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## No. S 914

# SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

## RULES OF COURT 2021

### ARRANGEMENT OF RULES

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2. Rectification of register (O. 35, r. 2)
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SECURITY OF PAYMENT ACT

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2. Application for enforcement of adjudication determination (O. 36, r. 2)
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## ORDER 38

## COMPANIES ACT

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## Rule

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8. Endorsement of service (O. 39, r. 8)
9. Application to set aside registration (O. 39, r. 9)
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AND OTHER SERIOUS CRIMES  
(CONFISCATION OF BENEFITS) ACT

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3. Application for variation of confiscation orders (O. 40, r. 3)
4. Protection of rights of third party where confiscation order is about to be made or has been made (O. 40, r. 4)
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7. Discharge or variation of order (O. 40, r. 7)
8. Further application (O. 40, r. 8)
9. Realisation of property (O. 40, r. 9)
10. Receivers (O. 40, r. 10)
11. Application for substitute property confiscation order (O. 40, r. 11)
12. Application for variation of substitute property confiscation order (O. 40, r. 12)
13. Application for restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 40, r. 13)

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14. Application of Rules 7 and 8 to restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 40, r. 14)
15. Realisation of property after making of substitute property confiscation order (O. 40, r. 15)
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DEBENTURE HOLDERS' ACTION:  
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## DEFAMATION ACTIONS

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4. Provisions as to payment into Court (O. 43, r. 4)
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## DISABILITY

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2. Application for permission to institute proceedings (O. 44, r. 2)
3. Person under disability must sue, etc., by litigation representative (O. 44, r. 3)
4. Appointment of litigation representative (O. 44, r. 4)
5. Appointment of litigation representative where person under disability does not file and serve notice of intention to contest or not contest (O. 44, r. 5)
6. Application to discharge or vary certain orders (O. 44, r. 6)
7. Admission not to be implied from pleading of person under disability (O. 44, r. 7)
8. Production of documents (O. 44, r. 8)
9. Compromise, etc., by person under disability (O. 44, r. 9)
10. Approval of settlement (O. 44, r. 10)
11. Control of money recovered by person under disability (O. 44, r. 11)
12. Proceedings under Civil Law Act: Apportionment by Court (O. 44, r. 12)
13. Service of certain documents on person under disability (O. 44, r. 13)

## ORDER 45

## DISTRESS ACT

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2. Application for writ of distress (O. 45, r. 2)
3. Writ of distress (O. 45, r. 3)
4. Notice of seizure (O. 45, r. 4)
5. Applications under section 10 or 16 (O. 45, r. 5)
6. Sale by public auction (O. 45, r. 6)
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11. Application under section 22(2) (O. 45, r. 11)
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## EMPLOYMENT ACT

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3. Certificate of order (O. 46, r. 3)
4. Payment of sums recovered (O. 46, r. 4)

## ORDER 47

## INCOME TAX ACT

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3. Publication of information in proceedings (O. 47, r. 3)
4. Confidentiality (O. 47, r. 4)
5. Application for permission of Court (O. 47, r. 5)
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## ORDER 48

## INTERNATIONAL ARBITRATION ACT

1. Definitions of this Order (O. 48, r. 1)
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3. Matters for Judge or Registrar (O. 48, r. 3)
4. Service out of Singapore of originating process (O. 48, r. 4)
5. Enforcement of interim orders or directions (O. 48, r. 5)
6. Enforcement of awards and foreign awards (O. 48, r. 6)
7. Order to attend court and order to produce documents (O. 48, r. 7)
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## ORDER 49

LAND TITLES (STRATA) ACT —  
COLLECTIVE SALE APPLICATIONS

## Rule

1. Definitions of this Order (O. 49, r. 1)
2. Commencement of proceedings (O. 49, r. 2)
3. Service of summons (O. 49, r. 3)
4. Supporting affidavits (O. 49, r. 4)
5. Objections (O. 49, r. 5)
6. Dispute as to jurisdiction (O. 49, r. 6)
7. Directions (O. 49, r. 7)

## ORDER 50

## LIMITED LIABILITY PARTNERSHIPS ACT

1. Definition of this Order (O. 50, r. 1)
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3. Applications to Court (O. 50, r. 3)
4. Title of proceedings (O. 50, r. 4)
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## ORDER 51

## MONEYLENDERS' ACTIONS

1. Application and definitions of this Order (O. 51, r. 1)
2. Endorsement of originating claim (O. 51, r. 2)
3. Particulars to be included in statement of claim (O. 51, r. 3)
4. Judgment in default of notice of intention to contest or not contest or defence (O. 51, r. 4)
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## ORDER 52

## MORTGAGE ACTIONS

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2. Claims for possession (O. 52, r. 2)
3. Action for possession or payment (O. 52, r. 3)
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## ORDER 53

MUTUAL ASSISTANCE IN  
CRIMINAL MATTERS ACT

## Rule

1. Interpretation and mode of application (O. 53, r. 1)
2. Production orders (O. 53, r. 2)
3. Confidentiality of documents relating to production orders (O. 53, r. 3)
4. Application for registration (O. 53, r. 4)
5. Evidence in support of application under section 30 (O. 53, r. 5)
6. Register of orders (O. 53, r. 6)
7. Notice of registration (O. 53, r. 7)
8. Application to cancel registration (O. 53, r. 8)
9. Enforcement of foreign confiscation order (O. 53, r. 9)
10. Rules to have effect subject to orders (O. 53, r. 10)
11. Application for restraint order or charging order (O. 53, r. 11)
12. Restraint order and charging order (O. 53, r. 12)
13. Discharge or variation of order (O. 53, r. 13)
14. Further application (O. 53, r. 14)
15. Realisation of property (O. 53, r. 15)
16. Receivers (O. 53, r. 16)
17. Restraint orders for instrumentality forfeiture orders (O. 53, r. 17)
18. Disposal of forfeited property (O. 53, r. 18)
19. Compensation (O. 53, r. 19)
20. Application for search warrant (O. 53, r. 20)
21. Service of foreign process (O. 53, r. 21)

## ORDER 54

## OATHS AND DECLARATIONS ACT

1. Application and definition of this Order (O. 54, r. 1)
2. Forms and formalities of oaths (O. 54, r. 2)
3. Forms and formalities of affirmation (O. 54, r. 3)
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## ORDER 55

## OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.

## Rule

1. Jurisdiction of Registrar to make order (O. 55, r. 1)
2. Application for order (O. 55, r. 2)
3. Application by Attorney-General in certain cases (O. 55, r. 3)
4. Person to take and manner of taking examination (O. 55, r. 4)
5. Dealing with deposition (O. 55, r. 5)

## ORDER 56

## PARTNERS

1. Actions by and against firms within jurisdiction (O. 56, r. 1)
2. Disclosure of partners' names (O. 56, r. 2)
3. Service of originating claim (O. 56, r. 3)
4. Filing and service of notice of intention to contest or not contest in action against firm (O. 56, r. 4)
5. Enforcing judgment or order against firm (O. 56, r. 5)
6. Enforcing judgment or order in action between partners, etc. (O 56, r. 6)
7. Attachment of debts owed by firm (O. 56, r. 7)
8. Actions begun by originating application (O. 56, r. 8)
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10. Applications for orders charging partner's interest in property, etc. (O. 56, r. 10)

## ORDER 57

## PERSONAL DATA PROTECTION ACT 2012

1. Definitions of this Order (O. 57, r. 1)
2. Powers under section 48M exercisable by Judge or Registrar (O. 57, r. 2)
3. Application to register Commission's Direction or Notice or Appeal Committee's Decision (O. 57, r. 3)
4. Evidence in support of application to register (O. 57, r. 4)
5. Order for registration (O. 57, r. 5)
6. Register of Directions, Notices and Decisions (O. 57, r. 6)
7. Notice of registration (O. 57, r. 7)
8. Endorsement of service (O. 57, r. 8)
9. Application to set aside registration (O. 57, r. 9)

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10. Issue of enforcement order (O. 57, r. 10)
11. Application for enforcement order under section 48M(4) (O. 57, r. 11)
12. Notice to Commission of claim for relief in civil proceedings under section 48O(1) (O. 57, r. 12)
13. Transmission to Commission of judgment or order of Court under section 48O (O. 57, r. 13)

## ORDER 58

PROCEEDINGS ARISING OUT OF  
HIRE-PURCHASE AGREEMENTS

1. Application (O. 58, r. 1)
2. Mode of application under Hire-Purchase Act (O. 58, r. 2)
3. Particulars to be included in statement of claim (O. 58, r. 3)

## ORDER 59

## PROCEEDINGS BY AND AGAINST GOVERNMENT

1. Application and definitions of this Order (O. 59, r. 1)
2. Particulars to be included in endorsement of claim (O. 59, r. 2)
3. Service on Government (O. 59, r. 3)
4. Counterclaim and set-off (O. 59, r. 4)
5. Summary judgment (O. 59, r. 5)
6. Summary applications to Court in certain revenue matters (O. 59, r. 6)
7. Judgment in default (O. 59, r. 7)
8. Third party notice (O. 59, r. 8)
9. Production (O. 59, r. 9)
10. Evidence (O. 59, r. 10)
11. Enforcement and satisfaction of orders (O. 59, r. 11)
12. Attachment of debts, etc. (O. 59, r. 12)
13. Applications under sections 19 and 35 (O. 59, r. 13)

## ORDER 60

## RECIPROCAL ENFORCEMENT OF JUDGMENTS

1. Definition of this Order (O. 60, r. 1)
- 1A. Powers under Act exercisable by Judge or Registrar (O. 60, r. 1A)
2. Application for registration (O. 60, r. 2)

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3. Evidence in support of application (O. 60, r. 3)
4. Security for costs (O. 60, r. 4)
5. Order for registration (O. 60, r. 5)
6. Register of judgments (O. 60, r. 6)
7. Notice of registration (O. 60, r. 7)
8. Endorsement of service (O. 60, r. 8)
9. Application to set aside registration (O. 60, r. 9)
10. Issuance of enforcement order (O. 60, r. 10)
11. Determination of certain questions (O. 60, r. 11)
12. Rules to have effect subject to orders of President (O. 60, r. 12)
13. Certified copy of General Division judgment (O. 60, r. 13)

## ORDER 61

SECURITIES AND FUTURES ACT —  
CIVIL LIABILITY ACTIONS

1. Definitions and application of this Order (O. 61, r. 1)
2. Commencement of action under section 234, 236D, 236G or 236I, etc. (O. 61, r. 2)
3. Application for directions on claims under section 236 or 236K (O. 61, r. 3)
4. Proof of claim under section 236 or 236K (O. 61, r. 4)
5. Powers of Court hearing application (O. 61, r. 5)
6. Other powers (O. 61, r. 6)
7. Trial of issue stated (O. 61, r. 7)

## ORDER 62

SECURITIES AND FUTURES ACT —  
CIVIL PENALTY ACTIONS

1. Definitions and application of this Order (O. 62, r. 1)
2. Commencement of civil penalty action, etc. (O. 62, r. 2)
3. Provisions applicable to pleadings (O. 62, r. 3)
4. Default of notice of intention to contest or not contest (O. 62, r. 4)
5. Default of defence (O. 62, r. 5)
6. No joinder of defendants (O. 62, r. 6)
7. Third party proceedings (O. 62, r. 7)
8. Production and inspection of documents (O. 62, r. 8)
9. Directions (O. 62, r. 9)
10. No payment into Court, etc. (O. 62, r. 10)

## Rule

11. Orders made under section 137ZD(3) or 232(4) (O. 62, r. 11)
12. Costs (O. 62, r. 12)

## ORDER 63

SECURITIES AND FUTURES ACT —  
ORDER FOR DISGORGEMENT  
AGAINST THIRD PARTY

1. Definitions and application of this Order (O. 63, r. 1)
2. Commencement of action under section 236L (O. 63, r. 2)
3. Application for directions on claims under section 236L (O. 63, r. 3)
4. Proof of claim under section 236L (O. 63, r. 4)
5. Powers of Court (O. 63, r. 5)
6. Other powers (O. 63, r. 6)
7. Trial of issue stated (O. 63, r. 7)
8. Application by Authority (O. 63, r. 8)

## ORDER 64

SERVICE OF FOREIGN PROCESS

1. Definition of this Order (O. 64, r. 1)
2. Service of foreign legal process pursuant to letter of request (O. 64, r. 2)
3. Alternative mode of service of foreign legal process (O. 64, r. 3)
4. Service of foreign legal process, etc., under Civil Procedure Convention (O. 64, r. 4)
- 4A. Service of foreign legal process, etc., under Article 5 of Hague Service Convention (O. 64, r. 4A)
5. Costs of service, etc., to be certified by Registrar (O. 64, r. 5)

## ORDER 65

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

1. Application and purpose of, and powers of Court under, this Order (O. 65, r. 1)
2. Upfront production (O. 65, r. 2)
3. Excluded interim applications (O. 65, r. 3)
4. Simplified trial (O. 65, r. 4)



## ORDER 66

SUMMARY PROCEEDINGS FOR  
POSSESSION OF LAND

## Rule

1. Proceedings to be brought by originating application (O. 66, r. 1)
2. Jurisdiction (O. 66, r. 2)
3. Form of originating application (O. 66, r. 3)
4. Affidavit in support (O. 66, r. 4)
5. Service of originating application (O. 66, r. 5)
6. Application by occupier to be made party (O. 66, r. 6)
7. Order for possession (O. 66, r. 7)
8. Enforcement order for possession (O. 66, r. 8)
9. Setting aside order (O. 66, r. 9)

## ORDER 67

## TERRORISM (SUPPRESSION OF FINANCING) ACT

1. Interpretation and application (O. 67, r. 1)
2. Application for warrant for search and seizure or restraint order (O. 67, r. 2)
3. Application by Public Prosecutor to revoke or vary warrant or order (O. 67, 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. 67, r. 4)
5. Application for continuation of warrant for search and seizure or restraint order (O. 67, r. 5)
6. Application for appointment of manager (O. 67, r. 6)
7. Application for order to destroy property (O. 67, r. 7)
8. Application for order of forfeiture (O. 67, r. 8)
9. Application to set aside or vary forfeiture orders (O. 67, r. 9)
10. Confidentiality of documents (O. 67, r. 10)

## ORDER 68

## VARIABLE CAPITAL COMPANIES ACT 2018

1. Definitions of this Order (O. 68, r. 1)
2. Applications to Court (O. 68, r. 2)
3. Entitlement of proceedings (O. 68, r. 3)
4. Directions (O. 68, r. 4)

## ORDER 69

*UNMERITORIOUS OR VEXATIOUS PROCEEDINGS*

## Rule

1. Definitions of this Order (O. 69, r. 1)
2. Application for civil restraint order or order mentioned in section 73A(2), (3), (5) or (6) (O. 69, r. 2)
3. Form and service of civil restraint order (O. 69, r. 3)
4. Application for permission to commence action or make application, or for permission to apply to amend, vary or discharge civil restraint order (O. 69, r. 4)
5. Action commenced or application made without permission, etc. (O. 69, r. 5)

## ORDER 70

*VEXATIOUS LITIGANTS*

1. Definitions of this Order (O. 70, r. 1)
  2. Application for order under section 74(1) (O. 70, r. 2)
  3. Form and service of order under section 74(1) (O. 70, r. 3)
  4. Application for permission to institute or continue legal proceedings (O. 70, r. 4)
  5. Institution or continuance of legal proceedings with permission (O. 70, r. 5)
  6. Institution or continuance of legal proceedings without permission (O. 70, r. 6)
- The Schedules
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In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

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PART 1  
GENERAL PROVISIONS

ORDER 1

CITATION, APPLICATION AND DEFINITIONS

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

1. These Rules are the Rules of Court 2021 and come into operation on 1 April 2022.

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

2.—(1) Subject to the following provisions of this Rule, the Rules of Court (R 5) (called the revoked Rules of Court) are revoked.

(2) The saving and transitional provisions set out in the First Schedule have effect.

(3) Subject to this Rule, these Rules —

(a) apply to and in relation to all civil proceedings in the Supreme Court or the State Courts which are commenced on or after 1 April 2022, including appeals arising from those proceedings; and

(b) apply with the necessary modifications to and in relation to every appeal to the Court of Appeal or the Appellate Division, and every originating application to the Court of Appeal or Appellate Division, which is filed on or after 1 April 2022, relating to a decision of a lower Court made in proceedings to which the revoked Rules of Court apply (whether under the First Schedule or otherwise).

(4) For the purposes of paragraph (3)(b) —

(a) subject to sub-paragraph (b), the notice of appeal against a judgment or order of the General Division or Appellate Division given or made before 1 April 2022 must be filed and served within one month after —

(i) in the case of an appeal from an order made in chambers — the date when the order was

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- pronounced or when the appellant first had notice of the order;
- (ii) in the case of an appeal against the refusal of an application — the date of the refusal;
  - (iii) in a case where a request for further arguments was made under section 29B(2) of the Supreme Court of Judicature Act — the date mentioned in section 29B(4)(b) of that Act; or
  - (iv) in any other case — the date on which the judgment or order appealed against was pronounced;
- (b) where permission to appeal against a decision of the General Division or Appellate Division is required, the notice of appeal against the decision of the General Division or Appellate Division made before 1 April 2022 must be filed and served —
- (i) where the application for permission to appeal is filed before that date — within one month after the date on which such permission is granted; or
  - (ii) where the application for permission to appeal is filed on or after that date — within 14 days after the date on which such permission is granted; and
- (c) an application for permission to appeal against a decision of the General Division or Appellate Division made before 1 April 2022 must be filed and served, together with the documents mentioned in Order 18, Rule 29(7) or Order 19, Rule 26(7) (as the case may be) —
- (i) within 7 working days after the date of the decision of the lower Court; or
  - (ii) where section 29B of the Supreme Court of Judicature Act applies, within 7 working days after —
    - (A) in a case where the Judge who made the decision hears further arguments in respect of the decision — the date the Judge affirms,

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varies or sets aside the decision after hearing further arguments;

- (B) in a case where a request for further arguments was made, but the Judge who made the decision certifies, or is deemed to have certified, that no further arguments are required — the date the Judge certifies, or is deemed to have certified, that no further arguments are required; or
- (C) in any other case — the earlier of the following:
  - (CA) the time at which the judgment or order relating to the decision is extracted;
  - (CB) the 15th day after the date on which the decision is made.

(5) Order 18, Rule 29 and Order 19, Rule 26 (as the case may be) apply to and in relation to an application for permission to appeal mentioned in paragraph (4)(c) subject to the following modifications:

- (a) Order 18, Rule 29(1) to (4) and Order 19, Rule 26(1) to (4) do not apply;
- (b) the references to “the time provided under this Rule” in Order 18, Rule 29(6)(a) and Order 19, Rule 26(6)(a) are to be read as references to the time provided under paragraph (4)(c)(i) or (ii).

(6) Where the Court of Appeal or the Appellate Division hears an appeal under these Rules against a decision of a lower Court which was made in proceedings governed by the revoked Rules of Court, these Rules do not apply to any proceedings in the lower Court following the appeal before the Court of Appeal or Appellate Division, and the revoked Rules of Court continue to apply to any such proceedings in the lower Court following the appeal in accordance with the First Schedule.

(7) Despite any provision in these Rules providing that the revoked Rules of Court are to apply to certain proceedings, the Court may

direct that the provisions of Order 3, Rule 8, Order 8, Rule 2 or 4A, Order 25, Rule 3(2), Order 29A, Order 55 or Order 64, Rule 4 or 4A are to apply with suitable modifications to those proceedings.

[S 293/2022 wef 03/04/2022]

[S 780/2023 wef 01/12/2023]

(8) These Rules do not apply to proceedings under the Criminal Procedure Code.

(9) These Rules do not apply to proceedings in the Family Division of the High Court.

(10) Unless the Court otherwise directs, and subject to any other written law, these Rules do not apply to —

- (a) any proceedings in the Singapore International Commercial Court commenced on or after 1 April 2022;
- (b) any proceedings commenced on or after 1 April 2022 in the General Division that are transferred out to the Singapore International Commercial Court;
- (c) any proceedings (whether upon application or on the General Division's own motion) for the transfer of a case from the General Division to the Singapore International Commercial Court, where the case is commenced on or after 1 April 2022; or
- (d) any appeal to the Court of Appeal, or any originating application to the Court of Appeal, filed on or after 1 April 2022, relating to a decision of the Singapore International Commercial Court.

(11) These Rules do 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>First column</i> <i>Proceedings</i>	<i>Second column</i> <i>Written law</i>	<i>Third column</i> <i>Applicable provisions</i>
1. Proceedings under the Insolvency,	Insolvency, Restructuring and	Order 25, Rule 6, Order 28 and Parts 3 and 4 of the

<i>First column</i> <i>Proceedings</i>	<i>Second column</i> <i>Written law</i>	<i>Third column</i> <i>Applicable provisions</i>
Restructuring and Dissolution Act 2018	Dissolution Act 2018, section 448	Fourth Schedule read with Order 25
2. Proceedings relating to the winding up of limited liability partnerships	Limited Liability Partnerships Act, section 57	Order 25, Rule 6, Order 28, Parts 3 and 4 of the Fourth Schedule read with Order 25, and Order 50, Rule 3(2)
3. Proceedings relating to the winding up of variable capital companies and their sub-funds	Variable Capital Companies Act 2018, section 164	Order 25, Rule 6, Order 28, Parts 3 and 4 of the Fourth Schedule read with Order 25, and Order 68, Rule 2(4)
4. Proceedings under Part IV of the Parliamentary Elections Act	Parliamentary Elections Act, section 100	Order 28 and Parts 3 and 4 of the Fourth Schedule read with Order 25

(12) To avoid doubt, these Rules apply to any appeal arising from any proceedings mentioned in paragraphs (9) and (11).

(13) The Second Schedule sets out the categories of cases to which specific provisions of these Rules do not apply, or apply with modifications.

### **General definitions (O. 1, r. 3)**

- 3.—(1)** In these Rules, unless the context otherwise requires —
- “action” means proceedings commenced by an originating claim or an originating application;
  - “appellate Court” means the Court to which an appeal is brought or is being brought;
  - “Appellate Division” means the Appellate Division of the High Court;
  - “attend” includes the appearance by any person using electronic, mechanical or any other means permitted by the Court;

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“bailiff” includes the Registrar, any clerk or other officer of the Court charged with the duties of a bailiff;

“case conference” means a case conference as described in Order 9, Rule 1;

“Civil Procedure Convention” means any of the conventions set out in the Third Schedule and includes any convention, treaty or agreement of any description or any provision of such convention, treaty or agreement between different States relating to civil procedure in the Court;

“claimant” includes a party in the position of a claimant in a counterclaim;

“counterclaim” has the same meaning as “statement of claim”;

“Court” means —

- (a) the General Division or a judge sitting in the General Division, 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 or the Court of Appeal, or a judge sitting in the Appellate Division or the Court of Appeal where appropriate; or
- (d) in cases where he or she is empowered to act, a Magistrate or the Registrar;

“court fees” has the meaning given by Order 25, Rule 1;

“defence” includes a defence to a counterclaim;

“defendant” includes a party in the position of a defendant in a counterclaim;

“entity” means any body of persons, whether incorporated or unincorporated;

“General Division” means the General Division of the High Court;

“Ideals” means the Ideals set out in Order 3, Rule 1(2);



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- “Judge” means a judge sitting in the General Division or a District Judge and includes a judge sitting in the Appellate Division or the Court of Appeal where appropriate, and in cases where he or she is empowered to act, a Magistrate or the Registrar;
- “lower Court” means the Court against which judgment or order an appeal is brought or being brought;
- “medical report” means a report substantiating all the personal injuries alleged in the statement of claim which the claimant proposes to adduce in evidence as part of his or her case at the trial;
- “non-court day” means a Saturday, Sunday or public holiday;
- “non-party” means any person who is not a party in the action and includes a person who participates in the action because of a statutory duty or because he or she may be affected by the Court’s decision in the action;
- “officer” means an officer of the Supreme Court or the State Courts;
- “originating application” means an originating process by which an action is commenced in Court as described in Order 6, Rule 11;
- “originating claim” means an originating process by which an action is commenced in Court as described in Order 6, Rule 5;
- “originating process” means an originating claim or an originating application;
- “pleading” includes a statement of claim, defence, defence and counterclaim, reply and reply to a defence and counterclaim;
- “practice directions” means practice directions issued from time to time under Order 26, Rule 2 —
- (a) by the Registrar of the Supreme Court with the approval of the Chief Justice; or

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(b) by the Registrar of the State Courts with the approval of the Presiding Judge of the State Courts;

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

“Rules” means these Rules of Court;

“Sheriff” includes a bailiff of the Supreme Court or a bailiff of the State Courts;

“sign” and “seal” by a Judge, the Registrar or other officer of the Supreme Court or the State Courts, include signing and sealing by electronic or other means;

“solicitor” has the meaning given by section 2 of the Legal Profession Act and includes the firm that the solicitor is in, and also includes the Attorney-General, a Deputy Attorney-General and a Solicitor-General, where he or she is a party to or appears in any proceedings;

“statement of claim” means a statement setting out the material facts which constitute the cause of action;

“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);

“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;

“third party” means a party brought into the action by the defendant because an indemnity or contribution is sought against the third party, and “fourth party” means a party brought into the proceedings by the third party, and further parties have corresponding meanings;

“working day” means any day other than a non-court day.

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(2) The Forms to be used for the purposes of these Rules are those set out in the practice directions, and any reference in these Rules to a numbered form (where such number may include alphanumeric characters) is to be construed as a reference to the current version of the form bearing the corresponding number which is set out in the practice directions.

## ORDER 2 OVERVIEW

### **Purpose of this Order (O. 2, r. 1)**

1.—(1) This Order provides an overview of an action commenced under Part 1 of these Rules from the date of commencement to the date of conclusion, including appeals.

(2) An action does not need to proceed in precisely the same way as set out in this Order.

### **Role of Court and parties (O. 2, r. 2)**

2.—(1) When an action is commenced under these Rules, the Court will conduct proceedings in a manner that will bring the action to a conclusion that is in keeping with the Ideals.

(2) All parties are to assist the Court and conduct their case in a manner that will bring about such a resolution of their action.

### **Commencement and service of action (O. 2, r. 3)**

3.—(1) A claimant may commence an action under these Rules by filing an originating claim or an originating application.

(2) The claimant has to take reasonable steps to serve the originating claim with a statement of claim, or the originating application supported by affidavit, on a defendant expeditiously.

### **Notice of intention to contest or not contest claim (O. 2, r. 4)**

4.—(1) A defendant who is served an originating claim with a statement of claim has to file and serve a notice of intention to contest or not contest the claim.

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(2) If the defendant fails to file and serve such a notice or states in the notice that the defendant does not intend to contest the claim, the claimant may apply for judgment in default upon proving that the originating claim with a statement of claim has been served on the defendant.

### **Defence or affidavit and challenge to jurisdiction (O. 2, r. 5)**

5.—(1) A defendant who wishes to contest an originating claim or an originating application has to file and serve his or her defence to an originating claim, or his or her affidavit if he or she wishes to introduce evidence in the originating application.

(2) If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, he or she need not file and serve his or her defence or affidavit on the merits but must file and serve a defence or affidavit stating the ground on which he or she is challenging the jurisdiction of the Court.

(3) The challenge to jurisdiction may be for the reasons that the Court —

(a) has no jurisdiction to hear the action; or

(b) should not exercise jurisdiction to hear the action.

(4) A defendant who is challenging the jurisdiction of the Court has to state so in his or her defence or affidavit, and the filing and service of such a defence or affidavit will not be treated as submission to the jurisdiction of the Court.

### **Case conference (O. 2, r. 6)**

6.—(1) A case conference will be fixed after an originating claim or an originating application is issued.

(2) If no party attends the case conference or if the claimant is absent, the Court may dismiss the action.

(3) If the claimant attends the case conference but has not served the claimant's originating claim or originating application on the defendant, the Court —

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- (a) may dismiss the action if it is not satisfied that the claimant has taken reasonable steps to effect service expeditiously; or
  - (b) may order the claimant to serve the action or to apply for substituted service, and fix another case conference.

(4) If the claimant attends the case conference but the defendant is absent, the Court may give judgment for the claimant if the claimant proves that the originating claim or originating application has been served on the defendant.

(5) If both the claimant and defendant attend the case conference but the defendant has not filed and served his or her defence or affidavit, the Court may give judgment for the claimant in an originating claim or give further directions for the filing and service of the defence or the defendant's affidavit.

(6) The Court will consider whether there is scope for the parties to resolve their dispute other than by litigation.

(7) If the defendant is challenging the jurisdiction of the Court, the Court will —

- (a) direct the defendant to file and serve the necessary application with supporting affidavit;
- (b) direct the claimant to file and serve any affidavit in reply, with no further affidavits to be filed without the Court's approval; and
- (c) fix the application for hearing after all affidavits have been filed and served.

### **Directions for defence or affidavit on merits (O. 2, r. 7)**

7.—(1) If the defendant challenges the jurisdiction of the Court and fails, the Court will give directions to the defendant to file his or her defence or affidavit on the merits.

(2) Where there is no challenge to the jurisdiction of the Court, the Court will consider all matters necessary to bring the proceedings to a conclusion in accordance with the Ideals.

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**Affidavits of evidence-in-chief (O. 2, r. 8)**

8. The Court may order the parties to file and exchange affidavits of evidence-in-chief of all or some witnesses after pleadings have been filed and served but before any exchange of documents and before the Court considers the need for any application.

**Applications in pending proceedings (O. 2, r. 9)**

9.—(1) Where the Court does not make any order described in Rule 8, or where the Court has made an order as described in that Rule, after affidavits of evidence-in-chief of the witnesses have been filed and exchanged, the Court will give the necessary directions in respect of the following matters:

- (a) addition or removal of parties;
- (b) consolidation of actions;
- (c) division of issues at trial to be heard separately;
- (d) security for costs;
- (e) further and better particulars of pleadings;
- (f) amendment of pleadings;
- (g) filing of further pleadings;
- (h) striking out of part of an action or of the defence;
- (i) judgment on admission of facts;
- (j) determination of questions of law or construction of documents;
- (k) production of documents;
- (l) interim relief;
- (m) expert evidence and assessors;
- (n) independent witness and interested non-parties;
- (o) independent counsel.

(2) If further pleadings need to be filed, the Court will order such pleadings to be filed and served.

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(3) Pleadings after the defence or the defence to counterclaim cannot be filed without the Court's approval.

(4) Further affidavits cannot be filed for an originating application without the Court's approval after the defendant files the defendant's affidavit on the merits.

(5) As far as possible, the Court will order each party to file a single application pending trial for all the matters stated in paragraph (1).

(6) The Court will direct the party applying to file and serve an affidavit in support of the application and the other party to file and serve an affidavit in reply.

(7) The application will be heard after all affidavits have been filed and served.

(8) No other application may be taken out by any party at any time except as directed at the case conference or with the Court's approval, unless it is an application for —

- (a) an injunction or a search order which may include an application for any other matter if it is incidental to the injunction or search order;
- (b) substituted service;
- (c) service out of Singapore;
- (d) setting aside service of an originating process;
- (e) judgment in default of a notice of intention to contest or not contest an originating claim;
- (f) judgment in default of defence;
- (g) summary judgment;
- (h) striking out the whole of an action or defence;
- (i) stay of the whole action;
- (j) stay of enforcement of a judgment or order;
- (k) an enforcement order;
- (l) permission to appeal;
- (m) transfer of proceedings under the State Courts Act;

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- (n) setting aside third party proceedings; or
- (o) permission to make an application for a committal order.
- (9) The Court’s approval to file further applications other than those directed at a case conference has to be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.
- (10) Except in a special case and with the trial Judge’s approval, no application may be taken out during the period starting 14 days before the commencement of the trial and ending when the Court has made its decision.
- (11) The trial Judge’s approval has to be sought by letter setting out the essence of the intended application and explaining why there is a special case.
- (12) All applications to the Court have to be served on all other parties to the application except where the other party cannot or need not be served.

### **Appeals in applications (O. 2, r. 10)**

- 10.**—(1) Appeals against the Court’s decision made in an application may be filed only if the law allows.
- (2) If any party appeals against the Court’s decision made in an application, the matter will proceed on appeal before the appropriate appellate Court.
- (3) The appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.
- (4) Where permission to appeal is required, the appellant has to apply to the lower Court or the appellate Court (as required by the relevant written law) for such permission and serve the application on all parties who have an interest in the appeal.
- (5) If the lower Court (where applicable) does not grant permission to appeal, the party may apply to the appropriate appellate Court for such permission and serve the application on all parties who have an interest in the appeal.



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(6) If permission to appeal is granted, the appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(7) Save for appeals filed under Divisions 2 and 4 of Order 18, the appellant has to provide security for the costs of the appeal of each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of solicitors).

(8) The appeal will proceed before the appropriate appellate Court by way of rehearing on the documents filed or used by the parties before the lower Court.

(9) The parties have to file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on whether the lower Court's decision should be set aside, affirmed or varied.

(10) No document other than the parties' written submissions (including any bundle of authorities) may be filed in the appeal without the approval of the appellate Court.

(11) No further evidence may be admitted without the approval of the appellate Court.

### **Directions for trial or hearing (O. 2, r. 11)**

**11.—**(1) The Court will give directions for the trial or hearing, after the single application pending trial has been filed or after it has determined all applications.

(2) An action commenced by originating claim will generally be decided at a trial involving oral evidence and cross examination.

(3) An action commenced by originating application will generally be decided at a hearing based on affidavits.

### **Appeals after trial or hearing (O. 2, r. 12)**

**12.—**(1) Appeals against the Court's decision after trial or after an originating application is heard may be filed only if the law allows.

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(2) If any party appeals against the Court's decision after trial or after an originating application is heard, the case will proceed on appeal before the appropriate appellate Court.

(3) The appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(4) Where permission to appeal is required, the party who intends to appeal has to apply to the lower Court or the appellate Court (as required by the relevant written law) for such permission and serve the application for permission on all parties who have an interest in the appeal.

(5) If the lower Court (where applicable) does not grant permission to appeal, that party may apply to the appropriate appellate Court for such permission if allowed by law.

(6) That party has to serve the application for permission to appeal on all parties who have an interest in the appeal.

(7) If permission to appeal is granted, that party has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(8) The appellant has to provide security for the costs of the appeal of each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of solicitors).

(9) The appellant and the respondent have to file and serve the relevant appeal documents on all parties who have an interest in the appeal.

(10) No further evidence may be admitted without the approval of the appellate Court.

### **Costs (O. 2, r. 13)**

**13.—**(1) Costs are in the discretion of the Court and the Court has the power to determine all issues relating to the costs of or incidental to all proceedings at any stage of the proceedings or after the conclusion of the proceedings.

(2) The Court which heard a matter must fix the costs of the matter, unless the Court thinks fit to direct an assessment of the costs.

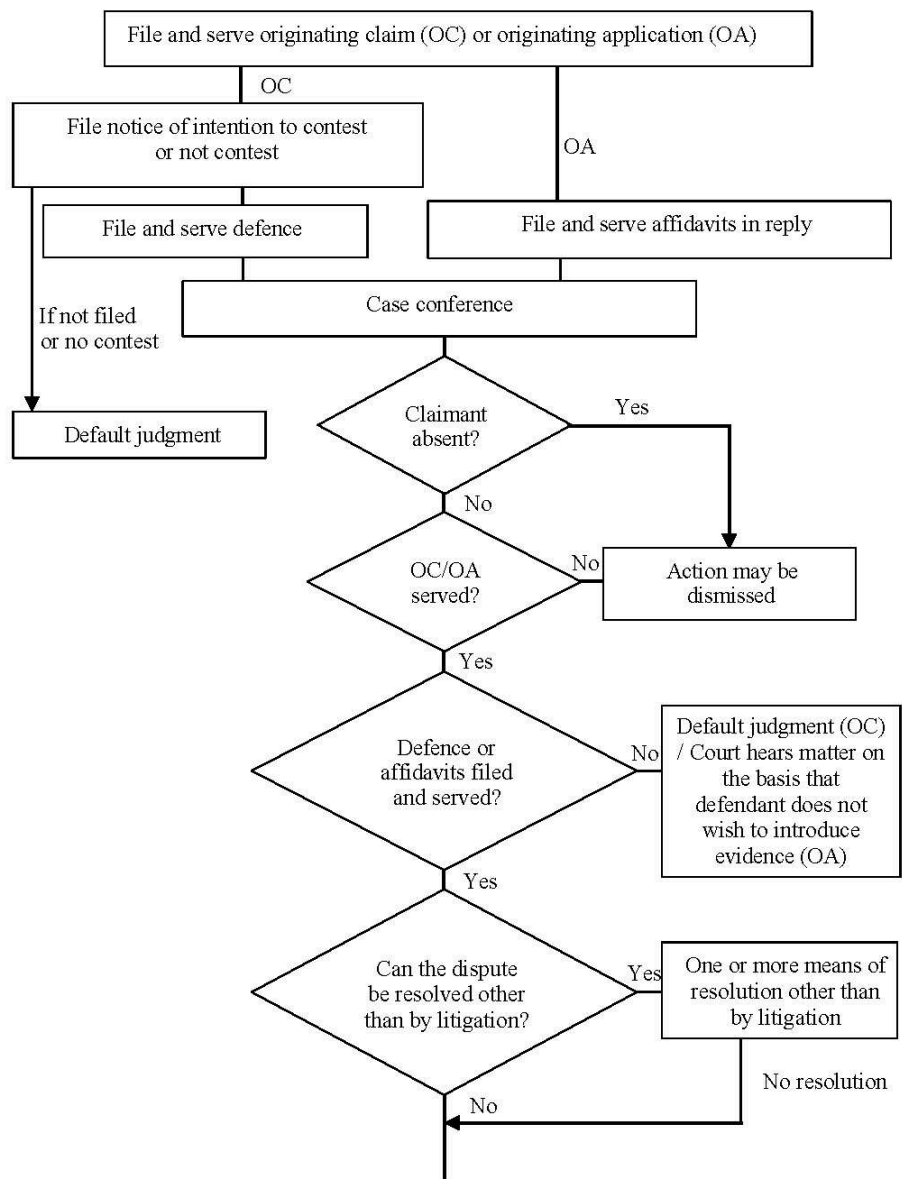
(3) In the cases to which fixed costs apply under these Rules, the amount of costs allowed are as set out in these Rules, unless the Court otherwise orders.

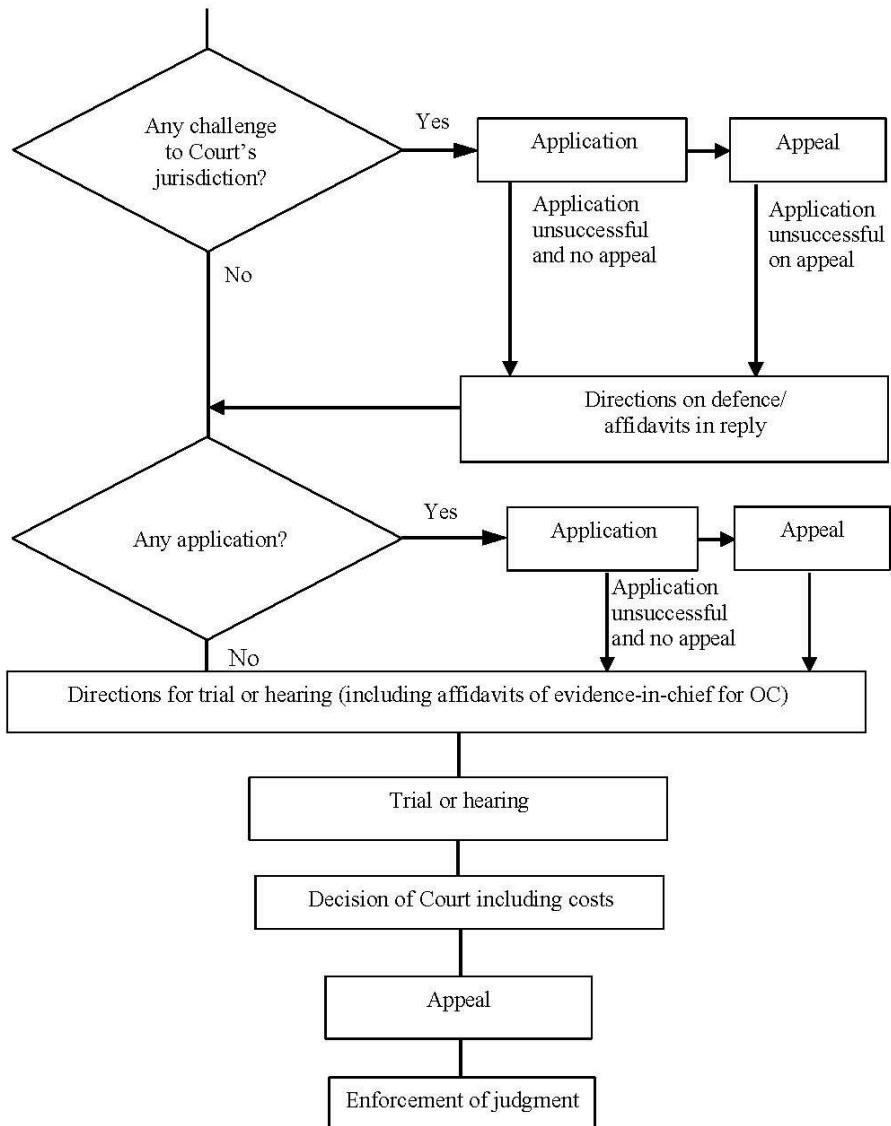
**Enforcement (O. 2, r. 14)**

14. To enforce a judgment, a party takes out a single application for one or more methods of enforcement.

**Flowchart (O. 2, r. 15)**

15. The following flowchart gives an overview of the progress of an action where the Court does not make any order described in Rule 8.





### ORDER 3

### GENERAL MATTERS

#### Ideals (O. 3, r. 1)

- 1.—(1) These Rules are to be given a purposive interpretation.
- (2) These Rules seek to achieve the following Ideals in civil procedure:

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- (a) fair access to justice;
  - (b) expeditious proceedings;
  - (c) cost-effective work proportionate to —
    - (i) the nature and importance of the action;
    - (ii) the complexity of the claim as well as the difficulty or novelty of the issues and questions it raises; and
    - (iii) the amount or value of the claim;
  - (d) efficient use of court resources;
  - (e) fair and practical results suited to the needs of the parties.
- (3) The Court must seek to achieve the Ideals in all its orders or directions.
- (4) All parties have the duty to assist the Court and to conduct their cases in a manner which will help to achieve the Ideals.

### **General powers of Court (O. 3, r. 2)**

2.—(1) Unless the context otherwise requires and subject to any other written law, all requirements in these Rules are subject to the Court’s discretion to order otherwise in the interests of justice, even if they are expressed using imperative words such as “must”, “is to” or “shall”.

(2) Where there is no express provision in these Rules or any other written law on any matter, the Court may do whatever the Court considers necessary on the facts of the case before it to ensure that justice is done or to prevent an abuse of the process of the Court, so long as it is not prohibited by law and is consistent with the Ideals.

(3) In exercising any power, the Court may impose any condition or give such directions that are appropriate.

(4) Where there is non-compliance with these Rules, any other written law, the Court’s orders or directions or any practice directions, the Court may exercise all or any of the following powers:

- (a) subject to paragraph (5), waive the non-compliance of the Rule, written law, the Court’s order or direction or practice direction;

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- (b) disallow or reject the filing or use of any document;
  - (c) refuse to hear any matter or dismiss it without a hearing;
  - (d) dismiss, stay or set aside any proceedings and give the appropriate judgment or order even though the non-compliance could be compensated by costs, if the non-compliance is inconsistent with any of the Ideals in a material way;
  - (e) impose a late filing fee of \$50 for each day that a document remains unfiled after the expiry of the period within which the document is required to be filed, excluding non-court days;
  - (f) make costs orders or any other orders that are appropriate.

(5) Where the non-compliance is in respect of any written law other than these Rules, the Court may waive the non-compliance only if the written law allows such waiver.

(6) The powers of the Court under this Rule do not affect any other powers of the Court under any written law.

(7) The Court may give directions by letter or by electronic or other means.

(8) The Court may, on its own accord or upon application, if it is in the interests of justice, revoke any judgment or order obtained or set aside anything which was done —

- (a) without notice to, or in the absence of, the party affected;
- (b) without complying with these Rules or any order of Court;
- (c) contrary to any written law; or
- (d) by fraud or misrepresentation.

(9) An application under paragraph (8) may be made by or on behalf of the party affected.

(10) An application under paragraph (8) must be taken out within 14 days after the date the applicant knows or should have known that any of the grounds in that paragraph exists.

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**Calculation of time (O. 3, r. 3)**

3.—(1) The Interpretation Act does not apply to the calculation of time in these Rules.

(2) The word “month” means a calendar month unless the context otherwise requires.

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

(4) Where an 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.

(5) Where an 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.

(6) If the period in question is 6 days or less, any day that is a non-court day is to be excluded in the calculation of time.

(7) Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a non-court day, the act is in time if done on the next day, not being a non-court day.

**Extension or shortening of time (O. 3, r. 4)**

4.—(1) The Court may extend or shorten the period within which a person is required by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(2) Unless these Rules otherwise provide, the Court may extend the period mentioned in paragraph (1) whether the application for extension is made before or after the expiration of that period.

(3) The period within which a person is required by these Rules, or by any order, to serve, file or amend any pleading or other document may be extended once by consent in writing for a maximum period of 14 days without an order of the Court being made for that purpose.



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**Applications to Court in an action (O. 3, r. 5)**

5.—(1) Subject to these Rules, all applications to the Court in an action must be made by summons in Form 1 or Form 2, whichever is appropriate, and supported by affidavit.

(2) Form 1 is to be used when the summons has to be served.

(3) Form 2 is to be used when the summons need not be served on anyone and only where these Rules allow.

(4) The applicant must serve the summons and the affidavit at least 14 days before the hearing of the summons.

(5) If any party wishes to contest the application, the party must file and serve his or her affidavit within 14 days after being served with the application and affidavit.

(6) Except in a special case, the Court will not allow further affidavits to be filed after the other party files his or her affidavit under paragraph (5).

(7) An affidavit must contain all necessary evidence in support of or in opposition (as the case may be) to the application, and may contain statements of information or belief with their sources and grounds clearly stated.

(8) All applications must be served on all other parties to the application except where the other party cannot or need not be served.

**Forms (O. 3, r. 6)**

6.—(1) The Forms as set out in the practice directions must be used with such variations as the circumstances require.

(2) The Forms may be varied by practice directions issued with the approval of the Chief Justice or with the approval of the Presiding Judge of the State Courts, as the case may be.

(3) Where a Form states “Seal of the Court”, a document in that Form must bear the seal of the Court.

**Language of documents (O. 3, r. 7)**

7.—(1) All documents filed or used in Court must be in the English language.

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(2) A document which is not in the English language must be accompanied by a translation in the English language certified by a court interpreter or verified by an affidavit of a person qualified to translate the document.

**Use of foreign documents under Apostille Convention or Civil Procedure Convention (O. 3, r. 8)**

8.—(1) Despite anything in these Rules, the following documents may be received, filed or used in the Court:

- (a) a foreign public document with an apostille placed on or attached to it;
- (b) a document or a translation of the document 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.

(2) In this Rule —

“apostille” means a Convention certificate as defined by section 10 of the Apostille Act 2020;

“foreign public document” has the meaning given by section 6 of the Apostille Act 2020.

**Methods of hearing (O. 3, r. 9)**

9. Subject to any written law, the Court may conduct a case conference or any other hearing by using electronic, mechanical or any other means.

ORDER 4

PARTIES TO PROCEEDINGS AND  
CAUSES OF ACTION

**Parties to proceedings in own name (O. 4, r. 1)**

1. The following may be parties to proceedings in their own name, whether as claimant, defendant, third party or in any other capacity:

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- (a) a person who is 18 years of age or older but below 21 years of age and where section 36 of the Civil Law Act applies;
  - (b) a person who is 21 years of age or older;
  - (c) any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

### **Representation by litigation representative (O. 4, r. 2)**

2.—(1) The following persons must be represented by a litigation representative in proceedings:

- (a) a person who is below 21 years of age and who does not come under Rule 1(a);
- (b) a person who lacks capacity within the meaning of the Mental Capacity Act in relation to matters concerning the person's property and affairs.

(2) A litigation representative must be a person who can be a party to proceedings in his or her own name.

(3) A litigation representative must not have any interest adverse to that of the person he or she is representing.

### **Representation by solicitor, etc. (O. 4, r. 3)**

3.—(1) The following must be represented by a solicitor in proceedings:

- (a) a person who is represented by a litigation representative under Rule 2(1)(b);
- (b) subject to paragraphs (2), (3) and (4), any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

(2) A registered trade union may be represented by an officer of the trade union pursuant to section 26(6) of the Trade Unions Act.

(3) For the purposes of section 34(1)(ea) of the Legal Profession Act, the Court may, on an application by a company, variable capital company or limited liability partnership, give permission for an officer of the company, variable capital company or limited liability partnership to act on behalf of the company, variable capital company

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or limited liability partnership in any relevant matter or proceeding to which the company, variable capital company or limited liability partnership is a party, if the Court is satisfied that —

- (a) the officer has been duly authorised by the company, variable capital company or limited liability partnership to act on behalf of the company, variable capital company or limited liability partnership in that matter or proceeding; and
- (b) the officer has sufficient executive or administrative capacity or is a proper person to represent the company, variable capital company or limited liability partnership in that matter or proceeding.

(4) For the purposes of section 34(1)(*eb*) of the Legal Profession Act, the Court may, on an application by an unincorporated association (other than a partnership or a registered trade union), give permission 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) the officer has sufficient executive or administrative capacity or is a proper person to represent the unincorporated association in that matter or proceeding.

(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, or any appeal under any written law from any tribunal to, the Appellate Division;

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- (c) any matter or proceeding commenced in the General Division and any appeal from that matter or proceeding;
  - (d) any matter or proceeding commenced in a Family Court and any appeal from that matter or proceeding;
  - (e) any matter or proceeding commenced in a District Court and any appeal from that matter or proceeding; and
  - (f) any matter or proceeding commenced in a Magistrate's Court and any appeal from that matter or proceeding.
- (6) In this Rule —
- “company” means a company incorporated under the Companies Act;
- “Court” means —
- (a) the Court of Appeal, if the relevant matter or proceeding is —
    - (i) any matter, proceeding or appeal mentioned in paragraph (5)(a); or
    - (ii) any appeal mentioned in paragraph (5)(c), (e) or (f) to the Court of Appeal, in respect of which no permission has been given under paragraph (3) or (4) by a court below;
  - (b) the Appellate Division, if the relevant matter or proceeding is —
    - (i) any matter, proceeding or appeal mentioned in paragraph (5)(b); or
    - (ii) any appeal mentioned in paragraph (5)(c), (e) or (f) to the Appellate Division, in respect of which no permission has been given under paragraph (3) or (4) by a court below;
  - (c) the General Division, if the matter or proceeding is —
    - (i) any matter, proceeding or appeal mentioned in paragraph (5)(c); or

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- (ii) any appeal mentioned in paragraph (5)(e) or (f) to the General Division, in respect of which no permission has been given under paragraph (3) or (4) by a court below;
  - (d) a Family Court, if the relevant matter or proceeding is any matter, proceeding or appeal mentioned in paragraph (5)(d);
  - (e) a District Court, if the relevant matter or proceeding is —
    - (i) any matter, proceeding or appeal mentioned in paragraph (5)(e); or
    - (ii) any appeal mentioned in paragraph (5)(f) under Division 2 of Order 18, in respect of which no permission has been given under paragraph (3) or (4) by a Magistrate’s Court; or
  - (f) a Magistrate’s Court, if the relevant matter or proceeding is any matter, proceeding or appeal mentioned in paragraph (5)(f);
- “limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act;
- “manager”, in relation to a limited liability partnership, has the meaning given by the Limited Liability Partnerships Act;
- “officer” —
- (a) in relation to a company or variable capital company, means any director or secretary of the company or variable capital company, or a person employed in an executive capacity by the company or variable capital 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 meaning given by the Trade Unions Act;

“partner”, in relation to a limited liability partnership, has the meaning given by the Limited Liability Partnerships Act;

“registered trade union” has the meaning given by the Trade Unions Act;

“variable capital company” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

#### **Representation of estates (O. 4, r. 4)**

4.—(1) Where any defendant has died but a cause of action against him or her survives and no grant of probate or letters of administration has been made, the action may be brought against the estate of the deceased which is to be described as “personal representatives of (defendant’s name) deceased”.

(2) In any action brought against the estate of a deceased person —

(a) the claimant must, during the period of validity for service of the originating claim or originating application, apply to the Court for —

(i) an order appointing a person to represent the deceased’s estate for the purpose of the proceedings; or

(ii) if a grant of probate or letters of administration has been made — 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 or she had been substituted for the estate; and

(b) the Court may, at any stage of the proceedings and on any terms that the Court thinks just and either of its own motion

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or on application, make any order mentioned in sub-paragraph (a) and allow amendments (if any) to be made, and make any other order that 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.

(3) Where the Public Trustee has been appointed by an order under paragraph (2) to represent the deceased's estate, the originating claim or originating application for the action must be served on the Public Trustee, whose appointment is limited to accepting service of the originating claim or originating application unless the Public Trustee consents to take further steps in the proceedings on behalf of the estate of the defendant.

(4) Where no grant of probate or letters of administration has been made, any judgment or order given or made in the action binds the estate to the same extent as if a grant had been made and a personal representative of the deceased had been a party to the action.

### **Representation of parties who die or become bankrupt (O. 4, r. 5)**

5.—(1) Where a party to an action dies or becomes bankrupt after the action has been commenced but the cause of action survives, the action does not terminate by reason of the death or bankruptcy.

(2) At the case conference, the Court must give directions for the further conduct of the action.

### **Representative proceedings (O. 4, r. 6)**

6.—(1) Where numerous persons have a common interest in any proceedings, such persons may sue or be sued as a group with one or more of them representing the group.

(2) Where a group of persons is suing under this Rule, all members in the group must give their consent in writing to the representative to represent all of them in the action and they must be included in a list of claimants attached to the originating claim or the originating application.



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(3) Where a group of persons is being sued under this Rule, the Court may appoint one or more of them as representative to represent those in the group who have given their consent in writing to the representative in the action and they must be included in a list of defendants attached to the order of Court.

(4) Where there is a class of persons and all or any member of the class cannot be ascertained or cannot be found, the Court may appoint one or more persons to represent the entire class or part of the class and all the known members and the class must be included in a list attached to the order of Court.

(5) A judgment or order given in such an action is binding on all the persons and the class named in the respective lists stated in paragraphs (3) and (4).

#### **Claim for declaration without other relief (O. 4, r. 7)**

7. The Court may make a declaratory judgment or order whether or not any other relief is sought.

#### **Appointment, change and discharge of solicitor (O. 4, r. 8)**

8.—(1) Where a party who was not represented by a solicitor decides to appoint a solicitor, the party must file and serve a notice of appointment of solicitor in Form 3 on all the parties.

(2) Unless notice is given according to this Rule, a solicitor who is appointed by a party at any stage of an action is deemed to be acting for the party in the action until the final conclusion of the action in the Court, and his or her business address is deemed to be the address for service of all documents in the action until such conclusion.

(3) A party who intends to change his or her solicitor must file and serve a notice of change of solicitor in Form 3 on all the parties.

(4) A party who after having sued or defended by a solicitor, intends and is entitled to act in person without legal representation, must file and serve a notice of intention to act in person in Form 4 on all the parties.

(5) Where a solicitor has died, has ceased practice for any reason or cannot be contacted, and the party who appointed the solicitor fails to

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give the notice under paragraph (3) or (4), any other party may apply to the Court for an order declaring that the solicitor has ceased to be the solicitor appointed for the firstmentioned party and to give such directions as are appropriate.

(6) Notice given under this Rule takes effect from the time of service of the notice and does not affect the rights of the solicitor and the party who appointed the solicitor as between themselves.

(7) Where a party has no solicitor acting for the party on record, the party must give notice by letter to all the parties stating an address in Singapore for service of all documents.

(8) Where a party fails to comply with paragraph (7), the party's last known address in Singapore or, in the case of an entity, the registered or principal office in Singapore is deemed to be the party's address for service of all documents.

(9) Where a party has no address in Singapore, the party may give notice by letter to all the other parties stating an electronic mail address for service of all documents and by doing so, the party is deemed to agree that ordinary service and personal service of all documents may be effected using that electronic mail address.

### **Withdrawal of solicitor who has ceased to act for party (O. 4, r. 9)**

**9.—**(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 8(3), or notice of intention to act in person in accordance with Rule 8(4), the solicitor may apply to the Court 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 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 the filing of a notice of intention to contest or not contest) a copy of the order and files a notice in Form 5 of his or her having ceased to act as solicitor for the party, the solicitor is, subject to Rule 8, considered the solicitor of the party till the final conclusion of the cause or matter.

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(2) An application for an order under this Rule must be made by summons in Form 6 and the summons must, unless the Court otherwise directs, be served on the party for whom the solicitor acted.

(3) The application mentioned in paragraph (2) must be supported by an affidavit stating the grounds of the application.

(4) An order in Form 7 made under this Rule does not affect the rights of the solicitor and the party for whom he or she acted as between themselves.

(5) Despite anything in paragraph (1), where the legal aid certificate of an assisted person within the meaning of the Legal Aid and Advice Act is revoked or discharged, the solicitor who acted for the assisted person ceases 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 or her behalf, Rule 8(1) applies as if that party had previously sued or defended in person.

(6) Notice that a solicitor has ceased to act for an assisted person pursuant to paragraph (5) together with the last known address of the assisted person for service must be served in the manner prescribed by the Legal Aid and Advice Act.

## ORDER 5

### AMICABLE RESOLUTION OF CASES

#### **Duty to consider amicable resolution of disputes (O. 5, r. 1)**

1.—(1) A party to any proceedings has the duty to consider amicable resolution of the party's dispute before the commencement and during the course of any action or appeal.

(2) A party is to make an offer of amicable resolution before commencing the action unless the party has reasonable grounds not to do so.

(3) An offer of amicable resolution in this Order means making an offer to settle the action or appeal or making an offer to resolve the dispute other than by litigation, whether in whole or in part.

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(4) A party to any proceedings must not reject an offer of amicable resolution unless the party has reasonable grounds to do so.

### **Terms of amicable resolution (O. 5, r. 2)**

2.—(1) An offer of amicable resolution and any rejection must be in writing.

(2) An offer of amicable resolution must be open for acceptance within a reasonable period of time and in any case, for at least 14 days, unless the parties otherwise agree.

(3) The terms of an offer that has been made and not accepted must not be relied upon or made known to the Court until after the Court has determined the merits of the action or appeal and is dealing with the issue of costs.

(4) Any offer of amicable resolution which does not state an expiry date expires once the Court has determined the merits of the action or appeal to which it relates unless the offeror has stated otherwise.

### **Powers of Court (O. 5, r. 3)**

3.—(1) The Court may order the parties to attempt to resolve the dispute by amicable resolution.

(2) In deciding whether to exercise its power under paragraph (1), the Court must have regard to the Ideals and all other relevant circumstances, including whether any of the parties have refused to attempt to resolve the dispute by amicable resolution.

(3) Without affecting the Court's power under paragraph (1), if a party informs the Court that the party does not wish to attempt to resolve the dispute by amicable resolution, the Court may order the party to submit a sealed document setting out the party's reasons for such refusal.

(4) The sealed document will only be opened by the Court after the determination of the merits of the action or appeal and its contents may be referred to on any issue of costs.

(5) The Court may suggest solutions for the amicable resolution of the dispute to the parties at any time as the Court thinks fit.

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ORDER 6  
COMMENCEMENT OF PROCEEDINGS

*Division 1 — General*

**Mode of commencing proceedings (O. 6, r. 1)**

1.—(1) Unless these Rules or any written law otherwise provide, a claimant may commence proceedings by an originating claim or an originating application.

(2) A claimant must commence proceedings by an originating claim where the material facts are in dispute.

(3) A claimant must commence proceedings by an originating application where —

- (a) these Rules or any written law require it;
- (b) the proceedings concern an application made to the Court under any written law; or
- (c) the proceedings concern solely or primarily the construction of any written law, instrument or document or some question of law and the material facts are not in dispute.

**Issue of originating claim or originating application (O. 6, r. 2)**

2. An originating claim or an originating application is deemed issued when the Registrar numbers, signs, seals and dates it.

**Duration and renewal of originating claim or originating application (O. 6, r. 3)**

3.—(1) Subject to this Rule, an originating claim or an originating application is valid for service —

- (a) where the originating claim or originating application is to be served out of Singapore —
  - (i) with the court’s approval under Order 8, Rule 1(2); or
  - (ii) where the court’s approval is not required under Order 8, Rule 1(3),

for 6 months beginning with the date of its issue; or

- (b) in any other case — for 3 months beginning with the date of its issue.

*[S 780/2023 wef 01/12/2023]*

(2) An application may be made to extend the validity of the originating claim or originating application if it has not been served on all or any of the defendants before or after it expires.

(3) The Court may order the validity of the originating claim or originating application to be extended by a period beginning with the day next following that on which the originating claim or originating application would otherwise expire.

(4) Except in a special case, the Court may extend the validity of the originating claim or originating application only twice and by not more than 3 months each time.

(5) The originating claim or originating application in respect of which validity has been extended must be endorsed with the words, “Renewed for service for \_\_\_\_ months from \_\_\_\_\_ by order of Court dated \_\_\_\_\_” before it is served.

(6) Paragraphs (1) and (4) do not apply to an originating claim relating to Admiralty causes and matters.

### **Personal service of originating claim or originating application (O. 6, r. 4)**

4. Subject to the provisions of any written law and these Rules, an originating claim or an originating application must be served personally on each defendant.

#### *Division 2 — Originating claim*

### **Form and service of originating claim (O. 6, r. 5)**

5.—(1) An originating claim must be in Form 8.

(2) If the claim is for personal injuries, the claimant must annex a medical report and a statement of the special damages claimed to the originating claim.

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(3) An originating claim may be endorsed generally with a concise description of the claim or with a statement of claim in Form 9.

(4) Except in a special case, an originating claim may be endorsed generally only if the limitation period for the cause of action will expire within 14 days after the originating claim is issued.

(5) Where the originating claim is endorsed generally, a statement of claim must be served within 14 days after the originating claim has been served.

(6) If the originating claim is to be served in Singapore, reasonable steps to serve on the defendant must be made as soon as possible and, in any event, within 14 days after the originating claim is issued.

(7) If the originating claim is to be served out of Singapore, reasonable steps to serve on the defendant must be made as soon as possible and, in any event, within 28 days after the originating claim is issued.

**Form and service of notice of intention to contest or not contest  
(O. 6, r. 6)**

**6.—**(1) A defendant who is served an originating claim in Singapore must file and serve a notice of intention to contest or not contest within 14 days after the statement of claim is served on the defendant.

(2) A defendant who is served out of Singapore must file and serve such a notice within 21 days after the statement of claim is served on the defendant.

(3) The notice of intention to contest or not contest the originating claim must be in Form 10.

(4) The filing and service of such a notice is not treated as a submission to jurisdiction or a waiver of any improper service of the originating claim.

(5) If the defendant fails to file and serve such a notice within the prescribed time or states in the notice that the defendant does not intend to contest all or some of the claims, the claimant may subject to paragraph (6) apply for judgment to be given against the defendant in Form 11.

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(6) The claimant must file a memorandum of service in Form 12 when the claimant applies for judgment to be given against the defendant pursuant to paragraph (5).

(7) The Court may, when giving judgment under this Rule, direct the payment of interest, computed from the date of the originating process to the date on which judgment is given, at the rate of 5.33% per year.

### **Form and service of defence (O. 6, r. 7)**

7.—(1) A defendant who is served in Singapore must file and serve a defence to the originating claim within 21 days after the statement of claim is served on the defendant.

(2) A defendant who is served out of Singapore must file and serve a defence to the originating claim within 5 weeks after the statement of claim is served on the defendant.

(3) The defence must be in Form 13.

(4) If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, the defendant need not file and serve a defence on the merits but must file and serve a defence stating the ground on which the defendant is challenging the jurisdiction of the Court.

(5) The challenge to jurisdiction may be for the reason that —

(a) the Court has no jurisdiction to hear the action; or

(b) the Court should not exercise jurisdiction to hear the action.

(6) A defence filed under paragraph (4) is not treated as a submission to jurisdiction.

(7) If the defendant fails to file and serve a defence within the prescribed time, the claimant may apply for judgment in default of defence in Form 14.

(8) The Court may, when giving judgment under this Rule, direct the payment of interest, computed from the date of the originating



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process to the date on which judgment is given, at the rate of 5.33% per year.

**Form and service of counterclaim (O. 6, r. 8)**

**8.**—(1) If the defendant intends to counterclaim against the claimant, the defendant must file and serve the counterclaim with the defence.

(2) The counterclaim must be in Form 13.

(3) If the counterclaim is for personal injuries, the defendant must annex a medical report and a statement of the special damages claimed with the counterclaim.

**Form and service of defence to counterclaim (O. 6, r. 9)**

**9.**—(1) The claimant need not file a reply to the defence if the claimant merely wishes to deny assertions without adding anything material but must file and serve a defence to the counterclaim within 14 days after the defence and counterclaim is served on the claimant.

(2) The claimant's defence to the counterclaim must be in Form 13.

(3) If the claimant fails to file and serve a defence to the counterclaim within the prescribed time, the defendant may apply for judgment in default of defence in respect of the counterclaim to be given against the claimant in Form 14.

**Further pleadings (O. 6, r. 10)**

**10.**—(1) Parties must seek the approval of the Court at the case conference to file any further pleadings beyond the defence or defence to counterclaim, in cases where it is necessary for certain matters to be pleaded.

(2) No further pleadings may be filed unless the Court otherwise orders at the case conference.

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*Division 3 — Originating application*

**Forms of originating application (O. 6, r. 11)**

**11.**—(1) Subject to these Rules and any other written law, an originating application must be in Form 15 or Form 16, whichever is appropriate, and the originating application must be supported by affidavit.

(2) Form 15 is to be used when the originating application has to be served.

(3) Form 16 is to be used when the originating application need not be served on anyone, where permitted by any written law.

(4) If the originating application is to be served in Singapore, reasonable steps to serve the originating application and the supporting affidavit on the defendant must be made as soon as possible and, in any event, within 14 days after the originating application is issued.

(5) If the originating application is to be served out of Singapore, reasonable steps to serve the originating application and the supporting affidavit on the defendant must be made as soon as possible and, in any event, within 28 days after the originating application is issued.

**Form and service of defendant’s affidavit (O. 6, r. 12)**

**12.**—(1) A defendant who is served in Singapore must file and serve the defendant’s affidavit within 21 days after being served with the claimant’s originating application and affidavit, if the defendant wishes to introduce evidence in respect of the originating application filed against the defendant.

(2) A defendant who is served out of Singapore must file and serve the defendant’s affidavit within 5 weeks after being served with the claimant’s originating application and affidavit, if the defendant wishes to introduce evidence in respect of the originating application filed against the defendant.

(3) If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, the defendant need not file and

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serve the defendant's affidavit on the merits but must file and serve the defendant's affidavit stating the ground on which the defendant is challenging the jurisdiction of the Court.

- (4) The challenge to jurisdiction may be for the reason that —
- (a) the Court has no jurisdiction to hear the action; or
  - (b) the Court should not exercise jurisdiction because it is not the appropriate Court to hear the action.

(5) An affidavit filed under paragraph (3) is not treated as a submission to jurisdiction.

(6) Except in a special case, no further affidavits may be filed after the defendant files the defendant's affidavit on the merits.

### **Contents of affidavit (O. 6, r. 13)**

**13.** An affidavit filed in an originating application must contain all the evidence that is necessary or material to the claim or to the defence.

### **Counterclaim (O. 6, r. 14)**

**14.** If a defendant intends to make a counterclaim in the originating application against the claimant, the defendant must include it in the defendant's affidavit together with all the evidence that is necessary for the counterclaim.

## **ORDER 7**

### **SERVICE IN SINGAPORE**

#### **Methods of service generally (O. 7, r. 1)**

**1.—(1)** Any document that is required to be served under these Rules may be served by way of —

- (a) personal service, where expressly required by these Rules or any written law, or where the Court orders such service, or where the serving party decides to do so voluntarily; or
- (b) ordinary service.

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(2) The Court may, in an appropriate case, dispense with personal service or with ordinary service or with service altogether.

**Personal service (O. 7, r. 2)**

2.—(1) Personal service of a document is effected —

- (a) on a natural person by leaving a copy of the document with that person, or the person's agent if that person is an overseas principal under Rule 4;
- (b) on any entity by leaving a copy of the document with the chairperson or president of the entity, or the secretary, treasurer or other officer;
- (c) on any person or entity according to the requirements of any written law; or
- (d) in any manner agreed with the person or the entity to be served.

(2) The following persons may effect personal service:

- (a) a process server of the Court;
- (b) a solicitor;
- (c) a solicitor's employee;
- (d) a litigant who is not legally represented or such a person's employee;
- (e) any other person that the Registrar may allow in a particular case or generally.

(3) If the process server of the Court effects service, the Registrar must notify the requesting person of the fact and manner of such service.

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**Ordinary service (O. 7, r. 3)**

3. Ordinary service of a document may be effected —
- (a) by leaving the document at or posting it to —
    - (i) in the case of a natural person, the person’s usual or last known address or the business address of the person’s solicitor; or
    - (ii) in the case of an entity, its registered or principal office or, if none exists, its last known place of business or its solicitor’s address;
  - (b) by electronic mail at the electronic mail address provided by the party to be served;
  - (c) by fax, but only if —
    - (i) both the serving party and the party to be served act by solicitor; and
    - (ii) the solicitor acting for the party to be served indicates to the solicitor acting for the serving party that the firstmentioned solicitor is willing to accept service at a specified fax number and the document is transmitted to that number;
  - (d) in any manner agreed between the parties;
  - (e) in any manner which the Court may direct, including the use of electronic means; or
  - (f) in any manner provided under any written law.

**Service on agent of overseas principal (O. 7, r. 4)**

4.—(1) The Court may, on a summons without notice, direct service to be effected on an agent or manager of a principal, if it is satisfied that —

- (a) an action, including the administration of an estate, is against a principal who does not reside within or is absent from Singapore;

- (b) the agent or manager has personal control or management within Singapore over the principal's affairs that specifically relate to the action at the time of service; and
- (c) either the authority of the agent or manager has not been terminated, or the agent or manager has an ongoing business relationship with the principal at the time of the application.

(2) An agent of a ship is deemed to be the agent of the owner or of the charterer of the ship under this Rule.

(3) The claimant must send a copy of the order of Court authorising service under this Rule and of the relevant document to be served to the principal's overseas address by prepaid registered post, if the claimant knows that address, within 14 days after service on the agent or manager.

### **Service in certain actions for possession of immovable property (O. 7, r. 5)**

5. Where there is a claim for possession of immovable property, the Court may, on a summons without notice, authorise service to be effected by placing the document on some conspicuous part of the immovable property or order that such service that has already been effected stand as good service, if the Court is satisfied that —

- (a) no person appears to be in possession of the immovable property; and
- (b) service cannot otherwise be effected on any party to be served.

### **Service on Minister, etc., in proceedings which are not by or against Government (O. 7, r. 6)**

6. 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, 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 that Act and

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Order 59, Rule 3 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.

**Substituted service (O. 7, r. 7)**

7.—(1) If a document is required to be served personally and it is impractical to serve it personally, a party may apply to serve it by substituted service.

(2) The Court may order any method of substituted service that is effective in bringing the document to the notice of the person to be served, including the use of electronic means.

(3) Substituted service is to be effected within 14 days after the order of the Court.

**Time for service (O. 7, r. 8)**

8.—(1) Subject to any written law and these Rules (including Order 28 regulating the electronic filing service), when service is effected before 5 p.m. on any particular day, service is deemed to have been effected on that day.

(2) When service is effected after 5 p.m. on any particular day, service is deemed to have been effected on the following day.

ORDER 8

SERVICE OUT OF SINGAPORE

**Service out of Singapore with Court's approval (O. 8, r. 1)**

1.—(1) An originating process or other court document may be served out of Singapore with the Court's approval if it can be shown that the Court has the jurisdiction or is the appropriate court to hear the action.

(2) To obtain the Court's approval, the claimant must apply to the Court by summons without notice and supported by affidavit which must state —

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- (a) why the Court has the jurisdiction or is the appropriate court to hear the action;
  - (b) in which country or place the defendant is, or probably may be found; and
  - (c) whether the validity of the originating process needs to be extended.
- (3) The Court's approval is not required if service out of Singapore is allowed under a contract between the parties.
- (4) The Court's approval is not required for service of court documents other than the originating process if the Court's approval has been granted for service of the originating process out of Singapore.

### **Methods of service out of Singapore (O. 8, r. 2)**

2.—(1) Where the Court's approval has been obtained under Rule 1(2), service of the originating process or other court documents may be effected out of Singapore in the following manner:

- (a) according to the manner contractually agreed between the parties;
- (b) where there is a Civil Procedure Convention governing service in the foreign country —
  - (i) in the case of the Hague Service Convention as defined in Rule 4A(7) —
    - (A) in accordance with Rule 4A or 6, whichever is applicable; or
    - (B) subject to any objection made by the receiving Contracting State, in accordance with sub-paragraph (a), (c), (d), (e) or (f);
  - (ii) in the case of any other Civil Procedure Convention — according to the manner provided in that convention; or
  - (iii) in the case where both the Hague Service Convention and another Civil Procedure Convention govern



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service in the foreign country — in accordance with either sub-paragraph (i) or (ii);

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- (c) through the government of the foreign country if that government is willing to effect service;
- (d) through the judicial authority of the foreign country if that authority is willing to effect service;
- (e) through a Singapore consular authority in the foreign country seeking the assistance of the relevant authority in that foreign country to effect service;

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- (f) according to the manner provided by the law of that foreign country.

(2) Unless any Civil Procedure Convention, treaty, government or judicial authority of a foreign country requires that the originating process or other court documents be sent from the Government or judicial authority of Singapore, they may be sent to the entities in paragraph (1)(c), (d) and (e) by the serving party who must engage a solicitor for this purpose.

(3) Where the originating process or other court documents have to be sent from the Government of Singapore, the solicitor for the serving party must send them to the Registrar with a letter requesting the Registrar to forward them to the Ministry of Foreign Affairs stating the method of service in the foreign country.

(4) Every originating process or court document which is to be served outside Singapore must be accompanied by a translation in the official language of the foreign country, and if there is more than one official language, in any of those languages which is appropriate for the party to be served, except where the official language or one of the official languages is English.

(5) The translation must be certified by a person qualified to do so and the certificate must contain the translator's full name, his or her address and his or her qualifications.

(6) Nothing is to be done under this Rule that is contrary to the laws of the foreign country.

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**Service of originating process on person in Malaysia or Brunei Darussalam (O. 8, r. 3)**

3. Where the defendant is in Malaysia or Brunei Darussalam, the originating process —

- (a) may be served in accordance with Rule 2; 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 is deemed to have been duly served.

**Service of originating process issued in State Courts on person in any jurisdiction other than Malaysia or Brunei Darussalam (O. 8, r. 4)**

4.—(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) must be sent by the Registrar of the State Courts to the Registrar of the Supreme Court; and
- (b) must 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 must be transmitted by the Registrar of the Supreme Court to the Registrar of the State Courts.

**Service of originating process, etc., out of Singapore on person under Article 3 of Hague Service Convention (O. 8, r. 4A)**

4A.—(1) This Rule applies to the service out of Singapore, under Article 3 of the Hague Service Convention, of an originating process or other court document required in connection with civil proceedings in respect of a civil or commercial matter on a person, other than a State, in a Contracting State.

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(2) If any provision in this Rule is inconsistent with any other provision in this Order, the provision in this Rule prevails to the extent of the inconsistency.

(3) The person mentioned in paragraph (1) must have a known address in the Contracting State in which the documents are to be served.

(4) A person who wishes to serve any document mentioned in paragraph (1) out of Singapore under this Rule must file in the Registry a request for service in the current version of Part 1 of the Model Form, accompanied by —

- (a) a sealed copy of the document to be served;
- (b) a summary of the document to be served, in accordance with Part 3 of the Model Form;
- (c) a translation of the documents mentioned in sub-paragraphs (a) and (b) in accordance with Rule 2(4) and (5); and
- (d) a copy each of the request and the documents mentioned in sub-paragraphs (a), (b) and (c), which may be in electronic form if agreed to by the central authority.

(5) The Registrar must send the documents filed under paragraph (4) to the central authority of the Contracting State in which the documents are to be served.

(6) Rule 2(3) does not apply in relation to any service under this Rule.

(7) In this Rule —

“central authority”, in relation to a Contracting State, means an authority that is designated by that State under Article 2 of the Hague Service Convention for receiving requests for service coming from other State parties to the Hague Service Convention;

“Contracting State” means a State (other than Singapore) which is a party to the Hague Service Convention;

“Hague Service Convention” means the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague on 15 November 1965;

“Model Form” means the model form, in 3 parts, annexed to the Hague Service Convention and set out on the Internet website for \_\_\_\_\_ that \_\_\_\_\_ Convention \_\_\_\_\_ at <https://www.hcch.net/en/instruments/conventions/specialised-sections/service>.

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### **Service of originating process on High Contracting Party to Warsaw Convention (O. 8, r. 5)**

5.—(1) Upon obtaining the Court’s approval under Rule 1(2), a person who wishes to serve an originating process on a High Contracting Party to the Warsaw Convention to enforce a claim in respect of carriage undertaken by that Party, must file in the Registry —

- (a) a request for the Ministry of Foreign Affairs to arrange service;
  - (b) a sealed copy of the originating process; and
  - (c) a translation of the originating process in the official language of the High Contracting Party or, if there is more than one official language, in any of those languages which is appropriate for the High Contracting Party to be served, except where the official language or one of the official languages is English.
- (2) Every translation filed under paragraph (1)(c) must be certified by a person qualified to do so and the certificate must contain the translator’s full name, his or her address and his or her qualifications.
- (3) The serving party must engage a solicitor for the purposes of filing the necessary documents under paragraph (1).
- (4) The Registrar must send the documents filed under paragraph (1) to the Ministry of Foreign Affairs for the originating

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process to be served on the High Contracting Party or the government in question.

### **Service of process on foreign State (O. 8, r. 6)**

**6.**—(1) Upon obtaining the Court’s approval under Rule 1(2), a person who wishes to serve an originating process on a State, as defined in section 16 of the State Immunity Act, must file in the Registry —

- (a) a request for the Ministry of Foreign Affairs to arrange service;
- (b) a sealed copy of the originating process; and
- (c) a translation of the originating process in the official language of the State or, if there is more than one official language, in any of those languages which is appropriate for the State to be served, except where the official language or one of the official languages is English.

(2) Every translation filed under paragraph (1)(c) must be certified by a person qualified to do so and the certificate must contain the translator’s full name, his or her address and his or her qualifications.

(3) The serving party must engage a solicitor for the purposes of filing the necessary documents under paragraph (1).

(4) The Registrar must send the documents filed under paragraph (1) to the Ministry of Foreign Affairs for the originating process to be served on the State or the government in question.

(5) 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 served either by the method agreed or in accordance with this Rule.

(6) Where the State is a Contracting State to the Hague Service Convention, the request in paragraph (1)(a) must be accompanied by a summary of the document to be served, in accordance with Part 3 of the Model Form.

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(7) In paragraph (6), “Contracting State”, “Hague Service Convention” and “Model Form” have the meanings given by Rule 4A(7).

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### **Undertaking to pay expenses of service (O. 8, r. 7)**

7.—(1) The solicitor for the serving party must give an undertaking in writing to the Ministry of Foreign Affairs, the Registrar and the serving authority or person in the foreign country to pay all expenses incurred in effecting the service requested.

(2) Upon request to pay the expenses whether before or after the service, the solicitor for the serving party must do so within 14 days.

### **Certificate of service (O. 8, r. 8)**

8. An official certificate or letter by the agency or person who effected service in the foreign country stating that service has been effected on the party to be served in accordance with the law of the foreign country and the date of the service is evidence of those facts.

## ORDER 9

### CASE CONFERENCES, APPLICATIONS IN ACTION, ETC.

#### **General matters (O. 9, r. 1)**

1.—(1) A case conference is to be held —

- (a) in a case where the defendant is to be served in Singapore — 8 weeks after the originating claim or originating application is issued; or
- (b) in a case where an originating claim or originating application is to be served out of Singapore — 12 weeks after the originating claim or originating application is issued.

(2) The Court may hold a case conference earlier or later than the time stated in paragraph (1) at the request of any party or on its own accord.

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(3) The Court may hold as many case conferences as the Court thinks appropriate and at any stage of the proceedings, including appeals.

(4) As a general rule, the Registrar is to conduct the case conference but the Registrar may refer any matter at any time to the assigned Judge in that action or, if there is none, to any Judge.

(5) The powers in this Order may be exercised by the Court at any stage of the proceedings, including appeals.

**Purpose of case conference (O. 9, r. 2)**

2. At a case conference, the Court is to take control of and set the timelines and give directions for the proceedings.

**Non-disclosure (O. 9, r. 3)**

3. Subject to the law governing the admissibility of evidence at trial, any communication made in the course of a case conference in any action or proceedings must not 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 or Judge (as the case may be) as being “confidential” or “without prejudice”.

**Absence of parties (O. 9, r. 4)**

4.—(1) If no party attends the case conference or if the claimant is absent, the Court may dismiss the action.

(2) If the claimant attends the case conference but the defendant is absent, the Court may give judgment for the claimant upon proof of service of the originating claim or originating application on the defendant.

(3) The Court may set aside or vary the dismissal or default judgment on proof that there were valid reasons for the absence of the defaulting party.

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**Failure to serve originating process (O. 9, r. 5)**

5.—(1) If the claimant attends the case conference but has not served the claimant’s originating claim or originating application on the defendant, the Court —

- (a) may dismiss the action if it is not satisfied that the claimant has taken reasonable steps to effect service expeditiously; or
- (b) may fix a second case conference and order the claimant to —
  - (i) serve the originating process within 14 days after the date of the first case conference; or
  - (ii) apply for substituted service within that time, and extend the validity of the originating process if necessary.

(2) If the claimant fails to serve the originating process by the second case conference, the Court may dismiss the action.

**Failure to file and serve defence in originating claim (O. 9, r. 6)**

6.—(1) If both the claimant and the defendant in an originating claim attend the case conference and no defence is served by the first case conference when the time for filing and serving a defence has expired, the Court may enter judgment against the defendant in default of a defence.

(2) The Court may set aside or vary such a default judgment.

(3) The Court may, in a special case, extend time for the defendant to serve the defence after the first case conference, failing which the defendant is deemed not to have served a defence and the claimant is entitled to judgment under paragraph (1).

(4) This Rule applies, with the necessary modifications, to a claimant’s default to serve a defence to the defendant’s counterclaim.

**Challenges to jurisdiction of Court (O. 9, r. 7)**

7.—(1) If both the claimant and defendant attend the case conference and —



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- (a) a defence has been filed and served in the case of an originating claim; or
  - (b) the defendant's affidavit has been filed and served in the case of an originating application,

the Court must first deal with any objection to its jurisdiction.

(2) If the defendant is challenging the jurisdiction of the Court, the Court must —

- (a) direct the defendant to file and serve the necessary application with supporting affidavit within 14 days after the date of the case conference;
- (b) direct the claimant to file and serve any affidavit in reply within 14 days thereafter, with no further affidavits to be filed without the Court's approval; and
- (c) unless the Court otherwise orders, fix the hearing of the application on a date no later than 14 days after all affidavits have been filed and served.

### **Affidavits of evidence-in-chief (O. 9, r. 8)**

**8.**—(1) If the application to challenge the jurisdiction of the Court has been dealt with or where there is no challenge to the jurisdiction of the Court, after pleadings have been filed and served but before any exchange of documents, the Court may, in any particular case, order the parties to file and serve their lists of witnesses and the affidavits of evidence-in-chief of all or some of the witnesses simultaneously or in any sequence.

(2) Where the Court does not exercise its power under paragraph (1), it will proceed to consider the matters in Rule 9.

### **Single application pending trial (O. 9, r. 9)**

**9.**—(1) After the parties notify the Court that they have complied with the Court's order under paragraph (1) of Rule 8 or if the Court does not exercise its power under that paragraph, the Court must consider all matters necessary to bring the proceedings to a conclusion in accordance with the Ideals.

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(2) As far as possible, the Court must order a single application pending trial to be made by each of the parties.

(3) The single application must deal with all matters that are necessary for the case to proceed expeditiously.

(4) The matters mentioned in paragraph (3) include —

- (a) addition or removal of parties;
- (b) consolidation of actions;
- (c) division of issues at trial to be heard separately;
- (d) security for costs;
- (e) further and better particulars of pleadings;
- (f) amendment of pleadings;
- (g) filing of further pleadings;
- (h) striking out of part of an action or of the defence;
- (i) judgment on admission of facts;
- (j) determination of questions of law or construction of documents;
- (k) production of documents;
- (l) interim relief;
- (m) expert evidence and assessors;
- (n) independent witness and interested non-parties; and
- (o) independent counsel.

(5) The Court must order the applying party to file and serve that party's application and supporting affidavit within 21 days after the date of the case conference and the other party to file and serve an affidavit in reply within 21 days thereafter.

(6) The Court may order written submissions to be filed with a bundle of authorities if appropriate.

(7) No application may be taken out by any party at any time other than as directed at the case conference or with the Court's approval, except an application for —

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- (a) an injunction or a search order which may include an application for any other matter if it is incidental to the injunction or search order;
  - (b) substituted service;
  - (c) service out of Singapore;
  - (d) setting aside service of an originating process;
  - (e) judgment in default of a notice of intention to contest or not contest an originating claim;
  - (f) judgment in default of defence;
  - (g) summary judgment;
  - (h) striking out of the whole of an action or defence;
  - (i) stay of the whole action;
  - (j) stay of enforcement of a judgment or order;
  - (k) an enforcement order;
  - (l) permission to appeal;
  - (m) transfer of proceedings under the State Courts Act;
  - (n) setting aside third party proceedings; or
  - (o) permission to make an application for a committal order.

(8) The Court's approval to file further applications other than those directed at a case conference must be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

(9) The Court may deal with the request by letter summarily or fix a case conference to deal with the matter.

(10) No application may be taken out during the period starting 14 days before the commencement of the trial and ending when the Court has determined the merits of the action, except in a special case and with the trial Judge's approval.

(11) The trial Judge's approval in paragraph (10) must be sought by letter setting out the essence of the intended application and explaining why there is a special case.

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**Adding and removing of parties (O. 9, r. 10)**

**10.**—(1) The Court may add or remove one or more claimants or defendants, give permission for a defendant to issue a third party notice in accordance with Order 10, or give directions for the originating process to be served on any person who may have an interest in the action.

(2) Any person seeking to be added as a party may attend a case conference if the person is aware of it or may seek a case conference by letter addressed to the Court and copied to all the parties.

(3) Where a person is added as a defendant, the action is deemed to be commenced against that person on the date on which the amendment to the action is made.

**Consolidation, etc., of causes or matters (O. 9, r. 11)**

**11.** The Court may order 2 or more actions to be consolidated, or order them to be tried together or one immediately after another, or order any of them to be stayed pending the determination of the other action or actions, if the Court is of the opinion that —

- (a) there is some common question of law in the actions;
- (b) the reliefs claimed in the actions concern or arise out of the same factual situation; or
- (c) it is appropriate to do so.

**Security for costs (O. 9, r. 12)**

**12.**—(1) The defendant may apply for security for the defendant's costs of the action if the claimant —

- (a) is ordinarily resident out of the jurisdiction;
- (b) is a nominal claimant who is suing for some other person's benefit (but not suing in a representative capacity) or is being funded by a non-party, and there is reason to believe that the claimant will be unable to pay the defendant's costs if ordered to do so; or
- (c) has not stated or has incorrectly stated the claimant's address in the originating claim or originating application,

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or has changed the claimant's address during the course of the proceedings, so as to evade the consequences of the litigation.

(2) If the claimant is a company, section 388 of the Companies Act also applies.

(3) The defendant may apply for security for the defendant's costs of the action to be provided by a non-party, if that non-party has —

- (a) assigned that non-party's right in the action to the claimant in return for a share of any money or property which the claimant may recover in the action;
- (b) contributed or agreed to contribute to the claimant's costs in return for a share of any money or property which the claimant may recover in the action; or
- (c) contributed or agreed to contribute to the claimant's costs and actively instigates or encourages the claimant to maintain the claimant's action.

(4) An application for an order under paragraph (3) must be made by summons, which must be served on the non-party personally and on every party to the proceedings.

(5) Nothing in this Rule is deemed to limit or affect the power of the Court to require security to be given for the costs of any proceedings under any written law.

(6) The references in paragraphs (1), (2) and (3) to a claimant and a defendant are to be construed as references to the person (however described on the record) who is in the position of claimant or defendant (as the case may be) in the proceeding in question, including a proceeding on a counterclaim.

### **Further and better particulars (O. 9, r. 13)**

**13.** The Court may order a party to serve on any other party particulars of any matter stated in the firstmentioned party's pleading if the Court is of the opinion that the particulars are necessary on the facts of the case.

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**Amendment of pleadings (O. 9, r. 14)**

- 14.—(1) The Court may allow the parties to amend their pleadings.
- (2) In a special case, the Court may consider events that occurred after the originating claim is filed to be pleaded even though they do not relate back to the date of the filing of the originating claim.
- (3) The Court must not allow any pleading to be amended less than 14 days before the commencement of the trial except in a special case.
- (4) Where an application for permission to amend is made after the relevant limitation period has expired, the Court may allow the amendment in the following circumstances:
- (a) an amendment to correct the name of a party even if its alleged effect will be to substitute a new party, if it was a genuine mistake and was not misleading as to the identity of the party in question;
  - (b) an amendment to alter the capacity in which a party sues, if the party might have sued in that capacity at the time the originating claim was issued or the counterclaim was made;
  - (c) an amendment to add or substitute a new cause of action, if the new cause of action arises out of the same or substantially the same facts as an existing cause of action for which relief has already been claimed in the same action.
- (5) Despite paragraphs (1) to (4), any pleading may, by written agreement between the parties, be amended not less than 14 days before the commencement of the trial.
- (6) If material facts in the pleadings are amended, the Court may draw the appropriate inferences.
- (7) This Rule applies to an originating application with the necessary modifications.

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**Directions for pleadings beyond defence or defence to counterclaim (O. 9, r. 15)**

**15.—**(1) The Court must decide whether it is necessary to file a pleading beyond the defence or defence to counterclaim.

(2) The Court must not order further pleadings to be filed if they merely deny or repeat assertions in earlier pleadings without adding anything material.

**Striking out pleadings and other documents (O. 9, r. 16)**

**16.—**(1) The Court may order any or part of any pleading to be struck out or amended, on the ground that —

- (a) it discloses no reasonable cause of action or defence;
- (b) it is an abuse of process of the Court; or
- (c) it is in the interests of justice to do so,

and may order the action to be stayed or dismissed or judgment to be entered accordingly.

(2) No evidence is admissible on an application under paragraph (1)(a).

(3) This Rule applies to an originating application as if it were a pleading.

(4) The Court may order any affidavit or other document filed in Court to be struck out or redacted on the ground that —

- (a) the party had no right to file the affidavit or document;
- (b) it is an abuse of process of the Court; or
- (c) it is in the interests of justice to do so.

**Summary judgment (O. 9, r. 17)**

**17.—**(1) The claimant may apply for summary judgment against any defendant after the defence has been filed and served in an originating claim on the ground that the defendant has no defence to —

- (a) a claim;

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- (b) a particular part of a claim; or
  - (c) a claim or part of a claim, except as to the amount of any damages claimed.
- (2) The claimant's affidavit must contain all the evidence that is necessary or material to the claim.
- (3) If the defendant disputes the application in any way, the defendant must file and serve the defendant's affidavit on the claimant within 14 days after service of the claimant's application and affidavit.
- (4) The defendant's affidavit must contain all the evidence that is necessary or material to the defence.
- (5) If the claimant disputes anything in the defendant's affidavit, the claimant must file and serve the claimant's affidavit on the defendant within 14 days after service of the defendant's affidavit.
- (6) No further affidavits may be filed without the Court's approval.
- (7) The Court may —
- (a) dismiss the application;
  - (b) grant permission to defend to the defendant without any conditions;
  - (c) grant judgment to the claimant; or
  - (d) grant permission to defend to the defendant with conditions if the defence or any issue raised therein is of a dubious nature.
- (8) Where the claimant obtains summary judgment on a claim or part of a claim against any defendant, the claimant may proceed with any other claim or the remainder of the claim or against any other defendant.
- (9) The Court may order a stay of enforcement of any summary judgment granted against any defendant until after the trial of the defendant's counterclaim.
- (10) The Court may set aside or vary any summary judgment granted against a defendant who was absent at the hearing.



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(11) Where a defendant to an action commenced by originating claim has served a counterclaim on the claimant and the claimant has served a defence to the counterclaim, the defendant may, on the ground that the claimant has no defence to a claim made in the counterclaim, or to a particular part of such a claim, apply for summary judgment against the claimant on that claim or part.

(12) In relation to an application under paragraph (11), the rules in paragraphs (2) to (10) apply as they apply in relation to an application under paragraph (1), with the necessary modifications.

(13) Except where the Court otherwise permits, an application under this Rule may not be made after the expiry of 28 days after the date of service of the defence or defence to counterclaim, as the case may be.

### **Agreement on facts and law (O. 9, r. 18)**

**18.—**(1) The Court must direct the parties to agree on as many material facts as possible and to set them out in an agreed statement of facts at as early a stage as possible.

(2) Where admissions of fact are made by a party in the party's pleadings or other documents, the Court may, on application made orally or in writing, give judgment on those admissions.

(3) The parties may also agree on material questions of law and to waive or limit their right of appeal.

### **Decision on questions of law or construction of documents (O. 9, r. 19)**

**19.—**(1) Upon a party's application or on the Court's own accord, the Court may decide any question of law or the construction of any document arising in any action without a trial or hearing on the facts, whether or not such decision will fully determine the action.

(2) Where the Court's decision in paragraph (1) fully determines (subject only to any appeal) the entire matter or any claim or issue therein, the Court may give judgment or dismiss the action or make any order that is appropriate.

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**Production of documents (O. 9, r. 20)**

20. The Court may order the production of documents in accordance with Order 11.

**Expert evidence and assessors (O. 9, r. 21)**

21.—(1) The parties are to inform the Court during the case conference if they intend to rely on expert evidence.

(2) If one or more parties intend to rely on expert evidence, the Court must consider the matters set out in Order 12.

(3) The Court may appoint one or more assessors upon application by any party or on its own accord and give directions on the role and the remuneration of the assessors.

**Independent witnesses and interested non-parties (O. 9, r. 22)**

22.—(1) The Court may order, on its own accord, a person not named as a witness for any party to give evidence orally or by way of affidavit as an independent witness.

(2) The Court may give directions for the cross-examination of an independent witness.

(3) The Court may invite any natural person or entity who has an interest or is able to assist in the issues in the case to give the person's or entity's views in writing on specific issues.

(4) The interested person or entity is not subject to cross-examination and need not attend the hearing.

(5) The Court may order one or more of the parties to pay for the reasonable expenses incurred by an independent witness or an interested person or entity.

**Independent counsel (O. 9, r. 23)**

23.—(1) The Court may, on its own accord, appoint one or more independent counsel (previously called the “amicus curiae”) to assist the Court in any matter on specific issues of law.

(2) An independent counsel may be —

(a) a solicitor;

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- (b) an academic involved in the teaching of law at present or in the past; or
  - (c) a person who has special knowledge or experience in any area of law.
- (3) The Court must give directions to the independent counsel on —
- (a) the specific issues of law to be addressed by the independent counsel;
  - (b) the filing and service of written submissions by the independent counsel and the parties; and
  - (c) the independent counsel’s attendance in Court to make oral submissions.

**Pre-trial examination (O. 9, r. 24)**

**24.**—(1) Where it is necessary in the interests of justice to record the evidence of any witness in or out of Singapore before a trial, a party may apply to the Court to make an order for pre-trial examination.

(2) The party who applies for an order for pre-trial examination must file an affidavit showing that —

- (a) the witness’ evidence is necessary for the party’s case;
- (b) the other parties do not agree that the evidence of that witness be given in an affidavit without cross-examination; and
- (c) the witness will not be able or willing to attend the trial or to give evidence by live video or live television link, or the witness’ age or health makes it likely that he or she will pass away before or become incapable of testifying at the trial.

(3) If the pre-trial examination is to be conducted outside Singapore, the affidavit must also state —

- (a) the place where the pre-trial examination is to be conducted;

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- (b) that the law of that place allows the pre-trial examination to be conducted in that place;
- (c) the particulars and remuneration of the examiner who will be conducting the pre-trial examination; and
- (d) the rules that will apply to the pre-trial examination.
- (4) If the law of the place for the pre-trial examination outside of Singapore requires the issue of a letter of request to the relevant authorities for the evidence of the person in that jurisdiction to be taken, the party who applies for the order may include a request for the issue of a letter of request and such application can only be made in the General Division even if the proceedings are commenced in the State Courts.
- (5) For the purposes of paragraph (4), the party obtaining the order must prepare and file in the Registry —
- (a) the letter of request which must be —
- (i) in a case where the jurisdiction in which the evidence is to be taken is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or
- (ii) in any other case — in Form 17,
- with such variations and in compliance with such requirements as may be required by the jurisdiction in which the evidence is to be taken or by the order; and
- (b) an undertaking in Form 18 signed by the party or the party's solicitor to be responsible personally for all expenses incurred by an issuing authority or a transmitting authority in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

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(6) A pre-trial examination in Singapore must be before a Judge or the Registrar and must be conducted according to the rules governing trials.

(7) Where an order for pre-trial examination in Singapore has been made, the attendance of the witness before the examiner in Singapore and the production by the witness of any document at the examination may be enforced by an order to attend court and an order to produce documents in like manner as the attendance of a witness and the production by a witness of a document at a trial may be enforced.

(8) A pre-trial examination outside Singapore must be conducted by the examiner appointed by the Court and in the manner directed by the Court and the examiner must not do anything that is contrary to the law of that place.

(9) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.

### **Directions for trial or hearing (O. 9, r. 25)**

**25.—**(1) Subject to these Rules, at the appropriate stage, the Court must give directions for the case to proceed to trial or hearing.

(2) The Court may order a bifurcated hearing in that the issues concerning liability are to be heard by a Judge before the issues

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concerning the amount of damages or the taking of accounts are heard by a Judge or the Registrar.

(3) The Court may order any issue of fact to be heard and decided separately.

(4) In an action commenced by an originating claim, the Court must fix a period within which the claimant is to set down the action for trial.

(5) Where the claimant does not, within the period fixed under paragraph (4), set down the action for trial, the defendant may set the action down for trial or may apply to the Court to dismiss the action and, on the hearing of any such application, the Court may order the action to be dismissed accordingly or make such order as the Court thinks just.

(6) The party setting down an action for trial must file a notice for setting down an action for trial in Form 19.

(7) The notice for setting down an action for trial must state the length of the trial and the trial dates, and specify the witnesses (if any) for each party.

(8) The notice for setting down an action for trial must be served on all other parties to the action within 24 hours after the date on which the notice is filed.

(9) In an action commenced by an originating claim, the Court must give directions to the parties to file and serve —

- (a) their affidavits of evidence-in-chief or other affidavits (if such directions have not been given earlier);
- (b) the bundles of documents; and
- (c) their opening statements (with a page limit of 25 pages) without the need for bundles of authorities.

(10) The bundle of documents in paragraph (9) must contain —

- (a) the last pleading (which incorporates all the previous pleadings);
- (b) the orders of the Court given at the case conferences which are relevant for the trial; and

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- (c) the documents which the parties are relying on at the trial, separating them into sections for documents of which authenticity is not in dispute and documents of which authenticity is in dispute.

(11) The bundle of documents in paragraph (9) must be arranged chronologically or in some other meaningful order and must not contain repeat documents, or documents which have not been exchanged or produced under Order 11.

(12) Where issues concerning liability are agreed or have been determined in a bifurcated hearing under paragraph (2), the Court must give the appropriate directions for the assessment of damages or the taking of accounts as set out in paragraph (9).

(13) In an action commenced by an originating application where the defendant has included a counterclaim in the defendant's affidavit, the Court must consider whether to order —

- (a) the claim and the counterclaim to be heard together or separately; or
- (b) the defendant to file a separate action for the defendant's counterclaim.

(14) In an action commenced by an originating application, the Court may order the parties to file and serve their written submissions (with a page limit of 35 pages except in a special case) together with the bundle of authorities.

(15) The Court may allow the page limit mentioned in paragraphs (9)(c) and (14) to be exceeded —

- (a) in special circumstances; and
- (b) unless the Court otherwise orders under paragraph (16), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(16) The Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (15)(b).

(17) The Court must estimate the length of time needed for the trial or hearing, including oral or written submissions, and assign the trial or hearing dates accordingly.

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**ORDER 10****THIRD PARTY AND SIMILAR PROCEEDINGS****Third party notice (O. 10, 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 claimant; 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 claimant and 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 filed a notice of intention to contest or not contest if required to do so under these Rules, issue a notice in Form 20 or Form 21, whichever is appropriate (called in this Order a third party notice), containing a statement of the nature of the claim made against the defendant and (as the case may be) either of the nature and grounds of the claim made by the defendant 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 permission of the Court unless the action was begun by originating claim and the defendant issues the third party notice before serving the defendant's defence on the claimant.

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



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**Application for permission to issue third party notice  
(O. 10, r. 2)**

2.—(1) An application for permission to issue a third party notice may be made by summons without notice in Form 22 but the Court may direct the summons to be served.

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

- (a) the nature of the claim made by the claimant 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 notice of intention to contest or not contest in relation to third party notice (O. 10, r. 3)**

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

(2) There must be served with every third party notice a copy of the originating claim or originating application 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 originating claim, the provisions of Order 6, Rules 4, 5(6) and (7), 6 and 7(4), (5) and (6), Order 7, Rules 4 and 5 and Order 8 apply in relation to a third party notice and to the proceedings begun thereby as if —

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

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(4) Subject to paragraphs (1) and (2), in an action begun by originating application, the provisions of Order 6, Rules 4, 11(4) and (5) and 12(3), (4) and (5), Order 7, Rules 4 and 5 and Order 8 apply in relation to a third party notice and to the proceedings begun thereby as if —

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

### **Third party directions (O. 10, r. 4)**

4.—(1) The defendant who issued a third party notice must, by summons in Form 23 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 originating claim, such application must not be made before the third party files and serves a notice of intention to contest or not contest 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 originating claim, not earlier than 14 days after filing and serving the notice of intention to contest or not contest; or
- (b) in an action begun by originating application, not earlier than 14 days after service of the notice on the third party,

by summons in Form 23 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;

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- (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 claimant against the defendant.
- (4) On an application for directions under this Rule, the Court may —
- (a) give the third party permission 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 in the trial or hearing as may be just; and
- (b) generally 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 may be varied or rescinded by the Court at any time.

### **Default of third party, etc. (O. 10, r. 5)**

5.—(1) If a third party who is required by these Rules to file and serve a notice of intention to contest or not contest does not do so or, having been ordered to serve a defence, fails to do so —

- (a) the third party is deemed to admit any claim stated in the third party notice and is bound by any judgment (including judgment by consent) or decision in the action insofar as it is relevant to any claim, question or issue stated in that third party notice; and
- (b) the defendant by whom the third party notice was issued may, if judgment in default is given against the defendant in the action, at any time after satisfaction of that judgment or, with the permission of the Court, before satisfaction of that judgment, enter judgment against the third party —

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- (i) in respect of any contribution or indemnity claimed in that third party notice; and
  - (ii) with the permission of the Court, in respect of any other relief or remedy claimed in that third party notice.

(2) If a third party or the defendant by whom a third party notice was issued makes default in serving any pleading which that third party or defendant is ordered to serve, the Court may, on the application by summons of that third party or defendant (as the case may be), order such judgment to be entered for the applicant as the applicant 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 the Court thinks just.

### **Setting aside third party proceedings (O. 10, 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. 10, 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, an enforcement order must not be issued against the third party without the permission of the Court until the judgment against the defendant has been satisfied.

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**Claims and issues between defendant and some other party  
(O. 10, 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 claimant; 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 claimant and the defendant 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 filed and served a notice of intention to contest or not contest if required to do so under these Rules, without permission, issue and serve on that person a notice containing a statement of the nature and grounds of the defendant's 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 the defendant by counterclaim in the action, paragraph (1) does not apply in relation to the claim.

(3) No filing and serving of a notice of intention to contest or not contest in relation to such a notice is necessary if —

- (a) the person on whom it is served has filed and served a notice of intention to contest or not contest in the action;
- (b) the person on whom it is served is a claimant in the action; or
- (c) the action was begun by originating application,

and the same procedure is to 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

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would be appropriate under this Order if the person served with the notice —

- (d) were a third party; and
- (e) (where, in an action begun by originating claim, he or she has filed and served a notice of intention to contest or not contest in the action or is a claimant) had filed a notice of intention to contest or not contest in relation 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 that person, by summons in Form 23 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. 10, 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 applies, 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 (being one to whom, by virtue of this Rule, this Order applies as if the person were a third party) makes such a claim or requirement.

(2) The modification mentioned in paragraph (1) is that paragraph (3) has effect in relation to the issue of a third party 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 permission of the Court unless the action in question was begun by originating claim and the third party issues the notice before the expiration of 14 days after the time limited for filing and serving a notice to contest or not contest in relation to the notice issued against the third party.

### **Counterclaim by defendant (O. 10, r. 10)**

**10.** Where in any action a counterclaim is made by a defendant, Rules 1 to 9 apply in relation to the counterclaim as if the subject matter of the counterclaim were the original subject matter of the

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action, and as if the person making the counterclaim were the claimant and the person against whom it is made a defendant.

## ORDER 11

### PRODUCTION OF DOCUMENTS

#### **Scope of Order and Court's power (O. 11, r. 1)**

1.—(1) This Order sets out the basic requirements of the parties' obligations to produce and exchange documents and does not affect —

- (a) any agreement that the parties or any set of parties may make to broaden the scope of such obligations; or
- (b) the Court's power to allow a broader scope of discovery where it is in the interests of justice to do so.

(2) In exercising its power in this Order, the Court must bear in mind, in addition to the Ideals, the following principles:

- (a) that a claimant is to sue and proceed on the strength of the claimant's case and not on the weakness of the defendant's case;
- (b) that a party who sues or is sued in court does not thereby give up the party's right to privacy and confidentiality in the party's documents and communications.

(3) The Court may allow a broader scope of discovery where the Court determines that it is in the interests of justice to do so.

(4) It will be in the interests of justice to allow such broader scope of discovery where it could aid in disposing fairly of the proceedings.

(5) Where there is an application for a broader scope of discovery, paragraph (2) does not apply and the Court must have regard only to the Ideals and to paragraph (4).

#### **Order for production (O. 11, r. 2)**

2.—(1) The Court may, at a case conference, order that the parties in an action must within 14 days after the date of the case conference,

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exchange a list of and a copy of all documents in their possession or control, which fall within one or more of the following categories:

- (a) all documents that the party in question will be relying on;
- (b) all known adverse documents;
- (c) where applicable, documents that fall within a broader scope of discovery —
  - (i) as may be agreed between the parties or any set of parties; or
  - (ii) as ordered by the Court.

(2) In this Order, “known adverse documents” includes documents which a party ought reasonably to know are adverse to the party’s case.

(3) A copy of any document may be in paper form or, if in an electronic form, in a common electronic format that the other party can use.

(4) To comply with an order made by the Court under paragraph (1), it is not necessary for the parties to exchange documents common to them that are in their possession or control to avoid duplication and to save costs.

(5) The parties may not rely on any document that was not exchanged or produced under this Order.

### **Production of requested documents (O. 11, r. 3)**

**3.—**(1) The Court may order any party to produce the original or a copy of a specific document or class of documents (called the requested documents) in the party’s possession or control, if the requesting party —

- (a) properly identifies the requested documents; and
- (b) shows that the requested documents are material to the issues in the case.

(2) If the requested documents are not in the party’s possession or control, the Court may order that party to file an affidavit stating this, as well as whether that party had such possession or control



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previously and if so, when that party parted with possession or control and what has become of the requested documents.

(3) Except in a special case, if the Court orders the parties to file and serve affidavits of evidence in chief of witnesses after pleadings have been filed and served but before any exchange of documents, the Court must not exercise its power under this Rule before the parties comply with the Court's order.

#### **Court's power to order production of documents (O. 11, r. 4)**

4. Subject to Rules 5, 8 and 9, the Court may, of its own accord and at any time, order any party or non-party to produce a copy of any document that is in the person's possession or control.

#### **No order for production of certain documents (O. 11, r. 5)**

5.—(1) Except in a special case, the Court must not order production of any document that merely leads a party on a train of inquiry to other documents.

(2) The Court must not order the production of any document that is part of a party's private or internal correspondence, whether in paper form or in an electronic format (including electronic mail, short message service or any instant messaging service), wherever such correspondence may be stored unless —

- (a) it is a special case; or
- (b) such correspondence are known adverse documents.

(3) Subject to any written law, the Court must not order the production of any document which is subject to any privilege or where its production would be contrary to the public interest.

#### **Continuing duty to produce (O. 11, r. 6)**

6. Where the Court makes an order under Rule 2, 3 or 4, the party required to produce the documents remains under a duty to produce any of those documents within 14 days after that document comes into the party's possession or control at any time in the course of the proceedings.

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**Non-compliance with production order (O. 11, r. 7)**

7. If any party fails to comply with any order made by the Court under this Order, the Court may —

- (a) order that the action be dismissed or that the defence be struck out and judgment be entered accordingly;
- (b) draw an adverse inference or make any such order as the Court deems fit;
- (c) punish that party for contempt of court if the order has been served on that party's solicitor, but it is open to that party to show that that party was not notified or did not know about the order; or
- (d) order that that party may not rely on any document that is within the scope of the order unless the Court approves.

**Privileged documents (O. 11, r. 8)**

8.—(1) A document which was at any time subject to any privilege must not be relied on unless the party entitled to the privilege consents or the Court approves.

(2) Such a document does not lose its privilege or confidentiality even if it was disclosed or taken inadvertently or unlawfully by anyone.

**Confidential documents (O. 11, r. 9)**

9.—(1) A party who is required by any order made by the Court under this Order to produce documents may not withhold or object to the production of any document on the ground that the document is confidential.

(2) A confidential document does not lose its confidentiality even if it was disclosed or taken inadvertently or unlawfully by anyone.

**Use of documents in other proceedings (O. 11, r. 10)**

10.—(1) Any document produced under this Order or by compulsion of law in the court proceedings must not be relied on in other proceedings by the other parties or non-parties unless the

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party who produced the document consents or the Court otherwise approves.

(2) The party who used or produced any document in a case may apply to the Court to prohibit the use of such documents for any purpose other than for that case.

### **Production before action or against non-parties (O. 11, r. 11)**

**11.—**(1) The Court may order the production of documents and information before the commencement of proceedings or against a non-party to identify possible parties to any proceedings, to enable a party to trace the party's property or for any other lawful purpose, in the interests of justice.

(2) The Court must not order a document to be produced if its production cannot be compelled in law.

(3) A non-party is entitled to all reasonable costs arising out of such an application.

### **Inspection of original of document produced (O. 11, r. 12)**

**12.—**(1) If a party requests to inspect the original of any document produced, the party who produced the document must arrange a mutually convenient time and place for the inspection to take place.

(2) Such inspection must take place within 14 days after the request unless the parties otherwise agree.

(3) If the party who produced the document fails to comply with paragraph (1) or (2), the requesting party may apply to the Court to compel that party to do so.

## **ORDER 12**

### **EXPERT EVIDENCE**

#### **Expert (O. 12, r. 1)**

**1.—**(1) An expert is a person with scientific, technical or other specialised knowledge based on training, study or experience.

(2) An expert has the duty to assist the Court in the matters within his or her expertise and on the issues referred to him or her.

(3) The expert's duty to the Court overrides any obligation to the person from whom the expert receives instructions or by whom the expert is paid.

### **Court to approve use of expert evidence (O. 12, r. 2)**

**2.—**(1) No expert evidence may be used in Court unless the Court approves.

(2) The parties must consider whether expert evidence will contribute materially to the determination of any issue that relates to scientific, technical or other specialised knowledge and whether such issue can be resolved by an agreed statement of facts or by submissions based on mutually agreed materials.

(3) The Court must not approve the use of expert evidence unless it will contribute materially to the determination of any issue in the case and the issue cannot be resolved in the manner stated in paragraph (2).

(4) The Court may disallow the use of or reject any expert evidence if it is of the opinion that the expert lacks the requisite specialised knowledge in the issues referred to him or her or that he or she lacks impartiality.

### **Common expert, court expert and number of experts (O. 12, r. 3)**

**3.—**(1) Subject to paragraph (5), as far as possible, parties must agree on one common expert.

(2) Except in a special case and with the Court's approval, a party may not rely on expert evidence from more than one expert for any issue.

(3) In a special case, the Court may appoint a court expert in addition to or in place of the parties' common expert or all the experts.

(4) The Court must give all appropriate directions relating to the appointment of experts, including the method of questioning in Court and the remuneration to be paid to them.

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(5) Paragraphs (1) to (4) do not apply to any proceedings before a Magistrate's Court or District Court where any question requiring the evidence of an expert witness arises in a case which the Court has directed to be set down for a simplified trial, and instead —

- (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 must —
    - (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 are jointly and severally liable to pay the expert the amount of remuneration fixed by the Court.

(6) Paragraph (5)(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.

#### **Issues and common set of facts (O. 12, r. 4)**

4.—(1) The parties must agree on the list of issues to be referred for expert evidence and the common set of agreed or assumed facts that the experts are to rely on.

(2) The list of issues and the common set of agreed or assumed facts must be approved by the Court and unless the Court otherwise orders, the expert evidence must be confined to the approved issues and must rely on the common set of agreed or assumed facts only.

(3) If there is no agreement as mentioned in paragraph (1), the Court must decide the list of issues and the common set of agreed or assumed facts.

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(4) As far as possible, the issues must be expressed in the form of questions which can be answered with “yes” or “no”.

### **Expert’s report (O. 12, r. 5)**

5.—(1) Expert evidence must be given in a report signed by the expert and exhibited in an affidavit made by the expert.

(2) The expert’s report must include the following:

- (a) the expert’s qualifications showing that he or she has the requisite specialised knowledge on the issues referred to him or her;
- (b) the expert’s statement that he or she understands his or her duty is to assist the Court in the matters within his or her expertise and on the issues referred to him or her and that such duty to the Court overrides any obligation to the person from whom he or she receives instructions or by whom he or she is paid;
- (c) the issues referred to the expert and the common set of agreed or assumed facts that he or she relied on;
- (d) a list of the materials that the expert relied on and including only extracts of the materials which are necessary to understand the report;
- (e) where the materials include tests, experiments or the collection or analysis of data, the names and qualifications of the persons who did the tests, experiments or the collection or analysis of data and whether they did so under the expert’s supervision or guidance;
- (f) where there is a range of opinion on the matters dealt with in the report —
  - (i) a summary of the range of opinion; and
  - (ii) the reasons for the expert’s opinion;
- (g) a statement of belief of correctness of the expert’s opinion;
- (h) the conclusions reached on the issues referred to the expert and the reasons to support the conclusions.

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**Meeting, clarification on report and cross-examination  
(O. 12, r. 6)**

6.—(1) The Court may order the parties, their solicitors and the experts to meet before, during or after the making of the expert reports to try to narrow any dispute and so that the parties can agree in writing on all or some of the conclusions on the issues referred to the experts.

(2) Other than the contents of any agreement in writing, the contents of discussions at a meeting mentioned in paragraph (1) must not be used in Court unless the parties otherwise agree.

(3) With the Court's approval, the parties may request in writing that an expert clarify his or her report in any aspect.

(4) Upon receipt of a request mentioned in paragraph (3), the expert must give his or her clarification in writing within the time specified by the Court and such clarification is deemed to be part of his or her report.

(5) The parties must consider whether the experts need to be cross-examined in Court.

**Panel of experts (O. 12, r. 7)**

7.—(1) In a case where there is more than one expert, the Court may order that all or some of the experts testify as a panel.

(2) The panel of experts may testify before or after all or some of the non-expert witnesses have testified.

(3) If the defendant's expert testifies as a panel before the defendant or any of the defendant's non-expert witnesses has testified, the defendant is not deemed to have waived his or her right to submit that there is no case for him or her to answer at that stage of the hearing.

(4) Where the experts testify as a panel, the Court may order that they give their views on the issues referred to them and comment on one another's views.

(5) The Court may order cross-examination and re-examination of all or some of the experts in the panel in any sequence as the Court

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thinks appropriate, whether before or after the experts have testified as a panel.

(6) The Court may give any other directions as are appropriate for the particular case.

### ORDER 13

#### INJUNCTIONS, SEARCH ORDERS AND OTHER INTERIM RELIEF BEFORE TRIAL

##### **Application for injunction or search order (O. 13, r. 1)**

1.—(1) A party may apply for an injunction or a search order, whether or not a claim for such relief was included in that party's originating process, counterclaim or third party notice, as the case may be.

(2) In an urgent case, the claimant may apply for an injunction or a search order before the originating process is issued.

(3) The application may be by originating application without notice or summons without notice, supported by an affidavit stating the urgency and explaining why the defendant should not be informed about the application and the merits of the application.

(4) The Court may order the claimant not to serve the injunction or the search order on anyone until after the originating process is issued.

(5) A party applying for an injunction or a search order has the duty to disclose to the Court all material facts that the party knows or reasonably ought to know, including any matter that may affect the merits of the party's case adversely.

(6) A local injunction prohibiting the disposal of assets in Singapore must be in Form 24.

(7) A worldwide injunction prohibiting the disposal of assets worldwide must be in Form 25.

(8) A search order must be in Form 26.



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**Detention, preservation, etc., of subject matter of action  
(O. 13, r. 2)**

2.—(1) The Court may order the detention, custody or preservation of any property which is the subject matter of or may give rise to issues in an action.

(2) The Court may order the inspection of any such property in the possession or control of a party.

(3) The Court may authorise any person to enter upon any immovable property in the possession or control of any party to effect any order made under paragraphs (1) and (2).

(4) Where there is a dispute as to the right of any party to a specific fund, the Court may order the fund to be paid into Court or otherwise secured.

**Power to order taking of samples, etc. (O. 13, r. 3)**

3.—(1) If any property is the subject matter of or may give rise to issues in an action, the Court may order —

(a) any sample of the property to be taken; and

(b) any experiment or examination to be conducted on the sample.

(2) The Court may authorise any person to enter upon any immovable property in the possession or control of any party to the action to effect any order in paragraph (1).

**Sale of perishable property, etc. (O. 13, r. 4)**

4.—(1) The Court may order the sale of any movable property which is the subject matter of or may give rise to any issue in an action if —

(a) that property is perishable;

(b) that property is likely to diminish in value; or

(c) it is desirable to sell that property for any other reason.

(2) Order 22 applies to a sale of movable property under this Rule with the necessary modifications.

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**Transfer or handing over of property held as security  
(O. 13, r. 5)**

5. Where the claim is for the recovery of any property held as security, the Court may order the property to be handed over or transferred to the claimant before trial if —

- (a) the claimant's title to the property is not in dispute; and
- (b) the claimant pays into Court or provides security for the value of the property or the value of the claim for which the property is held as security, whichever is the lower.

**Use of property for income before trial or hearing (O. 13, r. 6)**

6. Where the claim involves any property which is capable of generating income, the Court may order that —

- (a) the property be used for that purpose before the trial or hearing and the income be kept in an account or be distributed or used for any appropriate purpose; or
- (b) any part of any movable property be transferred or delivered to all or any of the parties who have an interest in the property.

**Sale and dealings with immovable property before trial or hearing (O. 13, r. 7)**

7.—(1) Where any immovable property is in issue in any action, the Court may order the immovable property to be sold or dealt with in any manner that is appropriate before the trial or hearing.

(2) The Court may give directions on —

- (a) the valuation of the immovable property;
- (b) the minimum price and terms of sale;
- (c) the method of sale;
- (d) the appointment and remuneration of a sales agent; and
- (e) the appointment and remuneration of an advocate and solicitor to effect the sale and transfer of title or to deal with the property in any other manner.

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(3) Order 22 applies to a sale of immovable property under this Rule with the necessary modifications.

### **Interim payments (O. 13, r. 8)**

**8.—**(1) In this Rule, “interim payment” means any payment before trial or hearing on account of any amount that a defendant may be held liable to pay to the claimant, excluding costs of the action.

(2) A defendant may make interim payment to the claimant on the defendant’s own accord.

(3) A claimant may apply for interim payment to be made by one or more of the defendants and the claimant’s affidavit must state —

- (a) the amount of the claimant’s claim;
- (b) whether the defendant has admitted liability or has been found liable for any part of the claim, and if not, why the claimant believes the claimant has a strong case against the defendant; and
- (c) why the claimant requires an interim payment to be made at this stage of the proceedings.

(4) The Court may order interim payment of any amount to be made after taking into consideration all the above factors, any contributory negligence, set-off or counterclaim that the defendant has relied on and the defendant’s ability to make the interim payment.

(5) The Court may order interim payment to be made in instalments or at periodic intervals.

(6) The Court may allow a second or subsequent application for interim payment to be made if there is a material change in circumstances.

(7) The fact that any interim payment has been made on the defendant’s own accord or by order must not be disclosed to the trial Judge until after all issues on liability and on the amount of claim have been decided, unless the defendant consents or the Court so directs.

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(8) If the Court dismisses the claim, the Court must order the claimant to repay the defendant the amount paid in interim payment, with or without interest.

(9) If the Court gives judgment for an amount less than the amount paid in interim payment, the Court must order the claimant to repay the defendant the excess paid, with or without interest on the excess paid.

(10) If the Court gives judgment for an amount which is more than the amount paid in interim payment, the Court must take into account any interim payment paid.

(11) If a defendant who makes interim payment does not admit that the amount paid is due to the claimant, the claim is not deemed to have been reduced by that amount for the purpose of considering whether any other Court has the jurisdiction to hear the case.

### **Receivers (O. 13, r. 9)**

**9.—**(1) The Court may appoint a receiver at any time where appropriate.

(2) The Court may give directions on —

- (a) the duties and the powers of the receiver;
- (b) the form and the amount of any security to be given by the receiver for the proper discharge of the duties;
- (c) when and how often the accounts should be submitted to the Court and to the relevant parties; and
- (d) the remuneration of the receiver.

(3) If the receiver fails to discharge the duties properly, the Court may —

- (a) terminate the appointment of the receiver;
- (b) disallow any part of the remuneration;
- (c) order that all or part of any security given be forfeited;
- (d) appoint a new receiver; and

- (e) make orders relating to any property in the possession or control of the former receiver.

**Release from liability of person in possession or control of property (O. 13, r. 10)**

**10.**—(1) A person who is in possession or control of any property may apply to the Court at any time to be released from any liability relating to the property if the person files an affidavit stating that the person —

- (a) does not make any claim to the property other than for expenses and fees relating to such possession or control;
- (b) faces or expects to face conflicting claims to the property;
- (c) does not know or does not wish to decide which of the conflicting claims is the valid one; and
- (d) is willing to abide by any direction given by the Court relating to the property.

(2) The application and the affidavit must be served on all claimants or known potential claimants to that property.

(3) Any person served with the application and the affidavit who wants to make a claim on the property must file the person's affidavit within 14 days after such service.

(4) The Court must fix a case conference for the application.

(5) At the case conference, the Court may decide on the conflicting claims to the property summarily or give directions regarding the hearing of the conflicting claims.

(6) Any person who makes a claim on any property in the Sheriff's possession or control must give written notice of the person's claim to the Sheriff as soon as possible and include any evidence supporting the claim.

(7) The Sheriff may apply under this Rule.

(8) Where a defendant to an action applies for relief under this Rule in the action, the Court may by order stay all further proceedings in the action.

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(9) Order 11 applies, with the necessary modifications, in relation to an issue of conflicting claims to property under this Rule as it applies in relation to any other cause or matter.

### **Order for early trial (O. 13, r. 11)**

11. The Court may order an early trial or hearing of the action instead of making an order on any application under Rules 1 to 10.

## **ORDER 14**

### **PAYMENT INTO AND OUT OF COURT**

#### **Payment into Court (O. 14, r. 1)**

1.—(1) In any action for a debt or damages, any defendant may at any time after the defendant has filed a notice of intention to contest or not contest in the action pay into Court a sum of money in satisfaction of the cause of action in respect of which the claimant 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, or on increasing any such payment already made, the defendant must give notice of the payment or further payment in Form 27 to the claimant and every other defendant (if any); and within 3 days after receiving the notice the claimant must send the defendant a written acknowledgment of its receipt.

(3) A defendant may, without permission, give notice of an increase in a payment made under this Rule but, subject to that and without affecting paragraph (5), a notice of payment may not be withdrawn or amended without the permission 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

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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 of action 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 claimant 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 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 are, for the purpose of paragraph (5), to be treated as one cause of action.

(7) For the purposes of this Rule, the claimant's cause of action in respect of a debt or damages is to 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. 14, r. 2)**

2. Where a defendant, who makes by counterclaim a claim against the claimant 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 the defendant 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.

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**Acceptance of money paid into Court (O. 14, 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 claimant may —

- (a) where the money was paid in respect of the cause of action or all the causes of action in respect of which the claimant 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 the claimant 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 28 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 claimant 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) does 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 claimant 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 the firstmentioned defendant are to be stayed.



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(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 the defendant claimed, then, on the claimant 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 claimant are to be stayed.

(6) A claimant who has accepted any sum paid into Court is, subject to Rules 4 and 10 and Order 44, Rule 11, 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. 14, r. 4)**

4.—(1) Where a claimant 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 the claimant;
- (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 or of a cause of action arising under section 20 of that Act, where more than one person is entitled to the money,

the money in Court must not be paid out except under paragraph (2) or in pursuance of an order of the Court, and the order must 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 the claimant, the claimant 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.

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(3) Where after the trial or hearing of an action has begun, a claimant 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, despite anything in paragraph (2), the money must not be paid out except in pursuance of an order of the Court, and the order must deal with the whole costs of the action.

#### **Money remaining in Court (O. 14, 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 must 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 must not be paid out except in satisfaction of the cause or causes of action in respect of which it was paid in.

#### **Counterclaim (O. 14, r. 6)**

6. A claimant 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 apply accordingly with the necessary modifications.

#### **Non-disclosure of payment into Court (O. 14, 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 must not be pleaded and no communication of that fact may 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.

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**Money paid into Court under order of Court (O. 14, r. 8)**

**8.**—(1) Subject to paragraph (2), money paid into Court under an order of the Court or a certificate of the Registrar must 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 pursuant to an order made under Order 9, Rule 17 —

(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 originating claim or counterclaim (as the case may be), and specified in the notice; or

(b) if the party pleads a tender, may by that party's 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 is 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 applies accordingly.

**Payment out of money paid into Court under Exchange Control Act (O. 14, r. 9)**

**9.**—(1) Where money has been paid into Court in any cause or matter pursuant to the Exchange Control Act, or an order of the Court made under that Act, 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 as defined in that Act, 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.

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**Person to whom payment to be made (O. 14, 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 or her to legal aid under the Legal Aid and Advice Act, payment must be made only to that party's solicitor, or, if he or she 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 must be made to the party entitled or, on his or her written authority, to his or her solicitor or, if the Court so orders, to his or her 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. 14, 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 letters of administration of his or her estate has been made and that the assets of his or her estate do not exceed \$50,000 in value, including the value of the fund or share, the Court may order that the fund or share must 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 letters of administration of the estate of the deceased.

**Payment of hospital expenses (O. 14, r. 12)**

**12.**—(1) This Rule applies in relation to an action or a 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, 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

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the claim is made must, within 14 days after payment is made, give notice of the payment to all the other parties to the action.

## ORDER 15

### COURT HEARINGS AND EVIDENCE

#### *Division 1 — Court hearings*

#### **Hearings in court and in chambers (O. 15, r. 1)**

1.—(1) Subject to any written law or practice directions, every originating application, summons, assessment of damages, taking of accounts and appeal must be heard in chambers.

(2) All trials in originating claims must be heard in open court.

(3) Applications and appeals to the Appellate Division or Court of Appeal must be heard in open court unless the Appellate Division or Court of Appeal (as the case may be) otherwise orders.

(4) Subject to paragraphs (1) to (3) and any written law, the Court may order any matter which is to be heard in chambers to be heard in court and order any matter which is to be heard in court to be heard in chambers at any time.

(5) As a general rule, attendance in hearings in chambers is restricted to the parties (if they are not legally represented) or to their solicitors (if they are legally represented).

(6) The Court may allow any person to attend any hearing in chambers subject to space, security and the interests of justice.

(7) Despite paragraphs (2) and (3) and subject to any written law, the Court may hear any matter in court in private with attendance restricted to the parties, their legal representatives and any other person which the Court allows in the interests of justice.

(8) All persons in court or in chambers must comply with the practice directions and the Court's directions on attire, conduct, use of electronic or other devices or any other matter.

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**Jurisdiction and powers of Registrar (O. 15, r. 2)**

2.—(1) Subject to any written law and directions by the Chief Justice, the Registrar of the Supreme Court has the jurisdiction and powers of a Judge sitting in chambers in the General Division and must hear all matters in chambers only.

(2) The Registrar of the Supreme Court may refer any matter to a Judge in the General Division, who may hear the matter referred to him or her or send it back to the Registrar with directions.

(3) This Rule applies in relation to the jurisdiction of the Registrar of the State Courts, save that the reference to directions by the Chief Justice is to be construed as a reference to the directions which the Presiding Judge of the State Courts may, with the concurrence of the Chief Justice, make.

**Attendance of parties (O. 15, r. 3)**

3.—(1) All parties must attend the hearing of any matter in person (if they are not legally represented) or by a solicitor (if they are legally represented).

(2) If a party fails to attend the hearing, the Court may dismiss the party's application, action or appeal or make any other appropriate order against the party.

(3) The Court may dispense with the attendance of the parties or their solicitors and decide any matter after reading the documents filed without the need for oral arguments, except for the following matters:

- (a) where oral evidence is given at any part of the proceedings (including any part of a trial of an action), unless all the parties consent;
- (b) where the hearing of the matter is required under written law or an order of court to be advertised or published in any newspaper or the *Gazette*.

(4) The Court may, in any matter that it may decide without hearing oral arguments, direct that the matter be heard in an asynchronous manner except where to do so would be inconsistent with the Court's duty to ensure that the proceedings are conducted fairly to all parties.

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**Attendance of witnesses (O. 15, r. 4)**

4.—(1) The parties may request the Registrar to issue an order to attend court or an order to produce documents in Form 29 to any witness, stating whether the witness is to give oral evidence or to produce documents or both.

(2) The order to attend court or order to produce documents must state the requesting party and whether the witness is to give oral evidence or to produce documents or both.

(3) An order to attend court or an order to produce documents must be served by the requesting party on the witness by personal service in Singapore at least 28 days before the hearing.

(4) The Registrar may, in any case, revoke an order to attend court or an order to produce documents upon application by any person or on the Registrar's own motion.

(5) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply to a Judge sitting in the General Division or a District Judge (as the case may be) for a review of that decision.

(6) An application under this Rule must be made by summons supported by an affidavit, within 14 days after that decision.

(7) An order to attend court or an order to produce documents continues to have effect until the conclusion of the hearing.

(8) A witness served with an order to produce documents only need not attend court personally if he or she ensures that all the documents required are produced in accordance with the order to produce documents.

(9) A witness who complies with an order to attend court or an order to produce documents is entitled to claim reasonable compensation for his or her time and expenses in complying with the order from the requesting party upon request.

(10) If the witness is a person confined in a prison, the requesting party must include in his or her letter the name of the prison the witness is confined in, the reasons for requiring the witness to attend

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court and an undertaking to pay upon request the costs to be incurred by the prison in complying with the order to attend court.

(11) An order to attend court addressed to a person confined in prison is to include the following words:

“This order to attend court is sufficient authority as an order under section 38 of the Prisons Act for the Superintendent to produce the named person in court at the time and place stated.

The requesting party undertakes to pay upon request the costs to be incurred by the prison in complying with the order to attend court.”.

(12) The order to attend court in paragraph (11) may be served on the Superintendent of the prison by ordinary service and must be served at least 14 days before the hearing.

(13) A witness, who is not a party, who has not given his or her evidence must remain outside the courtroom until he or she is called into Court.

(14) A witness who has given his or her evidence may remain in or leave the courtroom.

(15) Where a document filed in Court or the Court’s records are required for the hearing, the requesting party may request the Registrar to produce the document or the Court’s records by filing a request in such form as specified in the practice directions.

(16) It is sufficient for the Registrar to produce a copy of the document or the records requested.

### **Where person to give evidence is out of jurisdiction (O. 15, r. 5)**

5.—(1) Where —

- (a) an application is made for permission for any person outside Singapore to give evidence by live video link or live television link in any proceedings; and
- (b) the laws of the jurisdiction where the person is located require the issue of a letter of request to the relevant authorities of that jurisdiction for such evidence to be given,



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an application may be made for an order in Form 30 for the issue of the letter of request.

(2) An application under this Rule may only be made in the General Division even if the proceedings are commenced in the State Courts.

(3) An application under this Rule must be made by summons and supported by an affidavit setting out the basis for the application and enclosing a copy of each document the applicant intends to file in the Registry pursuant to paragraph (4).

(4) Where an order is made under paragraph (1) for the issue of a letter of request to the relevant authorities of a jurisdiction to permit evidence to be given by live video link or live television link by any person in that jurisdiction, paragraphs (5) to (8) apply.

(5) The party obtaining the order must prepare the letter of request and file it in the Registry, and the letter must be —

(a) in a case where the jurisdiction in which the evidence is to be given is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or

(b) in any other case — in Form 17,

with such variations as may be required by the jurisdiction in which the evidence is to be given or by the order.

(6) A letter of request filed under paragraph (5), or a document attached to the letter, must be accompanied by a translation of the letter or document in a language specified by the jurisdiction in which the evidence is to be given, unless that jurisdiction accepts the letter or document in English.

(7) Every translation filed under paragraph (6) 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, address and qualifications for making the translation.

(8) The party obtaining the order must, when the party files in the Registry the documents mentioned in paragraphs (5), (6) and (7), also file in the Registry an undertaking in Form 18 signed by the party or the party's solicitor to be responsible personally for all expenses

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incurred by an issuing authority or a transmitting authority in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

(9) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.

### **Attendance by other persons (O. 15, r. 6)**

6.—(1) Any person may attend a hearing in open court.

(2) The Court may disallow any person to attend any hearing if —

- (a) that person is improperly attired;
- (b) that person is disruptive; or
- (c) it is in the interests of justice.

### **Hearing of originating applications and summonses (O. 15, r. 7)**

7.—(1) Subject to any written law, an originating application must be heard by one Judge.

(2) The Judge may hear the whole or part of the matter with the assistance of one or 2 assessors who must take such part in the hearing

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and be remunerated in the manner and the amount that the Court orders.

(3) If none of the parties attends Court when the hearing begins, the Court may dismiss the matter.

(4) If one of the parties does not attend Court when the hearing begins, the Court may proceed with the hearing or give judgment against or dismiss the claim of the absent party or make any other appropriate order.

(5) Unless otherwise provided in any written law or the Court otherwise directs, originating applications and summonses must be decided on the basis of the evidence adduced by affidavits and on oral or written submissions, without oral evidence or cross-examination.

(6) Where the Court is of the view that there are disputes of facts in the affidavits, the Court may order any of the following:

- (a) the parties to file and serve further affidavits;
- (b) the makers of the affidavits to be cross-examined;
- (c) the originating application to be converted into an originating claim, and with the necessary directions;
- (d) any other appropriate order.

(7) The Court may give its decision immediately after the hearing or at a later date.

### **Hearing of originating claims, assessment of damages or value and taking of accounts (O. 15, r. 8)**

**8.—**(1) Subject to any written law and unless the Court otherwise directs, the trial in an originating claim, assessment of damages or value, and taking of accounts must be heard by one Judge.

(2) The Judge may hear the trial or part of the trial with the assistance of one or 2 assessors who must take such part in the trial and be remunerated in the manner and the amount that the Court orders.

(3) If none of the parties attends Court when the trial begins, the Court may dismiss the claim and any counterclaim.

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(4) If one of the parties does not attend Court when the trial begins, the Court may proceed with the trial or give judgment against or dismiss the claim of the absent party or make any other appropriate order.

(5) The Court must have control over the order of proceedings and may give the appropriate directions before or during the trial and subject to such directions, the following order of proceedings set out in paragraphs (6) to (13) is to apply.

(6) The opening statements and affidavits of evidence-in-chief need not be read out in Court.

(7) The claimant must begin and testify before the claimant's witnesses.

(8) The defendant and any other parties may cross-examine the claimant and the claimant's witnesses.

(9) When the claimant and the claimant's witnesses have completed giving their evidence, subject to paragraph (11), the defendant must begin and testify before the defendant's witnesses.

(10) The claimant and any other parties may cross-examine the defendant and the defendant's witnesses.

(11) At the conclusion of the claimant's case, the defendant may make a submission of "No case to answer", in that the evidence in the claimant's case has not made out a case requiring the defendant to make the defendant's defence, on the basis that the following apply in relation to the defendant's submission:

- (a) the defendant will not be giving evidence by himself or herself or through the defendant's witnesses even if the Court rules against the defendant;
- (b) the defendant does not have a counterclaim arising out of substantially the same facts as the claimant's case or, if the defendant has such a counterclaim, the defendant withdraws it;
- (c) if there is more than one defendant and not all the defendants make the submission of "No case to answer" and the Court decides not to rule immediately on the

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submission of “No case to answer”, the defendant who makes the submission cannot rely on or make any submissions on the evidence given by any other party and cannot cross-examine any party or witness who gives evidence after the submission was made;

- (d) the defendant who makes the submission of “No case to answer” may rely on the evidence of the defendant’s expert and any other expert if those experts have already given evidence as a panel of experts during the claimant’s case;
- (e) the defendant who makes the submission of “No case to answer” and is unsuccessful may make submissions on the costs of the action.

(12) At the conclusion of the evidence for all the parties, the Court must hear the submissions of all the parties in the order that the Court considers appropriate.

(13) The Court may give its decision immediately after the hearing or at a later date.

### **Oaths and affirmations (O. 15, r. 9)**

9. A person must take an oath or make an affirmation according to the practice of the Court before he or she gives evidence in Court.

### **Questions and inspection by Court (O. 15, r. 10)**

10.—(1) The Court may ask a witness any questions that the Court considers necessary at any time but must allow the parties to ask the witness further questions arising out of the Court’s questions.

(2) The Court may inspect any object in the courtroom or elsewhere and visit any place that is relevant to the action.

### **Exhibits and record of hearings (O. 15, r. 11)**

11.—(1) The Court must maintain a record of any physical exhibit tendered in evidence and kept with the Court.

(2) The Court may direct that any physical exhibit which is bulky, perishable or requires special security or treatment be kept in the

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custody of the party who tendered it or the party's solicitor, and may direct that a photograph of that exhibit be tendered in Court.

(3) Exhibits kept with the Court may be returned to the relevant parties after the time for appealing has expired or after any appeal has been decided.

(4) Where the Court has given the relevant parties at least 14 days' notice to take back their exhibits and they fail to do so, the Court may dispose of the exhibits and any costs incurred in such disposal must be paid by the relevant parties.

(5) The Court must maintain an official record of every hearing.

(6) In a hearing where an audio recording system approved by the Registrar is used, the audio recording is the official record of the hearing.

(7) In a hearing where an audio recording system is not used, the Court's notes of proceedings, recorded in any manner that the Court may determine, are the official record of the hearing.

(8) A party may apply for a certified transcript of the official record of the hearing upon payment of the relevant fees.

(9) 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.

(10) A transcript of the official record of hearing must be certified in such manner as the Registrar may determine.

(11) The official record of the hearing must be kept for 5 years beginning from the last day of the hearing.

### **Court's decision and consequential orders (O. 15, r. 12)**

**12.—**(1) The Court may give its decision in any matter whether heard in open court or in chambers —

- (a) orally at the conclusion of the hearing or on a subsequent date with the parties present; or
- (b) in writing at the conclusion of the hearing or on a subsequent date with or without the parties present.

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(2) The parties are entitled to a copy of the decision given in writing upon payment of the relevant charges.

(3) Where the parties in any matter inform the Registrar in writing that they wish to record a consent judgment or order, the Court may dispense with the attendance of the parties and may record the judgment or order in the agreed terms, and the Registrar is to inform the parties accordingly.

(4) The Court may give such further orders or directions incidental or consequential to any judgment or order that the Court considers appropriate.

### **Death of party (O. 15, r. 13)**

**13.**—(1) The Court may give its decision in any matter which has been heard but not decided yet although a party passes away.

(2) The Court may also substitute any person who has taken over the interest or the liability of the deceased party as a party in the matter and order that that person be bound by the decision given.

### **Death of Judge or Registrar, etc. (O. 15, r. 14)**

**14.**—(1) Where a Judge or a Registrar who has heard a matter has not given his or her decision, or who has heard part of a matter, passes away or becomes incapable of giving his or her decision or continuing with the hearing for any reason, another Judge or Registrar may take over and give his or her decision based on the earlier hearing or continue with the hearing, if all the parties consent.

(2) The Judge or Registrar who takes over the matter may recall any witness to give evidence and also order the parties to make further submissions.

(3) If the parties do not consent under paragraph (1), the matter must be heard anew by another Judge or Registrar.

### **Assessment of damages or value and taking of accounts (O. 15, r. 15)**

**15.**—(1) This Rule applies to the assessment of damages and the taking of accounts, and in this Rule, unless the context otherwise

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requires, “damages” includes damages for personal injuries or value of movable and immovable property and amounts due on taking of accounts.

(2) The Court must give judgment on liability and on the amount of damages if the hearing was not ordered to be bifurcated.

(3) If the hearing was ordered to be bifurcated, when the Court gives judgment on liability, it may give directions on the assessment of damages and proceed subsequently to assess damages or order the Registrar to assess damages.

(4) If the hearing was ordered to be bifurcated, and the Court gives judgment on liability and for damages to be assessed, and no provision is made by the judgment as to how the damages are to be assessed, the damages must, subject to the provisions of this Rule, be assessed by the Registrar or Judge, and the party entitled to the benefit of the judgment must, within one month from the date of the judgment, apply to the Court for directions and the provisions of Order 9, Rule 25(12) apply to the application for directions.

(5) On the hearing of the application for directions mentioned in paragraph (4), the Court may give directions as to the time by which a notice of appointment for assessment of damages must be filed and such notice upon being filed must be served not later than 14 days after the date of filing on the party against whom the judgment is given.

(6) Where damages are in respect of any continuing cause of action, they must be assessed until the date of decision in the assessment.

(7) Where the damages are for personal injuries, the Court may make an award for provisional damages assessed on the assumption that a contingency will not happen and which entitles the claimant to apply for further damages at a future date if the contingency happens.

(8) A claim for provisional damages must be pleaded.

(9) An award for provisional damages must specify the contingency and the period for applying for future damages.



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(10) If there is more than one contingency, the Court may specify a different period for applying for future damages for each contingency.

(11) The Court may extend the period in paragraph (9) or (10) if the claimant applies for an extension within the period stated.

(12) The claimant may make only one application for further damages in respect of each contingency.

(13) The claimant's application for further damages must be served on the defendant and the defendant's insurers if the claimant knows that the defendant is insured in respect of the claimant's claim.

(14) The Court hearing the claimant's application for further damages must give the appropriate directions for the assessment of the further damages.

(15) The Court may order damages for personal injuries to be paid in periodic instalments instead of one amount.

(16) The Court assessing damages for personal injuries may be guided by actuarial tables and other guidelines issued from time to time in practice directions.

(17) Where the damages are for amounts due on taking of accounts, the Court must give the appropriate directions for the taking of accounts.

**Evidence in originating claims, assessment of damages or value and taking of accounts (O. 15, r. 16)**

**16.—**(1) As a general rule, the trial in an originating claim, assessment of damages or value, and taking of accounts must be decided on the basis of the witnesses' affidavits of evidence-in-chief, cross-examination, re-examination and on oral or written submissions.

(2) In a special case, the Court may allow a witness' evidence-in-chief to be given orally instead of by affidavit of evidence-in-chief.

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(3) An affidavit of evidence-in-chief may not be used if the maker does not attend Court for cross-examination, unless the parties otherwise agree.

(4) An affidavit of evidence-in-chief must contain all material facts which may not be departed from or supplemented by new facts in oral evidence unless the new facts occurred after the date of making the affidavit of evidence-in-chief.

(5) An affidavit of evidence-in-chief must contain only evidence that is admissible in law.

(6) If a party intends to object to the contents of affidavits of evidence-in-chief on the ground of admissibility or other reasons, that party must, by filing and serving the form specified in the practice directions, give notice to the party who is relying on those affidavits of evidence-in-chief at least 28 days before the first date of the hearing.

(7) If a party intends to rely on statements in affidavits of evidence-in-chief pursuant to section 32 of the Evidence Act, that party must give notice by letter to all other parties of that party's intention at the time that party serves on the other parties the affidavits of evidence-in-chief in question.

(8) The notice in paragraph (7) must state the grounds in section 32 of the Evidence Act that the party relies on.

(9) If the statements to be admitted pursuant to section 32 of the Evidence Act are contained in a document, the notice in paragraph (7) must contain the following:

- (a) the time and place at which the statements were made;
- (b) the name of the maker and his or her address, if known;
- (c) if the maker has passed away, the date of death, if known;
- (d) if the maker of the document is different from the maker of the statements, the name of the maker of the document and his or her address, if known;
- (e) if the maker of the document has passed away, the date of death, if known;

(f) a copy of the document or the relevant part of that document.

(10) If the statements to be admitted pursuant to section 32 of the Evidence Act are not contained in a document, the notice in paragraph (7) must contain the following:

- (a) the time and place at which the statements were made;
- (b) the name of the maker and his or her address, if known;
- (c) if the maker has passed away, the date of death, if known;
- (d) whether the statements were made orally or otherwise;
- (e) the name and address of the person who heard or perceived the statement being made;
- (f) the substance of the statements or, if the statements were made orally and the exact words used are material, the actual words used.

(11) The Court may accept as fact anything that the parties have agreed upon.

### *Division 2 — Affidavits*

#### **Definitions of this Division (O. 15, r. 17)**

17. In this Division —

“affirm” includes “swear”;

“commissioner for oaths” includes any person authorised to administer oaths and affirmations in or outside Singapore.

#### **Affidavit evidence (O. 15, r. 18)**

18. An affidavit is a statement of evidence in the English language, signed and affirmed before a commissioner for oaths.

#### **Formalities of affidavit (O. 15, r. 19)**

19.—(1) An affidavit must be in Form 31, with the text set out in consecutively numbered paragraphs.

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(2) In the case of affidavits filed as evidence-in-chief in an originating claim, the maker of the affidavit must include at the top left hand portion of the first page of the affidavit a colour photograph of the maker in the space indicated in Form 31, which —

- (a) measures 35 mm wide and 45 mm high;
- (b) is taken in the last 12 months; and
- (c) shows the full face facing forward, with eyes open and with no headwear except what is worn in accordance with religious or racial customs.

### **Competence to make affidavit (O. 15, r. 20)**

**20.** A person who makes an affidavit must be legally competent to give evidence in court.

### **Joint affidavit (O. 15, r. 21)**

**21.** Two or more persons may make a joint affidavit if all the facts that they are affirming are the same.

### **Affidavit may be affirmed before and attestation completed by commissioner for oaths through live video link or live television link (O. 15, r. 22)**

**22.—**(1) Subject to paragraphs (2) and (3), an affidavit may be affirmed and signed in Singapore before, and the attestation completed and signed by, a commissioner for oaths with the deponent appearing before the commissioner for oaths through a live video link or live television link that is created using a remote communication technology that complies with the requirements set out in any practice directions for the time being issued by the Registrar.

(2) For the purposes of this Rule, the deponent and the commissioner for oaths may sign the affidavit electronically in accordance with any requirements laid down in any practice directions for the time being issued by the Registrar.

(3) Where the affidavit is to be taken, and an oath for the taking of the affidavit is to be administered, in Singapore by a commissioner

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for oaths through a live video link or live television link, the commissioner for oaths must be able to —

- (a) maintain visual contact and communicate with the deponent and any interpreter present throughout the process;
- (b) confirm the identity of the deponent and any interpreter present;
- (c) verify by visual inspection, read, interpret and explain the document to be affirmed and signed by the deponent; and
- (d) confirm that the document which the commissioner for oaths later signs is the same document affirmed and signed by the deponent.

**Affirming affidavit outside Singapore (O. 15, r. 23)**

**23.** An affidavit may be affirmed outside Singapore.

**Safeguards for persons who do not understand English, are illiterate or blind (O. 15, r. 24)**

**24.** Where the maker of the affidavit is not able to understand English, is illiterate or blind, the commissioner for oaths must certify on the affidavit that —

- (a) the affidavit was read in the commissioner for oaths' presence to the maker in a language or dialect that the maker understands;
- (b) the person who did the translation was competent to do so;
- (c) the maker indicated that he or she understood the affidavit and confirmed its contents; and
- (d) the maker signed or placed his or her fingerprint willingly in the commissioner for oaths' presence to affirm the affidavit.

**Contents of affidavit (O. 15, r. 25)**

**25.—(1)** An affidavit must contain only relevant facts.

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- (2) An affidavit must not contain —
- (a) vulgar or insulting words unless those words are in issue in the action; or
  - (b) anything that is intended to offend or to belittle any person or entity.

**Alteration of affidavit (O. 15, r. 26)**

**26.**—(1) An affidavit may be altered after it has been affirmed but not filed in Court if the affidavit is re-affirmed before a commissioner for oaths.

(2) A maker of an affidavit which has been filed in Court may correct any mistakes in that affidavit by making another affidavit.

**Documents referred to in affidavit (O. 15, r. 27)**

**27.**—(1) Where an affidavit refers to a document, a copy of that document must be annexed to the affidavit.

(2) If it is necessary to refer to the whole document, a copy of the document must be annexed.

(3) If it is necessary to refer to only certain portions of the document, a copy of only those portions need to be annexed.

(4) Where an affidavit refers to a person or object and it is necessary to identify that person or object, the identification may be done by annexing a picture of that person or object to the affidavit.

(5) All annexures to an affidavit must be identified by a certificate of the commissioner for oaths.

**Affidavits admitted without proof (O. 15, r. 28)**

**28.** The seal or signature of a commissioner for oaths in an affidavit affirmed in or outside Singapore must be accepted as valid unless the contrary is shown.

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**Use of affidavit filed in previous proceedings (O. 15, r. 29)**

**29.** A party who intends to use in any proceedings any affidavit filed in previous proceedings must give notice of the party's intention to do so and serve such affidavit on every other party.

**ORDER 16****WITHDRAWAL AND DISCONTINUANCE****Withdrawal of notice of intention to contest or not contest (O. 16, r. 1)**

**1.** A party who has filed a notice of intention to contest or not contest in an action may withdraw the notice at any time with the permission of the Court.

**Discontinuance of action, etc., without permission (O. 16, r. 2)**

**2.—(1)** The claimant in an action begun by originating claim may, without the permission of the Court, discontinue the action, or withdraw any particular claim made by the claimant therein, as against all or any of the defendants at any time not later than 14 days after service of the defence on the claimant or, if there are 2 or more defendants, of the defence last served, by serving a notice in Form 32 to that effect on the defendant concerned.

**(2)** A defendant may, without the permission of the Court —

- (a)** withdraw the defendant's defence or any part of it at any time; or
- (b)** discontinue a counterclaim, or withdraw any particular claim made by the defendant 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 the defendant 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 32 to that effect on the claimant or other party concerned.

**(3)** Where there are 2 or more defendants to an action not all of whom serve a defence on the claimant, and the period fixed under

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these Rules for service by any of those defendants of his or her defence expires after the latest date on which any other defendant serves his or her defence, paragraph (1) has effect as if the reference therein to the service of the defence last served were a reference to the expiration of that period.

(4) Paragraph (3) applies in relation to a counterclaim as it applies in relation to an action with the substitution of references to a defence, to the claimant and to paragraph (1), with references to a defence to counterclaim, to the defendant and to paragraph (2), respectively.

(5) If all the parties to an action consent, the action may be withdrawn without the permission 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.

(6) An action begun by originating claim is deemed to have been discontinued against a defendant if a memorandum of service in Form 12 is not filed in respect of the service of the originating claim on that defendant within 12 months after the validity of the originating claim for the purpose of service has expired, and, within that time —

- (a) a notice of intention to contest or not contest 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.

(7) Subject to paragraph (8), 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 (9)), 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.

(8) Paragraph (7) does not apply where the action, cause or matter has been stayed pursuant to an order of court.

(9) The Court may, on an application by any party made before the one year mentioned in paragraph (7) has elapsed, extend the time to such extent as the Court thinks fit.



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(10) Where an action, a cause or a matter has been discontinued under paragraph (6) or (7), the Court may, on application, reinstate the action, cause or matter, and allow it to proceed on such terms as the Court thinks just.

**Discontinuance of action, etc., with permission (O. 16, r. 3)**

3.—(1) Except as provided by Rule 2, a party may not discontinue an action (whether begun by originating claim or otherwise) or counterclaim, or withdraw any particular claim made by him or her therein, without the permission of the Court, and the Court hearing an application for the grant of such permission 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 the Court thinks just.

(2) An application for the grant of permission under this Rule may be made by summons.

**Effect of discontinuance (O. 16, r. 4)**

4. Subject to any terms imposed by the Court in granting permission 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 or her therein is not a defence to a subsequent action for the same, or substantially the same, cause of action.

**Stay of subsequent action until costs paid (O. 16, r. 5)**

5. Where a party has discontinued or is deemed to have discontinued an action or counterclaim or withdrawn any particular claim made by him or her therein and he or she 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 or she 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.

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**Withdrawal of summons (O. 16, r. 6)**

6. A party who has taken out a summons in a cause or matter may not withdraw it without the permission of the Court.

**ORDER 17****JUDGMENTS AND ORDERS****Definition of this Order (O. 17, r. 1)**

1. In this Order, “order” means an order of the Court and includes a judgment given at any stage of the action, whether after trial or hearing or otherwise.

**Effective date of orders (O. 17, r. 2)**

2.—(1) An order takes effect from the day that it is given unless the Court otherwise orders.

(2) Where an order requires a person to pay money, to do or to stop doing an act or to perform a duty, the Court must give that person a reasonable time within which to comply unless the Court intends that the money must be paid, the act must be done or stopped or the duty must be performed on the day that the order is given.

(3) If no time for compliance is specified under paragraph (2), it is deemed that the order requires immediate compliance.

**Drawing up and form of orders (O. 17, r. 3)**

3.—(1) Unless the Court otherwise orders, all orders must be drawn up and filed in Court except orders granting an extension of time or permission to amend any document.

(2) All orders must be in Form 33.

(3) The party who takes out an application must draw up the order whether or not the outcome of the application is in the party’s favour.

(4) Where a party takes out more than one application and the applications are heard together, the party must draw up only one order for all the applications.

(5) The party who is required by this Rule to draw up an order must send a draft of the order to the solicitors (if any) of all other parties within 14 days after the order is made and if that party fails to do so, any other party affected by the order may draw it up.

(6) The solicitors of the other parties must respond to the draft with their consent or their amended draft within 2 days, failing which they are deemed to consent to the draft.

(7) Where there is a dispute on the terms of the draft, the party who drew up the order may write to the Court to resolve the dispute and the letter must set out the areas of dispute.

(8) The Court may give its decision on the dispute on the terms of the draft without the attendance of the parties or fix an appointment to hear the parties on the dispute.

(9) Where any of the other parties has no solicitor, the draft of the order is to be submitted to the Registrar.

#### **Redaction and prohibition of inspection or copying of orders (O. 17, r. 4)**

4.—(1) The Court may redact any order in the interests of justice or where the order was made in hearings which were conducted in private under any written law.

(2) The Court may prohibit any person, other than the parties, from inspecting or taking copies of any order in the interests of justice or where the order was made in hearings which were conducted in private under any written law.

#### **Interest on money payable under orders (O. 17, r. 5)**

5.—(1) Where money is payable under an order, it carries —

(a) interest as agreed between the parties; or

(b) if there is no agreement on interest, simple interest at 5.33% per year.

(2) Interest is to be calculated from the date the order is made until the date of payment.

(3) Where instalment payments are allowed by the Court, interest is to be calculated from the date that each instalment is due until the date of payment.

(4) Where part payments are made on money payable under an order, they must be used to reduce the principal amount due before interest.

## ORDER 18

### APPEALS FROM APPLICATIONS IN ACTIONS, REGISTRAR'S DECISIONS AND TRIALS OF ORIGINATING APPLICATION BY DISTRICT JUDGE OR MAGISTRATE

*[S 206/2022 wef 01/04/2022]*

#### *Division 1 — General*

#### **Scope of this Order (O. 18, r. 1)**

1.—(1) This Order applies to and in relation to —

(a) every appeal from —

- (i) a decision made on an application in an action;
- (ii) a decision made on an appeal against a decision mentioned in sub-paragraph (i);
- (iii) a decision made on an appeal against a decision mentioned in sub-paragraph (ii);
- (iv) a decision made by the Registrar other than a decision mentioned in sub-paragraph (i), including a decision made on an assessment of damages or the taking of accounts, or in a hearing on the merits of an originating application;

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- (iva) a decision made by a District Judge or Magistrate in a hearing on the merits of an originating application, including any application taken out or heard on the same day as such hearing or at any time after the

commencement of such hearing until the giving of the decision; or

*[S 206/2022 wef 01/04/2022]*

- (v) a decision of an appellate Court on an application by summons in an appeal under this Order or Order 19; and

(b) an application to the appellate Court relating to an appeal to the appellate Court under this Order.

(2) In this Order, an application in an action —

(a) includes any application —

- (i) taken out after the action is commenced;
- (ii) made for any consequential or incidental matter after judgment is given in the trial of an originating claim or the hearing on the merits in an originating application; or
- (iii) for the enforcement of the judgment or order; and

(b) excludes —

- (i) any application taken out or heard on the same day as the hearing on the merits of an originating claim or an originating application, or at any time after the commencement of such hearing until the giving of the judgment (except an application mentioned in paragraph (1)(a)(iva)); and

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- (ii) any matter under appeal which is within the scope of Order 19.

### **General matters and structure of this Order (O. 18, r. 2)**

2.—(1) This Order is subject to any written law on the right to appeal and any requirement to apply for permission to appeal.

(2) Division 2 of this Order concerns appeals from the Registrar to the District Judge in proceedings in the State Courts.

(3) Division 3 of this Order concerns appeals from the District Judge and Magistrate to the General Division.

(4) Division 4 of this Order concerns appeals from the Registrar to the Judge in proceedings in the General Division.

(5) Division 5 of this Order concerns appeals to the Appellate Division or the Court of Appeal (including appeals transferred between the Appellate Division and the Court of Appeal), appeals from the Appellate Division to the Court of Appeal, and applications to the Appellate Division or the Court of Appeal relating to such appeals.

### **When time for appeal starts to run (O. 18, r. 3)**

**3.—**(1) Subject to any written law and paragraph (2), unless the Court otherwise orders, the time for the filing of an appeal and for the filing of an application for permission to appeal does not start to run until after the lower Court has heard and determined all matters in an application, including costs.

(2) For the purposes of this Rule —

- (a) a direction by the lower Court that costs are to be assessed is to be regarded as a determination on the issue of costs;
- (b) subject to sub-paragraph (c), in the case of a single application pending trial dealing with more than one matter, for the purposes of paragraph (1), time does not run until all matters have been heard and determined;
- (c) in the case of a single application pending trial, where one or more matters dealt with in the single application pending trial are to be heard before the Registrar and one or more other matters are to be heard before the Judge —
  - (i) the time for filing of an appeal against a decision of the Registrar runs when the Registrar has heard and determined all the matters to be heard before the Registrar, although there are matters before the Judge that may not have been heard and determined yet; and
  - (ii) for the purposes of determining when the time starts to run for the filing of an appeal and for the filing of an application for permission to appeal against a

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decision on a matter heard before the Judge, the lower Court is treated as having heard and determined all matters in the single application pending trial when the Judge has heard and determined all the matters before the Judge, including any appeal against a decision of the Registrar on a matter before the Registrar; and

- (d) for the purposes of sub-paragraphs (b) and (c), in the case of a single application pending trial dealing with more than one matter, where a request is made for the Court (not including the Registrar) to hear further arguments in respect of any decision on a matter, the time for the filing of an appeal and for the filing of an application for permission to appeal against the decisions on all matters does not begin to run until that Court —
- (i) affirms, varies or sets aside the decision after hearing further arguments; or
  - (ii) certifies, or is deemed to have certified, that no further arguments are required.

#### **One appeal for each application (O. 18, r. 4)**

4.—(1) Subject to paragraph (2), each party is allowed to file only one appeal for each application unless the Court otherwise orders.

(2) In the case of a single application pending trial dealing with more than one matter and where permission to appeal is required for one or more of the matters, each party must file a separate notice of appeal for matters which require permission to appeal, and for matters which do not require permission to appeal.

(3) Where several applications are heard together, each party may file one appeal in respect of all the applications heard together.

#### **Permission to intervene (O. 18, r. 5)**

5.—(1) A person who is not a party in the appeal may apply to intervene in the appeal with the permission of the appellate Court.

(2) The application for permission to intervene and the supporting affidavit must be filed and served on all parties who have an interest in the appeal.

(3) The supporting affidavit must set out the applicant's interest in the appeal.

(4) The appellate Court may impose conditions when the appellate Court grants permission to intervene, including ordering the intervening party to provide security for costs to any or all of the parties in the appeal.

### **Stay of enforcement, etc. (O. 18, r. 6)**

6.—(1) Except so far as the lower Court or the appellate Court may otherwise direct, an appeal does not operate as a stay of enforcement or of proceedings under the decision of the lower Court.

(2) Except so far as the appellate Court may otherwise direct, no intermediate act or proceeding is to be invalidated by an appeal.

(3) On an appeal, interest for such time as enforcement has been delayed by the appeal is to be allowed unless the lower Court or the appellate Court otherwise orders.

### **Appeal to be heard in chambers (O. 18, r. 7)**

7. Subject to Order 15, Rule 1(3) and any other provision of these Rules, any other written law or practice directions, appeals must be heard in chambers.

### **Powers of appellate Court (O. 18, r. 8)**

8.—(1) The appellate Court may order any party to serve any document on a non-party to the appeal and give directions for the non-party to state its case by affidavit, written submissions or any other means.

(2) The appellate Court may allow or invite any non-party to the appeal to give that non-party's views on any matter in the appeal and may make costs orders in relation to the non-party.

(3) At the hearing of the appeal, the parties are allowed to make only such oral submissions as the appellate Court orders.



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(4) The appellate Court may make any order relating to any part of the decision of the lower Court and for any reason although that part is not the subject of any appeal and that reason is not stated by anyone in the appeal.

(5) The appellate Court's powers to decide the merits of the appeal are not restricted by reason only that there was no appeal against any previous order (being one that is not the subject of the appeal) made by the lower Court.

(6) Subject to any written law, the appellate Court has power to receive further evidence, either by oral examination in court, by affidavit, by deposition taken before an examiner, or in any other manner as the appellate Court may allow, but no such further evidence (other than evidence relating to matters occurring after the date of the decision appealed against) may be given except on special grounds.

(7) Such further evidence must be adduced in the manner directed by the appellate Court.

### **Absence of parties (O. 18, r. 9)**

**9.**—(1) If the appellant or the appellant's solicitor fails to attend at the appeal, the appeal may be dismissed.

(2) If the appellant or the appellant's solicitor attends and any respondent or the respondent's solicitor fails to attend, the appeal may proceed in the absence of such respondent.

(3) The Court may restore the appeal for rehearing upon the application of the absent party who must file and serve any such application on all parties who have an interest in the appeal within 14 days after the dismissal or hearing of the appeal and must show good reason for that party's absence.

### **Appellate intervention only if substantial injustice (O. 18, r. 10)**

**10.** In procedural matters, the appellate Court is to allow the lower Court maximum autonomy and intervene only if substantial injustice will be caused otherwise.

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**Expedited appeal (O. 18, r. 11)**

11.—(1) If the appeal is urgent or there is a special reason, the lower Court or the appellate Court may order an expedited appeal upon any party's application or on its own accord.

(2) In an expedited appeal, the lower Court or the appellate Court may dispense with compliance with any provision of these Rules or practice directions or modify them for the purposes of the appeal.

**Withdrawal of appeal or application (O. 18, r. 12)**

12.—(1) An appellant may withdraw the appellant's appeal in relation to all or any of the respondents, and an applicant in an application to the appellate Court may withdraw the applicant's application in relation to all or any of the parties to the application, at any time before the appeal or application is heard or dealt with (as the case may be), by filing and serving a notice of withdrawal of the appeal or application in Form 34 on all the parties to the appeal or application.

(2) Upon the filing of Form 34 and if there are no outstanding issues relating to costs or other matters, the appeal or application is deemed withdrawn in relation to the relevant parties, and if all the parties to the appeal or application consent to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be), the appellant, the applicant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs must be paid to the appellant, the applicant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

(3) If there are any such outstanding issues mentioned in paragraph (2) —

- (a) the appellant, the applicant or any other party to the appeal or application, may request in writing to the appellate Court for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and

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- (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
- (i) remove the appeal or application from the list of appeals or applications; and
  - (ii) give directions on the making of written submissions for the request.
- (4) Except as provided under paragraph (3), if there are any such outstanding issues —
- (a) the appeal or application remains on the list of appeals or applications; and
  - (b) the appellate Court may, at the hearing of the appeal or application —
    - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal or application; and
    - (ii) make any order as to the disposal of any security for costs.

### **Consent judgment or order (O. 18, r. 13)**

**13.**—(1) Where the parties in any appeal or application to the appellate Court inform the Registrar that they wish to record a consent judgment or order, the appellate Court may dispense with attendance of the parties and may record the judgment or order in the agreed terms, and the Registrar is to inform the parties accordingly.

(2) The appellate Court may give such further orders or directions incidental or consequential to any judgment or order that the appellate Court considers appropriate.

### **Judgment (O. 18, r. 14)**

**14.**—(1) Without affecting paragraph (2), the appellate Court may give its decision in any appeal or application —

- (a) orally at the conclusion of the hearing of the appeal or application or at a subsequent date; or

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- (b) in writing at the conclusion of the hearing of the appeal or application or at a subsequent date.
- (2) Where the appellate Court has decided any matter without hearing oral arguments —
- (a) the decision of the appellate Court may be given in accordance with paragraph (1) or the appellate Court may direct the Registrar to inform the parties of its decision; and
- (b) the parties are to be informed of the following:
- (i) the Judge or Judges who constituted the appellate Court;
- (ii) the decision of the appellate Court;
- (iii) the date of the decision.
- (3) Every party is entitled to a copy of any decision given in writing upon payment of the relevant charges.
- (4) A judgment of the appellate Court may be delivered orally by any Judge sitting in the appellate Court despite the absence of one or more of the other Judges who heard the appeal or application in the appellate Court.

*Division 2 — Appeal from Registrar to District Judge  
in proceedings in State Courts*

**Bringing of appeal (O. 18, r. 15)**

**15.** A party who intends to appeal to a District Judge against a decision of the Registrar of the State Courts must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 35 within 14 days after the date of the Registrar’s decision.

**Documents to be filed (O. 18, r. 16)**

**16.—(1)** The Registrar may give a summary of the points he or she has decided without the need to issue written grounds of decision.

(2) The Registrar must certify within 14 days after the filing of the notice of appeal —

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- (a) that he or she has already issued a written judgment or grounds of decision;
  - (b) that he or she intends to issue written grounds of decision; or
  - (c) that the certified transcript of the official record of the hearing sets out his or her grounds of decision sufficiently,
- and if he or she does not do so, it is presumed that no further written grounds of decision will be issued.

(3) If the Registrar certifies under paragraph (2)(b) that he or she will issue written grounds of decision —

- (a) he or she must endeavour to do so as soon as it is practicable; and
- (b) if no written grounds of decision are issued within 12 weeks after the certification, the appellant must apply in writing to the Registrar to proceed with the appeal.

(4) The appeal must proceed before the District Judge by way of a rehearing on the documents filed by the parties before the Registrar.

(5) The parties to the appeal must file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on why the Registrar's decision is to be upheld, set aside or varied in accordance with the following timelines:

- (a) where the Registrar certifies under paragraph (2)(a) that he or she has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the Registrar;
- (b) where the Registrar certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision is ready for collection;
- (c) where the Registrar certifies under paragraph (2)(c) that the certified transcript of the official record of hearing sets out his or her grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the Registrar;

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- (d) where it is presumed under paragraph (2) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;
- (e) where the appellant has applied in writing to proceed with the appeal under paragraph (3)(b), within 14 days after the Registrar notifies that the appeal is to proceed.
- (6) The written submissions for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the appellate Court otherwise orders, are subject to a page limit of 35 pages.
- (7) No documents other than what has been set out in this Rule may be filed unless the appellate Court otherwise orders.
- (8) The appellate Court may allow the page limit mentioned in paragraph (6) to be exceeded —
- (a) in special circumstances; and
- (b) unless the appellate Court otherwise orders under paragraph (9), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.
- (9) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (8)(b).
- (10) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors.

*Division 3 — Appeal from District Judge and Magistrate  
to General Division*

**Bringing of appeal (O. 18, r. 17)**

17.—(1) A party who intends to appeal to the General Division against the decision of a District Judge or Magistrate hearing any application at first instance, or hearing the merits of an originating application, or against the decision of a District Judge hearing any appeal, must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 35 —

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- (a) within 14 days after the date of the District Judge’s or Magistrate’s decision; or
  - (b) in a case where a request for further arguments has been made under Rule 18, within 14 days after —
    - (i) the District Judge or Magistrate affirms, varies or sets aside the decision after hearing further arguments; or
    - (ii) the parties are informed, or it is deemed, that the District Judge or Magistrate does not require further arguments.

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(2) The General Division may extend the time for filing and serving the notice of appeal on the appellant’s application made at any time, and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

### **Further arguments before District Judge or Magistrate (O. 18, r. 18)**

**18.—**(1) A request to the District Judge or Magistrate for further arguments from the parties after he or she has given his or her decision on an application must be made by letter to the Registrar of the State Courts and served on all parties to the application.

(2) The request must be filed before the earlier of the following:

- (a) the time at which the judgment or order relating to the decision is extracted;
- (b) the 15th day after the date on which the decision is made.

(3) The request must set out the proposed arguments briefly and include a copy of any authority cited.

(4) The Registrar of the State Courts must inform the requesting party within 14 days after receiving the request whether the District Judge or Magistrate requires further arguments.

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(5) If the Registrar of the State Courts does not inform the requesting party as mentioned in paragraph (4), it is deemed that the District Judge or Magistrate does not require further arguments.

### **Permission to appeal (O. 18, r. 19)**

**19.**—(1) Where permission to appeal is required, a party must apply to the District Judge or Magistrate for such permission and serve the application on all parties who have an interest in the appeal within 14 days after the date of the District Judge’s or Magistrate’s decision.

(2) Where the District Judge or Magistrate does not grant permission to appeal, the party may apply to the General Division for such permission and must serve the application on all parties who have an interest in the appeal within 14 days after the date of the District Judge’s or Magistrate’s decision not to grant permission.

(3) Where permission to appeal is granted, the applicant must file and serve on all parties who have an interest in the appeal the notice of appeal in Form 35 within 14 days after the date of the Court’s decision granting permission.

(4) The General Division may extend the time for filing and serving an application for permission to appeal made at any time, and the lower Court may extend the time for filing and serving an application for permission to appeal if the application for such extension is made before the time expires.

### **Security for costs (O. 18, r. 20)**

**20.**—(1) The appellant must provide security for the respondent’s costs of the appeal and file a certificate for security for costs in Form 36 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for the costs of the appeal for each set of the respondents where the respondents are represented by the same firm of solicitors).



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- (4) The security must be —
- (a) in the form of a solicitor’s undertaking in Form 37 which must be filed and served on the respondent;
  - (b) deposited in the Registry or with the Accountant-General;  
or
  - (c) in any other form acceptable to the parties.
- (5) The appellant must provide security in the following amounts:
- (a) \$3,000 for an appeal against a decision in a Magistrate’s Court action;
  - (b) \$5,000 for an appeal against a decision in a District Court action.
- (6) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.
- (7) The appellate Court may order further security for costs to be given.

**Documents to be filed (O. 18, r. 21)**

**21.—**(1) The District Judge or Magistrate may give a summary of the points he or she has decided without the need to issue written grounds of decision.

(2) The District Judge or Magistrate must certify within 14 days after the filing of the notice of appeal —

- (a) that he or she has already issued a written judgment or grounds of decision;
  - (b) that he or she intends to issue written grounds of decision;  
or
  - (c) that the certified transcript of the official record of the hearing sets out his or her grounds of decision sufficiently,
- and if he or she does not do so, it is presumed that no further written grounds of decision will be issued.

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(3) If the District Judge or Magistrate certifies under paragraph (2)(b) that he or she will issue written grounds of decision —

- (a) he or she must endeavour to do so as soon as it is practicable; and
- (b) if no written grounds of decision are issued within 12 weeks after the certification, the appellant must apply in writing to the Registrar to proceed with the appeal.

(4) The appeal must proceed before the Judge sitting in the General Division by way of a rehearing on the documents filed by the parties before the District Judge or Magistrate.

(5) The parties to the appeal must file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on why the District Judge's or Magistrate's decision is to be upheld, set aside or varied in accordance with the following timelines:

- (a) where the District Judge or Magistrate certifies under paragraph (2)(a) that he or she has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the District Judge or Magistrate;
- (b) where the District Judge or Magistrate certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision is ready for collection;
- (c) where the District Judge or Magistrate certifies under paragraph (2)(c) that the certified transcript of the official record of hearing sets out his or her grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the District Judge or Magistrate;
- (d) where it is presumed under paragraph (2) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;

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(e) where the appellant has applied in writing to proceed with the appeal under paragraph (3)(b), within 14 days after the Registrar notifies that the appeal is to proceed.

(6) The written submissions for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the appellate Court otherwise orders, are subject to a page limit of 35 pages.

(7) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file separate written submissions but should ensure that that party's position is explained in one of the written submissions filed.

(8) All parties to 2 or more related appeals to be heard together must try to agree on filing a single set of written submissions for each party and on the timelines for such filing.

(9) Where the parties are unable to agree as mentioned in paragraph (8), they must request in writing for a case conference before the appellate Court or seek directions from the appellate Court.

(10) Where the parties have agreed as mentioned in paragraph (8), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the appellate Court.

(11) No documents other than what has been set out in this Rule may be filed unless the appellate Court otherwise orders.

(12) Where the appellant fails to file and serve the written submissions within the specified time, the appeal is deemed withdrawn unless the appellate Court otherwise orders.

(13) Where an appeal is deemed withdrawn pursuant to paragraph (12) and if all the parties to the appeal consent to the payment of the security for costs provided under Rule 20 to the appellant or the respondent, the appellant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs provided under Rule 20 must be paid to the appellant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

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(14) Where an appeal is deemed withdrawn pursuant to paragraph (12) and if there are any outstanding issues as to costs or other matters that remain between the parties to the appeal —

- (a) the appellant or any party to the appeal may, within 14 days after the date that the appeal is deemed withdrawn, request in writing to the appellate Court for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a), give directions on the making of written submissions for the request.

(15) Where the respondent to the appeal fails to file and serve the written submissions for the appeal within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the appellate Court otherwise orders.

(16) The appellate Court may allow the page limit mentioned in paragraph (6) to be exceeded —

- (a) in special circumstances; and
- (b) unless the appellate Court otherwise orders under paragraph (17), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(17) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (16)(b).

(18) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors.

### **Payment out of security for costs and release of undertaking (O. 18, r. 22)**

**22.—**(1) This Rule applies without the need for an order from the Court.

(2) Where costs are payable by the appellant to the respondent under any order made by the General Division, the security for costs provided under Rule 20 must be paid to the respondent towards the costs ordered and the balance (if any) of the security must be paid to the appellant.

(3) Where no costs are payable by the appellant to the respondent under any order made by the General Division, the security for costs provided under Rule 20 must be paid to the appellant and the appellant's solicitor is released from any undertaking as to the costs for the appeal.

### **Enforcement of judgments which have been subject matter of appeal (O. 18, r. 23)**

**23.** The taking of any steps for the enforcement of a judgment or order which has been the subject matter of an appeal under this Division must be in the State Courts.

#### *Division 4 — Appeal from Registrar to Judge in proceedings in General Division*

### **Bringing of appeal (O. 18, r. 24)**

**24.** A party who intends to appeal to a Judge in Chambers against a decision of the Registrar of the Supreme Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 35 within 14 days after the date of the Registrar's decision.

### **Documents to be filed (O. 18, r. 25)**

**25.—(1)** The Registrar may give a summary of the points he or she has decided without the need to issue written grounds of decision.

(2) The Registrar must certify within 14 days after the filing of the notice of appeal —

- (a) that he or she has already issued a written judgment or grounds of decision;
  - (b) that he or she intends to issue written grounds of decision;
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(c) that the certified transcript of the official record of the hearing sets out his or her grounds of decision sufficiently, and if he or she does not do so, it is presumed that no further written grounds of decision will be issued.

(3) If the Registrar certifies under paragraph (2)(b) that he or she will issue written grounds of decision —

(a) he or she must endeavour to do so as soon as it is practicable; and

(b) if no written grounds of decision are issued within 12 weeks after the certification, the appellant must apply in writing to the Registrar to proceed with the appeal.

(4) The appeal must proceed before the Judge by way of a rehearing on the documents filed by the parties before the Registrar.

(5) The parties to the appeal must file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on why the Registrar's decision is to be upheld, set aside or varied in accordance with the following timelines:

(a) where the Registrar certifies under paragraph (2)(a) that he or she has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the Registrar;

(b) where the Registrar certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision is ready for collection;

(c) where the Registrar certifies under paragraph (2)(c) that the certified transcript of the official record of hearing sets out his or her grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the Registrar;

(d) where it is presumed under paragraph (2) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;

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- (e) where the appellant has applied in writing to proceed with the appeal under paragraph (3)(b), within 14 days after the Registrar notifies that the appeal is to proceed.
- (6) The written submissions for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the Judge otherwise orders, are subject to a page limit of 35 pages.
- (7) No documents other than what has been set out in this Rule may be filed unless the Judge otherwise orders.
- (8) The Judge may allow the page limit mentioned in paragraph (6) to be exceeded —
- (a) in special circumstances; and
  - (b) unless the Judge otherwise orders under paragraph (9), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.
- (9) The Judge may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (8)(b).
- (10) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors.

*Division 5 — Appeals from General Division to  
Appellate Division or Court of Appeal, etc.*

**Scope of this Division (O. 18, r. 26)**

**26.** This Division applies to —

- (a) an appeal to the Appellate Division against any decision of the General Division in relation to an application in an action (including an appeal transferred between the Appellate Division and the Court of Appeal);
- (b) an appeal to the Court of Appeal against any decision of the General Division in relation to an application in an action (including an appeal transferred between the Appellate Division and the Court of Appeal);

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- (c) an appeal to the Court of Appeal against any decision of the Appellate Division in relation to an application in an action;
  - (d) an appeal to the Court of Appeal against any decision of the Appellate Division on an application by summons in an appeal to the Appellate Division under this Order or Order 19; and
  - (e) an application to the Appellate Division or the Court of Appeal relating to an appeal mentioned in paragraph (a), (b), (c) or (d).

### **Bringing of appeal (O. 18, r. 27)**

27.—(1) A party who intends to appeal to the appellate Court against the decision of the lower Court hearing any application or any appeal must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 35 —

- (a) within 14 days after the date of the lower Court's decision; or
- (b) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act — within 14 days after the date mentioned in section 29B(4)(b) of that Act.

(2) The appellate Court may extend the time for filing and serving the notice of appeal on the appellant's application made at any time, and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

### **Further arguments before General Division (O. 18, r. 28)**

28.—(1) A request to the Judge sitting in the General Division for further arguments from the parties after he or she has given his or her decision on an application in the exercise of original or appellate jurisdiction, must be made by letter to the Registrar of the Supreme Court and served on all parties to the application.



(2) The request in paragraph (1) must be made within the time provided in section 29B(2) of the Supreme Court of Judicature Act.

(3) The request must set out the proposed arguments briefly and include a copy of any authority cited.

(4) The Registrar of the Supreme Court must inform the requesting party within 14 days after receiving the request whether the Judge requires further arguments.

(5) If the Registrar of the Supreme Court does not inform the requesting party as mentioned in paragraph (4), it is deemed that the Judge does not require further arguments.

### **Permission to appeal (O. 18, r. 29)**

**29.**—(1) Where permission to appeal against a decision is required, subject to paragraphs (2), (3) and (4) and any written law, a party must apply for such permission from the appellate Court and file and serve the application and the documents mentioned in paragraph (7) on all parties who have an interest in the appeal within 14 days after the date of the lower Court's decision.

(2) Where permission to appeal against a decision is required, the Judge who made the decision may hear further arguments in respect of the decision if any party to the hearing, or the Judge, requests for further arguments pursuant to section 29B of the Supreme Court of Judicature Act before the earliest of the following:

- (a) the time at which the judgment or order relating to the decision is extracted;
- (b) the 15th day after the date on which the decision is made;
- (c) the time at which an application for permission to appeal against the decision is filed.

(3) If a request for further arguments in respect of a decision has been made under paragraph (2) —

- (a) an application for permission to appeal against the decision may not be filed against the decision until the Judge —
  - (i) affirms, varies or sets aside the decision after hearing further arguments; or

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- (ii) certifies, or is deemed to have certified, that no further arguments are required; and
  - (b) the party seeking to apply for permission to appeal must file and serve the application for permission to appeal against the decision, and the documents mentioned in paragraph (7), within 14 days after the date the Judge —
    - (i) affirms, varies or sets aside the decision after hearing further arguments; or
    - (ii) certifies, or is deemed to have certified, that no further arguments are required.
  - (4) To avoid doubt, paragraphs (2) and (3) do not affect section 29B of the Supreme Court of Judicature Act.
  - (5) Where permission to appeal under section 47(1) of the Supreme Court of Judicature Act is required, the Court of Appeal may grant permission to appeal against a decision of the Appellate Division, where —
    - (a) the appeal will raise a point of law of public importance; and
    - (b) it is appropriate for the Court of Appeal to hear a further appeal, having regard to all relevant matters, including either or both of the following:
      - (i) whether a decision of the Court of Appeal is required to resolve the point of law;
      - (ii) whether the interests of the administration of justice, either generally or in the particular case, require the Court of Appeal's consideration of the point of law.
  - (6) Despite paragraphs (1), (2) and (3), where —
    - (a) a party has made an application to the Appellate Division or the Court of Appeal for permission to appeal against a decision of the General Division within the time provided under this Rule; and
    - (b) the Appellate Division or the Court of Appeal has decided that the court from which permission to appeal must be

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obtained, or which may grant permission to appeal, is the Court of Appeal or the Appellate Division respectively, that party may make an application to the relevant appellate Court for permission to appeal against the General Division's decision mentioned in sub-paragraph (a) within 14 days after the date of the Registrar's notification of the Appellate Division's decision or the Court of Appeal's decision mentioned in sub-paragraph (b).

(7) A party applying for permission under this Rule —

- (a) must, at the time of filing the application, file written submissions and any accompanying bundle of authorities; and
- (b) may, at the time of filing the application, file a bundle of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits.

(8) A party who wishes to oppose an application for permission under this Rule —

- (a) must file and serve written submissions and any accompanying bundle of authorities; and
- (b) may, together with the written submissions mentioned in sub-paragraph (a), file and serve a bundle of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits,

within 14 days after the application, written submissions, any accompanying bundle of authorities and bundle of documents mentioned in paragraph (7) are served on the party.

(9) The application, written submissions, any accompanying bundles of authorities and bundles of documents must be served on all parties who have an interest in the appeal.

(10) The written submissions are subject to a page limit of 15 pages, unless the appellate Court otherwise orders, and must be in the form specified in any practice directions issued by the Registrar.

(11) The bundle of documents is subject to a page limit of 25 pages.

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(12) The appellate Court may allow the page limit mentioned in paragraph (10) to be exceeded —

(a) in special circumstances; and

(b) unless the appellate Court otherwise orders under paragraph (13), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(13) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (12)(b).

(14) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors unless the appellate Court otherwise orders.

(15) No affidavit is to be filed in an application for permission to appeal without the permission of the appellate Court.

(16) No oral arguments are to be made in an application for permission to appeal unless the appellate Court otherwise orders.

(17) Where permission to appeal is granted, the applicant must file and serve on all parties who have an interest in the appeal the notice of appeal in Form 35 within 14 days after the date of the decision granting permission.

(18) The appellate Court may extend the time for filing and serving an application for permission to appeal.

### **Security for costs (O. 18, r. 30)**

**30.**—(1) The appellant must provide security for the respondent's costs of the appeal and file a certificate for security for costs in Form 36 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of solicitors).

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- (4) The security must be —
- (a) in the form of a solicitor’s undertaking in Form 37 which must be filed and served on the respondent;
  - (b) deposited in the Registry or with the Accountant-General;  
or
  - (c) in any other form acceptable to the parties.
- (5) The appellant must provide security in the amount of \$15,000.
- (6) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.
- (7) The appellate Court may order further security for costs to be given.

### **Related appeals (O. 18, r. 31)**

**31.**—(1) Where there are related appeals in the appellate Court, the appellate Court may give directions for the filing and service of such joint documents as may be appropriate in the circumstances.

(2) The directions in paragraph (1) may be given by the appellate Court on its own motion or on the application or request of any party to any of the related appeals.

(3) To avoid doubt, the appellate Court may give directions under paragraph (1) even if the related appeals comprise one or more appeals filed under this Order and one or more appeals filed under Order 19.

(4) Where the related appeals comprise one or more appeals filed under this Order and one or more appeals filed under Order 19, the appellate Court may direct any modifications of the rules that are applicable to an appeal before it, including that the rules of this Division are not to apply to the appeal, and that the rules in Division 3 of Order 19 are to apply instead.

### **Appellate Court may specify rules that apply to appeals (O. 18, r. 32)**

**32.**—(1) The appellate Court may, if the appellate Court deems appropriate, order that —

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- (a) this Division, or any part of this Division, does not apply to an appeal before it; and
  - (b) Division 3 of Order 19, or any part of Division 3 of Order 19, is to apply instead.
- (2) The appellate Court may in any case if the appellate Court deems appropriate order or direct any modifications of the rules that are applicable to an appeal before it.
- (3) To avoid doubt, the appellate Court may make an order or give a direction pursuant to this Rule on its own motion.

### **Documents to be filed (O. 18, r. 33)**

**33.**—(1) The lower Court may give a summary of the points the lower Court has decided without the need to issue written grounds of decision.

(2) The lower Court must certify within 14 days after the filing of the notice of appeal —

- (a) that the lower Court has already issued a written judgment or grounds of decision;
- (b) that the lower Court intends to issue written grounds of decision; or
- (c) that the certified transcript of the official record of the hearing sets out the lower Court’s grounds of decision sufficiently,

and if the lower Court does not do so, it is presumed that no further written grounds of decision will be issued.

(3) If the lower Court certifies under paragraph (2)(b) that the lower Court will issue written grounds of decision —

- (a) the lower Court must endeavour to do so as soon as it is practicable; and
- (b) if no written grounds of decision are issued within 12 weeks after the certification, the appellant must apply in writing to the Registrar to proceed with the appeal.

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(4) The appeal must proceed before the appellate Court by way of a rehearing on the documents filed by the parties before the lower Court.

(5) The parties to the appeal must file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on why the decision of the lower Court is to be upheld, set aside or varied in accordance with the following timelines:

- (a) where the lower Court certifies under paragraph (2)(a) that the lower Court has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the lower Court;
- (b) where the lower Court certifies under paragraph (2)(b) that the lower Court intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision is ready for collection;
- (c) where the lower Court certifies under paragraph (2)(c) that the certified transcript of the official record of hearing sets out the lower Court's grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the lower Court;
- (d) where it is presumed under paragraph (2) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;
- (e) where the appellant has applied in writing to proceed with the appeal under paragraph (3)(b), within 14 days after the Registrar notifies that the appeal is to proceed.

(6) The written submissions for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the appellate Court otherwise orders, are subject to a page limit of 35 pages.

(7) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file separate

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written submissions but should ensure that that party's position is explained in one of the written submissions filed.

(8) All parties to 2 or more related appeals must try to agree on filing a single set of written submissions for each party and on the timelines for such filing.

(9) Where the parties are unable to agree as mentioned in paragraph (8), they must request in writing for a case conference before the appellate Court or seek directions from the appellate Court.

(10) Where the parties have agreed as mentioned in paragraph (8), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the appellate Court.

(11) No documents other than what has been set out in this Rule may be filed unless the appellate Court otherwise orders.

(12) Where the appellant fails to file and serve the written submissions within the specified time, the appeal is deemed withdrawn unless the appellate Court otherwise orders.

(13) Where an appeal is deemed withdrawn pursuant to paragraph (12) and if all the parties to the appeal consent to the payment of the security for costs provided under Rule 30 to the appellant or the respondent, the appellant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs provided under Rule 30 must be paid to the appellant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

(14) Where an appeal is deemed withdrawn pursuant to paragraph (12) and if there are any outstanding issues as to costs or other matters that remain between the parties to the appeal —

- (a) the appellant or any party to the appeal may, within 14 days after the date that the appeal is deemed withdrawn, request in writing to the appellate Court for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and



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(c) the Registrar may, upon receiving a request under sub-paragraph (a), give directions on the making of written submissions for the request.

(15) Where the respondent to the appeal fails to file and serve the written submissions for the appeal within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the appellate Court otherwise orders.

(16) The appellate Court may allow the page limit mentioned in paragraph (6) to be exceeded —

(a) in special circumstances; and

(b) unless the appellate Court otherwise orders under paragraph (17), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(17) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (16)(b).

(18) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors.

**Payment out of security for costs and release of undertaking  
(O. 18, r. 34)**

**34.—**(1) This Rule applies without the need for an order from the Court.

(2) Where costs are payable by the appellant to the respondent under any order made by the appellate Court, the security for costs provided under Rule 30 must be paid to the respondent towards the costs ordered and the balance (if any) of the security must be paid to the appellant.

(3) Where no costs are payable by the appellant to the respondent under any order made by the appellate Court, the security for costs provided under Rule 30 must be paid to the appellant and the appellant's solicitor is released from any undertaking as to the costs for the appeal.

(4) Paragraphs (2) and (3) apply with necessary modifications to the payment out of security for costs given under Rule 35(5).

### **Applications to appellate Court (O. 18, r. 35)**

**35.**—(1) Every application to the appellate Court must be made either by originating application or, in an appeal which is pending before the appellate Court, by summons.

(2) Whenever under these Rules an application may be made either to the lower Court or to the appellate Court, it must not be made in the first instance to the appellate Court, except where there are special circumstances which make it impossible or impracticable to apply to the lower Court.

(3) No oral arguments are to be made in an application to the appellate Court unless the appellate Court otherwise orders.

(4) Except where Rule 29(15) provides otherwise, a party to an application to the appellate Court must, if the party wishes to file an affidavit in reply to the application, file and serve that affidavit on the applicant and the other parties to the application within 14 days after the date the application and the affidavit in support of the application (if any) are served on that party, and no further affidavits may be filed without permission of the appellate Court.

(5) The party who files an originating application or a summons to the appellate Court must provide security for the opposing party's costs of the application and file a certificate for security for costs in Form 36 at the time that party files the application.

(6) Where there is more than one applicant in an application, all the applicants need to provide only one set of security for the costs of the application.

(7) Where there is more than one opposing party, the applicant must provide security for the costs of each opposing party (or for the costs of each set of the opposing parties where they are represented by the same firm of solicitors).

(8) The security must be —

(a) in the form of a solicitor's undertaking in Form 37 which must be filed and served on the respondent;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties.

(9) The applicant must provide security in the amount of \$5,000.

(10) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.

(11) The appellate Court may order further security for costs to be given.

(12) Any application to the appellate Court to strike out a notice of appeal must be made by summons supported by affidavit stating the grounds of the application.

(13) The summons and the supporting affidavit mentioned in paragraph (12) must be filed and served by the applicant on the parties to the application within 14 days after service of the notice of the appeal on the applicant.

(14) A party to the application mentioned in paragraph (12), who wishes to reply to the applicant's affidavit, must file and serve that party's 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.

(15) No further affidavit may be received in evidence without the permission of the appellate Court.

**Application for permission under section 40(4)(b) or 58(4)(b) of Supreme Court of Judicature Act (O. 18, r. 36)**

**36.** An application for the permission of —

(a) a Judge sitting in the Appellate Division under section 40(4)(b) of the Supreme Court of Judicature Act, to make an application to discharge or vary any direction or order mentioned in section 40(4)(a) of that Act; or

(b) a Judge sitting in the Court of Appeal under section 58(4)(b) of the Supreme Court of Judicature Act, to make an application to discharge or vary any direction or order mentioned in section 58(4)(a) of that Act,

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must be filed and served on all parties who have an interest in the appeal within 14 days after the date on which that direction or order is made.

**Written submissions for applications to appellate Court  
(O. 18, r. 37)**

**37.**—(1) Except where otherwise provided by any provision of these Rules or any other written law, or unless the appellate Court otherwise directs, the applicant and the opposing party must file and serve written submissions (if any) as well as any bundle of authorities in respect of an application before the appellate Court within 14 days after the date on which the opposing party’s affidavit in reply is to be filed and served.

(2) The written submissions for the application are subject to a page limit of 35 pages, unless the appellate Court otherwise orders.

(3) The appellate Court may allow the page limit mentioned in paragraph (2) to be exceeded —

(a) in special circumstances; and

(b) unless the appellate Court otherwise orders under paragraph (4), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(4) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(b).

(5) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors unless the appellate Court otherwise orders.

(6) The concluding paragraphs of the written submissions must include —

(a) submissions on the appropriate costs orders to be made in the application; and

(b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

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**Further arguments before appellate Court (O. 18, r. 38)**

**38.** Unless the appellate Court otherwise directs, there are to be no further arguments from the parties after the appellate Court has heard the appeal and reserved its decision or after the appellate Court has given its decision in the appeal.

**Powers in sections 40(1) and 58(1) of Supreme Court of Judicature Act exercisable by Registrar (O. 18, r. 39)**

**39.—(1)** The Registrar may exercise the powers of the Appellate Division and the Court of Appeal in sections 40(1)(a) and 58(1)(a) of the Supreme Court of Judicature Act in the following circumstances:

- (a) where the direction or order is for the extension of time to file or serve written submissions pursuant to Rule 33, and all of the parties consent to the making of the direction or order;
- (b) where the direction or order is for the extension of time to file or serve any of the following documents:
  - (i) written submissions or affidavits in any application;
  - (ii) a bundle of authorities in any appeal or application;
  - (iii) a bundle of documents in any application for permission to appeal;
- (c) where the direction is a direction under Rule 31(1);
- (d) where the direction or order is for the amendment of any document filed for any appeal or application, and all of the parties consent to the making of the direction or order;
- (e) where the direction or order relates to expunging any document filed for any appeal or application, and all of the parties consent to the making of the direction or order, and for consequential directions in relation to the direction or order;
- (f) where the direction or order relates to the rescheduling of any hearing.

(2) An application to vary or discharge any direction or order of the Registrar under paragraph (1) may be made to a single Judge sitting in the Appellate Division or the Court of Appeal (as the case may be), and any such application must be filed and served on all parties who have an interest in the appeal within 14 days after the date on which that direction or order is made, and the decision of that Judge is final.

### **Transfer of appeal from Appellate Division to Court of Appeal (O. 18, r. 40)**

**40.**—(1) For the purposes of section 29D(2)(c)(ii) of the Supreme Court of Judicature Act, the Court of Appeal may exercise its power under section 29D(1)(a) of that Act, on an application to the Court of Appeal to transfer an appeal that has been made to the Appellate Division, on the ground that it is more appropriate for the Court of Appeal to hear the appeal.

(2) For the purposes of section 29D(3) of the Supreme Court of Judicature Act, the Court of Appeal may, on its own motion or on a reference by the Appellate Division, exercise its power under section 29D(1)(a) of that Act only where —

- (a) the appeal was not made to the Appellate Division in accordance with section 29C of that Act;
- (b) it is more appropriate for the Court of Appeal to hear the appeal; or
- (c) one or more of the legal issues raised in the appeal engage one or more of the matters set out in the Sixth Schedule to that Act.

(3) An application under section 29D(2)(c)(i) of the Supreme Court of Judicature Act must be made in accordance with Rule 35, and must be filed and served within 14 days after the date of service of the notice of appeal on all parties who have an interest in the appeal.

(4) An application under section 29D(2)(c)(ii) of the Supreme Court of Judicature Act must be made in accordance with Rule 35, and must be filed and served no later than 14 days after the date on which the parties' written submissions are required to be filed and served under Rule 33(5).

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(5) For the purposes of paragraphs (1) and (2)(b), when determining whether it is more appropriate for the Court of Appeal to hear an appeal that has been made to the Appellate Division, the Court of Appeal may have regard to one or more of the following matters:

- (a) whether the proceedings relate to a matter of national or public importance;
- (b) whether the appeal will raise a point of law of public importance;
- (c) the complexity and novelty of the issues in the appeal;
- (d) whether there is a decision of the Court of Appeal in relation to a point of law raised in the appeal which may be material to the outcome of the appeal;
- (e) whether there are conflicting judicial decisions;
- (f) the significance of the results of the proceedings;
- (g) any other relevant matter.

**Transfer of appeal from Court of Appeal to Appellate Division  
(O. 18, r. 41)**

**41.—**(1) For the purposes of section 29E(3) of the Supreme Court of Judicature Act, the Court of Appeal is to have regard to the following matters, in deciding whether to exercise the power in section 29E(1) of that Act on its own motion, to transfer to the Appellate Division an appeal against a decision of the General Division that has been made to the Court of Appeal:

- (a) the appeal was not made to the Court of Appeal in accordance with section 29C of that Act;
- (b) none of the legal issues raised on appeal engage any of the matters set out in the Sixth Schedule to that Act;
- (c) all of the legal issues raised on appeal in relation to the matters set out in the Sixth Schedule to that Act relate to issues of settled law.

(2) An application under section 29E(2)(b) of the Supreme Court of Judicature Act to transfer to the Appellate Division an appeal against

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a decision of the General Division that has been made to the Court of Appeal —

- (a) must be made in accordance with Rule 35; and
- (b) must be filed and served within 14 days after the date of service of the notice of appeal on all parties who have an interest in the appeal.

## ORDER 19

### APPEALS FROM JUDGMENTS AND ORDERS AFTER TRIAL AND UNDER MEDICAL REGISTRATION ACT

#### *Division 1 — General*

#### **Scope of this Order (O. 19, r. 1)**

1. This Order applies to —

- (a) an appeal against any judgment of a Magistrate’s Court or District Court given —
  - (i) in a trial of an originating claim, including a case where judgment is given or the action is dismissed at trial because one or more parties are absent;  
*[S 206/2022 wef 01/04/2022]*
  - (ii) after damages are assessed or accounts are taken by a District Judge; or
  - (iii) in an application for a committal order for contempt of court;
- (b) an appeal against any judgment of the General Division (except a judgment of the Registrar of the Supreme Court);
- (c) an appeal against any judgment of the Appellate Division;
- (d) an appeal from any tribunal to the Appellate Division or the Court of Appeal pursuant to any written law;
- (e) an application to the appellate Court relating to an appeal mentioned in paragraph (a), (b), (c) or (d); and



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- (f) an appeal against an order or decision of a Disciplinary Tribunal under the Medical Registration Act.

**General matters and structure of this Order (O. 19, r. 2)**

2.—(1) This Order is subject to any written law on the right to appeal and any requirement to apply for permission to appeal.

(2) Division 2 of this Order concerns appeals from the District Court or the Magistrate’s Court to the General Division.

(3) Division 3 of this Order concerns —

(a) appeals from the General Division to the Appellate Division or the Court of Appeal (including appeals transferred between the Appellate Division and the Court of Appeal);

(b) appeals from any tribunal to the Appellate Division or the Court of Appeal pursuant to any written law; and

(c) appeals from the Appellate Division to the Court of Appeal.

(4) Division 4 of this Order concerns appeals to the General Division against an order or decision of a Disciplinary Tribunal under the Medical Registration Act.

**Definitions of this Order (O. 19, r. 3)**

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

“bundle of authorities” means a compilation of authorities for the appeal, including case authorities, statutes and law journal articles;

“core bundle of documents” means a certified copy of the judgment or grounds of decision of the lower Court, the extracted order of the lower Court, a compilation of the whole or part of the documents that are essential to the appeal and an index cross-referencing each document to the record of appeal or supplemental record of appeal;

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“judgment” means a judgment given by the lower Court —

- (a) in a trial, and includes a case where judgment is given or the action is dismissed at trial because one or more parties are absent;
- (b) after damages are assessed or accounts are taken;
- (c) in an application for a committal order for contempt of court;
- (d) in an application for a prerogative order; or
- (e) in an appeal against a judgment described in paragraphs (a) to (d);

“record of appeal” means the order granting permission to appeal (if any), the notice of appeal, the certificate for security for costs, the record of proceedings, the affidavits of evidence-in-chief (if any), and all documents filed in the lower Court (so far as are relevant to the matter decided and the nature of the appeal);

“record of proceedings” means a certified copy of the judgment or grounds of decision (if any) of the lower Court, the extracted order of the lower Court, and, in an appeal from the General Division, District Court or Magistrate’s Court, the certified transcript of the official record of hearing taken at the hearing of the cause or matter;

“second core bundle” means a compilation of the whole or part of the documents not included in the appellant’s or respondent’s core bundle of documents which are essential to the appeal and an index cross-referencing each document to the record of appeal;

“trial” means the hearing on the merits of an originating claim or an originating application and includes all applications taken out or heard on the same day as such hearing and at any time after the commencement of such hearing until the giving of the judgment.

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**When time for appeal starts to run (O. 19, r. 4)**

4.—(1) Unless the Court otherwise orders, the time for the filing of an appeal and for the filing of an application for permission to appeal does not start to run until after the lower Court has heard and determined all matters in the trial, including costs.

(2) For the purposes of this Rule, a direction by the lower Court that costs are to be assessed is to be regarded as a determination on the issue of costs.

**Permission to intervene (O. 19, r. 5)**

5.—(1) A person who is not a party in the appeal may apply to intervene in the appeal with the permission of the appellate Court.

(2) The application for permission to intervene and the supporting affidavit must be filed and served on all parties who have an interest in the appeal.

(3) The supporting affidavit must set out the applicant's interest in the appeal.

(4) The appellate Court may impose conditions when the appellate Court grants permission to intervene, including ordering the intervening party to provide security for costs to any or all of the parties in the appeal.

**Stay of enforcement, etc. (O. 19, r. 6)**

6.—(1) Except so far as the lower Court or the appellate Court may otherwise direct, an appeal does not operate as a stay of enforcement or of proceedings under the decision of the lower Court.

(2) Except so far as the appellate Court may otherwise direct, no intermediate act or proceeding is to be invalidated by an appeal.

(3) On an appeal, interest for such time as enforcement has been delayed by the appeal is to be allowed unless the lower Court or the appellate Court otherwise orders.

**Powers of appellate Court (O. 19, r. 7)**

7.—(1) The appellate Court may order any party to serve any document on a non-party to the appeal and give directions for the

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non-party to state its case by affidavit, written submissions or any other means.

(2) The appellate Court may allow or invite any non-party to the appeal to give that non-party's views on any matter in the appeal and may make costs orders in relation to the non-party.

(3) At the hearing of the appeal, the parties are allowed to make only such oral submissions as the appellate Court orders.

(4) The appellate Court may make any order relating to any part of the decision of the lower Court and for any reason although that part is not the subject of any appeal and that reason is not stated by anyone in the appeal.

(5) The appellate Court's powers to decide the merits of the appeal are not restricted by reason only that there was no appeal against any previous order (being one that is not the subject of the appeal) made by the lower Court.

(6) The appellate Court may order a new trial only if substantial injustice will be caused otherwise.

(7) Subject to any written law, the appellate Court has power to receive further evidence, either by oral examination in court, by affidavit, by deposition taken before an examiner, or in any other manner as the appellate Court may allow, but no such further evidence (other than evidence relating to matters occurring after the date of the decision appealed against) may be given except on special grounds.

(8) Such further evidence must be adduced in the manner directed by the appellate Court.

### **Absence of parties (O. 19, r. 8)**

**8.—**(1) If the appellant or the appellant's solicitor fails to attend at the appeal, the appeal may be dismissed.

(2) If the appellant or the appellant's solicitor attends and any respondent or the respondent's solicitor fails to attend, the appeal may proceed in the absence of such respondent.

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(3) The Court may restore the appeal for rehearing upon the application of the absent party who must file and serve any such application on all parties who have an interest in the appeal within 14 days after the dismissal or hearing of the appeal and must show good reason for that party's absence.

### **Expedited appeal (O. 19, r. 9)**

**9.**—(1) If the appeal is urgent or there is a special reason, the lower Court or the appellate Court may order an expedited appeal upon any party's application or on its own accord.

(2) In an expedited appeal, the lower Court or the appellate Court may dispense with compliance with any provision of these Rules or practice directions or modify them for the purposes of the appeal.

### **Withdrawal of appeal or application (O. 19, r. 10)**

**10.**—(1) An appellant may withdraw the appellant's appeal in relation to all or any of the respondents, and an applicant in an application to the appellate Court may withdraw the applicant's application in relation to all or any of the parties to the application at any time before the appeal or application is heard or dealt with (as the case may be), by filing and serving a notice of withdrawal of the appeal or application in Form 34 on all the parties to the appeal or application.

(2) Upon the filing of Form 34 and if there are no outstanding issues relating to costs or other matters, the appeal or application is deemed withdrawn in relation to the relevant parties, and if all the parties to the appeal or application consent to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be), the appellant, the applicant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs must be paid to the appellant, the applicant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

(3) If there are any such outstanding issues mentioned in paragraph (2) —

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- (a) the appellant, the applicant or any other party to the appeal or application, may request in writing to the appellate Court for directions on those issues;
  - (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
  - (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
    - (i) remove the appeal or application from the list of appeals or applications; and
    - (ii) give directions on the making of written submissions for the request.
- (4) Except as provided under paragraph (3), if there are any such outstanding issues —
- (a) the appeal or application remains on the list of appeals or applications; and
  - (b) the appellate Court may, at the hearing of the appeal or application —
    - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal or application; and
    - (ii) make any order as to the disposal of any security for costs.

### **Consent judgment or order (O. 19, r. 11)**

**11.—**(1) Where the parties in any appeal or application to the appellate Court inform the Registrar that they wish to record a consent judgment or order, the appellate Court may dispense with attendance of the parties and may record the judgment or order in the agreed terms, and the Registrar is to inform the parties accordingly.

(2) The appellate Court may give such further orders or directions incidental or consequential to any judgment or order that the appellate Court considers appropriate.

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**Judgment (O. 19, r. 12)**

12.—(1) Without affecting paragraph (2), the appellate Court may give its decision in any appeal or application —

- (a) orally at the conclusion of the hearing of the appeal or application or at a subsequent date; or
- (b) in writing at the conclusion of the hearing of the appeal or application or at a subsequent date.

(2) Where the appellate Court has decided any matter without hearing oral arguments —

- (a) the decision of the appellate Court may be given in accordance with paragraph (1) or the appellate Court may direct the Registrar to inform the parties of its decision; and
- (b) the parties are to be informed of the following:
  - (i) the Judge or Judges who constituted the appellate Court;
  - (ii) the decision of the appellate Court;
  - (iii) the date of the decision.

(3) Every party is entitled to a copy of any decision given in writing upon payment of the relevant charges.

(4) A judgment of the appellate Court may be delivered orally by any Judge sitting in the appellate Court despite the absence of one or more of the other Judges who heard the appeal or application in the appellate Court.

*Division 2 — Appeal from District Court and  
Magistrate’s Court to General Division*

**Scope of this Division (O. 19, r. 13)**

13.—(1) This Division applies to appeals to the General Division against any judgment of the District Court or Magistrate’s Court given —

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- (a) in a trial of an originating claim, including a case where judgment is given or the action is dismissed at trial because one or more parties are absent;
- [S 206/2022 wef 01/04/2022]*
- (b) after damages are assessed or accounts are taken by a District Judge; or
- (c) in an application for a committal order for contempt of court.

(2) In this Division, “lower Court” means the District Court or Magistrate’s Court (as the case may be) against which judgment an appeal is brought or being brought.

### **Bringing of appeal (O. 19, r. 14)**

**14.—**(1) A party who intends to appeal to the General Division against the judgment of a lower Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 35 within 14 days after the date of the judgment.

(2) The General Division may extend the time for filing and serving the notice of appeal on the appellant’s application made at any time, and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

### **Permission to appeal (O. 19, r. 15)**

**15.—**(1) Where permission to appeal is required, a party must apply for such permission from the lower Court and serve the application on all parties who have an interest in the appeal within 14 days after the date of the judgment.

(2) Where the lower Court does not grant permission to appeal, the party may apply to the General Division for such permission and must serve the application on all parties who have an interest in the appeal within 14 days after the date of the lower Court’s decision not to grant permission.

(3) Where permission to appeal is granted, the applicant must file and serve on all parties who have an interest in the appeal the notice



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of appeal in Form 35 within 14 days after the date of the decision granting permission.

(4) The General Division may extend the time for filing and serving an application for permission to appeal made at any time, and the lower Court may extend the time for filing and serving an application for permission to appeal if the application for such extension is made before the time expires.

**Security for costs (O. 19, r. 16)**

**16.—**(1) The appellant must provide security for the respondent's costs of the appeal and file a certificate for security for costs in Form 36 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of solicitors).

(4) The security must be —

(a) in the form of a solicitor's undertaking in Form 37 which must be filed and served on the respondent;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties.

(5) The appellant must provide security in the following amounts:

(a) \$3,000 for an appeal against a judgment in a Magistrate's Court action;

(b) \$5,000 for an appeal against a judgment in a District Court action.

(6) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.

(7) The appellate Court may order further security for costs to be given.

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**Documents to be filed (O. 19, r. 17)**

17.—(1) The lower Court must issue its written grounds of decision after the notice of appeal has been filed if the lower Court has not already done so.

(2) The Registry must notify the parties when the record of proceedings is ready for collection.

(3) If no written grounds of decision are issued within 12 weeks after the date of filing of the notice of appeal, the appellant must apply in writing to the Registrar to proceed with the appeal and for a copy of the record of proceedings.

(4) The appellant must file and serve —

(a) the record of appeal;

(b) the appellant's Case;

(c) the appellant's core bundle of documents, with the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court in a separate volume; and

(d) the appellant's bundle of authorities,

within 28 days after the date on which the Registry informs the parties that the record of proceedings is available.

(5) Where the appellant fails to file and serve the record of appeal, the core bundle of documents or the appellant's Case within the specified time, the appeal is deemed withdrawn unless the appellate Court otherwise orders.

(6) Where an appeal is deemed withdrawn pursuant to paragraph (5) and if all the parties to the appeal consent to the payment of the security for costs provided under Rule 16 to the appellant or the respondent, the appellant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs provided under Rule 16 must be paid to the appellant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

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(7) Where an appeal is deemed withdrawn pursuant to paragraph (5) and if there are any outstanding issues as to costs or other matters that remain between the parties to the appeal —

- (a) the appellant or any party to the appeal may, within 14 days after the date that the appeal is deemed withdrawn, request in writing to the General Division for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
- (c) the Registrar of the Supreme Court may, upon receiving a request under sub-paragraph (a), give directions on the making of written submissions for the request.

(8) The respondent must file and serve —

- (a) the respondent's Case;
- (b) the respondent's core bundle of documents (if necessary); and
- (c) the respondent's bundle of authorities,

within 28 days after the appellant serves the documents mentioned in paragraph (4) on the respondent.

(9) Where the respondent fails to file and serve the respondent's Case within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the appellate Court otherwise orders.

(10) The appellant must file and serve —

- (a) the appellant's Reply (if any);
- (b) the second core bundle (if necessary); and
- (c) the appellant's second bundle of authorities (if any),

within 14 days after the respondent's Case is served on the appellant.

(11) Where there is more than one appellant in an appeal, all the appellants may join in one appellants' Case and in one appellants' Reply.

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(12) Where there is more than one respondent in an appeal, all the respondents may join in one respondents' Case.

(13) 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 that party's position is explained in one of the Cases filed.

(14) The appellant and the respondent may seek directions from the General Division to file a joint Case where there are special circumstances.

(15) All parties to 2 or more appeals to be heard together must try to agree on filing a single Case for each party and on the timelines for such filing.

(16) Where the parties are unable to agree as mentioned in paragraph (15), they must request in writing for a case conference before the General Division or seek directions from the General Division.

(17) Where the parties have agreed as mentioned in paragraph (15), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the General Division.

(18) Where there are 2 or more appeals arising from the same judgment, the parties must file a joint record of appeal.

(19) No documents other than what have been set out in this Rule may be filed unless the General Division otherwise orders.

(20) No written submissions or skeletal arguments may be filed before or at the appeal unless the General Division otherwise orders.

**Appellant's Case, respondent's Case and appellant's Reply**  
**(O. 19, r. 18)**

**18.—**(1) The appellant's Case must contain the following:

- (a) a succinct summary of the facts, the decision of the lower Court, contentions to be made at the appeal and the orders sought from the General Division;

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- (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
  - (c) references in the right-hand margin to the relevant pages in the record of appeal and the appellant's core bundle of documents;
  - (d) submissions on the appropriate costs orders to be made on appeal;
  - (e) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
  - (f) the name and signature of the appellant's solicitor.
- (2) The respondent's Case must contain the following:
- (a) a succinct summary of the contentions to be made at the appeal and the orders sought from the General Division;
  - (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
  - (c) references in the right-hand margin to the relevant pages in the record of appeal and the respondent's core bundle of documents (if any);
  - (d) if the respondent intends to submit that —
    - (i) the lower Court's decision should be varied should the appeal be wholly or partially allowed where the respondent has not appealed against the decision of the lower Court; or
    - (ii) the lower Court's decision should be affirmed on grounds other than those relied upon by that Court, the respondent must state so in the respondent's Case and set out the reasons for the respondent's submissions;
  - (e) submissions on the appropriate costs orders to be made on appeal;

- (f) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
- (g) the name and signature of the respondent's solicitor.

(3) Where the respondent fails to comply with the requirements in paragraph (2)(d), the respondent is not allowed to make the submissions mentioned in paragraph (2)(d) unless the Court otherwise orders.

(4) The appellant's Reply (if any) must contain the following:

- (a) the appellant's detailed submissions in reply to the respondent's submissions;
- (b) references in the right-hand margin to the relevant pages in the record of appeal, the appellant's core bundle of documents, the respondent's core bundle of documents (if any), and the second core bundle (if any);
- (c) the name and signature of the appellant's solicitor.

(5) The appellant's Case, the respondent's Case and the appellant's Reply must contain everything that the parties intend to put forward at the appeal and must be prepared on the basis that there will be no need to supplement or to elaborate on any points made.

### **Page limits (O. 19, r. 19)**

**19.**—(1) The appellant's Case, the respondent's Case and the appellant's Reply (if any) are subject to the following page limits, unless the General Division otherwise orders:

- (a) appellant's Case — 35 pages;
- (b) respondent's Case — 35 pages;
- (c) appellant's Reply — 20 pages.

(2) The appellant's core bundle of documents (excluding the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court), the respondent's core bundle of documents and the second core bundle are subject to the following page limits, unless the General Division otherwise orders:

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- (a) appellant's core bundle of documents (excluding the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court) — 55 pages;
  - (b) respondent's core bundle of documents — 35 pages;
  - (c) second core bundle — 25 pages.
- (3) The General Division may allow the page limit mentioned in paragraphs (1) and (2) to be exceeded —
- (a) in special circumstances; and
  - (b) unless the General Division otherwise orders under paragraph (4), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.
- (4) The General Division may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(b).

**Payment out of security for costs and release of undertaking  
(O. 19, r. 20)**

- 20.—**(1) This Rule applies without the need for an order from the Court.
- (2) Where costs are payable by the appellant to the respondent under any order made by the General Division, the security for costs provided under Rule 16 must be paid to the respondent towards the costs ordered and the balance (if any) of the security must be paid to the appellant.
- (3) Where no costs are payable by the appellant to the respondent under any order made by the General Division, the security for costs provided under Rule 16 must be paid to the appellant and the appellant's solicitor is released from any undertaking as to the costs for the appeal.

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**Further arguments (O. 19, r. 21)**

**21.** Unless the General Division otherwise directs, there are to be no further arguments from the parties after the General Division has heard the appeal and reserved its decision or after the General Division has given its decision in the appeal.

**Registrar of State Courts to be notified of General Division's judgment or order (O. 19, r. 22)**

**22.** The appellant must file a certified copy of the General Division's judgment or order with the Registrar of the State Courts.

**Enforcement of judgments which have been subject matter of appeal (O. 19, r. 23)**

**23.** The taking of any steps for the enforcement of a judgment or order which has been the subject matter of an appeal under this Division must be in the State Courts.

*Division 3 — Appeals from General Division to  
Appellate Division or Court of Appeal, etc.*

**Scope of this Division (O. 19, r. 24)**

**24.** This Division applies to —

- (a) an appeal to the Appellate Division against a judgment of the General Division (including an appeal transferred between the Appellate Division and the Court of Appeal);
- (b) an appeal to the Court of Appeal against a judgment of the General Division (including an appeal transferred between the Appellate Division and the Court of Appeal);
- (c) an appeal to the Court of Appeal against a judgment of the Appellate Division;
- (d) an application to the Appellate Division or the Court of Appeal relating to an appeal mentioned in paragraph (a), (b) or (c); and
- (e) an appeal from any tribunal to the Appellate Division or the Court of Appeal pursuant to any written law, subject to



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such modifications as may be directed by the appellate Court.

### **Bringing of appeal (O. 19, r. 25)**

**25.—**(1) A party who intends to appeal to the appellate Court against the judgment of the lower Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 35 —

- (a) within 28 days after the date of the lower Court's judgment; or
- (b) in a case where a request for further arguments has been made under section 29B(2) of the Supreme Court of Judicature Act — within 28 days after the date mentioned in section 29B(4)(b) of that Act.

(2) The appellate Court may extend the time for filing and serving the notice of appeal on the appellant's application made at any time, and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

### **Permission to appeal (O. 19, r. 26)**

**26.—**(1) Where permission to appeal against a decision is required, subject to paragraphs (2), (3) and (4) and any written law, a party must apply for such permission from the appellate Court and file and serve the application and the documents mentioned in paragraph (7) on all parties who have an interest in the appeal within 14 days after the date of the lower Court's decision.

(2) Where permission to appeal against a decision is required, the Judge who made the decision may hear further arguments in respect of the decision if any party to the hearing, or the Judge, requests for further arguments pursuant to section 29B of the Supreme Court of Judicature Act before the earliest of the following:

- (a) the time at which the judgment or order relating to the decision is extracted;
- (b) the 15th day after the date on which the decision is made;

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- (c) the time at which an application for permission to appeal against the decision is filed.
- (3) If a request for further arguments in respect of a decision has been made under paragraph (2) —
- (a) an application for permission to appeal against the decision may not be filed against the decision until the Judge —
- (i) affirms, varies or sets aside the decision after hearing further arguments; or
- (ii) certifies, or is deemed to have certified, that no further arguments are required; and
- (b) the party seeking to apply for permission to appeal must file and serve the application for permission to appeal against the decision, and the documents mentioned in paragraph (7), within 14 days after the date the Judge —
- (i) affirms, varies or sets aside the decision after hearing further arguments; or
- (ii) certifies, or is deemed to have certified, that no further arguments are required.
- (4) To avoid doubt, paragraphs (2) and (3) do not affect section 29B of the Supreme Court of Judicature Act.
- (5) Where permission to appeal under section 47(1) of the Supreme Court of Judicature Act is required, the Court of Appeal may grant permission to appeal against a decision of the Appellate Division, where —
- (a) the appeal will raise a point of law of public importance; and
- (b) it is appropriate for the Court of Appeal to hear a further appeal, having regard to all relevant matters, including either or both of the following:
- (i) whether a decision of the Court of Appeal is required to resolve the point of law;

- (ii) whether the interests of the administration of justice, either generally or in the particular case, require the Court of Appeal's consideration of the point of law.

(6) Despite paragraphs (1), (2) and (3), where —

- (a) a party has made an application to the Appellate Division or the Court of Appeal for permission to appeal against a decision of the General Division within the time provided under this Rule; and
- (b) the Appellate Division or the Court of Appeal has decided that the court from which permission to appeal must be obtained, or which may grant permission to appeal, is the Court of Appeal or the Appellate Division respectively,

that party may make an application to the relevant appellate Court for permission to appeal against the General Division's decision mentioned in sub-paragraph (a) within 14 days after the date of the Registrar's notification of the Appellate Division's decision or the Court of Appeal's decision mentioned in sub-paragraph (b).

(7) A party applying for permission under this Rule —

- (a) must, at the time of filing the application, file written submissions and any accompanying bundle of authorities; and
- (b) may, at the time of filing the application, file a bundle of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits.

(8) A party who wishes to oppose an application for permission under this Rule —

- (a) must file and serve written submissions and any accompanying bundle of authorities; and
- (b) may, together with the written submissions mentioned in sub-paragraph (a), file and serve a bundle of documents that are relevant to the application and that were filed in the proceedings below, such as the whole or a part of the notes of evidence, pleadings and affidavits,

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within 14 days after the application, written submissions, any accompanying bundle of authorities and bundle of documents mentioned in paragraph (7) are served on the party.

(9) The application, written submissions, any accompanying bundles of authorities and bundles of documents must be served on all parties who have an interest in the appeal.

(10) The written submissions are subject to a page limit of 15 pages, unless the appellate Court otherwise orders, and must be in the form specified in any practice directions issued by the Registrar.

(11) The bundle of documents is subject to a page limit of 25 pages.

(12) The appellate Court may allow the page limit mentioned in paragraph (10) to be exceeded —

(a) in special circumstances; and

(b) unless the appellate Court otherwise orders under paragraph (13), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(13) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (12)(b).

(14) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors unless the appellate Court otherwise orders.

(15) No affidavit is to be filed in an application for permission to appeal without the permission of the appellate Court.

(16) No oral arguments are to be made in an application for permission to appeal unless the appellate Court otherwise orders.

(17) Where permission to appeal is granted, the applicant must file and serve on all parties who have an interest in the appeal the notice of appeal in Form 35 within 14 days after the date of the decision granting permission.

(18) The appellate Court may extend the time for filing and serving an application for permission to appeal.

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**Security for costs (O. 19, r. 27)**

**27.**—(1) The appellant must provide security for the respondent's costs of the appeal and file a certificate for security for costs in Form 36 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of solicitors).

(4) The security must be —

(a) in the form of a solicitor's undertaking in Form 37 which must be filed and served on the respondent;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties.

(5) The appellant must provide security in the amount of \$20,000.

(6) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.

(7) The appellate Court may order further security for costs to be given.

**Related appeals (O. 19, r. 28)**

**28.**—(1) Where there are related appeals in the appellate Court, the appellate Court may give directions for the filing and service of such joint documents as may be appropriate in the circumstances.

(2) The directions in paragraph (1) may be given by the appellate Court on its own motion or on the application or request of any party to any of the related appeals.

(3) To avoid doubt, the appellate Court may give directions under paragraph (1) even if the related appeals comprise one or more appeals filed under this Order and one or more appeals filed under Order 18.

(4) Where the related appeals comprise one or more appeals filed under this Order and one or more appeals filed under Order 18, the appellate Court may direct any modifications of the rules that are applicable to an appeal before it, including that the rules of this Division are not to apply to the appeal, and that the rules in Division 5 of Order 18 are to apply instead.

**Appellate Court may specify rules that apply to appeals  
(O. 19, r. 29)**

**29.**—(1) The appellate Court may, if the appellate Court deems appropriate, order that —

- (a) this Division, or any part of this Division, does not apply to an appeal before it; and
- (b) Division 5 of Order 18, or any part of Division 5 of Order 18, is to apply instead.

(2) The appellate Court may in any case if the appellate Court deems appropriate order or direct any modifications of the rules that are applicable to an appeal before it.

(3) To avoid doubt, the appellate Court may make an order or give a direction pursuant to this Rule on its own motion.

**Documents to be filed (O. 19, r. 30)**

**30.**—(1) The lower Court must issue its written grounds of decision after the notice of appeal has been filed if the lower Court has not already done so.

(2) The Registry must notify the parties when the record of proceedings is ready for collection.

(3) If no written grounds of decision are issued within 12 weeks after the date of filing of the notice of appeal, the appellant must apply in writing to the Registrar to proceed with the appeal and for a copy of the record of proceedings.

(4) Except for a case to which paragraph (5) applies, the appellant must file and serve —

- (a) the record of appeal;

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- (b) the appellant's Case;
  - (c) the appellant's core bundle of documents, with the written judgment or grounds of decision of the lower Court (if any) and the extracted order of the lower Court in a separate volume; and
  - (d) the appellant's bundle of authorities,

within 8 weeks after the date on which the Registry informs the parties that the record of proceedings is available.

(5) In the case of an appeal to the Court of Appeal against a decision of the Appellate Division, the record of appeal filed in the Appellate Division is treated as the record of appeal in the appeal to the Court of Appeal, and the appellant must file and serve —

- (a) the appellant's supplemental record of appeal comprising —
  - (i) the notice of appeal to the Court of Appeal;
  - (ii) the certificate of payment for security for costs;
  - (iii) the written judgment or grounds of decision of the Appellate Division or, if there is no judgment or grounds of decision, the certified minute sheet of the Appellate Division;
  - (iv) the extracted order of the Appellate Division;
  - (v) the order granting permission to appeal to the Court of Appeal;
  - (vi) the parties' Cases filed in the Appellate Division; and
  - (vii) all documents filed in the Appellate Division (so far as they are relevant to the matter decided and the nature of the appeal);
- (b) the appellant's Case;
- (c) the appellant's core bundle of documents, with the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court in a separate volume; and

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(d) the appellant’s bundle of authorities,  
within 8 weeks after the date on which the Registry informs the parties that the record of proceedings is available.

(6) Where the appellant fails to file and serve the record of appeal (including, where required under paragraph (5)(a), the supplemental record of appeal), the core bundle of documents or the appellant’s Case within the specified time, the appeal is deemed withdrawn unless the appellate Court otherwise orders.

(7) Where an appeal is deemed withdrawn pursuant to paragraph (6) and if all the parties to the appeal consent to the payment of the security for costs provided under Rule 27 to the appellant or the respondent, the appellant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs provided under Rule 27 must be paid to the appellant or the respondent (as the case may be) and any solicitor’s undertaking is discharged.

(8) Where an appeal is deemed withdrawn pursuant to paragraph (6) and if there are any outstanding issues as to costs or other matters that remain between the parties to the appeal —

- (a) the appellant or any party to the appeal may, within 14 days after the date that the appeal is deemed withdrawn, request in writing to the appellate Court for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
- (c) the Registrar of the Supreme Court may, upon receiving a request under sub-paragraph (a), give directions on the making of written submissions for the request.

(9) The respondent must file and serve —

- (a) the respondent’s Case;
- (b) the respondent’s core bundle of documents (if necessary);  
and
- (c) the respondent’s bundle of authorities,



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within 28 days after the appellant serves the documents mentioned in paragraph (4) or (5) on the respondent.

(10) Where the respondent fails to file and serve the respondent's Case within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the appellate Court otherwise orders.

(11) The appellant must file and serve —

(a) the appellant's Reply (if any);

(b) the second core bundle (if necessary); and

(c) the appellant's second bundle of authorities (if any),

within 14 days after the respondent's Case is served on the appellant.

(12) Where there is more than one appellant in an appeal, all the appellants may join in one appellants' Case and in one appellants' Reply.

(13) Where there is more than one respondent in an appeal, all the respondents may join in one respondents' Case.

(14) 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 that party's position is explained in one of the Cases filed.

(15) The appellant and the respondent may seek directions from the appellate Court to file a joint Case where there are special circumstances.

(16) All parties to 2 or more related appeals to be heard together must try to agree on filing a single Case for each party and on the timelines for such filing.

(17) Where the parties are unable to agree as mentioned in paragraph (16), they must request in writing for a case conference before the appellate Court or seek directions from the appellate Court.

(18) Where the parties have agreed as mentioned in paragraph (16), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the appellate Court.

(19) Where there are 2 or more appeals arising from the same judgment, the parties must file a joint record of appeal.

(20) No documents other than what has been set out in this Rule may be filed unless the appellate Court otherwise orders.

(21) No written submissions or skeletal arguments may be filed before or at the appeal unless the appellate Court otherwise orders.

**Appellant’s Case, respondent’s Case and appellant’s Reply  
(O. 19, r. 31)**

**31.—**(1) The appellant’s Case must contain the following:

- (a) a succinct summary of the facts, the decision of the lower Court, contentions to be made at the appeal and the orders sought from the appellate Court;
- (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
- (c) references in the right-hand margin to the relevant pages in the record of appeal, the supplemental record of appeal (where required under Rule 30(5)(a)) and the appellant’s core bundle of documents;
- (d) in the concluding paragraphs of the appellant’s Case —
  - (i) submissions on the appropriate costs orders to be made on appeal; and
  - (ii) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
- (e) the name and signature of the appellant’s solicitor.

(2) The respondent’s Case must contain the following:

- (a) a succinct summary of the contentions to be made at the appeal and the orders sought from the appellate Court;
- (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;

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- (c) references in the right-hand margin to the relevant pages in the record of appeal, the supplemental record of appeal (where required under Rule 30(5)(a)) and the respondent's core bundle of documents (if any);
  - (d) if the respondent intends to submit that —
    - (i) the lower Court's decision should be varied should the appeal be wholly or partially allowed where the respondent has not appealed against the decision of the lower Court; or
    - (ii) the lower Court's decision should be affirmed on grounds other than those relied upon by that Court, those submissions and the reasons for the respondent's submissions;
  - (e) in the concluding paragraphs of the respondent's Case —
    - (i) submissions on the appropriate costs orders to be made on appeal; and
    - (ii) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
  - (f) name and signature of the respondent's solicitor.
- (3) Where the respondent fails to comply with the requirements in paragraph (2)(d), the respondent is not allowed to make the submissions mentioned in paragraph (2)(d) unless the Court otherwise orders.
- (4) The appellant's Reply (if any) must contain the following:
- (a) the appellant's detailed submissions in reply to the respondent's submissions;
  - (b) references in the right-hand margin to the relevant pages in the record of appeal, the supplemental record of appeal (where required under Rule 30(5)(a)), the appellant's core bundle of documents, the respondent's core bundle of documents (if any), and the second core bundle (if any);
  - (c) the name and signature of the appellant's solicitor.

(5) The appellant’s Case, the respondent’s Case and the appellant’s Reply must contain everything that the parties intend to put forward at the appeal and must be prepared on the basis that there will be no need to supplement or to elaborate on any points made.

**Page limits (O. 19, r. 32)**

**32.**—(1) The appellant’s Case, the respondent’s Case and the appellant’s Reply (if any) are subject to the following page limits, unless the appellate Court otherwise orders:

- (a) appellant’s Case — 55 pages;
- (b) respondent’s Case — 55 pages;
- (c) appellant’s Reply — 25 pages.

(2) The appellant’s core bundle of documents (excluding the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court), the respondent’s core bundle of documents and the second core bundle are subject to the following page limits, unless the appellate Court otherwise orders:

- (a) appellant’s core bundle of documents (excluding the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court) — 55 pages;
- (b) respondent’s core bundle of documents — 35 pages;
- (c) second core bundle — 25 pages.

(3) The appellate Court may allow the page limit mentioned in paragraphs (1) and (2) to be exceeded —

- (a) in special circumstances; and
- (b) unless the appellate Court otherwise orders under paragraph (4), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(4) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(b).

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**Payment out of security for costs and release of undertaking  
(O. 19, r. 33)**

**33.**—(1) This Rule applies without the need for an order from the Court.

(2) Where costs are payable by the appellant to the respondent under any order made by the appellate Court, the security for costs provided under Rule 27 must be paid to the respondent towards the costs ordered and the balance (if any) of the security must be paid to the appellant.

(3) Where no costs are payable by the appellant to the respondent under any order made by the appellate Court, the security for costs provided under Rule 27 must be paid to the appellant and the appellant's solicitor is released from any undertaking as to the costs for the appeal.

(4) Paragraphs (2) and (3) apply with necessary modifications to the payment out of security for costs given under Rule 35(6).

**Further arguments (O. 19, r. 34)**

**34.** Unless the appellate Court otherwise directs, there are to be no further arguments from the parties after the appellate Court has heard the appeal and reserved its decision or after the appellate Court has given its decision in the appeal.

**Applications to appellate Court (O. 19, r. 35)**

**35.**—(1) Every application to the appellate Court must be made either by originating application or, in an appeal which is pending before the appellate Court, by summons.

(2) Whenever under these Rules an application may be made either to the lower Court or to the appellate Court, it must not be made in the first instance to the appellate Court, except where there are special circumstances which make it impossible or impracticable to apply to the lower Court.

(3) No oral arguments are to be made in an application to the appellate Court unless the appellate Court otherwise orders.

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(4) Except where Rule 26(15) provides otherwise, a party to an application to the appellate Court must, if the party wishes to file an affidavit in reply to the application, file and serve that affidavit on the applicant and the other parties to the application within 14 days after the date the application and the affidavit in support of the application (if any) are served on that party, and no further affidavits may be filed without permission of the appellate Court.

(5) No Case needs to be filed for applications to the appellate Court.

(6) The party who files an originating application or a summons to the appellate Court must provide security for the opposing party's costs of the application and file a certificate for security for costs in Form 36 at the time that party files the application.

(7) Where there is more than one applicant in an application, all the applicants need to provide only one set of security for the costs of the application.

(8) Where there is more than one opposing party, the applicant must provide security for the costs of each opposing party (or for the costs of each set of the opposing parties where they are represented by the same firm of solicitors).

(9) The security must be —

(a) in the form of a solicitor's undertaking in Form 37 which must be filed and served on the respondent;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties.

(10) The applicant must provide security in the amount of \$5,000.

(11) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.

(12) The appellate Court may order further security for costs to be given.

(13) Any application to the appellate Court to strike out a notice of appeal must be made by summons supported by affidavit stating the grounds of the application.

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(14) The summons and the supporting affidavit mentioned in paragraph (13) must be filed and served by the applicant on the parties to the application within 14 days after service of the notice of the appeal on the applicant.

(15) A party to the application mentioned in paragraph (13), who wishes to reply to the applicant's affidavit, must file and serve that party's 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.

(16) No further affidavit may be received in evidence without the permission of the appellate Court.

**Application for permission under section 40(4)(b) or 58(4)(b) of Supreme Court of Judicature Act (O. 19, r. 36)**

**36.** An application for the permission of —

- (a) a Judge sitting in the Appellate Division under section 40(4)(b) of the Supreme Court of Judicature Act, to make an application to discharge or vary any direction or order mentioned in section 40(4)(a) of that Act; or
- (b) a Judge sitting in the Court of Appeal under section 58(4)(b) of the Supreme Court of Judicature Act, to make an application to discharge or vary any direction or order mentioned in section 58(4)(a) of that Act,

must be filed and served on all parties who have an interest in the appeal within 14 days after the date on which that direction or order is made.

**Written submissions for applications to appellate Court (O. 19, r. 37)**

**37.—**(1) Except where otherwise provided by any provision of these Rules or any other written law, or unless the appellate Court otherwise directs, the applicant and the opposing party must file and serve written submissions (if any) as well as any bundle of authorities in respect of an application before the appellate Court within 14 days after the date on which the opposing party's affidavit in reply is to be filed and served.

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(2) The written submissions for the application are subject to a page limit of 35 pages, unless the appellate Court otherwise orders.

(3) The appellate Court may allow the page limit mentioned in paragraph (2) to be exceeded —

(a) in special circumstances; and

(b) unless the appellate Court otherwise orders under paragraph (4), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(4) The appellate Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(b).

(5) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors unless the appellate Court otherwise orders.

(6) The concluding paragraphs of the written submissions must include —

(a) submissions on the appropriate costs orders to be made in the application; and

(b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

**Powers in sections 40(1) and 58(1) of Supreme Court of Judicature Act exercisable by Registrar (O. 19, r. 38)**

**38.**—(1) The Registrar may exercise the powers of the Appellate Division and the Court of Appeal in sections 40(1)(a) and 58(1)(a) of the Supreme Court of Judicature Act in the following circumstances:

(a) where the direction or order is for the extension of time to file or serve a record of appeal, a supplemental record of appeal, an appellant’s core bundle of documents, an appellant’s Case or a respondent’s Case, and all of the parties consent to the making of the direction or order;

(b) where the direction or order is for the extension of time to file or serve any of the following documents:



- (i) an appellant's Reply;
  - (ii) a respondent's core bundle of documents and an appellant's second core bundle;
  - (iii) a bundle of authorities in any appeal or application;
  - (iv) written submissions or affidavits in any application;
  - (v) a bundle of documents in any application for permission to appeal;
- (c) where the direction is a direction under Rule 28(1);
- (d) where the direction or order is for the amendment of any document filed for any appeal or application, and all of the parties consent to the making of the direction or order;
- (e) where the direction or order relates to expunging any document filed for any appeal or application, and all of the parties consent to the making of the direction or order, and for consequential directions in relation to the direction or order;
- (f) where the direction or order relates to the rescheduling of any hearing.

(2) An application to vary or discharge any direction or order of the Registrar under paragraph (1) may be made to a single Judge sitting in the Appellate Division or the Court of Appeal (as the case may be), and any such application must be filed and served on all parties who have an interest in the appeal within 14 days after the date on which that direction or order is made, and the decision of that Judge is final.

**Transfer of appeal from Appellate Division to Court of Appeal  
(O. 19, r. 39)**

**39.**—(1) For the purposes of section 29D(2)(c)(ii) of the Supreme Court of Judicature Act, the Court of Appeal may exercise its power under section 29D(1)(a) of that Act, on an application to the Court of Appeal to transfer an appeal that has been made to the Appellate Division, on the ground that it is more appropriate for the Court of Appeal to hear the appeal.

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(2) For the purposes of section 29D(3) of the Supreme Court of Judicature Act, the Court of Appeal may, on its own motion or on a reference by the Appellate Division, exercise its power under section 29D(1)(a) of that Act only where —

- (a) the appeal was not made to the Appellate Division in accordance with section 29C of that Act;
- (b) it is more appropriate for the Court of Appeal to hear the appeal; or
- (c) one or more of the legal issues raised in the appeal engage one or more of the matters set out in the Sixth Schedule to that Act.

(3) An application under section 29D(2)(c)(i) of the Supreme Court of Judicature Act must be made in accordance with Rule 35, and must be filed and served within 14 days after the date of service of the notice of appeal on all parties who have an interest in the appeal.

(4) An application under section 29D(2)(c)(ii) of the Supreme Court of Judicature Act must be made in accordance with Rule 35, and must be filed and served no later than 14 days after the date of service of the respondent's Case.

(5) For the purposes of paragraphs (1) and (2)(b), when determining whether it is more appropriate for the Court of Appeal to hear an appeal that has been made to the Appellate Division, the Court of Appeal may have regard to one or more of the following matters:

- (a) whether the proceedings relate to a matter of national or public importance;
- (b) whether the appeal will raise a point of law of public importance;
- (c) the complexity and novelty of the issues in the appeal;
- (d) whether there is a decision of the Court of Appeal in relation to a point of law raised in the appeal which may be material to the outcome of the appeal;
- (e) whether there are conflicting judicial decisions;
- (f) the significance of the results of the proceedings;

- (g) any other relevant matter.

**Transfer of appeal from Court of Appeal to Appellate Division of High Court (O. 19, r. 40)**

**40.**—(1) For the purposes of section 29E(3) of the Supreme Court of Judicature Act, the Court of Appeal is to have regard to the following matters, in deciding whether to exercise the power in section 29E(1) of that Act on its own motion, to transfer to the Appellate Division an appeal against a decision of the General Division that has been made to the Court of Appeal:

- (a) the appeal was not made to the Court of Appeal in accordance with section 29C of that Act;
- (b) none of the legal issues raised on appeal engage any of the matters set out in the Sixth Schedule to that Act;
- (c) all of the legal issues raised on appeal in relation to the matters set out in the Sixth Schedule to that Act relate to issues of settled law.

(2) An application under section 29E(2)(b) of the Supreme Court of Judicature Act to transfer to the Appellate Division an appeal against a decision of the General Division that has been made to the Court of Appeal —

- (a) must be made in accordance with Rule 35; and
- (b) must be filed and served within 14 days after the date of service of the notice of appeal on all parties who have an interest in the appeal.

*Division 4 — Appeals from Disciplinary Tribunal under Medical Registration Act*

**Appeals under section 55 of Medical Registration Act (O. 19, r. 41)**

**41.**—(1) A person who intends to appeal to the General Division under section 55 of the Medical Registration Act against a decision or order of a Disciplinary Tribunal must bring the appeal by filing and

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-serving an originating application on all parties who have an interest in the appeal.

(2) The appellant must file and serve —

- (a) the record of proceedings;
- (b) the appellant’s written submissions; and
- (c) the appellant’s bundle of authorities,

within 8 weeks after the date on which the Registry informs the parties that the originating application has been fixed for hearing.

(3) The respondent must file and serve —

- (a) the respondent’s written submissions; and
- (b) the respondent’s bundle of authorities,

within 28 days after the appellant serves the documents mentioned in paragraph (2) on the respondent.

(4) No affidavit is to be filed in an appeal brought under paragraph (1) without the permission of the General Division.

(5) The appellant’s written submissions and respondent’s written submissions are subject to a page limit of 55 pages, unless the General Division otherwise orders.

(6) The General Division may allow the page limit mentioned in paragraph (5) to be exceeded —

- (a) in special circumstances; and
- (b) unless the General Division otherwise orders under paragraph (7), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(7) The General Division may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (6)(b).

(8) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors unless the General Division otherwise orders.

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(9) The concluding paragraphs of the written submissions must include —

- (a) submissions on the appropriate costs orders to be made in the appeal; and
- (b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal.

(10) Subject to this Rule and any other written law, the following Rules in this Order apply to proceedings before the General Division under section 55 of the Medical Registration Act (including interlocutory applications):

- (a) Rule 7 (Powers of appellate Court);
- (b) Rule 8 (Absence of parties);
- (c) Rule 10 (Withdrawal of appeal or application), save that the references to security for costs in Rule 10(2) and (4)(b)(ii) are to be disregarded;
- (d) Rule 11 (Consent judgment or order);
- (e) Rule 12 (Judgment);
- (f) Rule 34 (Further arguments);
- (g) Rule 35(1), (3), (4) and (16) (Applications to appellate Court);
- (h) Rule 37 (Written submissions for applications to appellate Court).

(11) For the purposes of an appeal under section 55 of the Medical Registration Act, the provisions mentioned in paragraph (10) apply as if —

- (a) every reference to the appellate Court is replaced with a reference to the General Division; and
- (b) every reference to the lower Court is replaced with a reference to the Disciplinary Tribunal.

(12) To avoid doubt, the following provisions do not apply to proceedings before the General Division under section 55 of the Medical Registration Act:

(a) Division 1 of this Order — except Rule 1(f) and the provisions mentioned in paragraph (10)(a) to (e);

(b) Order 20.

(13) In this Rule —

“appellant” means the party who brings an appeal to the General Division under paragraph (1);

“bundle of authorities” means a compilation of authorities for the appeal, including case authorities, statutes and law journal articles;

“Disciplinary Tribunal” has the meaning given by section 2 of the Medical Registration Act;

“record of proceedings” means any written grounds of decision, the record of evidence or notes of arguments taken, the affidavits or statutory declarations filed, as well as the submissions and any other documents tendered in respect of the proceedings before the Disciplinary Tribunal;

“respondent” means the respondent in the originating application filed under paragraph (1).

## ORDER 20

### APPEALS FROM TRIBUNALS AND CASE STATED

#### **Scope of this Order (O. 20, r. 1)**

1.—(1) Subject to paragraph (2) and any written law, this Order applies to —

(a) every appeal against the decision of a tribunal (except as otherwise provided in Order 19, Rule 41); and

(b) every application for a case to be stated or application by way of case stated to the General Division,

where such an appeal or application is provided by the written law.

(2) This Order does not apply to an appeal from a State Court constituted under the State Courts Act.

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**Definitions of this Order (O. 20, r. 2)****2. In this Order —**

“record of proceedings” means any written grounds of decision, the record of evidence or notes of arguments taken, the affidavits or statutory declarations filed, as well as the submissions and any other documents tendered in respect of the proceedings before the tribunal;

“tribunal” includes any authority, person or body of persons authorised to make decisions under any written law but not any Court.

**Bringing of appeal or application (O. 20, r. 3)**

**3.—(1)** An appeal against the decision of a tribunal or an application for a case to be stated or an application by way of case stated must be by way of an originating application supported by an affidavit.

(2) Subject to any other written law, the originating application and supporting affidavit must be filed and served on all parties who have an interest in the matter within 14 days after the tribunal’s decision.

(3) The affidavit must state all the facts that are necessary for the appeal or the application, the questions of fact or law to be determined and the orders that are sought before the Court.

(4) The affidavit must include the record of proceedings if that is available and is necessary for the appeal or the application.

(5) The parties who have been served in paragraph (2) must file and serve an affidavit in reply, if necessary, within 21 days after service.

**Case conference (O. 20, r. 4)**

**4.—(1)** The parties must attend a case conference within 6 weeks after the originating application and the supporting affidavit are filed.

(2) At the case conference, the Court must give the directions that are necessary for the appeal or the application.

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**Written submissions (O. 20, r. 5)**

5.—(1) Subject to Rule 4, the parties must file and serve written submissions at least 14 days before the hearing of the appeal or the application.

(2) The written submissions must be limited to 35 pages for each party or set of parties.

(3) The Court may allow the page limit in paragraph (2) to be exceeded —

(a) in special circumstances; and

(b) upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

**Stay of enforcement, etc. (O. 20, r. 6)**

6. An appeal or application does not operate as a stay of enforcement of the tribunal's decision unless any written law otherwise provides or the Court otherwise orders.

*[S 206/2022 wef 01/04/2022]*

**Powers of Court (O. 20, r. 7)**

7.—(1) The Court hearing the appeal or the application has all the powers that the Court has under Order 19, Rule 7 when hearing an appeal after trial.

(2) If an appeal to the Appellate Division or Court of Appeal is permitted in the written law, the Appellate Division or Court of Appeal has all the powers that it has under Order 19, Rule 7 when hearing an appeal after trial.



## ORDER 21

## COSTS

*Division 1 — General***Definitions and general matters of this Order (O. 21, r. 1)**

1.—(1) This Order applies to the costs of or incidental to contentious business and to any other proceedings if any written law provides or if the parties to any proceedings consent.

(2) In this Order —

“assessed costs” means costs assessed in accordance with this Order;

“contentious business” has the meaning given by section 2(1) of the Legal Profession Act;

“costs” includes fees, charges, disbursements, expenses and remuneration;

“indemnity basis” has the meaning given by Rule 22(3);

“standard basis” has the meaning given by Rule 22(2).

(3) In this Order —

(a) 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

(b) references to a fund held by a trustee or personal representative include references to any fund to which the trustee or personal representative is entitled (whether alone or together with any other person) in that capacity, whether the fund is for the time being in the possession of the trustee or personal representative or not.

**Powers of Court (O. 21, r. 2)**

2.—(1) Subject to any written law, costs are in the discretion of the Court and the Court has the power to determine all issues relating to the costs of or incidental to all proceedings in the Supreme Court or

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the State Courts at any stage of the proceedings or after the conclusion of the proceedings.

(2) In exercising its power to fix or assess costs, the Court must have regard to all relevant circumstances, including —

- (a) efforts made by the parties at amicable resolution;
- (b) the complexity of the case and the difficulty or novelty of the questions involved;
- (c) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- (d) the urgency and importance of the action to the parties;
- (e) the number of solicitors involved in the case for each party;
- (f) the conduct of the parties;
- (g) the principle of proportionality; and
- (h) the stage at which the proceedings were concluded.

(3) Subject to the provisions of this Order and any written law, the costs payable by any party to any other party in any matter must be fixed by the Court which heard the matter after an oral hearing or by way of written submissions from the parties, unless the Court thinks fit to direct an assessment of the costs.

(4) The costs in any matter are payable from the date of the Court's order unless the parties otherwise agree.

(5) The Court may order 2 or more parties' costs to be set off against one another so that only the balance has to be paid.

(6) The Court may stay or dismiss any application, action or appeal or make any other order as the Court deems fit if a party refuses or neglects to pay any costs ordered within the specified time, whether the costs were ordered in the present proceedings or in some related proceedings.

(7) 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.

(8) In the case of any proceedings transferred or removed to the General Division from any other court, the General Division may decide the costs of the whole proceedings, both before and after the transfer, or may direct that other court to decide the costs of the proceedings before the transfer.

**Entitlement to costs and assessment of costs (O. 21, r. 3)**

**3.**—(1) Subject to the following provisions of this Order, no party is 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) The Court must, subject to this Order, order the costs of any proceedings in favour of a successful party, 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 permission in the originating claim or any pleadings must 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 the Court, for serving or filing any document or doing any other act must be borne by the party making the application, unless the Court otherwise orders.

(5) Where a person is or has been a party to any proceedings in the capacity of trustee, personal representative or mortgagee, that person is, unless the Court otherwise orders, entitled to the costs of those proceedings, insofar 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.

**Adverse costs orders against successful party (O. 21, r. 4)**

**4.** The Court may disallow or reduce a successful party's costs or order that party to pay costs, if —

- (a) that party has failed to establish any claim or issue which that party has raised in any proceedings, thereby unnecessarily increasing the amount of time taken, the costs or the complexity of the proceedings;

- (b) that party has done or omitted to do anything unreasonably;
- (c) that party has not discharged that party's duty to consider amicable resolution of the dispute or to make an offer of amicable resolution in accordance with Order 5; or
- (d) that party has failed to comply with any order of court, any relevant pre-action protocol or any practice direction.

### **Adverse costs orders against non-party (O. 21, r. 5)**

5.—(1) Where it is just to do so, the Court may order costs against a non-party if the non-party has —

- (a) assigned the non-party's right in the action to a party in return for a share of any money or property which that party may recover in the action;
- (b) contributed or agreed to contribute to a party's costs in return for a share of any money or property which that party may recover in the action; or
- (c) contributed or agreed to contribute to a party's costs and actively instigates or encourages that party to continue with the action.

(2) Before the Court makes an order under paragraph (1), the Court must give the non-party a reasonable opportunity to be heard, either by way of an oral hearing or by written submissions.

### **Adverse costs orders against solicitor (O. 21, r. 6)**

6.—(1) If the solicitor is responsible, either personally or through an employee or agent, for incurring costs unreasonably in the proceedings, the Court may —

- (a) disallow the costs as between the solicitor and his or her client in whole or in part;
- (b) order the solicitor to repay to his or her client costs which the client has been ordered to pay in the proceedings; and
- (c) order the solicitor to indemnify any other party in the proceedings for costs payable by them.

(2) Before the Court makes an order under paragraph (1), the Court must give the solicitor a reasonable opportunity to be heard, either by way of an oral hearing or by written submissions.

(3) The Court may direct that notice be given to the solicitor's client concerning any proceedings or order against the solicitor under this Rule.

(4) The Court may, if the Court 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 the Court thinks fit as to the payment of the Attorney-General's costs.

**Costs for litigant not legally represented (O. 21, r. 7)**

7. The Court may award costs to a successful party who is not represented by solicitors that would compensate him or her reasonably for the time and work required for the proceedings and for all expenses incurred reasonably.

**Solicitor representing party who lacks capacity (O. 21, r. 8)**

8. In any proceedings in which money is claimed by or on behalf of, or for the benefit of —

- (a) a minor;
- (b) a person who lacks capacity within the meaning of the Mental Capacity Act in relation to matters concerning the person's property or affairs; or
- (c) a widow under the Civil Law Act,

the costs payable by the claimant or the claimant's solicitor must be fixed or approved by the Court or assessed by the Registrar.

**When party may sign judgment for costs without order (O. 21, r. 9)**

9.—(1) Where —

- (a) a claimant by notice in writing and without permission either wholly discontinues the claimant's action against any defendant or withdraws any particular claim made by the claimant in an action against any defendant; or

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(b) an action is deemed discontinued, the defendant is, unless the Court otherwise orders, entitled to the defendant's costs of the action or claim incurred to the time of discontinuance, which may be assessed if not agreed between the parties, and the defendant may sign judgment for the defendant's assessed costs after 48 hours after assessment.

(2) If a claimant accepts money paid into Court in satisfaction of the cause of action, or all the causes of action, in respect of which the claimant claims, or if the claimant accepts a sum or sums paid in respect of one or more specified causes of action and gives notice that the claimant abandons the other causes of action, then subject to paragraph (4) —

(a) the claimant is entitled to the claimant's costs incurred to the time of receipt of the notice of payment into Court, which may be assessed if not agreed between the parties; and

(b) the claimant may sign judgment for the claimant's assessed costs after 48 hours after assessment.

(3) Where a claimant in an action for libel or slander against several defendants sued jointly accepts money paid into Court by one of the defendants, then subject to paragraph (4), the claimant may have the claimant's costs assessed and may sign judgment for them against that defendant in accordance with paragraph (2).

(4) Despite paragraphs (2) and (3), the claimant is not entitled to have the claimant's costs assessed if the Court otherwise orders or if the claimant accepts the money paid into Court after the trial or hearing has begun.

(5) If a claimant accepts money paid into Court by a defendant who counterclaimed against the claimant, then, if the defendant stated in the notice of payment that the defendant had taken into account and satisfied the cause of action or all the causes of action in the defendant's counterclaim, then, subject to paragraph (6) —

(a) that defendant is entitled to that defendant's costs of the counterclaim incurred to the time of receipt of the notice of acceptance by the claimant of the money paid into Court,

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which may be assessed if not agreed between the parties;  
and

- (b) that defendant may sign judgment for that defendant's assessed costs after 48 hours after assessment.

(6) Despite paragraph (5), the defendant is not entitled to have the defendant's costs assessed if the Court otherwise orders or if the defendant pays money into Court after the trial or hearing has begun.

**Fixed costs (O. 21, r. 10)**

**10.** In the cases to which Appendix 1 to this Order applies, the amount of costs allowed are as set out in that Appendix, unless the Court otherwise orders.

**Powers of Registrar to assess costs (O. 21, r. 11)**

**11.—(1)** The Registrar of the Supreme Court has power to assess —

- (a) any costs of or arising out of any cause or matter in the Supreme Court the assessment of which is directed by an order of the Court;
- (b) any costs directed to be paid by an award made on a reference to arbitration under any written law or pursuant to an arbitration agreement; and
- (c) any costs the assessment of which is allowed or directed by or under any written law.

(2) The Registrar of the State Courts has power to assess —

- (a) any costs of or arising out of any cause or matter in the State Courts the assessment of which is directed by an order of the Court; and
- (b) any costs the assessment of which is allowed or directed by or under any written law.

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**Supplementary powers of Registrar (O. 21, r. 12)**

12. The Registrar may in assessing costs —
- (a) take an account of any dealings in money made in connection with the payment of the costs being assessed, if the Court so directs;
  - (b) require any party represented jointly with any other party in any proceedings before the Registrar 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.

**Costs of assessment proceedings (O. 21, r. 13)**

13.—(1) Subject to the provisions of any written law, the party whose bill is being assessed is entitled to the party's costs of the assessment proceedings.

(2) The party liable to pay the costs of the proceedings which gave rise to the assessment 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 the assessment of costs”, at any time before the expiration of 14 days after the delivery to the party of a copy of the bill of costs under Rule 19 and, where such an offer is made, the fact that it has been made must not be communicated to the Registrar until the question of the costs of the assessment proceedings falls to be decided.

(3) The Registrar may take into account any offer made under paragraph (2) which has been brought to the Registrar's attention.

**Interim certificates (O. 21, r. 14)**

14.—(1) The Registrar may, from time to time in the course of the assessment of any costs by the Registrar, issue an interim certificate for any part of those costs which has been assessed.

(2) If, in the course of the assessment of a solicitor's bill to the solicitor's own client, it appears to the Registrar that in any event the



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solicitor will be liable in connection with that bill to pay money to the client, the Registrar may from time to time issue an interim certificate specifying an amount which in the Registrar's opinion is payable by the solicitor to the client.

(3) On the filing of a certificate issued under paragraph (2), the Court may order the amount specified in the certificate to be paid forthwith to the client or into Court.

### **Power of Registrar where party liable to be paid and to pay costs (O. 21, r. 15)**

15. Where a party entitled to be paid costs is also liable to pay costs, the Registrar may —

- (a) assess the costs which that party is liable to pay and set off the amount allowed against the amount that party is entitled to be paid and direct payment of any balance; or
- (b) delay the issue of a certificate for the costs that party is entitled to be paid until that party has paid or tendered the amount that party is liable to pay.

### **Assessment of bill of costs comprised in account (O. 21, r. 16)**

16.—(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 assess those costs, and the Registrar must do so and return the bill of costs, after assessment of the bill of costs, together with the Registrar's report on the bill of costs to the Court.

(2) The Registrar assessing a bill of costs in accordance with a direction under this Rule has the same powers, and the same fees are payable in connection with the assessment, as if an order for assessment of the costs had been made by the Court.

#### *Division 2 — Procedure on assessment*

### **Mode of beginning proceedings for assessment (O. 21, r. 17)**

17. A party entitled to have any costs assessed must file the bill of costs within 12 months after the date on which the entire cause or

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matter is finally disposed of, including any appeals arising, unless the Court otherwise orders.

### **Notification of time appointed for assessment (O. 21, r. 18)**

**18.** Where the bill of costs has been filed in accordance with Rule 17, the Registrar must give to the party beginning the proceedings at least 14 days' notice of the date and time appointed for assessment.

### **Delivery of bills, etc. (O. 21, r. 19)**

**19.—(1)** A party whose costs are to be assessed in any assessment proceedings must, within 2 days after receiving a notice of the date and time under Rule 18, send a copy of the party's 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 filed and served a notice of intention to contest or not contest or taken any part in the proceedings which gave rise to the assessment proceedings.

(3) Paragraph (2) does not apply where an order for the assessment of a solicitor's bill of costs made under the Legal Profession Act, at the application of the solicitor, gave rise to the assessment proceedings.

### **Form of bill of costs (O. 21, r. 20)**

**20.—(1)** Every bill of costs must set out in 3 separate sections the following:

- (a) work done in the cause or matter, except for assessment of costs;
- (b) work done for and in the assessment of costs;
- (c) all disbursements made in the cause or matter.

(2) The costs claimed for paragraph (1)(a) and (b) must 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.

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(3) The bill of costs must also set out the amount of goods and services tax (GST) payable on the costs claimed, if any.

(4) 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 assessed, the basis of assessment and whether the bill is to be assessed between party and party or solicitor and client.

(5) A bill of costs must be endorsed with the name or firm and business address of the solicitor whose bill it is.

(6) For assessment of costs for contentious business —

- (a) the bill of costs must set out sufficient information that will enable the Registrar to have regard to the circumstances mentioned in Rule 2(2), and must comply with any requirements specified in the practice directions;
- (b) where attendances, telephone conversations and correspondence are concerned, it is 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;
- (c) where costs have already been awarded for any of the events set out, this fact and the amount awarded must be indicated;
- (d) the bill must also contain a succinct narrative of the legal and factual issues involved;
- (e) the bill may also contain the lists of authorities cited, indicating, where possible, those cited in the judgment of the Court; and
- (f) work done in the cause or matter includes work done in connection with the negotiation of a settlement.

**Powers of Registrar assessing costs payable out of fund  
(O. 21, r. 21)**

**21.—**(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

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assessment 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 the Registrar considers unnecessary.

(2) Where the Court has directed that a solicitor's bill of costs be assessed for the purpose of being paid out of a fund, the Registrar may, if the Registrar thinks fit, adjourn the assessment 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 part of the bill, free of charge together with a letter containing the following information:

- (a) that the bill of costs has been referred to the Registrar for assessment;
- (b) the venue, date and time at which the assessment will be continued;
- (c) any other information as the Registrar may direct.

*Division 3 — Assessment of costs*

**Basis of assessment (O. 21, r. 22)**

**22.—**(1) Subject to the other provisions of these Rules, the amount of costs which any party is entitled to recover is the amount allowed after assessment on the standard basis where —

- (a) an order is made that the costs of one party to the 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 assessed on the indemnity basis.

(2) On an assessment of costs on the standard basis, a reasonable amount in respect of all costs reasonably incurred is to be allowed, and any doubts which the Registrar may have as to whether the costs were reasonably incurred or were reasonable in amount are to be resolved in favour of the paying party; and in these Rules, the term

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“the standard basis”, in relation to the assessment of costs, is to be construed accordingly.

(3) On an assessment on the indemnity basis, all costs are to be allowed except insofar 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 are to be resolved in favour of the receiving party; and in these Rules, the term “the indemnity basis”, in relation to the assessment of costs, is to be construed accordingly.

(4) Where the Court makes an order for assessment of costs without indicating the basis of assessment or on any basis other than the standard basis or the indemnity basis, the costs are to be assessed on the standard basis.

(5) Despite paragraphs (1) to (4), if any action is brought in the General Division, which would have been within the jurisdiction of a State Court, the claimant is not entitled to any more costs than the claimant would have been entitled to if the proceedings had been brought in a State Court, unless the General Division otherwise orders.

### **Costs payable to solicitor by his or her own client (O. 21, r. 23)**

**23.—**(1) This Rule applies to every assessment of a solicitor’s bill of costs to the solicitor’s own client.

(2) On an assessment to which this Rule applies, costs are to be assessed on the indemnity basis but are to 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 the solicitor informed the client that they might not be allowed on an assessment of costs between the parties to the proceedings.

- (3) In paragraph (2), references to the client are to be construed —
- (a) if the client at the material time lacked capacity within the meaning of the Mental Capacity Act and was represented by a person acting as litigation representative, 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, as references to that person.

(4) The delivery of a bill of costs by a solicitor to the solicitor's client does not preclude the solicitor from presenting a bill for a larger amount or otherwise for assessment, if assessment is ordered by the Court or is consented to by the solicitor and the solicitor's client.

(5) Upon an assessment mentioned in paragraph (4), the solicitor is entitled to such amount as is allowed by the Registrar, although such amount may be more than that claimed in any previous bill of costs delivered to the solicitor's client.

### **Costs payable to trustee out of trust fund, etc. (O. 21, r. 24)**

**24.**—(1) This Rule applies to every assessment 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 the person holds in that capacity.

(2) On an assessment to which this Rule applies, costs are to be assessed on the indemnity basis but are to be presumed to have been unreasonably incurred if they were incurred contrary to the duty of the trustee or personal representative as such.

### *Division 4 — Certificate*

### **Certificate (O. 21, r. 25)**

**25.** When the bill of costs has been assessed, the solicitor must apply for the certificate of the Registrar for the amount of costs allowed by the Registrar.

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**Certificate of Registrar to be conclusive unless set aside  
(O. 21, r. 26)**

26. Upon the assessment of the bill of costs, the certificate of the Registrar, unless set aside, is conclusive as to the amount of costs allowed, and, where the order contains a submission to pay, the solicitor may after 48 hours, if there is no application for review, apply for an enforcement order to be issued in respect of the costs allowed.

*Division 5 — Review***Application to Judge for review (O. 21, r. 27)**

27.—(1) Any party to any assessment proceedings who is dissatisfied with the decision of the Registrar in respect of any item may apply to a Judge to review the assessment 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.

(3) An application under this Rule must be made by summons and must be heard in chambers, unless the Judge otherwise orders.

(4) An application under this Rule for review of the Registrar's decision in respect of any item does not prejudice the power of the Registrar under Rule 14 to issue an interim certificate in respect of the items of the Registrar's decision which are not the subject of the review.

(5) In this Rule and Rule 28, "Judge" means a Judge sitting in the General Division or a District Judge and includes a judge sitting in the Appellate Division or the Court of Appeal where appropriate.

**Review of Registrar's decision by Judge (O. 21, r. 28)**

28.—(1) Unless the Judge otherwise directs, no further evidence may be received on the hearing of the review of the Registrar's decision by the Judge, but except as mentioned, on the hearing of the review, the Judge may exercise all such powers and discretion as are 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 assessment.

*Division 6 — Interest*

**Interest on costs (O. 21, r. 29)**

**29.**—(1) The costs mentioned in the first column of the following table carry interest at 5.33% per year from the date mentioned in the second column of the table until payment:

<i>First column</i>	<i>Second column</i>
<i>Type of costs</i>	<i>Commencement date</i>
(a) assessed costs	Date of assessment
(b) costs fixed by the Court	Date of order
(c) costs agreed between the parties	Date of agreement
(d) costs under Parts 1, 2 and 3 of Appendix 1 to this Order	Date of judgment.

(2) Costs under Part 4 of Appendix 1 to this Order do not carry any interest.

APPENDIX 1

FIXED COST

(O. 21, r. 10)

PART 1

COSTS ON JUDGMENT  
WITHOUT TRIAL

1.—(1) The scale of costs set out in Part 2 of this Appendix applies in relation to the following cases:



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- (a) cases in which the defendant pays the amount claimed within the time and in the manner required by the endorsement of the originating claim;
- (b) cases in which the claimant obtains final judgment in default of a notice of intention to contest or not contest or in default of defence;
- (c) cases in which —
- (i) the claimant obtains final judgment under Order 9, Rule 17 unconditionally;
  - (ii) the Court dismisses an application for summary judgment under Order 9, Rule 17; or
  - (iii) the Court gives the defendant against whom an application for summary judgment under Order 9, Rule 17 is made unconditional permission to defend.
- (2) Where the claimant is also entitled under the judgment to damages to be assessed, or where the claimant claims any relief of the nature specified in Order 52, Rule 1, this Part does not apply.
- (3) In respect of the cases set out in sub-paragraph (1)(a) and (b), where the claimant is entitled under the judgment to costs on an indemnity basis, the scale of costs and disbursements set out in both Parts 2 and 3 of this Appendix apply.

## PART 2

### BASIC COSTS

2. Costs to be allowed (excluding disbursements) in cases under the following sub-paragraphs of paragraph 1(1) in Part 1 of this Appendix:

	<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>
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3.—(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 disbursement	\$350 plus disbursement	\$300 plus disbursement
(3) Where service out of Singapore is ordered and effected	\$700 plus disbursement	\$700 plus disbursement	\$600 plus disbursement

The disbursements allowed under sub-paragraphs (2) and (3) are limited to disbursements reasonably incurred in connection with the substituted service and service out of Singapore, and are the following:

*Disbursement to be allowed*

	<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 Singapore	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 pursuant to an application for summary judgment under Order 9, Rule 17, where notice of intention to contest or not contest is not given on the day on which the notice is filed, and the claimant makes an affidavit of service for the purpose of a judgment in default of a notice of intention to	\$200	\$200	\$150

	<i>Disbursement to be allowed</i>		
	<i>High Court</i>	<i>District Court</i>	<i>Magistrate's Court</i>
contest or not contest (the allowance to include the search fee)			
(5) In the case of a judgment pursuant to an application for summary judgment under Order 9, Rule 17 where an affidavit of service of the summons is required	\$200	\$200	\$150
(6) In the case of a judgment in default of a notice of intention to contest or not contest, or defence, on an application by summons under Order 51, Rule 4	\$200	\$200	\$200
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

### PART 3

#### ADDITIONAL ITEMS WHERE COSTS ARE ON INDEMNITY BASIS

4. Disbursement to be allowed in addition to the items claimed under Part 2 of this Appendix in cases under paragraph 1(3) in Part 1 of this Appendix:

	<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 supporting affidavit	Actual fees	Actual fees	Actual fees
(c) personal service of the originating claim in Singapore (if applicable)	\$20	\$20	\$20
(d) for each attempted service, where there is no order for substituted service (if applicable)	\$20	\$20	\$20

(e) postage, photocopying, miscellaneous charges and incidentals	\$50	\$50	\$50
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## PART 4

## MISCELLANEOUS

5. Where a claimant or defendant signs judgment for costs under Rule 9, there is to 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 judgment	\$300	\$300	\$200

6. Where an application for enforcement of a judgment or an order is made, there is to be allowed to the enforcement applicant the following costs:

- (a) costs (excluding the costs in sub-paragraphs (b) and (c) below):
- (i) in a Magistrate's Court action — \$1,000;
  - (ii) in a District Court action — \$3,000;
  - (iii) in an action in the General Division — \$5,000;
- (b) charges, commission, expenses and fees paid to the Sheriff;
- (c) reasonable disbursements incurred by the applicant.

## PART 5

MAGISTRATES' COURTS CASES  
(EXCLUDING CASES IN PART 1 AND  
NON-INJURY MOTOR ACCIDENT ACTIONS  
IN PART 6)

7.—(1) Costs to be allowed in Magistrates' Courts cases excluding —

- (a) cases in Part 1 of this Appendix; and
- (b) cases in Part 6 of this Appendix:

<i>Sum settled or awarded (where the claimant succeeds) or sum claimed (where the claimant 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 apply to the entire proceedings irrespective of whether the issues of liability and quantum are tried together or separately.

(3) Where the claimant's claim for unliquidated damages is discontinued or dismissed, the court is to award such costs within the above scales as the court deems appropriate.

## PART 6

### NON-INJURY MOTOR ACCIDENT ACTIONS IN MAGISTRATES' COURTS

8.—(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 3 in Part 2 of this Appendix 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 are to follow the TABLE below:

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 (i.e., interlocutory judgment is entered with damages to be assessed), costs will be fixed at

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a percentage of the scale in the TABLE as follows, depending on the stage at which liability and quantum are resolved:

- (i) if liability is resolved before the originating claim is issued and the claimant 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;
- (ii) if liability is resolved after the originating claim is issued but before affidavits of evidence-in-chief are exchanged, costs will be 90% of the scale;
- (iii) if liability is resolved after affidavits of evidence-in-chief are exchanged, costs will be 100% of the scale.

## ORDER 22

### ENFORCEMENT OF JUDGMENTS AND ORDERS

#### **Definitions of this Order (O. 22, r. 1)**

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

“amount due to the enforcement applicant” includes interest and costs;

“Court order” includes any judgment or order for the payment of money (including costs), the delivery of movable property, the title to or possession of immovable property, the doing of or the restraint or cessation of any act or the declaration of any rights;

“enforcement applicant” means a party or any other person who applies for or has obtained an enforcement order because the party or person is entitled to enforce any Court order;

“enforcement costs” means the charges, commissions, expenses and fees incurred by or payable to the Sheriff in carrying out an enforcement order and the costs allowed under these Rules payable to, and all expenses incurred by, the enforcement applicant in applying for and carrying out an enforcement order;

“enforcement order” means an enforcement order mentioned in Rule 2;

“enforcement respondent” means a party against whom an enforcement order is sought or made;

“movable property” includes cash, debt, deposits of money, bonds, shares or other securities, membership in clubs or societies, and cryptocurrency or other digital currency;

“non-party” means a person against whom an enforcement order for attachment of a debt is issued to attach a debt due from that person to the enforcement respondent;

“property” or “properties” means immovable property or movable property, of whatever description.

### **Enforcement order (O. 22, r. 2)**

2.—(1) An enforcement applicant may apply for an enforcement order to enforce one or more Court orders, without affecting any other methods of enforcement that are available to the enforcement applicant under any written law.

(2) Subject to any written law, an enforcement order authorises the Sheriff to do one or more of the following:

- (a) in respect of an enforcement order for seizure and sale of property, to seize and sell all property belonging to the enforcement respondent;
- (b) in respect of an enforcement order for delivery or possession of property, to seize and deliver or give possession of property in the possession or control of the enforcement respondent;
- (c) in respect of an enforcement order for attachment of a debt, to attach a debt which is due to the enforcement respondent from any non-party, whether immediately or at some future date or at certain intervals in the future, including where the debt which is due to the enforcement respondent is represented by a deposit of money by the enforcement respondent in a non-party that is a financial institution, whether or not the deposit has matured and despite any restriction as to the mode of withdrawal;
- (d) to do anything specified in the Court order.

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(3) An enforcement applicant may apply to the Court by summons without notice for an enforcement order in Form 38 not earlier than 3 days after the Court order has been served on the enforcement respondent.

(4) The affidavit supporting the application for an enforcement order must state —

- (a) the terms of the Court order;
- (b) the enforcement respondent's name and address;
- (c) the date that the Court order was served on the enforcement respondent;
- (d) the terms of the Court order which have not been complied with by the enforcement respondent and which are to be enforced;
- (e) where more than 6 years have passed since the date of the Court order, the reasons for the delay in the application;
- (f) where any change has occurred in the identity of the enforcement applicant or the enforcement respondent since the date of the Court order, the change that has occurred;
- (g) if the Court order requires the enforcement respondent to pay money, the amount due to the enforcement applicant, the amount recovered from any security held by the enforcement applicant, the amount that has been paid by the enforcement respondent and the amount that remains owing;
- (h) if interest is payable and continues to accumulate, the amount of interest owing to the enforcement applicant daily from the time of making the affidavit;
- (i) if a specific property is to be seized, other than property already specified in the Court order, the description of the property and the evidence that the whole or a specified part of the property belongs to or is in the possession or control of the enforcement respondent;
- (j) if the specific property is not in the possession or control of the enforcement respondent, the evidence that all persons



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in actual possession or control of the specific property have been notified about the application for an enforcement order;

- (k) if a deposit of money or other debt due to the enforcement respondent from any non-party is to be attached, the description of the deposit of money or debt and the evidence that the deposit belongs to or that the debt is due to the enforcement respondent, whether immediately or at some future date or at certain intervals in the future;
- (l) whether the Sheriff is to enforce the various parts of the enforcement order in any particular sequence or whether all or some parts may be enforced simultaneously; and
- (m) that the solicitors for the enforcement applicant (if the enforcement applicant is represented by solicitors) or the enforcement applicant (if the enforcement applicant is not represented by solicitors) undertake to —
  - (i) indemnify the Sheriff against all claims, costs and expenses arising from complying with the enforcement order;
  - (ii) pay upon request all charges, commissions, expenses and fees incurred by or payable to the Sheriff in complying with the enforcement order; and
  - (iii) deposit the amount of money requested by the Sheriff before the Sheriff complies with the enforcement order and from time to time,

and exhibit a written undertaking stating the matters in sub-paragraph (m)(i), (ii) and (iii).

(5) Subject to paragraph (8), an enforcement order is valid in the first instance for 12 months beginning with the date of issue.

(6) Where the enforcement costs and the amount due to the enforcement applicant have not been fully satisfied or the enforcement respondent has not complied with all the terms of the Court order, the Court may by order extend the validity of the enforcement order from time to time for a period of 12 months at any

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time beginning with the day on which the order is made, if an application for extension is made to the Court before the day on which the enforcement order would otherwise expire.

(7) The priority of an enforcement order, the validity of which has been extended under paragraph (6), is to be determined by reference to the date on which it was originally issued.

(8) An enforcement order ceases to be valid —

- (a) after the enforcement applicant gives written notice to the Sheriff not to take further action on the enforcement order because the enforcement respondent has complied with all the terms of the Court order or for any other reason; or
- (b) after an order of the Court for satisfaction to be recorded is made under Rule 3.

### **Satisfaction by consent (O. 22, r. 3)**

**3.—**(1) Any person who has satisfied a judgment debt may on filing a consent of the judgment creditor in Form 39 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 the judgment creditor's solicitor or if the judgment creditor has no solicitor, by a commissioner for oaths.

### **Discharge of non-party (O. 22, r. 4)**

**4.** Any payment made by a non-party in compliance with an enforcement order for attachment of debt under Rule 2(2)(c), and any execution of an enforcement order against that person pursuant to such an order, is a valid discharge of that person's liability to the enforcement respondent to the extent of the amount paid or realised even if the proceedings for the enforcement order for attachment of debt are subsequently set aside or the judgment or order from which they arose reversed.

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**Money in Court (O. 22, r. 5)**

5.—(1) Where money is standing to the credit of the enforcement respondent in Court, the enforcement applicant is not entitled to an enforcement order for attachment of debt in respect of that money but may apply to the Court by summons for an order that the money or so much of the money as is sufficient to satisfy the judgment or order sought to be enforced and the costs of the application be paid to the enforcement applicant.

(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 must not be paid out of Court until after the determination of the application.

(3) If the application is dismissed, the applicant must give notice of that fact to the Accountant-General.

(4) Unless the Court otherwise directs, the summons must be served on the enforcement respondent at least 14 days before the day named in the summons for the hearing of it.

(5) Subject to Order 33, Rule 25, the Court hearing an application under this Rule may make such order with respect to the money in Court as it thinks just.

**How enforcement order is carried out (O. 22, r. 6)**

6.—(1) The Sheriff must carry out the terms of the enforcement order in the sequence indicated (if any) in the enforcement order and at the time, place and in the manner determined by the Sheriff, and may exercise any powers under any written law relating to forced entry into premises.

(2) If no sequence of enforcement is indicated in the enforcement order, the Sheriff may carry out its terms in any order and sequentially or concurrently, in the Sheriff's discretion.

(3) Upon the Sheriff's request, the enforcement applicant or the enforcement applicant's solicitor or other authorised representative must accompany the Sheriff when the Sheriff carries out the enforcement order.

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- (4) An enforcement order is carried out by the Sheriff —
- (a) in respect of an enforcement order for delivery or possession of movable property — by taking physical possession of the movable property or affixing the Sheriff’s seal on the movable property;
  - (b) in respect of an enforcement order for seizure and sale of movable property —
    - (i) by affixing the Sheriff’s seal on the movable property; and
    - (ii) by serving a notice of seizure on the person or entity having possession or control of the movable property or leaving a notice of seizure at the place where the movable property was seized;
  - (c) in respect of an enforcement order for the possession of immovable property — by posting a notice of seizure on some conspicuous part of the immovable property and entering and taking possession of the immovable property and, where applicable, by serving a notice of seizure on the persons who are present and in actual possession or control of the immovable property;
  - (d) in respect of an enforcement order for seizure and sale of immovable property — by serving a notice of seizure on the Singapore Land Authority in respect of title to the immovable property, and with the enforcement applicant —
    - (i) separately registering the enforcement order under any written law relating to the immovable property within 14 days after service of the notice of seizure; and
    - (ii) giving notice in writing to the Sheriff that the enforcement order has been duly registered;
  - (e) in respect of an enforcement order for attachment of a debt due to the enforcement respondent from a non-party that is a financial institution as represented by a deposit of money,

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whether or not the deposit has matured and despite any restriction as to the mode of withdrawal — by serving a notice of attachment on the financial institution in respect of the deposit in such institution;

- (f) in respect of an enforcement order for attachment of a debt due to the enforcement respondent from any other non-party — by serving a notice of attachment on the non-party from which money is due to the enforcement respondent, whether the money is due immediately or at some future date or at certain intervals in the future; or
- (g) in respect of an enforcement order for seizure and sale of bonds, shares or other securities or membership in a club or society — by serving a notice of seizure on the person or entity which registers the ownership in respect of the bonds, shares or other securities, or which registers the membership in the club or society.

(5) The notice of seizure or attachment must be in Form 40 and may be prepared by the Sheriff.

(6) When a seizure or attachment has been effected under paragraph (4), a copy of the notice of seizure or attachment must be served on the enforcement respondent within 7 days after effecting the seizure or attachment, unless the Court otherwise directs in the enforcement order.

(7) In addition to the methods of service set out in Order 7, Rules 2 and 3, the copy of the notice of seizure or attachment may be served on the enforcement respondent by leaving it at, or sending it by post to, the address of the place from which the property was seized.

(8) A non-party who is served with a notice of attachment is entitled to claim costs of \$100 from the Sheriff but only if the claim is made within 14 days after service, and the non-party may deduct that amount from the debt owing from the non-party to the enforcement respondent which is attached under the notice of attachment prior to handing or paying over the sums mentioned in paragraph (10).

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- (9) A non-party who is served with a notice of attachment —
- (a) must, within 14 days after service of the notice of attachment, inform the Sheriff of the amount owing by the non-party to the enforcement respondent that is available to be attached; and
  - (b) must not deal with the attached amount —
    - (i) if a notice of objection is filed under Rule 10 — until after the notice of objection has been determined in the manner set out in that Rule; or
    - (ii) in any other case — until after 21 days have passed after the date of service of the notice of attachment.
- (10) If no notice of objection is filed under Rule 10, the non-party must hand or pay over —
- (a) to the enforcement applicant the money due to the enforcement respondent; and
  - (b) to the Sheriff the commission due to the Sheriff,
- within 7 days after the expiry of the time mentioned in paragraph (9)(b)(ii).
- (11) The Sheriff may engage, or direct the enforcement applicant to engage, the services of auxiliary police officers, security agencies, providers of transport and of warehousing, valuers, estate agents, brokers, solicitors and other appropriate persons to assist the Sheriff in all matters relating to the enforcement order or a seizure, attachment or sale under any Court order.

### **Sale and valuation of seized property (O. 22, r. 7)**

7.—(1) The Sheriff may take steps to sell seized movable property after 14 days after a copy of the notice of seizure has been served on the enforcement respondent under Rule 6, unless the movable property is perishable, in which case the Sheriff may take steps to sell the property earlier.

(2) The Sheriff may take steps to sell seized immovable property after 30 days after the notice of seizure has been served on the enforcement respondent under Rule 6.

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(3) The Sheriff must decide the conditions of sale.

(4) Where the value of the seized property is estimated by the Sheriff to be \$20,000 or less, the sale may be conducted by the Sheriff and may be by private treaty or by public auction.

(5) Where the value of the seized property is estimated by the Sheriff to be more than \$20,000, the sale must be conducted by an auctioneer and by public auction.

(6) Notice of sale of seized property stating the day, time and place of sale must —

(a) be given on the Sheriff's Internet website as specified in the practice directions; or

(b) be posted at the place of intended sale,

at least 14 days before the date of sale.

(7) All sales of immovable property must be conducted by an auctioneer and by public auction.

(8) Notice of sale of immovable property stating day, time and place of sale must be advertised by the auctioneer at least once in a printed local newspaper and at least 14 days before the date of auction.

(9) Where documents have to be signed by the enforcement respondent in order to give legal effect to any sale, the Sheriff may sign such documents in place of the enforcement respondent and the documents have the same legal effect as if they had been signed by the enforcement respondent.

### **Delivery and giving of possession (O. 22, r. 8)**

**8.—**(1) Where the enforcement order directs the Sheriff to seize and deliver or give possession of properties to the enforcement applicant, the Sheriff must deliver and give possession as soon as is practicable after seizure.

(2) The enforcement applicant or the enforcement applicant's representative must sign such acknowledgment of delivery or possession as the Sheriff requires.

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**Sheriff's statement of accounts and commission (O. 22, r. 9)**

9.—(1) The Sheriff must keep proper records of all the seized properties and attached debts and of all amounts of money received or expended by the Sheriff in carrying out an enforcement order.

(2) The Sheriff is entitled to a commission of 2% of —

- (a) the gross amount of deposits, money or debt attached;
- (b) the gross proceeds of sale of properties ordered to be sold;  
and
- (c) the gross proceeds of sale of the seized properties,

subject to a minimum amount of \$100 and a maximum amount of \$50,000.

(3) If property is seized or ordered to be sold but not sold for any reason, the Sheriff is entitled to a commission of 2% of the estimated value of the seized property or the amount stated in the enforcement order to be due to the enforcement applicant (whichever is less), subject to a minimum amount of \$100 and a maximum amount of \$50,000.

(4) Subject to any written law, the Sheriff must prepare a statement of accounts showing —

- (a) the gross proceeds of sale of the seized properties;
- (b) the enforcement costs;
- (c) the amount of money claimed by a landlord, not exceeding 6 months' rent, under section 20 of the Distress Act;
- (d) the amount of money available to pay the enforcement applicant;
- (e) where there are more than one enforcement order against the same enforcement respondent, the amount of money claimed in each enforcement order, in the order of the priority according to the dates of issue of the enforcement orders; and



(f) after using the proceeds of sale in sub-paragraph (a) to pay for the items in sub-paragraphs (b) to (e), the amount of money available to return to the enforcement respondent.

(5) The priority of payments is in the order set out in paragraph (4).

(6) If the proceeds of sale are not sufficient to pay the enforcement costs, the enforcement applicant must pay the amount of the shortfall to the Sheriff.

(7) The enforcement applicant who pays the amount of the shortfall in paragraph (6) is entitled to add that amount to the amount due to the enforcement applicant as part of the enforcement costs.

(8) This Rule also applies to an execution of or sale of property under any Court order other than an enforcement order made under Rule 2.

### **Claims and objections to seizure or attachment (O. 22, r. 10)**

**10.**—(1) Where the enforcement respondent or any other person objects (each called in this Rule the objector) to any seizure of property or attachment of a debt by the Sheriff, the objector must within 14 days after the service of the notice of seizure or attachment —

(a) give notice of such objection to the Sheriff by filing a notice of objection; and

(b) serve a copy of the notice of objection on the enforcement applicant, the enforcement respondent (if not the objector) and any non-party served with the notice of attachment (if not the objector).

(2) The notice of objection must identify the objector, specify the property or debt in dispute, state the grounds of objection and include any evidence supporting the grounds of objection.

(3) If the enforcement applicant accepts the grounds of objection, the enforcement applicant must give notice in writing to the Sheriff and the objector within 14 days after the service of the notice of objection that the enforcement applicant consents to the release from seizure of the specified property or the release from attachment of the

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specified debt, and the Sheriff must release the specified property or debt accordingly.

(4) If the enforcement applicant, within 14 days after the service of the notice of objection, fails to consent to the release or gives notice of dispute, the Sheriff may direct the objector to apply to the Court for an order to release the specified property or debt.

(5) Where the Sheriff directs the objector to apply to the Court under paragraph (4), the objector must —

- (a) apply by summons in the action supported by affidavit within 7 days after the direction, failing which the objection is deemed to have been withdrawn;
- (b) serve the summons and supporting affidavit on the enforcement applicant, the enforcement respondent (if not the objector), and any non-party served with the notice of attachment (if not the objector), within 7 days after making the application; and
- (c) give notice in writing to the Sheriff of the case and application number of the summons filed, within 7 days after making the application.

(6) The Sheriff may provide to the enforcement applicant, the enforcement respondent or any other person upon request such information relating to the seizure or attachment as is appropriate.

(7) The Sheriff must not sell any property that is in dispute.

(8) The Sheriff may seek the Court's directions by letter at any time.

### **Examination of enforcement respondent (O. 22, r. 11)**

**11.—**(1) The enforcement applicant may apply for the enforcement respondent to be examined orally in court or to make an affidavit or both on the properties which are owned by the enforcement respondent beneficially whether in whole or in part or which the enforcement respondent will be entitled to in the future.

(2) The Court may also order the enforcement respondent to produce such documents as are appropriate.

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(3) Where the enforcement respondent is an entity, the order must state the appointment of the officer or officers of the entity who are to be examined.

(4) An application under this Rule is deemed to be enforcement of a Court order and is within the terms of any written law or any order staying enforcement of that Court order.

(5) An order under this Rule must be in Form 41 and must be served personally on the enforcement respondent and, where the enforcement respondent is an entity, on any officer of the entity ordered to attend for examination.

### **Instalment payments (O. 22, r. 12)**

**12.** Where a Court order made under section 43 of the State Courts Act or under any other written law provides for payment by instalments, the enforcement applicant may apply for an enforcement order in respect of an instalment that is due and unpaid or, if there are several instalments due and unpaid, in respect of those instalments.

### **Application for stay of enforcement (O. 22, r. 13)**

**13.—(1)** The party who is liable under any Court order may apply for stay of enforcement or stay of any enforcement order or any part of the order if there is a special case making it inappropriate to enforce the Court order immediately.

(2) The Court may order a stay of enforcement or stay of an enforcement order, for a specified period or until the occurrence of a specified event.

(3) Where the Sheriff has seized properties or attached a debt under the enforcement order before the Court orders a stay, the order may give directions to the Sheriff to withdraw the seizure or attachment or to maintain the seizure or attachment without taking further action on the enforcement order.

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ORDER 23  
CONTEMPT OF COURT

**Definitions of this Order (O. 23, r. 1)**

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

“Act” means the Administration of Justice (Protection) Act 2016;

“committal applicant” means the person who is applying for or has obtained a committal order against the committal respondent;

“committal respondent” means the person against whom a committal order is sought or made;

“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.

**Committal order for contempt of court (O. 23, r. 2)**

2. The power of the Court to punish for contempt of court may be exercised by a committal order.

**Application for permission of Court (O. 23, r. 3)**

3.—(1) A committal applicant must first apply to the Court for permission to make an application for a committal order.

(2) An application for permission must be made by originating application without notice or by summons without notice in an action (as the case may be) to a Judge.

(3) The application must be supported by an affidavit setting out —

(a) the committal applicant’s name, description and address;

(b) the committal respondent’s name, description and address;  
and

(c) the grounds on which the committal order is sought.

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**Application for committal order after permission of Court granted (O. 23, r. 4)**

4.—(1) After permission is granted under Rule 3, the committal applicant must apply for the committal order within 14 days by summons in the originating application without notice or by summons in the action, and serve the following on the committal respondent by personal service:

- (a) the originating application without notice or summons without notice for permission under Rule 3(2);
- (b) the supporting affidavit under Rule 3(3);
- (c) the order granting permission under Rule 3(1);
- (d) the summons for the committal order under this paragraph.

(2) There must be at least 21 days between the service under paragraph (1) and the hearing date.

**Power to commit without application (O. 23, r. 5)**

5.—(1) Where by virtue of any written law, the General Division 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 General Division, have been a contempt of that Court, a committal order may be made by the General Division.

(2) Nothing in Rules 2, 3 and 4 is taken as affecting the power of the General Division, the Appellate Division or the Court of Appeal to make a committal order on its own accord against a person guilty of contempt of court.

**Transfer to General Division (O. 23, r. 6)**

6.—(1) An application under section 10(4) to transfer a case in a State Court to the General Division must be made to a Judge sitting in the General Division by originating application.

(2) In hearing such an application, the General Division may order the case sought to be transferred and any related proceedings to be stayed until after the final determination of the application.

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(3) Where the General Division orders a case in a State Court to be transferred to the General Division under section 10(4) —

- (a) the General Division may —
  - (i) set aside or affirm any order made by the State Court;
  - (ii) modify Rules 3 and 4 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.

### **Provisions as to hearing (O. 23, r. 7)**

7.—(1) The Court must hear in open court an application for a committal order or an application under section 10(4) to transfer a case to the General Division, but may hear the application 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 in relation to matters concerning his or her property and affairs;
- (c) where the application is made in the General Division and arises out of proceedings in a Small Claims Tribunal or an Employment Claims Tribunal constituted under section 4 of the State Courts Act;
- (d) where the application arises out of proceedings in which a secret process, discovery or invention was in issue;

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(e) 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.

(2) If the Court hears the application in private under paragraph (1) and decides to make a committal order against the committal respondent, it must state in open court —

- (a) the name of the committal respondent;
- (b) in general terms the nature of the contempt of court in respect of which the committal order is being made; and
- (c) if the committal respondent is being committed for a fixed period, the length of that period.

(3) The committal applicant must rely on only the grounds set out in the affidavit under Rule 3(3).

(4) At the hearing of the application for a committal order, the committal respondent —

- (a) must rely on the matters stated in his or her affidavit, if any; but
- (b) may, with the permission of the Court, give oral evidence on his or her own behalf.

(5) For the purposes of section 26A(9), in making any order allowing a committal respondent to give evidence or to appear (other than to give evidence) by means of a live video or live television link under section 26A(1), the Court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the committal respondent:
  - (i) the committal respondent;
  - (ii) an advocate representing the committal respondent;
- (b) whether the order would affect the ability of the committal applicant to effectively conduct those proceedings;

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- (c) whether the order would affect the ability of the committal respondent to consult and instruct his or her advocate in private;
  - (d) whether adequate technical measures are available to the Court —
    - (i) to verify the identities of persons giving evidence or appearing by means of the live video or live television link;
    - (ii) to prevent the committal respondent from being coached or coerced while giving evidence or appearing by means of a live video or live television link;
    - (iii) to prevent the proceedings from being recorded; and
    - (iv) to control and restrict the persons who are able to access or observe the proceedings;
  - (e) the likelihood that the Court may require the committal respondent to handle any physical evidence;
  - (f) whether a judgment or order requiring the committal respondent to be taken into custody may be delivered or made during the proceedings.

*[S 206/2022 wef 01/04/2022]*

(6) For the purposes of section 26A(9), in making any order allowing a witness (not being the committal respondent) to give evidence by means of a live video or live television link under section 26A(2) or (3), the Court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the committal respondent:
  - (i) the committal respondent;
  - (ii) an advocate representing the committal respondent;
- (b) whether the order would affect the ability of the committal applicant to effectively conduct those proceedings;



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- (c) whether adequate technical measures are available to the Court —
    - (i) to verify the identities of persons giving evidence by means of the live video or live television link;
    - (ii) to prevent the witness from being coached or coerced while giving evidence by means of a live video or live television link;
    - (iii) to prevent the proceedings from being recorded; and
    - (iv) to control and restrict the persons who are able to access or observe the proceedings;
  - (d) the likelihood that the Court may require the witness to handle any physical evidence;
  - (e) in the case of an order under section 26A(3) allowing an expert witness to give evidence from a place that is not in Singapore — the reason why the expert witness is not giving evidence from Singapore.

*[S 206/2022 wef 01/04/2022]*

### **Power to suspend execution of committal order (O. 23, r. 8)**

**8.—(1)** The Court may order the execution of the committal order to be suspended for such period or on such terms or conditions as it may specify.

(2) Where the Court makes an order under paragraph (1), the committal applicant must serve a notice on the committal respondent informing the committal respondent of the terms of that order.

(3) The committal applicant may apply for the suspension to be lifted on the ground that any of the terms of the suspension has been breached.

(4) An application under paragraph (3) must be made by summons supported by an affidavit and must be served on the committal respondent.

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**Discharge of committal respondent (O. 23, r. 9)**

9.—(1) Where a committal respondent has been committed for contempt of court, the Court may discharge him or her upon his or her application.

(2) Where a committal respondent has been committed for contempt of court under section 4 in relation to his or her failure to deliver any thing to some other person or to deposit it in Court or elsewhere, then, if the thing is in the possession or control of the committal respondent, the Sheriff may take possession of it as if it were the property of the committal respondent and, without limiting paragraph (1), the Court may discharge the committal respondent and give directions for dealing with the thing.

**Saving for other powers (O. 23, r. 10)**

10. Nothing in Rules 1 to 9 is to 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 or she had been guilty of contempt of court, to pay a fine or to give security for his or her good behaviour, and those Rules, so far as applicable and with the necessary modifications, apply in relation to an application for such an order as they apply in relation to an application for a committal order.

**Form of committal order (O. 23, r. 11)**

11.—(1) A committal order must be in Form 42.

(2) The committal applicant must serve on the Sheriff's office by filing a copy of —

- (a) the committal order; and
- (b) a written undertaking by the solicitor for the committal applicant (if the committal applicant is represented by a solicitor) or by the committal applicant (if the committal applicant is not represented by a solicitor) to —
  - (i) pay upon request all charges, expenses and fees incurred by or payable to the Sheriff and the

Singapore Police Force in complying with the committal order; and

- (ii) indemnify the Sheriff and the Singapore Police Force against all claims, costs and expenses arising from complying with the committal order.

(3) The committal applicant must also deposit the amount of money requested by the Sheriff before the Sheriff complies with the committal order and from time to time.

**Committal proceedings before Employment Claims Tribunals  
(O. 23, r. 12)**

12.—(1) Rules 1 to 11 (except Rule 7(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 tribunal magistrate; and
- (b) any reference to a Judge is a reference to a tribunal magistrate.

(3) The court fees that apply to proceedings under this Order in a District Court apply to proceedings under this Order in a tribunal.

(4) 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.

(5) In this Rule —

“tribunal” means a State Court called an Employment Claims Tribunal constituted under section 4 of the State Courts Act;

“tribunal magistrate” has the meaning given by section 2(1) of the Employment Claims Act 2016.

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**Committal proceedings before Small Claims Tribunals  
(O. 23, r. 13)**

**13.**—(1) Rules 1 to 11 (except Rule 7(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 tribunal magistrate; and

(b) any reference to a Judge is a reference to a tribunal magistrate.

(3) The court fees that apply to proceedings under this Order in a Magistrate’s Court apply to proceedings under this Order in a tribunal.

(4) The hearing fees that apply to proceedings under this Order in a Magistrate’s Court apply to proceedings under this Order in a tribunal.

(5) In this Rule —

“tribunal” means a Small Claims Tribunal constituted under section 4 of the State Courts Act;

“tribunal magistrate” has the meaning given by section 2(1) of the Small Claims Tribunals Act.

**Committal proceedings before Community Disputes  
Resolution Tribunals (O. 23, r. 14)**

**14.**—(1) To avoid doubt, Rules 1 to 11 (except Rule 7(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;

“tribunal judge” means a District Judge designated as a tribunal judge under section 14(1)(b) of the Community Disputes Resolution Act 2015.

**Application by Attorney-General for permission to give non-publication direction (O. 23, r. 15)**

**15.—**(1) An application by the Attorney-General for permission to give a non-publication direction must be made by originating application without notice supported by an affidavit.

(2) The supporting affidavit may be made by a person authorised by the Attorney-General.

(3) 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.

(4) The Court's permission to give a non-publication direction lapses if the direction is not served in accordance with the Act within 14 days after the day on which permission is granted.

(5) 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.

**Application to set aside or vary non-publication direction  
(O. 23, r. 16)**

**16.—**(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 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 the originating application in which permission to give the non-publication direction was granted and must be supported by an affidavit.

(5) The applicant must serve the summons and the 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 sets aside or varies 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 —

- (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 takes 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 takes effect —

- (a) insofar as the direction and the variation apply 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 apply 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.

**Order to arrest committal respondent (O. 23, r. 17)**

17.—(1) The Court may order the Sheriff or any police officer to arrest and bring before the Court, as soon as is practicable, a committal respondent who fails to attend any proceedings in Court or who disobeys any order of the Court.

(2) The Court may include in the order to arrest under paragraph (1) conditions relating to the giving of security by the committal respondent or to any other matter.

(3) A letter from the Registrar stating the Court’s order made under paragraph (1) is sufficient authority for the Sheriff or any police officer to effect the arrest.

**Sheriff may engage auxiliary police officer or other security agency (O. 23, r. 18)**

18.—(1) The Sheriff may engage, or direct the applicant to engage, any auxiliary police officer appointed under the Police Force Act or other security agency to assist him or her in the discharge of his or her duties under this Order.

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(2) Any amount of money incurred by the Sheriff under paragraph (1) is considered as part of the charges, expenses and fees incurred in complying with a committal order.

## ORDER 24

### PREROGATIVE ORDERS

#### **Scope of this Order (O. 24, r. 1)**

1. This Order applies to the Supreme Court only.

#### **Definition and general matters of this Order (O. 24, r. 2)**

2.—(1) The following are prerogative orders:

- (a) an Order for Review of Detention;
- (b) a Mandatory Order;
- (c) a Prohibiting Order;
- (d) a Quashing Order.

(2) An application for a prerogative order must not be made before the applicant has exhausted any right of appeal or other remedy provided under any written law.

#### **Application for Order for Review of Detention (O. 24, r. 3)**

3.—(1) An application for an Order for Review of Detention must be made by originating application without notice.

(2) The person detained (called in this Order the subject) must make an affidavit supporting the application showing that the application is made at the subject's instance and setting out the nature of the detention, stating when and how he or she was detained, where he or she is being detained, the reasons given for his or her detention (if any), and why he or she should be released.

(3) If the subject is unable to make the affidavit or if the application is urgent, some other person may make the affidavit mentioned in paragraph (2), and the affidavit must also state his or her relationship to the subject, and why the subject is unable to make the affidavit or why the application is urgent.



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(4) The application must be heard by a Judge sitting in the General Division.

(5) The subject need not be brought before the Court hearing the originating application unless the Court otherwise directs.

(6) At the hearing of the application, the Court may —

(a) make an Order for Review of Detention in Form 43 forthwith and order that the subject is to be brought before the Court by a certain time; or

(b) direct that a summons for the Order for Review of Detention be issued.

#### **Summons for Order for Review of Detention (O. 24, r. 4)**

4.—(1) The summons for the Order for Review of Detention is to be a summons in the originating application by which the application was made.

(2) The originating application without notice, the affidavit supporting the originating application, the order of the Court mentioned in Rule 3(6)(b), and the summons for the Order for Review of Detention must be served on the defendant and on the Attorney-General as a non-party as soon as it is practicable after it is filed and in any case no later than 2 working days after it is filed.

(3) Where the identity of the defendant is unknown or uncertain, the applicant may name the Attorney-General as the defendant.

(4) The Attorney-General may apply to the Court for an order that some other defendant be added or substituted as a party to the summons and that he or she cease to be a defendant.

(5) The defendant and the Attorney-General may file and serve affidavits to contest the summons, and may make their affidavits jointly or separately.

(6) Every party to the summons must serve a copy of each of the affidavits which he or she proposes to use at the hearing on every other party as soon as it is practicable and in any case no later than 2 working days after it is filed.

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(7) The summons for the Order for Review of Detention must be heard by a Judge sitting in the General Division.

(8) The subject need not be brought before the Court hearing the summons unless the Court otherwise directs.

(9) At the hearing of the summons, the Court may order that —

- (a) the summons be dismissed;
- (b) further affidavits be filed and served by the parties; or
- (c) an Order for Review of Detention be made in Form 43 and the defendant is to release the subject immediately or by a certain time and, if necessary, that the subject be conveyed to a certain location for his or her release.

(10) Where the Court makes an order under paragraph (9)(c) or Rule 3(6)(a), the solicitor appearing for the defendant must inform the defendant or the appropriate person or entity as soon as is practicable, and the defendant or that person or entity must comply with the Order for Review of Detention although the Order has not been served.

(11) Where the Court makes an order under paragraph (9)(c) in the presence of the defendant or the appropriate person or entity, the defendant or that person or entity must comply with the Order for Review of Detention although the Order has not been served.

**No application for Mandatory Order, Prohibiting Order or Quashing Order without permission (O. 24, r. 5)**

5.—(1) An application for a Mandatory Order, Prohibiting Order or Quashing Order —

- (a) may include an application for a declaration which is ancillary to or consequential upon the Order; but
- (b) must not be made, unless permission to make the application for the Order has been granted.

(2) Subject to any written law, an application for permission to apply for a Mandatory Order, Prohibiting Order or Quashing Order must be made within 3 months after the date of the omission,

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judgment, order, conviction or proceedings which gave rise to the application.

(3) The application for permission must be made by originating application and must be supported by —

- (a) a statement setting out the name and description of the applicant, the relief sought and the grounds on which it is sought; and
- (b) an affidavit supporting the application, which must show that —
  - (i) the applicant has the legal standing to make the application;
  - (ii) the evidence discloses an arguable case of reasonable suspicion in favour of the Court making the orders sought; and
  - (iii) the defendant and the matters in issue are susceptible to the orders sought.

(4) The applicant is bound by the grounds and relief set out in the statement and may not rely upon any ground or seek any relief, at any stage of the proceedings, that is not set out in the statement unless the Court otherwise allows.

(5) The originating application, the statement and the affidavit must be served on the defendant and on the Attorney-General as soon as is practicable after it is filed and in any case no later than 2 working days after it is filed.

(6) The Attorney-General may apply to the Court for an order that some other defendant be added or substituted as a party and that the Attorney-General cease to be a defendant.

(7) The defendant and the Attorney-General may file and serve affidavits to contest the application for permission and may make their affidavits jointly or separately.

(8) The application for permission must be heard by a Judge.

(9) At the hearing of the application for permission, the Court may order that —

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- (a) the application be allowed and where permission is granted to apply for a Prohibiting Order or a Quashing Order, the Court may also order a stay of the proceedings in question until the determination of the application for the Order or until the Court otherwise orders;
  - (b) the application be dismissed;
  - (c) the application be served on some other persons; or
  - (d) further affidavits be filed and served by the parties.

**Application for Mandatory Order, Prohibiting Order or Quashing Order (O. 24, r. 6)**

6.—(1) Where permission has been granted to apply for a Mandatory Order, Prohibiting Order or Quashing Order, the application for the Order and any included application for a declaration must be made by summons in the originating application in which permission was obtained.

(2) Unless the summons is filed within 14 days after such permission was granted, the permission lapses.

(3) The order granting permission and the summons filed under paragraph (1) must be served on the defendant and the Attorney-General as soon as is practicable after the filing of the summons and in any case no later than 2 working days after it is filed.

(4) The application mentioned in paragraph (1) must be heard by a Judge.

(5) At the hearing, the Court may order that —

- (a) the application be dismissed;
- (b) the application be served on some other persons;
- (c) further affidavits be filed and served by the parties; or
- (d) a Mandatory Order, Prohibiting Order or Quashing Order be made to take effect or to be complied with immediately or by a certain time, with such consequential orders as are appropriate.

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(6) Where the Court makes an order under paragraph (5)(d), the solicitor appearing for the defendant must inform the defendant or the appropriate person or entity as soon as is practicable, and the defendant or that person or entity must comply with the relevant Order although the Order has not been served.

(7) Where the Court makes an order under paragraph (5)(d) in the presence of the defendant or the appropriate person or entity, the defendant or that person or entity must comply with the relevant Order although the Order has not been served.

(8) Subject to the Government Proceedings Act, where the Court makes an order under paragraph (5)(d), it may also —

- (a) make a declaration which is ancillary to or consequential upon the Order; or
- (b) order that the applicant be awarded a liquidated amount, damages to be assessed or equitable relief if it is satisfied that the applicant would have been entitled to such remedies in a separate action against the defendant.

## ORDER 25

### COURT FEES

#### **Definitions of this Order (O. 25, r. 1)**

**1.** In this Order —

“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);

“court fees” includes all charges, commissions and fees payable under these Rules, and the following:

- (a) document fees payable on the filing or sealing of specified documents;
- (b) hearing fees payable for specified hearings;
- (c) fees for provision of a Court ADR service by the State Courts;

- (d) service provision fees payable for services to be provided or rendered by, or which require the attendance of, court officers;
- (e) search fees payable for a search to be made of court records;
- (f) fees relating to admiralty matters;

“court officer” includes the Sheriff, a commissioner for oaths, interpreter, clerk, process server, bailiff or other officer attached to the court for the administration of justice and due execution of powers and duties vested in the court.

### **Court fees (O. 25, r. 2)**

2.—(1) Court fees must be paid in the circumstances and the manner set out in this Order and in the Fourth Schedule.

(2) Subject to paragraph (5), for the purpose of determining the appropriate court fees payable in the Supreme Court in the Fourth Schedule, the following apply:

- (a) if the claim is for a liquidated demand, the value of the claim is that specified in the originating process;
- (b) if the claim is for unliquidated damages, the value of the claim is that estimated by the party filing the originating process;
- (c) if the claim relates to proceedings under the Probate and Administration Act, the value of the claim is the value of the estate;
- (d) if the claim does not include any claim mentioned above, the claim is deemed to have a value of up to \$1 million;
- (e) in the case of a bill of costs, the value of the claim is the total amount claimed in the bill of costs.

(3) If the claim is for both liquidated demand and unliquidated damages, the value of the claim is the aggregate value of both claims.

(4) Where the claim includes or consists of a claim in foreign currency, the value of the claim is computed after converting the

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claim to Singapore dollars at an exchange rate applicable as at the date of the filing of the originating process.

(5) 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.

(6) For the purpose of this Rule, the value of the claim excludes non-contractual interest.

### **Court powers relating to court fees (O. 25, r. 3)**

**3.—**(1) The Court may, in any case —

- (a) waive or defer the payment of the whole or any part of court fees;
- (b) refund the whole or any part of court fees paid; or
- (c) order, at any time, that the whole or any part of court fees be paid by any party or be apportioned among all or any of the parties.

(2) The Court may also exercise the powers in paragraph (1) in accordance with the provisions in any Civil Procedure Convention.

(3) A request for refund of court fees must be made in writing —

- (a) where the application is for a refund of hearing fees — within one month after the date of settlement, discontinuance or withdrawal (as the case may be) or the last hearing date, whichever is later;
- (b) where the application is for a refund of fees for unused documents — within the time in Rule 4(2);
- (c) where the application is for a refund of fees for Court ADR services — within the time in Rule 8(4); and
- (d) in any other case — within one month after the date on which the reason for the refund arose.

(4) In the case of hearing fees, the Court must refund the whole of the hearing fees paid if the Court 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, or transferred to another Court.

(5) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply by letter to a Judge to review the decision within 14 days after the decision.

(6) The Court may make such order as the Court deems fit to secure compliance with any requirement for the payment of any court fees, including the giving of judgment or the dismissal of any claim or counterclaim.

### **Refund of fees paid for unused documents (O. 25, r. 4)**

4.—(1) The Registrar may, if he or she thinks fit, refund any fee or part of the fee 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 signed by the applicant or his or her 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 is not refundable.

### **No hearing fee for some proceedings (O. 25, r. 5)**

5. A hearing fee is not payable for a hearing in relation to —

(a) actions for damages for death or personal injuries;

(b) any cause or matter under the following Acts and any appeals arising from such cause or matter:

(i) Adoption of Children Act;

(ii) Guardianship of Infants Act;

(iii) Inheritance (Family Provision) Act;

(iv) Maintenance of Parents Act;



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- (v) Mental Capacity Act;
  - (vi) Mental Health (Care and Treatment) Act;
  - (vii) Women’s Charter;
- (c) any application for an Order for Review of Detention and appeals relating to such application; and
- (d) any appeal or application by a regulatory body of a profession constituted under the following Acts in disciplinary proceedings:
- (i) Accountants Act;
  - (ii) Architects Act;
  - (iii) Dental Registration Act;
  - (iv) Land Surveyors Act;
  - (v) Legal Profession Act;
  - (vi) Medical Registration Act;
  - (vii) Nurses and Midwives Act;
  - (viii) Pharmacists Registration Act;
  - (ix) Professional Engineers Act.

**Hearing fee payable for winding up applications (O. 25, r. 6)**

6. Hearing fees are payable in proceedings relating to the winding up of companies, limited liability partnerships or variable capital companies and their sub-funds where such proceedings are fixed for hearing in open court on special hearing dates, and to appeals relating to such proceedings.

**Exemption where cause or matter relates to criminal proceedings (O. 25, r. 7)**

7.—(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 provided under these Rules.

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(2) An application for a certificate under paragraph (1) must 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) Despite any other provision in these Rules —

(a) no fee is payable; and

(b) no security for costs is required to be provided,

by any party in the cause or matter, including any appeal relating to such cause or matter, from the time that a certificate is issued under paragraph (1).

(4) The Registrar may, if he or she thinks fit, refund any fee or part of the fee 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 prevents 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 relating to such cause or matter.

### **Court ADR fees in District Court (O. 25, r. 8)**

**8.—**(1) Subject to this Rule, a fee of \$250 is payable by each party in a case in a District Court 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 for the Court ADR service by any party in the case;

(b) a referral 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 21, Part 6 of Appendix 1);

(b) any action for damages for death or personal injuries;

(c) any action under the Protection from Harassment Act;

(d) any action under the Community Disputes Resolution Act 2015.

(4) Any party requesting a refund of the whole or any part of the Court ADR fee, pursuant to Rule 3(1), 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.

(5) In this Rule, “Court ADR fee” means the fee payable under paragraph (1) for Court ADR services.

## ORDER 26

### REGISTRY AND ADMINISTRATION

#### **Registry of Supreme Court and of State Courts (O. 26, r. 1)**

1.—(1) There is a Registry with such departments and functions as the Chief Justice or the Presiding Judge of the State Courts (as the case may be) may direct.

(2) The Registry is under the control and supervision of the Registrar who must report to and be responsible to the Chief Justice or the Presiding Judge of the State Courts (as the case may be) for its proper administration and functions.

(3) The Chief Justice or the Presiding Judge of the State Courts (as the case may be) may appoint a Chief Executive and one or more Assistant Chief Executives to manage such functions of the Registry as he or she may direct, and they must report to and be responsible to the Chief Justice or the Presiding Judge of the State Courts (as the case may be) for the proper discharge of those functions.

#### **Practice directions (O. 26, r. 2)**

2. The Registrar may issue practice directions from time to time with the approval of the Chief Justice or the Presiding Judge of the State Courts, as the case may be.

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**Registry records (O. 26, r. 3)**

3.—(1) The Registry must maintain such Court records and other documents that are required by any written law or which the Registrar considers appropriate.

(2) The Registry may collect, use or disclose such data which the Registrar considers appropriate.

(3) The method of collection, the storage and the period of storage of Court records, documents and data are in the discretion of the Registrar.

(4) The Registrar may allow any person to search for, inspect and take a copy of any document filed in Court in any action if that person —

(a) shows a valid interest in the document in question; and

(b) pays the prescribed fee.

(5) The Registrar may redact any document in the interests of justice before a person searches for, inspects or takes a copy of the document.

(6) Documents filed in Court in any action and the Registry's records must not be taken out of the Registry without the Registrar's approval.

(7) Documents filed in Court must be typewritten and printed and must comply with practice directions relating to quality and dimensions of paper, font size, print quality, margins, copies and any other requirements.

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

(a) to search such information relating to Court records and other documents mentioned in paragraph (1) as the Registrar may determine; and

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

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(9) The person authorised to provide the service mentioned in paragraph (8) must pay to the Registrar such fees for that service to have access to the information and documents mentioned in paragraph (8)(a) and (b), as may be agreed between the Registrar and that person.

(10) Despite paragraph (4), a subscriber of the service mentioned in paragraph (8) is entitled, at any time when that service is in operation —

- (a) to search the information mentioned in paragraph (8)(a), without paying the prescribed fee mentioned in paragraph (4) and without obtaining the permission of the Registrar; and
- (b) to search for, inspect and take a copy of any document mentioned in paragraph (8)(b), without paying the prescribed fee mentioned in paragraph (4) and without obtaining the permission of the Registrar.

#### **Filing of powers of attorney (O. 26, r. 4)**

4.—(1) A document or a certified copy of a document creating a power of attorney may be deposited in the Registry of the Supreme Court under section 48 of the Conveyancing and Law of Property Act if —

- (a) the execution of the document is verified by —
  - (i) an affidavit or a statutory declaration made by a witness to the execution or by an impartial person who knows the signature of the donor of the power of attorney;
  - (ii) the signature of a commissioner for oaths as a witness to the execution; or
  - (iii) such other evidence which is satisfactory to the Registrar;
- (b) the document is accompanied by the affidavit, statutory declaration, certificate or other evidence by which the execution was verified; and

(c) in the case of a certified copy of the document, the signature of the person who verified the copy is sufficiently verified.

(2) The Registry of the Supreme Court must maintain an index of all documents or certified copies of documents creating a power of attorney that are deposited and of the names of the donors.

(3) Any person is, on payment of the prescribed fee, entitled —

(a) to search the index mentioned in paragraph (2);

(b) to inspect any document filed or deposited in the Registry in accordance with paragraph (1); and

(c) to be supplied with a copy or a certified copy of such document.

### **Registry hours (O. 26, r. 5)**

5.—(1) The Registry must be open on every day of the year except non-court days.

(2) The Registry's opening hours are as directed by the Chief Justice or the Presiding Judge of the State Courts, as the case may be.

### **Court vacations (O. 26, r. 6)**

6. There must be a Judge available during the Court vacations to hear such matters as the Registrar considers urgent.

## **ORDER 27**

### **LODGMET IN COURT, MONEY IN REGISTRY AND PAYMENT TO SHERIFF**

### **Definitions of this Order (O. 27, 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 of the fund 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 Court, whether made in Court or in chambers, as the case may be.

### **Payment into Court under Trustees Act (O. 27, r. 2)**

2.—(1) Subject to paragraph (2), any trustee wishing to make a payment into Court under section 62 of the Trustees Act 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 the trustee;
- (c) the trustee’s 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 the trustee may be served with any summons or order, or notice of any proceedings, relating to the money or securities paid into Court.

(2) Where money or securities represents a legacy, or residue or any share of a legacy, to which a minor or a person resident outside Singapore is absolutely entitled, no affidavit need be filed under paragraph (1).

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**Notice of lodgment (O. 27, 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 have an interest in, the money or securities lodged.

**Funds how lodged (O. 27, r. 4)**

4.—(1) Money to be lodged in Court must be lodged by means of a direction to the Accountant-General in Form 44(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 or her official name.

(3) The person lodging under paragraph (2) must execute a transfer of the securities, and send such transfer together with the authority in Form 45 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 45, that the securities have been transferred as authorised in the authority.

(5) Securities, other than those described in paragraph (2), may be placed in a box or packet and lodged with a direction in Form 44(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 must 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 copy of the receipt that had been issued to the person lodging the same, to be filed in the Registry.

**Crediting lodgment and dividends (O. 27, r. 5)**

5. Any principal money or dividends received by the Accountant-General in respect of securities in Court must be placed in his or her books —



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- (a) in the case of principal money — to the credit to which the securities whereon such money were standing at the time of the receipt of the money; and
  - (b) in the case of dividends — to the credit to which the securities whereon such dividends were 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. 27, r. 6)**

6.—(1) Money lodged in Court to the credit of any account is deemed to be placed on deposit, and must 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 9, Rule 17, Order 14 or Order 33, or as security for costs; or
- (b) when the amount is less than \$30,000.

(2) Such money is deemed not to be placed on deposit when the amount is reduced below \$30,000.

### **Computation of interest (O. 27, 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 31 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 on the money 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.

#### **Payment out of funds in Court (O. 27, r. 8)**

8. Money paid into Court must be paid out on a direction to the Accountant-General in Form 44(b).

#### **Name of payee to be stated in order (O. 27, r. 9)**

9.—(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. 27, r. 10)**

10.—(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, the funds, or any portion of

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the funds for the time being remaining unpaid, untransferred, or undelivered, may, unless the order otherwise directs, on proof of the death of that person, whether —

(a) on or after the date of such order; or

(b) 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) Paragraph (1) does not apply to an order directing funds in Court to be paid, transferred or delivered to a person expressed, in the order or certificate of the Registrar, to be entitled to such funds —

(a) as trustee, executor or administrator; or

(b) otherwise than in his or her own right, or for his or her own use.

(3) 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 or her, 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 46.

(4) 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 of the funds 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.

(5) When any application for an order mentioned in paragraphs (1) and (4) is made, notice of the application must be given to the Commissioner of Estate Duty who is entitled to attend and be heard on the matter.

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**Transfer of investment of funds in Court (O. 27, r. 11)**

11.—(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 Order 9, Rule 17, Order 14 or Order 33, or as security for costs, 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 33 may be placed on deposit with any bank or finance company in Singapore to earn interest, but only if at the time of the making of the order, it exceeds the sum of \$250,000.

(5) Any application for an order under paragraph (4) must be served on the Sheriff.

**Accountant-General to give certificate of funds in Court (O. 27, r. 12)**

12. 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.

**Publication of list of funds in Court (O. 27, r. 13)**

13. In the month of January in every year, the Accountant-General must 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

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which funds are outstanding, and the balance of the funds in each account.

**Unclaimed funds in Court with Accountant-General  
(O. 27, r. 14)**

**14.—**(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 of the amount of the principal as appears to be due to the claimant.

(3) Nothing in this Rule authorises 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.

**Sheriff to keep account (O. 27, r. 15)**

**15.—**(1) The Sheriff must keep an account of all sums of money paid to or deposited with him or her and of all sums of money paid out by him or her.

(2) All money paid to or deposited with the Sheriff must be kept in a bank or with the Accountant-General.

(3) No interest is payable in respect of any money paid to or deposited with the Sheriff.

**How money paid to Sheriff (O. 27, r. 16)**

**16.** Money paid to or deposited with the Sheriff under these Rules or a judgment or order of a Court must be acknowledged by the

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Registry officer receiving the money, with a receipt of the payment or deposit being given upon such payment or deposit being made.

**Payment under judgment or order (O. 27, r. 17)**

17. When any payment is made under a judgment or order, the person making the payment must —

- (a) produce a copy of the judgment or order; and
- (b) give notice to the person entitled to the money.

**Proof before payment out (O. 27, r. 18)**

18. Before any money is paid out to any person, the Sheriff must require proof to his or her 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. 27, r. 19)**

19. 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 or herself that any money due to the Government under any written law of which he or she has notice has been paid or deducted.

**Method of payments by Sheriff (O. 27, r. 20)**

20. All payments by the Sheriff must be made by a method approved by the Registrar.

**Instalments ledger (O. 27, r. 21)**

21. 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 must 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 the judgment creditor's account.

## ORDER 28

## ELECTRONIC FILING SERVICE

**Definitions of this Order (O. 28, 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 6;

“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;

“registered user” means an entity which is registered under Rule 6;

“service bureau” means a service bureau established under Rule 5.

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**Establishment of electronic filing service (O. 28, 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. 28, r. 3)**

3.—(1) The electronic filing service must 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 is the superintendent of any electronic filing service provider appointed under this Rule.

**Computer system of electronic service provider (O. 28, r. 4)**

4. For the purposes of this Order, the computer system of an electronic filing service provider means the computer servers and network equipment operated, maintained or used by the electronic service provider although such computer servers and network equipment may not be owned by that electronic service provider.

**Service bureau (O. 28, r. 5)**

5.—(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 pursuant to paragraph (1) is not treated as such for the purposes of the acceptance of the payment of fees or service charges.

(3) The Singapore Academy of Law is the superintendent of any agent appointed under this Rule.

**Registered user and authorised user (O. 28, r. 6)**

6.—(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



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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 or she thinks fit.

(4) An entity that was registered as a registered user, or a person who was designated as an authorised user, under Order 63A, Rule 5 of the revoked Rules of Court and whose registration or designation remained in effect immediately before 1 April 2022, is 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 is 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 must —

- (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 the Registrar deems fit.

(8) For the purposes of these Rules, a service bureau established under Rule 5 is deemed to be a registered user, and every employee of a service bureau is deemed to be an authorised user.

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**Fee for registered user (O. 28, r. 7)**

7.—(1) Subject to paragraphs (2) and (3), the following fee is 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 of a month;
- (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 of a month;
- (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 of a month;
- (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 of a month;
- (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 of a month;
- (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 of a month;
- (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 of a month;
- (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 of a month.

(2) Paragraph (1) applies 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 is read as a reference to a person who is the Attorney-General, a Deputy Attorney-General, the

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Solicitor-General or a State Counsel or Deputy Public Prosecutor;

- (b) where the registered user is a department of the Government or a public authority, a reference to an advocate and solicitor is 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;
- (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 26, Rule 3(1), or to search for, inspect or take a copy of any document filed in the Registry, in accordance with Order 26, Rule 3(4), (8), (9) and (10), a reference to an advocate and solicitor is read as a reference to an authorised user designated by the registered user;
- (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 is read as a reference to a registered foreign lawyer;
- (e) where the registered user is an entity comprising one or more advocates and solicitors and one or more registered foreign lawyers, a reference to an advocate and solicitor is read as a reference to an advocate and solicitor or a registered foreign lawyer.

(3) 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 for a practising certificate, no fee is payable by the registered user.

(4) In paragraph (1), “relevant time” means —

- (a) 1 May in any year unless sub-paragraphs (b) and (c) apply;
- (b) where an entity registers for the first time under Rule 6 — the date of first registration;

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- (c) where an entity is deemed to have been registered as a registered user before 1 April 2022 — 1 April 2022; and
- (d) where a registered user informs the Registrar after 1 May in any year of any change in the number of its advocates and solicitors — the day on which the Registrar is so informed.
- (5) The fee mentioned in paragraph (1) starts to be payable from and in respect of the first month in which the relevant time falls, and continues to be payable monthly.
- (6) The fee payable by each registered user is due and payable on the first day of each month.
- (7) 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 the Registrar deems fit.
- (8) Where any fee under this Rule has been paid in excess or error by a registered user, the Registrar —
- (a) must 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 the Registrar deems fit, refund the whole or any part of the amount paid in excess or error.
- (9) For the purposes of this Rule, the manner in which the entity is to inform the Registrar of the number of advocates and solicitors and all matters connected with or incidental to this subject may be set out in any practice directions for the time being issued by the Registrar.

### **Electronic filing (O. 28, 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.

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(2) 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.

(3) Filing, service, delivery or conveyance of a document using the electronic filing service pursuant to paragraph (1) may be done in one of 2 ways —

- (a) by electronic transmission; or
- (b) via a service bureau.

(4) Despite 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.

(5) The form of any document must 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 must, in the absence of such prescription, be in the form prescribed by Order 3, Rule 6.

(6) 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 is deemed to have been so filed, served, delivered or otherwise conveyed by the registered user and with the registered user's intention 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 (other than an employee of a service bureau) using an identification code is deemed to have been so filed, served, delivered or otherwise conveyed —

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- (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 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 is 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 or her principal, on behalf and with the authority of his or her principal and with the intention of the principal to do so.

(9) To avoid 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.

### **Signing of electronic documents (O. 28, 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, is 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 —

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- (i) the document is deemed to be signed by the registered user; and
    - (ii) the contents of the document are 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 is 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 are 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 is 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 are 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 or her principal, the document is deemed to be signed on behalf and with the authority of his or her principal and the contents of the document are deemed to be endorsed by his or her principal.
- (3) Where any written law or practice direction requires the signature of an advocate or solicitor, such requirement is deemed to be met where the identification code of the advocate or solicitor has been applied to or associated with, directly or indirectly, the

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document or the transmission containing the document to be signed in compliance with the security procedures of the electronic filing service.

(4) To avoid 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.

### **Date of filing (O. 28, 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 is 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 document becomes capable of being retrieved by the electronic filing service provider 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 document becomes capable of being retrieved by the electronic filing service provider 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 document becomes capable of being retrieved by the Registrar in the computer system of the Registrar.

(2) Paragraph (1) does not apply to the following documents:

- (a) a caveat against the issue of a warrant to arrest the property filed pursuant to Order 33, Rule 5;



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(b) a caveat against the issue of a release and payment out of Court filed pursuant to Order 33, Rule 14.

(3) Where a document to which paragraph (2) 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 is 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; or

(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.

(4) Where an originating process is filed or otherwise conveyed using the electronic filing service and it is subsequently accepted by the Registrar, it is deemed to be issued —

(a) where the document is filed or conveyed by electronic transmission, on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider in the computer system of the electronic filing service provider; and

(b) where the document is filed or conveyed via a service bureau, on the date and at the time that the document becomes capable of being retrieved by the Registrar in the computer system of the Registrar.

(5) 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.

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(6) 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), (3) or (4), the Registrar may cause the electronic filing service to reflect such earlier date and time, and that earlier date and time is 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. 28, 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 only begins to run from the time that the Registrar's notification of his or her 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 only begins to run from the time that the Registrar's notification of his or her 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 is deemed for the purpose of this Rule to have been received on the next working day.

### **Service of documents (O. 28, 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 (called in

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this Rule 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.

(2) For the purposes of paragraph (1)(b), a party who has instructed the party's solicitor to accept service of a document which is required by these Rules to be served personally is deemed to have agreed to be served using the electronic filing service.

(3) The document is 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 user, on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider 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 document becomes capable of being retrieved by the electronic filing service provider in the computer system of the electronic filing service provider.

(4) 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.

(5) 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 is regarded as prima facie evidence of such service, delivery or conveyance on the date and at the time as stated.

(6) Where a document has to be served, delivered or conveyed by the person serving the document to more than one person, the person serving may effect such service, delivery or conveyance using the

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electronic filing service on such of those persons who are registered users or authorised users, and paragraphs (1), (3), (4) and (5) apply with such modifications as are necessary.

(7) 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 is deemed to have been so served, delivered or otherwise conveyed by the registered user and with his or her intention to do so.

(8) 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 is 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.

(9) Any document which is served, delivered or otherwise conveyed by an authorised user who is an employee of a service bureau, is 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 the person's principal, on behalf and with the authority of the person's principal and with the intention of the principal to do so.

(10) To avoid 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.

(11) Order 7, Rule 8 applies to service effected under this Rule.

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**Notification or delivery by Registrar (O. 28, r. 13)**

**13.** Where the Registrar is required by any other provision of these Rules to notify or to deliver or provide 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. 28, r. 14)**

**14.** Amendments to documents must be effected in the manner prescribed in any practice directions for the time being issued by the Registrar.

**Affidavits in electronic form (O. 28, 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 must comply with the following requirements:

- (a) the affidavit must be sworn or affirmed 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;
- (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) Despite paragraph (2)(c), if the original paper affidavit subsequently becomes unavailable within 7 years after it was filed, the Court may grant permission 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.

**Discrepancy (O. 28, r. 16)**

**16.** Where a document was filed using the electronic filing service, and there is any inconsistency between —

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- (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 prevails 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 prevails.

### **Interpretation, etc. (O. 28, r. 17)**

17.—(1) A user who has been registered as a registered user or an authorised user by the Registrar of the Supreme Court under Rule 6 is treated for the purposes of this Order as if he or she had also been similarly registered by the Registrar of the State Courts and the Registrar of the Family Justice Courts.

(2) A user who has been registered as a registered user or an authorised user by the Registrar of the State Courts under Rule 6 is treated for the purposes of this Order as if he or she had also been similarly registered by the Registrar of the Supreme Court and the Registrar of the Family Justice Courts.

(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 6, or under the Family Justice Rules, is treated for the purposes of this Order as if he or she had also been similarly registered by the Registrar of the Supreme Court and the Registrar of the State Courts.

(4) A service bureau established or authorised to be established by the Registrar of the Supreme Court under Rule 5 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

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- (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.
- (5) A service bureau established or authorised to be established by the Registrar of the State Courts under Rule 5 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.
- (6) A service bureau established or authorised to be established by the Registrar of the Family Justice Courts under Rule 5, 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.

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**ORDER 29****REFERRALS ON ISSUES OF LAW****Definitions of this Order (O. 29, r. 1)**

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

“Court” means the General Division, the Appellate Division 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;

“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. 29, 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.

(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 the Court 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.

**Referral of questions of foreign law on Court’s own motion (O. 29, r. 3)**

3. Nothing in this Order prevents 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



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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. 29, 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. 29, 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 application and supported by affidavit.

- (2) The originating application 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.

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**Specified foreign countries (O. 29, 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;
- (c) Bermuda.

**Specified courts (O. 29, 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;
- (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
- (c) where the specified foreign country is Bermuda, the Supreme Court of Bermuda is a specified court.

**ORDER 29A****REQUESTS FOR OPINIONS ON  
QUESTIONS OF FOREIGN LAW****Definitions of this Order (O. 29A, r. 1)**

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

“Court” means the General Division, the Appellate Division or the Court of Appeal;

“foreign country” means a country or territory outside Singapore;

“specified court” means a court that is specified in Rule 5;

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“specified foreign country” means a foreign country that is specified in Rule 4.

*[S 293/2022 wef 03/04/2022]*

**Transmission to foreign court of request for opinion on question of foreign law and for clarification (O. 29A, 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 or on the Court’s own motion, transmit to a specified court in that specified foreign country a request for an opinion on that question (called in this Rule the initial request), and any subsequent request for a clarification that is relevant to the opinion (called in this Rule a subsequent request), if all of the parties consent —

- (a) to the transmission of the initial request and any subsequent request;
- (b) to the admission as evidence in the proceedings of any opinion provided by the specified court pursuant to the initial request and any clarification provided by that court pursuant to any subsequent request; and
- (c) to the dispensation with cross-examination of the maker of the opinion and clarification mentioned in sub-paragraph (b).

(2) An application under paragraph (1) must be made by summons.

*[S 293/2022 wef 03/04/2022]*

**Request for opinion on question of foreign law and for clarification (O. 29A, r. 3)**

3.—(1) An initial request transmitted under Rule 2 must —

- (a) specify the court hearing the proceedings in which the question of law arose;
- (b) state the nature of the proceedings in which the question of law arose;

- (c) state the question that is to be determined in relation to the law of the foreign country; and
- (d) state the facts, assumptions and other relevant information upon which the question is to be determined.

(2) An initial request and any subsequent request transmitted under Rule 2 must not identify the proceedings in which the question of law arose, or the parties to those proceedings.

*[S 293/2022 wef 03/04/2022]*

#### **Specified foreign country (O. 29A, r. 4)**

4. For the purposes of this Order, the People’s Republic of China is a specified foreign country.

*[S 293/2022 wef 03/04/2022]*

#### **Specified court (O. 29A, r. 5)**

5. For the purposes of this Order, the Supreme People’s Court of the People’s Republic of China is a specified court.

*[S 293/2022 wef 03/04/2022]*

## PART 2

### PROVISIONS FOR SPECIFIC PROCEDURES

#### ORDER 30

#### REFERENCES UNDER ARTICLE 100 OF CONSTITUTION FOR ADVISORY OPINION

#### **Application and definitions of this Order (O. 30, 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 Supreme Court Judges 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 of Singapore under Article 100 of the Constitution;

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“Tribunal” means a tribunal of not less than 3 Supreme Court Judges constituted under Rule 4.

### **Bringing of Reference (O. 30, r. 2)**

2.—(1) A reference to the Tribunal is to be brought by filing it in Form 47.

(2) The Reference must be made under the hand of the President of Singapore.

(3) The Registrar must cause a copy of the Reference to be served on the Attorney-General.

### **Requirements of Reference (O. 30, r. 3)**

3.—(1) As far as possible, the Reference must state the questions on which the Tribunal’s opinion is required in a form which can be answered with “yes” or “no”.

(2) Every Reference must be divided into paragraphs and must concisely state such facts and must include such documents as may be necessary to enable the Tribunal to decide the questions referred.

### **Composition of Tribunal (O. 30, r. 4)**

4.—(1) The Tribunal is to consist of the Chief Justice and not less than 2 other Supreme Court Judges 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 is to consist of not less than 3 Supreme Court Judges appointed by the Chief Justice.

(3) The Chief Justice is to be the President of the Tribunal and, in his or her 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.

### **Notice to interested persons (O. 30, 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

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as representatives of that class, must be notified of the hearing of any Reference and those persons are entitled to be heard following that.

(2) If such person desires to be heard in the Reference, the person must within 7 days of the notification inform the Tribunal in writing of the person's intention to be heard.

#### **Attorney-General to assist Tribunal (O. 30, r. 6)**

6.—(1) The Attorney-General must 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. 30, 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. 30, r. 8)**

8.—(1) Where a Reference has been filed, the Reference is, subject to the provisions of this Order, to be regarded as an appeal to the Court of Appeal and dealt with in accordance with Division 3 of Order 19, with the necessary modifications.

(2) The Reference is to be treated as the record of appeal.

(3) The President of Singapore is to be treated as the appellant and all other parties as respondents.

(4) All steps required to be taken by Division 3 of Order 19 prior to the filing of the record of appeal are deemed to have been taken.

#### **Proceedings before Tribunal (O. 30, r. 9)**

9. Subject to the provisions of this Order, the procedure on a Reference follows, as far as applicable, the procedure in proceedings before the Court of Appeal except that the Tribunal is not bound by the strict rules of evidence.

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**Proceedings in open court (O. 30, r. 10)**

10. The proceedings of the Tribunal, except for the hearing for directions, must be held in open court.

**Notice of directions (O. 30, r. 11)**

11. The Registrar must 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. 30, r. 12)**

12. The directions referred to in Rule 11 may, without limiting the Tribunal's powers to give directions, include —

- (a) the dates by which counsel must file their respective Cases in the manner required by Division 3 of Order 19 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. 30, r. 13)**

13.—(1) The report of the Tribunal must be in the form of an answer to the questions set out in the Reference.

(2) The Registrar must deliver the report to the President of Singapore and the Attorney-General.

**Costs (O. 30, r. 14)**

14. No party to any proceedings to which this Order applies may be ordered to pay any costs.

**Fees (O. 30, r. 15)**

15. No fees are payable in respect of any proceedings to which this Order applies.

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ORDER 31  
CONSTITUTIONAL CASE

**Reference by State Court (O. 31, r. 1)**

1.—(1) Despite Order 1, Rule 2, this Order applies 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 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 must be divided into paragraphs and must concisely state such facts, must include such documents as may be necessary to enable the General Division to decide the question raised thereby, and must 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 must lay the same before a Judge of the High Court and serve a copy of the Case 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 must deal with the Case as if it were a case before him or her in the original jurisdiction of the General Division in which such a question has arisen.

**Mode of dealing with Case (O. 31, r. 2)**

2.—(1) Where a Case has been transmitted to the General Division, the Case is, subject to the provisions of this Rule, to be dealt with and regarded in all ways as an application to the General Division.

(2) The Case is to be treated as the record of proceedings.

(3) The claimant or the prosecution in the proceedings in the State Court (as the case may be) is to be treated as the applicant and all other parties as respondents.



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(4) The judgment of the General Division must be in the form of an answer to the question set out in the Case.

(5) The Registrar of the Supreme Court must serve a notice of the hearing of the Case by the General Division on the Attorney-General and every party to the proceedings in which the Case arose.

### **Certificate on Case (O. 31, r. 3)**

3. The Registrar of the Supreme Court must 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 General Division.

### **Proceedings in State Court (O. 31, r. 4)**

4.—(1) Where the General Division has given judgment on the Case and the proceedings in the State Court in which the Case arose are still pending, the State Court is to continue such proceedings and dispose of the proceedings according to law.

(2) The State Court must determine all questions and make all necessary orders regarding costs in the proceedings but no order for costs incurred in the General Division is to be made.

## **ORDER 32**

### **ADMINISTRATION AND SIMILAR ACTIONS**

#### **Definitions of this Order (O. 32, 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;

“personal representatives” includes executors, administrators and trustees.

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**Determination of questions, etc., without administration**  
**(O. 32, 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 limiting 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 limiting paragraph (1), an action may be brought for any of the following reliefs:

- (a) an order requiring a personal representative to provide and, if necessary, verify accounts;
- (b) an order requiring the payment into Court of money held by a person in the person's capacity as personal representative;
- (c) an order directing a person to do or abstain from doing a particular act in the person's capacity as personal representative;
- (d) an order approving any sale, purchase, compromise or other transaction by a person in the person's 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. 32, 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 claimant must be made a defendant.

(2) 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 claimant 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, the claimant 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 is entitled to appear in any proceedings relating to that claim without the permission 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 the Court thinks fit.

### **Grant of relief in action begun by originating application (O. 32, 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 claimant may be entitled by reason of any breach of trust, wilful default or other misconduct of the defendant even though the action was begun by originating application, but this does

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not affect the power of the Court to make an order that the originating application be converted into an originating claim, and give the necessary directions.

### **Judgments and orders in administration actions (O. 32, 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 claimant alleges that no or insufficient accounts have been provided by the personal representatives (as the case may be) then, without affecting 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 must within that period provide the claimant with proper accounts; and
- (b) if necessary to prevent proceedings by other creditors or by other persons claiming to be entitled in the same manner, give judgment or make an order for the administration of the estate to which the action relates, and include in the judgment or order for administration an order that no proceedings are to be taken under the judgment or order, or under any particular account or inquiry directed, without the permission of the Judge in person.

### **Conduct of sale of trust property (O. 32, 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 have the conduct of the sale unless the Court otherwise directs.

## ORDER 33

ADMIRALTY PROCEEDINGS AND  
MARINE INSURANCE CLAIMS**Application and definitions of this Order (O. 33, 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 14;

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

“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” means the information kept by the Registry on the caveats issued under this Order;

“Sheriff’s account” means the account which is maintained pursuant to Order 27, Rule 15;

“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.

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**Issue of originating claim and filing of notice of intention to contest or not contest (O. 33, r. 2)**

2.—(1) An action *in rem* must be begun by originating claim; and the originating claim must be in Form 48.

(2) The originating claim by which an Admiralty action *in personam* is begun must be in Form 8 and the words “admiralty action *in personam*” must be inserted above the space for the number of the originating claim.

(3) Order 6, Rules 5(4) and (6) and 6(1), (2), (3), (4) and (7) do not apply to an action begun under this Order.

(4) A defendant who is served an originating claim in Singapore must file and serve a notice of intention to contest or not contest within 14 days after the originating claim is served on the defendant.

(5) A defendant who is served out of Singapore must file and serve such a notice within 21 days after the originating claim is served on the defendant.

(6) The notice of intention to contest or not contest the originating claim must be in Form 49.

(7) The filing and service of such a notice is not treated as a submission to jurisdiction or a waiver of any improper service of the originating claim.

(8) If the defendant in an action *in personam*, other than an action mentioned in Rule 3(1), fails to file and serve such notice within the prescribed time or states in the notice that the defendant does not intend to contest all or some of the claims, the claimant may apply for judgment to be given against the defendant in Form 50.

(9) For the purpose of service, an originating claim issued under this Order is valid in the first instance for 12 months.

(10) Order 6, Rule 6(5) and (6) and Order 16, Rule 2(6) and (7) apply to and in relation to an originating claim issued under this Order.

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**Service out of Singapore (O. 33, r. 3)**

**3.—(1)** This Rule applies to limitation actions, and to actions commenced by originating claim 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 an originating claim for a limitation action, or an originating claim containing a claim mentioned in paragraph (1) is permissible with the permission of the Court if —

- (a) the defendant has the defendant’s 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 General Division or has been heard and determined in the General Division; or
- (d) the defendant has submitted or agreed to submit to the jurisdiction of the General Division.

(3) This Rule does not apply to an action *in rem*.

(4) Order 8 (except Rule 4) applies to service out of Singapore under this Rule.

(5) In this Rule, “collision regulations”, “inland waters of Singapore” and “port of Singapore” have the meanings given by the High Court (Admiralty Jurisdiction) Act.

**Warrant of arrest (O. 33, r. 4)**

**4.—(1)** In an action *in rem* the claimant or defendant (as the case may be) may, after the issue of the originating claim in the action and subject to the provisions of this Rule, apply for a warrant in Form 51

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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 51; 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 must not be issued until the party applying for the warrant has filed an affidavit made by that party or that party's agent containing the particulars required by paragraphs (6) and (7); however, the Court may, if the Court thinks fit, allow the warrant to issue even though the affidavit does not contain all those particulars.

(4) Except with the permission of the Court, a warrant of arrest must 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, must state —



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- (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 originating claim, 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. 33, r. 5)**

5.—(1) A person who desires to prevent the arrest of any property must file in the Registry a caveat, in Form 52, signed by the person's solicitor undertaking —

- (a) to file a notice of intention to contest or not contest 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 must be entered in the record of caveats.

(2) The fact that there is a caveat against arrest in force does 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. 33, 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

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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 originating claim in action *in rem* (O. 33, r. 7)**

7.—(1) Subject to paragraph (2), an originating claim 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 originating claim 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 originating claim is deemed to have been served on the day on which the copy was filed.

(2) An originating claim need not be served as mentioned in paragraph (1) if the originating claim is deemed to have been duly served on the defendant by virtue of paragraph (3).

(3) An originating claim is deemed to have been duly served on the defendant in the following circumstances and at the time specified in relation to that circumstance:

- (a) when the defendant's solicitor endorses on the originating claim a statement that he or she accepts service of the originating claim on behalf of the defendant, the originating claim is deemed to have been duly served on the date on which the endorsement was made;
- (b) subject to Rule 2(7), when the defendant files a notice of intention to contest or not contest in the action even though the originating claim is not duly served on the defendant,

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the originating claim is deemed to have been duly served on the defendant on the date on which the defendant filed the notice of intention to contest or not contest.

(4) Subject to paragraph (5), where by virtue of this Rule an originating claim 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.

(5) The Registrar may, in a particular cause or matter, allow service to be effected by any other named person and must, in that case, cause to be marked on the originating claim required to be served, a memorandum to that effect.

(6) Where the claimant requests an originating claim to be served on any property by the Sheriff or the Sheriff's officer, the claimant must leave a copy of the originating claim at the Registry and file in the Registry a request in Form 53; and the Sheriff or the Sheriff's officer must serve the originating claim on the property described in the request.

(7) The expenses incurred by the Sheriff or the Sheriff's officer in effecting service must be paid to the Sheriff on demand by the Sheriff.

(8) Where an originating claim is served on any property by the Sheriff or the Sheriff's officer, the person effecting service must endorse on the originating claim 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 is evidence of the facts stated in the endorsement.

(9) When service has been effected under paragraph (8), the Sheriff must give to the claimant requesting service, a written notice of the fact and the manner of service.

(10) Where the claimant in an action *in rem*, or the claimant's solicitor, becomes aware that there is in force a caveat against arrest with respect to the property against which the action is brought, the

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claimant must serve the originating claim forthwith on the person at whose instance the caveat was entered.

(11) Despite anything in paragraph (12), an originating claim by which an action *in rem* is begun may, without permission of the Court, be amended once at any time after service of the originating claim, where the amendment is solely to delete defendant vessels and to identify the defendant vessel against which the claim is continued; and, unless the Court otherwise directs on an application made without notice, the amended originating claim must be served on any intervener and any defendant who has filed and served a notice of intention to contest or not contest in the action or, if no defendant has filed and served a notice of intention to contest or not contest in the action, it must be served or filed in accordance with paragraph (1).

(12) Permission of the Court is required 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) an amendment of the statement of claim (if any) endorsed on the originating claim,

unless the amendment is made before service of the originating claim on any party to the action.

### **Committal of solicitor failing to comply with undertaking (O. 33, r. 8)**

8. Where the solicitor of a party to an action *in rem* fails to comply with a written undertaking by the solicitor to any other party or that other party's solicitor to file and serve a notice of intention to contest or not contest in the action, give bail or pay money into Court in lieu of bail, the solicitor is liable to committal.

### **Execution, etc., of warrant of arrest (O. 33, r. 9)**

9.—(1) A warrant of arrest is valid for 12 months beginning with the date of its issue.

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(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.

(3) Despite paragraph (2), the Registrar may, in a particular cause or matter, allow a warrant of arrest to be executed by any other named person and must, in that case, cause to be marked on the warrant required to be executed, a memorandum to that effect.

(4) A warrant of arrest must not be executed by the Sheriff or the Sheriff's 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.

(5) A warrant of arrest must not be executed if the party at whose instance it was issued lodges a written request to that effect with the Sheriff.

(6) 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.

(7) Subject to paragraph (6) and Rule 11, a warrant of arrest must be served on the property against which it is issued.

(8) Within one working day after the service of a warrant of arrest, a report of the arrest must 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. 33, r. 10)**

**10.**—(1) Subject to paragraph (2) and Rule 11, service of a warrant of arrest or originating claim in an action *in rem* against a ship, freight or cargo must be effected —

- (a) by affixing the warrant or originating claim for a short time on any mast of the ship or on the outside of any suitable part of the ship's superstructure; and

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- (b) on removing the warrant or originating claim, by leaving a copy of it affixed (in the case of the warrant) in its place or (in the case of the originating claim) on a sheltered, conspicuous part of the ship.
- (2) Service of a warrant of arrest or originating claim in an action *in rem* against freight or cargo or both must, if the cargo has been landed or transhipped, be effected —
- (a) by placing the warrant or originating claim for a short time on the cargo and, on removing the warrant or originating claim, 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 originating claim with that person.

**Service on ships, etc., during relevant period (O. 33, r. 11)**

11.—(1) Despite Rules 9(6) and 10(1), but subject to Rule 10(2), during the relevant period, service of a warrant of arrest or originating claim in an action *in rem* against a ship, freight or cargo may be effected —

- (a) by leaving a copy of the warrant of arrest or originating claim (as the case may be) with the agent of the ship or, in any case where the agent of the ship is a body corporate, at the registered or principal office of the agent of the ship; and
- (b) by transmitting the warrant of arrest or originating claim (as the case may be) in either of the following ways:
- (i) by fax to the fax number (if any) specified by the agent of the ship as the fax number of that agent;
- (ii) by electronic mail to the electronic mail address (if any) specified by the agent of the ship as the electronic mail address of that agent.
- (2) Where the warrant of arrest or originating claim is served in accordance with paragraph (1) —

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- (a) the warrant of arrest or originating claim (as the case may be) is deemed to be served on the property against which it is issued; and
- (b) the time of service of the warrant of arrest or originating claim is the later of —
- (i) the time that the warrant of arrest or originating claim (as the case may be) is left in accordance with paragraph (1)(a); and
  - (ii) the time that the entire warrant of arrest or originating claim (as the case may be) is received by fax or electronic mail transmitted in accordance with paragraph (1)(b)(i) or (ii) (whichever is applicable).
- (3) Where a warrant of arrest is served in accordance with paragraph (1), the report of the arrest mentioned in Rule 9(8) must —
- (a) have annexed to it a copy of the results of a search showing —
    - (i) the identity of the agent of the ship; and
    - (ii) the location of the ship or, where the property is cargo, the ship in which the cargo was carried, within the limits of the port declared under section 3(1) of the Maritime and Port Authority of Singapore Act, on the date and at the time of the service of the warrant of arrest; and
  - (b) state the date and time on which the search mentioned in sub-paragraph (a) was conducted.
- (4) Despite Rule 2(10), where an originating claim issued under this Order is served in accordance with paragraph (1), Order 6, Rule 6(5) and (6) does not apply to the originating claim, and the claimant in the action begun by the originating claim is not entitled to enter final or interlocutory judgment in default of notice of intention to contest or not contest or in default of defence, unless —
- (a) within 8 days after service, the claimant files a memorandum of service in Form 12 —

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- (i) containing all of the following particulars:
    - (A) the day of the week, date and time on which the originating claim was served;
    - (B) where the originating claim was served;
    - (C) how it was served;
    - (D) the person on whom the originating claim was served and the capacity in which that person was served;
  - (ii) to which is annexed a copy of the results of a search showing —
    - (A) the identity of the agent of the ship; and
    - (B) the location of the ship or, where the property is cargo, the ship in which the cargo was carried, within the limits of the port declared under section 3(1) of the Maritime and Port Authority of Singapore Act, on the date and at the time of the service of the originating claim; and
  - (iii) stating the date and time on which the search mentioned in sub-paragraph (ii) was conducted; or
- (b) the Court otherwise orders.
- (5) In this Rule, “relevant period” means any period when the provisions mentioned in either or both of the following sub-paragraphs are in force:
- (a) regulations 61A, 61B and 61C of the Maritime and Port Authority of Singapore (Port) Regulations (Cap. 170A, Rg 7);
  - (b) Part 3 of the Second Schedule to the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020).

### **Applications with respect to property under arrest (O. 33, r. 12)**

**12.—**(1) The Sheriff may at any time apply to the Court for directions with respect to property under arrest in an action and may,



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or, if the Court so directs, must, give notice of the application to all or any of the persons referred to in paragraph (2).

(2) The Sheriff must 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) filed and served a notice of intention to contest or not contest 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 summons without notice.

(4) The Sheriff must 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. 33, r. 13)**

**13.—**(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 must only be released under the authority of an instrument of release (called in this Rule a release), in Form 54, issued out of the Registry.

(2) A release must 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.

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(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 filed a notice of intention to contest or not contest) 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 that party's solicitor requiring the caveat to be withdrawn; and

(b) file an instrument of release in Form 54.

(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 may, on the application of any party who objects to directions given to that party by the Sheriff under paragraph (5), vary or revoke the directions.

### **Caveat against release and payment (O. 33, r. 14)**

**14.—**(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 55, and the caveat so filed must be entered in the record of caveats.

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(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 the Court 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. 33, r. 15)**

**15.—**(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 56.

(2) The period of validity of a caveat may not be extended but this provision is not to be taken as preventing the entry of successive caveats.

### **Bail (O. 33, r. 16)**

**16.—**(1) Bail on behalf of a party to an action *in rem* must be given by bond in Form 57; 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 the surety 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 is to 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 that party's behalf and of the commissioner for oaths or Registrar before whom the bail bond was

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entered into; and after the expiration of 24 hours after the service of the notice (or sooner with the consent of the opposite party), that party 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. 33, r. 17)**

17.—(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 permission of the Court, intervene in the action.

(2) An application for the grant of permission under this Rule must be made by summons without notice 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 permission is granted to intervene in an action must file and serve a notice of intention to contest or not contest in the action in the Registry within the period specified in the order granting permission; and Rule 2(3) to (6) applies, with the necessary modifications, in relation to the filing and service of a notice of intention to contest or not contest by an intervener as if the intervener were a defendant named in the originating claim.

(4) The Court may order that a person to whom the Court grants permission to intervene in an action must, 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. 33, r. 18)**

18.—(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 apply unless the Court otherwise orders.

(2) The claimant must within 2 months after service of the originating claim on any defendant, and the defendant must within 2 months after filing and serving a notice of intention to contest or not contest, file in the appropriate registry a document in 2 parts (called in

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these Rules a preliminary act) containing a statement of the following:

*Part One*

- (a) the names of the ships which came into collision and their ports of registry;
- (b) 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;
- (c) the date and time (including the time zone) of the collision;
- (d) the place of the collision;
- (e) the direction and force of the wind;
- (f) the state of the weather;
- (g) the state, direction and force of the tidal or other current;
- (h) 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;
- (i) the lights or shapes (if any) carried by the ship;
- (j) the distance and bearing of the other ship if and when her echo was first observed by radar;
- (k) the distance, bearing and approximate heading of the other ship when first seen;
- (l) what light or shape or combination of lights or shapes (if any) of the other ship was first seen;
- (m) 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;
- (n) 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 (h) 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;

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- (o) 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;
  - (p) what sound signals (if any) were given, and when;
  - (q) what sound signals (if any) were heard from the other ship, and when;

*Part Two*

- (r) a statement that the particulars in Part One are incorporated in Part Two;
- (s) any other facts and matters upon which the party filing the preliminary act relies;
- (t) all allegations of negligence or other fault which the party filing the preliminary act makes;
- (u) the remedy or relief which the party filing the preliminary act claims.

(3) Part Two of the preliminary act is deemed to be the pleading of the person filing the preliminary act (in the case of the claimant, the claimant's statement of claim, and in the case of the defendant, the defendant's defence and, where appropriate, the defendant's counterclaim) and the provisions of these Rules relating to pleadings apply to it except insofar as this Rule and Rule 20 provide otherwise.

(4) The Court may order that Part Two of the preliminary act need not be filed by the claimant or defendant and give directions for the further conduct of the action.

(5) Every preliminary act must be sealed by the Registrar and must not be inspected except as provided in paragraph (8) or by order of the Court.

(6) A claimant must serve notice of filing the claimant's preliminary act on every defendant who has filed and served a notice of intention to contest or not contest within 3 days of the service of the notice of intention to contest or not contest or upon filing the claimant's preliminary act, whichever is the later.

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(7) A defendant must, upon filing the defendant's preliminary act, serve notice that the defendant has done so on the claimant and on every other defendant who has filed and served a notice of intention to contest or not contest.

(8) 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 that other party's solicitor.

(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 the firstmentioned party's preliminary act.

(10) At any time after all preliminary acts have been filed, any party may apply to the Court by summons for an order that —

(a) one or more parties file in the Registry particulars of the damages claimed by them and serve a copy of the particulars on every other party; and

(b) the damages be assessed prior to or at the trial on liability.

(11) When an order is made under paragraph (10), the claim or claims concerned are to be treated as referred for assessment and Rules 41 and 42 apply unless the Registrar otherwise directs.

**Failure to file preliminary act: Proceedings against party in default (O. 33, r. 19)**

**19.—**(1) Where, in an action mentioned in Rule 18(1), the claimant 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 the Court 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 6, Rule 7(7) applies as if the defendant's failure to file the preliminary act within that period were a failure by the defendant to serve a defence on the claimant within the period fixed by these Rules for service of the defence, and the claimant, if the claimant has filed a preliminary act may, subject to Order 59, Rule 7, accordingly enter

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judgment against that defendant in accordance with Order 6, Rule 7(7), 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 claimant, if the claimant has filed such an act, may apply to the Court by summons for judgment against that defendant, and it is not necessary for the claimant 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 the Court 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 claimant provided the claimant proves the claimant's case, the Court must order the claimant's preliminary act to be opened and require the claimant to satisfy the Court that the claimant's claim is well-founded; and the claimant's evidence may, unless the Court otherwise orders, be given by affidavit without any order or direction in that behalf.

(5) Where the claimant in accordance with a requirement under paragraph (4) satisfies the Court that the claimant's 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 the Court thinks just.

(6) The Court may, on such terms as the Court thinks just, set aside any judgment entered in pursuance of this Rule.

(7) In this Rule, references to the prescribed period are to be construed as references to the period within which by virtue of Rule 18(2) or of any order of the Court the claimant or defendant (as the context of the reference requires) is required to file a preliminary act.

### **Special provisions relating to collision, etc., actions (O. 33, r. 20)**

**20.**—(1) Despite anything in Order 6, Rule 9, the claimant in any action mentioned in Rule 3(1) may not serve a reply or a defence to



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counterclaim on the defendant except with the permission of the Court.

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

- (a) in a case where the defendant disputes the jurisdiction of the Court by making an application under Order 9, Rule 7(2) — within 21 days after the disposal of that application; or
- (b) in any other case — within 21 days after the defendant files and serves a notice of intention to contest or not contest.

(3) A party that has served a list of documents under paragraph (2) must, if that party has any electronic track data in the possession, custody or power of that party, allow any other party to inspect, and to take copies of, that electronic track data within 14 days after a request by that other party to do so.

### **Judgment by default (O. 33, r. 21)**

**21.**—(1) Where an originating claim is served under Rule 7(8) on a party at whose instance a caveat against arrest was issued, then if —

- (a) the sum claimed in the action begun by originating claim does not exceed the amount specified in the undertaking given by that party or that party’s solicitor to procure the entry of the caveat; and
- (b) that party or that party’s solicitor does not within 14 days after service of the originating claim fulfil the undertaking given by that party or that party’s solicitor as mentioned in sub-paragraph (a),

the claimant 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

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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 file and serve a notice of intention to contest or not contest within the time limited for filing such notice, then, on the expiration of 14 days after service of the originating claim and upon filing an affidavit proving due service of the originating claim, an affidavit verifying the facts on which the action is based and, if a statement of claim was not endorsed on the originating claim, a copy of the statement of claim, the claimant may apply to the Court for judgment by default.

(4) Where the originating claim is deemed to have been duly served on the defendant by virtue of Rule 7, an affidavit proving due service of the originating claim need not be filed under this paragraph, but the originating claim endorsed as mentioned in Rule 7(3)(a) or a copy of the notice of intention to contest or not contest filed by the defendant as mentioned in Rule 7(3)(b) must be exhibited in the affidavit verifying the facts on which the action is based.

(5) Where a defendant to an action *in rem* fails to serve a defence on the claimant, then, after the expiration of the period fixed by these Rules for service of the defence and upon filing —

- (a) an affidavit stating that no defence was served on the claimant by that defendant during that period;
- (b) an affidavit verifying the facts on which the action is based; and
- (c) if a statement of claim was not endorsed on the originating claim, a copy of the statement of claim,

the claimant may apply to the Court for judgment by default.

(6) 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 (7), after the expiration of the period fixed by these Rules for service of the defence to counterclaim and upon filing —

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- (a) an affidavit stating that no defence to counterclaim was served on the defendant making the counterclaim by the firstmentioned defendant during that period;
  - (b) an affidavit verifying the facts on which the counterclaim is based; and
  - (c) a copy of the counterclaim,

the defendant making the counterclaim may apply to the Court for judgment by default.

(7) No application may be made under paragraph (6) against the claimant in any action mentioned in Rule 3(1).

(8) 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, 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 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 the Court thinks just.

(9) 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 12(2).

(10) To avoid doubt, the Court may, when giving judgment under this Rule, direct the payment of interest, computed from the date of the originating claim to the date on which judgment is given, at the rate of 5.33% per year.

(11) In default actions *in rem*, evidence may, unless the Court otherwise orders, be given by affidavit without any order or direction in that behalf.

(12) The Court may, on such terms as the Court thinks just, set aside or vary any judgment entered pursuant to this Rule.

(13) Order 6, Rules 6(5), 7(7) and 9(3) do not apply to actions *in rem*.

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**Order for sale of ship: Determination of priority of claims  
(O. 33, r. 22)**

22.—(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, the Court may further order —

- (a) that the order of priority of the claims against the proceeds of sale of the ship must 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 of the ship may apply to the Court in the action to which that party is a party to extend the period specified in the order; and
- (c) that within 14 days after the date of payment into Court of the proceeds of sale, the Sheriff must 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 General Division in an action *in rem*, identifying the action;
- (b) that the gross proceeds of the sale, specifying the amount of the proceeds, have been paid into Court;

- (c) that the order of priority of the claims against those 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 of the ship, on which that person 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 must be included in the Sheriff's 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 of the application, be served on each party who has begun an action *in rem* against the ship or the proceeds of sale of the ship.

(7) In this Rule, "Court" means the Judge in person.

### **Appraisal and sale of property (O. 33, r. 23)**

**23.—**(1) A party requesting a commission for the appraisal and sale of any property under an order of the Court must file a commission in Form 58.

(2) Such a commission must, unless the Court otherwise orders, be executed by the Sheriff.

(3) A commission for appraisal and sale must 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 must pay into Court the gross proceeds of the sale of any property sold by the Sheriff under a commission for sale and must bring into Court the accounts relating to the sale (with vouchers in support) for assessment.

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(5) On the assessment of the Sheriff's accounts relating to a sale, any person interested in the proceeds of the sale is entitled to be heard, and any decision of the Registrar made on the assessment 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 assessment proceedings under Order 21, and Rules 27 and 28 of that Order apply accordingly with the necessary modifications.

### **Undertakings as to expenses (O. 33, r. 24)**

**24.**—(1) Every undertaking under this Order must 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 the Sheriff of such sum as the Sheriff 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. 33, r. 25)**

**25.**—(1) Order 14 (except Rules 3, 4, 5 and 12 of that Order) applies 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 must 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 to the money 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 of the property paid into Court, and the parties are agreed as

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to the persons to whom the proceeds are to be paid and the amount to be paid to each of those persons;

(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 13, Rule 8, the Registrar may make an order under Order 13, Rule 8 for the money to be paid out to the person entitled to the money.

### **Directions (O. 33, r. 26)**

**26.**—(1) Subject to paragraphs (2) and (3), Order 9, Rules 8 and 9 apply to Admiralty actions (other than limitation actions) as they apply to other actions.

(2) An order made pursuant to Order 9, Rule 9 or any application under Order 9, Rule 9 must determine whether the trial is to be without assessors or with one or more assessors, nautical or otherwise.

(3) An order may be made pursuant to Order 9, Rule 9 or any application under Order 9, Rule 9, 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 order or direction mentioned 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. 33, r. 27)**

**27.**—(1) Subject to paragraphs (2) and (3), Order 9, Rule 25 applies to Admiralty actions as it applies to other actions.

(2) Unless the Court otherwise directs, at least 14 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 for the assessors' attendance; and

(b) any preliminary acts.

(3) Order 16, Rule 2(5) does not apply to Admiralty actions.

**Stay of proceedings in collision, etc., actions until security given (O. 33, r. 28)**

**28.** Where an action *in rem*, being an action to enforce any claim mentioned in Rule 3(1), is begun and a cross action *in rem* arising out of the same collision or other occurrence as the firstmentioned action is subsequently begun, or a counterclaim arising out of that occurrence is made in the firstmentioned action, then —

- (a) if the ship in respect of or against which the firstmentioned 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 firstmentioned action until the security is given to satisfy any judgment given in favour of that party.

**Inspection of ship, etc. (O. 33, r. 29)**

**29.** Without affecting its powers under Order 13, Rules 2 and 3 and Order 15, Rule 10(2), 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. 33, r. 30)**

**30.—**(1) The power conferred by Order 9, Rule 24 extends to the making of an order authorising the examination of a witness or person on oath before a Judge sitting in Court as if it were for the trial of the cause or matter, without that cause or matter having been set down for trial or called on for trial.



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(2) The power conferred by Order 9, Rule 24 also extends 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), the order may make provision for any consequential matters and, subject to any provision so made, the following provisions have effect:

- (a) the party whose witness is to be examined must 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 has authority to administer the oath to the witness;
- (c) the shorthand writer need not himself or herself be sworn but must certify in writing as correct a transcript of his or her notes of the evidence and deliver it to the solicitor for the party whose witness was examined, and that solicitor must file it in the Registry;
- (d) unless the parties otherwise agree or the Court otherwise orders, the transcript or a copy of the transcript must, 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 or she must make a certificate specifying the corrections which in his or her opinion should be made in the transcript, and that certificate must be filed with the transcript.

(4) In actions in which preliminary acts fall to be filed under Rule 18, an order must not be made under Order 9, Rule 24 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 9, Rule 24 applies in relation to an Admiralty cause or matter.

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**Issue of order to attend court (O. 33, r. 31)**

**31.** Order 15, Rule 4(1) to (6) applies in relation to the issue of an order to attend court to give oral evidence or to produce documents in an Admiralty cause or matter.

**Proceedings for apportionment of salvage (O. 33, r. 32)**

**32.—**(1) Proceedings for the apportionment of salvage the aggregate amount of which has already been ascertained must be begun by originating application or by summons where there is a pending action.

(2) Unless the Court otherwise directs, the originating application or summons and the supporting affidavit must be filed and served at least 14 days before the hearing.

(3) On the hearing of the originating application or summons, the Judge may exercise any of the powers conferred by section 175 of the Merchant Shipping Act.

**Filing and service of summons (O. 33, r. 33)**

**33.—**(1) A summons in any action, together with the affidavits (if any) in support of the summons, must be filed in the Registry at least 2 days before the hearing of the summons unless the Court gives permission to the contrary.

(2) A copy of the summons and of the affidavits (if any) in support of the summons must be served on all the other parties to the proceedings.

(3) Paragraph (2) does not apply to a summons mentioned in Rule 21(8).

**Agreement between solicitors may be made order of court (O. 33, 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 upon

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filing becomes an order of court and has the same effect as if such order had been made by the Judge in person.

**Originating application: Procedure (O. 33, r. 35)**

**35.**—(1) Order 15, Rule 1(1) applies in relation to Admiralty proceedings begun by originating application.

(2) Rule 27 (except paragraph (3) of that Rule) applies, with the necessary modifications, in relation to an Admiralty cause or matter begun by originating application.

**Limitation action: Parties (O. 33, r. 36)**

**36.**—(1) In a limitation action the person seeking relief is the claimant and must be named in the originating claim by the person's name and not described merely as the owner of, or as bearing some other relation to, a particular ship or other property.

(2) The claimant must make one of the persons with claims against the claimant 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 originating claim by the defendant's name but the other defendants may be described generally and not named by their names.

(4) The originating claim must be served on one or more of the defendants who are named by their names in the originating claim and need not be served on any other defendant.

(5) In this Rule and Rules 38, 39 and 40, "name" includes a firm name or the name under which a person carries on that person's business, and where any person with a claim against the claimant in respect of the casualty to which the action relates has described himself or herself for the purposes of that person's claim merely as the owner of, or as bearing some other relation to, a ship or other property, that person may be so described as defendant in the originating claim and, if so described, is deemed for the purposes of Rules 38, 39 and 40 to have been named in the originating claim by that person's name.

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**Limitation action: Constitution of limitation fund (O. 33, r. 37)**

**37.**—(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.

**Limitation action: Summons for decree or directions (O. 33, r. 38)**

**38.**—(1) Within 14 days after the filing and service of a notice of intention to contest or not contest by one of the defendants named by their names in the originating claim, or, if none of them files such a notice, within 14 days after the time limited for filing such a notice, the claimant, without serving a statement of claim, must take out a summons before the Registrar asking for a decree limiting the claimant's 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 claimant's case in the action; and
- (b) if none of the defendants named in the originating claim by their names has filed a notice of intention to contest or not

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contest, service of the originating claim 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 claimant, have claims against the claimant in respect of the casualty to which the action relates, not being defendants to the action who are named in the originating claim by their names; and
  - (b) the address of each of those persons, if known to the claimant.
- (4) Unless the Court otherwise directs, the summons and every affidavit in support of the summons must, at least 14 days before the hearing of the summons, be served on any defendant who has filed a notice of intention to contest or not contest.
- (5) On the hearing of the summons, the Court, if it appears to the Court that it is not disputed that the claimant has a right to limit the claimant's liability, must make a decree limiting the claimant's liability and fix the amount to which the liability is to be limited.
- (6) On the hearing of the summons, the Court, if it appears to the Court that any defendant has not sufficient information to enable the defendant to decide whether or not to dispute that the claimant has a right to limit the claimant's liability, must give such directions as appear to the Court to be appropriate for enabling the defendant to obtain such information and must adjourn the hearing.
- (7) If on the hearing or resumed hearing of the summons, the Court does not make a decree limiting the claimant's liability, the Court must give such directions as to the further proceedings in the action as appear to the Court to be appropriate including, in particular, a direction requiring the taking out of an application under Order 9, Rule 9.
- (8) Any defendant who, after the Court has given directions under paragraph (7), ceases to dispute the claimant's right to limit the claimant's liability must forthwith file a notice to that effect in the Registry and serve a copy on the claimant and on any other defendant who has filed a notice of intention to contest or not contest.

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(9) If every defendant who disputes the claimant's right to limit the claimant's liability serves a notice on the claimant under paragraph (8), the claimant may take out a summons before the Court asking for a decree limiting the claimant's liability; and paragraphs (4) and (5) apply to a summons under this paragraph as they apply to a summons under paragraph (1).

**Limitation action: Proceedings under decree (O. 33, r. 39)**

**39.**—(1) Where the only defendants in a limitation action are those named in the originating claim by their names and all the persons so named have either been served with the originating claim or filed a notice of intention to contest or not contest, any decree in the action limiting the claimant's liability (whether made by the Registrar or on the trial of the action) —

- (a) need not be advertised; but
- (b) only operates to protect the claimant 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 claimant's liability (whether made by the Registrar or on the trial of the action) —

- (a) must be advertised by the claimant in such manner and within such time as may be provided by the decree; and
- (b) must fix a time within which persons with claims against the claimant in respect of the casualty to which the action relates may file and serve a notice of intention to contest or not contest in the action (if they have not already done so) and file their claims, and, in cases to which Rule 40 applies, take out a summons if they think fit, to set the decree aside.

(3) The advertisement to be required under paragraph (2)(a) must, unless for special reasons the Registrar or the Judge thinks fit otherwise to provide, be a single advertisement in each of 3 newspapers specified in the decree —

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- (a) identifying the action, the casualty and the relation of the claimant to the action and casualty (whether as owner of a ship involved in the casualty or otherwise, as the case may be);
  - (b) stating that the decree has been made; and
  - (c) specifying the amounts fixed thereby as the limits of the claimant's liability and the time allowed thereby for the filing and serving of notices of intention to contest or not contest, the filing of claims and the taking out of summonses to set the decree aside.

(4) The claimant 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.

(5) The time to be allowed under paragraph (2)(b) must, unless for special reasons the Registrar or the 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 notice of intention to contest or not contest may be filed and served, and no claim may be filed or summons taken out to set aside the decree except with the permission of the Registrar or, on an appeal, of the Judge.

(6) Except as aforesaid, any decree limiting the claimant's liability (whether made by a Registrar or on the trial of the action) may make any provision authorised by the Merchant Shipping Act.

#### **Limitation action: Proceedings to set aside decree (O. 33, r. 40)**

**40.**—(1) Where a decree limiting the claimant's liability (whether made by a Registrar or on the trial of the action) fixes a time in accordance with Rule 39(2), any person with a claim against the claimant in respect of the casualty to which the action relates, who —

- (a) was not named by that person's name in the originating claim as a defendant to the action; or
- (b) if so named, neither was served with the originating claim nor filed and served a notice of intention to contest or not contest,

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may, within that time, after filing and serving a notice of intention to contest or not contest, 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 claimant in respect of the casualty in question and that the defendant has sufficient prima facie grounds for the contention that the claimant is not entitled to the relief given to the claimant by the decree.

(3) Unless the Court otherwise directs, the summons and every affidavit in support of the summons must, at least 14 days before the hearing of the summons, be served on the claimant and any defendant who has filed a notice of intention to contest or not contest.

(4) On the hearing of the summons, the Registrar, if the Registrar is satisfied that the defendant in question has a bona fide claim against the claimant and sufficient prima facie grounds for the contention that the claimant is not entitled to the relief given to the claimant by the decree, must set the decree aside and give such directions as to the further proceedings in the action as appear to the Registrar to be appropriate including, in particular, a direction requiring the taking out of an application under Order 9, Rule 9.

### **References to Registrar (O. 33, r. 41)**

**41.**—(1) Any party (called in this Rule the claiming party) 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 that party's claim and (unless the reference is in such an action) serve a copy of the claim on every other party.

(2) At any time —

- (a) after the claiming party's claim has been filed; or
- (b) where the reference is in a limitation action, after the expiration of the time limited by the Court for the filing of claims,



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but, in any case, at least 28 days before the day appointed for the hearing of the reference, any party to the cause or matter may apply to the Registrar under Order 9, Rule 9 as to the proceedings on the reference, and the Registrar must give such directions (if any) as the Registrar thinks fit including (without limiting 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 must 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 must not be made until after the claiming party has filed the claiming party's 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 14 days after an appointment for the hearing of a reference has been made, the claiming party or, where the reference is in a limitation action, the claimant must enter the reference for hearing by lodging in the Registry a Request 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 claiming party must file —

- (a) a list, signed by the claiming party and every other party, of the items (if any) of the claiming party's claim which are not disputed, stating the amount (if any) which the claiming party 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 the claiming party's claim which are disputed,

and, unless the reference is in a limitation action, the claiming party must at the same time serve on every other party a copy of every document filed under this paragraph.

(7) If the claiming party 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. 33, r. 42)**

**42.—**(1) The Registrar may adjourn the hearing of a reference from time to time as the Registrar 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 must be recorded under Order 15, Rule 11(5), (6) and (7).

(4) When the hearing of the reference has been concluded, the Registrar must —

- (a) reduce to writing the Registrar's 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 the Registrar's decision or subsequently such statement (if any) of the grounds of the decision as the Registrar thinks fit; and
- (c) send to the parties to the reference notice that the Registrar has done so.

(5) Where no statement of the grounds of the Registrar's decision is filed with the Registrar's decision and no intimation has been given by the Registrar that the Registrar 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. 33, r. 43)**

**43.—**(1) Any party to a reference to the Registrar may, by summons, apply to a Judge to set aside or vary the decision of the

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Registrar on the reference, but the summons, specifying the points of objection to the decision, must be filed —

- (a) within 14 days after the date on which notice of the filing of the decision was sent to that party under Rule 42(4); or
- (b) if a notice of the filing of a statement of the grounds of the decision was subsequently sent to that party under Rule 42(4), within 14 days after the date on which that notice was sent.

(2) The decision of the Registrar is deemed to be given on the date on which the decision is filed, but unless the Registrar or the Judge otherwise directs, the decision must not be acted upon until the time has elapsed for filing the summons referred to in paragraph (1).

(3) A direction must not be given under paragraph (2) without the parties being given an opportunity of being heard, but may, if the Registrar announces the Registrar's intended decision at the conclusion of the hearing of the reference, be incorporated in the Registrar's decision as reduced to writing under Rule 42(4).

### **Inspection of documents filed in Registry (O. 33, r. 44)**

**44.** Order 26, Rule 3 applies in relation to documents filed in the Registry.

### **Saving for defence under Merchant Shipping Act (O. 33, r. 45)**

**45.** Nothing in Rules 35, 36, 37, 38, 39 and 40 is to 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 which limits the amount of liability in connection with a ship or other property.

### **Production of certain documents in marine insurance actions (O. 33, r. 46)**

**46.—**(1) Where, in any action relating to a marine insurance policy, an application for production of documents is made by the insurer under Order 11, Rule 2, then, without affecting 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

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Form 33 or in such other form as the Court 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.

## ORDER 34

### ARBITRAL PROCEEDINGS

#### **Definitions of this Order (O. 34, r. 1)**

1. In this Order —

“Act” means the Arbitration Act, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act;

“appellate court” has the meaning given by section 2(1) of the Act;

“arbitral tribunal” has the meaning given by section 2(1) of the Act.

#### **Matters for Judge in person (O. 34, r. 2)**

2.—(1) Every application to a Judge —

(a) to challenge an arbitrator under section 15(4);

(b) to remove an arbitrator under section 16;

(c) to decide on the arbitral tribunal’s ruling on jurisdiction under section 21(9);

(d) to determine, under section 45, any question of law arising in the course of the arbitral proceedings;

(e) to set aside an award under section 48; or

(f) for permission to appeal under section 49(3)(b),

must be made by originating application.

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(2) An appeal with the agreement of all the other parties to the arbitral proceedings under section 49(3)(a) must be made by originating application.

### **Matters for Judge or Registrar (O. 34, r. 3)**

3.—(1) An application —

- (a) to reinstate discontinued proceedings under section 6(4);
- (b) for permission to enforce interim orders or directions of an arbitral tribunal under section 28(4);
- (c) for an order in support of arbitral proceedings under section 31;
- (d) for an extension of time under section 10 or 36;
- (e) for an order under section 41(2) where the arbitral tribunal withholds its award for non-payment of fees and expenses;
- (f) for permission to enforce an award under section 37 or 46;
- (g) to hear an application in open court under section 56; or
- (h) to give directions on whether and to what extent information relating to an application heard in private may be published under section 57,

must 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 application.

(3) Where the case is one of urgency or an application under section 37 or 46 for permission to enforce an award, such application may be made by summons without notice or by originating application without notice (as the case may be) on such terms as the Court thinks fit.

### **Preliminary question of law (O. 34, r. 4)**

4.—(1) An application under section 45 to determine any question of law arising in the course of the arbitral proceedings must be made by originating application and served, within 14 days after —

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- (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 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 must 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. 34, r. 5)**

5.—(1) The originating application for setting aside an award under section 48 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 is to be referred to in the originating application and in this Order as the claimant);
- (b) set out any evidence relied on by the claimant; and
- (c) be served with the originating application.

(3) Within 14 days after being served with the originating application, the defendant, if the defendant wishes to oppose the application, must file an affidavit stating the grounds on which the defendant opposes the application.

#### **Appeals on question of law arising out of award (O. 34, r. 6)**

6.—(1) The originating application by way of an appeal under section 49(3)(a) brought with the agreement of all the other parties to the arbitral proceedings on a question of law arising out of an award must —

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- (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 application must not be earlier than 3 months after the date of the filing of the originating application.
  - (3) Within 28 days after the originating application is filed, the appellant must serve on the respondent —
    - (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 must —
    - (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 must file and serve a respondent's Case, which must 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 must 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 in the core bundle.

(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 must file, at the same time as the respondent files the respondent's Case, a supplemental core bundle which contains such documents and an index.

(10) The appellant must at the time of filing the originating application deposit a sum of \$5,000, 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 36.

(11) Order 19, Rule 10 applies, with the necessary modifications, to the withdrawal of an appeal.

### **Applications for permission to appeal on question of law arising out of award (O. 34, r. 7)**

7.—(1) The originating application in respect of an application for permission under section 49(3)(b) to appeal on a question of law arising out of an award must be for an order that such permission be granted and for a further order that, in the event that permission is granted, the appeal be heard and determined.

(2) The originating application must 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 application is filed, the claimant must serve on the defendant the affidavit in support of the application for permission as provided in paragraph (4).

(4) The affidavit in support of the application for permission to appeal must exhibit a copy of the award and set out any evidence relied on by the claimant for the purpose of satisfying the Court of the matters mentioned in section 49(5) and for satisfying the Court that permission should be granted.

(5) Rule 6(2) (return date) applies to the application for permission as it applies to the appeal on a question of law.



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(6) Within 28 days after being served with the originating application and the affidavit in support of the application, the defendant, if the defendant wishes to contest the application for permission, must file and serve an affidavit stating the grounds on which the defendant opposes the grant of permission and setting out any evidence relied on by the defendant relating to the matters mentioned in section 49(5).

(7) Where permission to appeal is granted by the Court, the following directions apply:

- (a) the hearing of the appeal must not be earlier than 3 months after the date of the grant of permission to appeal;
- (b) within 28 days after the date of the granting of permission to appeal, the appellant must serve on the respondent —
  - (i) the appellant's Case in the form provided in sub-paragraph (c); and
  - (ii) a core bundle of documents in the form provided in sub-paragraph (g);
- (c) the appellant's Case must —
  - (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 must file and serve a respondent's Case, which must 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;

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- (f) any statement provided under sub-paragraphs (c) and (d) should contain specific reference to any authority relied on;
  - (g) the core bundle of documents must 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 in the core bundle;
  - (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 must file, at the same time as the respondent files the respondent’s Case, a supplemental core bundle which contains such documents and an index;
  - (i) the appellant must, within 14 days after the Court grants permission to appeal, deposit a sum of \$5,000, 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 36;
  - (j) Order 19, Rule 10 applies, with the necessary modifications, to the withdrawal of an appeal.

### **Permission to appeal to appellate court (O. 34, r. 8)**

**8.** An application under the Act for permission to appeal against a decision of the Court to the appellate court must be made to the appellate court within 14 days after the decision of the Court.

### **Extension of time: Applications under section 10 (O. 34, r. 9)**

**9.** An application for an order for extension of time under section 10 may include, as an alternative, an application for a declaration that such an order is not needed.

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**Service out of Singapore of summons, notice, etc. (O. 34, r. 10)**

**10.**—(1) Service out of Singapore —

(a) of an originating application under this Order; or

(b) of any order made on such an originating application,

is permissible with the permission of the Court provided that the arbitration to which the originating application or order relates is to be, is being, or has been held within Singapore.

(2) An application for the grant of permission 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 permission is to be granted unless it is made sufficiently to appear to the Court that the case is a proper one for service out of Singapore under this Rule.

(3) Order 8, Rules 2, 3, 7 and 8 apply in relation to any originating application or order mentioned in paragraph (1).

**Requirements as to notice (O. 34, 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 must be given by way of service on such parties or arbitral tribunal of the originating process as required under this Order.

**Order to attend court and order to produce documents (O. 34, r. 12)**

**12.** Order 15, Rule 4 applies, with the necessary modifications, in relation to the issue of an order to attend court and order to produce documents under section 30 as it applies in relation to proceedings in the Court.

**Enforcement of interim orders or directions (O. 34, r. 13)**

**13.** An application for permission to enforce an order or direction given by an arbitral tribunal under section 28(4) 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

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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. 34, r. 14)**

**14.—**(1) An application under section 37 or 46 for permission to enforce an award may be made without notice 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 of the arbitration agreement or record and a copy of the award;
- (b) stating the name and the usual or last known place of residence or business of the applicant (called in this Rule the creditor) and the person against whom it is sought to enforce the award (called in this Rule 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 permission must be drawn up by or on behalf of the creditor and must be served on the debtor —

- (a) by delivering a copy to the debtor personally;
- (b) by sending a copy to the debtor at the debtor's usual or last known place of residence or business; or
- (c) in such other manner as the Court may direct.

(3) Service of the order out of Singapore is permissible without permission, and Order 8, Rules 2, 3, 7 and 8 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 Singapore, within such other period as the Court may fix, the debtor may apply to set aside the order and the award must not be enforced until after the expiration of that period or, if the debtor

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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 has 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) affects any written law which provides for the manner in which a document may be served on a body corporate.

**15.** [*Deleted by S 91/2023 wef 01/03/2023*]

## ORDER 35

### BILLS OF SALE ACT

#### **Restraining removal or sale of goods seized (O. 35, r. 1)**

**1.**—(1) Every application to the General Division under section 8(3) must be made by originating application.

(2) Such an application must be supported by an affidavit setting out the grounds of the application.

(3) In this Order, “Act” means the Bills of Sale Act, and any reference to a section is a reference to a section in the Act.

#### **Rectification of register (O. 35, r. 2)**

**2.**—(1) Every application to a Judge sitting in the General Division under section 15 must be made by originating application without notice.

(2) Such an application must 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.

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**Entry of satisfaction (O. 35, r. 3)**

3.—(1) Every application to a Judge sitting in the General Division under section 16 must be made by originating application.

(2) If a consent to the satisfaction in Form 39 signed by the person entitled to the benefit of the bill of sale can be obtained, such an application may be made by originating application without notice 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. 35, r. 4)**

4. Any person who wishes to make searches or to obtain copies under section 17 must make a request in writing to the registrar of bills of sale setting out sufficient particulars.

**ORDER 36****BUILDING AND CONSTRUCTION INDUSTRY  
SECURITY OF PAYMENT ACT****Interpretation and mode of application (O. 36, r. 1)**

1.—(1) In this Order, “Act” means the Building and Construction Industry Security of Payment Act, and any reference to a section is 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.

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- (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 application.

**Application for enforcement of adjudication determination  
(O. 36, r. 2)**

2.—(1) An application for permission to enforce an adjudication determination under section 27 must be made to the Registrar by originating application without notice or summons without notice.

(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 of the adjudication determination or the contract;
- (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 (called in this Rule the debtor), respectively; and
- (c) state the unpaid portion of the adjudicated amount.

(3) An order granting permission must be drawn up by or on behalf of the applicant, and must be served on the debtor —

- (a) by delivering a copy to the debtor personally;
- (b) by sending a copy to the debtor at the debtor'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 debtor 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 debtor applies within that period to set aside the adjudication determination, until after the application is finally disposed of.

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(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. 36, 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) 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 by means of a direction to the Accountant-General in Form 44.

(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.



## ORDER 37

## CHOICE OF COURT AGREEMENTS ACT

**Definitions and exercise of powers (O. 37, r. 1)**

1.—(1) In this Order —

“Act” means the Choice of Court Agreements Act, and any reference to a section is a reference to a section in the Act;

“Court” means the General Division;

“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) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) The powers conferred on the Court by the Act may be exercised by a Judge sitting in chambers and the Registrar.

**Application for recognition, or recognition and enforcement, of foreign judgment (O. 37, 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 General Division must be made by originating application without notice 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;

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- (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

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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.

### **Application for enforcement of judicial settlement (O. 37, 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 General Division must be made by originating application without notice supported by an affidavit.

(2) The supporting affidavit must state, to the best of the information or belief of the deponent —

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- (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;

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- (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.

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**Other document to assist Court in determining application  
(O. 37, 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).

**Language of documents (O. 37, 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.

**Court order (O. 37, r. 6)**

6.—(1) A Court order must be in Form 59.

(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

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- (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 Singapore without the permission of the Court, and Order 8, Rules 2, 3, 6, 7 and 8 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.

### **Application to set aside Court order (O. 37, 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 —

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- (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.

### **When Court order takes effect (O. 37, 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.

### **Security for costs (O. 37, 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.



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**Application for enforcement order to enforce foreign judgment or judicial settlement (O. 37, r. 10)**

**10.** A party who obtains a Court order, and who wishes to apply for an enforcement order to enforce the foreign judgment or judicial settlement in relation to which the Court order is obtained, must produce to the Court —

- (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 enforcement is sought, of the Court order and the copy of the foreign judgment or judicial settlement.

**ORDER 38****COMPANIES ACT****Definitions of this Order (O. 38, r. 1)**

**1.** In this Order —

“Act” means the Companies Act, and any reference to a section is a reference to a section in the Act;

“qualifying creditor” has the meaning given by section 78H(6).

**Applications to Court (O. 38, r. 2)**

**2.—**(1) Unless otherwise provided in the Act or this Order, every application under the Act must be made by originating application and these Rules apply subject to this Order.

(2) An application under section 394 may be made by originating application without notice.

(3) An application under section 216 must be made by originating claim.

**Entitlement of proceedings (O. 38, r. 3)**

**3.—**(1) Every originating application to which this Order relates and all affidavits, notices and other documents in those proceedings

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must be entitled in the matter of the company in question and in the matter of the Act.

(2) The originating application by which an application for permission under section 154(6) 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.

#### **Directions (O. 38, r. 4)**

4.—(1) Without limiting Order 9, at the first case conference in respect of an originating application to which this Order relates, the Court may by order give such direction as to the proceedings to be taken as the Court 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 limiting 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) to direct that any class or classes of creditors are not qualifying creditors may be exercised on any hearing of the originating application.

(3) Rules 5 to 10 have effect subject to any directions given by the Court under this Rule.

#### **Company to make list of qualifying creditors (O. 38, r. 5)**

5.—(1) Where under Rule 4 the Court orders proceedings mentioned in paragraph (2) of that Rule, the company in question must, within 14 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 of the claim; and

(c) the total of those amounts and values.

(2) The deponent must state in the affidavit the deponent's 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 the deponent's 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. 38, 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, must be kept at the registered office of the company and at the office of that company's solicitor.

(2) Any person is 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 from the list.

### **Notice to qualifying creditors (O. 38, r. 7)**

7. Within 14 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 the qualifying creditor's 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 the qualifying creditor claims to be entitled to a larger amount, the qualifying creditor must send particulars of the qualifying creditor's debt or claim and the name and address of the

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qualifying creditor's solicitor (if any) to the company's solicitor.

**Advertisement of originating application and list of qualifying creditors (O. 38, 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 application 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 that person wishes to be included in the list of qualifying creditors, send that person's name and address, the name and address of that person's solicitor (if any) and the particulars of that person's debt or claim to the company's solicitor.

**Affidavit as to claims made by creditors (O. 38, 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 pursuant to 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 of the debts or claims are, admitted by the company, disputed by

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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. 38, 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 that person 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 that person's last known address a notice requiring that person —

- (a) within such time as may be specified in the notice, being at least 4 clear days after service of the notice, to file an affidavit proving that person's debt or claim or (as the case may be) so much of the debt or claim as is not admitted by the company; and
- (b) to attend the adjudication of that person's 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. 38, r. 11)**

**11.** The list of qualifying creditors, as settled by the Court under section 78H(2), must be certified and filed by the Registrar and his or her certificate must —

- (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;

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- (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); 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);
  - (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. 38, r. 12)**

**12.** The consent of a qualifying creditor to any reduction mentioned in Rule 9(d) may be proved in such manner as the Court thinks sufficient.

### **Time, etc., of hearing for confirmation of reduction (O. 38, r. 13)**

**13.—(1)** An originating application for the confirmation of any reduction mentioned in paragraph (2) of Rule 4 must 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 application, a notice specifying the day appointed for the hearing must be published at such times and in such newspapers as the Court may direct.

### **Applications under section 148 (O. 38, r. 14)**

**14.—(1)** A bankrupt who intends to make an application for permission to act as director, or to take part in or be concerned in the management, of a corporation under section 148, must serve a copy

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each of the application and the affidavit supporting the application at least 28 days before the date fixed for the hearing upon —

- (a) the Official Assignee; and
- (b) the trustee of the bankrupt's estate, if not the Official Assignee.

(2) An affidavit mentioned in paragraph (1) must state the following particulars:

- (a) the name and registration number of the corporation in question;
- (b) the nature of the business or intended business of the corporation;
- (c) the place or places where the business of the corporation is to be carried on;
- (d) in the case of a corporation that is not yet incorporated — whether it is to be incorporated as a private or public company;
- (e) the persons who are, or are to be, principally responsible for conducting the affairs of the corporation, whether as directors, managers or otherwise;
- (f) the manner and capacity in which the bankrupt proposes to take part in or be concerned in the management of the corporation;
- (g) the emoluments or other benefits to be obtained by the bankrupt by acting as director of the corporation or for taking part in the management of the business of the corporation, as the case may be.

(3) The trustee of the bankrupt's estate must —

- (a) make a report to the Court at least 14 days before the date fixed for the hearing; and
- (b) serve a copy of the report on the bankrupt as soon as practicable after it is made.

(4) In this Rule —

“bankrupt” means —

- (a) an individual debtor who has been adjudged bankrupt by a bankruptcy order made under the Insolvency, Restructuring and Dissolution Act 2018 or previous written law; or
- (b) a partner in a firm against which a bankruptcy order has been made under the Insolvency, Restructuring and Dissolution Act 2018 or previous written law;

“Official Assignee” has the meaning given by section 2(1) of the Insolvency, Restructuring and Dissolution Act 2018;

“trustee”, in relation to a bankrupt, means the trustee of the bankrupt’s estate and includes the Official Assignee when acting as trustee of the bankrupt’s estate.

## ORDER 39

### COMPETITION ACT — APPLICATIONS UNDER SECTION 85 OF COMPETITION ACT

#### **Powers under relevant Acts exercisable by Judge or Registrar (O. 39, r. 1)**

1.—(1) Subject to paragraph (2), the powers conferred on the District Court by section 85 of the Competition Act may be exercised by a District Judge sitting in chambers or the Registrar.

(2) The powers conferred on the District Court by section 85(3) may only be exercised by a District Judge.

(3) In this Order, “Act” means the Competition Act, and any reference to a section is a reference to a section in the Act.

#### **Application for registration (O. 39, r. 2)**

2. An application for the registration in the District Court of —

- (a) any commitment accepted by the Competition and Consumer Commission of Singapore under section 60A (called in this Order a Commitment);



- (b) any direction made by the Competition and Consumer Commission of Singapore pursuant to section 58A, 67 or 69 (called in this Order a Direction); or
- (c) any decision made by the Competition Appeal Board (called in this Order a Decision),

must be made by originating application without notice.

**Evidence in support of application for registration (O. 39, 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 of the Commitment, Direction or Decision;
- (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 under the Commitment, Direction or Decision which remains unsatisfied, if applicable.

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**Security for costs (O. 39, 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. 39, r. 5)**

5.—(1) An order in Form 60 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 must state the period within which an application may be made to set aside the registration of the Commitment, Direction or Decision and must contain a notification that an enforcement order to enforce the Commitment, Direction or Decision will not be issued 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 the Court thinks fit.

**Register of Commitments, Directions and Decisions (O. 39, r. 6)**

6. There must be kept in the Registry a register of all the Commitments, Directions and Decisions registered under this Order.

**Notice of registration (O. 39, 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

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may be) and subject to paragraph (2), must be served personally, unless the Court otherwise orders.

(2) Service of such a notice out of Singapore is permissible without permission, and Order 8, Rules 2, 3, 7 and 8 apply in relation to such a notice as they apply in relation to an originating claim.

(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 the party's 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. 39, 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 of the notice 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 apply for an enforcement order to enforce the Commitment, Direction or Decision to which the notice relates without the permission 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.

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**Application to set aside registration (O. 39, 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 and Consumer 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 the Court thinks fit.

**Issue of enforcement order (O. 39, 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, an enforcement order must not be issued to enforce 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, an enforcement order to enforce the Commitment, Direction or Decision must not be issued until after such application is disposed of.

(3) Any party wishing to apply for an enforcement order to enforce a Commitment, Direction or Decision registered under this Order must produce to the Court an affidavit of service of the notice of registration of the Commitment, Direction or Decision and any order

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made by the Court in relation to the Commitment, Direction or Decision.

**Application for order under section 85(3) (O. 39, r. 11)**

11.—(1) An application for any order specified in section 85(3) —

- (a) may be made together with or at any time after an application for registration under Rule 2; and
- (b) does not constitute an application for the issuance of an enforcement order to enforce 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 without notice.

(3) The affidavit must 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 40

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

**Interpretation and mode of application (O. 40, r. 1)**

1.—(1) In this Order, “Act” means the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, and any reference to a section is, unless it is otherwise expressly provided, 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 application.

**Application for confiscation order (O. 40, 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;
- (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);
- (c) full particulars of the realisable property in respect of which the order is sought and the person or persons holding such property, as the deponent is, to the best of the deponent's knowledge, able to provide; and
- (d) the amount to be recovered under the confiscation order.

(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) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources and grounds for the statements.

(4) 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, at least 7 clear days before the date fixed for the hearing of the application.

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**Application for variation of confiscation orders (O. 40, 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,

at least 7 clear days before the date fixed for the hearing of the application.

(2) 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,

at least 7 clear days before the date fixed for the hearing of the application.

**Protection of rights of third party where confiscation order is about to be made or has been made (O. 40, 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,

at least 7 clear days before the date fixed for the hearing of the application.

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**Application for restraint order or charging order (O. 40, 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;
- (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;
  - (ii) that the defendant has been officially informed under section 23(1) of the Criminal Procedure Code that the defendant may be prosecuted for a drug dealing offence or a serious offence, as the case may be; and
  - (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;
- (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 the deponent's knowledge, able to provide; and
- (d) where proceedings have not been instituted, indicate when it is intended that they should be instituted.

(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) Unless the Court otherwise directs, the supporting affidavit may contain statements of information or belief with the sources and grounds for the statements.



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**Restraint orders and charging orders (O. 40, 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 is not 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 without notice is to have effect until a day which is to be fixed for the hearing with notice 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 the Accountant-General or a company, as is appropriate.

**Discharge or variation of order (O. 40, 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 —

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(a) the Public Prosecutor; and

(b) the defendant where the defendant is not the applicant,

at least 2 clear days before the date fixed for the hearing of the application.

### **Further application (O. 40, 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 application without notice —

- (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 the deponent's 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, at least 2 clear days before the date fixed for the hearing of the application.

(4) Rule 6(3) and (4) applies to the service of restraint orders and charging orders, respectively, made under this Rule on persons other than the defendant.

### **Realisation of property (O. 40, 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,

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at least 7 clear days before the date fixed for the hearing of the application.

(2) 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 the deponent's 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.

(3) 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. 40, r. 10)**

**10.—**(1) Subject to this Rule, Order 13, Rule 9 applies where the Public Trustee is appointed as receiver pursuant to a charging order or under section 16 or 19.

(2) It is not 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 the hands of the Public Trustee, the Public Trustee 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,

at least 7 clear days before the date fixed for the hearing of the application.

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**Application for substitute property confiscation order  
(O. 40, r. 11)**

11.—(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, at least 7 clear days before the date fixed for the hearing of the application, on —

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- (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.

**Application for variation of substitute property confiscation order (O. 40, r. 12)**

**12.—**(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, at least 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, at least 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.

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**Application for restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 40, r. 13)**

**13.—(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 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.

**Application of Rules 7 and 8 to restraint order or charging order for enabling satisfaction of substitute property confiscation order (O. 40, r. 14)**

**14.** 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).

**Realisation of property after making of substitute property confiscation order (O. 40, r. 15)**

**15.—(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

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- (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, at least 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.

**Receiver for enabling satisfaction of substitute property confiscation order (O. 40, r. 16)**

**16.—**(1) Subject to this Rule, Order 13, Rule 9 applies where the Public Trustee is appointed as receiver —

- (a) pursuant to 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, at least 7 clear days before the date fixed for the hearing of the application, on —



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- (a) the defendant; and
  - (b) any other person who held property realised by the receiver.

**Compensation (O. 40, r. 17)**

17. 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,

at least 7 clear days before the date fixed for the hearing of the application.

**Disclosure of information (O. 40, r. 18)**

18.—(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 pursuant to a charging order or to an authorised officer.

(2) The application and supporting affidavit must be filed and served on the public body —

- (a) at least 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 59, Rule 3.

(3) The supporting affidavit must state the grounds for believing that the conditions in section 42(4) and, if appropriate, section 42(7A) are fulfilled.

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**Investigation into drug dealing and criminal conduct —  
discharge and variation of orders (O. 40, r. 19)**

**19.**—(1) An application for a production order under section 30 must be supported by affidavit and may be made without notice.

(2) An application under section 34 for a warrant in Form 61 must be supported by affidavit and may be made without notice.

(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, the person must 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) Despite Order 26, Rule 3, 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 permission of the Court.

**Production orders against financial institutions (O. 40, r. 20)**

**20.**—(1) An application for a production order against a financial institution under section 31(1) must be supported by affidavit and may be made without notice.

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(2) Despite Order 26, Rule 3, no person may inspect or take a copy of any document relating to such application without the permission of the Court.

ORDER 41

DEBENTURE HOLDERS' ACTION:  
RECEIVER'S REGISTER

**Receiver's register (O. 41, r. 1)**

1. Every receiver appointed by the Court in an action to enforce registered debentures or registered debenture stock must, if so directed by the Court, keep a register of transfers of, and other transmissions of title to, such debentures or stock (called in this Order the receiver's register).

**Registration of transfers, etc. (O. 41, 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 must, 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 the holder's 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 the holder objects to the registration, and no transfer may be registered until the period so specified has elapsed.

(3) The period to be specified in the notice mentioned in paragraph (2) must be at least 14 days after a reply from the

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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.

(4) On registering a transfer or other transmission of title under this Rule, the receiver must endorse a memorandum of the transfer or transmission on the debentures 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 or her receiver.

### **Application for rectification of receiver's register (O. 41, 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 must in the first instance be served only on the claimant 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 that person's 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. 41, 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, is in all proceedings in the action in which the receiver was appointed evidence of the transfer or transmission of title to which the entry relates and, in particular, must be accepted as evidence of the transfer or transmission for the purpose of any distribution of assets, even though 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.

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**Proof of title of holder of bearer debenture, etc. (O. 41, 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) Even though judgment has been given in the action and a certificate has been made in the action certifying the holders of such debentures or certificates referred to in paragraph (1), the title of any person claiming to be such a holder is (in the absence of notice of any defect in the title) sufficiently proved by the production of the debentures or debenture stock certificates (as the case may be) together with a certificate of identification signed by the person producing the debenture or certificate —

- (a) identifying the debenture or certificate produced; and
- (b) certifying the person giving the person's name and address who is the holder of the debenture or certificate.

(3) Where such a debenture or certificate referred to in paragraph (1) is produced in the chambers of the Judge, the solicitor of the claimant in the action must cause to be endorsed on the debenture or certificate 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 the new holder's title in accordance with paragraph (2); and
- (c) that if a new holder neglects to prove the new holder's title as mentioned in sub-paragraph (b), the new holder may incur additional delay, trouble and expense in obtaining payment.

(4) The solicitor of the claimant 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 of the debentures or certificates, and, if the Court requires it, must verify the record by affidavit.

### **Requirements in connection with payments (O. 41, 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 must not make a payment in respect of any such debenture or stock unless either there is produced to him or her 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 such payment, the debenture or debenture stock certificate must be produced to the solicitor of the claimant in the action or to such other person as the Court may direct, and that solicitor or person must —

- (a) endorse on the debenture or debenture stock certificate a memorandum of payment; and
- (b) 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 42

### DEBTORS ACT

#### *Division 1 — General*

### **Application and definitions of this Order (O. 42, r. 1)**

1.—(1) These Rules apply to proceedings under the Debtors Act subject to the following Rules of this Order.

(2) In this Order —

“Act” means the Debtors Act, and any reference to a section is a reference to a section in the Act;

“Court” means a court within the meaning of section 2;

“Judge” means a judge within the meaning of section 2;

“judgment” includes any order for the payment of money.

*Division 2 — Arrest of judgment debtor*

**Application under section 3 (O. 42, r. 2)**

2. An application for an order of arrest under section 3 must be made by summons without notice supported by an affidavit to a Judge sitting in chambers, unless the Court otherwise orders.

**Form of order of arrest (O. 42, r. 3)**

3. An order for arrest under section 3 must be in Form 62.

**Where judgment debtor summons issued under section 24 (O. 42, r. 4)**

4.—(1) The issue of a judgment debtor summons under section 24 does not prevent a judgment creditor from applying to the Court for an order of arrest under section 3.

(2) An order for arrest under section 24 must be in Form 63.

**Conveyance and subsistence money (O. 42, r. 5)**

5.—(1) Before any arrest is made under section 3 or 24, 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 the debtor in custody pending the debtor’s 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) Where the debtor has to remain in custody for more than 14 days, the judgment creditor must before or at the end of the first 14 days of the custody, deposit in the Registry, if the Registrar so requests, a further sum of money to provide for the subsistence of the debtor 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 debtor remains in custody.

(4) The proper officer in the Registry must give a receipt for each sum of money deposited under this Rule and the proper officer is to apply such sums or so much of such sums as is necessary for the subsistence of the debtor.

(5) The Registrar must return to the judgment creditor any balance of money remaining over after the release of the debtor.

*Division 3 — Arrest or attachment before judgment*

**Applications for arrest and attachment before judgment under section 13 or 17 (O. 42, r. 6)**

6.—(1) An application under section 13 or 17 must be made by summons without notice supported by an affidavit to a Judge sitting in chambers, unless the Court otherwise orders.

(2) An affidavit under paragraph (1) and any order made on an application mentioned in paragraph (1) must be served on the defendant as soon as possible.

**Endorsement and form of order (O. 42, r. 7)**

7.—(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 claimant's address for service.

(2) An order under paragraph (1) must be in one of the forms in Form 64.

(3) Order 22 applies to and in relation to an attachment of property under this Rule with the necessary modifications.



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**Claimant to provide defendant's subsistence (O. 42, r. 8)**

8. Rule 5 applies, with the necessary modifications, to a claimant at whose instance a defendant is arrested or committed under Part II of the Act.

**Mode of seizure before judgment (O. 42, r. 9)**

9.—(1) Any property liable to seizure under Part III of the Act must be seized in the same manner as a seizure under an enforcement order for seizure and sale of property.

(2) Order 22 applies to and in relation to a seizure of property under this Rule with the necessary modifications.

**Deposit against costs of attachment (O. 42, r. 10)**

10.—(1) Before any order of attachment of property is executed, the claimant 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) Where the Sheriff has to remain in possession of movable property for more than 14 days, the claimant 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 attachment 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.

(3) The proper officer in the Registry must give a receipt for each sum of money deposited under this Rule, and the proper officer is to apply such sums or so much of such sums as is necessary for the costs of the attachment.

(4) The Sheriff must return to the claimant any balance of money remaining over after the release of the movable property seized under the order of attachment of property.

(5) Where the movable property seized under an order of attachment of property is sold by the Sheriff or the Sheriff receives the amount of the levy without sale, any sums of money deposited by

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the claimant must, so far as the moneys coming to the hands of the Sheriff will allow, be refunded to the claimant.

(6) Order 22 applies to and in relation to a sale of property referred to in paragraph (5) with the necessary modifications.

### **Release on payment of claim and costs (O. 42, r. 11)**

11. 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 claimant and costs as stated in the order together with the costs of the enforcement up to the time of such payment, or under section 18, 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. 42, r. 12)**

12. Any claim by a third party to property seized under Part III of the Act must be dealt with in the manner set out in Order 22, Rule 10.

## *Division 4 — Judgment debtor summons*

### **Judgment debtor summons (O. 42, r. 13)**

13.—(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 65.

(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 14 days before the day fixed for the hearing of the judgment debtor summons.

### **Where 2 or more judgment debtors (O. 42, r. 14)**

14. 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.

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**Where judgment or order against firm (O. 42, r. 15)**

**15.**—(1) Where a judgment is given or order made against a firm, a judgment debtor summons may be issued against any person against whom an enforcement order may be issued to enforce such judgment or order under Order 56.

(2) Where the person entitled to enforce such judgment or order desires to issue a judgment debtor summons against any other person, that person must apply for permission of the Court by summons without notice in Form 66 supported by affidavit in Form 67.

(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, the person is deemed to admit the person's liability to pay the amount due, but if the person appears and denies the person's liability, the Court may determine the question of liability on the evidence then before the Court or may order the issue of liability to be tried in such manner as the Court thinks fit.

*Division 5 — Judgment notice*

**Judgment notice (O. 42, r. 16)**

**16.**—(1) A judgment notice under section 6(3) or 24(7) must be in Form 68 and must be served personally, at least 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;

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- (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. 42, r. 17)**

17.—(1) On the hearing of a judgment notice, the Court may make an order of commitment or vary the instalment order as the Court 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.

### *Division 6 — Commitment*

### **Orders of commitment (O. 42, r. 18)**

18. An order of commitment under section 6(1), 15 or 24(8) must be in Form 69.

### **Payment by debtor (O. 42, r. 19)**

19. Where an order of commitment for non-payment of money is made, the debtor may, at any time, either to the Sheriff or, if the debtor is in prison, to the officer in charge of the prison, pay the amount stated in the order and obtain the debtor's discharge.

### **Certificate of satisfaction (O. 42, r. 20)**

20.—(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 the judgment creditor in Form 70.

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(2) If the judgment creditor makes default in lodging such certificate, the debtor, or any person on the debtor's behalf, may apply to the Court for an order for the debtor's 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 71.

*Division 7 — Miscellaneous*

**Security, how given (O. 42, r. 21)**

**21.**—(1) Where an order is made requiring a defendant to give security under the Act, the security must 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 or she is in custody, must be released.

**Discharge of surety (O. 42, r. 22)**

**22.** Whenever the Court discharges a surety under section 14, the Court 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 the defendant sooner gives fresh security.

**Control of Court (O. 42, r. 23)**

**23.** The money deposited (if any) and the security and all proceedings following the order requiring giving of security are subject to the order and control of the Court.

**Bankruptcy order against debtor (O. 42, r. 24)**

**24.** Where at the hearing of any proceedings under the Act, the debtor satisfies the Court that a bankruptcy order under the Insolvency, Restructuring and Dissolution Act 2018 or previous written law has been made against him or her and that the debt was provable in the bankruptcy —

(a) no order may be made; and

- (b) where an order of commitment has been made, the order if not executed must be recalled and cancelled, and if the debtor is in prison, he or she must be discharged.

### **Date of order of arrest (O. 42, r. 25)**

25. Any order of commitment or arrest of a judgment debtor under the Act must bear the date of the day on which it was made, and continues 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 in Order 22, Rule 2(6) for the renewal of enforcement orders.

### **Order for discharge under section 25 (O. 42, r. 26)**

26. An order for the discharge of a debtor under section 25 must be in Form 72.

### **Costs (O. 42, r. 27)**

27. 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 claimant under Rules 6 and 11, are to be ordered in favour of the successful claimant.

## ORDER 43

### DEFAMATION ACTIONS

#### **Application (O. 43, r. 1)**

1. These Rules apply to actions for libel or slander subject to the following Rules.

#### **Endorsement of claim in libel action (O. 43 r. 2)**

2. Before an originating claim 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.

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**Obligation to give particulars (O. 43, r. 3)**

3.—(1) Where in an action for libel or slander the claimant alleges that the words or matters complained of were used in a defamatory sense other than their ordinary meaning, the claimant must give particulars of the facts and matters on which the claimant relies in respect of such sense.

(2) Where in an action for libel or slander the defendant alleges that —

- (a) insofar as the words complained of consist of statements of fact, they are true in substance and in fact; and
- (b) insofar as they consist of expressions of opinion, they are fair comment on a matter of public interest,

or pleads to the like effect, the defendant must give particulars stating which of the words complained of the defendant alleges are statements of fact and of the facts and matters the defendant relies on in support of the allegation that the words are true.

(3) Where in an action for libel or slander the claimant alleges that the defendant maliciously published the words or matters complained of, the claimant need not in the claimant's statement of claim give particulars of the facts on which the claimant relies in support of the allegation of malice, but if —

- (a) 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
- (b) the claimant intends to allege that the defendant was actuated by express malice,

the claimant must, with permission of the Court, serve a reply giving particulars of the facts and matters from which the malice is to be inferred.

(4) Without affecting Order 6, Rule 5 and Order 9, Rule 13, the claimant must give full particulars in the statement of claim of the facts and matters on which the claimant relies in support of the claimant's claim for damages, including details of any conduct by the

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defendant which it is alleged has increased the loss suffered and of any loss which is peculiar to the claimant's own circumstances.

(5) This Rule applies in relation to a counterclaim for libel or slander as if the party making the counterclaim were the claimant and the party against whom it is made the defendant.

#### **Provisions as to payment into Court (O. 43, r. 4)**

4.—(1) Where in an action for libel or slander against several defendants sued jointly the claimant, in accordance with Order 14, Rule 3(1), accepts money paid into Court by any of those defendants in satisfaction of the claimant's cause of action against that defendant, then, despite anything in Rule 3(4) of Order 14, the action is stayed as against that defendant only, but —

- (a) the sum recoverable under any judgment given in the claimant's favour against any other defendant in the action by way of damages must 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 claimant is not entitled to the claimant's 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 the claimant is greater than the amount paid into Court and accepted by the claimant or the Judge is of the opinion that there was reasonable ground for the claimant 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 provides, Order 14, Rule 7 does not apply in relation to that pleading.

#### **Statement in open court (O. 43, r. 5)**

5.—(1) Where a party accepts money paid into Court in satisfaction of a cause of action for libel or slander, the claimant or defendant (as the case may be) may apply to a Judge in Chambers by summons for



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permission 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.

### **Evidence in mitigation of damages (O. 43, r. 6)**

6. In an action for libel and slander in which the defendant does not by the defendant's defence assert the truth of the statement complained of, the defendant is not 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 claimant, without the permission of the Court, unless —

- (a) such matters are included in the defendant's 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 15, Rule 15(4) for the inclusion of such evidence.

### **Fulfilment of offer of amends under section 7 of Defamation Act (O. 43, r. 7)**

7. An application to the Court under section 7 of the Defamation Act to determine any question as to the steps to be taken in fulfilment of an offer of amends made under that section may only be heard by a Judge in person.

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ORDER 44  
DISABILITY

**Definitions of this Order (O. 44, r. 1)**

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

“Act” means the Mental Capacity Act;

“person lacking capacity” means a person who lacks capacity within the meaning of the Act in relation to matters concerning his or her property and affairs;

“person under disability” means, subject to Order 4, Rule 1 —

(a) a person who is a minor; or

(b) a person lacking capacity.

**Application for permission to institute proceedings (O. 44, r. 2)**

2.—(1) The jurisdiction of the Court to grant permission under section 25(2) of the Mental Health (Care and Treatment) Act 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 permission is sought and any facts necessary to substantiate those grounds.

**Person under disability must sue, etc., by litigation representative (O. 44, r. 3)**

3.—(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 or her, except by his or her litigation representative.

(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 must or may, if the party is a person under disability, be done by his or her litigation representative.

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(3) A litigation representative of a person under disability must act by a solicitor.

#### **Appointment of litigation representative (O. 44, r. 4)**

4.—(1) Except as provided by paragraph (3) or (4) or by Rule 5, an order appointing a person litigation representative of a person under disability is not necessary.

(2) Where a person is authorised under the Act to conduct legal proceedings in the name of a person lacking capacity or on his or her behalf, that person is entitled to be litigation representative of the person lacking capacity in any proceedings to which that person's authority extends unless, in a case to which paragraph (3) or (4) or Rule 5 applies, some other person is appointed by the Court under that paragraph or Rule to be litigation representative of the person lacking capacity in those proceedings.

(3) Where a person has been or is a litigation representative of a person under disability in any proceedings, no other person is entitled to act as such litigation representative of the person under disability in those proceedings unless the Court makes an order appointing that person such litigation representative in substitution for the person previously acting in that capacity.

(4) 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 of that party.

(5) Except where the litigation representative of a person under disability has been appointed by the Court —

- (a) the name of any person must not be used in a cause or matter as litigation representative of a person under disability;
- (b) a notice of intention to contest or not contest must not be filed in a cause or matter for a person under disability; and
- (c) a person under disability is not entitled to appear by his or her litigation representative on the hearing of a summons which has been served on him or her,

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until the documents listed in paragraph (6) have been filed in the Registry.

(6) The documents referred to in paragraph (5) are the following:

- (a) a written consent in Form 73 to be litigation representative of the person under disability in the cause or matter in question given by the person proposing to be such litigation representative;
- (b) where the person proposing to be such litigation representative 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 or her 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 that person is so authorised;
- (c) except where the person proposing to be such litigation representative of the person under disability, being a person lacking capacity, is authorised as mentioned in sub-paragraph (b), a certificate in Form 74 made by the solicitor for the person under disability certifying —
  - (i) that he or she 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 or her knowledge or belief;
  - (ii) where the person under disability is a person lacking capacity, that there is no person authorised as mentioned in sub-paragraph (b); 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.

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**Appointment of litigation representative where person under disability does not file and serve notice of intention to contest or not contest (O. 44, r. 5)**

5.—(1) Where —

- (a) in an action against a person under disability begun by originating claim, or by originating application, no notice of intention to contest or not contest is filed in the originating claim 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 notice of intention to contest or not contest is filed for that person,

an application for the appointment by the Court of a litigation representative of that person must be made by the claimant or defendant (as the case may be) after the time limited (as respects that person) for filing and serving a notice of intention to contest or not contest 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 10 and no notice of intention to contest or not contest is filed and served for that person to that notice, an application for the appointment by the Court of a litigation representative of that person must be made by that party after the time limited (as respects that person) for filing and serving a notice of intention to contest or not contest and before proceeding further with the third party proceedings.

(3) Where in any proceedings against a person under disability begun by originating application, that person does not appear by a litigation representative, at the hearing of the originating application, the Court hearing it may appoint a litigation representative of that person in the proceedings or direct that an application be made by the applicant, for the appointment of such a litigation representative.

(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 notice of intention to contest or not contest is filed

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and served for that person in an originating claim action, or in any other case, appoint a litigation representative of that person in the proceedings or direct that an application be made for the appointment of such a litigation representative.

(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 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 originating claim, originating application, 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 filing and serving a notice of intention to contest or not contest and at least 14 days before the day fixed for hearing, so served on the person under disability.

(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 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. 44, r. 6)**

**6.** An application to the Court on behalf of a person under disability served with an order made without notice under Order 4, Rule 5 for the discharge or variation of the order must be made —

- (a) if a litigation representative 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 acting for that person in that cause or matter, within 14 days after the appointment of such a litigation representative to act for him or her.

**Admission not to be implied from pleading of person under disability (O. 44, r. 7)**

7. A person under disability is not to be taken to admit the truth of any allegation of fact made in the pleading of the opposite party by reason only that he or she has not traversed it in his or her pleadings.

**Production of documents (O. 44, r. 8)**

8. Order 11 applies to a person under disability and to his or her litigation representative.

**Compromise, etc., by person under disability (O. 44, r. 9)**

9. 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, is, so far as it relates to that person's claim, valid without the approval of the Court.

**Approval of settlement (O. 44, r. 10)**

10.—(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 despite anything in Order 6, Rule 1(2), the claim may be made in proceedings begun by originating application and in the originating application 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 11; 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, the originating application must include the particulars required under the Act.

(3) In this Rule, “settlement” includes a compromise.

**Control of money recovered by person under disability  
(O. 44, r. 11)**

11.—(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 claimant who is a person under disability,

the money must be dealt with in accordance with directions given by the Court.

(2) Directions given under this Rule may provide that the money must, as to the whole or any part of the money, be paid into Court and invested or otherwise dealt with.

(3) Without affecting 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 —

(a) as to how the money is to be applied or dealt with; and

(b) as to any payment to be made, either directly or out of the amount paid into Court, to the claimant, or to the litigation representative in respect of moneys paid or expenses incurred for or on behalf or for the benefit of the person under disability or for his or her maintenance or otherwise for his or her benefit or to the claimant’s solicitor in respect of costs.

(4) Where pursuant to directions given under this Rule money is paid into Court to be invested or otherwise dealt with, the money (including any interest on such money) may not be paid out, nor may any securities in which the money is invested, or the dividends on



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such securities, be sold, transferred or paid out of Court, except in accordance with an order of the Court.

(5) Paragraphs (1) to (4) 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 33, Rule 36, as if for references to a claimant there were substituted references to a defendant.

### **Proceedings under Civil Law Act: Apportionment by Court (O. 44, r. 12)**

**12.**—(1) Where a single sum of money is paid into Court under Order 14, Rule 1, in satisfaction of causes of action arising under the Civil Law Act and that sum is accepted, the money must be apportioned between the different causes of action by the Court either when giving directions for dealing with it under Rule 13 (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 14, Rule 1, is accepted in satisfaction of the cause of action under the Civil Law Act, it must be apportioned between those persons by the Court.

(3) The reference in paragraph (2) to a sum of money paid into Court is to 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. 44, r. 13)**

**13.**—(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 applies.

(2) Subject to this Rule and to Order 11, Rule 7(c), the document must be served —

- (a) in the case of a minor who is not also a person lacking capacity, on his or her father or guardian or, if he or she has

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no father or guardian, on the person with whom he or she resides or in whose care he or she 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 or her 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 or she resides or in whose care he or she is,

and must be served in the manner required by these Rules with respect to the document in question.

(3) Despite 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 is deemed to be duly served on the person under disability.

(4) Subject to paragraph (5), a judgment or order requiring a person to do, or refrain from doing any act, a summons for the committal of any person, and an order to attend court issued to any person, must, if that person is a person under disability, be served personally on him or her unless the Court otherwise orders.

(5) Paragraph (4) does not apply to an order for production or inspection of documents.

## ORDER 45

### DISTRESS ACT

#### **Application and definitions of this Order (O. 45, r. 1)**

1.—(1) These Rules apply to proceedings under the Distress Act subject to the following Rules.

(2) In this Order —

“Act” means the Distress Act, and any reference to a section is a reference to a section in the Act;

“landlord” and “tenant” have the meanings given by section 2;

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“Sheriff” has the same meaning as “sheriff” as defined in section 2.

### **Application for writ of distress (O. 45, r. 2)**

2.—(1) Every application for a writ of distress must be made by originating application without notice supported by affidavit in Form 75.

(2) Where the application is made by a duly authorised agent of the landlord, the agent must produce the agent’s written authority in Form 76.

### **Writ of distress (O. 45, r. 3)**

3.—(1) A writ of distress must be in Form 77.

(2) The Registrar must assign a serial number to the writ of distress and must sign, seal and date the writ whereupon the writ is deemed to be issued.

(3) Order 22 applies to and in relation to the execution of a writ of distress with the necessary modifications.

### **Notice of seizure (O. 45, r. 4)**

4. A notice of seizure under section 9 must be in Form 40.

### **Applications under section 10 or 16 (O. 45, r. 5)**

5.—(1) An application under section 10 or 16 for the discharge or suspension of the writ of distress or for the release of any part of the property distrained must be made by summons within 14 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 the landlord’s agent (as the case may be) before the hearing of the application.

### **Sale by public auction (O. 45, r. 6)**

6. Order 22 applies to and in relation to all sales under the Act with the necessary modifications.

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**Return of property unsold (O. 45, 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 of distress is, for the purposes of this Rule, 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. 45, r. 8)**

8.—(1) In such cases as are provided for in section 20, the Sheriff must, unless the Sheriff is already in possession under an enforcement order, deliver a copy of the writ of distress to the officer in possession under the enforcement order, and inform the officer 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) to discharge or suspend the writ of distress must be made within the time and in the manner prescribed by Rule 5.

**Officer in possession to notify Sheriff of intended release (O. 45, r. 9)**

9. Where the property seized under an enforcement order is to be released, the officer in possession under such enforcement order must, before giving up possession, notify the Sheriff of the officer's intention to do so.

**Application under section 21 (O. 45, r. 10)**

10.—(1) An application by the Sheriff under section 21(1) 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 section 21 must be in Form 78.

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**Application under section 22(2) (O. 45, r. 11)**

11. An application under section 22(2) must be supported by affidavit, and notice of the application must be served on the landlord or the landlord's agent (as the case may be) at the address for service of the landlord or the agent (as the case may be) at least 2 clear days before the hearing of the application.

**Address for service (O. 45, 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. 45, 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 under the writ of distress remains under seizure and in the possession of the Sheriff or other officer in possession; but the sale of the seized property under the writ of distress is postponed till the expiration of the period for which the execution of the writ is suspended.

**Costs (O. 45, r. 14)**

14. The costs of all proceedings taken under the Act are at the discretion of the Court.

**ORDER 46****EMPLOYMENT ACT****Application (O. 46, r. 1)**

1. These Rules apply to proceedings under the Employment Act subject to the following Rules.

**Orders of Commissioner for Labour (O. 46, r. 2)**

2.—(1) Where the Commissioner for Labour (called in this Order the Commissioner) has made an order under the Employment Act and such order is sought to be enforced in a District Court, the

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Commissioner must 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. 46, 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 under the order.

(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 is sufficient to state the name of each person and the amount to be paid on each person's account.

(4) The certificate must be sealed with the seal of the Commissioner and it must be dated and signed by the Commissioner.

### **Payment of sums recovered (O. 46, r. 4)**

4. Unless the Commissioner otherwise orders, all sums of money recovered by the Court under the order, after payment of the costs,

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charges and expenses of enforcing the order, must be paid to the Commissioner.

## ORDER 47

### INCOME TAX ACT

#### **Definitions and application of this Order (O. 47, r. 1)**

1.—(1) In this Order —

“Act” means the Income Tax Act, and any reference to a section is 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.

#### **Certain documents not subject to order for production or inspection (O. 47, 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 permission of the Court.

(2) The Court must not grant permission 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.

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(3) The Comptroller may not in any proceedings to which this Order applies, being proceedings under Order 11, be ordered to give production 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.

### **Publication of information in proceedings (O. 47, r. 3)**

**3.—**(1) Subject to paragraph (2), no information relating to any proceedings to which this Order applies may be published without the permission of the Court.

(2) The Court must not grant permission under paragraph (1) unless the Court is satisfied that the information, if published in accordance with such direction as the Court 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.

### **Confidentiality (O. 47, 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 the Court may consider necessary to ensure the confidentiality of anything relating to those proceedings.



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(2) Every application, affidavit or other document filed with the Court for the purpose of any proceedings to which this Order applies must be sealed upon the request of the applicant or the Comptroller.

**Application for permission of Court (O. 47, r. 5)**

**5.—(1)** An application for permission 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 or herself:

- (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 the person wishes to reply to the affidavit of the applicant, file and serve the person's affidavit on the applicant within 14 days after service of the applicant's affidavit.

(4) The application must be heard by a Judge in Chambers.

**Order 26, Rule 3 not applicable (O. 47, r. 6)**

**6.** Order 26, Rule 3 does not apply in relation to any proceedings to which this Order applies.

ORDER 48

INTERNATIONAL ARBITRATION ACT

**Definitions of this Order (O. 48, r. 1)**

**1.** In this Order, unless the context or subject matter otherwise indicates or requires —

“Act” means the International Arbitration Act, and any reference to a section is a reference to a section in the Act;

“arbitral tribunal” has the meaning given by Part II of the Act;

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- “award” has the meaning given by Part II of the Act;
- “foreign award” has the meaning given by 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.

**Matters for Judge in person (O. 48, 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 or Article 16(3) of the Model Law; or
  - (d) to set aside an award under section 24 or Article 34(2) of the Model Law,

must be made by originating application.

(2) An application under paragraph (1)(a), (b) or (c) must be made within 30 days after the date of receipt by the applicant (who is referred to in the originating application and in this Order as the claimant) of the arbitral tribunal’s decision or ruling.

(3) 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 claimant 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.
- (4) 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 claimant;

- (c) set out any evidence relied on by the claimant; and
- (d) be served with the originating application.

(5) Within 14 days after being served with the originating application, the defendant, if the defendant wishes to oppose the application, must file an affidavit stating the grounds on which the defendant opposes the application.

(6) An application for permission to appeal against a decision of the Court under section 10 must be made within 14 days after the decision of the Court.

(7) For the purpose of this Rule, the date of receipt of any decision, ruling, award or corrected award is to be determined in accordance with Article 3 of the Model Law.

### **Matters for Judge or Registrar (O. 48, r. 3)**

**3.—**(1) Every application or request to the Court —

- (a) to hear an application in open court under section 22;
- (b) for permission to enforce interim orders or directions of an arbitral tribunal under section 12(6);
- (c) for interim orders or directions under section 12A;
- (d) to reinstate discontinued proceedings under section 6(4);
- (e) for permission to enforce an award under section 18 or 19;  
or
- (f) for permission to enforce a foreign award under section 29,

must 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 application.

(3) Where the case is one of urgency or an application under section 18, 19 or 29 for permission to enforce an award or foreign award, such application may be made without notice on such terms as the Court thinks fit.

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**Service out of Singapore of originating process (O. 48, r. 4)**

4.—(1) Service out of Singapore of the originating application or of any order made on such originating application under this Order is permissible with the permission of the Court whether or not the arbitration was held or the award was made within Singapore.

(2) An application for the grant of permission 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 permission is to be granted unless it is made sufficiently to appear to the Court that the case is a proper one for service out of Singapore under this Rule.

(3) Order 8, Rules 2, 3, 7 and 8 apply in relation to any such originating application or order as is referred to in paragraph (1).

**Enforcement of interim orders or directions (O. 48, r. 5)**

5.—(1) An application for permission 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), permission may 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. 48, r. 6)**

6.—(1) An application for permission to enforce an award may be made without notice 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

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certified copy of the arbitration agreement or record and a duly certified copy of the award 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 residence or business of the applicant (called in this Rule the creditor) and the person against whom it is sought to enforce the award (called in this Rule 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 application for permission to enforce a foreign award may be made without notice 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 of the arbitration agreement or award 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 residence or business of the applicant (called in this Rule the creditor) and the person against whom it is sought to enforce the award (called in this Rule 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.

(3) An order giving permission must be drawn up by or on behalf of the creditor and must be served on the debtor by delivering a copy to

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the debtor personally or by sending a copy to the debtor at the debtor's usual or last known place of residence or business or in such other manner as the Court may direct.

(4) Service of the order out of Singapore is permissible without permission, and Order 8, Rules 2, 3, 7 and 8 apply in relation to such an order.

(5) Within 14 days after service of the order or, if the order is to be served out of Singapore, within such other period as the Court may fix, the debtor may apply to set aside the order, and the award must 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.

(6) The copy of that order served on the debtor must state the effect of paragraph (5).

(7) In relation to a body corporate, this Rule has 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; so, however, that nothing in this Rule affects any enactment which provides for the manner in which a document may be served on a body corporate.

### **Order to attend court and order to produce documents (O. 48, r. 7)**

7. Order 15, Rule 4 applies in relation to the issue of an order to attend court and order to produce documents under section 13 as it applies in relation to proceedings in the Court.

### **Taking of evidence (O. 48, r. 8)**

8. Order 9, Rule 24 applies 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 49

LAND TITLES (STRATA) ACT —  
COLLECTIVE SALE APPLICATIONS**Definitions of this Order (O. 49, r. 1)**

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

“Act” means the Land Titles (Strata) Act, and any reference to a section is a reference to a section in the Act;

“application” means an application to the General Division under one of the following provisions of the Act after the issue of a stop order by a Board:

- (a) under section 84A(1) for an order for the sale of all the lots and common property in a strata title plan;
- (b) under section 84D(2) for an order for the sale of all the flats and the land in a development to which section 84D applies;
- (c) under section 84E(3) for an order for the sale of all the flats and the land in a development to which section 84E applies;
- (d) under section 84FA(2) for an order for the sale of all the lots and common property in a strata title plan to which section 84FA applies;

“Board” means a Strata Titles Board constituted under the Building Maintenance and Strata Management Act;

“stop order” means a stop order issued by a Board under section 84A(6A)(b), 84D(4A)(b), 84E(6A)(b) or 84FA(5A)(b).

**Commencement of proceedings (O. 49, r. 2)**

2.—(1) Every application must be made by originating application within the time limited by section 84A(2B), 84D(2B), 84E(3B) or 84FA(2B), whichever is applicable.

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(2) An originating application that is an application under section 84A(1) or 84FA(2) must name as the defendant or defendants in the originating application —

(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), as the case may be; and

(ii) who, within the time allowed under section 84A(4) or 84FA(4) (as the case may be), filed an objection under that provision 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) (as the case may be), filed an objection under that provision to an application to a Board relating to the same proposed sale.

(3) An originating application that is an application under section 84D(2) must name as the defendant or defendants in the originating application —

(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); and



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- (ii) who, within the time allowed under section 84D(3), filed an objection under that provision 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), filed an objection under that provision to an application to a Board relating to the same proposed sale.
  - (4) An originating application that is an application under section 84E(3) must name as the defendant or defendants in the originating application —
    - (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); and
      - (ii) who, within the time allowed under section 84E(5), filed an objection under that provision 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), filed an objection under that provision to an

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application to a Board relating to the same proposed sale.

(5) Order 6, Rules 11 to 14, Order 9 and Order 15, Rule 7, unless expressly modified in this Order, apply to every originating application under this Rule.

### **Service of summons (O. 49, r. 3)**

3. The originating application, together with such supporting affidavit or affidavits, must be served on every defendant.

### **Supporting affidavits (O. 49, r. 4)**

4.—(1) Where the claimants intend to adduce evidence in support of an originating application 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 14 days after the service of the originating application 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) 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) —
  - (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,

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- 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);
  - (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) —

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- (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 (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 proprietor referred to in section 84D(2) or 84E(3);

- (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 application 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 is to be received in evidence without the permission of the General Division.

#### **Objections (O. 49, 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 application served on the defendant and wishes to adduce evidence with reference to the originating application, the defendant must do so by affidavit, and the affidavit or affidavits must be filed and a copy of the affidavit or affidavits must be served on the claimants not later than 21 days after the defendant is served with a copy of the affidavit or affidavits by the claimants under Rule 4(1).

(2) No further affidavit is to be received in evidence without the permission of the General Division.

#### **Dispute as to jurisdiction (O. 49, r. 6)**

6.—(1) A defendant who wishes to dispute the jurisdiction of the General Division in the proceedings by reason of —

- (a) any irregularity in the originating application or service of the originating application;
- (b) any irregularity in any order giving permission to serve the originating application out of Singapore or extending the

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validity of the originating application for the purpose of service; or

(c) any other ground,

must within 21 days after service of the originating application and supporting affidavit or affidavits on the defendant under Rule 4(1) apply to the General Division for any of the reliefs in paragraph (2).

(2) The reliefs mentioned in paragraph (1) are —

(a) an order setting aside the originating application or service of the originating application on the defendant;

(b) an order declaring that the originating application has not been duly served on the defendant;

(c) the discharge of any order giving permission to serve the originating application on the defendant out of Singapore;

(d) the discharge of any order extending the validity of the originating application 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.

(3) 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.

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

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**Directions (O. 49, r. 7)**

7. Without limiting Order 9, at the first case conference in respect of an originating application to which this Order relates, the Court may by order give such directions as to the proceedings to be taken as the Court thinks fit, including directions for the publication of notices.

**ORDER 50****LIMITED LIABILITY PARTNERSHIPS ACT****Definition of this Order (O. 50, r. 1)**

1. In this Order, “Act” means the Limited Liability Partnerships Act, and any reference to a section is a reference to a section in the Act.

**Application of Order 56 (O. 50, r. 2)**

2. Order 56 does not apply to a limited liability partnership registered under the Act.

**Applications to Court (O. 50, r. 3)**

3.—(1) Unless otherwise provided in the Act or this Order, every application under the Act must be made by originating application and these Rules apply subject to this Order.

(2) In the case of a winding up originating application 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 originating claim and may, in particular, order that —

- (a) pleadings be delivered or that the originating application or any affidavits stand as pleadings, with or without liberty to any of the parties to add to them or to apply for particulars of the pleadings;
- (b) any persons be added as parties to the proceedings; and
- (c) Order 9 applies with the necessary modifications to the proceedings.

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**Title of proceedings (O. 50, r. 4)**

4.—(1) Every originating application 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 application by which an application for permission under section 36 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.

**Directions (O. 50, r. 5)**

5. Without limiting Order 9, at the first case conference in respect of an originating application to which this Order relates, the Court may by order give such direction as to the proceedings to be taken as the Court thinks fit.

**ORDER 51****MONEYLENDERS' ACTIONS****Application and definitions of this Order (O. 51, 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 given by section 2 of the Moneylenders Act;

“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 originating claim (O. 51, r. 2)**

2. Before an originating claim 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.



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**Particulars to be included in statement of claim (O. 51, r. 3)**

3. Every statement of claim in a moneylender's action (whether endorsed on the originating claim 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 notice of intention to contest or not contest or defence (O. 51, r. 4)**

4.—(1) In a moneylender's action judgment in default of notice of intention to contest or not contest or in default of defence must not be entered except with the permission of the Court.

(2) An application for the grant of permission under this Rule must be made by summons, and the summons must, unless the Court otherwise orders, be served on the defendant.

(3) If the application is for permission to enter judgment in default of notice of intention to contest or not contest, the summons must not be issued until after the time limited for filing and serving the notice of intention to contest or not contest.

(4) On the hearing of such an application, whether the defendant appears or not, the Court —

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- (a) may exercise the powers of the Court under section 23 of the Moneylenders Act; or
  - (b) where the Court refuses permission 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 the Court might have made or given or directions as the Court might have made or given had the application been an application under Order 9, Rule 17(1) for judgment on the claim.

**Particulars to be included in originating application  
(O. 51, r. 5)**

5. Where a moneylender's action is begun by originating application, the supporting affidavit must contain a statement of the matters specified in Rules 2 and 3.

ORDER 52

MORTGAGE ACTIONS

**Application and definition of this Order (O. 52, r. 1)**

1.—(1) This Order applies to any action (whether begun by originating claim or originating application) 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;

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(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 are to 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. 52, r. 2)**

2.—(1) In a mortgage action begun by originating application, being an action in which the claimant is the mortgagee and claims delivery of possession or payments of moneys secured by the mortgage or both, the following provisions of this Rule apply.

(2) Where the claimant 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 claimant intends at the hearing to apply for an order to the defendant to deliver up to the claimant possession of the mortgaged property and for such other relief (if any) claimed by the originating application as the claimant intends to apply for at the hearing.

(3) Where the hearing is adjourned and the defendant was absent from the hearing, then, subject to any directions given by the Court, the claimant 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 at least 2 clear days before the day fixed for the hearing.

(4) A copy of any affidavit served under paragraph (3) must be endorsed in accordance with paragraph (2).

(5) Service under paragraph (3) 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 claimant, if the claimant sues in person, and otherwise by the claimant’s solicitor.

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**Action for possession or payment (O. 52, r. 3)**

**3.—**(1) The supporting affidavit of the originating application by which an action to which this Rule applies is begun must comply with the following provisions of this Rule.

(2) This Rule applies to a mortgage action begun by originating application in which the claimant is the mortgagee and claims delivery of possession or payment of moneys secured by the mortgage or both.

(3) The affidavit must exhibit a true copy of the mortgage.

(4) Where the claimant 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 application and at the date of the affidavit; and

(b) the amount remaining due under the mortgage.

(5) Where the claimant claims delivery of possession, the affidavit must give particulars of every person who to the best of the claimant's knowledge is in possession of the mortgaged property.

(6) 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.

(7) Where the claimant 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 (4).

**Action by originating claim: Judgment in default (O. 52, r. 4)**

**4.—**(1) Despite anything in Order 6, Rules 6(5) and 7(7), in a mortgage action begun by originating claim, judgment in default of notice of intention to contest or not contest or in default of defence must not be entered except with the permission of the Court.

(2) An application for the grant of permission under this Rule must be made by summons and the summons must, unless the Court otherwise orders, be served on the defendant at least 4 clear days before the hearing of the summons.

(3) Where a summons for permission under this Rule is issued, Rule 2(2), (3), (4) and (5) applies in relation to the action subject to the modification that for references in those provisions to the originating application, there are to be substituted references to the summons.

(4) Where a summons for permission under this Rule is issued in an action to which Rule 3 would apply had the action been begun by originating application, the affidavit in support of the summons must contain the information required by that Rule.

### **Foreclosure in redemption action (O. 52, r. 5)**

5. Where foreclosure has taken place by reason of the failure of the claimant 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 the defendant of possession of the mortgaged property, and the Court may make such order on the application as the Court thinks fit.

## **ORDER 53**

### **MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT**

### **Interpretation and mode of application (O. 53, r. 1)**

1.—(1) In this Order, “Act” means the Mutual Assistance in Criminal Matters Act and —

- (a) any reference to a section is a reference to a section in the Act; and
- (b) any reference to the Third Schedule is a reference to the Third Schedule to 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 application.

### **Production orders (O. 53, r. 2)**

2.—(1) An application for an order under section 22 must be supported by affidavit and may be made without notice.

(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, the person must 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. 53, r. 3)**

3. Despite Order 26, Rule 3, 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 permission of the Court.

### **Application for registration (O. 53, r. 4)**

4. An application for registration of a foreign confiscation order under section 30(1) may be made without notice.

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**Evidence in support of application under section 30 (O. 53, 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 of the order within the meaning of section 31(2) and, where the order is not in English, a duly translated copy of the order 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 that person received notice thereof in sufficient time to enable that person 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. 53, r. 6)**

6.—(1) The Registrar must keep a register of the orders registered under the Act.

- (2) There must 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 enforcement order issued to enforce such an order.

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**Notice of registration (O. 53, 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 Singapore is permissible without permission, and Order 8, Rules 2, 3, 7 and 8 apply in relation to such a notice as they apply in relation to an originating claim.

(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. 53, r. 8)**

8. An application to cancel the registration of an order must be supported by affidavit.

**Enforcement of foreign confiscation order (O. 53, r. 9)**

9.—(1) A foreign confiscation order registered under section 30(2) must 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 must not be enforced until after such application is determined.

**Rules to have effect subject to orders (O. 53, r. 10)**

10. Rules 4 to 9 have effect subject to the provisions of any order made under section 17.

**Application for restraint order or charging order (O. 53, 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



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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 the deponent's 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.

(2) The originating 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) 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. 53, 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) is not 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 without notice has effect until a day which is fixed for the hearing with notice 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 —

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- (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 the Accountant-General or a company, as is appropriate.

### **Discharge or variation of order (O. 53, 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.

(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 the defendant is not the applicant,
- at least 7 clear days before the date fixed for the hearing of the application.

### **Further application (O. 53, 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 application without notice —

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- (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.
- (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 the deponent's 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,
- at least 7 clear days before the date fixed for the hearing of the application.
- (5) Rule 12(3) and (4) 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. 53, 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,
- at least 7 clear days before the date fixed for the hearing of the application.
- (2) The supporting affidavit must contain full particulars of the realisable property to which it relates and specify the person or

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persons holding such property, as the deponent is, to the best of the deponent's knowledge, able to provide.

(3) A copy of the foreign confiscation order, and of any charging order made in the matter, must be exhibited to such affidavit.

(4) 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.

### **Receivers (O. 53, r. 16)**

**16.—**(1) Subject to this Rule, Order 13, Rule 9 applies where the Public Trustee is appointed as receiver in pursuance of a charging order or under paragraph 7 or 10 of the Third Schedule.

(2) It is not 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 the hands of the Public Trustee, 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,

at least 7 clear days before the date fixed for the hearing of the application.

### **Restraint orders for instrumentality forfeiture orders (O. 53, 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 without notice.

(2) The application must be supported by an affidavit which must —

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- (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 the deponent's 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.
- (3) 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.
- (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 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.

### **Disposal of forfeited property (O. 53, 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 at least 7 clear days before the date fixed for the hearing of the application.

(2) 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 the deponent's knowledge, able to provide.

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(3) A copy of the instrumentality forfeiture order must be exhibited to such affidavit.

### **Compensation (O. 53, 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,

at least 7 clear days before the date fixed for the hearing of the application.

### **Application for search warrant (O. 53, r. 20)**

**20.** An application under section 34 for a warrant in Form 79 must be supported by affidavit and may be made without notice.

### **Service of foreign process (O. 53, 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 chairperson, 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) must make an affidavit of service or attempted service, which —

- (a) describes when, where and how the authorised officer or process server (as the case may be) 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 must 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) must be in Form 80.

(6) The statement referred to in section 38(3)(b)(ii) must be in Form 81.

## ORDER 54

### OATHS AND DECLARATIONS ACT

#### **Application and definition of this Order (O. 54, r. 1)**

1.—(1) This Order is made pursuant to section 7 of the Oaths and Declarations Act (called in this Order the Act), and applies in every instance when an oath or affirmation is taken or made, and administered, despite anything in Order 1, Rule 2.

(2) In Rules 2, 3 and 4, “officer” means any person duly authorised to administer oaths and affirmations respectively.

#### **Forms and formalities of oaths (O. 54, r. 2)**

2.—(1) Subject to Rule 4, any oath under the Act must be taken and administered in the form and manner prescribed in this Rule.

(2) The person taking the oath may place his or her left hand on the Bible or hold it in any manner as he or she may desire not repugnant to justice or decency and not purporting to affect any third person (unless before taking the oath he or she objects to do so), and must raise his or her right hand and say or repeat after the officer administering the oath the words set out (where applicable) in Form 82 or in any other form as may be prescribed by law.

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(3) The officer must (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. 54, r. 3)**

3.—(1) Subject to Rule 4, any affirmation under the Act must be made and administered in the form and manner prescribed in this Rule.

(2) The person making the affirmation must raise his or her right hand and say or repeat after the officer administering the affirmation the words set out (where applicable) in Form 83 or in any other form as may be prescribed by law.

(3) The officer must (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. 54, 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, etc., in affidavit (O. 54, r. 5)**

5. The form of attestation, and the marking of an exhibit, in any affidavit must state whether the deponent has taken an oath or made an affirmation, as the case may be.



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**ORDER 55****OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.****Jurisdiction of Registrar to make order (O. 55, r. 1)**

1.—(1) Subject to paragraph (2), the power of the General Division or a Judge sitting in the General Division 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. 55, r. 2)**

2.—(1) Subject to paragraph (3) and Rule 3, an application for an order under Rule 1 must be made without notice 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 of that document in that language.

(3) After an application for an order 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. 55, 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 or her to the Registrar with an intimation that effect should be given to

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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 must 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. 55, 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 must be taken in the manner provided by Order 9, Rule 24, and an order may be made under Order 9, Rule 24 for payment of the fees and expenses due to the examiner, and that Rule applies accordingly with the necessary modifications.

#### **Dealing with deposition (O. 55, 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 must —

- (a) give a certificate sealed with the seal of the Supreme Court for use out of the jurisdiction identifying the documents annexed to the certificate, that is to say, the letter of request, certificate, or other document from the court or tribunal out of the jurisdiction requesting the examination,

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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 56

### PARTNERS

#### **Actions by and against firms within jurisdiction (O. 56, 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. 56, r. 2)**

2.—(1) Any defendant to an action brought by partners in the name of a firm may serve on the claimants or their solicitor a notice requiring them or their solicitor forthwith to provide 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 —

- (a) may order in Form 84 the claimants or their solicitor to provide the defendant with such a statement and to verify it on oath or otherwise as may be specified in the order; or
- (b) 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 must continue in the name of the

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firm but with the same consequences as would have ensued if the persons whose names have been so declared had been named as claimants in the originating claim.

(3) Paragraph (1) has 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 following modifications:

- (a) references to the defendant and the claimants are to be read as references to the claimant and the defendants respectively;
- (b) sub-paragraph (b) of that paragraph is omitted.

### **Service of originating claim (O. 56, r. 3)**

3.—(1) Where by virtue of Rule 1 partners are sued in the name of a firm, the originating claim 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 Singapore, on any person having at the time of service the control or management of the partnership business there,

and where service of the originating claim is effected in accordance with this paragraph, the originating claim is deemed to have been duly served on the firm, whether or not any member of the firm is out of Singapore.

(2) Where a partnership has, to the knowledge of the claimant, been dissolved before an action against the firm is begun, the originating claim by which the action is begun must be served on every person within Singapore sought to be made liable in the action.

(3) Every person on whom an originating claim is served under paragraph (1) must, at the time of service, be given a written notice in Form 85 stating whether that person 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 an originating claim is so served but to whom no such notice is given is deemed to be served as a partner.

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**Filing and service of notice of intention to contest or not contest in action against firm (O. 56, r. 4)**

4.—(1) Where persons are sued as partners in the name of their firm, notice of intention to contest or not contest may not be filed and served in the name of the firm but only by the partners of the firm in their own names, but the action must nevertheless continue in the name of the firm.

(2) Subject to paragraph (3), where, in an action against a firm, the originating claim by which the action is begun is served on a person as a partner, but who denies that that person was a partner or liable as such at any material time, that person may file and serve a notice of intention to contest or not contest and state in the notice that that person does so as a person served as a partner in the defendant firm but who denies that that person was a partner at any material time.

(3) A notice filed and served in accordance with paragraph (2) is, until it is set aside, to be treated as a notice of intention to contest or not contest for the defendant firm.

(4) Where a notice has been filed and served for a defendant in accordance with paragraph (2), then —

- (a) the claimant 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 originating claim on the defendant on the ground that the defendant was not a partner or liable as such at a material time, or may at the proper time serve a defence on the claimant denying in respect of the claimant's claim either the defendant's liability as a partner or the liability of the defendant firm or both.

(5) The Court may at any stage of the proceedings in an action in which a defendant has filed and served a notice in accordance with paragraph (2), on the application of the claimant or of that defendant order that any question as to the liability of that defendant or as to the

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liability of the defendant firm be tried in such manner and at such time as the Court directs.

(6) Where, in an action against a firm, the originating claim 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 file and serve a notice of intention to contest or not contest in the action unless that person is a member of the firm sued.

### **Enforcing judgment or order against firm (O. 56, r. 5)**

5.—(1) Where a judgment is given or order made against a firm, an enforcement order to enforce the judgment or order may, subject to Rule 6, be issued against any property of the firm within the jurisdiction.

(2) Where a judgment is given or order made against a firm, an enforcement order to enforce the judgment or order may, subject to Rule 6 and to paragraph (3), be issued against any person who —

- (a) filed and served a notice of intention to contest or not contest in the action as a partner;
- (b) having been served as a partner with the originating claim, failed to file and serve a notice of intention to contest or not contest;
- (c) admitted in that person's pleading that that person is a partner; or
- (d) was adjudged to be a partner.

(3) An enforcement order to enforce a judgment or order given or made against a firm may not be issued against a member of the firm who was out of Singapore when the originating claim was issued, unless that member —

- (a) filed and served a notice of intention to contest or not contest as a partner;
- (b) was served within Singapore with the originating claim as a partner; or

- (c) was, with the permission of the Court given under Order 8, served out of Singapore with the originating claim, as a partner,

and, except as provided by this paragraph and paragraph (1), a judgment or order given or made against a firm does not render liable, release or otherwise affect a member of the firm who was out of Singapore when the originating claim 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 permission to apply for an enforcement order 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 that person's liability, the Court hearing the application may, subject to paragraph (3), give permission to apply for an enforcement order against that person.

(6) Where the person against whom an application under paragraph (4) is made disputes that person's 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 56, r. 6)**

6.—(1) An enforcement order 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,

must not be issued except with the permission 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. 56, r. 7)**

7.—(1) An order may be made under Order 22, Rule 2 in relation to debts due whether immediately or at some future date or at certain intervals in the future from a firm carrying on business within the jurisdiction, even though one or more members of the firm is resident out of the jurisdiction.

(2) A notice of attachment under Order 22, Rule 6 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 Order 22, Rule 2 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 application (O. 56, r. 8)**

8. Rules 2 to 7 apply, with the necessary modifications, in relation to an action by or against partners in the name of their firm begun by originating application, as they apply in relation to such an action begun by originating claim.

### **Application to person carrying on business in another name (O. 56, r. 9)**

9. An individual carrying on business within the jurisdiction in a name or style other than his or her own name may be sued in that name or style as if it were the name of a firm, and Rules 2 to 8, so far as applicable, apply as if he or she were a partner and the name in which he or she carries on business were the name of his or her firm.

### **Applications for orders charging partner's interest in property, etc. (O. 56, 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, and every



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application to the Court by a partner of the judgment debtor made in consequence of the firstmentioned application, must be made by summons.

(2) The Registrar may exercise the powers conferred on a Judge by section 23 of the Partnership Act.

(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 the judgment debtor's partners as are within Singapore.

(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 Singapore.

(5) A summons or an order served in accordance with this Rule on some only of the partners of a partnership is deemed to have been served on all the partners of that partnership.

## ORDER 57

### PERSONAL DATA PROTECTION ACT 2012

#### **Definitions of this Order (O. 57, r. 1)**

1. In this Order —

“Act” means the Personal Data Protection Act 2012, and any reference to a section is a reference to a section in the Act;

“Appeal Committee” means a Data Protection Appeal Committee nominated under section 48P(4);

“Commission” means the Personal Data Protection Commission established by section 5.

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**Powers under section 48M exercisable by Judge or Registrar (O. 57, r. 2)**

2.—(1) Subject to paragraph (2), the powers conferred on the District Court by section 48M may be exercised by a District Judge in chambers or the Registrar.

(2) The powers conferred on the District Court by section 48M(4) may only be exercised by a District Judge.

**Application to register Commission’s Direction or Notice or Appeal Committee’s Decision (O. 57, r. 3)**

3. An application to register in the District Court —

- (a) any direction made by the Commission under section 48H(2), 48I or 48L(4), including any direction varied by the Commission under section 48N(6)(b)(i) (called in this Order a Direction);
- (b) any written notice by the Commission (called in this Order a Notice) for the payment of any sum comprising —
  - (i) a financial penalty imposed under section 48J(1), including a financial penalty varied by the Commission under section 48N(6)(b)(ii); and
  - (ii) any interest payable under section 48K(10) on that financial penalty; or
- (c) any direction or decision made by an Appeal Committee under section 48Q(5) (called in this Order a Decision),

must be made by originating application without notice.

**Evidence in support of application to register (O. 57, r. 4)**

4.—(1) An application under section 48M to register in the District Court a Direction, Notice or Decision must be supported by an affidavit —

- (a) exhibiting the Direction, Notice or Decision sought to be registered or a verified or certified or otherwise duly authenticated copy of the Direction, Notice or Decision;

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- (b) stating that the Commission is the party seeking to register the Direction, Notice or Decision;
  - (c) stating the name and the usual or last known place of business or residence of the party against whom the Direction, Notice 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, Notice or Decision;
    - (ii) as at the date of the application —
      - (A) the Direction, Notice or Decision has not been appealed against and the time allowed for appealing has expired; or
      - (B) all appeals against the Direction, Notice or Decision under section 48Q(1)(a) or (b) or section 48R(1) or (4) have been finally disposed of and no further appeal is feasible;
    - (iii) as at the date of the application, the Direction, Notice 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 or Notice must state that at the date of the application —
- (a) there has been no application made under section 48N(1) to the Commission to reconsider the Direction or Notice and the time allowed to apply for reconsideration has expired; or
  - (b) all applications made under section 48N(1) to the Commission to reconsider the Direction or Notice have been finally disposed of and —

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- (i) the decision of the Commission made under section 48N(6)(b) upon reconsideration of the Direction or Notice 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 48N(6)(b) upon reconsideration of the Direction or Notice have been finally disposed of and the time allowed for making a further appeal (where applicable) under section 48Q(1)(c) or section 48R(1) or (4) has expired.

### **Order for registration (O. 57, r. 5)**

5.—(1) An order in Form 86 to register a Direction, Notice or Decision must be drawn up by, or on behalf of, the Commission and served on the party against whom the Direction, Notice or Decision has been made.

(2) Unless the Court otherwise directs, every order registering a Direction, Notice or Decision must state the period within which an application may be made to set aside the registration of the Direction, Notice or Decision, and must contain a notification that an enforcement order to enforce the Direction, Notice or Decision will not be issued until after the expiry of that period.

(3) Any application to extend the period to set aside the registration of the Direction, Notice 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 the Court thinks fit.

### **Register of Directions, Notices and Decisions (O. 57, r. 6)**

6. There must be kept in the Registry a register of all the Directions, Notices and Decisions registered under this Order.

### **Notice of registration (O. 57, r. 7)**

7.—(1) Notice of the registration of a Direction, Notice or Decision must be served on the party against whom the Direction, Notice or

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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 Singapore is permissible without permission, and Order 8, Rules 2, 3, 7 and 8 apply in relation to such a notice as they apply in relation to an originating claim.

(3) The notice of registration must state —

- (a) full particulars of the Direction, Notice or Decision registered and the order for registration;
- (b) the name and address of the party seeking to enforce the Direction, Notice or Decision or of the party's solicitor on whom, and at which, any summons issued by the party against whom the Direction, Notice or Decision (as the case may be) has been made may be served;
- (c) that the party against whom the Direction, Notice 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.

### **Endorsement of service (O. 57, 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 of the notice 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, Notice or Decision to which the notice relates may not apply for an enforcement order to enforce the Direction, Notice or Decision without the permission 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.

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**Application to set aside registration (O. 57, r. 9)**

9.—(1) An application to set aside the registration of a Direction, Notice 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, Notice or Decision is made; or
- (b) the complainant referred to in section 48H(1) upon whose application a Direction, Notice or Decision is made and the party against whom the Direction, Notice 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, Notice or Decision may order the registration of the Direction, Notice or Decision to be set aside on such terms as the Court thinks fit.

**Issue of enforcement order (O. 57, 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, Notice or Decision, an enforcement order must not be issued to enforce the Direction, Notice 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, Notice or Decision, an enforcement order to enforce the Direction, Notice or Decision must not be issued until after such application is disposed of.

(3) Any party wishing to apply for an enforcement order to enforce a Direction, Notice or Decision registered in accordance with this Order must produce to the Court an affidavit of service of the notice of registration of the Direction, Notice or Decision and any order made by the Court in relation to the Direction, Notice or Decision.

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**Application for enforcement order under section 48M(4)  
(O. 57, r. 11)**

**11.**—(1) An application for any order specified in section 48M(4) in relation to any Direction, Notice 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, Notice or Decision; and
- (b) does not constitute an application for an enforcement order to enforce that Direction, Notice 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 without notice.

(3) The affidavit must 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.

**Notice to Commission of claim for relief in civil proceedings  
under section 48O(1) (O. 57, r. 12)**

**12.** Where any claim is made for relief in civil proceedings under section 48O(1), the claimant in those proceedings must serve a copy of the originating claim or originating application to the Commission not later than 14 days after service of the originating claim or originating application on the defendant.

**Transmission to Commission of judgment or order of Court  
under section 48O (O. 57, r. 13)**

**13.** Any person who is granted any judgment or order by a Court pursuant to section 48O must transmit a copy of the judgment or order to the Commission within 3 days after the date of the judgment or order.

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**ORDER 58****PROCEEDINGS ARISING OUT OF  
HIRE-PURCHASE AGREEMENTS****Application (O. 58, r. 1)**

1. These Rules apply to proceedings under the Hire-Purchase Act subject to the following Rules.

**Mode of application under Hire-Purchase Act (O. 58, r. 2)**

2. An application under section 5(3), 10, 32, 43 or 44 of the Hire-Purchase Act must be made by originating application supported by an affidavit stating the grounds of the application.

**Particulars to be included in statement of claim (O. 58, r. 3)**

3. Where the claimant's claim is for the recovery of money arising out of a hire-purchase agreement, the claimant must, in the claimant's statement of claim, give the following particulars:

- (a) the date of the agreement and the parties to the agreement;
- (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;
- (f) the amount of any other claim and the circumstances in which it arises.

**ORDER 59****PROCEEDINGS BY AND AGAINST GOVERNMENT****Application and definitions of this Order (O. 59, r. 1)**

1.—(1) These Rules apply to civil proceedings to which the Government is a party subject to the following Rules.



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(2) In this Order —

“Act” means the Government Proceedings Act and any reference to a section is a reference to a section in the Act;

“civil proceedings by the Government”, “civil proceedings against the Government” and “civil proceedings by or against the Government” have the meanings given by Part III of the Act;

“civil proceedings to which the Government is a party” has the same meaning as it has for the purposes of Part V of the Act, by virtue of section 2(3);

“order” includes a judgment, decree, rule, award or declaration;

“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.

### **Particulars to be included in endorsement of claim (O. 59, r. 2)**

2.—(1) In the case of an originating claim which begins civil proceedings against the Government the endorsement of claim required by Order 6, Rule 5 must 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 originating claim does not contain a sufficient statement as required by this Rule, the defendant may, before the expiration of the time limited for filing and serving a notice of intention to contest or not contest, apply to the claimant 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 filing and serving a notice of intention to contest or not contest does not expire until —

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- (a) 4 days after the defendant has notified the claimant in writing that the defendant is satisfied with the statement supplied in compliance with the notice; or
  - (b) 4 days after the Court has, on the application of the claimant by summons served on the defendant at least 14 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. 59, r. 3)**

3.—(1) Order 7, Order 8 and any other provision of these Rules relating to service out of Singapore do 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 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 in accordance with section 20 to be served 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 7, Rule 3 does not apply, and Order 7, Rule 8 applies to service under paragraph (2) of this Rule.

### **Counterclaim and set-off (O. 59, r. 4)**

4.—(1) Despite Order 6, Rules 8 and 14, a person may not in any proceedings by the Government make any counterclaim or plead a

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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) Despite Order 6, Rules 8 and 14, no counterclaim may be made, or set-off pleaded, without the permission 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 permission under this Rule must be made by summons.

### **Summary judgment (O. 59, r. 5)**

5.—(1) No application against the Government may be made —

- (a) under Order 9, Rule 17 or 19, in any proceedings against the Government; or
- (b) under Order 9, Rule 17(11) or 19, in any proceedings by the Government.

(2) Where an application is made by the Government under Order 9, Rule 17(1) or (11) or 19, 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. 59, r. 6)**

6.—(1) This Rule applies to applications under section 21.

(2) An application to which this Rule applies must be made by originating application.

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(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 application 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 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 or she has reason to think that those facts exist is 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 must, unless the Court otherwise determines, name a time within which each of its terms is to be complied with.

(7) Nothing in this Rule, in relation to any case in which the only relief claimed by the Government is the payment of money, is to 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. 59, r. 7)**

7.—(1) Except with the permission of the Court, no judgment in default of notice of intention to contest or not contest or of pleading may be entered against the Government in civil proceedings against

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the Government or in third party proceedings against the Government.

(2) Except with the permission of the Court, Order 10, Rule 5(1)(a) does not apply in the case of third party proceedings against the Government.

(3) An application for permission under this Rule must be made by summons, and the summons must be served at least 14 days before the return day.

### **Third party notice (O. 59, r. 8)**

**8.—**(1) Despite anything in Order 10, a third party notice (including a notice issuable by virtue of Order 10, Rule 9) for service on the Government must not be issued without the permission of the Court, and the application for the grant of such permission must be made by summons, and the summons must be served on the claimant and the Government.

(2) Permission to issue such a notice for service on the Government must 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.

### **Production (O. 59, r. 9)**

**9.—**(1) 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) is to 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.

(2) Where in any such proceedings an order of the Court directs that a list of documents made in answer to an order for production against the Government must be verified by affidavit, the affidavit must be made by such officer of the Government as the Court may direct.

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**Evidence (O. 59, r. 10)**

**10.** To avoid doubt, it is 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.

**Enforcement and satisfaction of orders (O. 59, r. 11)**

**11.—(1)** Nothing in Order 22, Order 23 and Order 13, Rule 9 apply in respect of any order against the Government.

(2) An application under the proviso to section 31(1) for a direction that a separate certificate is to 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 summons without notice.

(3) Any such certificate must be in Form 87.

**Attachment of debts, etc. (O. 59, r. 12)**

**12.—(1)** No order —

(a) for the attachment of debts under Order 22; or

(b) for the appointment of a receiver under Order 13, Rule 9, may 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), restraining any person from receiving money payable to that person 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 that person's 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 22, Rule 10 applies in relation to an application mentioned in paragraph (2) for an order restraining a person from receiving money payable to that person by the Government as that Rule applies to an application under Order 22, Rule 2 for an order for

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the attachment of a debt owing to any person from a non-party, except that the Court does not have power to order an enforcement order to be issued against the Government.

### **Applications under sections 19 and 35 (O. 59, r. 13)**

**13.—**(1) Every application to the Court under section 19(4) must be made by summons.

(2) An application such as is referred to in section 35(2), may be made by summons to the Court at any time before trial or may be made at the trial of the proceedings.

## **ORDER 60**

### **RECIPROCAL ENFORCEMENT OF JUDGMENTS**

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

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

*[S 91/2023 wef 01/03/2023]*

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

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

*[S 91/2023 wef 01/03/2023]*

#### **Application for registration (O. 60, r. 2)**

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

*[S 91/2023 wef 01/03/2023]*

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

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

- (a) exhibiting the judgment or a verified or certified or otherwise duly authenticated copy of the judgment, and,

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where the judgment is not in the English language, a translation of the judgment in that language certified by a notary public or authenticated by affidavit;

- (b) stating the names, trades or businesses and the usual or last known places of residence or business of the judgment creditor and the judgment debtor, so far as known to the deponent;
- (c) stating to the best of the information or belief of the deponent —
  - (i) that the judgment creditor is entitled to enforce the judgment;
  - (ii) as the case may require, either that at the date of the application the judgment has not been satisfied, or the amount in respect of which it remains unsatisfied; and
  - (iii) that at the date of the application, the judgment can be enforced by the issuance of an enforcement order in the country of the original court and that no grounds exist for which its registration may or must be set aside under section 5; and
- (d) specifying the amount of the interest (if any) which by the law of the country of the original court has become due under the judgment up to the time of registration.

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

(3) The affidavit must be accompanied by such other evidence with respect to the enforceability of the judgment by the issuance of an enforcement order in the country of the original court, and of the law of that country under which any interest has become due under the



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judgment, as may be required having regard to the provisions of the Order under the Act extending that Act to that country.

*[S 91/2023 wef 01/03/2023]*

#### **Security for costs (O. 60, r. 4)**

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

*[S 91/2023 wef 01/03/2023]*

#### **Order for registration (O. 60, r. 5)**

5.—(1) An order in Form 88 giving permission 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 must state the period within which an application may be made to set aside the registration and must contain a notification that an enforcement order to enforce the judgment will not be issued 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. 60, r. 6)**

6.—(1) There must be kept in the Registry a register of the judgments ordered to be registered under the Act.

*[S 91/2023 wef 01/03/2023]*

(2) There must be included in such register particulars of any enforcement order issued to enforce a judgment ordered to be so registered.

#### **Notice of registration (O. 60, 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 Singapore is permissible without permission, and Order 8, Rules 2, 3, 7 and 8 apply in relation to such a notice as they apply in relation to an originating claim.

(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 the judgment creditor's 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. 60, 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 of the notice 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 abovementioned period, the judgment creditor may not apply for an enforcement order to enforce the judgment to which the notice relates without the permission 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. 60, 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) [*Deleted by S 91/2023 wef 01/03/2023*]

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**Issuance of enforcement order (O. 60, r. 10)**

**10.**—(1) An enforcement order must not be issued to enforce a judgment registered under the 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.

*[S 91/2023 wef 01/03/2023]*

(2) If an application is made to set aside the registration of a judgment, an enforcement order to enforce the judgment must not be issued until after such application is finally determined.

(3) Any party wishing to apply for an enforcement order to enforce a judgment registered under the Act must produce to the Court an affidavit of service of the notice of registration of the judgment and any order made by the Court in relation to the judgment.

*[S 91/2023 wef 01/03/2023]*

**Determination of certain questions (O. 60, r. 11)**

**11.** If, in any case under the Act, any question arises whether a foreign judgment can be enforced by the issuance of an enforcement order 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 must be determined in accordance with the provisions in that behalf contained in the Order extending that Act to that country.

*[S 91/2023 wef 01/03/2023]*

**Rules to have effect subject to orders of President (O. 60, r. 12)**

**12.** Rules 1 to 11 are, in relation to any judgment registered or sought to be registered under the Act, to 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.

*[S 91/2023 wef 01/03/2023]*

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

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

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

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

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

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

*[S 91/2023 wef 01/03/2023]*

## ORDER 61

### SECURITIES AND FUTURES ACT — CIVIL LIABILITY ACTIONS

#### **Definitions and application of this Order (O. 61, r. 1)**

##### **1.—(1) In this Order —**

“Act” means the Securities and Futures Act, and any reference to a section is a reference to a section in the Act;

“claimant” —

- (a) in relation to a proceeding under section 234, 235 or 236, has the meaning given by section 234(1);
- (b) in relation to a proceeding under section 236D, has the meaning given by section 236D(1);

- (c) in relation to a proceeding under section 236G, has the meaning given by section 236G(1);
- (d) in relation to a proceeding under section 236I, has the meaning given by section 236I(1); and
- (e) in relation to a proceeding under section 236K, has the meaning given by section 236K(3);

“contravening person” —

- (a) in relation to a proceeding under section 234, 235 or 236, has the meaning given by section 234(1);
- (b) in relation to a proceeding under section 236D, has the meaning given by section 236B(1) or 236C(1), as the case may be;
- (c) in relation to a proceeding under section 236G, has the meaning given by section 236E(1) or 236F(1), as the case may be;
- (d) in relation to a proceeding under section 236I, has the meaning given by section 236H(1);
- (e) in relation to a proceeding under section 236J, has the meaning given by 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 meaning given by section 236B(1), 236C(1), 236E(1), 236F(1) or 236H(1), as the case may be;

“defendant corporation” has the meaning given by 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 meaning given by section 236A.

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(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. 61, r. 2)**

2.—(1) An action under section 234, 236D, 236G or 236I must be commenced by originating claim.

(2) Every application for permission 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) must be made by originating application, naming as the defendant in the originating application the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be.

(3) Unless expressly modified in this Rule, Order 6, Rules 11 to 14, Order 9 and Order 15, Rule 7 apply to every originating application under this Rule.

(4) The application under paragraph (2) must 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) must 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) An application for permission 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) must be made by summons in the stayed action and supported by an affidavit stating the grounds of the application.

(7) The application and supporting affidavit must 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. 61, 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) must 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) must be made by originating application.

(4) Unless expressly modified in this Rule, Order 6, Rules 11 to 14, Order 9 and Order 15, Rule 7 apply to every originating application under this Rule.



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(5) 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.

(6) Every application must be advertised in Form 91 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.

(7) The advertisement must state the day on which the application was filed and the name and address of the applicant and of the applicant's solicitor.

(8) If the claimant making the application or the claimant's solicitor does not comply with paragraph (5), (6) or (7), the appointment of the time and place at which the application is to be heard must be cancelled by the Court and the application is deemed dismissed, unless the Court otherwise directs.

#### **Proof of claim under section 236 or 236K (O. 61, 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) (each called in this Rule the subject) under section 236 or 236K in respect of the same contravention for which the subject 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 the subject, must state the claimant's claim by filing an affidavit in accordance with paragraph (2).

(2) The affidavit must 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;

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- (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 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 must serve on the subject a copy of the affidavit within 3 days of the filing of the same.

**Powers of Court hearing application (O. 61, r. 5)**

5.—(1) Without limiting Order 6, Rules 11 to 14, Order 9 and Order 15, Rule 7, 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 the Court thinks best adapted to secure the just, expeditious and economical disposal of the proceedings, including directions or orders —

- (a) for the filing of such further affidavit as the Court considers necessary;
- (b) on the manner in which proceedings are to 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(6) in the manner required by the Court;
- (f) for the substitution of the claimant making the application with another claimant; or

(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 the Court 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 the claimant, 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. 61, r. 6)**

6. Subject to Rules 1 to 5, the Court may, in or for the purposes of any proceedings in this Order, make such order as to costs or any other matter as the Court thinks just.

#### **Trial of issue stated (O. 61, r. 7)**

7.—(1) Order 15 applies, with the 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 62

SECURITIES AND FUTURES ACT —  
CIVIL PENALTY ACTIONS**Definitions and application of this Order (O. 62, r. 1)**

1.—(1) In this Order —

“Act” means the Securities and Futures Act, and any reference to a section is a reference to a section in the Act;

“Authority” means the Monetary Authority of Singapore established by section 3 of the Monetary Authority of Singapore Act;

“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;

“Commercial Affairs Officer” means a Commercial Affairs Officer appointed under section 64 of the Police Force Act;

“contravening person” —

(a) in relation to a proceeding under section 236B(3), has the meaning given by section 236B(1);

(b) in relation to a proceeding under section 236C, has the meaning given by section 236C(1);

(c) in relation to a proceeding under section 236E(3), has the meaning given by section 236E(1);

(d) in relation to a proceeding under section 236F, has the meaning given by section 236F(1); and

(e) in relation to a proceeding under section 236H, has the meaning given by section 236H(1);

“police officer” means a member of the Singapore Police Force who is deployed in the Commercial Affairs Department of that Force.

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(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. 62, r. 2)**

2.—(1) A civil penalty action must be commenced by originating claim.

(2) Order 6, Rules 2, 3 and 5 (other than Rule 5(3) and (4)) apply to a civil penalty action unless modified by this Rule.

(3) The Authority must endorse on the originating claim —

- (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 the defendant is sued;
- (d) the number of days within which a notice of intention to contest or not contest is to be filed and served under Order 6, Rule 6; and
- (e) a statement of claim or, if the statement of claim is not endorsed on the originating claim, 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 is —

- (a) where the Authority sues by a solicitor, the business address of the solicitor endorsed on the originating claim; or
- (b) where the Authority sues in person, the address within the jurisdiction endorsed on the originating claim.

(5) The Authority must, on presenting the originating claim for sealing, file with the Registrar the consent of the Public Prosecutor

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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. 62, r. 3)**

3.—(1) Order 6, Rules 5(5), 7(1), (2), (3), (4), (5) and (6), 8(1) and (2), 9(1) and (2), 10 and Order 9, Rules 9, 13, 14, 15 and 16 apply to the pleadings in a civil penalty action.

(2) The defence of tender does not apply to a civil penalty action.

### **Default of notice of intention to contest or not contest (O. 62, 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 file and serve a notice of intention to contest or not contest, the Authority may, after the time limited for filing and serving the notice and —

- (a) upon filing an affidavit proving due service of the originating claim on the defendant; and
- (b) where the statement of claim was not endorsed on or served with the originating claim, upon serving a statement of claim on the defendant,

apply to the Court for judgment against the defendant; and upon hearing the application the Court must give such judgment as the Authority appears entitled to.

(2) An application under paragraph (1) must 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 file and serve a notice of intention to contest or not contest, the Authority may, after the time limited for filing and serving the notice and —

- (a) upon filing an affidavit proving due service of the originating claim on the defendant; and

- (b) where the statement of claim was not endorsed on or served with the originating claim, upon serving a statement of claim on the defendant,

proceed with the civil penalty action as if the defendant had filed and served a notice of intention to contest or not contest.

(4) Where, by reason of any defendant's satisfying the claim or complying with the demands of the claim 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 file and serve a notice of intention to contest or not contest, the Authority may, after the time limited for filing and serving the notice, enter judgment with the permission of the Court against that defendant for costs.

(5) An application for permission under paragraph (4) must be by summons which must, unless the Court otherwise orders, be served on the defendant against whom it is sought to enter judgment.

(6) Order 3, Rule 2(8)(a), (9) and (10) and Order 6, Rule 6(5) and (6) apply to a civil penalty action.

### **Default of defence (O. 62, 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 must 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) must be by summons.

(4) Order 3, Rule 2(8)(a), (9) and (10) and Order 6, Rules 7(7) and 9(3) apply to a civil penalty action.

### **No joinder of defendants (O. 62, r. 6)**

6. Despite anything in Order 9, Rules 10 and 11 and Order 10, the Authority is not required to make or add any person as a defendant to a civil penalty action.

### **Third party proceedings (O. 62, r. 7)**

7.—(1) Despite anything in Order 10, a third party notice (including a notice issuable by virtue of Order 10, Rule 9) must not be issued without the permission of the Court.

(2) An application for the grant of such permission must be made by summons in Form 22 and the summons must be served on the Authority.

### **Production and inspection of documents (O. 62, r. 8)**

8.—(1) Subject to the provisions of this Rule, Order 11 applies 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 production of documents or produce documents for inspection.

(3) Any order of the Court made under Order 11 is to 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) The Authority may be ordered to give production of or produce for inspection under Order 11 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;



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- (b) any book produced by or seized from any person pursuant to section 163, 163A or 164;
  - (c) any acknowledgment of receipt issued by the Authority for any book referred to in sub-paragraphs (a) and (b);
  - (d) any correspondence between the Authority or its solicitors and the defendant or contravening person, or the agents or solicitors of the defendant or contravening person;
  - (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;
  - (g) 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;
  - (h) any warrant issued in respect of the defendant's or contravening person's premises pursuant to section 164;
  - (i) any written record made pursuant to section 158 of statements made by the defendant or contravening person to the Authority;
  - (j) 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);
  - (k) any other document which the Authority relies on or will rely on in the civil penalty action.

(5) The Authority may also be ordered to give production of or produce for inspection under Order 11 the following documents which are or have been in the Authority's possession, custody or power as a result of being provided to the Authority under section 168C:

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- (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;

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- (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.

(6) The Authority may not be ordered to give production of or produce for inspection under Order 11 any document apart from those listed in paragraphs (4) and (5) unless the Court is of the opinion that there are strong and exceptional grounds to order the Authority to give production of or produce for inspection such document, except that no order may 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;
- (e) any document which is sent by the Authority to the Government or any statutory body, but is not provided by the Authority under section 168B;
- (f) any document which is received by the Authority from the Government or any statutory body, but is not referred to in paragraph (5);
- (g) any correspondence between the Authority and —
  - (i) any overseas regulatory authority;

- (ii) any securities exchange, futures exchange or clearing house; or
- (iii) the complainant.

(7) Nothing in paragraph (6) affects the operation of the Evidence Act.

(8) In this Rule, “book” has the meaning given by section 2(1).

### **Directions (O. 62, r. 9)**

9. Order 9 applies to a civil penalty action.

### **No payment into Court, etc. (O. 62, r. 10)**

10. Order 5 and Order 14 do not apply to a civil penalty action.

### **Orders made under section 137ZD(3) or 232(4) (O. 62, r. 11)**

11. 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 must file the consent of the Public Prosecutor referred to in that provision.

### **Costs (O. 62, r. 12)**

12.—(1) Despite anything in Order 21, no order may 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 in this Order, make such order as to costs as the Court 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;
- or

(b) a State Counsel,

appears as an advocate on behalf of the Authority and costs are awarded to the Authority, such costs 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 must be in accordance with any scale of fees prescribed from time to time to be chargeable by advocates and solicitors and may be assessed in accordance with Order 21.

(5) Costs awarded to the Authority in accordance with this Rule, when recovered, must be paid to the Authority.

### ORDER 63

#### SECURITIES AND FUTURES ACT — ORDER FOR DISGORGEMENT AGAINST THIRD PARTY

#### **Definitions and application of this Order (O. 63, r. 1)**

1.—(1) In this Order —

“Act” means the Securities and Futures Act, and any reference to a section is a reference to a section in the Act;

“Authority” means the Monetary Authority of Singapore established by section 3 of the Monetary Authority of Singapore Act;

“claimant” has the meaning given by section 236L(12);

“order for disgorgement” means an order applied for under section 236L(1);

“third party” has the meaning given by section 236L(1).

(2) These Rules apply to proceedings under section 236L, subject to the following Rules of this Order.

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**Commencement of action under section 236L (O. 63, r. 2)**

2.—(1) An application for an order for disgorgement under section 236L may be made by originating application, naming as the defendant in the originating application the third party.

(2) Unless modified expressly in this Rule, Order 6, Rules 11 to 14, Order 9 and Order 15, Rule 7 apply to the originating application.

(3) The application under paragraph (1) must 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 the applicant's solicitor does not comply with paragraph (4), the application is 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 92, specifying the time and place for the third party to show cause why an order for disgorgement should not be made against the third party.

(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. 63, 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) must 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) must be advertised in Form 93 at least 21 clear days or such longer time as the Court may

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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 must state the day on which the application was filed and the name and address of the applicant for directions and of the applicant's solicitor.

(6) If the applicant for directions or the applicant's 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 is to be cancelled by the Court and the application is deemed dismissed, unless the Court otherwise directs.

#### **Proof of claim under section 236L (O. 63, 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 the claimant's claim by filing an affidavit in accordance with paragraph (2).

(2) The affidavit must 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 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.



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(4) Every claimant must serve on the third party a copy of the affidavit within 3 days of the filing of the same.

**Powers of Court (O. 63, r. 5)**

5.—(1) Without limiting Order 6, Rules 11 to 14, Order 9 and Order 15, Rule 7, 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 the Court thinks best adapted to secure the just, expeditious and economical disposal of the proceedings, including directions or orders —

- (d) for the filing of such further affidavits as the Court considers necessary;
- (e) on the manner in which proceedings are to be instituted against the third party;
- (f) that an issue be stated and tried;
- (g) that the matter be adjourned;
- (h) that further advertisements be made in addition to that required under Rule 3(4) in the manner required by the Court;
- (i) 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
- (j) 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 the Court 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 or her, forever barred from bringing any claim against the third party.

#### **Other powers (O. 63, r. 6)**

6. Subject to Rules 1 to 5, the Court may in or for the purposes of any proceedings in this Order, make such order as to costs or any other matter as the Court thinks just.

#### **Trial of issue stated (O. 63, r. 7)**

7.—(1) Order 15 applies, with the necessary modifications, to the trial of an issue stated under Rule 5(1)(f) 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. 63, r. 8)**

8.—(1) Order 62, Rules 6, 7, 8, 10 and 12 apply, with the necessary modifications, 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 62, 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.

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**ORDER 64****SERVICE OF FOREIGN PROCESS****Definition of this Order (O. 64, r. 1)**

1. In this Order, “process” includes a citation.

**Service of foreign legal process pursuant to letter of request (O. 64, 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 the Minister 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 of the letter in English, 2 copies of the process to be served and 2 copies of the translation of the process in English.

(3) Where the Minister considers that the letter of request does not comply with paragraph (1) or (2), the Minister must inform the requesting court or tribunal of —

- (a) the non-compliance; and
- (b) the provisions that must be complied with before the request may be further considered.

(4) Subject to paragraph (6) and to any written law which provides for the manner in which documents may be served on a body corporate, service of the process must be effected by leaving a copy of it and of the translation with the person to be served.

(5) Service must be effected by the process server.

(6) 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

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the process must be effected by taking such steps as the Court may direct to bring the process to the notice of the person to be served.

(7) 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 must 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 that person 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.

(8) The Registrar must give a certificate in Form 94 —

- (a) identifying the documents annexed to the certificate, 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 (7);
- (b) certifying that the method of service of the process and the proof of service are such as are required by these Rules 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.

(9) The certificate given under paragraph (8) must be sealed with the seal of the Supreme Court for use out of the jurisdiction and must be sent to the Permanent Secretary to the Minister.

### **Alternative mode of service of foreign legal process (O. 64, r. 3)**

**3.—**(1) Subject to Rule 4, 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 applies even though the foreign process is expressed to be or includes a command of the foreign sovereign.

(4) This Rule does not apply where Rule 4A applies or is invoked.  
*[S 780/2023 wef 01/12/2023]*

**Service of foreign legal process, etc., under Civil Procedure Convention (O. 64, r. 4)**

4.—(1) This Rule applies in relation to the service of any process or other court document required in connection with civil proceedings instituted in a court or other tribunal of a foreign country, being a country with which there subsists a Civil Procedure Convention (other than the Hague Service Convention as defined in Order 8, Rule 4A(7)) providing for service in Singapore of process or other court document 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 or other court document sent with the letter is received by the Registrar.

*[S 780/2023 wef 01/12/2023]*

(2) In order that service of the process or other court document may be effected in accordance with this Rule, the letter of request must be accompanied by a copy of a translation of the process or other court document to be served in English.

*[S 780/2023 wef 01/12/2023]*

(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 or other court document must be effected by leaving the original process or other court document or a copy of it, as indicated in the letter of request, and a copy of the translation with the person to be served.

*[S 780/2023 wef 01/12/2023]*

(4) Service must be effected by the process server.

(5) After service of the process or other court document has been effected or (if such be the case) attempts to effect service of it have failed, the process server must file an affidavit made by the person who served, or attempted to serve, the process or other court document stating when, where and how that person did or attempted to do so, and a statement of the costs incurred in effecting, or attempting to effect, service.

*[S 780/2023 wef 01/12/2023]*

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- (6) The Registrar must give a certificate certifying —
- (a) that the process or other court document, 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 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.

*[S 780/2023 wef 01/12/2023]*

(7) The certificate given under paragraph (6) must be sealed with the seal of the Supreme Court for use out of jurisdiction and must be sent to the consular or other authority by whom the request for service was made.

*[S 780/2023 wef 01/12/2023]*

#### **Service of foreign legal process, etc., under Article 5 of Hague Service Convention (O. 64, r. 4A)**

**4A.**—(1) This Rule applies in relation to the service under Article 5 of the Hague Service Convention of any process or other court document required in connection with civil proceedings in respect of a civil or commercial matter instituted in a court or tribunal of a Contracting State, on a person in Singapore.

(2) If any provision in this Rule is inconsistent with any other provision in this Order, the provision in this Rule prevails to the extent of any inconsistency.

(3) The person mentioned in paragraph (1) must have a known address in Singapore.

(4) A request for service under this Rule must be made by an applicant to the Minister in the current version of Part 1 of the Model Form and be accompanied by —

- (a) the document to be served;
- (b) a summary of the document to be served, in accordance with Part 3 of the Model Form;

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- (c) a translation of the documents mentioned in sub-paragraphs (a) and (b) in English, if they are not in English;
  - (d) a copy each of the request for service and the documents mentioned in sub-paragraphs (a), (b) and (c); and
  - (e) a sum of \$100 in respect of each address for service, for the purposes of paying the costs occasioned by the employment of a process server (which includes the costs of the certificate given under paragraph (11)(b)).
- (5) The copies mentioned in paragraph (4)(d) may be in electronic form.
- (6) Where the Minister considers that the request does not comply with paragraph (3) or (4) or the provisions of the Hague Service Convention, the Minister must inform the applicant of —
- (a) the non-compliance; and
  - (b) the provisions that must be complied with before the request may be further considered.
- (7) Where the Minister considers that compliance with the request may infringe the sovereignty or security of Singapore, the Minister may refuse to comply with the request and must —
- (a) inform the applicant of the refusal; and
  - (b) state the reasons for the refusal.
- (8) Subject to paragraph (7), where the Minister is satisfied that the request complies with paragraphs (3) and (4) and the provisions of the Hague Service Convention, the Minister must forward the request to the Supreme Court with an intimation that it is desirable that effect should be given to the request.
- (9) Subject to any written law which provides for the manner in which documents may be served on a body corporate, service of the document must be effected —
- (a) by leaving the document, and a copy of the translation of the document, with the person to be served;

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- (b) by a method of service authorised by these Rules for the service of analogous documents issued by the Court; or
- (c) by a particular method requested by the applicant, unless the method is inconsistent with any law for the time being in force in Singapore.
- (10) Service must be effected by the process server.
- (11) After service of the document has been effected or (if such be the case) attempts to effect service of it have failed —
- (a) the process server must file an affidavit made by the person who served, or attempted to serve, the document stating when, where and how that person did or attempted to do so; and
- (b) the Registrar must give the applicant a certificate in the current version of Part 2 of the Model Form.
- (12) The certificate given under paragraph (11)(b) may be in electronic form and must be —
- (a) sealed with the seal of the Supreme Court for use out of jurisdiction; and
- (b) sent to the Permanent Secretary to the Minister.
- (13) In this Rule —
- “applicant” means the authority or judicial officer competent, under the law of a Contracting State from which a foreign process or other court document originates, to forward a request for service;
- “Contracting State” means a State (other than Singapore) which is a party to the Hague Service Convention;
- “Hague Service Convention” has the meaning given by Order 8, Rule 4A(7);
- “Minister” means the Minister charged with the responsibility for law;
- “Model Form” has the meaning given by Order 8, Rule 4A(7).



(14) For the purposes of calculating the fees that are required to be paid in respect of effecting service under this Rule, the request for service is treated as made in an action filed in the Supreme Court with a value of up to \$1 million.

*[S 780/2023 wef 01/12/2023]*

**Costs of service, etc., to be certified by Registrar (O. 64, r. 5)**

5. A statement of the costs incurred in effecting, or attempting to effect, service under Rule 2 or 4 must be submitted to the Registrar who must certify the amount properly payable in respect of those costs.

ORDER 65

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

**Application and purpose of, and powers of Court under, this Order (O. 65, r. 1)**

1.—(1) This Order applies only to —

- (a) all civil proceedings begun by way of an originating claim which are before a Magistrate's Court; and
- (b) any civil proceedings begun by originating claim —
  - (i) which are before a District Court; and
  - (ii) to which paragraph (2) applies.

(2) Where any civil proceedings are before a District Court, and all parties to those proceedings file their consent for this Order to apply to those proceedings, this Order, upon the filing of that consent, applies to those proceedings.

(3) Except as otherwise provided in this Order, all the other Orders in these Rules continue to apply to proceedings to which this Order applies.

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**Upfront production (O. 65, r. 2)**

2.—(1) Every pleading served by a party in a matter to which this Order applies must be accompanied by a list of and a copy of all documents falling within the categories of documents set out in Order 11, Rule 2(1).

(2) A copy of any document may be in paper form or in an electronic format in a common format that the other party can use.

(3) This Rule applies to any amended pleading filed and served by any party 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,

except that documents previously disclosed in the same proceedings need not be disclosed by reason only of the amendments to the pleadings.

(4) In any case to which this Order applies, the parties must not, except as may otherwise be ordered or permitted by the Court, rely on any document that was not produced in accordance with this Order.

**Excluded interim applications (O. 65, r. 3)**

3. Without affecting the Court's powers under Order 9, no application under Order 9, Rule 17 or 19 or Order 11 may be made in any case to which this Order applies.

**Simplified trial (O. 65, r. 4)**

4.—(1) If the Court is satisfied that the parties to a case are unable to resolve their dispute without a trial, the Court must 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 to which the provisions of Order 15 apply.

(2) In deciding the appropriate mode of trial, the Court may have regard to the following matters:

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- (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) The conduct of a simplified trial is governed by Order 15, but the following time limits 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.
- (4) The Court may extend any time limit under paragraph (3) as the Court deems fit.
- (5) In every case to which this Order applies, where judgment has been entered for damages to be assessed, this Rule applies, with the necessary modifications, to the assessment of damages.

## ORDER 66

### SUMMARY PROCEEDINGS FOR POSSESSION OF LAND

#### **Proceedings to be brought by originating application (O. 66, r. 1)**

1. Where a person claims possession of land which the person alleges is occupied solely by a person or persons (not being a tenant or

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tenants holding over after the termination of the tenancy) who entered into or remained in occupation without the firstmentioned person's licence or consent or that of any predecessor in title of the firstmentioned person, the proceedings may be brought by originating application in accordance with the provisions of this Order.

### **Jurisdiction (O. 66, r. 2)**

2. Proceedings under this Order may be heard and determined by a Registrar, who may refer them to a Judge if the Registrar thinks they should properly be decided by the Judge.

### **Form of originating application (O. 66, r. 3)**

3. An originating application filed under this Order must include the following note at the end of the originating application:

*“Note: Any person occupying the premises who is not named as a defendant by this originating application 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. 66, r. 4)**

4.—(1) At the time of the filing of the originating application under this Order, the claimant must file a supporting affidavit stating —

- (a) the claimant's interest in the land;
- (b) the circumstances in which the land has been occupied without licence or consent and in which the claimant's claim to possession arises; and
- (c) that the claimant does not know the name of any person occupying the land who is not named in the summons.

(2) Where the claimant is unable, after taking reasonable steps, to identify every person occupying the land for the purpose of making that person a defendant, the claimant should state in the claimant's affidavit that the claimant has taken reasonable steps (describing

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them) to identify the persons occupying the land who are not named in the summons.

**Service of originating application (O. 66, r. 5)**

5.—(1) Where any person in occupation of the land is named in the originating application, the originating application together with a copy of the supporting affidavit must be served on the person —

- (a) personally;
- (b) by leaving a copy of the originating application and of the affidavit or sending them to the person 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 originating application must 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 originating application and a copy of the affidavit to the main door or other conspicuous part of the premises and, if practicable, inserting through the letterbox at the premises a copy of the originating application 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 is affixed a sealed transparent envelope addressed to “the occupiers” and containing a copy of the originating application and a copy of the affidavit.

(3) Order 6, Rules 11(1), (4) and (5) and 12(1), (2) and (6) do not apply to proceedings under this Order.

**Application by occupier to be made party (O. 66, r. 6)**

6. Without affecting Order 9, Rule 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.

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**Order for possession (O. 66, r. 7)**

7.—(1) A final order for possession in proceedings under this Order, except in case of emergency and with permission of the Court, must not be made less than 14 days after the date of service of the originating application.

(2) An order for possession in proceedings under this Order must be in Form 95.

(3) Nothing in this Order prevents 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 originating claim.

**Enforcement order for possession (O. 66, r. 8)**

8.—(1) A party may not, without the permission of the Court, file an application for an enforcement order to enforce an order for possession under this Order after the expiry of 3 months after the date of the order for possession.

(2) An application for permission of the Court may be made without notice unless the Court otherwise directs.

(3) The enforcement order for possession must be in Form 96.

**Setting aside order (O. 66, r. 9)**

9. The Court may, on such terms as the Court thinks just, set aside or vary any order made in proceedings under this Order.

**ORDER 67****TERRORISM (SUPPRESSION OF FINANCING) ACT****Interpretation and application (O. 67, r. 1)**

1.—(1) In this Order, “Act” means the Terrorism (Suppression of Financing) Act, and any reference to a section is 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.

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- (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 application.
- (4) This Order is not applicable to the State Courts.

**Application for warrant for search and seizure or restraint order (O. 67, 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 without notice.

(2) The application must be entitled in the matter of the owner or person who has control of the property, if known, naming that owner or person as the defendant, and in the matter of the Act, and all subsequent documents in the matter must 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 the deponent's 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 —

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- (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 must be in Form 97.
- (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.

**Application by Public Prosecutor to revoke or vary warrant or order (O. 67, 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.

(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 14 days after the date of filing of the application.



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**Application by interested person to revoke or vary warrant for search and seizure or restraint order or for examination of property (O. 67, 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 of the application on —

(c) the Public Prosecutor;

(d) any other person having an interest in the property to which the application relates; and

(e) any person appointed under section 15(1),

at least 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. 67, 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.

(2) 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 14 days after the date of filing of the application.

**Application for appointment of manager (O. 67, r. 6)**

6.—(1) Subject to paragraph (2), Order 13, Rule 9 applies where the Public Trustee is appointed under section 15.

(2) It is not necessary for an affidavit of fitness to be sworn or for the Public Trustee to give security.

**Application for order to destroy property (O. 67, 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) The application and the supporting affidavit must be served on —

- (a) the Public Prosecutor; and
- (b) any person having a valid interest in the property to be destroyed,

within 14 days after the date of filing of the application.

**Application for order of forfeiture (O. 67, r. 8)**

8.—(1) An application for an order of forfeiture under section 21 must be entitled in the matter of the owner or person who has control of the property, if known, naming that owner or person as the defendant, and in the matter of the Act, and all subsequent documents in the matter must be so entitled.

(2) 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.

(3) 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 14 days after the date of filing of the application.

### **Application to set aside or vary forfeiture orders (O. 67, 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

(b) any person appointed under section 15(1),

within 14 days after the date of filing of the application.

### **Confidentiality of documents (O. 67, r. 10)**

10. Despite Order 26, Rule 3, no person may inspect or take a copy of any document filed under this Order without the permission of a Judge.

## **ORDER 68**

### **VARIABLE CAPITAL COMPANIES ACT 2018**

#### **Definitions of this Order (O. 68, r. 1)**

1. In this Order —

“Act” means the Variable Capital Companies Act 2018, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act;

“sub-fund” has the meaning given by section 2(1);

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“VCC” has the meaning given by section 2(1).

### **Applications to Court (O. 68, r. 2)**

2.—(1) Unless otherwise provided in the Act or this Order, every application under the Act must be made by originating application and these Rules apply subject to this Order.

(2) An application under section 156 may be made by originating application without notice.

(3) An application under section 216 of the Companies Act (as applied by section 142) must be made by originating claim.

(4) In the case of a winding up application made under paragraph (i) of the provision under section 130(8), the Court may order the proceedings to continue as if the proceedings had been begun by originating claim and may, in particular, order that —

- (a) pleadings be delivered or that the originating application or any affidavits are to stand as pleadings, with or without liberty to any of the parties to add or to apply for particulars of the pleadings;
- (b) any persons be added as parties to the proceedings; and
- (c) Order 9, Rule 9 applies, with the necessary modifications, in the proceedings.

### **Entitlement of proceedings (O. 68, r. 3)**

3.—(1) Every originating application to which this Order relates and all affidavits, notices and other documents in those proceedings must be entitled in the matter of the VCC in question, or of the VCC on behalf of a sub-fund or sub-funds in question, and in the matter of the Act.

(2) The originating application by which an application for permission under section 58(6) is made must be entitled in the matter of the VCC (if any) in relation to which the applicant was convicted and in the matter of the Act.

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**Directions (O. 68, r. 4)**

4. Without limiting Order 9, at the first case conference in respect of an originating application to which this Order relates, the Court may by order give such direction as to the proceedings to be taken as the Court thinks fit including, in particular, directions for the publication of notices and the making of any inquiry.

**ORDER 69****UNMERITORIOUS OR VEXATIOUS PROCEEDINGS****Definitions of this Order (O. 69, r. 1)**

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

“Act” means the Supreme Court of Judicature Act 1969, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act;

“civil restraint order” means —

- (a) a limited civil restraint order;
- (b) an extended civil restraint order; or
- (c) a general civil restraint order;

“Court” means the General Division, the Appellate Division or the Court of Appeal;

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

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

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

*[S 206/2022 wef 01/04/2022]*

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**Application for civil restraint order or order mentioned in section 73A(2), (3), (5) or (6) (O. 69, r. 2)**

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

*[S 206/2022 wef 01/04/2022]*

**Form and service of civil restraint order (O. 69, r. 3)**

3.—(1) A limited civil restraint order, an extended civil restraint order and a general civil restraint order must be in Forms 99, 100 and 101, respectively.

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

*[S 206/2022 wef 01/04/2022]*

**Application for permission to commence action or make application, or for permission to apply to amend, vary or discharge civil restraint order (O. 69, r. 4)**

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

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

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

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

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

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

(3) An application for permission to apply to amend, vary or discharge any civil restraint order, and the supporting affidavit for

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that application, must be served on every party to the application pursuant to which that civil restraint order was made, except the person that applies for such permission.

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

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

*[S 206/2022 wef 01/04/2022]*

**Action commenced or application made without permission, etc. (O. 69, r. 5)**

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

- (a) any other party to the action, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the action is treated as struck out pursuant to section 73C(3) or 73D(3), as the case may be.

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

- (a) any other party to the application made without such permission, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and

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

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

(a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for that document to be struck out; and

(b) the Court may, on an application under sub-paragraph (a), or on the Court’s own motion, strike out that document.

*[S 206/2022 wef 01/04/2022]*

## ORDER 70

### VEXATIOUS LITIGANTS

#### **Definitions of this Order (O. 70, r. 1)**

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

“Act” means the Supreme Court of Judicature Act 1969, and any reference to a section is, unless it is otherwise expressly provided, a reference to a section in the Act;

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

*[S 206/2022 wef 01/04/2022]*

#### **Application for order under section 74(1) (O. 70, r. 2)**

2. An application for an order under section 74(1) must be heard in open court.

*[S 206/2022 wef 01/04/2022]*



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**Form and service of order under section 74(1) (O. 70, r. 3)**

3.—(1) An order under section 74(1) must be in Form 102.

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

*[S 206/2022 wef 01/04/2022]*

**Application for permission to institute or continue legal proceedings (O. 70, r. 4)**

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

(a) on the Attorney-General; and

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

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

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

*[S 206/2022 wef 01/04/2022]*

**Institution or continuance of legal proceedings with permission (O. 70, r. 5)**

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

(a) file that order, and the process or document by which the legal proceedings are to be instituted or continued; and

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

*[S 206/2022 wef 01/04/2022]*

### **Institution or continuance of legal proceedings without permission (O. 70, r. 6)**

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

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

*[S 206/2022 wef 01/04/2022]*

## FIRST SCHEDULE

O. 1, r. 2(2), (3)(b) and (6)

### SAVING AND TRANSITIONAL PROVISIONS

1. Despite Order 1, Rule 2(1), unless the Court otherwise directs and subject to any written law, the Rules of Court (R 5) (called the revoked Rules) as in force immediately before 1 April 2022 (called the relevant date) continue to apply to and in relation to —

- (a) any proceedings commenced by writ of summons or originating summons in the General Division (including the Singapore International Commercial Court) before the relevant date, until the disposal of those proceedings by the General Division (including the Singapore International Commercial Court), including any application to the General Division for an order transferring those proceedings to a District Court or a Magistrate's Court (called in this paragraph a transfer order);
- (b) the subsequent proceedings in the District Court or Magistrate's Court (as the case may be) pursuant to a transfer order;

FIRST SCHEDULE — *continued*

- (c) any proceedings commenced by writ of summons or originating summons in a District Court or a Magistrate's Court before the relevant date, including —
- (i) any application to the General Division for an order transferring those proceedings to the General Division, and the subsequent proceedings in the General Division if the proceedings are ordered to be transferred to the General Division; and
  - (ii) any appeal to the General Division from those proceedings in the District Court or Magistrate's Court; and
- (d) any appeal or originating summons before the Court of Appeal or the Appellate Division that was filed in the Court of Appeal or the Appellate Division before the relevant date.

*[S 206/2022 wef 01/04/2022]*

2. Despite Order 1, Rule 2(1), the revoked Rules as in force immediately before the relevant date continue to apply to and in relation to any proceedings in the lower Court following an appeal before the Court of Appeal or Appellate Division under these Rules, if the judgment or order of the lower Court appealed against was given or made in proceedings governed by the revoked Rules (whether pursuant to this Schedule or otherwise).

3. A caveat against arrest that is entered in the record of caveats under Order 70, Rule 5 of the revoked Rules and is in force immediately before the relevant date is deemed to be a caveat against arrest issued under Order 33, Rule 5 of these Rules, and the date of expiry of the caveat is the date on which the caveat would have expired but for the revocation of the revoked Rules.

## SECOND SCHEDULE

O. 1, r. 2(13)

APPLICATION OR DISAPPLICATION OF PROVISIONS  
TO CATEGORIES OF CASES

### THIRD SCHEDULE

O. 1, r. 3(1)

#### CIVIL PROCEDURE CONVENTIONS

<i>Civil Procedure Convention</i>	<i>Gazette No.</i>
1. Convention between the United Kingdom and Austria regarding legal proceedings in civil and commercial matters	T 2/1999
2. Convention between the United Kingdom and Italy regarding legal proceedings in civil and commercial matters	T 3/1999
3. Convention between the United Kingdom and Germany regarding legal proceedings in civil and commercial matters	T 4/1999
4. Treaty on Judicial Assistance in civil and commercial matters between the Republic of Singapore and the People's Republic of China	T 2/2001
5. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague on 15 November 1965	T 1/2023

[S 780/2023 wef 01/12/2023]

### FOURTH SCHEDULE

O. 1, r. 2(11) and O. 25, r. 2(1) and (2)

#### COURT FEES

##### PART 1

##### DOCUMENT FEES

Document fees must be paid at the time of filing or sealing (as the case may be) of the following specified documents with the electronic filing service provider or at any such time or manner the Registrar of the Supreme Court or State Courts (as the case may be) may determine:

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
<i>Commencement of a cause or matter, appearance and pleadings</i>					

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
1. On sealing or (where sealing is not required) filing of all originating processes (including originating applications) and pleadings containing a claim or cause of action where no other fee is specifically provided, including a defence with a counterclaim or set-off or third and subsequent party claims	\$500	\$1,000	\$150	\$100	The filed copy
2. On sealing or (where sealing is not required) filing an originating application or a summons (where there is a pending legal action) under section 120 or 124 of the Legal Profession Act	\$300	\$500	\$150	\$80	The filed copy
3. On sealing or (where sealing is not required) filing a renewed originating process	\$250	\$500	\$50	\$25	The filed copy
4. On sealing or (where sealing is not required) filing an amended originating process, an amended notice of intention to contest or not contest claim, or any amended pleading	\$100	\$200	\$20	\$10	The filed copy
5. On filing of a notice of intention to contest or not contest — for each party	\$100	\$200	\$20	\$10	The filed copy
6. On filing a statement of claim, defence or other pleading subsequent, where no fee is specifically provided	\$200	\$500	\$20	\$10	The filed copy or pleading
<i>Interlocutory applications</i>					
7. On sealing or filing of —					The filed copy
(a) a summons for an injunction, search order or other similar relief	\$500	\$1,000	\$100	\$50	
(b) an application for judgment in default of a notice of intention to contest or not contest or in default of defence	\$500	\$1,000	\$100	\$50	
(c) a summons for setting aside service of an originating process	\$500	\$1,000	\$100	\$50	
(d) a summons for setting aside third party proceedings	\$500	\$1,000	\$100	\$50	
(e) a summons for stay of proceedings	\$500	\$1,000	\$100	\$50	
(f) a summons for summary judgment	\$500	\$1,000	\$100	\$50	
(g) a summons for striking out the whole of a pleading or endorsement	\$500	\$1,000	\$100	\$50	
(h) a summons for permission to make an application for committal order, or for committal order after permission granted	\$500	\$1,000	\$100	\$50	
(i) a summons for enforcement order	\$500	\$1,000	\$100	\$50	
(j) a summons for single application pending trial	\$500	\$1,000	\$100	\$50	
(k) a summons for any subsequent application with Court's permission made after the single application pending trial in respect of matters which should have been dealt with under the single application pending trial —					
(i) first subsequent application	\$500	\$1,000	\$100	\$50	
(ii) second subsequent application	\$1,000	\$1,500	\$200	\$100	

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
(iii) third subsequent application	\$1,500	\$2,000	\$300	\$150	
(iv) fourth subsequent application	\$2,000	\$2,500	\$400	\$200	
(v) any subsequent application	N + \$1,000 where "N" is the fee payable for the last application	N + \$1,000 where "N" is the fee payable for the last application	N + \$200 where "N" is the fee payable for the last application	N + \$200 where "N" is the fee payable for the last application	
(f) on sealing any other summons	\$100	\$200	\$20	\$10	
<b>Entering or setting down for trial or hearing in Court</b>					
8. On setting down an action for trial	\$500	\$1,000	\$200	\$150	Notice for setting down an action for trial
9. On late filing of a document that remains unfiled after the expiry of the period within which the document is required to be filed, excluding non-court days, if imposed by the Court	\$50 for each day that a document remains unfiled	\$50 for each day that a document remains unfiled	\$50 for each day that a document remains unfiled	\$50 for each day that a document remains unfiled	The filed copy
10. On filing —					
(a) an opening statement in an originating claim — fees under Order 9, Rule 25(15) read with Rule 25(9)(c) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	Opening statement or amended opening statement
(b) written submissions for originating application — fees under Order 9, Rule 25(15) read with Rule 25(14) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per page (where "N" is the fee	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per page (where "N" is the fee	The filed copy

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
	previous 10 pages), subject to a maximum of \$100 per page	previous 10 pages), subject to a maximum of \$100 per page	payable per page for the previous 10 pages), subject to a maximum of \$30 per page	payable per page for the previous 10 pages), subject to a maximum of \$30 per page	
<b>Judgment and orders</b>					
11. On entering or sealing (as the case may be) —					The filed copy
(a) a writ of distress under Order 45, Rule 3, a committal order under Order 23, Rule 11, an order of arrest or an order of attachment of property under Order 42, Rule 3 or 7	\$500	\$1,000	\$150	\$85	
(b) an enforcement order, an order of court under Order 13, Rule 4 or 7, or an order of court relating to enforcement for which no other fee is prescribed in this Part	\$500	\$1,000	\$270	\$155	
12. On filing a renewed enforcement order or an amended enforcement order	\$100	\$200	\$50	\$30	The filed copy
13. On sealing an order to attend court and/or to produce documents, other than an urgent order to attend court and/or to produce documents, for each witness	\$50	\$100	\$10	\$10	Order to attend court and/or to produce documents
14. On sealing an urgent order to attend court and/or to produce documents, for each witness  <i>Note:</i> An urgent order to attend court and/or to produce documents is an order that is issued less than 3 days before the trial of an action	\$100	\$200	\$20	\$20	Order to attend court and/or to produce documents
15. On entering or sealing any judgment or order of Court where no other fee is prescribed in this Schedule	\$100	\$200	\$50	\$25	Order or Judgment
16. On a certificate by the Registrar as to a judgment or order in respect of Admiralty matters	\$100	\$200			The document sealed or issued
17. On sealing or issuing any document, not being a judgment or order, where no other fee is prescribed by this Schedule  Provided that this fee is not payable on an Order for Review of Detention	\$50	\$100	\$20	\$20	The document sealed or issued
<b>Appeals to District Judge</b>					
18. On filing a notice of appeal from a Registrar to a District Judge under Division 2 of Order 18			\$100	\$100	The Notice
19. Written submissions for appeals from a Registrar to a District Judge under Division 2 of Order 18 — fees under Order 18, Rule 16(8) for pages in excess of page limit			(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per	The filed copy

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
			page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	
<b>Appeals to the General Division</b>					
20. On filing a notice of appeal from a District Judge or a Magistrate to the General Division under Division 3 of Order 18	\$500	\$1,000	\$150	\$150	The Notice
21. Written submissions for appeals from a District Judge or a Magistrate to the General Division under Division 3 of Order 18 — fees under Order 18, Rule 21(16) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page			The filed copy
21A. On filing a notice of appeal from the Registrar, Supreme Court to a Judge in the General Division under Division 4 of Order 18	\$500	\$1,000			The Notice
22. Written submissions for appeals from the Registrar, Supreme Court to a Judge in the General Division under Division 4 of Order 18 — fees under Order 18, Rule 25(8) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page			The filed copy
23. On filing a notice of appeal to the General Division from a District Court or a Magistrate's Court under Division 2 of Order 19			\$600	\$600	The Notice
24. An appellant's Case, a respondent's Case and an appellant's Reply for appeals to the General Division from a District Court or a Magistrate's Court under Division 2 of Order 19					(a) The appellant's Case



FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
(a) fees for Cases within prescribed page limits	(i) \$600 for appellant's Case	(i) \$600 for appellant's Case			(b) The respondent's Case  (c) The appellant's Reply  (d) The amended Case/Reply
(b) fees under Order 19, Rule 19(3) read with Rule 19(1) for pages in excess of page limit	(ii) \$300 for respondent's Case	(ii) \$300 for respondent's Case			
	(iii) \$300 for appellant's Reply	(iii) \$300 for appellant's Reply			
	(iv) \$200 for any amendments to appellant's Case, respondent's Case or appellant's Reply	(iv) \$200 for any amendments to appellant's Case, respondent's Case or appellant's Reply			
	(i) first 10 pages or less exceeding the limit: \$10 per page	(i) first 10 pages or less exceeding the limit: \$10 per page			
	(ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page			
25. Core bundles for appeals from a District Court or a Magistrate's Court to the General Division under Division 2 of Order 19 — fees under Order 19, Rule 19(3) read with Rule 19(2) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page	(i) first 10 pages or less exceeding the limit: \$10 per page			The filed copy

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
	(ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page			
26. Any interlocutory application pending appeal	\$100	\$100	\$100	\$100	The Application
27. On filing a document signifying the consent of the parties to the payment out of the security deposit to the appellant when an appeal under Division 2 of Order 19 is deemed withdrawn			\$50	\$50	The document filed
28. Written submissions for proceedings under the Medical Registration Act before the General Division — fees under Order 19, Rule 41(6) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page	(i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page			The filed copy
29. Written submissions for appeals from Tribunals and Case Stated under Order 20 — fees under Order 20, Rule 5(3) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page			The filed copy
30. On filing an appellant's Case (Order 34)	\$600	\$600			The Case
31. On filing a respondent's Case (Order 34)	\$300	\$300			The Case

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
32. On filing an amended appellant's Case or an amended respondent's Case (Order 34)	\$200	\$200			The amended Case
<b>Appeals to the Court of Appeal or the Appellate Division</b>					
33. On filing a notice of appeal to the Appellate Division or the Court of Appeal	\$1,000	\$2,000			The Notice
34. Written submissions for appeals and applications to the Court of Appeal or Appellate Division under Division 5 of Order 18 and applications to the Court of Appeal or Appellate Division under Division 3 of Order 19 — fees under Order 18, Rule 29(12), Order 18, Rule 33(16), Order 18, Rule 37(3), Order 19, Rule 26(12) or Order 19, Rule 37(3) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page	(i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page			The filed copy
35. An appellant's Case, a respondent's Case and an appellant's Reply for appeals to the Court of Appeal or Appellate Division under Division 3 of Order 19					(a) The appellant's Case  (b) The respondent's Case  (c) The appellant's Reply  (d) The amended Case/Reply
(a) fees for Cases within prescribed page limits	(i) \$3,000 for appellant's Case  (ii) \$1,000 for respondent's Case  (iii) \$1,000 for appellant's Reply  (iv)	(i) \$3,000 for appellant's Case  (ii) \$1,000 for respondent's Case  (iii) \$1,000 for appellant's Reply  (iv)			

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
(b) fees under Order 19, Rule 32(3) read with Rule 32(1) for pages in excess of page limit	\$500 for any amended Case or amended appellant's Reply  (i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page	\$500 for any amended Case or amended appellant's Reply  (i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page			
36. Core bundles for appeals to the Court of Appeal or Appellate Division under Division 3 of Order 19 — fees under Order 19, Rule 32(3) read with Rule 32(2) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page	(i) first 10 pages or less exceeding the limit: \$20 per page  (ii) every subsequent 10 pages or less: N + \$20 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page			The filed copy
37. Any interlocutory application pending appeal	\$1,000	\$2,000			The filed copy
38. On filing a document signifying the consent of the parties to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be) when an appeal or application to the Appellate Division or the Court of Appeal is deemed withdrawn	\$100	\$200			The filed copy
<b>Assessment of costs</b>					
39. On filing a bill of costs	\$300	\$500	\$100	\$50	Bill of Costs
40. On assessing a bill of costs  The Registrar may in any case require the bill of costs to be stamped before the assessment of cost with the whole or part of the amount of fees which would be payable if the bill was allowed by him or her at the full amount	6% of amount allowed at assessment of cost subject to a minimum fee of \$100	6% of amount allowed at assessment of cost subject to a minimum fee of \$100	6% of amount allowed at assessment of cost subject to a minimum fee of \$100	4% of amount allowed at assessment of cost subject to a minimum fee of \$100	Bill of Costs
41. On certificate of the result of the assessment of costs	\$50	\$100	\$20	\$10	Certificate

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
<i>Note:</i> Where a claimant is entitled to a lump sum for costs under Appendix 1 of Order 21, or where, in any proceedings, a lump sum for costs is allowed by the Court in any of the cases mentioned in Appendix 1 of Order 21, the same fees will be payable as if a bill of costs had been assessed for the amount of such lump sum, and a certificate had been signed					
42. On entering or sealing (as the case may be) a note of costs for judgment in default of a notice of intention to contest or not contest or in default of defence	\$50 + 6% of amount of lump sum costs allowed under Appendix 1 of Order 21 subject to a minimum fee of \$100	\$100 + 6% of amount of lump sum costs allowed under Appendix 1 of Order 21 subject to a minimum fee of \$100	\$20 + 6% of amount of lump sum costs allowed under Appendix 1 of Order 21 subject to a minimum fee of \$100	\$10 + 4% of amount of lump sum costs allowed under Appendix 1 of Order 21 subject to a minimum fee of \$100	Note of Costs
43. On the withdrawal of a bill of costs which has been filed for assessment of costs, such fee (not exceeding the amount which would have been payable under item 40 if the bill had been allowed in full) as appears to the Registrar to be fair and reasonable, subject to a minimum fee of:	\$200	\$200	\$100	\$50	Bill of Costs
<b>Filing</b>					
44. On filing an affidavit, for every page or part of it including exhibit annexed to it or produced with it (whether filed or not)	\$2 per page subject to minimum fee of \$50 per affidavit	\$2 per page subject to minimum fee of \$50 per affidavit	\$1 per page subject to a minimum fee of \$10 per affidavit	\$1 per page subject to a minimum fee of \$10 per affidavit	The filed copy
45. On issuance of any certificate or report by the Registry or on filing any document for which no fee is specifically provided (except for requests of an administrative nature)	\$20	\$50	\$10	\$10	The filed copy
46. For the following on any moneys, funds or securities —  (a) on a certificate of the amount and description of the same, including the request of it  (b) on a transcript of an account on the same for each opening, including the request of it  (c) on paying, lodging, transferring or depositing the same in Court  (d) on paying out of Court any of the same lodged or deposited in Court  (e) on a request to the Accountant-General in writing for information on the same or any transaction in his or her office	\$50	\$100	\$20	\$10	The filed copy
47. Request for payment out of moneys paid into Court under instalment order			5% of the sum to be paid out	5% of the sum to be paid out	Request
48. <i>Urgent handling charge.</i> For each document where a request is made that the document be processed on an urgent basis, in addition to any other fees chargeable under these Rules or any other written law	16% of filing fees (but excluding the electronic filing charges)	16% of filing fees (but excluding the electronic filing charges)	16% of filing fees (but excluding the electronic filing charges)	16% of filing fees (but excluding the electronic filing charges)	The filed copy
49.—(1) <i>Electronic filing charge.</i> For documents filed or sent to the Court using the electronic filing service under Order 28 by electronic submission, in addition to any other fees chargeable under these Rules or any other written law —					The filed copy

FOURTH SCHEDULE — *continued*

Items	Supreme Court		State Courts		Document to be stamped and remarks
	With value up to \$1 million	With value of more than \$1 million	District Court	Magistrate's Court	
(a) draft judgments, draft orders or draft certificates, and requests of an administrative nature	—	—	—	—	
(b) bundles of documents, bundles of authorities, lists of authorities and written submissions	\$4 per document plus \$0.60 per page	\$4 per document plus \$0.60 per page	\$4 per document plus \$0.60 per page	\$4 per document plus \$0.60 per page	
(c) for all other documents filed or sent to the Court	\$4 per document plus \$0.80 per page	\$4 per document plus \$0.80 per page	\$4 per document plus \$0.80 per page	\$4 per document plus \$0.80 per page	
(2) Provided that where the document is remotely composed on the computer system of the electronic filing service provider, it is deemed to comprise 2 pages					
50. <i>Electronic service charge.</i> For the service, delivery or conveyance of documents on or to one or more registered users using the electronic filing service under Order 28, whether by electronic transmission or through the service bureau  Except that no electronic service charge is to be imposed for documents filed in applications under sections 12 and 25 of the Legal Profession Act	\$2 per document per party served	\$2 per document per party served	\$2 per document per party served	\$2 per document per party served	The served copy
<b>Enforcing orders of the Small Claims Tribunals</b>					
<i>Note: For items 51, 52 and 53</i>					
(a) the fees under the heading "Magistrate's Court" apply in relation to claims lodged under the Small Claims Tribunals Act before 1 November 2019					
(b) the fees under the heading "District Court" apply in relation to claims lodged under the Small Claims Tribunals Act on or after 1 November 2019					
51. On sealing every enforcement order for enforcing orders of the Small Claims Tribunals			\$60	\$60	The filed copy
52. On sealing, issuing, entering or filing any originating application, summons, order of Court, document in relation to the enforcement of an order of the Small Claims Tribunals			\$10	\$10	The filed copy
53. On filing a renewed enforcement order or an amended enforcement order			\$20	\$20	The filed copy
<b>Enforcing settlement agreement registered under section 7(2) of Employment Claims Act 2016 or order of Employment Claims Tribunal</b>					
54. On sealing every enforcement order for enforcing a settlement agreement registered under section 7(2) of the Employment Claims Act 2016 or an order of an Employment Claims Tribunal			\$60		The filed copy
55. On sealing, issuing, entering or filing any originating application, summons, order of court, document in relation to the enforcement of a settlement agreement registered under section 7(2) of the Employment Claims Act 2016 or an order of an Employment Claims Tribunal			\$10		The filed copy
56. On filing a renewed enforcement order or an amended enforcement order			\$20		The filed copy

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FOURTH SCHEDULE — *continued*

## PART 2

## HEARING FEES

**Hearing fees in Courts**

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;
  - (b) before the Registrar in the State Courts for the examination of witnesses;
  - (c) before a Judge sitting in the General Division (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;
  - (d) before the Registrar in the General Division (excluding the Family Division) for the assessment of damages, the taking of accounts, the making of inquiries and references under Order 33, Rule 42; and
  - (e) before the Registrar in the General Division (excluding the Family Division) for the examination of witnesses,

are specified in the following Tables:

*Table 1*

*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>	<i>Payment details</i>
1. For each day or part of a day after the first day	\$500	\$250	Request The claimant, the appellant or the applicant (as the case may be) must pay the fees and file the Request, in Form 98, at the time he or she sets the cause or matter down for hearing, files the record of appeal, files his or her request for special or further hearing dates, or at the time the Registry so requires, as the case may be

FOURTH SCHEDULE — *continued*

Table 2

*Hearing before State Courts Registrar for examination of witnesses*

	<i>District Court</i>	<i>Magistrate's Court</i>	<i>Document on which the stamp is to be affixed</i>	<i>Payment details</i>
1. On every appointment for the examination of a witness	\$50	\$50	Request	The claimant or the applicant (as the case may be) must pay the fees and file the Request in Form 98 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
2. On every witness sworn or examined, for each hour or part of an hour	\$100	\$50	Request	

Table 3

*Hearing before Judge sitting in the General Division*

	<i>General Division</i>		<i>Document on which the stamp is to be affixed</i>	<i>Payment details</i>
	<i>With value of up to \$1 million</i>	<i>With value of more than \$1 million</i>		
1. For the whole or part of the fourth day	\$6,000	\$9,000	Request	The claimant, the appellant or the applicant (as the case may be) must pay the fees and file the Request, in Form 98, at the time he or she
2. For the whole or part of the fifth day	\$2,000	\$3,000	Request	
3. For each day or part of a day	\$3,000	\$5,000	Request	



FOURTH SCHEDULE — *continued*

of the sixth to tenth days				sets the cause or matter down for hearing, files the record of appeal, files his or her request for special or further hearing dates, or at the time the Registry so requires, as the case may be
4. For each day or part of a day subsequent to the above	\$5,000	\$7,000	Request	

*Table 4*

*Hearing before Registrar in the General Division for assessment of damages, taking of accounts, making of inquiries and references under Order 33, Rule 42*

			<i>Document on which the stamp is to be affixed</i>	<i>Payment details</i>
1. For the whole or part of the fourth day (including the number of days taken for the determination of liability before a Judge sitting in the General Division)	\$1,000		Request	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 33, Rule 42 (as the case may be) must pay the fees and file the Request, in Form 98, at the time of filing the notice of appointment for the assessment of damages, the notice of appointment for the taking of
2. For each day or part of a day subsequent to the above	\$1,000		Request	

FOURTH SCHEDULE — *continued*

accounts or the making of inquiries, or the reference under Order 33, Rule 42, or at the time the Registry so requires, as the case may be

Table 5

*Hearing before Registrar in the General Division  
for examination of witnesses*

	<i>General Division matter with value of up to \$1 million</i>	<i>General Division matter with value of more than \$1 million</i>	<i>Document on which the stamp is to be affixed</i>	<i>Payment details</i>
1. On every appointment for the examination of a witness	\$100	\$200	Request	The claimant or the applicant (as the case may be) must pay the fees and file the Request in Form 98 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
2. On every witness sworn or examined, for each hour or part of an hour	\$250	\$500	Request	The claimant or the applicant (as the case may be) must pay the fees and file the Request in Form 98 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

**Hearing fees in Appellate Division and Court of Appeal**

2. The following fee is payable for appeals or any other hearing before the Appellate Division or the Court of Appeal:

<i>Fee</i>	<i>Document on which the stamp is to be affixed</i>	<i>Payment details</i>

FOURTH SCHEDULE — *continued*

	<i>With value of up to \$1 million</i>	<i>With value of more than \$1 million</i>		
1. For each day or part of a day subsequent to the first day	\$4,000	\$6,000	Request	The appellant or the applicant must pay the fee and file the Request, in Form 98, within 14 days after he or she files his or her Case or at the time he or she files the application, or before the second or each subsequent day of hearing, as the case may be

## PART 3

## SERVICE PROVISION FEES

Service provision fees must be paid in the manner set out in the table below or at any such other time or manner that the Registrar of the Supreme Court or State Courts (as the case may be) may determine.

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
1. On filing a request for the service of process or notice of the same out of the jurisdiction	\$100	\$200	\$50	\$25	Request

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
2. On sealing a commission or letter of request for the examination of witnesses abroad	\$100	\$200	\$50	\$25	Request
3. On rejection of any document for administrative or clerical errors	\$25	\$25	\$5	\$5	The filed copy
4. On every request for certified true copies of documents from the Court file (including exemplification of a probate or letters of administration and of a will or codicil or of any translation of it or any document to annex to Grant)	\$8 per document plus \$5 per page	\$8 per document plus \$5 per page	\$8 per document plus \$5 per page	\$8 per document plus \$5 per page	Request

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
Provided that the fee under this item is not to be collected for transcripts certified by a provider of transcription services authorised by the Court					
5. On every Request for plain copies of documents from the Court file	\$5 per document plus \$0.15 per page	\$5 per document plus \$0.15 per page	\$5 per document plus \$0.15 per page	\$5 per document plus \$0.15 per page	Request
6. On every application to inspect a Court file	\$20	\$20	\$10	\$10	Request
7. On a certified translation by an Interpreter of the Court	\$45 per page or part of a page	\$45 per page or part of a page	\$45 per page or part of a page	\$45 per page or part of a page	Request
8. On every request for the services of an Interpreter of the Court for any hearing in open court before the General Division, the	\$300 per day or part of a day	\$300 per day or part of a day			Request

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
Court of 3 Judges, the Appellate Division or the Court of Appeal					
9. For the attendance of an officer of the Court as a witness for every half day or part of the half day that he or she is necessarily absent from his or her office, including where the officer attending is required to produce the records or documents in Court or in evidence where the records or documents are left in Court	\$200 per half day or part of a half day	\$200 per half day or part of a half day	\$100 per half day or part of a half day	\$100 per half day or part of a half day	Request
10. On taking or re-taking an affidavit or a	\$25	\$25	\$25	\$10	Affidavit or Declaration

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
<p>declaration instead of an affidavit, or a declaration or an acknowledgment for each person making the same</p> <p>And in addition for each exhibit referred to in the affidavit or the declaration and required to be marked</p>	\$5	\$5	\$5	\$5	
11. On each document referred to in a pre-trial examination and required to be marked	\$5	\$5	\$5	\$5	Order for pre-trial examination
12. On taking a recognizance or bond whether one or more than one recognizer or obliger, and whether entered into	\$100	\$200	\$100	\$50	The filed copy

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
by all at one time or not					
13. For each attempt at service on each person of any process or proceeding required to be served by the Court or Registrar or Sheriff, except for service under Order 64, Rule 4A	\$50	\$50	\$30	\$15	Request
13A. For service of any foreign process or other court document under Order 64, Rule 4A, in respect of each address for service	\$80				Request
14. For attendance by the Sheriff, the Sheriff's substitutes or bailiffs on any place of					



FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
<p>carrying out of an enforcement order, or for the arrest of a debtor, or for release of seized property</p> <p>(a) between 9 a.m. and 5 p.m. from Monday to Friday (excluding public holiday)</p> <p>(b) at any other time</p>	<p>\$50 per hour or part of an hour</p> <p>\$100 per hour or part of an hour</p>	<p>\$100 per hour or part of an hour</p> <p>\$200 per hour or part of an hour</p>	<p>\$50 per hour or part of an hour</p> <p>\$100 per hour or part of an hour</p>	<p>\$50 per hour or part of an hour</p> <p>\$100 per hour or part of an hour</p>	<p>To be paid to the Sheriff</p> <p>To be paid to the Sheriff</p>
15. For each request for a date to be appointed for the carrying out of an enforcement order after the first appointment, or for the	\$100	\$200	\$100	\$50	Request

FOURTH SCHEDULE — *continued*

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
arrest of a debtor					
16. For releasing property seized or attached on instruction of party obtaining the enforcement order, writ of distress, order of attachment of property, or order of arrest	\$50	\$100	\$20	\$12	Request
17. On every request for the refund of the fee paid for any unused document	\$50	\$50	\$20	\$20	Request
18. For provision of any other service where no fee is specifically provided for	\$50	\$50	\$50	\$50	

[S 780/2023 wef 01/12/2023]

[S 206/2022 wef 01/04/2022]

FOURTH SCHEDULE — *continued*

## PART 4

## SEARCH FEES

Search fees must be paid in the manner set out in the table below or at any such other time or manner that the Registrar of the Supreme Court or State Courts (as the case may be) may determine.

<i>Items</i>	<i>Supreme Court</i>		<i>State Courts</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>District Court</i>	<i>Magistrate's Court</i>	
1. On every application for search of information —					
(a) maintained in paper form per book/register per year	\$20	\$20	\$10	\$10	Request
(b) maintained in electronic form and made available online — per search term per module per year —					Request
(i) power of attorney	\$13 for subscribers, \$16 for non-subscribers	\$13 for subscribers, \$16 for non-subscribers			
(ii) bankruptcy	\$6 for subscribers, \$9 for non-subscribers	\$6 for subscribers, \$9 for non-subscribers			
(iii) any other module	\$30 for subscribers, \$35 for non-subscribers	\$30 for subscribers, \$35 for non-subscribers	\$20 for subscribers, \$25 for non-subscribers	\$20 for subscribers, \$25 for non-subscribers	
(iv) where a search made under sub-paragraph (i) or (iii) produces a nil result, the following are chargeable instead of the fee in sub-paragraph (i) or (iii), as the case may be	\$10 for subscribers, \$12 for non-subscribers	\$10 for subscribers, \$12 for non-subscribers	\$10 for subscribers, \$12 for non-subscribers	\$10 for subscribers, \$12 for non-subscribers	
(c) maintained in electronic form and searchable at the Registry — per search term per database per year	\$20	\$20	\$10	\$10	Request

[S 206/2022 wef 01/04/2022]

## PART 5

## ADMIRALTY MATTERS

Service provision fees relating to Admiralty matters must be paid in the manner set out in the table below or at any such other time or manner that the Registrar of the Supreme Court may determine.

FOURTH SCHEDULE — *continued*

<i>Item</i>	<i>Supreme Court</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	
1. On filing —			
(a) a warrant of arrest under Order 33, Rule 4(2) or a release under Order 33, Rule 13(4)(b) to arrest or release property at or before 5 p.m. from Monday to Friday (excluding public holiday)	\$500	\$1,000	Warrant of Arrest or Release
(b) a warrant of arrest under Order 33, Rule 4(2) or a release under Order 33, Rule 13(4)(b) to arrest or release property after 5 p.m. from Monday to Friday, and at any time on Saturday, Sunday or public holiday	\$750	\$1,500	Warrant of Arrest or Release
(c) Commission for Appraisement and Sale	\$500	\$1,000	Commission
(d) any document for which no fee is specifically provided for, including any document concerning the arrest or release of property against which the action <i>in rem</i> or any counterclaim in the action is brought	\$250	\$500	The filed copy
2. On the sale of a ship or goods, commission of 5% to be charged on the first \$1,000			To be deducted by Sheriff

FOURTH SCHEDULE — *continued*

<i>Item</i>	<i>Supreme Court</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	
and 2½% upon all above that sum, such sum to include the auctioneer's or broker's commission			
<p>3. On the release of a ship or goods from arrest, commission of \$500 plus 10 cents a ton to be charged for every month during arrest or any part of a month</p> <p><i>Note:</i> In the case of a ship, the commission is calculated on —</p> <p>(a) the net registered tonnage of the ship at the time the commission becomes payable</p> <p>(b) if the net registered tonnage of the ship has not been ascertained, the gross tonnage of the ship at the time the commission becomes payable</p>			To be paid to the Sheriff by the party requesting the arrest
<p>4. For attending the discharge of a cargo or the removal of a ship or goods, per hour or part of an hour —</p> <p>(a) between 9 a.m. and 5 p.m. from Monday to Friday (excluding public holiday)</p> <p>(b) at any other time</p>	<p>\$50</p> <p>\$100</p>	<p>\$100</p> <p>\$200</p>	Sheriff's Certificate of execution

FOURTH SCHEDULE — *continued*

<i>Item</i>	<i>Supreme Court</i>		<i>Document to be stamped and remarks</i>
	<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>	
5. For the attendance by the Sheriff, the Sheriff's substitutes or bailiffs for the arrest or seizure of a ship, per hour or part of an hour —			To be paid to the Sheriff by the party requesting the arrest
(a) between 9 a.m. and 5 p.m. from Monday to Friday (excluding public holiday)	\$100	\$200	
(b) at any other time	\$200	\$300	

Made on 27 November 2021.

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  
*Judge of the Appellate Division.*

QUENTIN LOH  
*Judge of the Appellate Division.*

VINODH COOMARASWAMY  
*Judge.*

VINCENT HOONG SENG LEI  
*Presiding Judge of the State Courts.*

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

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**TABLE OF DERIVATIONS**

This Table of Derivations is provided for the convenience of users of the Rules of Court 2021. It is not part of the Rules. The column “Rules of Court (2014 Revised Edition)” lists provisions in the revoked Rules of Court from which the specified provision of these Rules was derived (with or without substantial modifications), or which deal with the same subject matter as the specified provision of these Rules (although the specified provision was not derived from those provisions).

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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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Appellate intervention only if substantial injustice	10	New
Expedited appeal	11	O. 55D, r. 16 O. 56A, r. 24 O. 57, r. 20
Withdrawal of appeal or application	12	O. 55D, r. 10 O. 56A, r. 13 & r. 17(8) to (12)

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
		O. 57, r. 11 & r. 16(7) to (9A)
Consent judgment or order	13	O. 56A, r. 23 O. 57, r. 19A
Judgment	14	O. 56A, r. 22 O. 57, r. 19
<i>Division 2 — Appeal from Registrar to District Judge in proceedings in State Courts</i>		
Bringing of appeal	15	O. 55B, r. 1(1) to (4)
Documents to be filed	16	New
<i>Division 3 — Appeal from District Judge and Magistrate to General Division</i>		
Bringing of appeal	17(1)	O. 55C, r. 1
	17(2)	O. 55C, r. 4
Further arguments before District Judge or Magistrate	18(1) to (3)	New
	18(4) to (5)	O. 55C, r. 1(7)
Permission to appeal	19(1) to (3)	O. 55C, r. 2
	19(4)	New
Security for costs	20	O. 55D, r. 3(5) to (6)
Documents to be filed	21(1) to (4)	O. 55C, r. 1 O. 55D, r. 5
	21(5) to (18)	New
Payment out of security for costs and release of undertaking	22	New
Enforcement of judgments which have been subject matter of appeal	23	O. 55C, r. 3
<i>Division 4 — Appeal from Registrar to Judge in proceedings in General Division</i>		
Bringing of appeal	24	O. 56, r. 1
Documents to be filed	25	New

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
<i>Division 5 — Appeals from General Division to Appellate Division or Court of Appeal, etc.</i>		
Scope of this Division	26	New
Bringing of appeal	27	New
Further arguments before General Division	28	O. 56, r. 2
Permission to appeal	29	O. 56A, r. 3 & r. 4 O. 57, r. 2A & r. 2B
Security for costs	30(1) & (4) to (5)	O. 56A, r. 5(4) O. 57, r. 3(3)
	30(2) to (3) & (6)	New
	30(7)	O. 56A, r. 5(7) O. 57, r. 3(4)
Related appeals	31(1) to (2)	O. 56A, r. 10 O. 57, r. 9B
	31(3) to (4)	New
Appellate Court may specify rules that apply to appeals	32	New
Documents to be filed	33(1) to (3)	O. 56A, r. 7 O. 57, r. 5
	33(4) to (11)	New
	33(12)	O. 56A, r. 8(6) O. 57, r. 9(4)
	33(13)	O. 56A, r. 8(7) O. 57, r. 9(4A)
	33(14)	O. 56A, r. 13(4) O. 57, r. 11(3)
	33(15)	O. 56A, r. 9(21) O. 57, r. 9A(17)
	33(16) to (18)	New

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
Payment out of security for costs and release of undertaking	34(1)	New
	34(2) to (4)	O. 56A, r. 5(5) to (6) O. 57, r. 3(3A) to (3B)
Applications to appellate Court	35(1)	O. 56A, r. 17(1) O. 57, r. 16(1)
	35(2)	O. 56A, r. 17(5) O. 57, r. 16(4)
	35(3)	New
	35(4)	O. 56A, r. 17(2) O. 57, r. 16(2)
	35(5)	O. 56A, r. 17(6) O. 57, r. 16(5)
	35(6) to (7)	New
	35(8) to (9)	O. 56A, r. 17(6) O. 57, r. 16(5)
	35(10)	New
	35(11)	O. 56A, r. 5(7) O. 57, r. 3(4)
	35(12) to (15)	O. 56A, r. 17(13) to (16) O. 57, r. 16(10) to (13)
Application for permission under section 40(4)(b) or 58(4)(b) of Supreme Court of Judicature Act	36	O. 56A, r. 19 O. 57, r. 16B
Written submissions for applications to appellate Court	37	New
Further arguments before appellate Court	38	New
Powers in sections 40(1) and 58(1) of Supreme Court	39	O. 56A, r. 18

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
of Judicature Act exercisable by Registrar		O. 57, r. 16A
Transfer of appeal from Appellate Division to Court of Appeal	40	O. 56A, r. 12
Transfer of appeal from Court of Appeal to Appellate Division	41	O. 57, r. 10A
<p>ORDER 19</p> <p>APPEALS FROM JUDGMENTS AND ORDERS AFTER TRIAL AND UNDER MEDICAL REGISTRATION ACT</p> <p><i>Division 1 – General</i></p>		
Scope of this Order	1	New
General matters and structure of this Order	2	New
Definitions of this Order	3	New
When time for appeal starts to run	4	New
Permission to intervene	5	O. 70, r. 16
Stay of enforcement, etc.	6(1) to (2)	O. 55D, r. 13
	6(3)	O. 56A, r. 16 O. 57, r. 15
Powers of appellate Court	7(1)	O. 55D, r. 11 & r. 12 O. 56A, r. 11(1) O. 57, r. 10(1)
	7(2) to (3)	New
	7(4) to (5)	O. 56A, r. 14(2) to (3) O. 57, r. 13(4) to (5)
	7(6)	O. 55D, r. 12
	7(7) to (8)	New
Absence of parties	8	O. 55D, r. 15 O. 56A, r. 21

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
		O. 57, r. 18
Expedited appeal	9	O. 55D, r. 16 O. 56A, r. 24 O. 57, r. 20
Withdrawal of appeal or application	10	O. 55D, r. 10 O. 56A, r. 13 O. 57, r. 11
Consent judgment or order	11	O. 56A, r. 23 O. 57, r. 19A
Judgment	12	O. 56A, r. 22 O. 57, r. 19
<i>Division 2 — Appeal from District Court and Magistrate's Court to General Division</i>		
Scope of this Division	13	O. 55D, r. 1
Bringing of appeal	14(1)	O. 55D, r. 3
	14(2)	O. 55D, r. 14
Permission to appeal	15	O. 55D, r. 4
Security for costs	16	O. 55D, r. 3(5) to (6)
Documents to be filed	17	O. 55D, r. 5 & r. 6
Appellant's Case, respondent's Case and appellant's Reply	18	O. 55D, r. 7
Page limits	19	O. 56A, r. 3
Payment out of security for costs and release of undertaking	20	O. 56A, r. 5
Further arguments	21	New
Registrar of State Courts to be notified of General Division's judgment or order	22	O. 55D, r. 17



<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
Enforcement of judgments which have been subject matter of appeal	23	O. 55D, r. 18
<i>Division 3 — Appeals from General Division to Appellate Division or Court of Appeal, etc.</i>		
Scope of this Division	24	New
Bringing of appeal	25(1)	O. 56A, r. 5(1) & r. 6 O. 57, r. 3(1) & r. 4
	25(2)	New
Permission to appeal	26	O. 56A, r. 3 & r. 4 O. 57, r. 2A & r. 2B
Security for costs	27(1) & (4) to (5)	O. 56A, r. 5(4) O. 57, r. 3(3)
	27(2) to (3) & (6)	New
	27(7)	O. 56A, r. 5(7) O. 57, r. 3(4)
Related appeals	28	O. 56A, r. 10 O. 57, r. 9B
Appellate Court may specify rules that apply to appeals	29	New
Documents to be filed	30(1) to (3)	O. 56A, r. 7(1) to (3) O. 57, r. 5(1) to (2)
	30(4)	O. 56A, r. 8(1) O. 57, r. 9(1)
	30(5)	O. 57, r. 9(2AA)
	30(6) to (8)	O. 56A, r. 8(6) to (7) O. 57, r. 9(4) to (4A)
	30(9)	O. 56A, r. 9(2), (3) & (20) O. 57, r. 9A(2), (2A) & (16)
	30(10)	O. 56A, r. 9(21)

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
		O. 57, r. 9A(17)
	30(11)	O. 56A, r. 9(7), (9) & (20) O. 57, r. 9A(5A), (5C) & (16)
	30(12) to (15)	O. 56A, r. 9(16) to (18) O. 57, r. 9A(11) to (13)
	30(16) to (19)	O. 56A, r. 10 O. 57, r. 9(5) & (7) & r. 9B
	30(20)	O. 56A, r. 9(22) O. 57, r. 9A(23)
	30(21)	New
Appellant's Case, respondent's Case and appellant's Reply	31(1) to (3)	O. 56A, r. 9(4) & (6) O. 57, r. 9A(3) & (5)
	31(4)	O. 56A, r. 9(10) O. 57, r. 9A(5D)
	31(5)	New
Page limits	32	New
Payment out of security for costs and release of undertaking	33	O. 56A, r. 5(5) to (6) O. 57, r. 3(3A) to (3B)
Further arguments	34	O. 56, r. 2
Applications to appellate Court	35(1)	O. 56A, r. 17(1) O. 57, r. 16
	35(2)	O. 56A, r. 17(5) O. 57, r. 16(4)
	35(3)	New
	35(4)	O. 56A, r. 17(2) O. 57, r. 16(2)
	35(5)	O. 56A, r. 9(19) O. 57, r. 9A(15)

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
	35(6) to (10)	O. 56A, r. 17(6) O. 57, r. 16(5)
	35(11) to (12)	New
	35(13) to (15)	O. 56A, r. 17(13) to (15) O. 57, r. 16(10) to (12)
	35(16)	O. 56A, r. 17(16) O. 57, r. 16(13)
Application for permission under section 40(4)(b) or 58(4)(b) of Supreme Court of Judicature Act	36	O. 56A, r. 19 O. 57, r. 16B
Written submissions for applications to appellate Court	37	New
Powers in sections 40(1) and 58(1) of Supreme Court of Judicature Act exercisable by Registrar	38	O. 56A, r. 18 O. 57, r. 16A
Transfer of appeal from Appellate Division to Court of Appeal	39	O. 56A, r. 12
Transfer of appeal from Court of Appeal to Appellate Division of High Court	40	O. 57, r. 10A
<i>Division 4 — Appeals from Disciplinary Tribunal under Medical Registration Act</i>		
Appeals under section 55 of Medical Registration Act	41	New
ORDER 20 APPEALS FROM TRIBUNALS AND CASE STATED		
Scope of this Order	1(1)	O. 55, r. 1(1) O. 55A, r. 1
	1(2)	O. 55, r. 1(2) O. 55A, r. 1(2)

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
Definitions of this Order	2	O. 55, r. 1(4) O. 55A, r. 1(4)
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	3(2)	O. 55, r. 3(1) to (2) O. 55A, r. 4(2) & (4)
	3(3)	O. 55A, r. 2(2) & r. 4(3)
	3(4) to (5)	New
Case conference	4	New
Written submissions	5	O. 56A, r. 3 O. 57, r. 2A
Appeal or application stays enforcement of tribunal's decision	6	O. 55, r. 2(3)
Powers of Court	7	O. 55, r. 6
<b>ORDER 21</b> <b>COSTS</b> <i>Division 1 — General</i>		
Definitions and general matters of this Order	1	O. 59, r. 1(1) to (2)
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	2(2)	O. 59, r. 5 & Appendix 1
	2(3)	New
	2(4)	O. 59, r. 4(1)
	2(5) to (6)	New
	2(7) to (8)	O. 59, r. 4(2)
Entitlement to costs and assessment of costs	3(1) to (4)	O. 59, r. 3(1) to (4)
	3(5)	O. 59, r. 6(2)
Adverse costs orders against successful party	4	O. 59, r. 5, r. 6A & r. 7

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
Adverse costs orders against non-party	5	O. 23, r. 1(3)
Adverse costs orders against solicitor	6	O. 59, r. 8
Costs for litigant not legally represented	7	O. 59, r. 18A
Solicitor representing party who lacks capacity	8	O. 59, r. 29
When party may sign judgment for costs without order	9	O. 59, r. 10
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Powers of Registrar to assess costs	11	O. 59, r. 12
Supplementary powers of Registrar	12	O. 59, r. 13
Costs of assessment proceedings	13	O. 59, r. 7A
Interim certificates	14	O. 59, r. 15
Power of Registrar where party liable to be paid and to pay costs	15	O. 59, r. 16
Assessment of bill of costs comprised in account	16	O. 59, r. 17
<i>Division 2 — Procedure on assessment</i>		
Mode of beginning proceedings for assessment	17	O. 59, r. 20
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Delivery of bills, etc.	19	O. 59, r. 22
Form of bill of costs	20(1) to (5)	O. 59, r. 24(1) to (4)
	20(6)	New
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
<i>Division 3 — Assessment of costs</i>		
Basis of assessment	22	O. 59, r. 27
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<i>Division 4 — Certificate</i>		
Certificate	25	O. 59, r. 32
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<i>Division 5 — Review</i>		
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ORDER 22 ENFORCEMENT OF JUDGMENTS AND ORDERS		
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	2(3)	O. 46, r. 3(1) & r. 4(1) O. 49, r. 2
	2(4)	O. 46, r. 3(2) O. 47, r. 4(1)(c) O. 49, r. 2
	2(5)	O. 46, r. 6(1)

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
		O. 47, r. 4(1)(f)
	2(6)	O. 46, r. 6(2) O. 47, r. 4(1)(g)
	2(7)	O. 46, r. 6(4)
	2(8)	New
Satisfaction by consent	3	O. 46, r. 9
Discharge of non-party	4	O. 49, r. 8
Money in Court	5	O. 49, r. 9
How enforcement order is carried out	6(1) to (3)	New
	6(4)(a) to (b)	O. 46, r. 16
	6(4)(c) to (d)	O. 47, r. 4
	6(4)(e) to (f)	O. 49, r. 3
	6(4)(g)	O. 47, r. 6
	6(5) to (7)	New
	6(8)	O. 49, r. 4 O. 59, Appendix 2, Part III, Item 4
	6(9)	O. 49, r. 3(2)
	6(10)	O. 49, r. 4
	6(11)	New
Sale and valuation of seized property	7(1) to (3)	O. 46, r. 22
	7(4) to (6)	O. 46, r. 23 & r. 24
	7(7) to (8)	O. 47, r. 5
	7(9)	New
Delivery and giving of possession	8	New
Sheriff's statement of accounts and commission	9(1)	O. 46, r. 17
	9(2) to (3)	New

<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
	9(4)	O. 46, r. 17(3)
	9(5) to (8)	New
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ORDER 23 CONTEMPT OF COURT		
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Provisions as to hearing	7(1) to (2)	O. 52, r. 5(1) to (2)
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Power to suspend execution of committal order	8	O. 52, r. 6
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
Committal proceedings before Employment Claims Tribunals	12	O. 52, r. 10
Committal proceedings before Small Claims Tribunals	13	O. 52, r. 11
Committal proceedings before Community Disputes Resolution Tribunals	14	O. 52, r. 12
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Order to arrest committal respondent	17(1) to (2)	O. 46, r. 19
	17(3)	New
Sheriff may engage auxiliary police officer or other security agency	18	New
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	3(4)	O. 54, r. 1(2)
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	3(6)	O. 54, r. 2(1)
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
	4(2)	O. 54, r. 2(2)
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	4(8)	O. 54, r. 4(2)
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No application for Mandatory Order, Prohibiting Order or Quashing Order without permission	5(1)	O. 53, r. 1(1)
	5(2)	O. 53, r. 1(6)
	5(3)	O. 53, r. 1(2)
	5(4)	New
	5(5)	O. 53, r. 1(3)
	5(6) to (8)	New
	5(9)	O. 53, r. 1(4) to (5)
Application for Mandatory Order, Prohibiting Order or Quashing Order	6(1)	O. 53, r. 2(1)
	6(2)	New
	6(3)	O. 53, r. 2(3)
	6(4)	New
	6(5)	O. 53, r. 7(1)
	6(6) to (7)	New
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	2(2) to (6)	O. 91, r. 1(3) to (7)

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	3(2)	O. 60, r. 1(3)
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	3(8) to (10)	O. 60, r. 4(4) to (6)
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
	4(2) to (3)	O. 60, r. 8(1) to (2)
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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<i>Rule heading</i>	<i>Rule</i>	<i>Rules of Court (2014 Revised Edition)</i>
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