shall contain a notification that execution on the Direction or Decision will not issue until after the expiry of that period.

(3) Any application to extend the period to set aside the registration of the Direction or Decision (whether as originally fixed or as subsequently extended) must be made before the expiry of that period.

(4) The Court may extend the period referred to in paragraph (3) on such terms as it thinks fit.

*[S 390/2014 wef 02/07/2014]*



**Register of Directions and Decisions (O. 105, r. 6)**

6. There shall be kept in the Registry a register of all the Directions and Decisions registered under this Order.

*[S 390/2014 wef 02/07/2014]*

**Notice of registration (O. 105, r. 7)**

7.—(1) Notice of the registration of a Direction or Decision must be served on the party against whom the Direction or Decision has been made and subject to paragraph (2), must be served personally, unless the Court otherwise orders.

(2) Service of such a notice out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6, shall apply in relation to such a notice as they apply in relation to a writ.

(3) The notice of registration must state —

- (a) full particulars of the Direction or Decision registered and the order for registration;
- (b) the name and address of the party seeking to enforce the Direction or Decision or of his solicitor on whom, and at which, any summons issued by the party against whom the Direction or Decision, as the case may be, has been made may be served;
- (c) that the party against whom the Direction or Decision has been made has a right to apply to have the registration set aside; and
- (d) the period within which an application to set aside the registration may be made.

*[S 390/2014 wef 02/07/2014]*

**Endorsement of service (O. 105, r. 8)**

8.—(1) Within 3 days after service of the notice of registration or within such longer period as the Court may, in special circumstances, allow, the notice or a copy thereof must be endorsed by the person who served it with the day of the week and date on which it was served.

(2) If the notice is not so endorsed within the period mentioned in paragraph (1), the person seeking to enforce the Direction or Decision to which the notice relates may not issue execution on the Direction or Decision without the leave of the Court.

(3) Every affidavit of service of any such notice must state the date on which the notice was endorsed under this Rule.

*[S 390/2014 wef 02/07/2014]*

### **Application to set aside registration (O. 105, r. 9)**

**9.—**(1) An application to set aside the registration of a Direction or Decision must be made by summons supported by an affidavit.

(2) The Court hearing such application may order any issue between —

(a) the Commission and the party against whom the Direction or Decision is made; or

(b) the complainant referred to in section 28(1) upon whose application a Direction or Decision is made and the party against whom the Direction or Decision is made,

to be tried in any manner in which an issue in an action may be ordered to be tried.

(3) The Court hearing an application under this Rule to set aside the registration of a Direction or Decision may order the registration of the Direction or Decision to be set aside on such terms as it thinks fit.

*[S 390/2014 wef 02/07/2014]*

### **Issue of execution (O. 105, r. 10)**

**10.—**(1) Where, pursuant to Rule 5(2), there is a specified period within which an application may be made to set aside the registration of a Direction or Decision, execution shall not issue on the Direction or Decision until after the expiry of the specified period, or if that period has been extended by the Court, until after the expiry of that period so extended.

(2) If an application is made to set aside the registration of a Direction or Decision, execution on the Direction or Decision shall not issue until after such application is disposed of.

(3) Any party wishing to issue execution on a Direction or Decision registered in accordance with this Order must produce to the bailiff an affidavit of service of the notice of registration of the Direction or Decision and any order made by the Court in relation to the Direction or Decision.

*[S 390/2014 wef 02/07/2014]*

**Application for enforcement order under section 30(3) (O. 105, r. 11)**

**11.—**(1) An application for any order specified in section 30(3) in relation to any Direction or Decision —

- (a) may be made together with, or at any time after, an application for registration under Rule 3 relating to that same Direction or Decision; and
- (b) shall not constitute execution on that Direction or Decision under Rule 10.

(2) The application referred to in paragraph (1) may be made by summons supported by an affidavit and where the case is one of urgency, may be made ex parte.

(3) The affidavit shall state —

- (a) the grounds relied upon by the applicant for the order sought; and
- (b) the appropriateness of the order sought in addressing the grounds relied upon by the applicant.

*[S 390/2014 wef 02/07/2014]*

**Notice to Commission of claim for relief in civil proceedings under section 32(1) (O. 105, r. 12)**

**12.** Where any claim is made for relief in civil proceedings under section 32(1), the plaintiff in those proceedings must serve a copy of the writ or originating summons to the Commission not later than 7 days after service of the writ or originating summons on the defendant.

*[S 390/2014 wef 02/07/2014]*

**Transmission to Commission of judgment or order of Court under section 32 (O. 105, r. 13)**

13. Any person who is granted any judgment or order by a Court pursuant to section 32 shall transmit a copy of the judgment or order to the Commission within 3 days after the date of the judgment or order.

*[S 390/2014 wef 02/07/2014]*

ORDER 106

ORDER 106 : Status of Children  
(Assisted Reproduction Technology) Act 2013

1. to 12. *[Deleted by S 850/2014 wef 01/01/2015]*

ORDER 107

ORDER 107 : Child representatives in family proceedings

1. to 6. *[Deleted by S 850/2014 wef 01/01/2015]*

ORDER 108

SIMPLIFIED PROCESS FOR PROCEEDINGS IN  
MAGISTRATE'S COURT OR DISTRICT COURT

**Application and purpose of, and powers of Court under, Order (O. 108, r. 1)**

1.—(1) This Order applies only to —

- (a) all civil proceedings begun on or after 1 November 2014 by writ which are before a Magistrate's Court; and
- (b) any civil proceedings begun on or after 1 November 2014 by writ —
  - (i) which are before a District Court; and
  - (ii) to which paragraph (2) applies.

(2) Where any civil proceedings begun on or after 1 November 2014 by writ are before a District Court, and all parties to those proceedings file their consent in Form 233 for this Order to apply to those proceedings, this Order shall, upon the filing of that consent, apply to those proceedings.

(3) The purpose of this Order is to facilitate the fair, expedient and inexpensive determination of all civil proceedings to which this Order applies, in a manner which is proportionate to —

- (a) the amount of the claim;
- (b) the number of parties;
- (c) the complexity of the issues;
- (d) the amount of costs likely to be incurred by each party; and
- (e) the nature of the action.

(4) For the purpose of facilitating the fair, expedient and inexpensive determination of any civil proceedings to which this Order applies, the Court may make such orders or give such directions as the Court thinks necessary or appropriate, including —

- (a) orders or directions as to the procedure for those proceedings; and
- (b) orders or directions for the modification or exclusion of the application of any of the provisions of these Rules in relation to those proceedings.

*[S 714/2014 wef 01/11/2014]*

### **Upfront discovery (O. 108, r. 2)**

**2.—**(1) The purpose of this Rule is to ensure that every party has the fullest possible particulars of every other party's case at an early stage of the proceedings, in order to facilitate effective negotiations towards a resolution of the dispute between all of the parties.

(2) The negotiations referred to in paragraph (1) include —

- (a) direct negotiations between the parties themselves; and
- (b) negotiations facilitated by a judge or mediator, or by any other suitable person (not being a party).

(3) Every pleading served by a party under Order 18 must be accompanied by a list of documents which are or have been in that party's possession, custody or power.

(4) The list of documents referred to in paragraph (3) —

(a) must be filed in Form 234;

(b) must set out —

(i) every document referred to in the pleading which the list accompanies;

(ii) every document on which the party serving the list relies or will rely; and

(iii) any other document which could —

(A) adversely affect that party's own case;

(B) adversely affect another party's case; or

(C) support another party's case; and

(c) must set out the documents in a convenient order and as shortly as possible, but also describe each document sufficiently to enable the document to be identified.

(5) Where a party who has served a list of documents on any other party receives from that other party a request for a copy of any document on the list, the party who has served the list of documents must, within 7 days after receiving the request, provide that other party with a copy of that document.

(6) If an amended pleading is filed by any party, this Rule shall apply to the amended pleading if the amended pleading —

(a) pleads any additional fact; or

(b) refers to any document that was not referred to in any other pleading filed by that party.

(7) The Court may at any stage of the proceedings order the production of any document, if the Court is of the opinion that such an order is necessary either for the fair disposal of the case or for the saving of costs.

(8) Where any privilege is claimed, or any objection is made, by any party in relation to the production of any document, the Court may, if the Court deems fit —

- (a) inspect the document for the purpose of determining whether the claim or objection is valid; and
- (b) order the production of the document, unless the Court upholds the claim or objection.

(9) If any party fails to comply with any provision of this Order, or with any order made by the Court by which that party is required to give discovery of any document or to produce any document, the Court may make such order as the Court thinks just, including an order that —

- (a) the action be dismissed or the defence be struck out (as the case may be), and judgment be entered accordingly; and
- (b) the defaulting party shall be liable to committal.

[S 714/2014 wef 01/11/2014]

### **Case management conference (O. 108, r. 3)**

3.—(1) The Court shall, within such time as the Court thinks appropriate after the filing of the defence in a case to which this Order applies, convene a case management conference under Order 34A for the purpose of assisting the parties in the management of the case from an early stage of the proceedings.

(2) During the case management conference, the Court may —

- (a) make such orders or give such directions as it thinks fit for the fair, expedient and inexpensive management of the case; and
- (b) assist the parties in considering and determining whether any ADR process can be used to resolve the dispute between the parties.

(3) The Court may make an order directing that a case be referred for resolution by an ADR process if —

- (a) the parties consent to the case being referred for resolution by the ADR process; or

- (b) the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.
- (4) The Court may, upon referring a case for resolution by an ADR process under paragraph (3), adjourn the case management conference.
- (5) Where there is a settlement of a case on the issue of liability only —
- (a) the parties may enter a consent interlocutory judgment leaving the damages to be assessed; and
  - (b) the Court shall make such further orders or give such further directions to facilitate the progress of the case for the assessment of damages.
- (6) Where interlocutory judgment has been entered, whether before or after the Court has convened any case management conference, the Court shall convene a case management conference after the filing of the notice of appointment for the assessment of damages, for the purpose of facilitating a resolution of the issue of damages between the parties.
- (7) If one or more of the parties fails to attend the case management conference, the Court may —
- (a) give judgment or dismiss the case; or
  - (b) make any other order, or give any direction, as the Court thinks just and expedient in the circumstances.
- (8) This Rule shall not apply to any case referred to in the following sub-paragraphs, and the parties to any such case shall instead comply with any relevant pre-action protocol or practice direction for the time being issued by the Registrar:
- (a) any non-injury motor accident action (as defined in Order 59, Appendix 2 Part V);
  - (b) any action for personal injuries (including any action where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment).



(9) In this Rule, “ADR process” means an alternative dispute resolution process, that is, a method of resolving disputes that does not use the normal trial process, such as mediation, neutral evaluation or arbitration.

[S 714/2014 wef 01/11/2014]

#### **Excluded interlocutory applications (O. 108, r. 4)**

4. Notwithstanding any other provision in these Rules, no application under any of the following Orders shall be made in any case to which this Order applies:

- (a) Order 14 (summary judgment and disposal of case on point of law);
- (b) Order 24 (discovery and inspection of documents);
- (c) Order 26 (interrogatories).

[S 714/2014 wef 01/11/2014]

#### **Simplified trial (O. 108, r. 5)**

5.—(1) If the Court is satisfied that the parties to a case are unable to resolve their dispute without a trial, the Court shall as soon as practicable direct that the case be set down for such of the following as the Court deems fit:

- (a) a simplified trial under this Rule;
- (b) a full trial.

(2) In deciding the appropriate mode of trial, the Court may have regard to the following matters:

- (a) the number of parties involved;
- (b) the complexity of the issues;
- (c) the amount of the claim and the amount of the counterclaim (if any);
- (d) whether the costs which may be incurred will be proportionate to the amount of the claim and the amount of the counterclaim (if any);
- (e) the nature of the action;

(f) any other matter that the Court considers relevant.

(3) If any question requiring the evidence of an expert witness arises in any case which the Court has directed to be set down for a simplified trial —

(a) the parties must jointly appoint one independent expert to give the expert evidence in a written report; and

(b) if the parties are unable to agree on the expert to be appointed —

(i) the Court shall —

(A) make such orders or give such directions, in relation to the appointment of the expert, as the Court deems fit, including an order appointing the expert; and

(B) fix the amount of remuneration payable to the expert; and

(ii) the parties shall be jointly and severally liable to pay the expert the amount of remuneration fixed by the Court.

(4) Paragraph (3)(b)(ii) does not affect the discretion of the Court to make an order providing for the amount of remuneration payable to the expert to be part of the costs of the matter.

(5) The conduct of a simplified trial is governed by Order 35 (proceedings at trial), but the following time limits shall apply:

(a) for the examination in chief of a witness — 10 minutes per witness;

(b) for the cross-examination of a witness — 60 minutes per witness;

(c) for the re-examination of a witness — 10 minutes per witness;

(d) for closing submissions — 30 minutes per party.

(6) The Court may extend any time limit under paragraph (5) as the Court deems fit.

(7) In every case to which this Order applies, where interlocutory judgment has been entered for damages to be assessed, this Rule shall apply with the necessary modifications to the assessment of damages.

[S 714/2014 wef 01/11/2014]

## ORDER 109

### PROTECTION FROM HARASSMENT ACT 2014

#### **Interpretation (O. 109, r. 1)**

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

“Act” means the Protection from Harassment Act 2014 (Act 17 of 2014), and any reference to a section shall be construed as a reference to a section in the Act;

“author” has the same meaning as in section 15(7);

“communication” has the same meaning as in section 2;

“Court” means a District Court;

“offending communication” has the same meaning as in section 2;

“protection order” includes an expedited protection order made under section 13;

“publish” has the same meaning as in section 2;

“respondent” has the same meaning as in section 2;

“section 15(2) order” means an order made under section 15(2);

“subject” has the same meaning as in section 15(1);

“victim” means a victim under section 3, 4, 5, 6 or 7 (as the case may be).

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

(a) a reference to a person to whom a protection order applies or is to apply is a reference to a person who is to be prohibited by the protection order from publishing or continuing to publish an offending communication, whether or not that person was a party, or was identified

by the Court as a person to whom the protection order is to apply, when the protection order was made;

- (b) a reference to a person to whom a section 15(2) order applies or is to apply is a reference to a person who is to be prohibited by the section 15(2) order from publishing or continuing to publish a statement complained of, whether or not that person was a party, or was identified by the Court as a person to whom the section 15(2) order is to apply, when the section 15(2) order was made; and
- (c) a person has editorial control over a publication on the Internet of an offending communication or a statement, if the person decides, before the person causes that publication, whether to publish that communication or statement.

*[S 753/2014 wef 15/11/2014]*

### **Application under section 12(1) for protection order (O. 109, r. 2)**

2.—(1) An application under section 12(1) for a protection order must be made by *ex parte* originating summons in Form 235 and supported by an affidavit in Form 236.

(2) The Court may give such directions for the service of the application and supporting affidavit on the respondent, and any other person to whom the protection order is to apply, including directions for service out of jurisdiction, as the Court thinks fit.

(3) Where the Court has given directions for the service of the application and supporting affidavit on any person, the applicant must, within 8 days after the date on which the application and supporting affidavit are served on that person, file an affidavit of service.

(4) Each of the following persons may file an affidavit in reply in Form 237 within 14 days after being served with the application and supporting affidavit:

- (a) the respondent;
- (b) any other person to whom the protection order is to apply.

(5) Except with the leave of the Court, no other affidavit is to be filed or served for the purposes of the application.

(6) Order 28, Rule 8 shall not apply to any proceedings in the application.

(7) The Court may —

- (a) give such directions for the hearing of the application as the Court thinks fit;
- (b) conduct the hearing of the application in such manner as the Court thinks fit; and
- (c) where any party does not appear at the hearing of the application, proceed with the hearing of the application in the absence of that party.

(8) In any case where the Court thinks fit, the Court may under paragraph (7)(a) and (b) —

- (a) make an order referring the respondent or the victim or both to attend such counselling or mediation as the Court may direct;
- (b) give any direction necessary for and incidental to the proper carrying into effect of that order; and
- (c) stay all further proceedings in the application until the respondent or the victim or both (as the case may be) have attended the counselling or mediation (as the case may be).

(9) A protection order —

- (a) must be in Form 238;
- (b) must be served on the respondent (if the protection order applies to the respondent), and on every other person to whom the protection order applies —
  - (i) in such manner as the Court may direct; and
  - (ii) in the case of an expedited protection order, together with a copy each of the application for the order and the affidavit in support of the application; and

(c) must contain, or be served with an order of the Court containing, the Court's directions referred to in sub-paragraph (b)(i).

(10) For the purposes of section 12(5)(a), any order under section 12(3)(b) or direction under section 12(3)(d) concerning a publication of an offending communication on the Internet shall take effect —

(a) for any person who (before causing that publication) did not have any editorial control over that publication, in respect of that publication, from the date when that order or direction is served, together with a notification in Form 239 of the particulars of the offending communication and of that publication, on that person in such manner as the Court may direct; or

(b) for any person who (before causing that publication) had editorial control over that publication, from the date when that order or direction is served, together with a notification in Form 239 of the particulars of the offending communication and of any publication of the offending communication (whether or not on the Internet), on that person in such manner as the Court may direct.

(11) For the purposes of section 12(5)(a), any order under section 12(3)(b) or direction under section 12(3)(d) concerning an offending communication published other than on the Internet shall take effect, for any person to whom that order or direction applies, from the date when that order or direction is served, together with a notification in Form 239 of the particulars of the offending communication and of any publication of the offending communication (whether or not on the Internet), on that person in such manner as the Court may direct.

(12) Every notification in Form 239 must be filed before it is served pursuant to paragraph (10) or (11).

(13) The party in whose favour any order under section 12(3)(b) or direction under section 12(3)(d) is made may apply to the Court for leave to amend a notification in Form 239, and for directions for the

service, on each person to whom the order under section 12(3)(b) or direction under section 12(3)(d) applies, of —

- (a) that order or direction and the amended notification, if that person is —
  - (i) a person to whom paragraph (10)(a) applies; or
  - (ii) a person to whom paragraph (10)(b) or (11) applies and on whom that order or direction has not been served previously; or
- (b) the amended notification, if that person is a person to whom paragraph (10)(b) or (11) applies and on whom that order or direction has been served previously.

(14) An application under paragraph (13) —

- (a) may be made ex parte;
- (b) despite Order 32, Rule 1, may be made orally; and
- (c) must be supported by a copy of the notification in Form 239 setting out the proposed amendments.

(15) In paragraphs (10) to (14), a reference to a notification in Form 239 includes a reference to any such notification which is amended with the leave of the Court under paragraph (13).

[S 753/2014 wef 15/11/2014]

**Application under section 12(7) to vary, suspend or cancel protection order, etc. (O. 109, r. 3)**

3.—(1) An application under section 12(7) to vary, suspend or cancel a protection order, or to extend the duration of a protection order, must be —

- (a) made by summons in Form 240 in the originating summons in which the protection order was made; and
- (b) supported by an affidavit in Form 241.

(2) The applicant must serve the application and supporting affidavit —

- (a) if the applicant is the victim, on every person to whom the protection order applies; or

- (b) if the applicant is any person to whom the protection order applies, on the victim and every other person to whom the protection order applies.
- (3) The Court may —
- (a) give such directions for the hearing of the application as the Court thinks fit;
- (b) conduct the hearing of the application in such manner as the Court thinks fit; and
- (c) where any party does not appear at the hearing of the application, proceed with the hearing of the application in the absence of that party.
- (4) Any order made by the Court pursuant to the application must be served, by the party in whose favour the order is made, in such manner as the Court may direct, on —
- (a) every other party to the application; and
- (b) any other person whom the Court may direct.

*[S 753/2014 wef 15/11/2014]*

**Application under section 15(1) for section 15(2) order (O. 109, r. 4)**

4.—(1) An application under section 15(1) for a section 15(2) order must be made by *ex parte* originating summons in Form 242 and supported by an affidavit in Form 243.

(2) The Court may give such directions, for the service of the application and supporting affidavit on each person to whom the section 15(2) order is to apply, including directions for service out of jurisdiction, as the Court thinks fit.

(3) Where the Court has given directions for the service of the application and supporting affidavit on any person, the applicant must, within 8 days after the date on which the application and supporting affidavit are served on that person, file an affidavit of service.

(4) Each person to whom the section 15(2) order is to apply may file an affidavit in reply in Form 244 within 14 days after being served with the application and supporting affidavit.



(5) Except with the leave of the Court, no other affidavit is to be filed or served for the purposes of the application.

(6) Where the author is not a person to whom the section 15(2) order is to apply, unless the Court directs otherwise, the subject must give the author notice of the hearing of the application prior to the hearing.

(7) Order 28, Rule 8 shall not apply to any proceedings in the application.

(8) The Court may —

- (a) give such directions for the hearing of the application as the Court thinks fit;
- (b) conduct the hearing of the application in such manner as the Court thinks fit; and
- (c) where any party does not appear at the hearing of the application, proceed with the hearing of the application in the absence of that party.

(9) In any case where the Court thinks fit, the Court may under paragraph (8)(a) and (b) —

- (a) make an order referring any person to whom the section 15(2) order is to apply or the subject or both to attend such counselling or mediation as the Court may direct;
- (b) give any direction necessary for and incidental to the proper carrying into effect of the order made under sub-paragraph (a); and
- (c) stay all further proceedings in the application until that person or the subject or both (as the case may be) have attended the counselling or mediation (as the case may be).

(10) A section 15(2) order —

- (a) must be in Form 245;
- (b) must be served on each person to whom the section 15(2) order applies, in such manner as the Court may direct; and

(c) must contain, or be served with an order of the Court containing, the Court's directions referred to in sub-paragraph (b).

(11) For the purposes of section 15(5)(a), any section 15(2) order concerning a publication of a statement on the Internet shall take effect —

(a) for any person who (before causing that publication) did not have any editorial control over that publication, in respect of that publication, from the date when that order is served, together with a notification in Form 246 of the particulars of the statement and of that publication, on that person in such manner as the Court may direct; or

(b) for any person who (before causing that publication) had editorial control over that publication, from the date when that order is served, together with a notification in Form 246 of the particulars of the statement and of any publication of the statement (whether or not on the Internet), on that person in such manner as the Court may direct.

(12) For the purposes of section 15(5)(a), any section 15(2) order concerning a statement published other than on the Internet shall take effect, for any person to whom that order applies, from the date when that order is served, together with a notification in Form 246 of the particulars of the statement and of any publication of the statement (whether or not on the Internet), on that person in such manner as the Court may direct.

(13) Every notification in Form 246 must be filed before it is served pursuant to paragraph (11) or (12).

(14) The party in whose favour any section 15(2) order is made may apply to the Court for leave to amend a notification in Form 246, and for directions for the service, on each person to whom the section 15(2) order applies, of —

(a) that order and the amended notification, if that person is —

(i) a person to whom paragraph (11)(a) applies; or

- (ii) a person to whom paragraph (11)(b) or (12) applies and on whom that order has not been served previously; or
  - (b) the amended notification, if that person is a person to whom paragraph (11)(b) or (12) applies and on whom that order has been served previously.
- (15) An application under paragraph (14) —
- (a) may be made *ex parte*;
  - (b) despite Order 32, Rule 1, may be made orally; and
  - (c) must be supported by a copy of the notification in Form 246 setting out the proposed amendments.
- (16) In paragraphs (11) to (15), a reference to a notification in Form 246 includes a reference to any such notification which is amended with the leave of the Court under paragraph (14).

[S 753/2014 wef 15/11/2014]

**Application under section 15(6) to vary, suspend or cancel section 15(2) order (O. 109, r. 5)**

- 5.—(1) An application under section 15(6) to vary, suspend or cancel a section 15(2) order must be —
- (a) made by summons in Form 247 in the originating summons in which the section 15(2) order was made; and
  - (b) supported by an affidavit in Form 248.
- (2) The applicant must serve the application and supporting affidavit —
- (a) if the applicant is the subject, on every person to whom the section 15(2) order applies; or
  - (b) if the applicant is the author or any person to whom the section 15(2) order applies, on the subject and every other person to whom the section 15(2) order applies.
- (3) The Court may —
- (a) give such directions for the hearing of the application as the Court thinks fit;

(b) conduct the hearing of the application in such manner as the Court thinks fit; and

(c) where any party does not appear at the hearing of the application, proceed with the hearing of the application in the absence of that party.

(4) Any order made by the Court pursuant to the application must be served, by the party in whose favour the order is made, in such manner as the Court may direct, on —

(a) every other party to the application; and

(b) any other person whom the Court may direct.

*[S 753/2014 wef 15/11/2014]*

### **Directions for and conduct of hearing (O. 109, r. 6)**

**6.—**(1) Despite Rules 2(1) and (6), 3(1), 4(1) and (7) and 5(1), the directions which the Court may give under Rule 2(7)(a), 3(3)(a), 4(8)(a) or 5(3)(a) include directions on one or more of the following matters:

(a) the giving of evidence orally or by affidavit;

(b) the time limited for giving oral testimony;

(c) the calling of a witness to give evidence with a view to assisting in the resolution or disposal of the application, whether or not any party will be calling that witness to give evidence for that party;

(d) the time limited for oral arguments;

(e) the length of any written submissions;

(f) subject to section 62A of the Evidence Act (Cap. 97), the giving of evidence through a live video or live television link;

(g) subject to any written law or rule of law restricting the disclosure, or relating to the confidentiality, of any document or information —

(i) the disclosure of any document or information;

- (ii) whether any document or information should be treated as confidential; and
  - (iii) whether any party to the proceedings may inspect any document;
- (h) the restriction or prohibition of one or more of the following:
- (i) the publication of any document or information disclosed, or any evidence given, for the purposes of the application;
  - (ii) the publication of the name of any party or witness;
  - (iii) access to any document or information disclosed, or any evidence given, for the purposes of the application.

(2) Despite Rules 2(1) and (6), 3(1), 4(1) and (7) and 5(1), where the Court considers it necessary for the just, expeditious or economical disposal of the application, the Court may, under Rule 2(7)(a) and (b), 3(3)(a) and (b), 4(8)(a) and (b) or 5(3)(a) and (b) —

- (a) order that a person specified by the Court be called as a witness;
- (b) give directions for —
  - (i) the filing of an affidavit by the specified person; and
  - (ii) the examination and cross-examination of the specified person; and
- (c) determine —
  - (i) the sum to be paid to the specified person for each day during which that person is required to be present in Court;
  - (ii) who is to pay that sum; and
  - (iii) if the Court orders 2 or more persons to pay that sum, how that sum is to be apportioned between those persons.

(3) Without prejudice to Rules 2(7)(c), 3(3)(c), 4(8)(c) and 5(3)(c), the Court may under Rule 2(7)(a) and (b), 3(3)(a) and (b), 4(8)(a) and (b) or 5(3)(a) and (b) —

- (a) with the consent of all of the parties, give a judgment, or make an order, a decision or a determination, on any matter in the application —
  - (i) without hearing oral arguments; and
  - (ii) without the attendance of any party; and
- (b) before giving a judgment, or making an order, a decision or a determination, under sub-paragraph (a) —
  - (i) invite the parties to make further submissions on the matter, in such manner and within such time as the Court thinks fit; and
  - (ii) give such other directions as may be necessary to enable the Court to give a judgment, or make an order, a decision or a determination, under that sub-paragraph.

[S 753/2014 wef 15/11/2014]

### **Identification of party whose name is unknown (O. 109, r. 7)**

7. For the purposes of any application under section 12(1) or (7) or 15(1) or (6), where the name of any person to whom a protection order, an expedited protection order or a section 15(2) order is intended to apply is unknown, that person may be identified by —

- (a) an Internet location address or a website associated with that person; or
- (b) a username or account, an electronic mail address or any other unique identifier used by or associated with that person.

[S 753/2014 wef 15/11/2014]

### **Service of documents (O. 109, r. 8)**

8.—(1) Without prejudice to anything in these Rules permitting the service of a document in any other manner, any document filed in an

originating summons by which an application under section 12(1) or 15(1) is begun may be served in such manner prescribed under this Rule as the Court may direct.

(2) Where the proper address of the person to be served is known, the Court shall direct that the document be served —

- (a) by leaving with that person a copy of that document; or
- (b) by posting a copy of that document on the front door of the proper address of that person.

(3) Where the proper address of the person to be served is not known —

- (a) if that person has an email address, then the Court may direct that the document be served by sending an electronic communication of that document to that email address;
- (b) if that person has an account on any social media or social networking website, and that social media or social networking website provides a mechanism for that person to receive electronic communications in that account, then the Court may direct that the document be served by sending an electronic communication of that document to that account; or
- (c) if that person has an Internet website, a blog or a page on any social media or social networking website, and that Internet website, blog or social media or social networking website provides a mechanism for the posting of comments on that Internet website, blog or page of that social media or social networking website, then the Court may direct that the document be served by posting an electronic communication of that document on that Internet website, blog or page on that social media or social networking website.

(4) Where there is no known proper address of the person to be served, and paragraph (3) does not apply to that person, the Court may direct that the document be served by causing a notice containing the following information to be posted on such Internet website or other website as the Court may specify:

- (a) a statement identifying that document;
  - (b) a statement that the person to be served may obtain that document from —
    - (i) the person serving that document; or
    - (ii) if the person serving that document is represented by a solicitor, the solicitor; and
  - (c) the email address, or such contact details as the Court may specify, of the person serving that document or solicitor (as the case may be).
- (5) Despite Order 11 —
- (a) where a document is filed in an originating summons by which an application under section 12(1) or 15(1) is begun, and the Court directs that the document be served in a manner prescribed under paragraph (2), (3) or (4), the Court may also grant leave for the document to be served out of Singapore, if the Court is satisfied that —
    - (i) the person to be served is not in Singapore; and
    - (ii) the case is a proper one for the service of the document out of Singapore;
  - (b) the Court may grant such leave without an application under Order 11, Rule 2 or 8 or an affidavit in Form 7; and
  - (c) the Court may be satisfied of the matters referred to in sub-paragraph (a)(i) and (ii) by any information contained in any document filed in the originating summons.
- (6) Despite Order 45, Rule 7, any protection order or section 15(2) order, any order or direction referred to in Rule 2(8) or 4(9), and any order made pursuant to an application under section 12(7) or 15(6), may be enforced under Order 45, Rule 5, if a copy of the order or direction is served in such manner prescribed under this Rule as the Court may direct.

[S 753/2014 wef 15/11/2014]



**Redaction of particulars of parties (O. 109, r. 9)**

9. Where any party to an application under section 12(1) or (7) or 15(1) or (6) is below the age of 16 years, the Court may, if the Court thinks fit, order that the name and other personal information of that party, and the name and other personal information of such other party to the application as the Court may direct in any particular case, be removed or sufficiently redacted from any court document filed or made for the purposes of the application.

[S 753/2014 wef 15/11/2014]

**Fees for application under section 12(1) or (7) or 15(1) or (6), etc. (O. 109, r. 10)**

10. The scale of fees and percentages in Appendix B to these Rules which applies to any document filed in an originating summons by which an application under section 12(1) or 15(1) is begun is the scale applicable to a Magistrate's Court —

- (a) even though the application is made to a District Court; and
- (b) despite anything in Order 91 and that Appendix.

[S 753/2014 wef 15/11/2014]

## ORDER 110

SINGAPORE INTERNATIONAL  
COMMERCIAL COURT

## PRELIMINARY

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

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

“chosen court” has the same meaning as in section 2(1) of the Choice of Court Agreements Act 2016 (Act 14 of 2016);

[S 474/2016 wef 01/10/2016]

“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;

“exclusive choice of court agreement” has the same meaning as in section 3 of the Choice of Court Agreements Act 2016;

*[S 474/2016 wef 01/10/2016]*

*[Deleted by S 474/2016 wef 01/10/2016]*

“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.

(1A) In this Order (other than paragraph (2)(c) and (ca)), unless the context otherwise requires, “High Court” does not include the Court.

*[S 474/2016 wef 01/10/2016]*

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

(a) a claim is international in nature if —

(i) the parties to the claim have their places of business in different States;

*[S 756/2015 wef 01/01/2016]*

- (ii) none of the parties to the claim have their places of business in Singapore;
  - (iii) at least one of the parties to the claim has its place of business in a different State from —
    - (A) the State in which a substantial part of the obligations of the commercial relationship between the parties is to be performed; or
    - (B) the State with which the subject matter of the dispute is most closely connected; or
- [S 756/2015 wef 01/01/2016]*
- (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 —
- (i) 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:
    - (A) any trade transaction for the supply or exchange of goods or services;
    - (B) a distribution agreement;
    - (C) commercial representation or agency;
    - (D) factoring or leasing;
    - (E) construction works;
    - (F) consulting, engineering or licensing;
    - (G) investment, financing, banking or insurance;
    - (H) an exploitation agreement or a concession;
    - (I) a joint venture or any other form of industrial or business cooperation;
    - (J) a merger of companies or an acquisition of one or more companies;

- (K) the carriage of goods or passengers by air, sea, rail or road;
- (ii) the claim relates to an in personam intellectual property dispute; or
- (iii) the parties to the claim have expressly agreed that the subject matter of the claim is commercial in nature;
- [S 756/2015 wef 01/01/2016]*
- (c) where an agreement to submit to the jurisdiction of the High Court is concluded before 1 October 2016, the agreement does not of itself constitute an agreement to submit to the jurisdiction of the Court;
- [S 474/2016 wef 01/10/2016]*
- (ca) where an agreement to submit to the jurisdiction of the High Court is concluded on or after 1 October 2016, the agreement is to be construed as including an agreement to submit to the jurisdiction of the Court, unless a contrary intention appears in the agreement;
- [S 474/2016 wef 01/10/2016]*
- (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 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), (ii) and (iii), a party's place of business is to be determined in the following manner:

- (a) where the parties have concluded a written jurisdiction agreement submitting the claim for resolution by the Court, a party's place of business is —

- (i) the place at which that party carries out its business at the time the agreement was concluded;
- (ii) if that party carries out its business at more than one place at the time the agreement was concluded, the place (where the party carries out its business) with the closest relationship to the agreement at that time; or
- (iii) if that party does not carry out business at any place at the time the agreement was concluded, that party's habitual residence at that time; or

- (b) where the parties have not concluded a written jurisdiction agreement submitting the claim for resolution by the Court, but the High Court is considering whether to transfer the case from the High Court to the Court, a party's place of business is —

- (i) the place at which that party carries out its business at the relevant time;
- (ii) if that party carries out its business at more than one place at the relevant time, the place (where the party carries out its business) with the closest relationship to the subject matter of the dispute at that time; or
- (iii) if that party does not carry out business at any place at the relevant time, that party's habitual residence at that time.

[S 756/2015 wef 01/01/2016]

(3A) For the purposes of paragraph (2)(b)(i), the parties to the claim need not be in a relationship of a commercial nature and it is sufficient that the subject matter of the claim arises out of such a relationship.

*[S 756/2015 wef 01/01/2016]*

(3B) For the purpose of paragraph (3)(b)(i), (ii) and (iii), the relevant time is —

- (a) the time the case was commenced in the High Court; or
- (b) such other time as the Court may determine.

*[S 756/2015 wef 01/01/2016]*

(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.

*[S 850/2014 wef 01/01/2015]*

### **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;
- (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).

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

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.

[S 850/2014 wef 01/01/2015]

**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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

## JURISDICTION, JOINDER AND TRANSFER

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

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

- (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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

### **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 —

- (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.

*[S 850/2014 wef 01/01/2015]*

**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 if 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.

*[S 756/2015 wef 01/01/2016]*

(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 —

(i) the Court considers that the High Court has jurisdiction in the case; and

*[S 756/2015 wef 01/01/2016]*

(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.

(3A) For the purposes of paragraph (3)(a)(ii), where a choice of court agreement designates the High Court as a court for the case, the

Court is to treat each party to the agreement as a party who consents to the proceedings being heard in the High Court.

*[S 474/2016 wef 01/10/2016]*

(3B) To avoid doubt, paragraph (3)(b) does not enable the Court to make an order for the transfer of the proceedings to any other court in Singapore.

*[S 474/2016 wef 01/10/2016]*

(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).

*[S 850/2014 wef 01/01/2015]*

### **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.

(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.

*[S 850/2014 wef 01/01/2015]*

### **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 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.

*[S 756/2015 wef 01/01/2016]*

(3A) For the purposes of paragraph (3)(b), where a choice of court agreement designates the High Court as a court for the case, the Court is to treat the application for the transfer of the case to the High Court as being made with the consent of each party to the agreement.

*[S 474/2016 wef 01/10/2016]*

(3B) Where the Choice of Court Agreements Act 2016 (Act 14 of 2016) applies in a case by virtue of section 8 of that Act, and an exclusive choice of court agreement designates the High Court as a chosen court for the case, the 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; and
  - (ii) it is more appropriate for the case to be heard in the Court;
- (b) either —
  - (i) a party to the case has applied, with the consent of every other party to the case, for the transfer in accordance with Rule 13; or
  - (ii) the High Court, with the consent of every party to the case, orders the transfer on its own motion.

*[S 474/2016 wef 01/10/2016]*

(4) Subject to paragraph (3B), 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; and
  - (ii) *[Deleted by S 756/2015 wef 01/01/2016]*
  - (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.

*[S 474/2016 wef 01/10/2016]*

(4A) For the purposes of paragraphs (3B)(b)(i) and (4)(b)(i), where a choice of court agreement designates the Court as a court for the

case, the High Court is to treat the application for the transfer of the case to the Court as being made with the consent of each party to the agreement.

*[S 474/2016 wef 01/10/2016]*

(4B) For the purposes of paragraph (3B)(b)(ii), where a choice of court agreement designates the Court as a court for the case, the High Court is to treat each party to the agreement as a party who consents to an order, by the High Court on its own motion, for the transfer of the case to the Court.

*[S 474/2016 wef 01/10/2016]*

(5) Where a case is transferred —

(a) the court to which the case is transferred must not reconsider whether it has jurisdiction;

*[S 756/2015 wef 01/01/2016]*

(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.

*[S 850/2014 wef 01/01/2015]*

### **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;
  - (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), (3B) or (4), as the case may be, are satisfied; and

*[S 474/2016 wef 01/10/2016]*

- (b) exhibit the parties' consent to the transfer.

*[S 850/2014 wef 01/01/2015]*

**Variation of exclusive choice of court agreement in case mentioned in Rule 10(3) or 12(3) or (3B) (O. 110, r. 13A)**

**13A.**—(1) Where the Choice of Court Agreements Act 2016 (Act 14 of 2016) applies in any case mentioned in Rule 10(3) or 12(3) by virtue of section 8 of that Act, and an exclusive choice of court agreement designates the Court, but not the High Court, as a chosen court for the case, the Court may, before transferring the proceedings or case (as the case may be) to the High Court, direct every party to the agreement to vary that agreement, so as to designate the High Court as a chosen court for the case.

(2) In any case mentioned in Rule 12(3B) where an exclusive choice of court agreement designates the High Court, but not the Court, as a chosen court for the case, the High Court may, before transferring the case to the Court, direct every party to the exclusive choice of court agreement to vary that agreement, so as to designate the Court as a chosen court for the case.

*[S 474/2016 wef 01/10/2016]*

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.

*[S 850/2014 wef 01/01/2015]*

**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 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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

**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.

*[S 850/2014 wef 01/01/2015]*

**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.

*[S 850/2014 wef 01/01/2015]*

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

**21.**—(1) Order 24 (discovery and inspection of documents) does not apply to proceedings in the Court unless the Court orders otherwise, or the High Court orders otherwise when ordering the transfer of a case to the Court.

*[S 756/2015 wef 01/01/2016]*

(2) Where Order 24 applies to any proceedings in the Court, Rules 14 to 20 of this Order do not apply.

*[S 756/2015 wef 01/01/2016]*

**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.

[S 850/2014 wef 01/01/2015]

## 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 Rule) or elsewhere, shall not apply; and

[S 756/2015 wef 01/01/2016]

(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 —

(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.

*[S 850/2014 wef 01/01/2015]*

### **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.

(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.

*[S 850/2014 wef 01/01/2015]*

## 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.

*[S 850/2014 wef 01/01/2015]*

### **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.

[S 850/2014 wef 01/01/2015]

### **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.

(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.

[S 850/2014 wef 01/01/2015]



**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 —
    - (i) whether the person is —
      - (A) an advocate and solicitor who has in force a practising certificate;
      - (B) admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act (Cap. 161); or
      - (C) registered under section 36P of the Legal Profession Act; and
    - (ii) if the person is registered under section 36E of the Legal Profession Act, that the person is so registered;
- [S 235/2016 wef 18/11/2015]*
- [S 278/2015 wef 15/05/2015]*
- (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.

*[S 850/2014 wef 01/01/2015]*

### **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).

*[S 850/2014 wef 01/01/2015]*

## **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;
- (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 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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

## REPRESENTATION

### **Validity of acts done by registered foreign lawyer or by solicitor registered under section 36E of Legal Profession Act (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 or by a solicitor registered under section 36E of the Legal Profession Act (Cap. 161); and

*[S 278/2015 wef 15/05/2015]*

*[S 235/2016 wef 18/11/2015]*

- (b) the proceedings are not or have ceased to be relevant proceedings as defined in section 36O(1) of the Legal Profession Act, or the appeal is not or has ceased to be a relevant appeal as defined in that provision, as the case may be.

*[S 278/2015 wef 15/05/2015]*

*[S 850/2014 wef 01/01/2015]*

*[S 278/2015 wef 15/05/2015]*

*[S 235/2016 wef 18/11/2015]*

### **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 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.

*[S 850/2014 wef 01/01/2015]*

## 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.

*[S 850/2014 wef 01/01/2015]*

### **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.

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

*[S 850/2014 wef 01/01/2015]*

**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.

*[S 850/2014 wef 01/01/2015]*

**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 if it decides that an action is not an offshore case.

*[S 756/2015 wef 01/01/2016]*

(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, or by a solicitor registered under section 36E of the Legal Profession Act (Cap. 161), to continue to be so represented, subject to any conditions that the Court may impose; and

*[S 278/2015 wef 15/05/2015]*

*[S 235/2016 wef 18/11/2015]*

(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 (6), 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.

*[S 756/2015 wef 01/01/2016]*

*[S 850/2014 wef 01/01/2015]*

## 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).

[S 850/2014 wef 01/01/2015]

### **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.

[S 850/2014 wef 01/01/2015]

### **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 the defendant or one of the defendants in that action when it is first filed.

*[S 756/2015 wef 01/01/2016]*

(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.

*[S 850/2014 wef 01/01/2015]*

### **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.

(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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

### **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).

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

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

## 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.

(1A) Order 23, Rule 1(1) and (2) does not apply to proceedings in the Court.

*[S 756/2015 wef 01/01/2016]*

(1B) The Court may, on the application of a defendant to an action or other proceeding in the Court, order the plaintiff to give security for the defendant's costs of the action or other proceedings, if —

- (a) it appears to the Court that —
  - (i) the plaintiff (not being a plaintiff who is suing in a representative capacity) is a nominal plaintiff who is suing for the benefit of some other person, and there is reason to believe that the plaintiff will be unable to pay the costs of the defendant if ordered to do so;
  - (ii) the plaintiff's address is not stated, or is incorrectly stated, in the originating process, and the plaintiff fails to satisfy the Court that the omission or misstatement was innocent and made without intention to deceive;

- (iii) the plaintiff has changed the plaintiff's address during the course of the proceedings with a view to evading the consequences of the litigation;
  - (iv) the plaintiff is a corporation or some other entity, and there is reason to believe that the plaintiff will be unable to pay the costs of the defendant if ordered to do so; or
  - (v) the plaintiff has taken any step in relation to the plaintiff's assets that would make it difficult to enforce an order for costs against the plaintiff; and
- (b) the Court thinks it just to do so, having regard to all the circumstances of the case.

*[S 756/2015 wef 01/01/2016]*

(2) To avoid doubt, in proceedings 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.

*[S 756/2015 wef 01/01/2016]*

(2A) Paragraph (2) does not apply to a case transferred to the Court, unless the High Court orders otherwise when ordering the transfer of the case to the Court.

*[S 756/2015 wef 01/01/2016]*

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

*[S 756/2015 wef 01/01/2016]*

*[S 850/2014 wef 01/01/2015]*

**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.

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

*[S 756/2015 wef 01/01/2016]*

(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.

*[S 850/2014 wef 01/01/2015]*



**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>Main action heard by single Judge</i>	<i>Main action heard by 3 Judges</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

	<i>Main action heard by single Judge</i>	<i>Main action heard by 3 Judges</i>	<i>Payable by whom</i>
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 commenced by originating summons			originating process  (ii) By any other party upon filing of the first document by that party
3. Upon the first notification to the parties of a hearing for directions on case management (for writ actions only)	\$3,300	\$6,600	Each party
4. Upon certification 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	\$1,100	\$2,750	Each party

	<i>Main action heard by single Judge</i>	<i>Main action heard by 3 Judges</i>	<i>Payable by whom</i>
(for writ actions only)			
6. For the filing of an interlocutory application (inclusive of the first half-day hearing)	\$3,500	\$10,500	The applicant, unless otherwise ordered by the Court

[S 756/2015 wef 01/01/2016]

(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 Notice of Appeal 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

[S 756/2015 wef 01/01/2016]

(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.

[S 850/2014 wef 01/01/2015]

### 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>Hearing by single Judge or by Registrar</i>	<i>Hearing by 3 Judges</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
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 first half-day	\$1,750	\$5,250	The applicant, unless otherwise ordered by the Court

[S 756/2015 wef 01/01/2016]

(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.

*[S 850/2014 wef 01/01/2015]*

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

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

- (a) the case is commenced in the Court; or
- (b) the case is transferred to the Court, and the High Court, when ordering the transfer of the case, directs the parties to pay the court fees and hearing fees payable in the Court.

*[S 756/2015 wef 01/01/2016]*

- (2) Where paragraph (1)(a) applies —
- (a) the plaintiff's deposit must be paid by the plaintiff upon the filing of the originating process; and
  - (b) any other party's deposit must be paid by the party upon the filing of that party's first document in the case.

*[S 756/2015 wef 01/01/2016]*

(2A) Where paragraph (1)(b) applies, the deposit must be paid within 14 days after the High Court directs the parties to pay the court fees and hearing fees payable in the Court.

*[S 756/2015 wef 01/01/2016]*

(3) The Registrar may deduct from a party's deposit any fee payable by the party in the case (including any fee payable by the party for any appeal or application to the Court of Appeal that is related to the case).

*[S 756/2015 wef 01/01/2016]*

(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.

*[S 850/2014 wef 01/01/2015]*

**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 Registrar must administer or continue to administer the proceedings.

*[S 850/2014 wef 01/01/2015]*

## MISCELLANEOUS

### **Court may dispense with attendance by solicitors and oral arguments in certain matters (O. 110, r. 51)**

**51.** The Court may dispense with the attendance of the parties' solicitors, and give the Court's decision without hearing oral arguments, in any of the following matters:

- (a) an ex parte application;
- (b) an application to which all parties have consented;
- (c) any matter in relation to which the parties consent to dispense with the attendance of their solicitors and oral arguments.

*[S 756/2015 wef 01/01/2016]*

### **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.

*[S 850/2014 wef 01/01/2015]*

### **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.

(1A) Despite paragraph (1), any one of the 3 Judges appointed for any proceedings in that paragraph may hear any interlocutory application or case management conference in those proceedings.

*[S 756/2015 wef 01/01/2016]*

(2) Subject to sections 30(2) and 36 of the Act, 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.

*[S 756/2015 wef 01/01/2016]*

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

### **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.

*[S 850/2014 wef 01/01/2015]*

## ORDER 111

### CHOICE OF COURT AGREEMENTS ACT 2016

### **Interpretation (O. 111, r. 1)**

**1.—(1)** In this Order —

“Act” means the Choice of Court Agreements Act 2016 (Act 14 of 2016), and any reference to a section is a reference to a section in the Act;

“Court” means the High Court;

“Court order” means an order of the Court —

- (a) for a foreign judgment to be recognised, or recognised and enforced, under the Act; or
- (b) for a judicial settlement to be enforced under the Act.

(2) An expression used in this Order which is used in the Act has the same meaning in this Order as in the Act.

(3) The powers conferred on the Court by the Act may be exercised by a Judge in Chambers and the Registrar.

*[S 474/2016 wef 01/10/2016]*

**Application for recognition, or recognition and enforcement, of foreign judgment (O. 111, r. 2)**

2.—(1) An application under section 13 for a foreign judgment, or a part of a foreign judgment, to be recognised, or to be recognised and enforced, in the same manner and to the same extent as a judgment issued by the High Court must be made by *ex parte* originating summons supported by an affidavit.

(2) The supporting affidavit must state, to the best of the information or belief of the deponent —

- (a) that the judgment, the whole or part of which is to be recognised or recognised and enforced, is a foreign judgment within the meaning of section 2(1);
- (b) where the foreign judgment or part of the foreign judgment is to be recognised, that the judgment or that part (as the case may be) has effect in the State of origin;
- (c) where the foreign judgment or part of the foreign judgment is to be enforced, that the judgment or that part (as the case may be) is enforceable in the State of origin;
- (d) that the exclusive choice of court agreement, applicable to the dispute in relation to which the foreign judgment was obtained, was concluded in a civil or commercial matter;

- (e) either of the following:
- (i) that at the date of the application, the foreign judgment, or the part of the foreign judgment to be recognised or recognised and enforced, has not been satisfied;
  - (ii) the amount in respect of which, at the date of the application, the foreign judgment, or the part of the foreign judgment to be recognised or recognised and enforced, remains unsatisfied;
- (f) that the foreign judgment does not relate to a matter mentioned in section 9 or 10 to which the Act does not apply;
- (g) that there are no circumstances under Part 3 of the Act in which the Court must refuse to recognise or enforce the foreign judgment;
- (h) whether there are any circumstances under Part 3 of the Act in which the Court may refuse to recognise or enforce the foreign judgment; and
- (i) where there are circumstances in which the Court may refuse to recognise or enforce the foreign judgment, each reason why the Court should nevertheless recognise or enforce the judgment.
- (3) The supporting affidavit must exhibit the following documents:
- (a) a complete and certified copy of the foreign judgment (including the reasons, if any, for the decision of the court which gave the judgment);
  - (b) the exclusive choice of court agreement applicable to the dispute in relation to which the foreign judgment was obtained, a certified copy of that agreement or any other evidence of the existence of that agreement;
  - (c) where the foreign judgment was given by default, the original or a certified copy of a document showing that the party in default was notified of —

- (i) the document by which the proceedings were instituted; or
- (ii) an equivalent document;
- (d) any other documents necessary to establish —
  - (i) that the foreign judgment has effect in the State of origin;
  - (ii) where the foreign judgment or part of the foreign judgment is to be enforced, that the judgment or that part (as the case may be) is enforceable in the State of origin; and
  - (iii) any matter mentioned in paragraph (2)(a) and (d) to (i).

(4) If the Court hearing the application cannot determine, from the terms of the foreign judgment, whether the requirements in Part 3 of the Act pertaining to the recognition and enforcement of foreign judgments have been complied with, the Court may require the applicant to produce a supplementary affidavit and any other documents necessary to make the determination.

*[S 474/2016 wef 01/10/2016]*

### **Application for enforcement of judicial settlement (O. 111, r. 3)**

**3.—**(1) An application under section 20 for a judicial settlement, or a part of a judicial settlement, to be enforced in the same manner and to the same extent as a judgment issued by the High Court must be made by *ex parte* originating summons supported by an affidavit.

(2) The supporting affidavit must state, to the best of the information or belief of the deponent —

- (a) that the contract, the whole or part of which is to be enforced, is a judicial settlement within the meaning of section 2(1);
- (b) that the judicial settlement —
  - (i) was approved by a chosen court designated in an exclusive choice of court agreement between the parties to the settlement; or

- (ii) was concluded before the chosen court mentioned in sub-paragraph (i) in the course of proceedings before that court;
  - (c) that the judicial settlement, or the part of the judicial settlement to be enforced, is enforceable in the same manner and to the same extent as a judgment in the State of origin;
  - (d) that the exclusive choice of court agreement, applicable to the dispute in which the judicial settlement was approved or concluded, was concluded in a civil or commercial matter;
  - (e) either of the following:
    - (i) that at the date of the application, the judicial settlement, or the part of the judicial settlement to be enforced, has not been satisfied;
    - (ii) the amount in respect of which, at the date of the application, the judicial settlement, or the part of the judicial settlement to be enforced, remains unsatisfied;
  - (f) that the judicial settlement does not relate to a matter mentioned in section 9 or 10 to which the Act does not apply;
  - (g) that there are no circumstances mentioned in section 20(3) in which the Court must refuse to enforce the judicial settlement;
  - (h) whether there are any circumstances mentioned in section 20(4) in which the Court may refuse to enforce the judicial settlement; and
  - (i) where there are circumstances in which the Court may refuse to enforce the judicial settlement, each reason why the Court should nevertheless enforce the judicial settlement.
- (3) The supporting affidavit must exhibit the following documents:
- (a) a complete and certified copy of the judicial settlement;

- (b) the exclusive choice of court agreement applicable to the dispute in relation to which the judicial settlement was approved or concluded, a certified copy of that agreement or any other evidence of the existence of that agreement;
- (c) a certificate of a court of the State of origin that the judicial settlement, or the part of the judicial settlement to be enforced, is enforceable in the same manner and to the same extent as a judgment in the State of origin;
- (d) any other documents necessary to establish —
  - (i) that the judicial settlement, or the part of the judicial settlement to be enforced, is enforceable in the same manner and to the same extent as a judgment in the State of origin; and
  - (ii) any matter mentioned in paragraph (2)(a) and (d) to (i).

(4) If the Court hearing the application cannot determine, from the terms of the judicial settlement, whether the requirements in section 20 pertaining to the enforcement of judicial settlements have been complied with, the Court may require the applicant to produce a supplementary affidavit and any other documents necessary to make the determination.

[S 474/2016 wef 01/10/2016]

### **Other document to assist Court in determining application (O. 111, r. 4)**

4. For the purposes of assisting the Court in determining an application mentioned in Rule 2 or 3, the application may be accompanied by a document, issued by a court of the State of origin (or an officer of that court), in the form mentioned in Article 13(3) of the Convention (being a form which is recommended and published by the Hague Conference on Private International Law, and is of the version in force on the date the application is made).

[S 474/2016 wef 01/10/2016]

**Language of documents (O. 111, r. 5)**

**5.—(1)** If the whole or any part of any document to be exhibited or produced under Rule 2, 3 or 4 is not in the English language, the document must be accompanied by a translation in the English language of the whole or that part (as the case may be) of that document.

(2) The translation mentioned in paragraph (1) —

- (a) must be certified by the person making the translation to be a correct translation; and
- (b) must contain, or be accompanied by, a certificate by that person stating —
  - (i) that person's full name;
  - (ii) that person's address; and
  - (iii) that person's qualifications for making the translation.

*[S 474/2016 wef 01/10/2016]*

**Court order (O. 111, r. 6)**

**6.—(1)** A Court order must be in Form 253.

(2) An applicant for the recognition, or the recognition and enforcement, of the whole or any part of a foreign judgment, or for the enforcement of the whole or any part of a judicial settlement, must —

- (a) draw up the Court order; and
- (b) within 28 days after the date on which the Court order (relating to the foreign judgment or judicial settlement) is made, serve the Court order, together with a copy of the foreign judgment or judicial settlement, personally on every party to the case or proceedings in which the foreign judgment or judicial settlement was obtained.

- (3) The Court order must state —
- (a) that any party, to the case or proceedings in which the foreign judgment or judicial settlement was obtained, may apply to set aside the Court order;
  - (b) the period under Rule 7(1)(b) within which a party mentioned in sub-paragraph (a) must file the application to set aside the Court order; and
  - (c) that the Court order will not take effect until after the expiration of that period.

(4) A Court order may be served out of the jurisdiction without leave of the Court, and Order 11, Rules 3, 4, 6 and 7 apply, with the necessary modifications, in relation to such service as they apply to the service of an originating process.

(5) The applicant in paragraph (2) must, within 14 days after the date on which the Court order, and the copy of the foreign judgment or judicial settlement, are served on a party, file an affidavit of service on that party, of the Court order and the copy of the foreign judgment or judicial settlement.

*[S 474/2016 wef 01/10/2016]*

### **Application to set aside Court order (O. 111, r. 7)**

7.—(1) An application to set aside a Court order relating to a foreign judgment or judicial settlement —

- (a) must be made by summons and supported by an affidavit stating the grounds on which the applicant seeks to set aside the Court order; and
- (b) must, where the Court order and a copy of the foreign judgment or judicial settlement were served on the applicant, be filed within —
  - (i) 28 days after the date on which the Court order, and the copy of the foreign judgment or judicial settlement (as the case may be), were served on the applicant; or
  - (ii) such longer period as the Court may allow.



(2) The applicant must, within 14 days after the date on which the application and supporting affidavit are filed, serve the application and supporting affidavit on the following parties (each called in this Rule a respondent):

- (a) the party who obtained the Court order;
- (b) every other party to the case or proceedings in which the foreign judgment or judicial settlement was obtained.

(3) Each respondent may, within 21 days after being served with the application and supporting affidavit, file, and serve on the applicant and every other respondent, an affidavit in reply.

(4) The Court hearing the application may order any issue between the applicant and any respondent to be tried in any manner in which an issue in an action may be ordered to be tried.

*[S 474/2016 wef 01/10/2016]*

### **When Court order takes effect (O. 111, r. 8)**

**8.** A Court order does not take effect while an application to set aside the Court order —

- (a) may still be filed under Rule 7(1)(b) by a party on whom the Court order, and a copy of the foreign judgment or judicial settlement to which the Court order relates, were served under Rule 6; or
- (b) is pending.

*[S 474/2016 wef 01/10/2016]*

### **Security for costs (O. 111, r. 9)**

**9.** The Court may order any party to any application or proceedings under Rule 2, 3 or 7 to give security for the costs of the application or proceedings.

*[S 474/2016 wef 01/10/2016]*

**Issue of execution on foreign judgment or judicial settlement  
(O. 111, r. 10)**

**10.** A party who obtains a Court order, and who wishes to issue execution on the foreign judgment or judicial settlement in relation to which the Court order is obtained, must produce to the Sheriff —

- (a) the Court order and a copy of the foreign judgment or judicial settlement; and
- (b) the affidavit of service, on the party against whom the execution is sought, of the Court order and the copy of the foreign judgment or judicial settlement.

*[S 474/2016 wef 01/10/2016]*

APPENDIX A

Forms

O. 1, r. 7

1.

O. 4, r. 1

ORDER FOR CONSOLIDATION

(Title as in action)

Upon the application of \_\_\_\_\_ the plaintiff (or the defendant) in this action and upon reading the affidavit of \_\_\_\_\_ filed the day of \_\_\_\_\_ 20\_\_\_\_, and upon hearing

It is ordered that Suit/Originating Summons No. \_\_\_\_\_ be consolidated with Suit/Originating Summons No. \_\_\_\_\_ and do proceed as one action and it is further ordered that the title of Suit/Originating Summons No. \_\_\_\_\_ be amended by adding to it the titles of \_\_\_\_\_ (state the numbers of the suits/originating summonses which are being consolidated) and that all subsequent documents be filed in Suit/Originating Summons No. \_\_\_\_\_ (state any other orders or directions given by the Court).

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

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

\_\_\_\_\_

2.

O. 6, r. 1

## WRIT OF SUMMONS

IN THE HIGH COURT/STATE COURTS OF  
THE REPUBLIC OF SINGAPORE

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 service and in default of your so doing the Plaintiff(s) may proceed with the action and judgment may be entered against you without further notice.

Dated this        day of                    20        .

*Solicitor for the Plaintiff(s).*

*Registrar*  
*Supreme Court/State Courts,*  
*Singapore.*

*(Note: If any defendant is outside the jurisdiction, a separate period of time for entering appearance must be inserted.)*

*Memorandum to be subscribed on the writ*

This writ may not be served more than (a) 6 months after the above date, or (b) 12 months after the above date where leave to serve out of jurisdiction has been obtained, unless renewed by order of the Court.

The defendant(s) may enter an appearance(s) either personally or by a solicitor at the Registry of the Supreme Court/State Courts.

*Endorsements to be made on writ before issue.*

*Endorsement of claim/statement of claim.*

(Set out the endorsement or statement of claim).

(If the plaintiff’s claim is for a debt or liquidated demand only, the following endorsement must be added at the foot of the claim:)

And \$ (or such sum as may be allowed on taxation) for costs, and also, if the plaintiff obtains an order for substituted service, the further sum of \$ (or such sum as may be allowed on taxation). If the amount claimed and costs be paid to the plaintiff or his solicitor within days after service hereof, further proceedings will be stayed.

Where the Writ of Summons is endorsed with a Statement of Claim the following must be added:

*Note:* If the defendant enters an appearance, then he must also serve a defence on the solicitor for the plaintiff within 14 days after the last day of the time limited for entering an appearance, otherwise judgment may be entered against him without further notice.

(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 solicitor and address.*

This writ is issued by of solicitor 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.*

Renewed for months from the day of 20 by an order  
of Court dated the day of 20 .

Dated this day of 20 .

*Solicitor for the*

4.

O. 7, r. 2

ORIGINATING SUMMONS

IN THE HIGH COURT/STATE COURTS OF  
THE REPUBLIC OF SINGAPORE

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 solicitor 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 .



To: The Registrar.

The writ of summons herein was served on —

Name of person served:

Capacity in which person is served: (The defendant) (or as may be).

On: (Day, date and time of service).

At: (Place of service).

Method of service: (State how service effected).

Issued by: (Solicitors for the ).

7.

O. 11, r. 2

AFFIDAVIT FOR LEAVE TO SERVE  
ORIGINATING PROCESS OUT OF SINGAPORE

(Title as in action)

I, (name, address and description of deponent), do make oath (or affirm) and say as follows:

1. I am the plaintiff (or as may be) in this action.
2. This application is made pursuant to Order 11, Rule 1 (specify the paragraphs).
3. The facts in support of paragraph 2 are
4. I verily believe that I have a good cause of action against the abovenamed defendant (state the facts, or refer to the Statement of Claim filed, or exhibit a copy of the proposed Statement of Claim, or refer to the originating process and any affidavits filed therein).
5. The defendant is presently residing (or carrying on business) at in the State of .
6. days will probably be sufficient for the defendant to enter an appearance in the Registry of the Supreme Court/State Courts.
7. I apply for leave to serve the writ (or as may be) on the defendant at or elsewhere as he may be found in the State of .
8. It is necessary/not necessary to extend the validity of this writ (and if necessary, to state how long).

Sworn (or affirmed) as in Form 78.

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8.

O. 11, r. 2

ORDER FOR SERVICE OF  
DOCUMENT OUT OF SINGAPORE

(Title as in action)

Upon the application of \_\_\_\_\_ the plaintiff and upon reading the affidavit  
of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ and upon hearing  
,

IT IS ORDERED THAT:

1. The plaintiff have leave to serve a sealed copy of the writ of summons on the defendant at (address at which defendant to be served) or elsewhere in the State of \_\_\_\_\_ .

2. The time for entry of an appearance in this action by the defendant be \_\_\_\_\_ days after service on him of the writ of summons (or as may be).

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

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

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9.

O. 11, r. 4

REQUEST FOR SERVICE OF DOCUMENT  
OUT OF SINGAPORE

(Title as in action)

We hereby request that the writ of summons (or as may be, describing the document including translation, if applicable) in this action be sent through the proper channel to (name of country) for service on the (defendant) \_\_\_\_\_, at \_\_\_\_\_ or elsewhere in (name of country) and that it may be served —

- (i) through the government of \_\_\_\_\_ (where the government is willing to effect service).
- (ii) through the judicial authority of \_\_\_\_\_ .
- (iii) through a Singapore consular authority at \_\_\_\_\_ .  
(delete which methods not desired)

We hereby undertake to be responsible personally for all expenses incurred by the Minister in respect of the service requested and, on receiving due





[Deleted by S 600/2012]

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12.

O. 15, r. 3

NOTICE TO BE ENDORSED ON  
COPY OF COUNTERCLAIM

To

Take notice that, if you intend to defend this counterclaim, an appearance must be entered to the counterclaim on your behalf within 8 days (or if the counterclaim is to be served out of the jurisdiction, insert here the time fixed by the order giving leave to serve the counterclaim out of the jurisdiction) using the electronic filing service after the service of this defence and counterclaim on you, otherwise judgment may be given against you without further notice.

*Directions for entering appearance.*

The person served with this counterclaim may enter an appearance in person or by a solicitor at the Registry of the Supreme Court/State Courts using the electronic filing service.

13.

[Deleted by S 600/2012]

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14.

[Deleted by S 600/2012]

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15.

O. 15, r. 13A

NOTICE OF ACTION

(Title as in action)

To

of

TAKE NOTICE THAT:

(1) An action has been begun in the High Court/State Courts in accordance with the writ of summons/originating summons attached hereto.







20.

O. 16, r. 4  
O. 16, r. 8

SUMMONS FOR THIRD  
PARTY DIRECTIONS

(Title as in Form 16)

To: The third party (and his solicitors).

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. The defendant serve a statement of claim on the said third party within            days from this date, who shall plead thereto within days.
2. (State any other directions as may be required).
3. The said third party be at liberty to appear at the trial (or hearing) of this action, and take such part as the Judge shall direct, and be bound by the result of the trial (or hearing).
4. The question of the liability of the said third party to indemnify the defendant be tried at the trial (or hearing) of this action, but subsequent thereto.
5. The costs of this application be costs in the cause and in the third party proceedings.

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by:                            (Solicitors for the                            ).

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

\_\_\_\_\_

21.

O. 16, r. 4

ORDER FOR THIRD PARTY DIRECTIONS

(Title as in Form 16)

Upon the application of                            and upon hearing                            and for the plaintiff and                            for the defendant and                            for the third party.

(In an action begun by writ) It is ordered that the defendant serve a statement of his claim on the said third party within            days from this date, who shall plead thereto within            days.

(State any other directions that had been ordered).

And that the said third party be at liberty to appear at the trial (or hearing) of this action, and take such part as the Judge shall direct, and be bound by the result of the trial (or hearing). And that the question of liability of the said third party to indemnify the defendant be tried at the trial (or hearing) of this action, but subsequent thereto.

And that the costs of this application be

Dated this        day of                    20        .

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22.

O. 17, r. 2                    NOTICE BY CLAIMANT OF PROPERTY  
TAKEN IN EXECUTION

(Title as in action)

And

*Claimant.*

Take notice that I                    of                    claim the following  
property that has been taken in execution in this action at (state address) on the  
day of                    20        :

(State the money, goods or other movable property claimed  
and the grounds for the claim).

Dated this        day of                    20        .

*Claimant.*

My address for service is:

To the Sheriff/bailiff and the execution creditor (or solicitor for execution  
creditor).

---

23.

O. 17, r. 2                    NOTICE BY SHERIFF/BAILIFF OF PROPERTY  
TAKEN IN EXECUTION

(Title as in Form 22)

Take notice that                    of                    has claimed the following  
property (specify the property claimed)                    taken in execution by me  
under the writ of seizure and sale issued in this action.

If within 4 days after receiving this notice, you give notice to me that you admit the claim of the said \_\_\_\_\_ to the said property or request me to withdraw from possession in Form 24 you will not be liable for any costs incurred after the receipt by me of your notice.

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

*Sheriff/bailiff.*

To the execution creditor (or solicitor for execution creditor).

\_\_\_\_\_

24.

O. 17, r. 2 NOTICE BY EXECUTION CREDITOR OF  
PROPERTY TAKEN IN EXECUTION

(Title as in Form 22)

Take notice that I admit (or dispute) the claim of \_\_\_\_\_ to the property seized by you (or I request you to withdraw from possession) under the writ of seizure and sale issued in this action.

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

*Execution Creditor  
(or solicitor for execution creditor).*

To the Sheriff/bailiff and the claimant (or solicitor for the claimant).

\_\_\_\_\_

25.

O. 17, r. 3 STATEMENT IN SUPPORT OF  
AN INTERPLEADER SUMMONS:  
BY SHERIFF/BAILIFF

(Title as in Form 22)

1. On (date), \_\_\_\_\_ of \_\_\_\_\_ gave me notice that he claimed the following property (specify the property claimed) taken by me in execution under (the writ of seizure and sale) issued in this action.

2. On (date), I notified the execution creditor of the said claim. He does not admit the claim and has not requested me to withdraw from possession of the property claimed.



3. I value the property claimed at approximately \$ . I claim no interest in the subject-matter in dispute other than commission fees and expenses of execution.

4. I do not in any manner collude with any of the parties herein.

*Sheriff/bailiff.*

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26.

O. 17, r. 3

AFFIDAVIT IN SUPPORT OF AN  
INTERPLEADER SUMMONS BY A PERSON  
UNDER LIABILITY

(In a pending action application as in Form 60,  
in any other case by an originating summons)

I,                    of                    (if in an action, the abovenamed defendant)  
do make oath (or affirm) and say as follows:

1. (If in an action.) This action is brought to recover (state what) claimed by the plaintiff but I have received a claim adverse to that of the plaintiff from of                    (or, if no action), I have received adverse claims from                    of                    and                    of                    to (state what) which is of the approximate value of \$                    .

I expect to be sued on these claims by the said claimant.

2. I claim no interest in the subject-matter in dispute (other than the sum of \$                    for costs or charges) (or as the case may be). I do not in any manner collude with either (or any) of the said claimants.

3. I am ready and willing to bring into Court or to pay or dispose of the subject-matter in dispute in such manner as the Court may direct.

Sworn (or affirmed) as in Form 78.

---

27.

O. 17, r. 3

INTERPLEADER SUMMONS

(Title as in Form 22)

(a) *To Execution Creditor.*

Whereas the above claimant has made a claim to certain property taken in execution under process issued out of this Court at your instance:

You are hereby summoned to appear before the High Court/State Courts on (date/time) when the said claim will be adjudicated upon and such order made thereon as the Court shall think just.

Dated this day of 20 .

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

Entered No. of 20 .

Clerk.

To:

The execution creditor (or solicitor for execution creditor).

(b) To Claimant.

You are hereby summoned to appear before the High Court/State Courts on (date/time) to support a claim made by you to certain property taken in execution under process issued out of this Court at the instance of the execution creditor and in default of your then establishing such claim the said property will be dealt with under the said process as property of the execution debtor.

Dated this day of 20 .

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

Entered No. of 20 .

Clerk.

To:

The claimant (or solicitor for claimant).

(c) To a plaintiff or a claimant in a pending action.

Whereas the defendant in this action has filed an affidavit (a copy of which is hereto annexed) stating that he has received a claim from of to (part of) the subject-matter of this action:

You are hereby summoned to appear before the High Court/State Courts on (date/time) when the Court will adjudicate upon the rights and claims of yourself, the defendant and the (In summons to claimant not a plaintiff in the action, add: A copy of the writ of summons and statement of claim in this claim in this action is hereto annexed).

Dated this day of 20 .

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

Entered No. of 20 .

Clerk.

To:

(State the name and address of the person to be summoned).

28.

O. 17, r. 11

JUDGMENT (OR ORDER)  
ON INTERPLEADER SUMMONS

(Title as in Form 22)

(Recital)

Upon this Interpleader Summons (or Originating Summons) coming up for hearing before His Honour on the day of 20 and upon hearing the evidence adduced and what was alleged by the parties (or their counsel) (Insert the appropriate Operative Part).

(Operative Parts)

(a) *Under execution.*

It is adjudged touching the claim of to (specify the property) (or to the proceeds of sale (or value) of (specify the property)) taken in execution under process issued out of this Court at the instance of execution creditor, that the said (specify the property) (or proceeds of sale) (or value) (or part of the said property) (or proceeds of sale (or value)) namely (specify same) is (or are) not the property of the claimant.

And it is ordered that the said do pay to the said the sum of \$ for costs (and the sum of \$ for extra expenses of execution and keeping possession occasioned by the claim). [Insert directions as to disposal of any money in Court.]

(b) *In a pending action.*

It is this day adjudged touching the claims of the plaintiff and the claimant to (part of) the subject-matter of this action that the claim of the plaintiff (or claimant) is valid and that the claimant (or plaintiff) has no claim thereto.

(And it is further adjudged that the plaintiff (or claimant) do recover against the defendant the sum of \$ for debt and \$ for costs amounting together to the sum of \$ ).

(And it is ordered — here insert any order for delivery of the property).

And it is further adjudged that the plaintiff (or claimant) do recover the sum of \$ from the claimant (or plaintiff) for costs (add if any costs awarded to the defendant against the plaintiff or claimant:

And it is further adjudged that the defendant do recover the sum of \$ for costs from the plaintiff (or claimant)).

(If the claimant fails to appear and an order is made barring his claim proceed as follows:

And the claimant \_\_\_\_\_ not appearing, it is declared that the said and all persons claiming under him be forever barred as against the plaintiff and all persons claiming under him).

(c) *In any other case.*

It is this day adjudged (here set out the judgment determining the claim as between the applicant and any claimant who appears or, if all the claimants appear, the judgment determining the rights and claims of all parties and any order as to payment, or delivery of the property and costs)

(If any claimant fails to appear and an order is made barring his claim proceed as follows:

And the claimant \_\_\_\_\_ not appearing, it is declared that the said \_\_\_\_\_ and all persons claiming under him be forever barred as against the applicant and all persons claiming under him).

(Testimonium)

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

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

29.

O. 18, r. 12                      PARTICULARS SERVED PURSUANT TO  
REQUEST OR ORDER

(Title as in action)

Further and better particulars of the statement of claim (or defence or as may be).

Served pursuant to request (or order) dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

(Here set out in numbered paragraphs the particulars requested (or ordered) and the answers to them).

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

*Solicitor for the*

30.

O. 21, r. 2

## NOTICE OF DISCONTINUANCE

(Title as in action)

Take notice that the plaintiff wholly (or specify the part) discontinues this action (or the defendant wholly (or specify the part) withdraws the defence or discontinues his counterclaim) against the defendant (plaintiff).

Dated this        day of                    20        .

*Solicitor for the*

To the Registrar and the other parties to the action.

31.

O. 22, r. 1

## NOTICE OF PAYMENT INTO COURT

(Title as in action)

To the Registrar, the plaintiff and the other defendants.

Take notice that —

The defendant                    has paid \$                    into Court.

The said \$                    is in satisfaction of (the cause of action) (all the causes of action) in respect of which the plaintiff claims (and after taking into account and satisfying the abovenamed defendant's cause of action for                    in respect of which he counterclaims).

or

The said \$                    is in satisfaction of the following causes of action in respect of which the plaintiff claims, namely,                    (and after taking into account as above).

or

Of the said \$                    , \$                    is in satisfaction of the plaintiff's cause(s) of action for                    (and after taking into account as above) and \$                    is in satisfaction of the plaintiff's cause(s) of action for                    (and after taking into account as above).

Dated this        day of                    20        .

*Solicitor for the*

32.

O. 22, r. 3 NOTICE OF ACCEPTANCE OF MONEY  
PAID INTO COURT

(Title as in action)

Take notice that the plaintiff accepts the sum of \$            paid in by the defendant            in satisfaction of the cause(s) of action in respect of which it was paid in and in respect of which the plaintiff claims (against that defendant) (and abandons the other causes of action in respect of which he claims in this action).

Dated this        day of            20    .

*Solicitor for the*

To the Registrar and the defendant.

---

33.

O. 22A, r. 1 OFFER TO SETTLE

(Title as in action)

The (identify party) offers to settle this proceeding (or the following claims in this proceeding) on the following terms: (set out terms in consecutively numbered paragraphs).

Dated this        day of            20    .

(Name, address, telephone and fax number of solicitor or party making offer)

To: (Name and address of solicitor or party to whom offer is made)

---

34.

O. 22A, r. 3 NOTICE OF WITHDRAWAL OF OFFER

(Title as in action)

The (identify party) withdraws the offer to settle dated the        day of  
20    .

Dated this        day of            20    .

(Name, address, telephone and fax number of solicitor or party giving notice)

To: (Name and address of solicitor or party to whom notice is given)

35.

O. 22A, r. 6

ACCEPTANCE OF OFFER

(Title as in action)

The (identify party) accepts your offer to settle dated the        day of  
20        (on the following terms).

Dated this        day of        20        .

(Name, address, telephone and fax number of solicitor or party accepting offer)

To: (Name and address of solicitor or party whose offer is accepted)

36.

O. 22A, r. 11

OFFER TO CONTRIBUTE

(Title as in action)

The defendant (name of defendant making offer) offers to contribute to a  
settlement of the plaintiff's claim on the following terms: (set out terms in  
consecutively numbered paragraphs).

Dated this        day of        20        .

(Name, address, telephone and fax number of solicitor or party making offer)

To: (Name and address of solicitor or party to whom offer is made)

37.

O. 24, r. 3

LIST OF DOCUMENTS

(Title as in action)

The following is a list of the documents relating to the matters in question  
in this action which are or have been in the possession, custody or power of the  
abovenamed plaintiff (or defendant)        and which is served in  
compliance with the order herein dated the        day of        20        .

1. The plaintiff (or defendant) has in his possession, custody or power the  
documents relating to the matters in question in this action enumerated in  
Schedule 1 hereto.

2. The plaintiff (or defendant) objects to produce the documents enumerated in Part 2 of Schedule 1 on the ground that (stating the ground of objection).

3. The plaintiff (or defendant) has had, but has not now, in his possession, custody or power the documents relating to the matters in question in this action enumerated in Schedule 2 hereto.

4. Of the documents in Schedule 2, those numbered in the Schedule were last in the plaintiff's (or defendant's) possession, custody or power on (stating when) and the remainder on (stating when).

(State what has become of the said documents and in whose possession they now are.)

5. Neither the plaintiff (or defendant), nor his solicitor nor any other person on his behalf, has now, or ever had, in his possession, custody or power any document of any description whatever relating to any matter in question in this action, other than the documents enumerated in Schedules 1 and 2 hereto.

**SCHEDULE 1**

**PART 1**

(Enumerate in a convenient order the documents (or bundles of documents, if of the same nature, such as invoices) in the possession, custody or power of the party in question which he does not object to produce, with a short description of each document or bundle sufficient to identify it.)

**PART 2**

(Enumerate as aforesaid the documents in the possession, custody or power of the party in question which he objects to produce.)

**SCHEDULE 2**

(Enumerate as aforesaid the documents which have been, but at the date of service of the list are not, in the possession, custody or power of the party in question.)

Dated this day of 20 .

Notice to inspect

Take notice that the documents in the above list, other than those listed in Part 2 of Schedule 1 (and Schedule 2), may be inspected at (the office of the solicitor of the abovenamed (plaintiff) (defendant) (insert address) or as may be) on the day of 20 , between the hours of and .

*Solicitor for the*

To the defendant (or plaintiff)





O. 24, r. 10 NOTICE TO PRODUCE DOCUMENTS  
REFERRED TO IN PLEADINGS OR AFFIDAVITS

(Title as in action)

Take notice that the plaintiff (or defendant) requires you to produce for his inspection, the following documents referred to in your pleading (or affidavit) namely:

(Describe documents required).

Dated this day of 20 .

Solicitor for the

To the solicitor for

\_\_\_\_\_

41.

O. 24, r. 10 NOTICE WHERE DOCUMENTS  
MAY BE INSPECTED

(Title as in action)

Take notice that the documents mentioned in your notice of the day of 20 (except the deed numbered in that notice) may be inspected at (insert place of inspection) on the day of 20 between the hours of m. and m.

(Or, that the plaintiff (or defendant) objects to giving inspection of the documents mentioned in your notice of the day of 20 , on the ground that (state the ground)).

Dated this day of 20 .

Solicitor for the

\_\_\_\_\_

42.

O. 24, r. 11 ORDER FOR PRODUCTION OF  
DOCUMENTS AND INSPECTION

(Title as in action)

Upon the application of and upon reading the affidavit of filed the day of 20 , and upon hearing

It is ordered that the \_\_\_\_\_ do, on reasonable notice, produce at \_\_\_\_\_ (insert place of inspection), situate at \_\_\_\_\_ the following documents, namely \_\_\_\_\_, and that the \_\_\_\_\_ be at liberty to inspect and peruse the documents so produced, and to make notes of their contents, and be entitled to be supplied with copies thereof on payment of the proper charges. And it is ordered that in the meantime all further proceedings be stayed, and that the costs of this application be \_\_\_\_\_

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

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

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43.

O. 24, r. 18

ORDER FOR PRODUCTION OF  
DOCUMENTS IN  
MARINE INSURANCE ACTION

(Title as in action)

Upon hearing \_\_\_\_\_ [and upon reading \_\_\_\_\_ the \_\_\_\_\_ affidavit of  
filed the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ ]:

It is ordered that the plaintiff and all other persons interested in this action, and in the insurance the subject of this action, do produce and show to the defendant, his solicitors or agents on oath [*or* by oath of their proper officer] all insurance slips, policies, letters of instruction or other orders for effecting such slips or policies, or relating to the insurance or the subject-matter of the insurance on the ship \_\_\_\_\_ or the cargo on board thereof, or the freight thereby, and also all documents relating to the sailing or alleged loss of the said ship, cargo or freight, and all correspondence with any person relating in any manner to the effecting of the insurance on the ship, cargo or freight or any other insurance whatsoever affected on the said ship, cargo or freight, on the voyage insured by the policy sued on in this action, or any other policy whatsoever effected on the said ship, or the cargo on board thereof, or the freight thereby on the same voyage. Also all correspondence between the captain or agent of the ship and any other person with the owner or any person before the commencement of or during the voyage on which the alleged loss happened. Also all books and documents, whatever their nature and whether originals, duplicates or copies, which in any way relate or refer to any matter in question in this action and which are now in the possession, custody or power of the plaintiff or any other person on his behalf, his or their, or any of their brokers, solicitors or agents to inspect and take copies of, or extracts from, any of those books or documents. And that in the like manner the plaintiff and every other person interested as aforesaid do account for all other

books and documents relating or referring to any matter in question in this action which were once but are not now in his possession, custody and power.

And that [in the meantime all further proceedings be stayed and that] the costs of and occasioned by this application be costs in the action.

Dated this      day of                      20      .

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

\_\_\_\_\_

44.

O. 25, r. 1  
O. 26, r. 4

SUMMONS FOR DIRECTIONS  
PURSUANT TO ORDER 25

(Title as in action)

To: The defendant (and his solicitors).

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. This action be consolidated with action(s) in the following Suit Number(s):

2. This action be referred to the Registrar. The costs of this application be costs in the cause.

3. The action be (or by consent) transferred to the                      . The costs of this application be in the discretion of the                      .

4. Unless the plaintiff gives security for the defendant’s costs within days in the sum of \$                      to the satisfaction of the Registrar, the action be transferred to the                      with stay meanwhile. The costs of this application be in the discretion of the                      (and if the security is paid, the directions shall be as follows:                      ).

5. The plaintiff have leave to amend the writ by                      . The service of the writ and the defendant’s appearance do stand. The costs incurred and thrown away by the amendment be the defendant’s in any event.

6. The plaintiff have leave to amend the statement of claim as shown in the document served herewith and to re-serve the amended statement of claim in days. Thereafter the defendant have leave to serve an amended defence (if so advised) in                      days. The plaintiff have leave to serve an amended reply (if so advised) in                      days. The costs of and thrown away by the amendments be the defendant’s in any event.

7. The defendant have leave to amend the defence as shown in this summons and to re-serve the amended defence in \_\_\_\_\_ days. Thereafter, the plaintiff have leave to re-serve an amended reply (if so advised) in \_\_\_\_\_ days. The costs of and thrown away as a result of the amendments be the plaintiff's in any event.

8. The plaintiff serve on the defendant the further and better particulars of the statement of claim specified in this summons within \_\_\_\_\_ days.

9. The defendant serve on the plaintiff the further and better particulars of the defence specified in the document served herewith within \_\_\_\_\_ days.

10. The plaintiff serve on the defendant the further and better particulars of the reply specified in this summons within \_\_\_\_\_ days.

11. The plaintiff give security for the defendant's costs to the satisfaction of the Registrar in the sum of \$ \_\_\_\_\_ on the following grounds:

In the meantime, all further proceedings be stayed.

12. The plaintiff serve on the defendant a list of documents and file an affidavit verifying such list (limited to the documents relating to the (special damage claimed) (plaintiff's industrial injury, industrial disablement or sickness benefit rights) (period from \_\_\_\_\_ to \_\_\_\_\_) (issues raised in paras. \_\_\_\_\_ of the statement of claim and paras. \_\_\_\_\_ of the defence) (issues of \_\_\_\_\_)) within \_\_\_\_\_ days.

13. The defendant serve on the plaintiff a list of documents and file an affidavit verifying such list (limited to documents relating to the (period from \_\_\_\_\_ to \_\_\_\_\_) (issues raised in paras. \_\_\_\_\_ of the statement of claim and paras. \_\_\_\_\_ of the defence) (issues of \_\_\_\_\_)) within \_\_\_\_\_ days.

14. There be inspection of documents within \_\_\_\_\_ days of the service of the lists (filing of the affidavits).

15. The plaintiff have leave to serve on the defendant the interrogatories shown in the document served herewith. The defendant is to answer the interrogatories on affidavit within \_\_\_\_\_ days.

16. The defendant have leave to serve on the plaintiff the interrogatories shown in the document served with this summons. The plaintiff is to answer the interrogatories on affidavit within \_\_\_\_\_ days.

17. The plaintiff (or defendant) (retain and preserve pending the trial of the action) (upon \_\_\_\_\_ days' notice to give inspection of) (the subject-matter of the action, to the defendant (or plaintiff) and to his legal advisers (and experts)).

18. The statements in the following documents be admissible in evidence at the trial without calling as a witness the maker of the statements:

(A certified true copy of the above documents be admissible in evidence at the trial without production of the original documents).

19. The following affidavits (in the form of the draft affidavit (served herewith)) (to be served within \_\_\_\_\_ days) be admissible in evidence at the trial:

20. Evidence of the following fact(s), namely, \_\_\_\_\_ be received at the trial by statement on oath of information and belief (by the production of the following documents or entries in books or copy documents or copy entries in books, namely, \_\_\_\_\_).

21. It be recorded that the parties ((plaintiff) (defendant) refuses to) admit for the purposes of this action that ( \_\_\_\_\_ (the truth of the statements in the document served (herewith)).

22. The affidavits of the evidence-in-chief of all witnesses shall be limited to one affidavit for each witness to be exchanged within \_\_\_\_\_ weeks hereof.

23. Objections to the contents of the affidavit evidence shall be taken within \_\_\_\_\_ weeks after the exchange of the affidavit evidence.

24. The evidence-in-chief or the substance thereof of all expert witnesses shall be in the form of affidavit and shall be exchanged/disclosed within \_\_\_\_\_ weeks hereof.

25. The following witnesses on behalf of the plaintiff (or defendant) may be examined before the Registrar (or a special examiner to be agreed upon by the parties or appointed by the Registrar) upon \_\_\_\_\_ days' notice and need not attend at the trial:

26. There shall be a discussion between the experts for the purpose of requiring the experts to identify the issues in the proceedings and where possible reach agreement on any issue not later than \_\_\_\_\_ days before the exchange of the affidavits of evidence-in-chief. The issues which the experts are to discuss shall be limited to the following:

27. Within \_\_\_\_\_ days of the discussion, the expert witnesses are to prepare and furnish to the parties a joint written statement indicating the agreed issues, the issues on which they disagree and a summary of the reasons for disagreement.

28. That (name) of (organisation) be appointed as assessor(s) in this action.

29. A plan of the locus in quo other than a sketch plan be receivable in evidence at the trial.

30. Photographs and a plan of the locus in quo be agreed, if possible.

31. By consent, (the right of appeal be excluded) (any appeal be limited to the Court of Appeal) (any appeal be limited to questions of law only).



Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. Interlocutory Judgment be entered by consent as follows:

*(State the terms of the judgment to be entered, e.g. against the defendant for damages to be assessed and costs reserved to the Registrar.)*

2. The plaintiff serve on the defendant a list of documents and file an affidavit verifying such list within \_\_\_\_\_ days.

3. The defendant serve on the plaintiff a list of documents and file an affidavit verifying such list within \_\_\_\_\_ days.

4. There be inspection of documents within \_\_\_\_\_ days of the service of the lists and (filing of the affidavits).

5. The affidavits of the evidence-in-chief of all witnesses shall be limited to one affidavit for each witness to be exchanged within \_\_\_\_\_ weeks hereof.

6. The objections to the contents of the affidavit evidence shall be taken within \_\_\_\_\_ weeks after the exchange of the affidavit evidence.

7. The evidence-in-chief or the substance thereof of all expert witnesses shall be in the form of affidavit and shall be exchanged/disclosed within \_\_\_\_\_ weeks hereof.

8. The assessment of damages be fixed for hearing for \_\_\_\_\_ day(s). The notice of appointment for assessment of damages shall be filed within \_\_\_\_\_ weeks hereof and served on the defendant within \_\_\_\_\_ days thereafter.

9. The witnesses whom the plaintiff intends if necessary to call shall be limited to the following:

Witnesses of fact: (names).

Expert witnesses: (names).

10. The witnesses whom the defendant intends if necessary to call shall be limited to the following:

Witnesses of fact: (names).

Expert witnesses: (names).

11. *[Include other prayers if necessary.]*

12. The costs of this application be costs in the cause.

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by: \_\_\_\_\_ (Solicitors for the \_\_\_\_\_).





47.

O. 26, r. 4

## SUMMONS FOR INTERROGATORIES

(Title as in action)

To:

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

The plaintiff (or defendant) (or as may be) be at liberty to serve interrogatories in writing on the defendant (or plaintiff) (or as may be) (in the form of the document attached) and for the questions to be answered in writing by way of an affidavit within            days.

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by:                    (Solicitors for the                    ).

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

48.

O. 26, r. 2

## INTERROGATORIES

(Title as in action)

## Interrogatories

On behalf of the abovenamed (plaintiff) or (defendant A.B.) for the examination of the abovenamed (defendants A.B. and C.D.) (defendants the X. Co. Ltd.) or (plaintiff) pursuant to the order herein dated the            day of 20            .

(Here set out the interrogatories in the form of concise questions, each interrogatory to be set out in a separate paragraph and numbered consecutively).

1. Did you?
2. Did you not?
3. (a) Were you?

(b) If nay, were you not?

(The defendant A.B. is required to answer all the interrogatories numbered            ).

(The defendant C.D. is required to answer interrogatories numbered            ).

(E.F., a director (or as may be) of the defendants, the X. Co., Ltd., is required to answer the interrogatories numbered \_\_\_\_\_).

Served the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_ solicitor for the (plaintiff) (defendant).

To the abovenamed (defendants A.B. and C.D.) (plaintiff) and (their) (his) solicitor.

---

49.

O. 26, r. 2

### ORDER FOR INTERROGATORIES

(Title as in action)

Upon the application of \_\_\_\_\_ and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and upon hearing \_\_\_\_\_.

It is ordered that the \_\_\_\_\_ be at liberty to serve on the interrogatories in writing as initialled by the Judge and that the said \_\_\_\_\_ do answer the interrogatories within \_\_\_\_\_ days and that the costs of this application be \_\_\_\_\_.

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

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

---

50.

O. 26, r. 2

### ANSWER TO INTERROGATORIES

(Title as in action)

The Answer

of the (defendants) or (abovenamed defendant A.B.) or (plaintiff) to the interrogatories for (their) or (his) examination by the abovenamed (plaintiff) or (defendants) pursuant to the order herein dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

In answer to the said interrogatories, (we, the said A.B. and C.D. severally) or (I, the abovenamed A.B. or plaintiff), do make oath (or affirm) and say as follows:

1. To the 1st interrogatory, namely (state in full the interrogatory), that (stating the answer).
2. To the 2nd interrogatory, namely (state in full the interrogatory), that (stating the answer).

3. To the 3rd interrogatory, namely (state in full the interrogatory), that I object to answer it on the ground that (stating the ground of objection).

Sworn (or affirmed) as in Form 78.

This affidavit is filed on behalf of the (defendants) (plaintiff).

51.

O. 27, r. 2

NOTICE TO ADMIT FACTS

(Title as in action)

Take notice that the plaintiff (or defendant) in this action requires the defendant (or plaintiff) to admit, for the purposes of this action only, the several facts respectively hereunder specified; and the defendant (or plaintiff) is hereby required, within 14 days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this cause.

Dated this      day of                      20      .

*Solicitor for the*

To the defendant (or plaintiff)                      and his solicitor.

The facts, the admission of which is required, are:

(set out admissions required, e.g.)

1. That A.B. died on the                      , 20      .
2. That he died intestate.
3. That C.D. was his only lawful son.
4. That E.F. died on the                      , 20      .
5. That E.F. never was married.

52.

O. 27, r. 2

ADMISSION OF FACTS, PURSUANT TO NOTICE

(Title as in action)

The defendant (or plaintiff) in this action, for the purposes of this action only, hereby admits the several facts respectively hereunder specified, subject to

the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in this action:

Provided that this admission is made for the purposes of this action only, and is not an admission to be used against the defendant (or plaintiff) on any other occasion, or by anyone other than the plaintiff (or defendant, or party requiring the admission).

*Solicitor for the*

To the plaintiff (or defendant) and  
his solicitor

(example)

Facts admitted.	Qualifications or Limitations, if any, subject to which they are admitted.
1. That A.B. died on the 20 .	1. —
2. That he died intestate.	2. —
3. That C.D. was his lawful son.	3. But not that he was his only lawful son.
4. That E.F. died.	4. But not that he died on the 20 .
5. That E.F. never was married.	5. —

53.

O. 27, r. 5

#### NOTICE TO ADMIT DOCUMENTS

(Title as in action)

Take notice that the plaintiff (or defendant) in this action proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant (or plaintiff), his solicitor or agent at on the day of 20 between the hours of and ; and the defendant (or plaintiff) is hereby required, within 7 days to admit that such of the documents as are specified to be originals were respectively written, signed or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent or delivered were so served, sent or delivered respectively; saving all

just exceptions to the admissibility of all such documents as evidence in this action.

And further take notice that if you do not within the aforementioned 7 days give notice that you do not admit the documents (or any of them) and that you require the same to be proved at the trial you shall be deemed to have admitted the document (or documents) unless the Court shall otherwise order.

Dated this      day of                      20      .

*Solicitor for the*

(Here describe the documents, the manner of doing which may be as follows:)

ORIGINALS.

Description of Documents.	Dates.
1.	
2.	
3.	
4.	
5.	

COPIES.

Description of Documents.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
1.		
2.		
3.		

O. 27, r. 5 NOTICE OF NON-ADMISSION OF DOCUMENTS

(Title as in action)

Take notice that I do not admit Numbers (e.g. 1, 2 and 5) of the documents (as the case may be) in the Notice to Admit Documents saving all just exceptions to the same as evidence.

Dated this      day of                      20      .

*Solicitor for the*

To the plaintiff (or defendant) and his solicitor.

---

55.

O. 27, r. 5

NOTICE TO PRODUCE

(Title as in action)

Take notice that you are hereby required to produce and show to the Court on the trial of this all books, papers, letters, copies of letters, and other writings and documents in your custody, possession, or power, containing any entry, memorandum, or minute relating to the matters in question in this and particularly —

Dated this      day of      20      .

*Solicitor for the*

To the plaintiff (or defendant) and his solicitor.

---

56.

O. 29, r. 1

ORDER FOR INTERIM INJUNCTION

(Title as in action)

Upon the application of      and upon reading the affidavit of      , filed the      day of      20      , and upon hearing      , and the plaintiff by his said      undertaking to abide by any order the Court or a Judge may make as to damages in case the Court or a Judge should hereafter be of opinion that the defendant      shall have sustained any by reason of this order which the plaintiff ought to pay. It is ordered and directed that the defendant(s) (a)      by himself (themselves) his (their) agents or employees or otherwise be restrained, and an Injunction is hereby granted restraining him (them) from until after the hearing of a summons returnable on the      day of      20      (or until after the trial of this action) or until further order.

Dated this      day of      20      .

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

(a) Where the injunction is against a limited company or a corporate body, the Form should read: “that the defendants (insert name of company or corporate body) by their agents or employees or otherwise be restrained, etc.”.

57.

O. 30, r. 2 RECEIVER'S SECURITY BY UNDERTAKING

(Title as in action)

I, \_\_\_\_\_, of \_\_\_\_\_ the receiver (and manager) appointed by order dated \_\_\_\_\_ (or proposed to be appointed) in this action hereby undertake with the Court to duly account for all moneys and property received by me as such receiver (or manager) or for which I may be held liable and to pay the balances from time to time found due from me and to deliver any property received by me as such receiver (or manager) at such times and in such manner in all respects as the Court or a Judge shall direct.

And we \_\_\_\_\_ hereby jointly and severally (in the case of a Guarantee or other Company strike out "jointly and severally") undertake with the Court to be answerable for any default by the said \_\_\_\_\_ as such receiver (or manager) and upon such default to pay to any person or persons or otherwise as the Court or a Judge shall direct any sum or sums not exceeding in the whole \$ \_\_\_\_\_ : \_\_\_\_\_ that may from time to time be certified by the Registrar to be due from the receiver and we submit to the jurisdiction of the Court in this action to determine any claim made under this undertaking.

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

(Signatures of receiver and his surety or sureties. In the case of a surety being a guarantee or other company, it must be sealed or otherwise duly executed).

58.

O. 30, r. 4 AFFIDAVIT VERIFYING RECEIVER'S ACCOUNT

(Title as in action)

I, \_\_\_\_\_, of \_\_\_\_\_, the receiver appointed in this cause, do make oath (or affirm) and say as follows:

1. The document now shown to me marked A is, as it purports to be, a full and true account of \_\_\_\_\_ for the period therein specified.

2. \_\_\_\_\_ and \_\_\_\_\_, my sureties named in the guarantee (or undertaking) dated \_\_\_\_\_ 20 \_\_\_\_\_, are both alive and neither of them has become bankrupt or insolvent.

or



2. The \_\_\_\_\_ Co., Ltd., my surety named in the guarantee (or undertaking) dated \_\_\_\_\_ 20\_\_\_\_, is still carrying on business and no application or other proceeding for its winding up is pending.

Sworn (or affirmed) as in Form 78.

59.

O. 31, r. 3

CERTIFICATE OF RESULT OF SALE

(Title as in action)

I, \_\_\_\_\_, of \_\_\_\_\_, auctioneer, the person appointed to sell the estate comprised in the particulars hereinafter referred to, hereby certify as follows:

1. I did at the time and place, in the lots, and subject to the conditions specified in the particulars and conditions of sale hereto annexed and marked *A*, put up for sale by auction the estates described in the said particulars.

The result of the sale is truly set forth in the bidding paper hereto annexed and marked *B*.

2. I have received the sums set forth in the fourth column of the schedule hereto as deposits from the respective purchasers whose names are set forth in the second column of the said schedule opposite the said sums in respect of their purchase-money leaving the sums set forth in the fifth column of the said schedule due in respect thereof.

THE SCHEDULE above referred to

No. of Lot	Name of Purchaser	Amount of Purchase-Money	Amount of Deposit Received	Amount remaining due

*Auctioneer.*

(Date)

(Note: This form can be adapted to meet the requirements of Order 31, Rule 3(1)(b), when certificate has to be given by a solicitor).

---

60.

O. 32, r. 1

SUMMONS

(Title as in action)

To:

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

- 1.
- 2.
- 3.

Grounds of application: (State the grounds here) or (As set out in the affidavit of [name]).

Issued by: (Solicitors for the ).

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

---

61.

O. 34, r. 3

NOTICE FOR SETTING DOWN  
AN ACTION FOR TRIAL

(Title as in action)

To: The Registrar and (other parties to the action).

The plaintiff (or defendant) hereby sets down this action for trial for days.

The requisite documents pursuant to Order 34, Rule 3, are attached herewith.

Issued by: (Solicitors for the ).

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62.

[Deleted by S 637/2006]

---

63.

[Deleted by S 600/2012]

64.

O. 34A, r. 3 NOTICE OF PRE-TRIAL CONFERENCE

(Title as in action or proceedings)

To

Take notice that you are required to attend before the Judge (or Registrar) on (date/time) for a pre-trial conference.

And further take notice that you are required to comply with the following directions:

Dated this      day of      20      .

*Registrar.*

65.

O. 35, r. 7 CERTIFICATE AFTER TRIAL

O. 35, r. 8

(Title as in action)

Date:

Judge hearing the trial:

Court No.:

Parties present:

For plaintiff(s):

For defendant(s):

Any others:

The time of the Court was occupied as follows:

Hearing date	Outcome	Start time	End time

Total time occupied:                  hour(s)                  minute(s)

Judgment/Order(s) given:

The List of Exhibits is as follows:

Number of Exhibit	Description of Exhibit	Party who put in Exhibit	Witness who proved Exhibit	Notes

(Name of Clerk of the Court)

66.

*[Deleted by S 600/2012]*

66A.

O. 38, r. 4 NOTICE TO ADMIT NON-DOCUMENTARY  
HEARSAY EVIDENCE

(Title as in action)

To

Take notice that the plaintiff (or defendant) in this action, pursuant to paragraph \_\_\_\_\_ of section 32(1) of the Evidence Act (Cap. 97), intends to introduce in evidence the statement hereunder specified:

Manner in which the statement was made (whether oral or otherwise)	Name of maker of the statement and (unless he is dead) his address, if known	If the maker of the statement is dead, the date of the death of the maker*	Name and address of person who heard or otherwise perceived the statement being made	Time and place at which the statement was made	Substance of the statement or, if it was made orally and the actual words used in making it are material, the words used
1.					
2.					
3.					
4.					

5.

\*This information is to be given to the best of the information and belief of the party serving the notice.

Dated this            day of            20   .

*Solicitor for the*

66B.

O. 38, r. 4

NOTICE TO ADMIT DOCUMENTARY  
HEARSAY EVIDENCE

(Title as in action)

To

Take notice that the plaintiff (or defendant) in this action, pursuant to paragraph            of section 32(1) of the Evidence Act (Cap. 97), intends to introduce in evidence the statement made in the document(s) hereunder specified, of which a copy of item(s)            is/are attached:

Description of document(s)*	Name of maker of the statement and (unless he is dead) his address, if known†	If the maker of the statement is dead, the date of the death of the maker††	Name of maker of document and (unless he is dead) his address, if known**	If the maker of the document is dead, the date of the death of the maker††	Time and place at which statement was made†
1.					
2.					
3.					
4.					
5.					

\*This may refer to any document in the list of documents served by the plaintiff (or defendant) pursuant to any order made by the Court under Order 24, Rule 1.

\*\*This information is to be included only if the maker of the document is different from the maker of the statement and the information is not readily apparent from the document or the relevant part of the document.

†This information is to be included only if the information is not readily apparent from the document or the relevant part of the document.

††This information is to be given to the best of the information and belief of the party serving the notice.

Dated this                      day of                      20   .

*Solicitor for the*

67.

O. 38, r. 14

SUBPOENA TO TESTIFY<sup>5</sup>/  
SUBPOENA TO PRODUCE  
DOCUMENTS<sup>1</sup>/ SUBPOENA  
TO TESTIFY<sup>5</sup> AND TO  
PRODUCE DOCUMENTS<sup>1</sup>

(Title as in action)

To: (Name of person)

You are required to attend at:

Hearing date / time:

Venue: (Supreme Court / State Courts) (Court / Chamber number)

Before: Judge / Registrar

Mode of attendance:

\*(a) In person (for subpoena to testify and subpoena to testify and to produce documents); or

\*(b) In person or by an agent (for subpoena to produce documents)

and so from day to day until the end of the above proceedings.

Purpose of attendance:

\*(a) *(Where it is a subpoena to testify)* To give evidence on behalf of the                      in the said proceedings.

\*(b) *(Where it is a subpoena to produce documents)* To produce the documents specified hereunder on behalf of the                      in the said proceedings:

(Specify the documents to be produced).

\*(c) *(Where it is a subpoena to testify and to produce documents)* To give evidence and produce the documents specified hereunder on behalf of the                      in the said proceedings:

(Specify the documents to be produced).

Issued by:                      (Solicitors for the                      ).

# This form requires sealing by the Court and the signature of the Registrar.  
(\*Use as appropriate)

\_\_\_\_\_

68.

[Deleted by S 600/2012]

\_\_\_\_\_

69.

[Deleted by S 600/2012]

\_\_\_\_\_

70.

[Deleted by S 600/2012]

\_\_\_\_\_

71.

O. 38, r. 21

AFFIDAVIT FOR AN ORDER FOR THE  
PRODUCTION OF A PERSON IN PRISON

(Title as in action)

I, \_\_\_\_\_, of \_\_\_\_\_,  
do make oath (or affirm) and say:

1. That the above action is fixed for hearing on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and that \_\_\_\_\_ now a prisoner confined in the \_\_\_\_\_ prison, will be a material witness for me at the hearing (or is a party to the action).

2. That I am advised and verily believe that I cannot safely proceed to the hearing of this action without the evidence of the said \_\_\_\_\_ (or my evidence).

3. I hereby apply for an order under section 38 of the Prisons Act (Cap. 247) that the said \_\_\_\_\_ may be brought before the Court.

4. I hereby undertake to pay the costs of conveyance of the said \_\_\_\_\_ in safe custody to and from the Court and of maintenance of him and the officers in charge of him while attending the Court.

Sworn (or affirmed) as in Form 78.

72.

O. 38, r. 21 ORDER TO PRODUCE PERSON IN PRISON

(Title as in action)

To the Officer-in-charge of the

You are hereby required upon tender made to you of a reasonable sum for the conveyance and maintenance of a proper officer and of now a prisoner in the in going to, remaining at and returning from the Supreme Court/State Courts, to bring the said on the day of 20 at m. to give testimony on behalf of and after the said shall have given his testimony before the Court or the Court shall have dispensed with his further attendance you are required to cause him to be conveyed under safe and sure conduct back to the said .

Dated this day of 20 .

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

72A.

[Deleted by S 543/2017 wef 01/10/2017]

[S 543/2017 wef 01/10/2017]

73.

O. 39, r. 1 ORDER FOR THE EXAMINATION BEFORE TRIAL

(Title as in action)

Upon the application of and upon reading the affidavit of filed the day of 20 and upon hearing and that the Court is desirous of obtaining the testimony of (name of person).

It is ordered that do attend before the Judge (or Registrar) on , the day of 20 at m. or such other day and time as the Judge (or Registrar) may appoint and do there submit to be examined upon oath or affirmation touching the testimony so required as aforesaid and do then and there produce (description of documents, if any, required to be produced).



Dated this      day of              20      .

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

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74.

O. 39, r. 2

ORDER FOR ISSUE OF LETTER OF  
REQUEST TO JUDICIAL AUTHORITY  
OUT OF JURISDICTION

(Title as in action)

Upon the application (as in Form 73).

It is ordered that a letter of request do issue directed to the proper judicial authority for the examination of the following witnesses, namely:

of

of

And it is ordered that the deposition taken pursuant thereto when received be filed in the Registry of the Supreme Court and that copies thereof may be read and given in evidence on the trial of this action, saving all just exceptions, without any further proof of the absence of the said witnesses than the affidavit of the solicitor of the party using the same as to his belief.

And it is ordered that (the trial of this action be stayed until the said depositions have been filed and that) the costs of and incidental to the application for this order and the said letter of request and examination be (costs in the cause).

Dated this      day of              20      .

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

---

75.

O. 39, r. 2

ORDER FOR APPOINTMENT OF EXAMINER  
TO TAKE EVIDENCE OF WITNESS  
OUT OF JURISDICTION

(Title as in action)

Upon the application of                      and upon reading the affidavit of  
filed the      day of              20      , and upon hearing                      .

It is ordered that the Singapore Consul or his deputy at                      (or Esq.)  
be appointed as special examiner for the purpose of taking the examination, cross-

examination and re-examination orally on oath or affirmation, of witnesses on the part of \_\_\_\_\_ at \_\_\_\_\_ in (name of country). The examiner shall be at liberty to invite the attendance of the witnesses and the production of documents, but shall not exercise any compulsory powers. Otherwise such examination shall be taken in accordance with the Singapore procedure. The \_\_\_\_\_ solicitors to give to the solicitors \_\_\_\_\_ days' notice in writing of the date on which they propose to send out this order to \_\_\_\_\_ for execution, and that \_\_\_\_\_ days after the service of such notice the solicitors for the plaintiff and defendant respectively do exchange the names of their agents at \_\_\_\_\_ to whom notice relating to the examination of the said witnesses may be sent. And that \_\_\_\_\_ days (exclusive of Sunday) before the examination of any witness hereunder notice of such examination shall be given by the agent of the party on whose behalf such witness is to be examined to the agent of the other party, unless such notice be dispensed with. And that the depositions when taken, together with any documents referred to therein, or certified copies of such documents or of extracts therefrom, be sent by the examiner, under seal, to the Registrar of the Supreme Court (insert address) on or before the \_\_\_\_\_ day of \_\_\_\_\_ next, or such further or other day as may be ordered, there to be filed in the Registry. And that either party be at liberty to read and give such depositions in evidence on the trial of this action, saving all just exceptions. And that the trial of this action be stayed until the filing of such depositions. And that the costs of and incidental to the application for this order and such examination be costs in the cause.

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

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

76.

O. 39, r. 3

LETTER OF REQUEST FOR  
EXAMINATION OF WITNESS  
OUT OF JURISDICTION

To the Competent Judicial Authority of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ .

Whereas an action is now pending in the High Court in Singapore, in which \_\_\_\_\_ is plaintiff and \_\_\_\_\_ is defendant and in which the plaintiff claims

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties that the following persons should be examined as witnesses upon oath touching such matters, namely \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ and it appears that such witnesses are resident within your jurisdiction.

Now I, \_\_\_\_\_ the Registrar of the Supreme Court in Singapore hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said witnesses (and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before you, or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witnesses to be examined orally (or upon the interrogatories which accompany this letter of request) touching the said matters in question in the presence of the agents of the plaintiff and defendant or such of them as shall, on due notice given, attend the examination.

And I further request that you will permit the agents of both the plaintiff and defendant or such of them as shall be present to examine (upon interrogatories and oral examination upon the subject-matter thereof or arising out of the answers thereto) such witnesses as may, after due notice in writing, be produced on their behalf, and the other party to cross-examine the said witnesses (upon cross-interrogatories and oral examination) and the party producing the witness for examination to examine him orally.

And I further request that you will be pleased to cause the evidence of the said witnesses (or the answers of the said witnesses and all additional oral questions, whether on examination, cross-examination or re-examination) to be reduced into writing and all books, letters, papers and documents produced on such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal or in such other way as is in accordance with your procedure and to return it together with (the interrogatories and cross-interrogatories and) a note of the charges and expenses payable in respect of the execution of this request through the Singapore Consul from whom the same was received (or the Minister for Foreign Affairs) for transmission to the Supreme Court in Singapore.

And I further request that you will cause me, or the agents of the parties if appointed, to be informed of the date and place where the examination is to take place.

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

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

I (We) hereby undertake to be responsible for all expenses incurred by the Minister for Foreign Affairs in respect of the letter of request issued herein on the , and on receiving due notification of the amount of such expenses undertake to pay the same as directed by the Registrar of the Supreme Court.

The following have been appointed as agents for the parties in connection with the execution of the above letter of request.

Plaintiff’s Agent:

of

Defendant’s Agent:

of

Dated this day of 20 .

Solicitor for the

78.

O. 41, r. 1

FORMS OF ATTESTATION<sup>6</sup>

(Title as in action)

(a) To an affidavit by one deponent.

Sworn (or affirmed) on the day of 20 at (through the interpretation of ).

Before me

Commissioner for Oaths.

(b) To an affidavit by 2 or more deponents.

Sworn (or affirmed) by the deponents and (or by both (or all) of the abovenamed deponents) on the day of 20 at (through the interpretation of ).

Before me

Commissioner for Oaths.

(c) To an affidavit by an illiterate or blind person.

Sworn (or affirmed) on the day of 20 at .

I, having truly, distinctly and audibly read over the contents of the above affidavit (add if exhibits are referred to in the affidavit “and explained the nature

and effect of the exhibits therein referred to”) to the said deponent who seemed perfectly to understand the same and who made his mark thereto in my presence (through the interpretation of \_\_\_\_\_).

*Before me*

*Commissioner for Oaths.*

*(d) To an affidavit by a person who does not understand English.*

Sworn (or affirmed) on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ through the interpretation of \_\_\_\_\_ (if the interpreter is not a Court Interpreter add the following:

“the said \_\_\_\_\_ having been first sworn that he had truly, distinctly, and audibly translated the contents of his affidavit to the deponent \_\_\_\_\_ and that he would truly and faithfully interpret the oath (or affirmation) about to be administered unto him the said \_\_\_\_\_”).

*Before me*

*Commissioner for Oaths.*

---

79.

O. 13, r. 7  
O. 19, r. 8A  
O. 42, r. 5

## JUDGMENTS

(Title as in action)

[Notes: O. 13, r. 1; O. 19, r. 2; O. 42, r. 5]

*(a) Default judgment in action for liquidated demand.*

No appearance having been entered (or no defence having been served) by the defendant herein, it is this day adjudged that the defendant do pay the plaintiff \$ \_\_\_\_\_ and \$ \_\_\_\_\_ costs (or costs to be taxed).

(The above costs have been taxed and allowed at \$ \_\_\_\_\_ as appears by the Registrar’s certificate dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_).

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

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

[Notes: O. 13, r. 2; O. 19, r. 3; O. 42, r. 5]

*(b) Default judgment in action for unliquidated damages.*

No appearance having been entered (or no defence having been served) by the defendant herein, it is this day adjudged that the defendant do pay the plaintiff damages to be assessed.

The amount found due to the plaintiff under this judgment having been certified at \$ \_\_\_\_\_ as appears by the Registrar's certificate filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .

It is adjudged that the defendant do pay the plaintiff \$ \_\_\_\_\_ and costs to be taxed.

The above costs, etc. (as in (a) above).

(Note: This form is a combined form of interlocutory and final judgment. The plaintiff may at his option enter interlocutory judgment by omitting the words below the line in the form and enter a separate final judgment in (f) below).

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

[Notes: O. 13, r. 3; O. 19, r. 4; O. 42, r. 5]

(c) *Default judgment in action relating to detention of movable property.*

No appearance having been entered (or no defence having been served) by the defendant herein,

It is this day adjudged that the defendant do deliver to the plaintiff the movable property described in the writ of summons (or statement of claim) as (description of movable property) or pay the plaintiff the value of the said property to be assessed (and also damages for their detention to be assessed).

or

It is this day adjudged that the defendant do pay the plaintiff the value of the movable property described in the writ of summons (or statement of claim) to be assessed (and also damages for their detention to be assessed).

The value of the said movable property having been assessed at \$ \_\_\_\_\_ (and damages at \$ \_\_\_\_\_ ) as appears by the Registrar's certificate filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .

It is adjudged that the defendant do pay the plaintiff \$ \_\_\_\_\_ and costs to be taxed.

The above costs, etc. (as in (a) above).

(Note: See the note to (b) above).

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

[Notes: O. 13, r. 4; O. 19, r. 5; O. 42, r. 5]

(d) *Default judgment in action for possession of immovable property.*

No appearance having been entered (or no defence having been served) by the defendant herein, it is this day adjudged that the defendant do give the plaintiff possession of the immovable property described in the writ of summons (or

statement of claim) as \_\_\_\_\_ and pay the plaintiff \$ \_\_\_\_\_ costs (or costs to be taxed).

The above costs, etc. (as in (a) above).

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

[Notes: O. 13, r. 4; O. 19, r. 6; O. 42, r. 5]

(e) *Judgment in default in action for possession of immovable property, damages and costs.*

No appearance having been entered (or no defence having been served) by the defendant herein, it is this day adjudged that the defendant do give the plaintiff possession of the immovable property described in the writ of summons (or statement of claim) as \_\_\_\_\_ .

And it is further adjudged that the defendant do pay the plaintiff (mesne profits) (damages) to be assessed.

The amount found due to the plaintiff under this judgment having been certified at the sum of \$ \_\_\_\_\_ as appears by the Registrar's finding filed the day of \_\_\_\_\_ 20 \_\_\_\_\_ .

It is adjudged that the defendant do pay the plaintiff \$ \_\_\_\_\_ and costs to be taxed.

The above costs, etc. (as in (a) above).

(Note: See the note to (b) above).

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

[Note: O. 42, r. 5]

(f) *Final judgment after assessment of damages, etc.*

The \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

The plaintiff having on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ obtained interlocutory judgment herein against the defendant for damages (or as may be) to be assessed, and the amount found due to the plaintiff having been certified at \$ \_\_\_\_\_ as appears by the Registrar's certificate filed the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

It is this day adjudged that the defendant do pay the plaintiff \$ \_\_\_\_\_ and costs to be taxed.

The above costs, etc. (as in (a) above).

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

[Notes: O. 14, r. 3; O. 42, r. 5]

(g) *Judgment under Order 14.*

The day of 20 .

The defendant having entered appearance herein and the Court having under Order 14, Rule 3, ordered that judgment as hereinafter provided be entered for the plaintiff against the defendant,

It is this day adjudged that the defendant do pay the plaintiff \$ and \$ costs (or costs to be taxed).

or

pay the plaintiff damages to be assessed and costs to be taxed.

or

deliver to the plaintiff the movable property described in the writ of summons (or statement of claim) as (or pay the plaintiff the value of the said movable property to be assessed) (and also damages for their detention to be assessed) and costs to be taxed.

or

give the plaintiff possession of the immovable property described in the writ of summons (or statement of claim) as and costs to be taxed.

The above costs, etc. (as in (a) above).

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

[Notes: O. 14, r. 5; O. 42, r. 5]

(h) Judgment for the Defendant under Order 14.

The day of 20 .

The Court having under Order 14, Rule 5, ordered that judgment be entered for the defendant against the plaintiff on the counterclaim for \$ and costs of the counterclaim.

It is this day adjudged that the plaintiff do pay the defendant \$ and costs of the counterclaim to be taxed.

The above costs, etc. (as in (a) above).

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

[Note: O. 42, r. 5]

(i) Judgment after trial before Judge.

The day of 20 .

This action having been tried before Justice on the day of 20 .



It is adjudged that the defendant do pay the plaintiff \$            and his costs of action to be taxed (or that this action be dismissed and that the plaintiff do pay the defendant his costs to be taxed) (or as may be according to the Judge's order).

(It is further adjudged that execution be stayed for            days) (and if within that time the            gives notice of appeal, execution be further stayed until the determination of the appeal or as may be according to the Judge's direction).

The above costs, etc. (as in (a) above).

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

[Notes: O. 35, r. 1(2); O. 42, r. 5]

*(j) Judgment of Dismissal.*

Dated and entered the            day of            20            .

This action having on the            day of            20            , been called on for hearing before Justice            , and the plaintiff having failed to appear, and the defendant having thereupon become entitled under Order 35, Rule 1(2), to judgment dismissing the action and the said            having ordered that judgment be entered accordingly.

Therefore it is adjudged that this action do stand dismissed out of this Court with costs.

And it is further adjudged that the plaintiff do pay the defendant his costs to be taxed.

The above costs, etc. (as in (a) above).

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

[Note: O. 42, r. 5]

*(k) Judgment in pursuance of Order.*

Pursuant to the Order of            dated            20            , whereby it was ordered            and default having been made,

It is this day adjudged that the defendant do pay the plaintiff \$            and costs to be taxed.

The above costs, etc. (as in (a) above).

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

[Note: O. 42, r. 5]

*(l) Judgment after trial before Registrar.*

Dated and entered the            day of            20            .

This action by an order dated the      day of                      20      having been ordered to be tried before                      , Registrar of the Supreme Court/State Courts and the said Registrar having tried the said action and having by his certificate dated the      day of                      , 20      directed that judgment as hereinafter provided be entered for the plaintiff (or defendant),

It is adjudged that (as in (i) above according to the Registrar's certificate).

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

[Notes: O. 33, r. 5; O. 42, r. 5]

*(m) Judgment after decision of preliminary issue.*

Dated and entered the      day of                      20      .

The issue (or question) arising in this cause (or matter) by the order dated the      day of                      20      ordered to be tried before Justice                      having on the      day of                      20      been tried before the said                      and the said                      having found                      and having ordered that judgment as hereinafter provided be entered for the                      (or having dismissed the cause or matter),

It is this day adjudged that (the defendant do pay the plaintiff \$                      ) (and his costs of action to be taxed) (the plaintiff do pay the defendant his costs of defence to be taxed) (or as may be according to the order made).

Dated this      day of                      20      .

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

[Note: O. 42, r. 5]

*(n) Judgment for liquidated sum against personal representative.*

Dated and entered the      day of                      20      .

(Recital as in (a) or (f) to (n) according to the circumstances in which judgment was obtained),

It is adjudged that the defendant as executor (or administrator) of the abovenamed                      deceased do pay the plaintiff \$                      and costs to be taxed, the said sum and costs to be levied of the real and personal estate within the meaning of the Probate and Administration Act (Cap. 251) of the deceased at the time of his death come to the hands of the defendant as such executor (or administrator) to be administered, if he has or shall hereafter have so much thereof in his hands to be administered, and if he has not so much thereof, in his hands to be administered, then, as to the costs aforesaid, to be levied of the movable property of the defendant authorised by law to be seized in execution (or as may be according to the order made).

The above costs, etc. (as in (a) above).

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

[Note: O. 59, r. 10(1)]

(o) *Judgment for defendant's costs on discontinuance.*

The day of 20 .

The plaintiff having by a notice in writing dated the day of 20 , discontinued this action (or withdrawn his claim in this action for ) and the defendant's costs of the action (or of the claim withdrawn) having been taxed and allowed at \$ as appears by the Registrar's certificate dated the day of 20 , and the plaintiff not having paid the sum within 4 days after taxation,

It is this day adjudged that the plaintiff do pay the defendant \$ the said taxed costs.

Dated this day of 20 .

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

[Notes: O. 59, r. 10(2), (3)]

(p) *Judgment for costs after acceptance of money paid into Court.*

The day of 20 .

The defendant having paid into Court in this action the sum of \$ in satisfaction of the plaintiff's cause(s) of action (or in satisfaction of the plaintiff's cause of action for ), and the plaintiff having by his notice dated the day of 20 accepted that sum in satisfaction of his cause(s) of action (or in satisfaction of his cause of action for , ; abandoned his other cause(s) of action), and the plaintiff's costs herein having been taxed and allowed at \$ as appears by the Registrar's certificate dated the day of 20 , and the defendant not having paid the sum within 48 hours after taxation,

It is this day adjudged that the defendant do pay the plaintiff \$ the said taxed costs.

Dated this day of 20 .

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

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79A.

O. 13, r. 7  
O. 19, r. 8A

REQUEST TO ENTER JUDGMENT  
(Title as in action)

To: The Registrar

Request is made for judgment to be entered against the defendant, (name):

\*1. For failure by the defendant to enter an appearance within the time limited for appearing.

I certify that:

(a) the writ has been duly served on the defendant, (name), on (date of service) as specified in the memorandum of service filed on (date) and properly endorsed; and

(b) I have conducted a search for appearance and no appearance has been entered by the defendant.

\*2. For failure by the defendant to serve a defence on the plaintiff, within the period fixed under the Rules of Court for service of defence.

I certify that no defence has been served on the plaintiff by the defendant, (name), within the period fixed by the Rules of Court for service of defence.

Issued by: (Solicitors for the ).

(\*Use as appropriate)

\_\_\_\_\_

Upon the application of the plaintiff (or the defendant) in this action and upon reading the affidavit of filed the day of 20 , and upon hearing .

It is ordered that the following accounts and inquiry be taken and made; that is to say,

1. An account of the movable property not specifically bequeathed of , deceased, the testator in the pleadings named, come to the hands of, etc.

2. An account of the testator's debts, (or where deceased died more than six years before judgment, (an inquiry whether there is any debt of the deceased remaining unpaid)).

3. An account of the testator's funeral expenses.

4. An account of the legacies and annuities (if any) given by the testator's will.

5. An inquiry into what parts (if any) of the testator's said movable property are outstanding or undisposed of.

And it is ordered that the testator's personal estate not specifically bequeathed be applied in payment of his debts and funeral expenses in a due course of administering, and then in payment of the legacies and annuities (if any) given by his will.

(if ordered)

And it is ordered that the following further inquiries and accounts be made and taken; that is to say,

6. An inquiry into what immovable property the testator was seized of or entitled to at the time of his death.

7. An account of the rents and profits of the testator's immovable property received by, etc.

8. An inquiry into what encumbrances (if any) affect the testator's immovable property, or any and what parts thereof.

(if sale ordered)

9. An account of what is due to such of the encumbrancers as shall consent to the sale hereinafter directed in respect of their encumbrances.

10. An inquiry into what are the priorities of such last-mentioned encumbrances.

And it is ordered that the testator's immovable property be sold with the approbation of the Judge, etc.

And it is ordered that the further consideration of this cause be adjourned, and any of the parties are to be at liberty to apply as they may be advised.

Dated this     day of                             20     .

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

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81.

O. 45, r. 7

#### NOTICE ON CERTAIN JUDGMENTS

The endorsement should be in the following words or words to the following effect:

(a) In the case of a judgment or order requiring a person or body corporate to do an act within a specified time:

“If you, the within-named (or ) neglect to obey this judgment (or order) by the time therein limited, you will be liable to process of execution for the purpose of compelling you to obey the same.”.

(b) In the case of a judgment or order requiring a person to abstain from doing an act:

“If you, the within-named disobey this judgment (or order), you will be liable to process of execution for the purpose of compelling you to obey the same.”.

(c) In the case of a judgment or order requiring a body corporate to do or to abstain from doing the act, but it is sought to take enforcement proceedings against a director or other officer of that order:

“If neglect to obey this judgment (or order) by the time therein limited (or in the case of an order to abstain from doing an act), if disobey this judgment (or order), you (a director or officer of the said ) will be liable to process of execution for the purpose of compelling the said to obey the same.”.

82.

O. 45, r. 12  
O. 46, r. 4

WRIT OF SEIZURE AND SALE

(Title as in action)

To the Sheriff/bailiff,

You are directed that you cause to be levied and made out of the property liable to be seized under a writ of seizure and sale which shall be identified by or on behalf of (name of execution creditor) as belonging to (name of execution debtor) now or late of (address of execution debtor) by seizure and if it be necessary by sale thereof \$ which the said (name of execution creditor) lately in the High Court/State Courts recovered against the said (name of execution debtor) by a judgment (or order or as may be) bearing the day of 20 . And in what manner you shall have executed this writ make appear to this Court immediately after the execution thereof. And have there this writ.

Dated this day of 20 .

Entered No. of 20 .

Clerk.

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

*Memorandum to be subscribed on the writ*

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

*Endorsement to be made on writ before issue*

THIS WRIT is issued by \_\_\_\_\_ of \_\_\_\_\_, solicitor for the execution creditor who resides at \_\_\_\_\_ . The execution debtor resides at \_\_\_\_\_ .

\$ \_\_\_\_\_ ¢

Amount of judgment and costs

Subsequent costs (if any)

Paid to account of judgment

Remaining due

Costs of this writ

Interest on \$ \_\_\_\_\_ at \_\_\_\_\_ % p.a. from \_\_\_\_\_ to \_\_\_\_\_

Property seized on \_\_\_\_\_

Amount of levy paid on \_\_\_\_\_

Property sold on \_\_\_\_\_ by \_\_\_\_\_

for Expenses of Execution —

Lotting and advertising

Auctioneers' commission

Court commission

Other Court fees

Watchmen's wages

Other legal expenses (specify them)

Paid into Court —

Paid to credit of landlord under \_\_\_\_\_

Paid to credit of Writ of Distress

Paid to credit of execution creditor

Paid to credit of execution debtor

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

Sheriff/bailiff.

83.

O. 45, r. 12  
 O. 46, r. 4  
 O. 47, r. 4

WRIT OF SEIZURE  
 AND SALE IN RESPECT OF  
 IMMOVABLE PROPERTY

(Title as in action)

To the Sheriff/bailiff,

Having seized the interest of (name of execution debtor) in the immovable property specified in the Schedule hereto pursuant to the Order of Court dated \_\_\_\_\_, you are directed to serve the Writ of Seizure and Sale together with the said Order of Court on (name of execution debtor), of \_\_\_\_\_ and, if the execution debtor cannot be found, affix a copy of the same on some conspicuous part of the immovable property known as \_\_\_\_\_, and thereafter, if necessary, to sell the said interest to satisfy the sum \$ \_\_\_\_\_ which is the sum outstanding payable to the said (name of execution creditor) pursuant to a judgment (or order as may be) dated \_\_\_\_\_ against the said (name of execution debtor).

SCHEDULE

*CT/SSCT/SCT/ Lease		MK	TS	Whole or part lot (if part lot, to state approved new lot number or strata lot number)	Property Address
Vol**	Fol**				

(\*Delete as appropriate)

\*\*If title document is a lease, to cancel the Vol No. and Fol No. and simply state the Lease No.)

This writ is issued by:



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

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84.

O. 45, r. 12

WRIT OF DELIVERY

O. 46, r. 4

(Title as in action)

To the Sheriff/bailiff,

You are directed that, without delay, you do seize and deliver, to the abovenamed (name of execution creditor) the following movable property, that is to say (describe the property delivery of which has been adjudged or ordered) (and \$ damages and \$ costs) which the said (name of execution creditor) lately in the High Court/State Courts recovered against the said (name of execution debtor) by a judgment (or order or as may be) bearing the day of 20 .

(And you are further directed that if the said movable property cannot be found within Singapore you cause to be levied and made out of the property liable to be seized under a writ of seizure and sale belonging to the said (name of execution debtor) and if necessary by sale thereof \$ , being the assessed value of the said property). And in what manner you have executed this writ make appear to this Court immediately after the execution thereof. And have there this writ.

Dated this day of 20 .

Entered No. of 20 .

*Clerk.*

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

Memorandum on Writ (as in Form 82).

Endorsements on Writ (as in Form 82 or as required).

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85.

O. 45, r. 12

WRIT OF POSSESSION

O. 46, r. 4

(Title as in action)

To the Sheriff/bailiff,

Whereas lately, by a judgment of the High Court/State Courts bearing the day of 20 , it was adjudged (or ordered) that the defendant (name

of defendant) do give the plaintiff (name of plaintiff) possession of (describe the immovable property delivery of which has been adjudged or ordered) and do pay him \$ and \$ costs.

You are directed that you enter the said immovable property and cause (name of plaintiff) to have possession of it.

And you are further directed that you cause to be levied and made out of the property liable to be seized under a writ of seizure and sale belonging to the said (name of defendant) and if necessary by sale thereof \$ . And in what manner you have executed this writ make appear to this Court immediately after the execution thereof. And have there this writ.

Dated this day of 20 .

Entered No. of 20 .

Clerk.

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

Memorandum on Writ (as in Form 82).

Endorsements on Writ (as in Form 82 or as required).

86.

O. 46, r. 3

SUMMONS FOR LEAVE TO ISSUE EXECUTION

(Title as in action)

To:

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. The plaintiff (or as may be) be at liberty to issue execution (or writ of seizure and sale, or as may be) against the defendant (or as may be) on the judgment herein dated , (notwithstanding that 6 years have elapsed since such judgment, or as may be); and

2. The defendant (or as may be) do pay the costs of and occasioned by this application.

Grounds of application: As set out in the affidavit of (name).

Issued by: (Solicitors for the ).

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

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87.

O. 46, r. 4  
O. 47, r. 4  
O. 52, r. 9

UNDERTAKING, DECLARATION  
AND INDEMNITY

(Title as in action)

1. I/We hereby undertake to pay all charges and fees that are imposed by the Sheriff/bailiff and to fully indemnify the Sheriff/bailiff and his officers and keep them indemnified against all actions, proceedings, liabilities, claims, damages, costs and expenses incurred in relation to or become payable by the Sheriff/bailiff in respect of or arising from the execution. Please appoint a suitable date to execute the Writ of Seizure and Sale/Delivery/Possession\*.

2. \*\*I/We hereby declare that as at the date of this undertaking, declaration and indemnity, the property the Sheriff/bailiff is requested to seize under this Writ of Seizure and Sale/Delivery/Possession\* is/is not the subject-matter of a seizure or attachment under any execution or order issued by the State Courts or the High Court.

(State particulars of prior execution if applicable.)

3. For seizure of movable property under a Writ of Seizure and Sale/Delivery\*.

I/We hereby declare that, as at the date of this undertaking, declaration and indemnity, I/we have reason to believe that the execution debtor is the owner or occupier at the address of execution or the owner of the property liable to be seized.

(State the grounds of belief.)

(\*Delete as appropriate)

(\*\*Use as appropriate)

(Signature of declarant)

NAME OF DECLARANT:

Date of filing:

---

88.

O. 46, r. 9

CONSENT TO ENTRY OF SATISFACTION

(Title as in action)

I, \_\_\_\_\_ of \_\_\_\_\_ being the plaintiff (or as may be) named in, and the sole person entitled to the benefit of the judgment herein, hereby consent to a memorandum of satisfaction of the said judgment being recorded.

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

*Plaintiff (or as may be).*

Advocate and Solicitor (or Commissioner for Oaths.)

\_\_\_\_\_

89.

O. 46, r. 11

REQUEST<sup>4</sup> FOR DATE TO BE APPOINTED FOR EXECUTION

(Title as in action)

To the Registrar,

Please direct the Sheriff/bailiff to appoint a date for the execution of the judgment in \_\_\_\_\_ .

A copy of the (writ of execution or distress) is attached.

Name and address of execution creditor:

His Solicitors:

Address for service:

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

(Signature)

Execution Creditor (or by or on behalf of solicitors for \_\_\_\_\_ )

\_\_\_\_\_

90.

O. 46, r. 16

NOTICE OF SEIZURE AND INVENTORY

O. 75, r. 4

(Title as in action)

Take notice that I have this day seized the movable property found on or upon the premises No. \_\_\_\_\_ pursuant to a Writ of Seizure and Sale/Writ of Distress No. \_\_\_\_\_ of 20 \_\_\_\_ for the sum of \$ \_\_\_\_\_ and that I value the property seized at \$ \_\_\_\_\_ approximately.

Unless you pay the amount abovementioned together with costs of this execution within 7 days from the date hereof or obtain an order of the Court to the contrary the same will be sold by public auction on the day of 20 .

Amount due under writ ... ..	\$
(Rent due for months from )	
the day of 20 )	
to the day of 20 )	
at \$ a month. )	
Costs of writ ... ..	\$
Court commission ... ..	\$
Lotting and advertising ... ..	\$
Auctioneers' commission ... ..	\$
Other Court fees ... ..	\$
Watchmen's wages at \$ a day ... ..	\$
Other legal expenses ... ..	\$

Dated this day of 20 .

*Sheriff/bailiff.*

(For Inventory see overleaf)

To

and all others whom it may concern.

91.

O. 46, r. 23

NOTICE OF SALE

(Title as in action)

Notice is hereby given that the property seized at on the day of 20 , under Writ of Distress/Seizure and Sale No. of 20 , will be sold by public auction on the day of 20 , at m. unless the amount to be levied and the fees and expenses of execution be sooner paid.

Dated this day of 20 .

*Sheriff/bailiff.*

92.

O. 46, r. 26A

ORDER SUSPENDING JUDGMENT  
OR ORDER FOR PAYMENT BY  
INSTALMENTS, EXECUTION

(Title as in action)

Upon the application of \_\_\_\_\_ and upon reading the affidavit of  
filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and upon hearing \_\_\_\_\_ .

It is ordered that the said judgment (or order) be suspended (or that the  
execution issued in this action be suspended) for (state time) upon the following  
terms: (state terms)

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

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

93.

O. 47, r. 1B

AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR NEW ORDER

(Title as in action)

I, \_\_\_\_\_ of \_\_\_\_\_, the abovenamed plaintiff (or  
defendant) make oath (or affirm) and say as follows:

1. I have a judgment of this Court against the defendant (or there is a  
judgment of this Court against me) particulars of which are as follows:

The date of the judgment is the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .

The amount of the judgment including costs is \$ \_\_\_\_\_ .

The amount paid to account since judgment is \$ \_\_\_\_\_ .

The balance due is \$ \_\_\_\_\_ .

The date of the instalment order is the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .

The amount of the instalment order is \$ \_\_\_\_\_ a month.

2. I verily believe that there is a change of circumstances in the affairs of  
the defendant (or I say that there is a change of circumstances in my affairs)  
particulars of which are as follows:

The Defendant's/My occupation was \_\_\_\_\_ and is now \_\_\_\_\_ .

His/My total income from all sources was \$ \_\_\_\_\_ a month and is now \$ \_\_\_\_\_ a month.

He/I had \_\_\_\_\_ dependants and now has/have \_\_\_\_\_ dependants.

His/My rent was \$ \_\_\_\_\_ a month and is now \$ \_\_\_\_\_ a month.

His/My regular monthly payments were \_\_\_\_\_ and are now (herein itemise).

(State other relevant changes).

3. I now apply for an order that (here state the nature of the order required).

Sworn (or affirmed) as in Form 78.

94.

O. 47, r. 1B

NEW ORDER FOR PAYMENT  
OF JUDGMENT DEBT

(Title as in action)

Upon the application of the abovenamed \_\_\_\_\_ defendant (or as may be) coming on for hearing the \_\_\_\_\_ day of \_\_\_\_\_ 20 before His Honour \_\_\_\_\_, and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20, and upon hearing the parties (or as may be). It is ordered that the order dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 be rescinded and that the defendant (or as may be) do pay the balance of the judgment debt outstanding by instalments of \$ \_\_\_\_\_ a month, commencing the \_\_\_\_\_ day of \_\_\_\_\_ 20 (or that the application is dismissed) and it is further ordered that the defendant (or as may be) do pay the sum of \$ \_\_\_\_\_ costs of this application.

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

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

95.

[Deleted by S 600/2012]

96.

O. 47, r. 4

ORDER OF COURT FOR THE  
SEIZURE AND SALE IN RESPECT  
OF IMMOVABLE PROPERTY

(Title as in action)

Before (Name and designation of Judicial Officer):

(In open court/chambers)

Date of order:

Upon the application of \_\_\_\_\_ and upon reading the affidavit of  
filed on \_\_\_\_\_, and upon hearing \_\_\_\_\_, the following  
orders are made:

1. The interest of \_\_\_\_\_ in the immovable property specified in the  
Schedule herein be attached and taken in execution to satisfy the  
judgment of the abovenamed \_\_\_\_\_ dated \_\_\_\_\_.
2. (State costs orders given by the Court.)

SCHEDULE

*CT/SSCT/SCT/ Lease		MK	TS	Whole or part lot (if part lot, to state approved new lot number or strata lot number)	Property Address
Vol**	Fol**				

(\*Delete as appropriate)

(\*\*If title document is a lease, to cancel the Vol No. and Fol No. and simply state the Lease No.)

*Note:* This order shall, unless registered under any written law relating to such immovable property, remain in force for 6 months from the date hereof.

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



97.

O. 47, r. 4

NOTICE OF SEIZURE

(Title as in action)

Take notice that on the day of 20 , (date of registration under Order 47, Rule 4(1)(a)) the interest of (name of judgment debtor) in the immovable property specified in the Schedule hereto has been seized pursuant to a Writ of Seizure and Sale dated the day of 20 for the sum of \$ .

Unless you pay the amount abovementioned together with costs of this execution within 7 days from the date hereof or obtain an order of the Court to the contrary, the same will be sold by public auction after the expiry of 30 days from the day of seizure.

\$ ¢

Amount due under Writ

Costs of Writ

Costs of Request<sup>4</sup>

Court Commission

Advertising

Auctioneer's Commission

Other Court Fees

Other Legal Fees

Dated this day of 20 .

*Sheriff/bailiff*

To

and all others to whom it may concern

SCHEDULE

98.

O. 47, r. 6

SHERIFF'S/BAILIFF'S NOTICE  
SEIZING SECURITIES

(Title as in action)

Whereas by a writ of seizure and sale dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, a copy of which is attached, I was directed to cause to be levied and made out of the property liable to be seized under the writ of seizure and sale belonging to \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

Now I do give you notice that I hereby seize the securities specified in the Schedule hereto to which the judgment debtor is beneficially entitled to satisfy the judgment of the abovenamed \_\_\_\_\_ dated \_\_\_\_\_.

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

*Sheriff/bailiff.*

SCHEDULE

99.

O. 48, r. 1

AFFIDAVIT IN SUPPORT  
OF APPLICATION FOR ORDER FOR  
EXAMINATION OF JUDGMENT DEBTOR

(Title as in action)

I, \_\_\_\_\_ of \_\_\_\_\_ do make oath (or affirm) and say as follows:

1. I am a \_\_\_\_\_ in the employ of \_\_\_\_\_ solicitors for the plaintiff and am duly authorised to make this affidavit on behalf of \_\_\_\_\_.

2. On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, judgment was entered for the plaintiff for \$ \_\_\_\_\_ and \$ \_\_\_\_\_ costs (or as may be). The said judgment remains wholly unsatisfied (or unsatisfied as to the total sum of \$ \_\_\_\_\_, or as may be).

3. In order to enable the plaintiff to decide upon the methods to employ to enforce the said judgment, it is desired to examine the judgment debtor (or \_\_\_\_\_, an officer of the judgment debtor company) on the question whether any and if so what debts are owing to him (or the judgment debtor company) and/or means of satisfying the judgment debt.

4. In these circumstances, I respectfully ask for an order that the said judgment debtor (or \_\_\_\_\_) do attend before the Registrar to be examined on the said questions, and to produce upon such examination all books or documents in his possession relevant to the said questions at the time and place appointed for his examination.

Sworn (or affirmed) as in Form 78.

---

100.

O. 48, r. 1

ORDER FOR EXAMINATION OF  
JUDGMENT DEBTOR

(Title as in action)

Upon the application of \_\_\_\_\_ and upon reading the affidavit  
of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and upon hearing

It is ordered that the abovenamed judgment debtor \_\_\_\_\_ attend and  
be orally examined as to whether the said judgment debtor has any property or  
means on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before the Registrar, and that the  
said judgment debtor produce any books or documents in his possession or power  
relating to the same before the Registrar at the time of the examination and that  
the costs of this application and of the examination thereunder be in the discretion  
of the Registrar conducting the examination.

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

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

*Note:* This order requires personal service, and the copy served must be endorsed  
as prescribed by Order 45, Rule 7(4), when it may be enforced by  
committal.

---

101.

O. 49, r. 1

GARNISHEE ORDER TO SHOW CAUSE  
IN THE HIGH COURT/STATE COURTS  
OF THE REPUBLIC OF SINGAPORE

Suit No. \_\_\_\_\_ )

of 20 \_\_\_\_\_ )

Between

*Judgment Creditor*

And

*Judgment Debtor*

And

*Garnishee.*

Upon the application of \_\_\_\_\_ and upon reading the affidavit of \_\_\_\_\_  
sworn to (or affirmed) and filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
and upon hearing \_\_\_\_\_ .

It is ordered by the Judge (or Registrar) that all debts due or accruing due from the abovementioned garnishee to the abovementioned judgment debtor (in the sum of \$ \_\_\_\_\_ ) be attached to answer a judgment recovered against the said judgment debtor by the abovenamed judgment creditor in the High Court/State Courts on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ for the sum (or to answer an order made in the High Court/State Courts on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ordering payment by the judgment debtor to the judgment creditor of the sum) of \$ \_\_\_\_\_ (\$ \_\_\_\_\_ debt and \$ \_\_\_\_\_ costs) (together with the costs of the garnishee proceedings) on which judgment (or order) the sum of \$ \_\_\_\_\_ remains due and unpaid.

And it is ordered that the garnishee attend before the Judge (or Registrar), on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ m., on an application by the said judgment creditor that the garnishee do pay to the judgment creditor the debt due from the garnishee to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment (or order), together with the costs of the garnishee proceedings.

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

# This form requires sealing by the Court and the signature of the Registrar.  
To the abovenamed garnishee and judgment debtor.

I, \_\_\_\_\_, of \_\_\_\_\_, the abovenamed judgment creditor (or, state the name, the residence and the occupation or description of the deponent), do make oath (or affirm) and say as follows:

1. By a judgment (or order) of the Court given in this action, and dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, it was adjudged (or ordered) that the abovenamed judgment debtor should pay me (or the abovenamed judgment creditor) the sum of \$ \_\_\_\_\_, and costs \$ \_\_\_\_\_.
2. The judgment (or order) still remains unsatisfied to the extent of \$ \_\_\_\_\_ and interest amounting to \$ \_\_\_\_\_.
3. To the best of my information or belief (state the name, address and description of the garnishee) is indebted to the judgment debtor in the sum of \$ \_\_\_\_\_ or thereabouts, and is within the jurisdiction of this Court. The grounds of my information and belief are (state the sources of the deponent's information or grounds of belief).
4. I am duly authorised by the abovenamed judgment creditor to make this affidavit on his behalf.

Sworn (or affirmed) as in Form 78.

---

103.

O. 49, r. 4

### GARNISHEE ORDERS

(Title as in Form 101)

(a) *Final garnishee order<sup>14</sup> where garnishee owes more than judgment debt.*

Upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and the order to show cause made herein dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and upon hearing the solicitors for the judgment creditor and the garnishee, whereby it was ordered that all debts due or accruing due from the abovenamed garnishee to the abovenamed judgment debtor should be attached to answer a judgment recovered against the said judgment debtor by the abovenamed judgment creditor in the High Court/State Courts on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ for the sum (or to answer an order made in the High Court/State Courts dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ordering payment by the said judgment debtor to the abovenamed judgment creditor of the sum) of \$ \_\_\_\_\_ (\$ \_\_\_\_\_ debt and \$ \_\_\_\_\_ costs) (together with the costs of the garnishee proceedings) on which judgment (or order) the sum of \$ \_\_\_\_\_ remained due and unpaid.

It is ordered that the said garnishee do forthwith pay to the judgment creditor (or into Court if the judgment creditor is resident outside the scheduled territories

as defined in the Exchange Control Act (Cap. 99), or would receive payment of the said sum on behalf of a person so resident, unless the permission of the Monetary Authority of Singapore under that Act has been given unconditionally or upon conditions which have been complied with) \$ being so much of the debt due from the garnishee to the judgment debtor as is sufficient to satisfy the said judgment debt and costs, together with \$ the costs of the garnishee proceedings, and that the garnishee be at liberty to retain \$ for his costs of this application out of the balance of the debt due from him to the judgment debtor.

Dated this day of 20 .

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

(b) Final garnishee order<sup>14</sup> where garnishee owes less than judgment debt.

Upon reading (as above)

It is ordered that the said garnishee (after deducting therefrom \$ for his costs of this application) do forthwith pay to the said judgment creditor (or into Court if the judgment creditor is resident outside the scheduled territories as defined in the Exchange Control Act, or would receive payment of the said sum on behalf of a person so resident, unless the permission of the Monetary Authority of Singapore under that Act has been given unconditionally or upon conditions which have been complied with) \$ the debt due from the garnishee to the judgment debtor. And that the sum of \$ the costs of the judgment creditor of this application be added to the judgment debt and be retained out of the money recovered by the judgment creditor under this order and in priority to the amount of the judgment debt.

Dated this day of 20 .

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

Upon reading the affidavit of filed the day of 20 , and the provisional order<sup>15</sup> herein, dated the day of 20 , and upon hearing counsel for the judgment creditor, the garnishee and the judgment debtor.



This notice is intended to stop the transfer of the said securities and not the payment of any dividend thereof or interest thereon (or and also the payment of any dividend thereof or interest thereon).

*Deponent.*  
*(or solicitor of deponent*  
*if affidavit sworn by him).*

---

106.

O. 50, r. 5

ORDER RESTRAINING  
TRANSFER OF STOCK, ETC.

(Title as in action)

And

In the matter of the trusts of

And

In the matter of Order 50, Rule 5, of the Rules of Court.

Upon the hearing of the application for an injunction this day made unto this Court by counsel for the applicant.

And the applicant by his counsel undertaking to abide by any order the Court may hereafter make should it decide that the respondents (the Accountant-General or as may be) have sustained damage by reason of this Order and are entitled to damages which the applicant ought to pay:

It is ordered that the Accountant-General (or the \_\_\_\_\_ Co. Ltd., or as may be) be restrained until the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ or further order from permitting the transfer of (describe stock) standing in the name of (state name of holder of stock) in their books, or any part thereof, and from paying any dividend or interest due or to become due thereon.

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

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

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107.

O. 51, r. 3

SUMMONS FOR APPOINTMENT  
OF RECEIVER

(Title as in action)



To: the defendant (and others) (and his solicitors)

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. A receiver be appointed (or that (name of specific receiver) be appointed receiver) in this action to receive the rents, profits and moneys receivable in respect of the interest of the defendant in the following property, namely, (describe the property) in or towards satisfaction of the moneys and interest due to the plaintiff under the judgment (or order) in this action dated ; and

2. Costs of this application be .

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by: (Solicitors for the ).

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

108.

O. 51, r. 3

ORDERS FOR APPOINTMENT  
OF RECEIVER, ETC.

(a) *Order directing summons for appointment of receiver and granting injunction meanwhile.*

Upon the application of and upon reading the affidavit of  
filed the day of 20 and upon hearing .

It is ordered that the defendant do attend before the Judge (or Registrar) on (date/time) on the hearing of an application on the part of the plaintiff for the appointment of as receiver in this action, on the usual terms, to receive the rents, profits and moneys receivable in respect of the defendant's interest in the following property, namely (describe the property) in or towards satisfaction of the sum of \$ debt, \$ costs, and interest on the said sums at the rate of % per annum from the day of 20 due under the judgment (or order) in this action dated the day of 20 .

And the plaintiff (by his solicitor) hereby undertakes to abide by any order the Court may hereafter make should it decide that the said defendant has sustained damage by reason of this order and is entitled to damages which the plaintiff ought to pay, it is ordered that the defendant by himself, his agents or employees, or otherwise, be restrained, and an injunction is hereby granted restraining him,



paid, such sums to be paid in or towards satisfaction of what shall for the time being be due in respect of the judgment signed on the        day of        for the sum of \$        debt and \$        costs, making together the sum of \$        .

And that the costs of the receiver (including his remuneration), the costs of obtaining his appointment, of completing his security (if any), of passing his accounts and of obtaining his discharge shall not exceed 10% of the amount due under the said judgment or the amount recovered by the receiver, whichever is less, provided that not less than \$100 be allowed unless otherwise ordered. Such costs shall be taxed unless assessed by the Registrar and shall be primarily payable out of the sums received by the receiver, but if there shall be no sums received or the amount shall be insufficient, then upon the certificate of the Registrar being given stating the amount of the deficiency, such certificate to be given after passing the final account, the amount of the deficiency so certified shall be paid by the defendant to the plaintiff.

It is also ordered that the balance (if any) remaining in the hands of the receiver, after making the several payments aforesaid, shall unless otherwise directed by the Registrar forthwith be paid by the receiver into Court to the credit of this action, subject to further order.

And that any of the parties be at liberty to apply to the Registrar as there may be occasion.

Dated this        day of        20        .

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

109.

O. 52, r. 1

ORDER OF COMMITTAL

(Title as in action)

Upon application made to this Court by counsel for the plaintiff and upon reading the affidavit of        filed on the        day of        of service on the defendant        of a copy of the following:

- (1) the ex parte originating summons or summons
- (2) the statement and the affidavit in support of the application for leave
- (3) the order of Court dated the        day of
- (4) the summons for an order of committal

And it appearing to the satisfaction of the Court that the said defendant has been guilty of contempt of Court in (state the contempt):

It is ordered that for his said contempt, the defendant do stand committed to prison to be there imprisoned for (or until further order) (and/or be fined \$ ).

(It is further ordered that this order shall not be executed if the said defendant complies with the following terms, namely, ).

Dated this day of 20 .

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

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110.

O. 52, r. 9

WARRANT FOR COMMITTAL

(Title as in action)

To the Sheriff and all other police officers of Singapore.

Whereas by an order of this Court pronounced this day it was ordered that the abovenamed do stand committed to prison for his contempt mentioned in the said Order.

This is to direct you to apprehend the said and safely convey him to prison to be detained and kept in safe custody for (or until further order).

Dated this day of 20 .

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

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110A.

O. 52, r. 13(1)

APPLICATION FOR LEAVE TO GIVE  
NON-PUBLICATION DIRECTION  
UNDER ADMINISTRATION OF JUSTICE  
(PROTECTION) ACT 2016

IN THE HIGH COURT  
OF THE REPUBLIC OF SINGAPORE

O.S. No. )  
of 20 . )

In the matter of an application under section 13(1) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016)

And

In the matter of [*Briefly describe the publication that is the subject matter of the non-publication direction.*].

*Applicant.*

### EX PARTE ORIGINATING SUMMONS

Let the applicant attend before the Judge on (date/time), on the hearing of an application for leave to give a non-publication direction under section 13(1) of the Administration of Justice (Protection) Act 2016 to [*identify publisher by name or in accordance with the Act*] in the terms of the proposed non-publication direction annexed to this application.

Dated this      day of      20      .

*Registrar.*

This summons is taken out by the Attorney-General whose address is

.

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110B.

O. 52, r. 14(4)      APPLICATION TO SET ASIDE OR VARY  
NON-PUBLICATION DIRECTION  
UNDER ADMINISTRATION OF JUSTICE  
(PROTECTION) ACT 2016

(Title as in Form 110A)

To: The Attorney-General.

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

1. The non-publication direction for which leave was granted in this action be \*set aside / varied as follows [*set out the variations sought*].
2. (State any other orders or directions as may be required).

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by:                      (Solicitors for the                      ).

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

\* Delete whichever is inapplicable.

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[S 543/2017 wef 01/10/2017]

111.

O. 54, r. 8 ORDER FOR REVIEW OF DETENTION<sup>11</sup>

(Title as in action)

To the Superintendent of Prison at (or other person having the custody of the person under restraint).

Take notice that you are required by this order to produce who is detained under your custody before the High Court on (date/time) in order that the Court may examine and/or pronounce on the legality of the detention of the said .

If you default in doing so, the Court will then, or so soon thereafter as counsel can be heard, be moved to commit you to prison for your contempt in not obeying this order.

Dated this day of 20 .

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

To:



112.

O. 55B, r. 1  
O. 55C, r. 1  
O. 55D, r. 3  
O. 56, r. 1  
O. 57, r. 3

NOTICE OF APPEAL

(For Registrar's Appeal, Title as in Action)

District Court Appeal/Civil Appeal No. of 20 .

Between

*Appellant*

And

*Respondent*

In the matter of No. of 20 .

Between

*Plaintiff*

And

*Defendant*

NOTICE OF APPEAL

To: The Registrar and to

Take notice that an appeal has been filed by the abovenamed plaintiff (or defendant) to the (\*District Judge in Chambers/Judge in High Court in Chambers/High Court/Court of Appeal).

The appeal is against the decision (to specify the whole or part of the decision, in an appeal to the High Court or Court of Appeal) of the (\*Registrar of the State Courts/Registrar of the Supreme Court/Magistrate in Chambers/District Judge in Chambers/Magistrate/District Judge/Justice/Judicial Commissioner) (name) given on \_\_\_\_\_, as follows:

Issued by: \_\_\_\_\_ (Solicitors for the \_\_\_\_\_).

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

(\*Delete as appropriate)

\_\_\_\_\_

113.

[Deleted by S 600/2012]

\_\_\_\_\_

114.

[Deleted by S 600/2012]

\_\_\_\_\_

115.

O. 55D, r. 3      CERTIFICATE FOR SECURITY FOR COSTS  
 O. 57, r. 3  
 O. 57, r. 16      (Title as in Form 112)  
 O. 69, r. 6  
 O. 69, r. 7

This is to certify that \_\_\_\_\_ of \_\_\_\_\_ the abovenamed appellant has deposited the sum of \$ \_\_\_\_\_ by way of security for the respondent's costs of the appeal/application\* in the Registry (or with the Accountant-General).

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

*Registrar.*

\*Delete whichever is inapplicable.

\_\_\_\_\_





filed in the Registry on the      day of                      20      and the Respondent's Case and the respondent's bundle of authorities in the abovementioned proceedings which were filed in the Registry on the                      day of 20      have been this day sent to the Registrar, Supreme Court.

Dated this      day of                      20      .

*Registrar:*

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119.

[Deleted by S 600/2012]

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120.

O. 58, r. 2

REFERENCE UNDER ARTICLE 100  
OF THE CONSTITUTION FOR OPINION  
ON CONSTITUTION QUESTION

Reference No.      of 20      .

To: The Chief Justice

---

1. I                      , President of the Republic of Singapore pursuant to Article 100 of the Constitution hereby refer to the Tribunal of not less than 3 Judges of the Supreme Court constituted under that Article for its opinion the following question on the following provisions of the Constitution which has arisen or appears to me likely to arise.

2.—(1) *Constitutional Provision*

(2) *Question*

(3) *Facts*

(4) *Relevant Documents*

The relevant documents necessary for the determination of the answer to the question are attached to this Reference as Annex      .

Dated this      day of                      20      .

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*President*

(Annexes).

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121.

[Deleted by S 637/2006]

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122.

[Deleted by S 637/2006]

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123.

[Deleted by S 637/2006]

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124.

[Deleted by S 637/2006]

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125.

[Deleted by S 637/2006]

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126.

[Deleted by S 637/2006]

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127.

[Deleted by S 637/2006]

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128.

*[Deleted by S 637/2006]*

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129.

*[Deleted by S 637/2006]*

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130.

*[Deleted by S 637/2006]*

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131.

*[Deleted by S 637/2006]*

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132.

*[Deleted by S 637/2006]*

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133.

*[Deleted by S 637/2006]*

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134.

*[Deleted by S 637/2006]*

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135.

*[Deleted by S 637/2006]*

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136.

O. 62, r. 5

## ORDER FOR SUBSTITUTED SERVICE

(Title as in action)

Upon the application of \_\_\_\_\_ the plaintiff in this action and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and upon hearing \_\_\_\_\_ .

It is ordered that service of a copy of this order, and a copy of the writ of summons in this action by sending the same by a prepaid ordinary post letter addressed to the defendant \_\_\_\_\_ at \_\_\_\_\_ , (or such other substituted service as may be ordered) shall be good and sufficient service of the writ.

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

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

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137.

O. 62, r. 5

AFFIDAVIT ON APPLICATION  
FOR SUBSTITUTED SERVICE

(Title as in action)

I, \_\_\_\_\_ of \_\_\_\_\_ , (the abovenamed plaintiff, or solicitor for the abovenamed plaintiff, or clerk to the plaintiff's solicitor, or clerk to the plaintiff, or as may be) do make oath (or affirm) and say as follows:

1. Having been directed by \_\_\_\_\_ to serve the abovenamed defendant \_\_\_\_\_ with a copy of the writ of summons in this action which appeared to me to have been regularly issued out of and under the seal of the Supreme Court/State Courts by the abovenamed plaintiff against the abovenamed defendant, and dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ , which said writ and copy were subscribed and endorsed in the manner and form prescribed by the Rules of Court and a true copy of which said writ is now produced and shown to me, marked ' \_\_\_\_\_ ', I did on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ attend for the purpose of serving a copy of the said writ at \_\_\_\_\_ (describe efforts to effect service).

I have made all reasonable efforts and used all due means in my power to serve the said writ, but I have not been able to do so.

Sworn (or affirmed) as in Form 78.

*Note:* The affidavit should also specify the method of substituted service asked for, and state that if such service is ordered it will probably be effectual in

bringing the writ (or as may be) to the knowledge of the defendant. If the defendant is evading service the affidavit should so state.

138.

O. 62, r. 9

AFFIDAVITS OF SERVICE

(Title as in action)

(a) *Affidavit of Personal Service of writ of summons or other process on a person.*

I, \_\_\_\_\_ of \_\_\_\_\_, do make oath (or affirm) and say as follows:

1. I did on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at (state where) personally serve (the abovenamed defendant) (or one of the abovenamed defendants) (or a partner in the abovenamed defendant firm of \_\_\_\_\_ & Co.) (or the person (the insertion of the name is not essential) having at the time of such service the control or management of the said partnership business) (or as may be) with a true copy of the writ of summons (or as may be) in this action which appeared to me to have been regularly issued out of the Registry of the Supreme Court/State Courts against (the abovenamed defendant) (or the abovenamed defendants) (or as may be) at the suit of (the abovenamed plaintiff) (or plaintiffs) (or as may be) and which was dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.
2. The defendant (or as may be) (is known to me) (or was pointed out to me by \_\_\_\_\_) (or admitted to me that he was \_\_\_\_\_).
3. At the time of the said service the said writ (or as may be) and the copy thereof were subscribed (and endorsed) in the manner and form prescribed by the Rules of Court.
4. I did on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ endorse on the said writ the day of \_\_\_\_\_ the month and the week of the said service on the said defendant.

Sworn (or affirmed) as in Form 78.

(b) *Affidavit of Personal Service of writ of summons or other process on a body corporate.*

I, \_\_\_\_\_ of \_\_\_\_\_, do make oath (or affirm) and say as follows:

1. I did on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ (date of posting), serve the abovenamed defendant (or as may be) with a true copy of the writ of summons (or as may be) in this action, which appeared to me to have



2. The advertisement aforesaid appeared in the (name of paper) on the day of \_\_\_\_\_ 20\_\_\_\_\_, (and in the (name of paper) on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_).

Sworn (or affirmed) as in Form 78.

*(e) Form of Advertisement.*

To \_\_\_\_\_ of (or late of)

Take notice that an action has been commenced against you in the High Court/State Courts in Suit No. \_\_\_\_\_ of 20\_\_\_\_\_ by \_\_\_\_\_ of \_\_\_\_\_, in which the plaintiff's claim is for (state very shortly the nature of claim and the amount (if any) claimed in the endorsement on the writ).

And that it has been ordered that service of the writ in the said action on you be effected by this advertisement. If you desire to defend the said action you must within \_\_\_\_\_ days from the publication of this advertisement, inclusive of the day of such publication, enter an appearance at the Registry of the Supreme Court/State Courts. In default of such appearance judgment may be entered against you.

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

*Solicitors for the*

*(f) Affidavit of Personal Service of Judgment or Order.*

I, \_\_\_\_\_ of \_\_\_\_\_, do make oath (or affirm) and say as follows:

1. I did on \_\_\_\_\_ the day of \_\_\_\_\_ 20\_\_\_\_\_, at \_\_\_\_\_ personally serve the abovenamed defendant (or plaintiff) with a true copy of the order (or judgment) dated \_\_\_\_\_ in this action, now produced and shown to me marked \_\_\_\_\_ (or recite operative part of order or judgment).
2. The copy of the said order (or judgment) so served as aforesaid had endorsed thereon when so served the words following, that is to say: "If you the within named neglect to obey this order (or judgment) by the time therein limited you will be liable to process of execution for the purpose of compelling you to obey the same order (or judgment)".

Sworn (or affirmed) as in Form 78.

To the Registrar,

Take notice that (name of new solicitor), of , has (or have) been appointed to act as the solicitor 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 solicitor).

The address for service of the abovenamed (new solicitor) is .

Dated this day of 20 .

Solicitor.

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

140.

O. 64, r. 3

NOTICE OF INTENTION OF PARTY TO ACT IN PERSON, IN PLACE OF SOLICITOR

(Title as in action)

To the Registrar,

Take notice that I, the abovenamed plaintiff (or defendant) intend to act in person in this action in the place of and that my address for service is .

Dated this day of 20 .

Party.

To the abovenamed defendant (or plaintiff) and to (naming the former solicitor of the plaintiff (or defendant)).

141.

O. 64, r. 4

SUMMONS TO REMOVE SOLICITOR FROM RECORD

(Title as in action)

To: (name of party whose solicitor has ceased to act)

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):



1. (Name of solicitor who has ceased to act) ceases to be the solicitor acting for (name of party whose solicitor has ceased to act), plaintiff (or defendant) (or as may be) in this action (or matter); and
2. Costs of this application be .

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by: (Solicitors for the ).

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

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142.

O. 64, r. 4

ORDER REMOVING SOLICITOR  
FROM THE RECORD

(Title as in action)

, solicitor for in this action (or matter) having (died, become bankrupt or any other reason for removal) and the said (name of party formerly represented by solicitor) having failed to give notice of change of solicitor or notice of intention to act in person and notice of the application having been duly served upon the said (name of party formerly represented by solicitor).

Upon the application of and upon reading the affidavit of filed the day of 20 and upon hearing .

It is ordered that the said ceases to be the solicitor acting for the said (name of party formerly represented by solicitor) in this action (or matter).

Dated this day of 20 .

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

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143.

O. 64, r. 5(1)

NOTICE OF CEASING  
TO ACT AS SOLICITOR

(Title as in action)

To: The Registrar and the (plaintiff/defendant (name) or his solicitors)

Take notice that the following solicitor has ceased to act —

Name of solicitor ceasing to act:

Party for whom the solicitor has ceased to act:

Address for service of the party for whom the solicitor has ceased to act: (last known address of the plaintiff or defendant, if acting in person, or the principal or registered address of the plaintiff or defendant if a body corporate).

Issued by: (Solicitors for the ).

\_\_\_\_\_

144.

O. 64, r. 5(2)

SUMMONS FOR WITHDRAWAL OF SOLICITOR

(Title as in action)

To: (name of party whose solicitor is withdrawing)

Let all parties concerned attend before the Court on the date and time to be assigned for the hearing of an application for the following order(s):

- 1. (Name of solicitor withdrawing) ceases to be the solicitor acting for (name of party represented by that solicitor), the plaintiff (or defendant) (or as may be) in this action (or matter) upon compliance with the requirements of Order 64, Rule 5(1) of the Rules of Court; and
2. Costs of this application be .

Grounds of application: (To set out grounds) or (As set out in the affidavit of [name]).

Issued by: (Solicitors for the ).

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

\_\_\_\_\_

145.

O. 64, r. 5(3) ORDER FOR WITHDRAWAL OF SOLICITOR

(Title as in action)

, the solicitor for a plaintiff (or a defendant) in this action (or matter) having duly served notice of the application on the said .

Upon the application of \_\_\_\_\_ and upon reading the affidavit of  
 filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and upon hearing \_\_\_\_\_ .

It is ordered that upon compliance with the requirements of Order 64,  
 Rule 5(1) of the Rules of Court the said \_\_\_\_\_ ceases to be the solicitor acting  
 for the said \_\_\_\_\_ in this action (or matter).

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

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

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146.

[Deleted by S 600/2012]

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147.

O. 65, r. 2

**CERTIFICATE OF SERVICE  
 OF FOREIGN PROCESS**

I, \_\_\_\_\_, Registrar of the Supreme Court of the Republic of  
 Singapore hereby certify that the documents annexed hereto are as follows:

- (1) The process received with a Request for Service; and
- (2) A copy of the evidence of service upon the person named in the  
 process.

And I certify that such service so proved, and the proof thereof, are such as  
 are required by the law and practice of the Supreme Court regulating the service  
 of legal process in Singapore, and the proof thereof.

And I certify that the cost of effecting such service, as duly certified by me  
 amounts to the sum of \$ \_\_\_\_\_ .

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

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

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148.

O. 67, r. 5

**ORDER FOR REGISTRATION OF  
 FOREIGN JUDGMENT/  
 COMMONWEALTH JUDGMENT**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

O.S. No. )  
of 20 . )

Between

*Judgment Creditor*

And

*Judgment Debtor*

In the matter of the (state the relevant Act).

And in the matter of a judgment of the (describe the Court) obtained in (describe the proceedings) and dated the day of 20 .

Upon the application of the judgment creditor in this action and upon reading the affidavit of filed the day of 20 (and upon the judgment creditor giving security in the sum of \$ by payment into Court, or bond to the satisfaction of the Registrar).

It is ordered that the judgment dated the day of 20 , of the (describe the foreign Court) whereby it was adjudged that the abovenamed (name of judgment creditor) of do recover against the abovenamed (name of judgment debtor) of (amount due under the judgment) be registered as a judgment of the High Court pursuant to the Act.

It is further ordered that the abovenamed (name of judgment debtor) be at liberty to apply to set aside the said registration within days after service upon him (within the jurisdiction) (or name of foreign country if to be served abroad) of notice of such registration pursuant to Order 67, Rule 7 if he has grounds for so doing, and execution upon the said judgment will not issue until after the expiration of that period or any extension of the period granted by the Court; or if an application be made to set aside the registration until such application has been disposed of.

It is ordered that the costs of this application be .

Dated this day of 20 .

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

JUDGMENTS ACT  
(CHAPTER 264)

(Title as in action)

I, \_\_\_\_\_, Registrar of the Supreme Court of the Republic of Singapore, hereby certify that the judgment, a certified copy of which is annexed, was obtained by the plaintiff (or defendant) against the defendant (or plaintiff) in this action on (date) for payment of the sum of \$ \_\_\_\_\_ and \$ \_\_\_\_\_ for costs, and carries interest at the rate of \_\_\_\_\_ % per annum calculated on the said sums of \$ \_\_\_\_\_ and \$ \_\_\_\_\_ from the date of the said judgment until payment.

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

150.

O. 67, r. 13 CERTIFICATE UNDER THE RECIPROCAL  
ENFORCEMENT OF FOREIGN  
JUDGMENTS ACT  
(CHAPTER 265)

(Title as in action)

I, \_\_\_\_\_, Registrar of the Supreme Court of the Republic of Singapore, hereby certify that —

1. The writ of summons (or as may be), a copy of which is annexed, was issued out of the Registry of the Supreme Court on (date) by the abovenamed plaintiff against the abovenamed defendant, for payment of the sum of \$ \_\_\_\_\_ in respect of (state shortly nature of claim or ground of action);

2. The said writ was duly served on (date), upon the said defendant (state mode of service) (that the said defendant duly appeared to the said writ on (date));

3. The said plaintiff obtained judgment against the said defendant, a certified copy of which is annexed, for payment of the sum of \$ \_\_\_\_\_ in respect of (state shortly nature of claim or terms of judgment), together with the sum of \$ \_\_\_\_\_ for costs;

4. The said judgment was obtained (state grounds on which judgment was based);

5. The said judgment carries interest at the rate of \_\_\_\_\_ % per annum calculated on the said sums of \$ \_\_\_\_\_ and \$ \_\_\_\_\_ from the date of the said judgment until payment;

6. (No) objection has been made to the jurisdiction of the Court (on the grounds that \_\_\_\_\_); and

7. The pleadings in the action consisted of:

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

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151.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

151A.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

152.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

153.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

154.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

155.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

156.

*[Deleted by S 850/2014 wef 01/01/2015]*

*[S 850/2014 wef 01/01/2015]*

157.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

158.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

159.

O. 70, r. 2                    WRIT OF SUMMONS IN ACTION *IN REM*

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Admiralty *in Rem*                    )

No.        of 20        .                    )

Admiralty action *in rem* against:

(The ship                    or cargo, etc., as may be)

Between

(The owners of the ship                    or as may be)

*Plaintiff(s)*

And

(The owners of the ship                    or as may be)

*Defendant(s)*

To: The (owners of and other) persons interested in the ship of the port of (or cargo, etc., as may be).

THIS WRIT OF SUMMONS has been issued by the plaintiffs against the property described above in respect of the claim endorsed herein.

Within 8 days after the service of this writ, you must either satisfy the claim or cause an appearance to be entered for you and in default of your so doing the plaintiffs may proceed therein, and judgment may be given in your absence, and if the property described in this writ is then under arrest of the Court it may be sold by order of the Court.

Dated this        day of                    20        .

*Solicitors for the Plaintiff(s)*

*Registrar,  
Supreme Court  
Singapore.*

*Memorandum to be subscribed on the Writ*

This writ may not be served more than 12 calendar months after the above date unless renewed by order of Court.

The defendant(s) may enter an appearance(s) either personally or by a solicitor at the Registry of the Supreme Court.

*Endorsements to be made on the Writ before issue*

*Endorsement of claim/statement of claim*

(Set out the endorsement or statement of claim)

Where the Writ of Summons is endorsed with a Statement of Claim the following must be added:

*Note:* If the defendant enters an appearance, then, unless a summons for judgment is served on him in the meantime, he must also serve a defence on the solicitor for the plaintiff within 14 days after the last day of the time limited for entering an appearance, otherwise judgment may be entered against him without further notice.

(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 solicitor and address*

This writ is issued by \_\_\_\_\_ of \_\_\_\_\_ solicitor 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.*

\_\_\_\_\_



(Title as in Form 159)

To the Sheriff,

You are directed to arrest the ship \_\_\_\_\_ of the port of \_\_\_\_\_ (and the cargo now or lately laden therein, together with the freight due for the transportation thereof) or (and the freight due for the transportation of the cargo now or lately laden therein) and to keep the ship under safe arrest until you shall receive further orders.

The plaintiff's claim is for (copy from the writ).

Taken out by \_\_\_\_\_ solicitors for the \_\_\_\_\_.

Sheriff's endorsement as to service.

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

161.

[Deleted by S 600/2012]

162.

O. 70, r. 5

#### CAVEAT AGAINST ARREST

(Description of property giving name, if a ship).

We, \_\_\_\_\_ of \_\_\_\_\_, solicitors for \_\_\_\_\_ of \_\_\_\_\_ hereby file a caveat against the arrest of (description of property giving name, if a ship) in respect of (Description of the kind of proceedings or claim to which the caveat applies)\* and hereby undertake to enter an appearance in any action that may be begun in the High Court against the said \_\_\_\_\_ and, within 3 days after receiving notice that such an action has been begun, to give bail in the action in a sum not exceeding \_\_\_\_\_ dollars or to pay that sum into Court. We consent that the writ of summons and any other document in the action may be left for us at \_\_\_\_\_.

Issued by: \_\_\_\_\_ (Solicitors for the \_\_\_\_\_).

\* List the kind of proceedings or claim to which the caveat applies, such as "all proceedings", "any proceedings on a claim mentioned in section 3(1)(g) or (h) of the High Court (Admiralty Jurisdiction) Act (Cap. 123)", or "a collision between the vessels "ABC" and "DEF" ", as appropriate.

[S 51/2018 wef 01/02/2018]

163.

O. 70, r. 7

REQUEST<sup>4</sup> FOR SERVICE OF WRIT  
IN REM BY SHERIFF

(Title as in Form 159)

We, of , solicitors for the plaintiffs request that  
the writ of summons left herewith be duly served on .

Dated this day of 20 .

Solicitors for the plaintiffs.

164.

O. 70, r. 12

RELEASE

(Title as in Form 159)

To the Sheriff,

Whereas in this action you were directed to arrest the and to keep  
the same under safe arrest until you should receive further orders. Now you are  
directed to release the said from the arrest effected by virtue of the  
warrant in this action.

Registrar.

Taken out by solicitors for the .  
Sheriff's endorsement.

On (date), the was released from arrest pursuant to this Instrument.

Sheriff.

165.

[Deleted by S 600/2012]

166.

O. 70, r. 13

CAVEAT AGAINST  
RELEASE AND PAYMENT

(Title as in Form 159)

We, \_\_\_\_\_ of \_\_\_\_\_, solicitors for \_\_\_\_\_ of \_\_\_\_\_ hereby file a caveat against the issue of a release with respect to (description of property giving name, if a ship) now under arrest and, should the said property be sold by order of the Court, a caveat against payment out of Court of the proceeds of sale.

Issued by: \_\_\_\_\_ (Solicitors for the \_\_\_\_\_).

---

167.

O. 70, r. 14

## WITHDRAWAL OF CAVEAT

(Title as in Form 159)

We withdraw the caveat as follows:

Nature of caveat:

Entered on:

On behalf of:

Issued by: \_\_\_\_\_ (Solicitors for the \_\_\_\_\_).

---

168.

O. 70, r. 15

## BAIL BOND

(Title as in Form 159)

Whereas this Admiralty action *in rem* against the abovementioned property is pending in the High Court and the parties to the said action are the abovementioned plaintiffs and defendants:

Now, therefore, we \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_, hereby jointly and severally submit ourselves to the jurisdiction of the said Court and consent that if they, the abovementioned defendants (or plaintiffs, in the case of a counterclaim) do not pay what may be adjudged against them in this action, with costs, or do not pay any sum due to be paid by them in consequence of any admission of liability therein or under any agreement by which this action is settled before judgment and which is filed in the said Court, execution may issue against us, our executors or administrators, movable property, for the amount unpaid or an amount of dollars \_\_\_\_\_ whichever is less.

This bail bond was signed by the said \_\_\_\_\_ and \_\_\_\_\_, the sureties, the day of \_\_\_\_\_ 20 \_\_\_\_ .

Before me,  
*Commissioner for Oaths.*

\_\_\_\_\_

169.

[Deleted by S 633/2013]

\_\_\_\_\_

170.

O. 70, r. 22 COMMISSION FOR APPRAISEMENT AND SALE

(Title as in Form 159)

To the Sheriff,

Whereas in this action the Court has ordered (description of property giving name, if a ship) to be appraised and sold.

You are hereby authorised and directed to authorise and swear (name of each appraiser, valuer or surveyor) to appraise the said \_\_\_\_\_ according to the true value thereof, and such value having been certified in writing by (him or them), to cause the said \_\_\_\_\_ to be sold by (private treaty or public auction) for the highest price that can be obtained for it, but not for less than the appraised value unless the Court on an application allows it to be sold for less.

And you are further directed, immediately upon the sale being completed, to pay the proceeds thereof into Court and to ensure that the certificate of appraisement signed by you and the (appraiser or appraisers), and an account of the sale signed by you, are filed in the Court together with this commission.

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

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

Taken out by \_\_\_\_\_ (solicitors for) the \_\_\_\_\_ .

\_\_\_\_\_

171.

[Deleted by S 600/2012]

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172.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

173.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

174.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

175.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

176.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

177.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

178.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

179.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

180.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

181.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

182.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

183.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

184.

O. 73, r. 12

CERTIFICATE OF ORDER FOR COSTS  
AGAINST THE GOVERNMENT

(Title as in action)

By a judgment (or order) of this Court dated the      day of      20      it was adjudged (or ordered) that      (give particulars of the judgment or order).

I hereby certify that the costs payable to      by      in pursuance of the said judgment (or order) are \$      (or have been taxed and certified by me at \$      ) and interest is payable thereon at the rate of      % per annum from the      day of      20      until payment.

Dated this      day of      20      .

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

185.

O. 74, r. 3

ORDER TO ARREST  
ABSCONDING JUDGMENT DEBTOR

(Title as in action)

To the Sheriff/bailiff,

Whereas it has been shown to the satisfaction of the Court that the abovenamed judgment debtor is about to abscond:

You are hereby commanded to arrest the said \_\_\_\_\_ and to bring him forthwith before the Court and if the Court is not sitting to deliver him to the officer-in-charge of the \_\_\_\_\_ Prison, there to be kept until the next sitting of the Court when you are to bring him forthwith before the Court.

And you are hereby further required forthwith, after the execution of this order, to return the same into the Court, with the place, time and mode of execution endorsed thereon.

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

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

Entered No. \_\_\_\_\_ of 20 \_\_\_\_ .

*Clerk.*

---

186.

O. 74, r. 3A

ORDER TO ARREST  
NON-APPEARING JUDGMENT DEBTOR

(Title as in action)

To the Bailiff,

Whereas a Judgment Debtor Summons was personally served on a judgment debtor.

And whereas the said \_\_\_\_\_ failed to appear on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ (pursuant to the said Judgment Debtor Summons) you are hereby commanded to arrest the said \_\_\_\_\_ and bring him forthwith before the Court and if the Court is not sitting to deliver him to the officer-in-charge of the \_\_\_\_\_ Prison, there to be kept until the next sitting of the Court when you are to bring him forthwith before the Court.

And you are hereby further required forthwith, after the execution of this order, to return the same into the Court, with the place, time and mode of execution endorsed thereon.

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

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

Entered No. \_\_\_\_\_ of 20 \_\_\_\_ .

*Clerk.*

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187.

O. 74, r. 6

ORDER OF ARREST /  
ATTACHMENT OF PROPERTY  
BEFORE JUDGMENT

(Title as in action)

(a) *Order to arrest before judgment.*

To the Sheriff/bailiff,

Whereas \_\_\_\_\_ the plaintiff in the above action has proved to the satisfaction of the Court that there is reasonable cause for believing that the defendant (here state the reasons for the order):

You are hereby ordered to arrest the said \_\_\_\_\_ and to bring him forthwith before the Court and if the Court is not sitting to deliver him to the officer-in-charge of the \_\_\_\_\_ Prison there to be kept until the next sitting of the Court when you are to bring him forthwith before the Court in order that he may show cause why he should not furnish security in the sum of \$ \_\_\_\_\_ being the amount of claim and costs for his personal appearance before the Court, while the above action is pending and until satisfaction of any order that may be made against him in the action.

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

Entered No. \_\_\_\_\_ of 20 \_\_\_\_\_ .

*Clerk.*

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

Plaintiff's address for service is \_\_\_\_\_ .

*Note:* The defendant shall not be arrested if he pays to you the said sum of \$ \_\_\_\_\_ to be deposited by you in Court to abide the trial of the action or further order of the Court.

(b) *Order to attach property before judgment.*

To the Sheriff/bailiff,

Whereas \_\_\_\_\_ the plaintiff in the above action has proved to the satisfaction of the Court that there is reasonable cause for believing that the defendant (here state the reasons for the order):

You are hereby ordered to forthwith seize all movable property liable to be seized under a Writ of Seizure and Sale which shall be identified by or on behalf



of \_\_\_\_\_, the plaintiff as belonging to the defendant to \_\_\_\_\_ the value of \$ \_\_\_\_\_ being the amount of claim and costs as a pledge or surety to answer the just claim of the plaintiff amounting to \$ \_\_\_\_\_ and costs estimated at \$ \_\_\_\_\_ until the trial of this action and satisfaction of any judgment that may be given against the defendant herein.

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

Entered No. \_\_\_\_\_ of 20 \_\_\_\_\_.

*Clerk.*

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

Plaintiff's address for service is \_\_\_\_\_.

*Note:* The property shall not be seized if the defendant pays you the sum of \$ \_\_\_\_\_ to be deposited by you in Court to abide the trial of the action or further order of the Court.

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188.

[Deleted by S 600/2012]

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189.

O. 74, r. 11C                      NOTICE OF APPLICATION FOR LEAVE  
TO ISSUE JUDGMENT DEBTOR SUMMONS

(Title as in action)

Take notice that the abovenamed plaintiff intends to apply to the Court of the State Courts, 1 Havelock Square, Singapore, on (date/time) for leave to issue a judgment debtor summons against on the ground that the abovenamed is liable as a partner in the firm of (name of defendant firm) or as the person carrying on business in the firm of (name of defendant firm) to pay the sum payable under the judgment (or order).

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

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

Entered No. \_\_\_\_\_ of 20 \_\_\_\_\_.

*Clerk.*

---

190.

O. 74, r. 11C

AFFIDAVIT FOR LEAVE TO ISSUE  
A JUDGMENT DEBTOR SUMMONS

(Title as in action)

I, (name, address and description of deponent) make oath (or affirm) and say as follows:

1. On the      day of                      20      , I (or the plaintiff) obtained judgment (or an order) in this action in this Court against the defendants (state firm name in which defendants were sued) for the sum of \$      and \$      costs and there is now due and payable under the said judgment (or order) the sum of \$      .

2. I allege that (state name, residence and occupation) is liable as a partner in the said firm (or as the person carrying on business in the said firm name) to pay the sum payable under the said judgment (or order), and I make this allegation on the following grounds:

(State any ground on which the person named is alleged to be liable, with the deponent's sources of information and grounds of belief.)

3. (Where the plaintiff does not make the affidavit, add) I am duly authorised by the plaintiff to make this affidavit on his behalf.

Sworn (or affirmed) as in Form 78.

191.

O. 74, r. 11A

## JUDGMENT DEBTOR SUMMONS

(Title as in action)

(a) *To a person.*

You are hereby summoned to appear before the                      Court of the State Courts, on                      (date/time) then and there to be examined respecting your ability to satisfy the judgment recovered against you in the above action on the day of                      20      for \$      and \$      costs upon which judgment the sum of \$      is still due.

Take notice that if you do not so appear an order for your arrest may be issued.

Dated this      day of                      20      .

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

Entered No.      of 20      .

*Clerk.*

To            of            the abovenamed Judgment Debtor.

*(b) To a partner or person carrying on business in a name other than his own.*

Whereas the plaintiff obtained judgment (or an order) against the defendant firm            in this Court on the            day of            20            for the sum of \$            and \$            costs upon which judgment the sum of \$            is still due:

And whereas (on your own admission in the proceedings) (or having been individually served with the summons in this action as a partner you failed to appear at the trial) (or having been adjudged to be liable as a partner) you are liable under the said judgment (or order) as (a partner in the defendant firm) (or the person carrying on business in the name of the defendant firm):

And whereas the Court has granted leave to issue this judgment debtor summons against you:

You are hereby summoned to appear before the            Court of the State Courts, on            (date/time) then and there to be examined on your ability to satisfy the said judgment (or order).

Take notice that if you do not so appear (or if the person to be served has not admitted in the proceedings that he is liable as a partner, or has not been adjudged to be liable as a partner, or has not been individually served as a partner and failed to appear at the trial) you will be deemed to admit your liability to pay the amount, due under the said judgment or order, and an order for your arrest may be issued.

Dated this            day of            20            .

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

Entered No.            of 20            .

*Clerk.*

To:

(Name of person (one person only to each summons) alleged to be a partner in, or carrying on business in the name of, the firm against which judgment (or order) has been obtained)            of            .

*(c) To an officer of a corporation.*

You are hereby summoned to appear before the            Court of the State Courts, on            (date/time) then and there to be examined on the ability of the abovenamed defendant corporation to satisfy the judgment (or order) recovered (or made) against the said corporation in the above action on the day of            20            for \$            and costs of \$            upon which judgment (or order) the sum of \$            is still due.

Take notice that if you do not so appear an order for your arrest may be issued.

Dated this      day of              20      .

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

Entered No.    of 20      .

Clerk.

To              of              (an officer) of the abovenamed defendant corporation.

(d) *In respect of an order of the Commissioner for Labour.*

You are hereby summoned to appear before the              Court of the State Courts, on              (date/time) then and there to be examined respecting your ability to satisfy the order made against you by the Commissioner for Labour on the      day of              20      whereby you were ordered to pay \$      to      and whereof a certificate signed and sealed by the Commissioner for Labour was on the      day of              20      filed and recorded in this Court under which order the sum of \$              is still due.

Take notice that if you do not appear an order for your arrest may be issued.

Dated this      day of              20      .

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

Entered No.    of 20      .

Clerk.

To the abovenamed judgment debtor.

192.

[Deleted by S 600/2012]

193.

O. 74, r. 13

JUDGMENT NOTICE

(Title as in action)

To the judgment debtor,

Take notice that you are required to attend at the Supreme Court/State Courts on              (date/time) to show cause why you should not be committed to prison for having disobeyed the order of the Court dated the              day of

20 , that is to say, in having made default in payment of the instalment due thereunder (or here state the order disobeyed or not complied with).

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

Entered No. of 20 .

Clerk.

---

194.

O. 74, r. 15

ORDER OF COMMITMENT

(Title as in action)

To the Sheriff/bailiff,

Whereas an order was made by the Court on the day of 20 , whereby it was ordered that , the abovenamed judgment debtor pay the judgment debt and costs by instalments of \$ a month (or as may be):

And whereas he has made default in the payment of instalment amounting to \$ (or as may be):

You are hereby commanded to arrest the said and to deliver him to the officer-in-charge of the Prison, there to be kept for the term of days from the arrest under this Order or until earlier payment of the instalment due amounting to \$ (or as may be).

Dated this day of 20 .

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

Entered No. of 20 .

Clerk.

*Note:* The judgment debtor shall not be arrested if he pays to you the said sum of \$ to be deposited by you in Court.

---

195.

O. 74, r. 17

CERTIFICATE OF SATISFACTION

(Title as in action)

I, of , being the judgment creditor, hereby certify that the judgment debt in respect of which the judgment debtor

is imprisoned has been satisfied and I request that the said be discharged from detention.

Dated this day of 20 .

Signed by )  
the day of 20 )  
in the presence of )

*Commissioner for Oaths,  
Singapore.*

To the Officer-in-charge of the Prison,

This certificate is sufficient authority for the discharge of the judgment debtor from detention under the Order of Commitment No. of 20 issued in respect of non-payment of the judgment debt.

Dated this day of 20 .

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

196.

O. 74, r. 17

ORDER OF DISCHARGE

(Title as in action)

To the Officer-in-charge of the Prison,

Whereas it has been shown to the satisfaction of the Court that the judgment debtor has satisfied the judgment debt in respect of which he is imprisoned under an Order of Commitment No. of 20 dated the day of 20 , in the above action.

You are hereby commanded to discharge from your custody the said judgment debtor for which this shall be your sufficient authority.

Dated this day of 20 .

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

197.

O. 74, r. 22A

ORDER SUSPENDING AN ORDER OF  
COMMITMENT OR  
FOR DISCHARGE OF DEBTOR

(Title as in action)

On the application of \_\_\_\_\_ and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and upon hearing \_\_\_\_\_ and the Court being satisfied that the defendant (or judgment debtor) is unable to pay the sum recovered against him (or the instalments due) under the judgment (or order).

It is ordered that the said judgment (or order) be suspended for (state time) upon the following terms: (state terms) (or that the defendant be discharged from custody under the Order of Commitment No. \_\_\_\_\_ of 20\_\_\_\_, upon the following terms, namely: (state terms, including, if so ordered, liability to re-arrest if the terms are not complied with)).

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

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

\_\_\_\_\_  
198.

O. 75, r. 2

AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR DISTRESS

(Title as in action)

I, \_\_\_\_\_ of \_\_\_\_\_, do make oath (or affirm) and say that I am the landlord (or his attorney or duly authorised agent) and that (the defendant) is justly indebted to \_\_\_\_\_ in the sum of dollars (\$ \_\_\_\_\_) being arrears of rent of the premises No. \_\_\_\_\_ Singapore due for \_\_\_\_\_ months from the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at the rate of Dollars (\$ \_\_\_\_\_) a month payable in advance (arrears) on the \_\_\_\_\_ day of each month (less the sum of Dollars (\$ \_\_\_\_\_) paid to account).

Sworn (or affirmed) as in Form 78.

\_\_\_\_\_  
199.

O. 75, r. 2

AUTHORITY TO DISTRAIN

(Title as in action)

I (We), \_\_\_\_\_ of \_\_\_\_\_, hereby authorise \_\_\_\_\_ of \_\_\_\_\_ to apply on my (our) behalf under the Distress Act (Cap. 84) for a writ of distress for all the

arrears of rent now due to me (us) (or to be hereafter due) on property situated at (describe property) to which I (we) am (are) entitled to distrain as (owner, lessee, trustee, guardian or as may be (or together with ))).

Dated this day of 20 .

Signed by )
the day of 20 )
in the presence of )

Solicitor (or Commissioner for Oaths).

200.

O. 75, r. 3

WRIT OF DISTRESS

Distress No. )
of 20 . )

Between

Plaintiff

And

Defendant

To the Sheriff/bailiff,

I hereby direct you to distrain the movable property found on the premises No. (give full address) for the sum of dollars and cents , (\$ ) being the amount of months' rent due to for the same, from the day of 20 to the day of 20 , together with costs amounting to \$ and the prescribed fees and the expenses of executing this Writ, according to the provisions of the Distress Act (Cap. 84).

But you are hereby expressly prohibited from taking any property not legally liable to a distress for rent.

Dated this day of 20 .

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

Entered No. of 20 .

Clerk.

201.



O. 75, r. 10

## AUTHORITY TO FOLLOW GOODS

(Title as in action)

Upon the application of the Sheriff/bailiff and upon hearing the evidence of (or reading the affidavit of filed the day of 20 ) and it appearing from the said evidence (or affidavit) that on the day of 20 certain property liable to be seized under the Writ of Distress issued herein namely (specify the property liable to be seized alleged to have been removed) was removed from the premises No. with the intention of hindering or preventing the distraint thereof.

It is ordered that the Sheriff/bailiff do follow and seize the said property in execution of the writ, wherever it may be found and deal therewith as if it had been seized upon the said premises in accordance with the provisions of the Distress Act (Cap. 84).

Dated this day of 20 .

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

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202.

O. 76, r. 3 CONSENT OF LITIGATION REPRESENTATIVE<sup>3</sup>  
OF PERSON UNDER DISABILITY

(Title as in action)

I, of , consent to be the litigation representative<sup>3</sup> of the abovenamed plaintiff (or defendant), a minor (or a person lacking capacity) in this action, and I authorise of , Advocates and Solicitors, to act on my behalf.

Dated this day of 20 .

Signed by the said )  
the day of 20 , )  
in the presence of )

*Solicitor*  
(or Commissioner for Oaths).

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203.

O. 76, r. 3 CERTIFICATE BY SOLICITOR FOR PERSON  
UNDER DISABILITY

(Title as in action)

I, \_\_\_\_\_ of \_\_\_\_\_, solicitor for the litigation representative<sup>3</sup> hereby certify that I know (or believe) that (name of minor) (or name of person lacking capacity) is (a minor) (or a person lacking capacity) (give the grounds of knowledge or belief) and that the abovenamed (name of litigation representative<sup>3</sup>) has no interest in the cause (or matter) in question adverse to that of the minor (or the person lacking capacity).

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

*Solicitor for the*

\_\_\_\_\_

204.

O. 77, r. 2 ORDER FOR PARTICULARS (PARTNERSHIP)

(Title as in action)

Upon the application of \_\_\_\_\_ and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and upon hearing \_\_\_\_\_.

It is ordered that the \_\_\_\_\_ furnish the \_\_\_\_\_ with a statement in writing, verified by affidavit, setting forth the names of the persons constituting the members or co-partners of their firm, pursuant to the Rules of Court, Order 77, Rule 2, and that the costs of this application be \_\_\_\_\_.

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

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

\_\_\_\_\_

205.

O. 77, r. 3 NOTICE OF SERVICE ON  
MANAGER OF PARTNERSHIP

(Endorsed on Writ of Summons)

Take notice that the writ of summons is served on you as the person having the control or management of the partnership business of the abovenamed defendant firm of \_\_\_\_\_ (and also as partner in the said firm (a).)

*Solicitors for the Plaintiff.*

*Note:* (a) If the person served with the writ of summons is served in the 2 capacities of manager and partner, the clause should be left standing. If he is served as manager only, it should be struck out.

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206.

O. 81, r. 7 ORDER FOR POSSESSION UNDER ORDER 81

(Title as in summons)

Upon hearing \_\_\_\_\_ and upon reading the affidavit of \_\_\_\_\_ filed the day of \_\_\_\_\_ 20\_\_\_\_, it is ordered that the plaintiff A.B. do recover possession of the land described in the originating summons as \_\_\_\_\_ (and the defendant \_\_\_\_\_ do give possession of the said land on \_\_\_\_\_) (and that the defendant \_\_\_\_\_ do pay the plaintiff \$ \_\_\_\_\_ costs (or to be taxed)).

The above costs have been taxed and allowed at \$ \_\_\_\_\_ as appears by the Registrar's certificate dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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

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207.

O. 81, r. 8 WRIT OF POSSESSION UNDER ORDER 81

(Title as in summons)

To the Sheriff/bailiff,

Whereas it was on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ordered that the plaintiff A.B. do recover possession of (described the land recovery of which has been ordered) (and that the defendant C.D. do pay him \$ \_\_\_\_\_ costs (or costs to be taxed, which costs have been taxed and allowed at \$ \_\_\_\_\_ as appears by the Registrar's certificate dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_)).

You are directed that you enter the said land and cause A.B. to have possession of it.

(And you are also directed that of the goods, chattels and other property of C.D. authorised by law to be seized in execution you cause to be made (the sum(s) of \$ \_\_\_\_\_ (and \$ \_\_\_\_\_ for costs of execution)) and also interest on \$ \_\_\_\_\_ at the rate of \_\_\_\_\_ per cent per annum from the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ until payment (together with Sheriff's/bailiff's expenses, costs of levying and other legal, incidental expenses) and that immediately after execution of this writ you pay

A.B. in pursuance of the said judgment (or order) the amount levied in respect of the said sums and interest.)

And you are also directed that you endorse on this writ immediately after execution thereof a statement of the manner in which you have executed it and send a copy of the statement to A.B.

Dated the        day of                    20        .

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

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208.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

209.

[Deleted by S 49/2009]

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210.

O. 89A, r. 13(2)

SEARCH WARRANT UNDER  
SECTION 34 OF THE CORRUPTION,  
DRUG TRAFFICKING  
AND OTHER SERIOUS CRIMES  
(CONFISCATION OF BENEFITS) ACT  
(CHAPTER 65A)

To    *(authorised officer to be specified)*

Whereas information has been laid before me that there is an investigation into drug dealing or criminal conduct, and it has been made to appear to me that the production of the articles specified in the Schedule below is likely to be of substantial value to such investigation [now being made (or about to be made)] into the said drug dealing or criminal conduct:

This is to authorise and require you to search for the said articles specified in the Schedule below in the (describe the premises or part thereof, to which the search is to be confined), and, if found, to produce the same forthwith before the Court at    returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this      day of                      20

*(Signature)*

Registrar/District Judge/Magistrate

# This form requires sealing by the Court.

*[S 235/2016 wef 01/06/2016]*

211.

O. 89B, r. 20

SEARCH WARRANT UNDER  
SECTION 34 OF  
THE MUTUAL ASSISTANCE  
IN CRIMINAL MATTERS ACT  
(CHAPTER 190A)

To

*(authorised officer to be specified)*

Whereas information has been laid before me that there is a criminal matter in respect of a foreign offence and it has been made to appear to me that the production of the articles specified in the Schedule below is likely to be of substantial value to the criminal matter in respect of which the application is made:

This is to authorise and require you to search for the said articles specified in the Schedule below in the *(describe the premises or part thereof, to which the search is to be confined)*, and, if found, to produce the same forthwith before that                      Court at                      returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this      day of                      20

*(Signature)*

Registrar/District Judge/Magistrate

# This form requires sealing by the Court.

212.

O. 89B, r. 21(5)

CERTIFICATE OF SERVICE OF FOREIGN  
PROCESS UNDER SECTION 38(3)(b)(i) OF

THE MUTUAL ASSISTANCE IN  
CRIMINAL MATTERS ACT  
(CHAPTER 190A)

I, \_\_\_\_\_, Registrar of the Supreme Court of the Republic of Singapore hereby certify that the service of the process as requested by [to state the appropriate authority of the foreign country] was effected in accordance with the procedures proposed in the request or Order 89B, Rule 21(2) of the Rules of Court\*.

The affidavit of service of the process is attached to this Certificate.

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

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

\*Delete whichever is inapplicable.

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213.

O. 89B, r. 21(6)      STATEMENT OF REASON PREVENTING  
SERVICE OF FOREIGN PROCESS  
UNDER SECTION 38(3)(b)(ii) OF  
THE MUTUAL ASSISTANCE IN  
CRIMINAL MATTERS ACT  
(CHAPTER 190A)

I, \_\_\_\_\_, Registrar of the Supreme Court of the Republic of Singapore hereby state that the process annexed hereto was not served upon the person named in the process as requested by [to state the appropriate authority of the foreign country].

The reasons which prevented the service of the process are set out in the affidavit of attempted service which is attached to this Statement.

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

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

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214.

*[Deleted by S 600/2012]*

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215.

[Deleted by S 600/2012]

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216.

[Deleted by S 600/2012]

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217.

O. 89D, r. 2(2)

FORM OF OATH

(a) *In the case of persons under section 4(1)(a) of the Oaths and Declarations Act (Cap. 211).*

I swear by Almighty God that

[the evidence I shall give in this Court/tribunal/inquiry (or such other hearing) shall be]

OR

[the contents of this affidavit are]

the truth, the whole truth, and nothing but the truth. So help me God.

Taken and subscribed before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

*Officer Administering the Oath*

(b) *In the case of Interpreters under section 4(1)(b) of the Oaths and Declarations Act (Cap. 211).*

I, \_\_\_\_\_, having been appointed an Interpreter of the \_\_\_\_\_, do solemnly swear that I will faithfully interpret, translate and transcribe from the \_\_\_\_\_ language into the English language and from the English language into the \_\_\_\_\_ language to the best of my knowledge, skill and ability and without fear or favour, affection or ill-will.

Taken and subscribed before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

*Officer Administering the Oath*

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218.

O. 89D, r. 3(2)

FORM OF AFFIRMATION

(a) *In the case of persons under section 4(1)(a) read with section 5 of the Oaths and Declarations Act (Cap. 211).*

I solemnly and sincerely declare and affirm that [the evidence I shall give in this Court/tribunal/inquiry (or such other hearing) shall be]

OR

[the contents of this affidavit are]

the truth, the whole truth, and nothing but the truth.

Taken and subscribed before me at , this day of 20 .

*Officer Administering the Affirmation*

(b) *In the case of Interpreters under section 4(1)(b) read with section 5 of the Oaths and Declarations Act (Cap. 211).*

I, , having been appointed an Interpreter of the , do solemnly affirm that I will faithfully interpret, translate and transcribe from the language into the English language and from the English language into the language to the best of my knowledge, skill and ability and without fear or favour, affection or ill-will.

Taken and subscribed before me at , this day of 20 .

*Officer Administering the Affirmation*

219.

O. 89E, r. 2 WARRANT FOR SEARCH AND SEIZURE UNDER SECTION 11(1)(a) OF THE TERRORISM (SUPPRESSION OF FINANCING) ACT (CHAPTER 325)

To (authorised officer to be specified)

Whereas information has been laid before me that the property specified in the Schedule below is owned or controlled by or on behalf of a terrorist or terrorist entity/has been or will be used, in whole or in part, to facilitate or carry out a terrorist act and there are reasonable grounds to believe that an order of forfeiture may be made against the property under section 24 of the Act:

This is to authorise and require you to search for the said property specified in the Schedule below in the (describe the building, receptacle or place to which the search is to be confined), and, if found, to seize and produce the same forthwith before the Court at returning this warrant with an





*(b) For Payments Out.*

Ledger Account (if the same as the cause state 'as above').

The Accountant-General is hereby directed to pay to (insert the name of person to be paid and whether as plaintiff or defendant or as solicitor to plaintiff or defendant) the sum of dollars (in words at length) \$ , and any interest accrued thereon (if such is payable), lodged in Court in the above cause or matter on behalf of the defendant in satisfaction of the claim of the plaintiff (or as may be).

*(c) Certificate of Ascertained Sums.*

Ledger Account (if the same as the cause state 'as above').

I hereby certify that under Order dated the day of 20 the sums stated in the Schedule subjoined hereto amounting in the whole to \$ have been ascertained to be the sums payable under the said Order to the persons respectively named in respect of (state in what character paid).

Dated this day of 20 .

*Registrar.*

## SCHEDULE

<i>Name</i>	<i>Address (if ascertained)</i>	<i>Amount to be paid</i>
		\$

220.

O. 90, r. 4

AUTHORITY TO COMPANY  
TO REGISTER TRANSFER

(Title as in action)

To the  
Singapore.

Co. Ltd.,

Please register transfer of shares Nos.            from            to the Accountant-General.

Dated this    day of            20    .

*Accountant-General.*

CERTIFICATE OF TRANSFER

The abovementioned shares have this day been transferred as authorised.

Dated this    day of            20    .

*Secretary of the            Co. Ltd.*

221.

O. 90, r. 11

STATUTORY DECLARATION

(Title as in action)

Ledger Account (if the same as the cause state ‘as above’). I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next-of-kin of (name of deceased) and that I am entitled to take out Letters of Administration to his estate and to receive the sum of \$            directed to be paid to him by the Order dated the    day of 20    . And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$10,000 and I certify that the funeral and other testamentary expenses of the deceased have been paid. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Act (Cap. 211).

*Applicant.*

Declared before me this    day of            20    .

(Name and designation of officer administering oath)

222.

O. 90, r. 18

ACCOUNT BOOK

RECEIPTS

Date	From whom received	No. of action or proceedings	To whose	No. of Receipt	Amount Received	Amount Banked	Date of Payment
------	--------------------	------------------------------	----------	----------------	-----------------	---------------	-----------------

			credit paid				

PAYMENTS

Date	To whom paid	No. of action or proceedings	No. of cheque	Amount paid in cash	Amount paid by cheque	Page and Book No. of Account Book (Receipts)

223.

O. 90, r. 28  
 STATE COURTS  
 INSTALMENT LEDGER ACCOUNT

Particulars of Account: \_\_\_\_\_ Court Order No. \_\_\_\_\_  
 Summons No. \_\_\_\_\_ Date of Court Order \_\_\_\_\_ No. \_\_\_\_\_

Parties		
Amount of instalment.	Date Due.	Amount of Judgment.
\$		\$

RECORD OF RECEIPTS AND PAYMENTS

Paid by J.D. on	Amount. \$	Signature of J.D.	Total \$	Received by †J.C. on	Amount. \$	Signature of †J.C.	Total \$
	¢.		¢.		¢.		¢.

Note: This card must be completed on each occasion a debtor pays in and on each occasion a creditor receives a payment. J.D. = Judgment Debtor  
 †J.C. = Judgment Creditor

224.

REQUEST<sup>4</sup> FOR HEARING DATES/  
FURTHER HEARING DATES

O. 90A, r. 1  
O. 90A, r. 2

(Title as in action)

To: The Registrar,

Request for the matter to be fixed for hearing/further hearing\* before: Judge/Registrar\*

Number of hearing/further hearing\* days requested:      days

Number of hearing days previously expended:      days

Hearing fees payable:

Issued by:      (Solicitors for the      ).

(\*Delete as appropriate).

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224A.

[Deleted by S 600/2012]

225.

[Deleted by S 600/2012]

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226.

ADVERTISEMENT OF APPLICATION

(Title as in action)

Notice is hereby given that an application to the Court for directions on claims for compensation in respect of the following matter was made by \_\_\_\_\_ of \_\_\_\_\_ on \_\_\_\_\_ :

(Give date and brief particulars of the subject contravention of the Securities and Futures Act (Cap. 289) and name of the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be)

Notice is further given that the Court will sit at \_\_\_\_\_ on 20 \_\_\_\_\_ at \_\_\_\_\_ am/pm to hear the application; and any person desiring to claim compensation against the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be, for the same contravention must, at least 7 clear days before the date of hearing, state his claim in accordance with the Rules of Court and must, within 3 days of filing his claim, serve it on the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be. A person who, after filing his claim, fails to appear at the hearing in person or by his counsel may be barred from bringing any claim against the contravening person, the defendant corporation, the defendant partnership or the defendant individual.

The Applicant's solicitor is \_\_\_\_\_ of \_\_\_\_\_ .

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227.

O. 97, r. 5

ORDER FOR REGISTRATION OF  
COMMITMENT/COMPETITION COMMISSION  
DIRECTION/COMPETITION  
APPEAL BOARD DECISION  
  
IN THE STATE COURTS  
OF THE REPUBLIC OF SINGAPORE

O.S. No.        )  
of 20        .)

In the matter of section 85(1) of the Competition Act (Cap. 50B).

And in the matter of a Commitment accepted by the Competition Commission/Competition Commission Direction/Competition Appeal Board Decision\* obtained in (describe the proceedings) and dated the day of 20 .

Upon the application of \_\_\_\_\_, and upon reading the affidavit of \_\_\_\_\_ filed the day of \_\_\_\_\_ 20 (and upon giving security in the sum of \$ \_\_\_\_\_ by payment into Court, or bond to the satisfaction of the Registrar).

It is ordered that the Commitment accepted by the Competition Commission/Direction of the Competition Commission of Singapore/Decision \_\_\_\_\_ of the Competition Appeal Board\* dated the day of \_\_\_\_\_ 20 , whereby the (name of the party who provided the Commitment) undertook to (state the full details of the Commitment)/it was directed that (state the full details of the Direction/Decision\* (s) including the name of the party against whom the Direction/Decision\* was made) be registered as an order of the District Court pursuant to section 85(1)/section 73(9) read with section 85(1)\* of the Competition Act.

(It is further ordered that \_\_\_\_\_ (name of party who provided the Commitment/against whom the Direction/Decision\* was made) be at liberty to apply to set aside the said registration within \_\_\_\_\_ days after service upon him (state whether service is to be within jurisdiction or in a foreign country, the name of which is to be stated) of notice of such registration pursuant to Order 97,



Rule 7 if he has grounds for so doing, and execution upon the Commitment/ Direction/Decision \* (s) shall not issue until after the expiration of that period or any extension of the period granted by the Court; or if an application be made to set aside the registration, until such application has been disposed of.\*

It is ordered that costs of this application be .

Dated this      day of      20      .

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

\*Delete whichever is inapplicable.



228.

O. 103, r. 2(6)

SHOW CAUSE NOTICE FOR ORDER FOR DISGORGEMENT AGAINST THIRD PARTY

(Title as in action)

SHOW CAUSE NOTICE

(Issued pursuant to the order of (name of Judge) dated the      day of 20      .)

To      of

Take notice that an application for an order for disgorgement has been brought against you. In it the applicant claims against you (state the nature of the applicant's claim) as appears from the originating summons a copy whereof is served herewith (together with a copy of the originating summons).

20 Notice is further given that the Court will sit at \_\_\_\_\_ on \_\_\_\_\_  
 at \_\_\_\_\_ am/pm to give you an opportunity to show cause why the order should not be made.  
 If you do not appear at the hearing for the showing of cause, the Court may make such order as it deems appropriate.

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

229.

O. 103, r. 3(4)

ADVERTISEMENT OF APPLICATION  
 FOR DIRECTIONS ON CLAIMS  
 FOR COMPENSATION UNDER ORDER  
 FOR DISGORGEMENT

(Title as in action)

Notice is hereby given that an order for disgorgement under section 236L of the Securities and Futures Act (Cap. 289) has been made against (name of third party) in respect of the following matter:

(Give date and brief particulars of the subject contravention of the Securities and Futures Act, name of the contravening person and circumstances leading to the third party receiving the whole or any part of the benefit of the relevant contravention)

Notice is further given that an application to the Court for directions on claims for compensation to be paid out of the sum under the order for disgorgement was made by \_\_\_\_\_ of \_\_\_\_\_ on \_\_\_\_\_.

Notice is further given that the Court will sit at \_\_\_\_\_ on 20\_\_\_\_\_ at \_\_\_\_\_ am/pm to hear the application; and any person desiring to claim compensation against (the third party) in respect of the same contravention must, at least 7 clear days before the date of hearing, state his claim in accordance with the Rules of Court and must, within 3 days of filing his claim, serve it on (the third

party). A person who, after filing his claim, fails to appear at the hearing in person or by his counsel may be barred from bringing any claim against (the third party).

The Applicant's solicitor is \_\_\_\_\_ of \_\_\_\_\_.

230.

O. 105, r. 5

ORDER FOR REGISTRATION OF  
PERSONAL DATA PROTECTION  
COMMISSION DIRECTION/  
DATA PROTECTION  
APPEAL COMMITTEE DECISION\*  
IN THE STATE COURTS  
OF THE REPUBLIC OF SINGAPORE

O.S. No. ( )  
of 20 ( . )

In the matter of section 30(1) of the Personal Data Protection Act 2012 (Act 26 of 2012).

And in the matter of a Direction of the Personal Data Protection Commission/a Decision of the Data Protection Appeal Committee\* obtained in (describe the proceedings) and dated the 20 day of 20 .

Upon the application of \_\_\_\_\_, and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

It is ordered that the Direction of the Personal Data Protection Commission/Decision of the Data Protection Appeal Committee\* dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 , whereby it was directed that (state the full details of the Direction/Decision\* (s)

including the name of the party against whom the Direction/Decision \* was made) be registered as an order of the District Court pursuant to section 30(1)/section 34(5) read with section 30(1) \* of the Personal Data Protection Act 2012.

(It is further ordered that (name of party against whom the Direction/Decision \* was made) be at liberty to apply to set aside the said registration within days after service upon him (state whether service is to be within jurisdiction or in a foreign country, the name of which is to be stated) of notice of such registration pursuant to Order 105, Rule 7 if he has grounds for so doing, and execution upon the Direction/Decision \* (s) shall not issue until after the expiration of that period or any extension of the period granted by the Court; or if an application be made to set aside the registration, until such application has been disposed of.)\*

It is ordered that costs of this application be .

Dated this day of 20 .

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

\*Delete whichever is inapplicable.

231.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

232.

[Deleted by S 850/2014 wef 01/01/2015]

[S 850/2014 wef 01/01/2015]

233.

CONSENT

O. 108, r. 1(2)

## UNDER ORDER 108, RULE 1(2)

(Title as in action)

Pursuant to Order 108, Rule 1(2) of the Rules of Court, the Plaintiff(s) and the Defendant(s) hereby agree that Order 108 of the Rules of Court shall apply to these proceedings, and that the District Court shall hear these proceedings using the simplified process under that Order.

Dated this       day of       20       .

*Solicitors for the Plaintiff(s)*

*Solicitors for the Defendant(s)*

234.

O. 108, r. 2(4)

## LIST OF DOCUMENTS

(Title as in action)

The following is a list of the documents relating to the matters in question in this action which are or have been in the possession, custody or power of the abovenamed plaintiff (or defendant) and/or are referred to in the (state the type of pleading), which is served in compliance with Order 108, Rule 2 of the Rules of Court.

1. The plaintiff (or defendant) has in his possession, custody or power the documents relating to the matters in question in this action set out in Schedule 1 to this list of documents.
2. The plaintiff (or defendant) had, but does not now have, in his possession, custody or power the documents relating to the matters in question in this action set out in Schedule 2 to this list of documents.
3. Of the documents in Schedule 2, those numbered       in the Schedule were last in the plaintiff's (or defendant's) possession, custody or power on (state when) and the remainder on (state when).



O.S. No.        ) )  
of 20        .    ) )

In the matter of an application under section 12(1) of the Protection from Harassment Act 2014 (Act 17 of 2014).

And in the matter of (name of victim).

*Applicant.*

#### EX PARTE ORIGINATING SUMMONS

Let all parties concerned attend before the District Judge on (date/time), on the hearing of an application by (name of applicant) for a protection order providing that:

1. (Name of respondent) is prohibited from doing the following thing(s) in relation to (name of victim):  
[specify thing(s)]
2. (Name of respondent) is prohibited from doing the following thing(s) in relation to (name of related person), being a person about whose safety or well-being (name of victim) would reasonably be expected to be seriously concerned:  
[specify thing(s)]
3. No person shall publish or continue to publish the following offending communication(s):  
[specify particulars of offending communication(s)]
4. The Court give such other direction(s) as the Court thinks fit.

Dated this        day of        20        .

*Registrar.*

This summons is taken out by (name of applicant or solicitor for applicant) whose address is