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No. S 39

SUPREME COURT OF JUDICATURE ACT 1969

SUPREME COURT OF JUDICATURE (LEASE AGREEMENTS FOR RETAIL PREMISES) RULES 2024

ARRANGEMENT OF RULES

Rule

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

Citation and commencement

1. These Rules are the Supreme Court of Judicature (Lease Agreements for Retail Premises) Rules 2024 and come into operation on 1 February 2024.

Definitions

2.—(1) In these Rules —

“Act” means the Lease Agreements for Retail Premises Act 2023;

“action” means proceedings commenced by an originating claim or an originating application;

“adjudicated amount” means the amount of fees or compensation that is determined to be payable under section 14 or 25(4)(b)(ii) (as the case may be) of the Act;

“Court” means —

- (a) the General Division of the High Court or a judge sitting in the General Division of the High Court, whether sitting in open court or in chambers;
- (b) a District Court or a District Judge, whether sitting in open court or in chambers;
- (c) the Appellate Division of the High Court or the Court of Appeal, or a judge sitting in the Appellate Division of the High Court or the Court of Appeal where appropriate; or
- (d) in cases where he or she is empowered to act, a Magistrate or the Registrar;

“originating application” means an originating process by which an action is commenced in Court as described in Order 6, Rule 11 of the Rules of Court;

“originating application without notice” means an originating application which does not need to be served on anyone;

“originating claim” means an originating process by which an action is commenced in Court as described in Order 6, Rule 5 of the Rules of Court;

“Registrar” means the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be;

“Rules of Court” means the Rules of Court 2021 (G.N. No. S 914/2021);

“summons” means an application to Court in an action or appeal which has to be served on other parties or non-parties or both;

“summons without notice” means an application to Court in an action or appeal which does not need to be served on anyone.

(2) Expressions used in these Rules that are used in the Act have the same meanings in these Rules as in the Act.

Mode of application

3. An application to the Court made pursuant to the Act, other than an application mentioned in rule 5, must be made —

- (a) where an action is pending, by summons in the action; and
- (b) in any other case, by originating application.

Prescribed information under section 26(3)(b) of Act

4. For the purposes of section 26(3)(b) of the Act, a settlement agreement must contain all of the following information:

- (a) the name of each party to the settlement agreement;
- (b) the name of —
 - (i) for a settlement agreement mentioned in section 23 of the Act setting out the settlement of any dispute resulting from mediation — the mediator conducting the mediation; or
 - (ii) for a settlement agreement mentioned in section 24 of the Act entered into in settlement of any dispute — the adjudicator appointed to hear and determine the dispute;
- (c) the date on which the settlement agreement is made;
- (d) the terms of the settlement reached by the parties for the purposes of the settlement agreement.

Application for enforcement of adjudication determination

5.—(1) An application for permission to enforce an adjudication determination under section 27 of the Act must be made to the Registrar —

- (a) where an action is pending, by summons without notice in the action; and
- (b) in any other case, by originating application without notice.

(2) In addition to section 27(3) of the Act, the supporting affidavit for an application referred to in paragraph (1) must —

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- (a) exhibit the original adjudication determination or a copy thereof, and the lease agreement to which the adjudication determination relates or a copy thereof;
 - (b) state the names and the usual or last known places of business of the applicant and the person against whom it is sought to enforce the adjudication determination (called in this rule the respondent); and
 - (c) state the unpaid portion of the adjudicated amount, if any.
- (3) An order granting permission must be drawn up by or on behalf of the applicant, and must be served on the respondent —
- (a) by delivering a copy to the respondent personally;
 - (b) by sending a copy to the respondent at the respondent's 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 permission, the respondent may apply to set aside the adjudication determination and the adjudication determination must not be enforced until after the expiration of that period or, if the respondent applies within that period to set aside the adjudication determination, until after the application is finally disposed of.
- (5) The copy of the order granting permission served on the respondent must state the effect of paragraph (4).

Application to set aside adjudication determination or judgment

- 6.—(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 of the lease agreement 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) The applicant must, at the time of filing the application, provide security for the unpaid portion of the adjudicated amount that the applicant is required to pay in consequence of the adjudication determination or judgment (if any) in accordance with Order 27, Rule 4(1) of the Rules of Court.

(3) If the party who is entitled to enforce the adjudication determination or the judgment wishes to oppose the application referred to in paragraph (1), the party must file an affidavit stating the grounds on which the party opposes the application within 14 days after being served with the application and the supporting affidavit.

(4) In this rule, “judgment” means a judgment obtained pursuant to section 27 of the Act.

Made on 22 January 2024.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Justice of the Court of Appeal.

STEVEN CHONG
Justice of the Court of Appeal.

BELINDA ANG SAW EAN
Justice of the Court of Appeal.

WOO BIH LI
Judge of the Appellate Division.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

EDWIN SAN ONG KYAR
*District Judge and Registrar of the
State Courts.*

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